



HOWARD COUNTY PUBLIC WORKS BOARD

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Michael P. McLellan, Member
Pedro Ramirez, Member
Alan Whitworth, Member

Minutes of the Howard County Public Works Board – July 13, 2021

Members present: Mr. Cory Summerson, Chairperson, Ms. Abby Glassberg, Vice Chairperson, Mr. Pedro Ramirez, and Mr. Alan Whitworth.

Staff present: Thomas J. Meunier, Executive Secretary; John Alcorn, Engineering Specialist II, John Seefried, Assistant to the Director, Public Works; Carl Katenkamp, Real Estate Services Division; Christopher Eatough, Office of Transportation; Emily A. Iacchei, Chief, Real Estate Services Division; Donald Koelsch, Engineering Specialist I, Norman Parker, Senior Assistant County Solicitor; Rachel Roehrich, Recording Secretary, Real Estate Services Division.

Ms. Roehrich, introduced the new Real Estates Division Chief, Ms. Emily Iacchei.

Mr. Summerson called the meeting to order at approximately 7:35 p.m.

1. **Approval of minutes:** Mr. Summerson indicated that the first item on the agenda is the approval of the minutes of June 8, 2021. Mr. Summerson asked if everyone had a chance to review the minutes.

Motion: On a motion made by Ms. Glassberg and seconded by Mr. Whitworth, the Board unanimously approved the minutes of June 8, 2021.

Complete Streets:

Mr. Christopher Eatough, Howard County Office of Transportation, explained he has been working with the County's Complete Streets efforts for the last couple of years. Mr. Eatough further stated that he will be coming back to the Public Works Board over the next couple of months to present a more formal process. Complete Streets is legislation from 2019 that established the Howard County Complete Streets policy, and required the Office of Transportation to provide an update of the transportation element of the Design Manual to bring it up to standards and best practices from around the country, especially Volume 3. A complete Streets implementation team was established about 18 months ago, and hired a consultant, WRA, to help with the effort. The information team is composed of a mixture of 50% Howard County staff from the Office of Transportation, Department of Public Works and Planning & Zoning; and 50% non-County staff including Cory Summerson from Public Works Board, Carl Gutschick from the development community, an engineer, and representatives from Columbia Association, Howard County Public School System, Howard County General Hospital, etc. The draft updates to the design manual have been underway, which will later be brought before the Public Works Board for approval. Between now and then the updates will need to be finalized with the implementation team. Public community outreach will need to be done as transparency and inclusivity are key elements (which will be presented through workshops and posting of materials online for public comments). The

updates will be brought before the Public Works Board, and lastly thru the legislative process by presentation to the County Council for final approval. Mr. Eatough may provide brief updates at the next couple of meetings for the Public Works Board. At that point, Mr. Eatough asked if there were any other questions regarding the changes, and there were not. Lastly, Mr. Eatough encouraged the Public Works Board Members to review materials posted online and follow along with public outreach that will be occurring through the video modules that will be posted.

2. Public Works Board Road Acceptance

- (a) Subdivision: Rockburn Estates, Lots 1 thru 11, Open Space Lots 12 thru 15, A Subdivision of Parcel 628
R/SW Agreement No. F-17-097 W/S Agreement No. 14-4983-D
Road Names: Briar Oak Court
Petitioner: Security Development, LLC

Staff Presentation: Mr. Katenkamp, Administrative Analyst, Real Estate Services Division, indicated that Security Development, LLC, a Maryland limited liability company, has presented a petition to the Director of Public Works for the acceptance of Briar Oak Court located within Rockburn Estates, Lots 1 thru 11, Open Space Lots 12 thru 15, A Subdivision of Parcel 628. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

Board Comments: None.

Public Testimony: None.

Motion: On a motion made by Mr. Whitworth, and seconded by Ms. Glassberg, the Board unanimously recommended that the Director of Public Works accept the public improvements located in Rockburn Estates, Lots 1 thru 11, Open Space Lots 12 thru 15, A Subdivision of Parcel 628 into the County's system of publicly owned and maintained facilities.

