

**Citizens Working to Fix Howard County
and
Fulton MD Residents**

March 21, 2016

Alan Kittleman,
Howard County Executive
3430 Court House Drive
Ellicott City, Maryland
21043

AND
Jonathan S. Weinstein
Jennifer R. Terrasa
Mary Kay Sigaty
Gregory Fox

Calvin B. Ball
Members, Howard County
Council
3430 Court House Drive
Ellicott City, Maryland
21043

Re: Council Bill 19-2016. Inclusion of Maple Lawn South (MLS) property into the Metropolitan District

Dear Mr. Kittleman and Members of the County Council:

A copy of this letter and a DVD with source documents are being hand delivered to each of you to put each of you on notice that you cannot legally approve CB 19-2016 putting the Maple Lawn South property into the Metropolitan District because:

--the original inclusion of the property into the Planned Service Area (PSA) in the 2012 General Plan was done through fraud; and

--the inclusion of this property into Tier I via CB 37-2012, similarly was done by fraud.

More specifically:

1. The 2012 General Plan "Bait and Switch"

The MLS property, as well as Hoddinott and other properties, were illegally put into the 2012 General Plan through the approval on the night of the final vote on the Plan, of "Amendment 1 of Amendment 14", introduced by Courtney Watson the night of the vote at the request of then County Executive, Kenneth Ulman. That amendment switched the maps showing the PSA boundary shown to the public at both the Planning Board and County Council hearings on the 2012 General Plan. The maps shown to the public (and on which the Planning Board's recommended approval of the draft General Plan was based) did not have the Maple Lawn South and numerous other properties in the Planned Service Area. The maps in the Enrolled 2012 General Plan have these properties in the PSA.

The document which illegally made these changes was Ken Ulman's "Amendment 1 of Amendment 14", fallaciously described in its title as "...technical corrections to

distinguish between the PSA for water and sewer service and the water service only area.” Under television caption of this same fallacious title and verbal recitation of this same fallacious title by Ms. Terresa, the Council called and unanimously approved this amendment 57 minutes, 18 seconds into the Council’s July 26, 2012 “Special Session” approving the 2012 General Plan.

Source Materials for Above:

The first “source” document in the DVD for the above paragraphs is a copy of testimony from a Fulton resident describing the 2012 Planning Board hearing on the draft General Plan and including a copy of maps presented at that hearing.¹ Exhibit 6 of this testimony presents a copy of maps 4-1 and 5-1. The legend on both maps clearly delineates the existing “Priority Funding Area/PSA.” (The circled areas were not on original maps and are for reference only). As can be seen on the maps (in the circled areas), neither the MLS property nor the Hoddinott properties are in the PSA on the maps used for the 2012 General Plan Planning Board review and public hearing process.

The second “source” document in the DVD for the above assertion is a copy of the “Introduced” 2012 General Plan sent by the Planning Board after review to the Council. This document is the document upon which the Council’s June 18, 2012 legislative hearing on the 2012 General Plan was held. Maps 4-1, 5-1 and 8-1—the maps showing the existing Planned Service Area (pages 29, 55, 114 of the document, respectively) do not have either the Maple Lawn South or the Hoddinott properties in the PSA.

In addition to Maps 4-1, 5-1 and 8-1 above showing the existing Planned Service Area, the Introduced bill contained Maps 6-2 and 6-3, (pages 70 and 72 of the Introduced Bill, respectively). Map 6-2 identified Place Types. Map 6-3 established “Growth Tiers.” Both maps, identify the “Proposed priority funding area/PSA” boundary.

The third “source” document is a copy of “Amendment 1 of Amendment 14”. Maps 4-1, 5-1, and 8-1 in this amendment now have the Maple Lawn South and Hoddinott properties in the PSA. Moreover, the legend for Maps 6-2 and 6-3 has been changed to delete the word “Proposed” in the sentence “Proposed Priority Funding Area/PSA.” By deletion of the word “Proposed,” the PSA boundary on Maps 6-2 and 6-3 was changed to make the proposed PSA boundary which included the MLS and Hoddinott properties, the actual PSA boundary.

The fourth “source” document is a copy of Enrolled Bill 26-2012. As can be seen on pages 231 and 233, respectively and consistent with the passage of “Amendment 1 of Amendment 14”, maps 4-1, 5-1 and 8-1 now have the MLS and Hoddinott

¹. This testimony is in the legislative history for the 2013 Comprehensive Zoning Plan—CB 32-2013.

properties in the PSA. Also in accordance with “Amendment 1 of Amendment 14”, the word “Proposed” in the Legend for the Primary Funding Area and PSA Boundary in Maps 6-2 and 6-3 has been deleted. This deletion makes the proposed boundary containing the MLS and Hoddinott properties in the PSA, the actual boundary.

The fifth source information on the DVD is a “still frame” of the July 26, 2012 session where the Council approved “Amendment 1 of Amendment 14.”

And the sixth “source” document is a video extraction of that same section of the “Special Session” video where the Council approved “Amendment 1 of Amendment 14.” This same night, the Council approved the Bill 26-2012.

2. The 2012 “Tier 1” Inclusion “Bait and Switch”

After “Amendment 1 of Amendment 14” was approved by the Council on July 26, 2012, the Council deleted Map 6-3, the “Growth Tier,” from the General Plan it was adopting. As noted above, “Amendment 1 of Amendment 14” changed the “Proposed” boundary for the PSA (boundary containing the MLS and Hoddinott properties) for Maps 6-2 and 6-3 to the actual PSA boundary by deleting the word “Proposed.”

In the fall of 2013, CB 37-2013 was introduced by the Council. This bill was to establish “growth tiers” by adding Growth Tiers Map 6-3 back into the 2012 General Plan. Maps 6-2 and 6-3 in the technical staff report shown to the Planning Board were from the “Introduced” 2012 General Plan bill. They showed the MLS and Hoddinott properties within the “Proposed” PSA boundary—but not in the actual PSA as “Amendment 1 of Amendment 14” had approved.

Mysteriously, when the Planning Board recommendation got to the County Council, recommending approval of maps showing MLS and Hoddinott properties in the “Proposed” or future PSA boundary, a map switch happened again. Instead, of approving the maps the Planning Board had recommended approving, as with the adoption of the 2012 General Plan, the Council, deleted the word “Proposed” in the Legend on Maps 6-2 and 6-3, thus making the “Proposed” PSA boundary the actual Boundary having the MLS and Hoddinott properties in it. In so doing, the Council placed these properties in the PSA and in fact in the Tier 1 growth tier contrary to state law, without any public notice or opportunity to testify against this action at a public hearing, and contrary to the recommendation of the Planning Board as to the Maps and policy decisions it thought it was approving.

As you have seen, the Maple Lawn South and Hoddinott properties being entered along with many other properties-under this “Bait & Switch” tactic by the former County Executive, the DPZ and the County Council, is against the Howard County Charter- AND illegal.

AND, it is illegal to place Maple Lawn South, Hoddinott and the other properties into the "Metropolitan District" because of the facts presented in this letter and with the attendant documentation on the DVD.

Please reconsider your proposed actions to go forward in this matter with these properties.

Thank you,

Carol Jane Gray

Citizens Working to Fix Howard County

AND

A Fulton landowner and resident for 46 years-next to
lager Parcel 113-the proposed Maple Lawn South.