

Board of Education of Howard County  
Testimony Submitted to the Howard County Council  
April 22, 2019

Board of Education  
of Howard County

Mavis Ellis  
*Chair*

Kirsten A. Coombs  
*Vice Chair*

Vicky Cutroneo

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Jennifer Swickard Mallo

Sabina Taj

Chao Wu, Ph.D.

Ambika Siddabathula  
*Student Member*

Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**Resolution No. 49 - 2019: Development Rights and Responsibilities  
Agreement by Chase Land, LLC**

The Board of Education of Howard County (the Board) desires to see the site selected for High School #13 along Mission Road in Jessup move forward expeditiously. The Development Rights and Responsibilities Agreement (DRRA) under Resolution No. 49-2019 currently before the County Council, however, unnecessarily provides the property owner with exemptions to current and future county laws and regulations. The Board opposes this special treatment.

Specifically, **Section 1.2 Quarry Use** enables the property owner to continue to operate the quarry after the expiration of its current Special Exception Approval for almost 20 more years. In addition, Section 1.2 exempts the property owner from any new law or changes to existing laws. Similarly, **Section 1.3 Undeveloped Petitioner Property Use** exempts the property owner from any new or amended zoning, development or land use laws or regulations. **Section 4.1 Effect of Agreement** restates these exemptions. Land use and zoning laws are adopted for the benefit and protection of all Howard County residents, and should apply county-wide. There is no discernible reason for granting this property owner exemptions from these laws. Accordingly, the Board recommends the deletion of these sections (Sections 1.2, Section 1.3, and Section 4.1).

**Section 5.2 Term** provides for a term of 25 years. During such a lengthy time, the County will inevitably respond to changing conditions by adopting and amending laws and regulations in the public's interest. The Board recommends reducing this section to a five year term, with options to review/renew at intervals determined by the County.

As the Council moves forward in their consideration of Resolution No. 49-2019, the Board urges thoughtful discussion and amendments that will balance the property owner's rights as well as the Council's responsibilities in protecting the future welfare of the County.



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Mavis Ellis, Board chair, have been duly authorized by  
*(name of individual)*

Board of Education of Howard to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB17-2019, CR49-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Mavis Ellis

Signature: Mavis Ellis

Date: 4/22/19

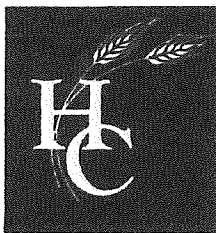
Organization: Board of Education of Howard County

Organization Address: 10910 Clarksville Pike  
Ellicott City MD 21042

Number of Members: 8

Name of Chair/President: Mavis Ellis

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**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Tonya Tiffany, have been duly authorized by  
(name of individual)

PTA Council of Howard County to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 49-2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.

(Please circle one.)

Printed Name: Tonya Tiffany

Signature: [Handwritten Signature]

Date: 4/22/19

Organization: PTACHC

Organization Address: 5451 Beaver Kill RD

Columbia, MD 21044

Number of Members: \_\_\_\_\_

Name of Chair/President: Brent Lowless

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HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by  
(name of individual)

The Savage Community Assn to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR ~~51~~ 49 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Susan Garber

Signature: Susan Garber

Date: 4/22/19

Organization: Savage Community Assn

Organization Address: P.O. Box 222  
Savage 20763

Number of Members: 118

Name of Chair/President: Ed Montgomery

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My name is Becky McKirahan, and I am here speaking in support of CR49.

Right now, we are in the final stages towards the purchase of the land for High School #13, the future elementary school, the ball fields, and a water tower. The process is now hinging on the DRRRA, which will protect the quarry to continue to mine and keep their current zoning.

Last January, after the Board of Education pulled the site, I was told several times no one had spoken up to support the school site and they thought Jessup didn't care. We started with a small group of neighbors and asked ourselves what could we do to make a difference. We worked diligently to research and share documentation through our 'Why Not Jessup' website and Facebook group, which now has over 380 members.

I want to introduce you to some of our members that have worked hard to help open the school on time... Members of Why Not Jessup.

We thought we soared over the hurdles after the Board of Education voted to approve the site last March. Yet, we continued to stay vigilant and attend any meetings about the site, as we knew in our hearts, that until a shovel goes in the ground, it was not a done deal. We knew we had more work to do after we learned in November of the DRRRA.

This new high school offers so much to all of Howard County. It will help relieve the overcrowded schools in our part of the county and will help bring our community together. We see this as a step towards the revitalization of Route 1 and Jessup itself.

We look forward to the improved groundwork that goes into a new school, including improved roads, crosswalks, and sidewalks. We anticipate the events that will foster an influential collaborative culture for our students, staff, families, and community.

