

**Calvert County  
Small Business Interest Group**

**December 14, 2015, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. EDU Issues – Discussion and Action
2. Sign Ordinance – Draft Status and Timeline
3. Replacement Mechanism / Processes that were the purview of the Architectural Review Committees
4. Comprehensive Plan Update – Discussion
5. Set date for February 2016 meeting
6. Adjourn

**Calvert County  
Small Business Interest Group**

**December 14, 2015, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Tom Barnett, Community Planning & Building  
Randy Barrett, R.A. Barrett & Associates  
Danita Boonchaisri, Economic Development  
Dave Brownlee, Community Planning & Building  
**Pat Buehler, Solomons Business Group**  
William Chambers, Calvert County Chamber of Commerce  
Mary Beth Cook, Community Planning & Building  
Chris Finamore, Community Planning & Building  
Rodney Gertz, Quality Built Homes  
Patricia Haddon, Community Planning & Building  
**Tom Hejl, Board of County Commissioners**  
Dan Kelsh, COA  
Chris Moore, EDC/Remax One  
Michael Moore, Southern Maryland Black Chamber  
**John Norris, County Attorney**  
Jenny Plummer-Welker, Community Planning & Building  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Geoff Wanamaker, Bayside Chevrolet  
**Steve Weems, Board of County Commissioners**  
Audrey White, Public Works  
Anthony Williams, Built Rite Homes  
Mark Willis, Public Works

The meeting was called to order by Bill Chambers. Chambers requested all attendees introduce themselves and thanked Terry Shannon for getting the group together. Copies of an agenda for

today's meeting, along with a follow-up memo from the Calvert County Department of Public Works regarding Equivalent Dwelling Units (EDUs), were provided to attendees. Chambers turned the meeting over to Mark Willis for updates/discussion on EDUs.

### 1. EDU Issues – Discussion and Action

Mark Willis explained the memo and attachments sent to Chambers was a follow up from discussions **at the September meeting** along with various meetings held with local business representatives and developers voicing their concerns. The memo lists five items of concern regarding EDUs along with an explanation on how the issue is currently handled, per resolution. **Willis stated he would like to hear recommendations from this group regarding the five items listed in the memo before they are sent to the County Administrator and the Board of County Commissioners (BOCC) for approval,** adding he has been directed by the BOCC to have this completed during the first quarter of 2016. Extensive discussion ensued regarding each item listed in the memo.

#### ***Item #1 - Allowing for More Time Between When an Equivalent Dwelling Unit (EDU) is Purchased to When the Minimum User Fee is Activated***

**Follow-Up Comment Provided by Mark Willis, Public Works: Recommendation:** *Amend the resolution to allow for EDUs to be assigned for the entire project and further assigned by phase. It is also recommended the resolution be amended to increase the time from which an EDU is purchased and activated by phase, to when a minimum user fee is required; from two to four years. It is further recommended that no EDU within a larger project, but still part of phasing, be held longer than 12 years from site plan approval to when the EDU must be activated or returned. If EDUs are returned after the established four year window mentioned below, any potential refund would be prorated at a rate approved by resolution.*

#### ***Item #2 - Allowing for the Phasing of a Project Without Having to Incur the cost of Minimum User Fees Prematurely:***

(Items #1 and #2 discussed simultaneously).

**Follow-Up Comment Provided by Mark Willis, Public Works: Recommendation:** *Please see above.*

Willis explained that currently a customer has two years from the time the first 1/3 Capital Connection fee is paid to the time the EDUs are activated, adding the county understands this may be difficult to do since it could take 12 to 18 months to complete the necessary infrastructure. Willis asked for comments/suggestions from the group on how to improve this item.

Rodney Gertz commented that some type of phasing plan would be helpful. Anthony Williams stated that during a conversation he had with Water & Sewer personnel regarding his next phase of townhouses in Prince Frederick, he was told he could build the whole system but only had to buy as many taps as he wanted to hook up and asked if this information was correct. Willis advised this was correct, adding that when a customer brings a project to Community Planning & Building (CPB) or Public Works (PW) they prefer the project be laid out in the phases of construction that you would like to work the whole project, adding that if affordable, it is best to build the entire infrastructure at one time. Willis

stated that currently the customer must lock in all required EDUs for the project and pay the 1/3 Capital Connection fee. Willis noted in reality what the customer would like to do is that as the next phase gets closer they would activate those other EDUs, the second phase. Willis stated he agrees it doesn't make sense to purchase all necessary EDUs and only have a two-year window to build, adding the county could look at a phasing plan where the customer would buy the first 1/3 connection fee to lock in the EDUs, then proceed in phases. Willis stated this was something he could support but will have to look into it in more detail before presenting to the BOCC.

