

October 26, 2020

Members of the Howard County Council,

I sent in written testimony to you last week asking for your support of and **CB56 – 2020**.

After listening to the oral testimonies last Monday night, I have more to say.

There were several comments from Monday night's testimony that I would like to address:

1- *"(Turf Valley) It's a great place to live, work and play" - Sang Oh*

- **I agree that they have built some really pretty homes, but**
 - **Where are the jogging paths?**
 - **Where are bike paths?**
 - **Where are the playgrounds?**
 - **Where is the preserved park land?**
 - **Where do the kids play? The streets?**

2- *"For over 30 years Turf Valley has worked with the county to consider all aspects of a good development. Schools, roads, utilities, housing, and commercial." – Louis Mangione*

- **For over 30 years Mangione has known the school system has needed a site in Turf Valley for a school.**
- **The only reason Mangione is currently working with the County to sell property for a school site is because they got concerned when HCPSS proposed redistricting Turf Valley students to Bushy Park Elementary School.**
- **It has been known that the school system needed a minimum of 15 acres for an elementary school. Mangione is offering 10 acres for a site to purchase.**

3- *"What problem is it trying to resolve?" Louis Mangione*

- **Really? It seems to me that the problem is that they still don't know what the problem is.**

4- *"Passing this bill won't magically open the school chart or relieve overcrowding" – Louis Mangione*

- **Bingo! We need to slow down the growth, so that we don't make the overcrowding worse.**
- **Has Mangione Enterprises offered any solutions to their development overcrowding schools? Have they ever expressed concern for our students?**
- **Although the county is on track to buy the property for an elementary school, the school won't be built for over 10 years due to HCPSS and County financial constraints.**

- **What is Mangione Enterprises' solution?**

5- "For over 4 decades we've been partners, we've been good corporate citizens and proud of our partnership with Howard County and of the projects we added to this county." - Louis Mangione

Read below to see if these are examples of being a good corporate citizen:

A. November 2000: Maryland Department of the Environment fines Mangione \$100,000 for rebuilding two golf course ponds without a permit and then ignoring a Howard County order to stop work. This was ordered because sediment from the project drained into a nearby stream which connects to the Little Patuxent River that feeds to the Bay. http://articles.baltimoresun.com/2010-08-01/news/bs-ho-pond-fine-20100801_1_the-mangiones-state-department-new-project

The Mangione's denied any wrongdoing. Instead of appealing the fine, however, their attorney, Joseph Laverghetta, helped negotiate a deal with state officials in 2002 to pay \$5,000 in cash and undertake a new project to benefit the river — worth \$150,000. If that work wasn't done, the Mangione's were supposed to pay another \$45,000 under the contract both sides agreed to, said Dawn Stoltzfus, an agency spokeswoman. However, that work was never completed.

According to documents in the case, inspectors found an "extensive amount of grading activity, including the renovation of two ponds, the installation of pipe for an irrigation system, and the construction of a dirt haul road." Also, the documents said, sediment entered the stream March 2. Inspections as late as March 13 found work continuing, despite the stop-work order."

B. September 23, 2007: Dr. Peter L. Beilenson, the county health officer said he was "truly outraged that the Mangione's did not divulge this, though they clearly knew for all these years."
<http://articles.baltimoresun.com/2007-09-23/news/07092201361mangione-turf-valley-arsenic>

MDE report 2011 (no use of groundwater in Phase 4 area and long term monitoring in Area 3)

<http://www.mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Documents/Turf%20Valley%20Maintenance%20Facility%20Villages%20Phase%204.pdf>

The owner of the Turf Valley planned community has agreed to enter a state environmental cleanup program after a report revealed that part of the land in Ellicott City has arsenic levels 60 times higher than normal. The announcement yesterday came after a request by Dr. Peter L. Beilenson, Howard County's health officer, for mandatory comprehensive testing of the land where Turf Valley wants to add 1,000 homes to the community. "Everybody seems to be on the same page," Beilenson said.

C. **October 23, 2008:** County Council meeting on increasing size of grocery store from 18,000 to 55,000 SF

Sid Roros of Oekos Management Corp., which owns the nearby Waverly Woods Shopping Center, said his company invested millions in that enterprise on the assumption that stores in Turf Valley would not exceed 18,000 square feet. He learned of the petition only a week before, he said, arguing that "a change this significant should go through the comprehensive rezoning process, not [be presented] as a text amendment." Greenberg-Gibbons, he said, was using a text-amendment approach, not waiting for the next comprehensive rezoning process in 2013, because that way, they "don't have to post signs about what they're doing."

6. *"this is targeted legislation" - Louis Mangione*

- **They are the only beneficiaries of this exclusion and have been for decades.**
- **The northern communities were "targeted" with overcrowded schools because of the sweetheart deal made for one developer.**

7. *"it fails in effectiveness and fairness" – Louis Mangione*

- **What about other developers in the area that cannot build because Mangione Enterprises has been building without limitations regarding school capacity? Do those developers feel the current exemption is fair to them?**
- **What about all the students that will be going to class in trailers, because there are not future seats for them in school. How is this fair to them?**
- **Delaying 526 new units for four years IS an effective way to mitigate overcrowding schools.**

The HCPSS does not have many tools to help with overcrowding. They did propose in 2016 to redistrict Turf Valley current and future students to Bushy Park Elementary School. This was the only school that would be able to handle this massive development. Mangione Enterprises had their lawyer testify to the BOE against this redistricting. In the end, the school system redistricted the students from Manor Woods to Waverly, with the hope of having a new ES in Turf Valley.