We feel the quarry owners are as transparent as possible. We were able to learn much from Mr. Sang Oh, the attorney for the quarry, during the planning board meeting. One of the most

important things that seem to have been forgotten, is that the county came to the quarry and told them they wanted the land for the school.

I am so frustrated that in the last few weeks many are portraying the quarry as 'taking a strong arm' and 'holding the property hostage' and only sharing information that creates a sense of panic. Until today, we have heard nothing from the county, or their law office, about the document, amendments or negotiations in the works. However, amendments were posted today, and the quarry owners have proved to that they listen to our community and their concerns, as they have met all apprehensions with an open mind for what is best for our community proving they are gracious neighbors.

In closing, once again the clock is ticking to open the school in 2023, and all though the DRRA was filed back in December with the county, decisions must be made now for settlement to happen June 28<sup>th</sup>, to meet the school's deadlines to open on time.

My question for you is 'Do you want to see High School #13 open at Mission Road in 2023 and what are you doing to help make that happen?'

Thank you all for your dedication to our county and our children to complete this project, that has been years in the works.

Respectfully,

Becky McKirahan

[www.TinyURL.com/WhyNotJessup](http://www.TinyURL.com/WhyNotJessup)



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Becky McKirahan have been duly authorized by  
(name of individual)

Why Not Jessup to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR49 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Becky McKirahan

Signature: RAM

Date: 4/22/19

Organization: Why Not Jessup

Organization Address: ~~8725~~ 8725 Cheshire Ct  
Jessup, MD 20794

Number of Members: 382

Name of Chair/President: Becky McKirahan

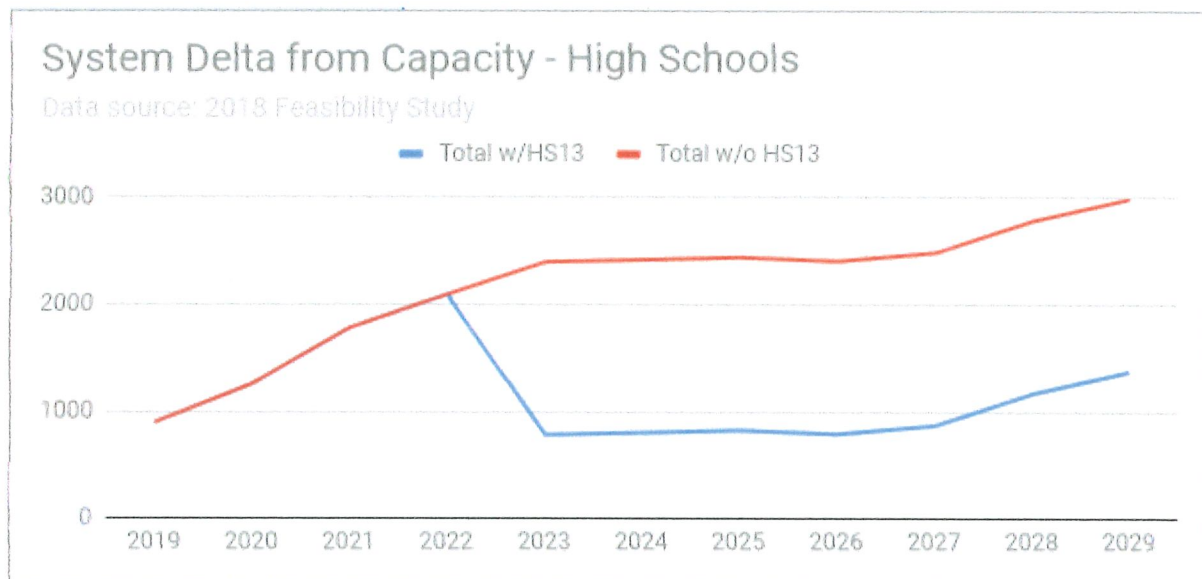
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## Testimony in Opposition to CR49-2019, a DRRA with Chase Land LLC for the High School 13 Quarry Site

Drew Roth, Elkridge

I encourage the County Council to reject the DRRA for the HS 13 Land Purchase. This DRRA allows the future residential development of the neighboring quarry parcel to proceed with an inappropriate special exemption from future APFO regulations and impact fees.

The DRRA couples the school site with the future development of the quarry parcel. It is implied that the school site creates adequate school capacity for future residences at the quarry. This is false. When HS 13 opens, HCPSS will still have nearly 1000 more high school students than high school seats, with no residential development at the quarry.



Therefore, under Plan 2030 Policy 6.2.a, the DRRA should be denied, since the amount and location of land needed for future schools for future residential development of the quarry has not been identified.