Williams advised developers want to build their projects all at one time but don't want to get trapped in a two-year window and phasing will solve a big problem. To avoid getting penalized, Williams suggested letting the marketplace decide when they bring the next phase online, adding that allowing the developer to pay the 1/3 fee up front and then have a window of opportunity is exactly what is needed.

Willis expressed concerns about what affect there would be if the market crashes and how long the county would be expected to hold onto the remaining EDUs for a developer before the developer begins to execute the next phase. There was discussion about reaching capacity and critical mass. Geoff Wanamaker stated the less restrictions placed by the county the better, adding he does not feel a time limit is needed. Wanamaker suggested that if capacity reaches 80 percent the issue can be readdressed. Williams commented he understands nothing can be in perpetuity and recommended placing language in the agreement with the developer that if 80 percent capacity is reached the county would have an opportunity to revisit the issue with the developer.

Gertz discussed a scenario in which one developer locks in a large number of EDUs preventing further development in a particular area because capacity has been reached. He stated the county should not allow one developer to hold up a large number of EDUs and suggested they be phased in. He recommended using a moving chart for each zone or district showing the maximum and minimum number of EDUs allowed in any given year. Gertz stated the county has to make water and sewer marketable to developers just like developers have to make their product marketable to consumers, adding that a phasing plan is needed to truly utilize the capacity available.

Willis advised he did not disagree with what was discussed but has to place all of this information into a document, go through the proper channels and see what they come up with. In answer to an inquiry regarding the timeline for these issues, Willis advised that for the first four items on the memo, he has been directed to give something to Terry Shannon in the first quarter of 2016 with the intent of taking it before the BOCC by the close of that quarter.

***Item #3 – Allowing for the 2<sup>nd</sup> and final 1/3 payments to come due at the time the Building Permit is requested for each individual building location.***

**Follow-Up Comment Provided by Mark Willis, Public Works: Recommendation:** Amend the resolution to allow for the payment of the first 1/3 for all assigned EDUs to a particular project, to include all EDUs assigned by phase. It is further suggested that the final 2/3s of

*all appropriate capital connections be paid in full no later than at the request for the Use and Occupancy permit, or four years from site plan approval, whichever occurs first.*

**Item #4 – Allowing for the transfer of excessive EDUs between franchise areas.**

(Item #3 and Item #4 discussed simultaneously)

Dan Kelsh asked for clarification on when the first 1/3 payment is paid. Willis explained the first 1/3 payment is paid when a preliminary site plan is approved and an application is pulled for the project. Wanamaker stated the first 1/3 payment should not be due until a building permit is received. He stated that currently, a developer must pay for taps and a meter up front and he didn't understand why the county charges for these items before a building permit is received. Willis commented the reason for this is because the developer is holding up EDUs and there is concern the developer will delay getting a building permit. Wanamaker described a recent situation he experienced where he paid the county \$18,846 approximately 1 ½ years ago and is still not hooked up to a meter or receiving a water bill. He has nothing to show for the money spent and feels this is unreasonable.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *\$16,800 mentioned above (the cost of two EDU's) would be paid as described under #3 once the resolution is approved by the Board. 1/3 would be paid at application for Water & Sewer and the final 2/3s at U&O. Water & Sewer cannot afford the upfront purchase of meters (in this case \$2,046) and also insure any particular size will be on hand when needed. Consideration can be given to purchasing a meter only when requested by the customer, providing the customer is willing to wait for the meter to arrive.*

Wanamaker also expressed concerns regarding the county's policy to charge a developer up front for a specified number of taps only to find out two years later they charged for more taps than were required.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *Water & Sewer changed from WSSC's allocation chart and adopted it's own two years ago. It is believed a more accurate assessment of necessary EDUs is taking place. Water & Sewer is a non-profit business.* Wanamaker stated it was anti-business to charge up front and suggested looking at a property's water usage history and determining the number of taps needed based on that history. Then, after two years, look back at the actual water used and adjust the number of taps based on the actual usage. There was discussion on how other jurisdictions handle this issue.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *This two year review was put in place two years ago by Water & Sewer. Only one EDU needs to be purchased but the quarterly bill is based on the estimated number of required EDUs. At the two year anniversary, any credit will be awarded and any additional EDUs will be required.*

Wanamaker then discussed problems he has had with not receiving timely notifications from the county when a tenant's water bill is past due. He stated he feels the tenant should be responsible for payment of the bill, not the property owner. Willis explained the county's process of sending dual bills when payments are late; one to the tenant and one to the property owner.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *Owners get a dual notification upon any past due notice to a water & sewer customer.*

