



Howard County Citizens Association

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The Voice Of The People of Howard County

Date: 22 August 2016

Subject: Consideration for Policy Revisions

The Howard County Citizens Association (HCCA) recommends the following consideration for revisions to policy issues regarding the Planning Board (PB) attendance, the Design Advisory Panel (DAP) and the Historic Preservation Commission to become a regulatory body, allow oral testimony in DAP meetings and to ensure Stormwater Management is better addressed regarding maintenance responsibility. Some of these items were briefly stated at the recent PB meeting on 18 August. Below are our suggested recommendations and the details for your consideration.

1. The full attendance at the PB meetings is horrendous. During the last year and including the PB meeting on 18 August there were 26 meetings (see County Website under PB) of which 4 were continuations so there was no vote. Of the 22 voted meetings only in 8 meetings was there a full complement of PB members thus only 36 percent of the time. This is inexcusable for all concerned parties and affects voting. There also needs to be a requirement whereby attendance of PB members shall be mandatory unless absence is due to emergency. We strongly recommend that PB members shall be in attendance a minimum of 80 percent of time during each cycle of their tenure during each of their 6-month period. Failure to comply will lead to dismissal. The PB is too important a position to have the current absenteeism. PB members when they sign up are obligated to ensure their attendance is mandatory unless an emergency situation occurs. This is a most important responsibility that has a tremendous impact on all concerned parties.

In the Wegmans case FDP-117-A-III - Seiling Industrial Center, Section 1, Area 1, Parcel D-2 Liquor Store conducted on 4 Aug 2016 there were only 3 members of the PB in attendance. Although as designated in the Rules of Procedure this does constitute a quorum. This caused the PB not to vote because of the Office of Laws interpretation of voting and it was getting close to the PB curfew hour. When reading the existing rule we believe it requires clarification. It should just state that as long as there is a quorum (3 members) a vote will be taken. If there is a tie (4 members in attendance) then there shall be a discussion with the member who was not in attendance to voice their opinions after listening to the tape recordings and asking any questions to the Petitioner and/or Protestants prior to going into a work session when the case is reconvened and then a vote shall be taken.

We believe it would be very advantageous when the nomenclature of a given case is not apparent as it should be included in the title. For example, the title of the above case should have included (Wegmans) to provide a better description in its title to better inform all parties.

We also request consideration the PB conducts their work sessions not on the same evening of the actual case being heard. They should follow the Council and hold work sessions at the next scheduled PB meeting/hearing. This would allow the PB to better evaluate the given case and if necessary bring in any party to discuss at the work session.

2. The Design Advisory Panel (DAP) should not be an Advisory Board but a regulatory body to ensure the developer is obligated to execute their recommendations. The major question is why even have the DAP if the Petitioner is not required to follow their advice especially if it will make the product better for all.

If the concept of the above recommendation was adopted we are sure that between the DAP members and the Petitioners that a mutual agreement could be made by the parties. In situations when items cannot be agreed upon then the Director of DPZ shall be the arbitrator.

We previously suggested the DAP should permit oral testimony for anyone who is concerned strictly with the design elements of the proposed project. The interesting fact is when we previously approached this proposal the Director, DPZ did not have a problem and emphasized that oral testimony would only be regarding design and architecture. We completely agreed with this, however when brought to the attention of the DAP members by the Director, DPZ they unanimously voted it down. In all other proposed development cases public testimony is permitted such as the Historic Preservation Commission, the Planning Board, County Council, Zoning Board, Hearing Examiner, and Board of Appeals. This is all about giving the public the opportunity to speak and voice their opinions.

The Historic Preservation Commission (HPC) also should be designated as a regulatory body. A case in point is the hearing conducted by HPC regarding the Settlement of Savage. When the HPC advised the Petitioner at a hearing on July 2, 2015 to make sure they meet with the Savage community to discuss their suggested revisions. The Petitioner returned three months later on October 1 2015 to the HPC and had not met with the community. When the Protestants (citizens) raised the issue the HPC stated, "They cannot enforce the Petitioner to meet with the community because they are only an Advisory group." This was totally unacceptable as it magnified the mistrust between the Petitioner and the concerned citizens.

3. The Stormwater Management System must be maintained to ensure potential flooding from occurring in developments. By the county passing on the responsibility to Homeowner Associations the question is how many in these Associations are fully qualified experts and willing to perform such tasks? Who will oversee that the Homeowners are in compliance and ensure protection? Can we afford to pass the torch to the homeowners or the developers?

Will the County be involved to ensure that maintenance will be permanently maintained for prevention? HCCA recommends that the County take the responsibility of being the overseer in this matter.

We, HCCA would appreciate your feedback and would be willing to meet with you at any time regarding the aforementioned proposals. We feel these are extremely important areas of concern whereby improvements are desirable and if adopted would be extremely beneficial to further encourage transparency and produce a more open government.

Sincerely,

Stu Kohn
HCCA, President