Howard County should not allow major new residential development until the school sites needed to support that development have been identified and secured. Our county officials have repeatedly stated that the HS 13 site addresses the capacity needed for development that has already occurred at the north end of the Route 1 corridor, not new development at the quarry.

According to the press release announcing the acquisition of the HS 13 site (<https://www.howardcountymd.gov/News/ArticleID/463/News050516>) then-County Executive Allan Kittleman stated "This location along the Route 1 Corridor provides a central site which will provide much needed relief to Howard, Long Reach, Hammond and Reservoir high schools."

The HCPSS 2018 Feasibility Study states HS 13 will provide relief to the Northeast Region, which



contains Howard and Long Reach High Schools. However this relief is not sufficient, the system as a whole will still have nearly 1000 more high schools students than the schools can hold.

## High Schools

## Northeastern Region

**Need:**

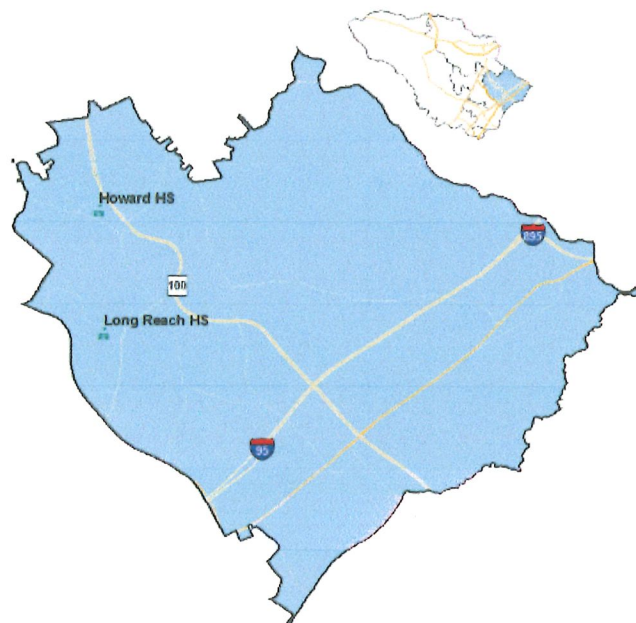
Significant enrollment growth is projected. Available capacity in this region is not sufficient to accommodate current and projected enrollment.

**Strategy:**

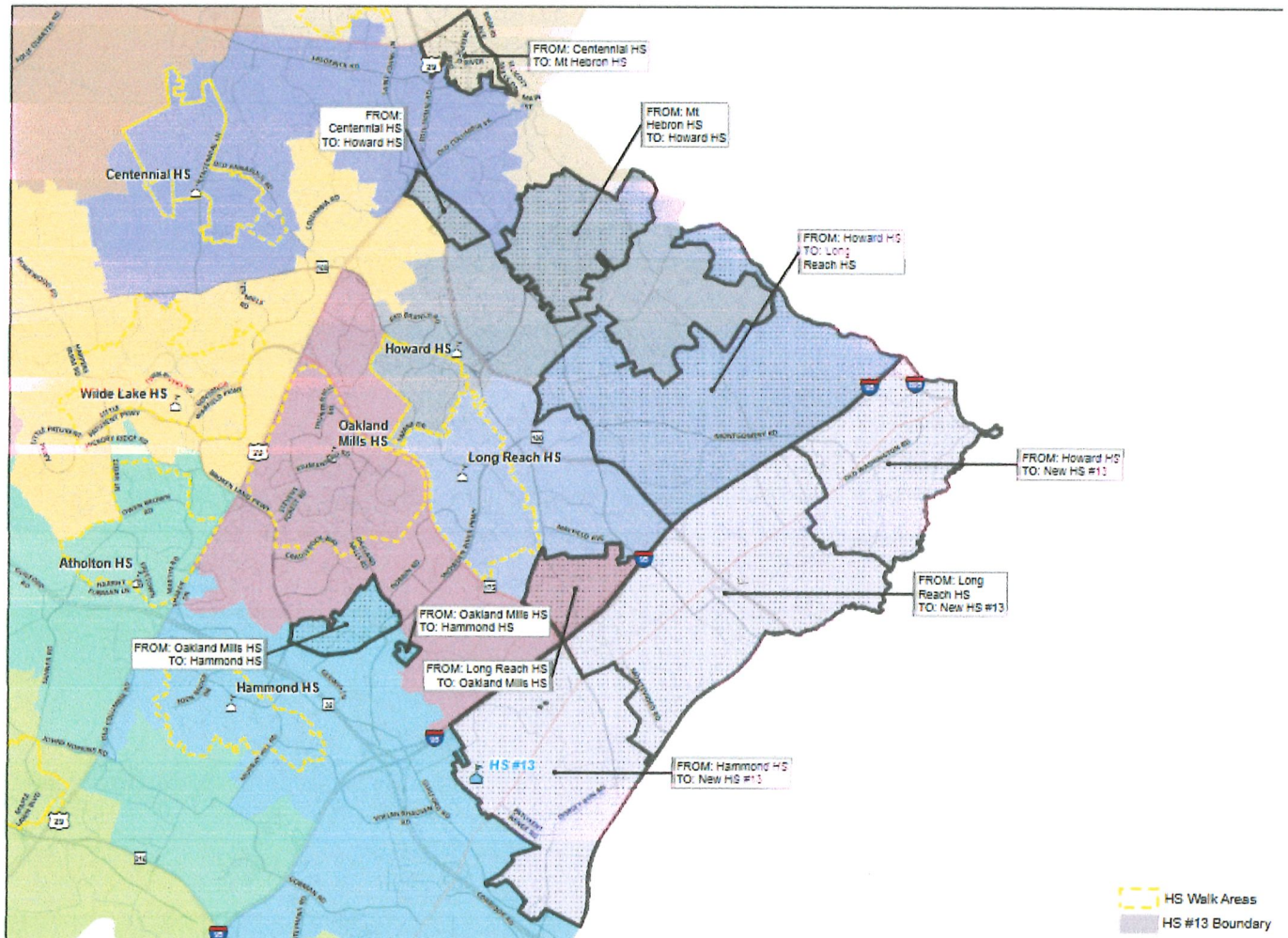
For school year 2018-19, Howard HS is projected to continue to exceed target utilization. By school year 2019-20, Long Reach HS is projected exceed target utilization. Both schools are projected to experience some relief from the JumpStart early college program. Capacity at Howard HS has been supplemented with 15 relocatable classrooms. For school year 2019-20, Long Reach HS will have seven relocatable classrooms.