Conversation reverted back to Wanamaker's issue of charging upfront for taps/EDUs and his suggestion to look at the history of a property's water usage when determining the number of EDUs needed. Willis detailed the steps taken to calculate the EDUs needed for a specific property owned by Wanamaker stating that the calculations were based on changes to the resolution, from Resolution 2-98 to Resolution 02-14. There was additional discussion regarding Wanamaker's concern that the county continues to charge businesses for more EDUs than are warranted based on the average water usage for the property. Willis commented that Wanamaker could give the excess EDUs back to the county and noted that Resolution 02-14 allows for the transfer of EDUs between the same business owner within a franchise area. Wanamaker stated he didn't feel the transfer should be limited to the same franchise area nor the same business owner.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *Water & Sewer has for a period of two years been considering the history of usage at commercial properties. Water & Sewer uses the Peak Consumption period for any business as the threshold for overall water usage accountability. In most cases, all EDUs assigned to a business falls within this range of "average usage and peak usage".*

Gertz stated the EDUs should be treated like a commodity. If a developer has excess EDUs he should be able to transfer them anywhere to someone who needs them. He added it makes no sense to turn them back into the county and get nothing back in return. Wanamaker added that EDUs can't be considered a commodity when the county sells them but not a commodity when it takes them back. Williams stated they should have the right to sell the excess EDUs just like you do a TDR.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *It is unlikely there will be excessive EDUs being held by any business as the allocation chart has been updated to reflect a more accurate accountability of assigned EDUs. The idea of allowing owners the ability to trade or sell EDUs is still being considered by the County. Currently, an owner is allowed to move EDUs between properties under same ownership within the same franchise area. It is likely this will be approved to include trading between franchises and various owners.*

Rick Bailey commented that Calvert County Water & Sewer is in the business to provide water and sewer services and not in business to sell EDUs and get them back for nothing. Bailey added that if you have a residence on a piece of property, and you build a new residence there, you shouldn't have to pay the house impact fee because you are not putting a new building there.

Wanamaker stated he felt the county was moving in the right direction. He added the solution could be simply for the county to recalculate the EDUs with a two or three year lookback and allow the developer to sell the excess EDUs back to the county. Gertz stated he would like to have the flexibility to sell them back to the county or let them go to open market, adding the EDUs should sell back at the price they went out.

Tom Hejl stated he has always had a difficult time paying for something he didn't get. We have heard what the problems are and we can work towards solving those problems. With regard to Wanamaker's comments about the property owner being responsible for water bills unpaid by their tenants, Hejl asked Wanamaker if verbiage could be inserted into his lease with the tenant that states if the tenant leaves, the tenant would be responsible for paying the water bill. Wanamaker advised he does have this verbiage in his lease but the problem is it is too expensive to chase the tenant down to pay the bill after they leave.

Chambers asked Willis if, after hearing today's input, he was willing to come back with some language to present to the commissioners that would reflect the input received. Willis advised his task now is to work with the County Attorney to put something together to take to the commissioners with recommendations based on these discussions.

Williams commented we have all come a long way and he was proud that the county was starting to pay attention. Williams stated it was a completely different atmosphere and thanked the county for listening.

***Item #5 – Consideration for changing the way in which a customer's bill accounts for the overall cost of services provided.***

Willis explained that other municipalities use a tier system based on a variety of different things. The county's water & sewer bill is based on a base rate of \$164.15 per EDU, plus a variable usage rate that is a consistent amount regardless of how much is used. Willis stated this gets extremely complicated and he doesn't know what the answer will be but he does understand the concerns, adding the county wants to provide a transparent bill and wants to be fair across the board. Willis commented a heavy user should pay for that service and a light user should pay for less service, but he wasn't sure how to do that yet. Water & Sewer has run a number of different scenarios with like size, municipalities around the state, and will go elsewhere to make sure they do this the right way. Willis advised this will not happen in the next quarter because they want to get it right the first time and it will take more than three months to run the numbers. Willis added that input from the business community is always welcome and asked that attendees contact him if they have suggestions.

Chambers asked if Willis intended to take Items 1 - 4 to the commissioners during the first quarter so that updates can be provided at our meeting in February. Willis replied, yes.

Gertz stated that making the EDUs more of a commodity or being able to buy them back, and addressing the user fees are two monstrous things that are a problem right now and if we can get that right, everything else will be fine, adding that some kind of formula should be used. He stated he understands the county has a system it is providing to customers even if they are not using it, and the county still has expense and maintenance, but getting the balance right is the key.

