

**Sayers, Margery**

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**From:** Jung, Deb  
**Sent:** Thursday, October 3, 2019 5:03 PM  
**To:** Sayers, Margery  
**Subject:** FW: Our Elected Officials Need to Be Cognizant of Answering the Mail (PLEASE)  
**Attachments:** HCCA - PB Potential Improvements.docx

Deb Jung  
Councilmember, District 4  
Howard County Council  
3430 Court House Dr., Ellicott City, MD 21043  
410-313-2001

Sign-up for my District Update [here](#).

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**From:** Stu Kohn <stukohn@verizon.net>  
**Sent:** Monday, July 29, 2019 9:25 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>  
**Cc:** Stuart Kohn <stukohn@verizon.net>  
**Subject:** Our Elected Officials Need to Be Cognizant of Answering the Mail (PLEASE)

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Deb,

This afternoon I received an email from you which stated, "A belated thank you regarding the subject: *Re: Howard County Citizens Association Fully Supports CB37-2019.*" While very much appreciated we the HCCA are very troubled with the lack of feedback from our Elected Officials. An example is the email sent to you and the Council below. We originally sent the "Potential Suggested Planning Board Improvements" to you on 16 July asking for feedback and a follow-up inquiring about the status on 25 July. We have not heard a word. You can refer to the attachment regarding our suggestions.

Another example is when we asked for a Meeting regarding Merriweather Post by posting on our Listserve and to 18 Elected Officials which was comprised of the County Council, Executive, and Delegation. To date not one response in return. This was originally emailed on 25 June and a follow-up on 8 July. See below.

In both of the aforementioned examples we only hope that in the future we receive a timely response. We would appreciate the consideration of a means of better communication from ALL our Elected Officials.

Sincerely,

Stu Kohn  
HCCA President

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Thursday, July 25, 2019 8:28 PM  
**To:** 'Jung, Deb'; [dyungmann@howardcountymd.gov](mailto:dyungmann@howardcountymd.gov); [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); 'Rigby, Christiana'; [ojones@howardcountymd.gov](mailto:ojones@howardcountymd.gov)  
**Cc:** [jervisdorton@yahoo.com](mailto:jervisdorton@yahoo.com); Brian England ; Susan Garber; Hiruy Hadgu; Howard Johnson; Stuart Kohn; [Imarkovitz@comcast.net](mailto:Imarkovitz@comcast.net); 'Alan Schneider'; Smith JD; Paul Verchinski  
**Subject:** RE: Potential Suggested Planning Board Improvements

To: Council Members,

We the Howard County Citizens Association (HCCA) would like to know the status of the possibility of you seeking Planning Board (PB) process and procedural improvements.

Please refer to our attachment sent to you on 16 July. To date we have received no feedback. Improving the PB is as you know extremely important for all and is the major goal of HCCA.

Sincerely,

Stu Kohn  
HCCA President

CC: HCCA Board Members

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Tuesday, July 16, 2019 11:07 PM  
**To:** 'Jung, Deb'; 'dyungmann@howardcountymd.gov'; 'ewalsh@howardcountymd.gov'; 'Rigby, Christiana'; 'ojones@howardcountymd.gov'  
**Cc:** Stuart Kohn  
**Subject:** RE: Potential Suggested Planning Board Improvements

Dear Council Members,

Please use this attachment as it has been updated to reflect some good news in bold red regarding the PB Rules of Procedure.

Stu Kohn  
HCCA President

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**From:** Stu Kohn [<mailto:stukohn@verizon.net>]  
**Sent:** Tuesday, July 16, 2019 10:32 PM  
**To:** Jung, Deb; [dyungmann@howardcountymd.gov](mailto:dyungmann@howardcountymd.gov); [ewalsh@howardcountymd.gov](mailto:ewalsh@howardcountymd.gov); Rigby, Christiana; [ojones@howardcountymd.gov](mailto:ojones@howardcountymd.gov)  
**Cc:** Stuart Kohn  
**Subject:** Potential Suggested Planning Board Improvements

To Whom it may Concern,

The attachment is a Howard County Citizens Association, HCCA initiative to propose suggested improvements regarding the Planning Board (PB) process regarding conducted Hearings and Meetings.

As you have stated the PB requires improvements with the goal of ensuring that Due Process for ALL is the number one priority. HCCA would like to be proactive in trying to reach the aforementioned in an attempt to turn a very negative situation into something positive. Hopefully the audience could at some point have respect for the PB and its procedures.

The next step is as mentioned by some of you is to form a Group to fully discuss the next steps. The attachment might just be a start. Your feedback would be appreciated.

Sincerely,

Stu Kohn  
HCCA President

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Date: Tue 6/25/2019 11:09 PM

Subj: HCCA Requests Action from Our Elected Officials Regarding Merriweather Post Pavilion

Dear Elected Officials,

Once again the continuous sound and vibrations emitting from the Merriweather Post Pavilion (MPP) affecting the lives of residents in our County is disturbing and needs to be permanently rectified. See a few emails below. Joan Pontius asks a good question when she states, "How does the county rationalize suing a national airport outside of the county for noise but not responding to noise from a local music venue?"