New HS #13 will provide relief to this region beginning in school year 2023-24. It is recommended that this project remain on schedule and not be delayed.

**Figure 3.15**  
High schools of the Northeastern Region



It is not appropriate to double-count this high school capacity, which will be fully used to address overcrowding in the Northeast Region, to address the capacity needed by future development of the quarry.



This DRRA was not mentioned in the original MOU for the purchase of the Quarry Site.  
This DRRA was not mentioned when the Board of Education approved this site for schools.  
This DRRA was not mentioned when the County Council approved this site for High School 13.

Only after the county government has made significant investment in this site for High School 13, and has deferred investment in alternative sites, does the seller put forth this DRRA ("on or about December 18, 2018" according to the DRRA itself).

It is entirely inappropriate for the seller of this property to introduce new terms for this purchase at this point. If the seller is unwilling to proceed with the transaction under the terms publicly presented when it was approved in the MOU, by the Board of Education, and by the County Council, the County Government should acquire the site by condemnation under the eminent domain laws.

April 22, 2019

Kendra Reinmann  
8724 Clemente Ct.  
Jessup, MD 20794

RE: Testimony in Favor of CR49-19

Dear Council Members,

Good Evening. My name is Kendra Reinmann and I am a proud Jessup resident. In April 2017 I attended a community meeting about the land adjacent to my neighborhood that would be cleared to make way for a school. I was excited that a school was going to be built so close, Friday night football games, access to fields, and hopefully some sidewalks outside of our neighborhood.

We watched the land as it was cleared in preparation for the sale to the county. However, in January 2018 we learned of the decision by the Board of Education that took the land off the table. At that time some neighbors and I joined together to advocate for the Mission Road site as the 13<sup>th</sup> High School. After all, there wasn't another parcel of land large enough in the eastern part of the county without taking away precious parkland. We were successful in advocating for the land and in March of last year the Board of Education voted to use the Mission Road site for High School 13.

Here we are now in the final steps of the process, one that we have watched the entire way. I am asking you to help complete the process by approving the DRRA. I know that the document as we know it today is a work in progress. Because of the relationship established between the community and Chase Land Holdings I have confidence that they will work with the County to develop an agreement that will take into account some of the concerns of the community and the desires of their company.

Chase Land Holdings has proven to be a great neighbor. Before they started mining for stone they made agreements with the neighbors to build a community center, they agreed to give a part of their proceeds back to the community each year, they designated 40 acres as conservancy land, and they agreed to set aside an additional 140 acres of conservancy land once the mining was complete. The community center is now a hub of activity offering low-cost or free community events throughout the year in large part because of the support we get from Chase. (In fact, you are all invited to attend our National Night Out event in August – it is sure to be the talk of the town!) We are looking forward to when the quarry land will be developed and hope for a walkable lake side community with a 100 acre lake and 80 acres of natural conservancy land right in our back yard.