Terry Shannon advised she worked on this project with Finance for several years trying to get the rates adjusted correctly, but like anything in a business, when you push on one the other one has to give. Shannon wanted to make attendees aware that when you lower the base



rate and the variable rate goes up, the high-end users are going to pay more. Williams stated users should pay for what they use. Gertz agreed, adding that to be fair the fee should be based on usage. Shannon stated that right now the budget is balanced, it is self-sustaining, and it took seven years to get to that point. She wanted to reiterate that if you adjust the lower base rate, that variable rate will go up, so if you are a higher end user your bill may go up. Wanamaker stated that someone who uses a lot of water should not be paying almost the same as someone who uses very little. That is not fair. Shannon added that when they look at the different scenarios they will be able to show, at various usage levels, how the bills will differ.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *A main focus when considering a new rate model is to place more emphasis on use rather than simply base charges; or at least with equal emphasis.*

Gertz asked if this billing issue could be resolved in six months or so. Willis stated as soon as they were finished working on the current budget they would focus on the billing issue and felt he would be able to bring something back sometime in 2016.

**Follow-Up Comment Provided by Mark Willis, Public Works:** *Staff has worked on parallel efforts to establish both Enterprise budgets for the Boards review in the near future and start researching possible changes to the billing format. Once the resolution is updated for the material listed above, the main focus for the Enterprise Deputy and the Enterprise Business Manager will be to work with Finance & Budget to develop a new billing model. There are countless models that can be used. It is the intent of staff to create a committee at some future point to assist in trouble shooting the final template. It is expected this process will take six to nine months to get ratified by the Board. If a date were to be set, it would be January 1, 2017, which coincides with the standard date at which all water & sewer rates increase per the approve budget cycle.*

## 2. Sign Ordinance – Draft Status and Timeline

Tom Barnett advised a contract with a consultant has been signed. The consultant is scheduled to provide a draft within 45 days and provide a final draft ready for adoption within 90 days. Barnett stated he will need to ask the BOCC whether they will want to take this back out to the ad hoc sign group.

Bailey questioned if the role of the consultant was to use the last recommendations and then overlay that with the new Supreme Court to come up with something they feel would be acceptable legally. Barnett state this is the role they are serving, adding it would be nice to vet the draft out to the community when received. Bailey stated this would be the best way to handle it and recommended using the ad hoc group. At Bailey's inquiry, Barnett explained they should have a finished document within 90 days. It would then go to the ad hoc group, if not sooner. They will then have to go through the normal adoption process, so four months after that. Bailey questioned if the group would be able to take a look at it in February. Barnett replied yes. Williams stated this is a very important issue with all of the business community and they are hoping to get some relief.

## 3. Replacement Mechanism/Processes that were the purview of the Architectural Review Committees



Chambers stated that since the commissioners abolished the architectural review committees, Anthony Williams suggested a replacement mechanism. Chambers asked Williams to explain his suggestion in detail.

Williams stated that not having anything was not the way to fix this issue and putting the burden completely on staff is not the way to fix it either. His suggestion is to have one representative from each district and an alternate from each district, three districts so six total. The group could meet one time a month for all districts. **If there are any disagreements between staff and the appointees, the issue would go directly to the BOCC.** This would speed up the process. Williams added the key to this is to get people from the business community who are qualified to make these decisions and would like the BOCC to appoint the members just like they do for the planning board. Chambers agreed.

Barnett advised a recommendation similar to this was presented to the BOCC several months ago but was turned down. **Williams stated he thought this could work, adding that one thing that could be done to expedite the process is when a national tenant is looking to place their business here, and they have a red roof, they shouldn't be told they cannot have a red roof. Barnett stated there is nothing that says a business cannot have a red roof in Calvert County.**

Wanamaker questioned why the ARC is necessary if the planning board makes the decisions. Bailey advised the planning board only makes a decision if there is a disagreement with the ARC. **Williams stated he would like to have this taken away from the planning board and give it to the commissioners. There was discussion about the Planning Commission and term limits.**

Barnett explained a solution he felt may work. The BOCC said they didn't want the ARCs for various reasons and said staff needs to control it. The way we intend for it to work now is when somebody comes in, they come into staff, if staff can approve it because it is in compliance with the design guidelines, staff can give that recommendation immediately and then the Planning Commission has authorized the Chair and the Secretary, our PCA, which is currently Yolanda, to make that approval. The only time it goes to the Planning Commission is if it appears what is being proposed does not conform with the guidelines. At that point, an ARC would send it up to the Planning Commission. The applicant can say they want to contest and then it goes to Planning Commission. That would still be in place, with staff doing the reviews. We wouldn't have to wait for a meeting. We wouldn't have to wait for a quorum. And it would move through a lot faster.