Mangione Enterprises has a total of 1,637 housing units in their plan (the original sketch plan had less units). 710 units have been built, this leaves 927 remaining units to build. Are the builders planning to build 927 units within the next 4 years? How will the community be able to handle that? I ask you to help the school system and community by delaying the building of 526 units in Turf Valley.

Unfortunately, we cannot just rely on corporations to "do the right thing". That is why legislation is put in place including APFO. We need **pure** APFO protection that is not diluted with these sweetheart deal exemptions. Our communities do not have a lobbyist to advocate on our behalf and we need our Council Members to look out for us.

I thank Councilwomen Liz Walsh for doing the research and looking out for our students and teachers. Although the developer implied that this is not a District 1 issue and that Ms. Walsh had no business putting out this bill, he is very wrong. This is an issue for all of Howard County Districts. With the projections of new students that Turf Valley will produce, the school system will have to come up with millions of dollars to purchase more trailers for overcrowded schools. I can think of many better ways for the school system to spend that kind of money.

I respectfully ask that you vote in favor of our children and our teachers and vote yes for CB56 - 2020.

Sincerely,

Amy Grutzik
District 5

RE: CB-56-2020



The PTA Council of Howard County met on October 19, 2020 with its presidents and delegates from the 74 local PTA organizations in order to conduct elections and perform business to continue operations for the 2020-2021 School Year. A status on pending legislation was given followed by a unanimous reaffirmation position and vote of the new and returning delegates to support legislation that works toward eliminating overcrowding of all HCPSS facilities with utilization beyond 100%. This broad position may apply to multiple future items, but the overcrowding exemption case at Turf Valley was delivered as an

specific example to members to consider as they voted.

CB-56-2020 attempts to temporarily mitigate intentional overcrowding in assigned attendance areas that are beyond APFO thresholds by removing an exemption from current APFO tests. This change also retains many other exemptions and incentives already in APFO code. As written, this bill aligns with the PTACHC position as an incremental improvement to overcrowding issues with the ultimate goal of eliminating overcrowding systemwide.

The original and updated fiscal analysis includes one-time capital improvement revenues (forgone or realized) without the corresponding additional one-time capital improvement costs to sustain increased enrollment from the impact of this bill. A decision based on the fiscal information provided would be inaccurate.

In addition, student yields provided in the fiscal report to make impact assessments use a combined .15 students per unit level that is significantly below the county average of .47 student yield per housing unit of all types combined countywide * Even factoring in high apartment percentages for this example, the SFD and SFA yields do not compare with actual SFA & SFD county averages. Using the same methodologies applied to existing households, there should be only 49,600 students in the school system today, a nearly 19% discrepancy. This brings impact methodology into question for this bill as well as CB-53-2020 using similar data.

If there are enough resources provided for adequate school capacity using current regulations and mitigation, the passage of the bill should have little or no impact to the development patterns of projects currently exempted. If on the other hand the county is unable to provide adequate capacity, this bill is justified a growth management tool to reduce the impact to students locally and systemwide deserving council passage.

Brent Loveless

President - PTACHC

**Derived from 58,868 enrollment – HCPSS Sep 2019 Enrollment *122,916 housing units Oct 2020 DPZ Construction Report*

**Yields comparison based on CB-56-2020, CB-53-2020 Fiscal analysis and OCT 2020 Construction Report.*

Sayers, Margery

From: Kurt Schwarz <krschwa1@verizon.net>
Sent: Monday, October 19, 2020 3:03 PM
To: CouncilMail
Subject: CB-56 Support

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

I support CB-56, and urge the Council to approve this bill. Extension of the Adequate Public Facilities Ordinance to conditionally exempt residential subdivisions is good governance, and will redound to the benefit of traffic and our schools. Rampant development has burdened both, and ensuring adequate facilities for new developments will help alleviate that.

Please support CB-56.

Sincerely,

Kurt R. Schwarz
District 1
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The People's Voice

October 18, 2020

Support of CB 56-

There have been frustrating effects from having APFO exemptions that are too far-reaching into the future, such as with the extremely long, and large Turf Valley area developments not having to abide by any APFO tests. We support eliminating APFO exemptions in this older area of the legislation. We would also support eliminating other exemptions such as the schools test for age-restricted housing, and multiple additions of on-site additional residential units on parcels. Only one should be allowed, for family members as we attempt to provide more affordable housing for our elderly family members and children.

Lisa Markovitz

President

The People's Voice is a civic/political organization with over 4000 members in Howard County and over 500 in Montgomery County.



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

I, Hiruy Hadgu, 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 CB55-2020, CB56-2020, and TAO1-2021 to express the organization's
(bill or resolution number)

CB55 CB56 TAO1

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

Printed Name: Hiruy Hadgu

Signature: _____

Date: 10/19/2020

Organization: Howard County Citizens Association

Organization Address: P.O. Box 89, Ellicott City, MD 21041

P.O. Box 89, Ellicott City, MD 21041

Number of Members: 500

Name of Chair/President: Stuart Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*