So again, I am asking for your support of the DRRA so that we can see the completion of the 13<sup>th</sup> High School within the established timeline by the Howard County Public School System.

Sincerely,

A handwritten signature in black ink that reads "Kendra Reinmann". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.



## Howard County Citizens Association

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 22 April 2019

Subject HCCA Council Testimony Regarding CR49-2019 the DRRA

Good Evening. My name is Hiruy Hadgu and I am testifying on behalf of Howard County Citizens Association.

In March 2018, the Board of Education selected the Mission Road site to build High School 13 after a long and often acrimonious debate between communities in Elkridge and Jessup. While the developers and county leaders watched from the sidelines, community members were lobbing insults and hateful messages at each other on social media and public settings. It got so bad because the schools became so overcrowded. In the meantime developers were not paying their fair share. In fact they received direct and indirect financial benefits through low school impact fees and favorable zoning decisions.

The Development Rights and Responsibilities Agreement (DRRA) between Howard County and Chase Land, LLC is not a simple land sale contract. It has several economic and fiscal ramifications. In its current form, all the benefits go to the Developer and all the costs go to the taxpayer. It is not entirely clear to us why a contract for the sale of land, which the developer will not own, is attached to another contract for land the Developer controls for a hypothetical future development. Why would county leaders even consider such an agreement for development plans that are not public?

At the time of the initial permit, the Board of Appeals ordered the quarry operation to not last beyond 25 years. The DRRA appears to extend this permit beyond the initial 25 years while also getting all kinds of other favorable giveaways.

The bottom line is the school sale agreement cannot allow the Developer to operate the quarry beyond what the Board of Appeals ordered. The DRRA gives too much away with nothing in return. Community members are anxious because influential forces in the county tried to previously maneuver the school site away from Jessup. The county is anxious because the school district is bursting at the seams due to overcrowding and everyone is demanding action to relieve classrooms.

It looks like the Developer wants to take advantage of this pressure and it seems like the county is being forced to sign a deal with a gun to its head, because without this DRRA, the Developer has threatened to convert the school site into residential development. County leaders have a responsibility to protect taxpayer dollars; not Developer dollars. It is a dereliction of duty to sign a deal that will lead to MORE overcrowding.

We urge county leaders to split up the DRRA into a sale agreement for the school site with a clause to protect the initial permit ruling granted by the Board of Appeals and a separate agreement that protects equally the county's and Developer's economic welfare.

Furthermore, we ask the Council to really analyze the cause and effect of this DRRA for the benefit of your constituents.

Thank You,

Hiruy Hadgu  
HCCA Board of Director



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

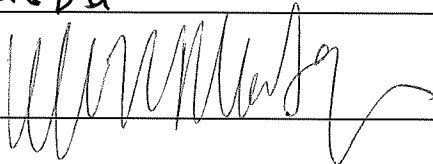
I, Henry Haeou, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB49-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Henry Haeou

Signature: 

Date: 22 Apr 19

Organization: HCCA

Organization Address: P.O. Box 88

ELLSWORTH CITY, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohl

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**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markovitz, have been duly authorized by  
(name of individual)

The People's Voice to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 49-2019 to express the organization's  
(bill or resolution number)

request to amend this legislation.  
(Please circle one.)

Printed Name: Lisa M. MARKOVITZ

Signature: [Handwritten Signature]

Date: 4/22/19

Organization: The People's Voice

Organization Address: 3205 Corporate Ct

Ellicott City MD 21042

Number of Members: 2812

Name of Chair/President: Lisa Markovitz

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Dear Howard County Council Members,

Thank you for allowing me to come and give my testimony today. I am here to testify on behalf on the citizens of this town and on behalf of the children, who by the time this proposed Developer Rights and Responsibilities Agreement expires, will be grown adults. I try to look at both sides of an issue, and I can typically identify pros and cons for both. At this point, I cannot identify how this resolution is good for current and future citizens of this county. It's a gift to developers. Why did so many of us work hard to bring in change if this is what will happen? I am sure you will hear many opinions tonight, so I will keep this short, because sometimes long dialogue is unnecessary. I will leave you with a few words. This proposal is irresponsible, preposterous, and insulting. Put the people of this county first.

Sincerely,  
Kathy Howell

8726 Ruppert Ct.  
Ellicott City, MD  
21043

208-403-8910

DRRA CR-49-2019