- (a) Subdivision: Plat of Dedication for Road Realignment of Sheppard Lane
R/SW Agreement No. F-18-099
Road Names: Sheppard Lane
Petitioner: River Hill Square LLC

Staff Presentation: Mr. Katenkamp, Administrative Analyst, Real Estate Services Division, indicated that as part of bringing Sheppard Lane back, River Hill Square LLC, a Maryland limited liability company, had previously presented a petition to the Director of Public Works for the acceptance of Sheppard Lane located in Plat of Dedication for Road Realignment of Sheppard Lane. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under the Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

At this time Mr. Summerson asked Mr. Seefried if he had comments he would like to state before the floor was opened to questions or comments from the audience. Mr. Seefried explained that at the last meeting this project was tabled to research the many issues and concerns that were brought to light. Mr. Seefried continued by first thanking the Board for their service, to Howard County in overseeing the work with the monthly meetings, and lastly, thank the members of the community for coming forward to offer insights. Mr. Seefried further explained there were many issues that were outside of the actions of the Board in terms of accepting the project for public use that were brought up. Mr. Seefried stated he was unsure what could be done for the concerns outside of the scope for accepting the project, although, if needed, the Bureau of Engineering, Office of Transportation and Special Projects could be contacted in order to potentially discuss a capital improvement project with regard to a particular road improvement to be researched and brought back to the Board for approval. Mr. Seefried stated the specifics of the Sheppard Lane project, as well as other developer projects stem from Subtitle 2 Section 18.202, in which there are four findings the project must meet. The four finding as described below:

The subject property, right-of-way, road or other associated public improvement maybe acquired for Howard County, if the Director of Public Works after considering the recommendations of the Public Works Boards shall affirmatively find after a hearing:

(a) That the subject right-of-way, road or other associated public improvement lies wholly within an approved subdivision. Mr. Seefried stated that another way of saying that is that none of the public improvements or maintenance needed in the future encroach on private property. The purpose of this finding questioned if the area being subdivided on the plat is serviceable by the County without encumbrances, and if the improvements that were shown on the plan are built within the property that is being transferred? **The Answer is: YES.**

(b) That the subject road, right-of-way or associated public improvement is adequately described by metes and bounds and by recorded subdivision plat. **The Answer is: YES-** As shown on the Plat for project F-18-099.

(c) That the subject road, right-of-way or other public improvement is laid out and constructed in accordance with the approved subdivision plan, subdivision regulations of Howard County, and the design manual. **The Answer is: YES.** The construction drawings and plat share the same number, F -18-099, in order to track them together. There were some questions concerning the design and angle of the intersection with Route 108 at the last meeting which were not addressed by the County since it was addressed by the State documents and construction drawings. The County's documents are the leg that comes off of the intersection. There was also mention of the curvature which was the subject of a design waiver granted by the County displayed on the drawings as well. Mr. Seefried further stated the State Highway District Engineer also issued a letter on June 21, 2021, stating the work authorized under the access permit was completed to the satisfaction of the Maryland Department of Transportation State Highway Administration, and the surety was returned at that time.

(d) That the acceptance of the property by Howard County at this time will be in the public interest. **The Answer is: YES** - In Mr. Seefried's opinion it will be in the public interest as the intersection has been improved.

Mr. Summerson then asked for questions from the audience and stated that the Board would be looking for any new statements that were different or not heard at the last meeting.

Public Testimony: Mr. David W. Elsaesser, 5737 Whistling Winds Walk, Clarksville, Maryland 21029 commented that the regulation also states that anyone that has a counter proposal may come forward with it, but the meeting to determine if the road realignment was in the public interest happened after the road was done. He then questioned how the County can hear a citizen's request for a counter proposal when the project is already done. Mr. Elsaesser stated that he did include his counter proposal, which was to convert the intersection into a 90 degree angle, was listed in his testimony. Mr. Summerson stated that when it comes to subdivision transfers and recommendations, the projects are already done and reviewed after construction is complete to make sure nothing needs to be done for improvement prior to acceptance. If a capital project is presented it is brought before the Board before the construction is complete to look for or listen to alternatives. Mr. Summerson asked if Mr. Seefried had anything to add as well, and Mr. Seefried explained Section 18.202c states that the work is to be completed in the platted area and in accordance with the construction drawing, which this was. Mr. Elsaesser then quoted Section 18.201 of the code, again stating that there should have been a hearing set for counter petitions to be heard for consideration. Mr. Elsaesser further stated that he felt his counter proposal was totally side tracked because it came up after the road was moved and he did not have an opportunity to present the counter proposal. Mr. Seefried stated that he was not hearing any new information from Mr. Elsaesser. Mr. Elsaesser then asked if he could show two-three slides as to why the road was dangerous. Mr. Elsaesser then proceeded to show a slide from social media with regard to a near head on collision, followed by two slides that were pictures and videos. The information Mr. Elsaesser provided on his slides presented his opinion on how the intersection is dangerous. Mr. Seefried asked Mr. Elsaesser if he had showed his information to the State of Maryland as this is a State intersection, and Mr. Elsaesser stated that he hadn't. Mr. Elsaesser further asked if the County could relay to the State and Mr. Seefried said he would be happy to. Mr. Elsaesser ended his testimony by stating again that he felt this intersection was a bad decision. He felt someone at the County let him and the residents of Howard County down, and further stated that he encouraged the Public Works Board, Department of Public Works and Planning & Zoning to not make decisions in the future casually, but think about what the public interest is. Mr. Seefried further thanked Mr. Elsaesser for his testimony and concerns, and further stated that Mr. Elsaesser's frustration was beyond the capacity for anyone at the current Public Works Board meeting with regard to the purpose of this acceptance.