**Is there any of our Elected Officials willing to take the time and effort in an attempt to resolve this most perturbing problem for some of your constituents?**

As the majority of you know the Howard County Citizens Association, HCCA worked diligently with the majority of you in 2016 and was instrumental in having a State Bill passed by both Houses and the Governor signing off to decrease the decibel level at MPP. We were obviously pleased our voices were heard and what we thought would be an extremely positive outcome. Unfortunately, since the passing of this Bill the outcome has been disappointing and quite upsetting especially to those affected by the disturbance and nuisance at times when MPP is in operation.

Our HCCA Listserve has had several of our members weighing in regarding their most recent experience this past weekend. We don't know exactly how many citizens are affected whenever MPP has a concert. We ask our representatives to be in the forefront and conduct a public meeting with the MPP Management, County Executive, County Council, and Delegation Members with the goal of trying to find out the source of the problem and eradicate it from ever happening again. If you recall we had a forum with all participants in attendance at the George Howard building on 20



September 2016. We would like nothing better for people to appreciate your efforts and be able to say **THANK YOU** for fixing the issue.

I ask anyone of you to contact me at [stukohn@verizon.net](mailto:stukohn@verizon.net) in order to coordinate a meeting with the aforementioned points of contact so we can advertise and fix the problem.

Sincerely,

Stu Kohn  
HCCA President



# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 16 July 2019

Subject: **Potential Areas for Planning Board (PB) Reform**

The following are talking points for potential areas of improvement regarding PB reform. This might assist in discussions if a Group is formed.

**Questions:**

- What are the real benefits of the assemblage of the PB?
- Do we need it and why?

**Suggestions for Improvement:**

- Need to expand the qualifications – currently only states a PB member only needs to be a HC resident.
- Need to identify the composition of the PB to only permit one member per District who resides in the same given location. Each District shall have a PB Member residing in a unique location. Currently there are 3 members of the PB who reside in Columbia.
- Rules of Procedure need to be updated. They were last updated in 2007. Provided suggested updates to Val on 4 May 2019. **Note -- Good News** – just found out today the Rules of Procedure were updated and documented on June 20, 2019. Will have to check to see if all our suggestions to the Director of DPZ has been incorporated. I do know of one area that has not been changed.
- Chairperson of PB needs to adhere to the Rules of Procedure – “Order of Presentation.” Examples – Royal Farms and Rolling Acres.
- The Decision and Order do not have to be rendered the same night as to the hearing / meeting as the PB needs to weigh all the evidence presented to them.
- All the facts need to be presented to the PB to obtain Due Process for ALL parties. Case in point was the Settlement of Savage. The key factor involving the Land Swap was not allowed to be introduced into evidence. Why?

- PB should not default to the Technical Staff Report (TSR), all testimony should be considered. The PB Members have stated they heavily rely on the TSR to make their decisions.
- Asking pertinent questions to DPZ as the Zoning Board (ZB) members and the public as we can now do in ZB cases is no reason not to do the same in PB cases. What if anything can be done to allow this at the PB? We don't care if DPZ is under oath or not we are only seeking pertinent information.
- The PB should not default to the TSR, ALL testimony should be considered.
- Do not allow the PB (or the petitioner's attorney) to reference former (possibly very incorrect) decisions they have made on other cases. They are NOT a court so this doesn't fall in the category of precedent or 'case law'. When a mistake has been made, it should not be repeated.
- 'We think so' or 'don't think so' are NOT acceptable responses from DPZ to the PB. If further research is needed to categorically support their conclusion, then the case should be delayed until they can do so.
- Don't let, "we don't have that here" be accepted as a response from DPZ, the petitioner's witnesses or the petitioner's attorney. Don't let them obfuscate with that defense. Delay until the needed data can be obtained and shared.
- DPZ should provide ongoing skill development training to PB members in both the proper conduct of a meeting, the fine points of our zoning codes and development regulations and how to formulate good questions to get clarification.
- Shorten the term of PB members to 3 years with a maximum of 2 terms.
- Ultimately, the evaluation criterion needs to also reference the INTENT of the zoning. This should be closely examined in any code rewrite.
- There needs to be established criterion for FDP approvals and not use SDP criteria.
- Protestants should NOT need to pay an attorney to participate on a more level playing field.

- The written Decision and Orders should be delivered in a more timely manner and come with complete instructions on how to appeal a decision.
- The Planning Board chair should refrain from seeking advice from the petitioner's attorney!
- The Office of Law attorney present should intervene when the proceedings are going improperly, rather than wait to be asked for a very specific opinion.
- Petitioners should provide more visuals to facilitate the PB and the audience to develop a greater understanding of the plans. There is no reason to continue to allow non-specific references when a projected map or illustrations would make info more concrete.