Mr. Alan Schneider, 12598 Route 108, Clarksville, Maryland 21029. Mr. Schneider stated that Mr. Elsaesser had three videos, and the third video showed the danger of a head on collision. Mr. Elsaesser did state he did not show that third video, but the Board could watch it if they wanted as it was within the testimony provided. Mr. Schneider further stated that he thought Mr. Elsaesser had some slides/video showing the left-hand lane being used as a thru lane, and Mr. Elsaesser stated he did not think the Board was really interested in hearing. Mr. Elsaesser further stated he was there to point out that this is a bad decision, and if the Board of Public Works was involved sooner there may have been a more fair assessment for the people of Howard County. Mr. Summerson then asked Mr. Schneider to direct his questions to the Board, not to anyone attending or speaking within the meeting. Mr. Schneider asked how the public could achieve compliance and enforcement with the procedures outlined in the County Code and Safety and Design Manual Standards? Mr. Schneider further asked how the citizens can move forward with the Board in a positive way to make sure this situation doesn't happen again? Mr. Seefried asked Mr. Schneider if he was familiar with the resolution from 2019, Resolution Number 3, in which Mr. Schneider stated he was and described it as a failure. Mr. Seefried stated the resolution went before the County Council, where, at that point the construction drawings were complete and in the statements the Council recognized the documents, they recognized the developer and the background of the project was well known. At that point, Mr. Seefried stated in

theory, after the Council meeting the citizens could have come before the Board of Public Works and petitioned that they were not satisfied with the resolution before the construction had started or come to the Bureau of Engineering to raise concerns would have been the next steps to take procedurally, all again in theory as the project is already finished. Mr. Schneider further cited Section 18.201 with regard to the owner of the land or subdivider can petition, and stated that River Hill Square, LLC was not the owner of the land. Mr. Schneider felt that the wrong party had come forward and they had no standing. Mr. Schneider stated the acceptance of the project could be denied. Mr. Seefried then stated that there was an agreement with the developer, which is the same developer that submitted the petition, who is the contract purchaser; hence the different name on the resolution, but an agreement was entered into for the work and the payment of it. Mr. Schneider further stated that he felt the decision to accept Sheppard Lane at this meeting would be premature, as this intersection relates to the future redevelopment plans for the Erickson Development to be brought before the Zoning Board in September. Mr. Schneider believed more information needed to be ironed out before acceptance, and Sheppard Lane should be tabled again until after the Zoning Board meeting in September. Mr. Seefried relayed that he would be happy to have a meeting with State Highway, Mr. Elsaesser, and Mr. Schneider to address their safety concerns clearly to the State. Lastly, Mr. Schneider again requested the project be tabled until a later time, at which Mr. Summerson thanked Mr. Schneider and asked for any further comments or additional questions from the Board, in which there were not. Mr. Summerson also thanked Mr. Seefried for taking the initiative to contact the State and work through concerns with Mr. Elsaesser and Mr. Schneider, but as the project met all of the requirements Mr. Summerson asked the Board if they were in favor of approval.

At this time, Abby Glassberg noted she would again abstain from any actions.

Board Comments: None.

Motion: On a motion made by Mr. Ramirez, and seconded by Mr. Whitworth, the Board unanimously recommended that the Director of Public Works accept the public improvements located in the Plat of Dedication for Road Realignment of Sheppard Lane into the County's system of publicly owned and maintained facilities.

There being no further business, the Public Works Board meeting adjourned at approximately 8:26 p.m.



Thomas J. Meunier
Executive Secretary



Rachel Roehrich
Recording Secretary