Bailey stated he was fine with this because if it gets out of control and becomes too subjective in terms of what people think the county commissioners will hear about it anyway and they would have to solve the problem. Bailey added we need to get away from these individual committees who can't get a quorum because when you bring people from national representatives in from out of town to have a meeting and the meeting is postponed because there is no quorum, it just doesn't work. Barnett agreed.

Barnett advised the county is working on the Comprehensive Plan and Zoning Ordinance now. One thing that will be updated is the design guidelines. This process will allow us the opportunity to tune up those design guidelines so they make better sense for the community.

Since the BOCC voted to abolish the ARCs, Chambers asked what the timeline was on phase out and the new process Barnett just spoke about. Barnett stated that after that meeting we started the work of looking at where the text had to change because this is a change to a master plan. It is a text amendment but the text amendment requires 30 days if it is a change to a master plan, the state requires 60 days review time. Given that 60 day review time, we think it is going to be about 4 ½ - 5 months to finally get all the changes made, bring them forward, go through Planning Commission and bring them to BOCC. This will include all town centers. Chambers asked if the current ARC committees will continue to meet monthly until the text amendment is complete. Barnett said yes and added that, as a failsafe, they have taken it upon themselves to create a policy that says if we can't get a quorum then we will go back to what was just described. Staff will take on the review so these jobs don't languish and we can move them forward faster. So you are not waiting on the ARC folks to show up.

Bailey stated that other criteria that may be helpful to include in that is, particularly for national companies, their architecture and colors are part of their branding and their marketing and we need to give some leeway to them to allow that to take place architecturally so they are not at odds with our local ordinances. We are not in a position to tell national retailers they have to do things our way any longer because they will go somewhere else. If there is a conflict between the two, we need to have some variance to allow them to be able to move through. Barnett advised they will take this into account and feels this is something we can expect to see in the guidelines.

Anthony Williams stated he heard a popular national fast food franchise had attempted to come to the county but was not able to and questioned if this was true. There was extensive discussion regarding the attempts to locate this franchise in the county and the reasons they were not able to locate in a particular area of the county. Barnett advised this is something that will be addressed during the Comprehensive Plan rewrite.

#### **4. Comprehensive Plan Update - Discussion**

Barnett stated they have met with the consultants and have met with the BOCC and the Planning Commission. They plan to schedule interviews with stakeholders in January. In coordination with the BOCC and Planning Commission they are trying to figure out who the stakeholders would be and how the process will work. Barnett advised they expect to have an advisory committee of maybe 20 – 25 people, and would then have subcommittees that would deal with about six specific topics. Barnett stated this is where they will be looking for help from the BOCC, the Planning Commission and then leadership such as is sitting in this room. The timeline will be approximately 1 ½ - 2 years. When complete, this will produce a brand new comprehensive plan and zoning ordinance.

Kelsh asked if the zoning ordinance is being done concurrent with the comprehensive plan. Barnett stated the comprehensive plan has to be finished first but the zoning ordinance will be a couple of months behind. The zoning ordinance is the real work because that is what

turns the big ideas from the comprehensive plan into law. It is a really important document. It is a document in which the county commissioners can set their vision, along with the community, for the future.

Williams commented we have all seen what happened with the last one and we are all feeling the pain of no growth, adding we need to get this moving forward and we need to get it right. It is going to get progressively worse until we make these necessary changes to be more business friendly and get a growth plan in the county. We all know what we have to do and we have to move forward quickly. We all know our school teachers can't get raises and county employees can't get raises. We all know what is going on so everything we can do in this room to move this thing forward as quickly as we can is very important.

#### **5. Set Date for February 2016 Meeting**

Chambers stated that if agreeable, keeping the meetings at every other month and the second Monday of the month, we are looking at Monday, February 8 as the next meeting date. Gertz questioned whether it was necessary to meet every other month or if it would be better to meet quarterly. Chambers felt meeting every other month would be better and would allow Mark Willis to report back to the group on several issues. Williams commented that with the update to the comprehensive plan coming soon, to get it done properly and on time we will have to spend time on it and felt meeting every other month would keep the group focused.

Following discussion, it was agreed the next meeting will be held on Monday, February 8, 2016 at the same location.

#### **6. Adjourn**

The meeting was adjourned at 3:45 p.m.

**Calvert County  
Small Business Interest Group**

**February 8, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Status on Proposed Changes to the EDU Structure – Follow-Up  
From the December 14, 2015 Meeting
2. Status Report – Calvert County Sign Ordinance
3. TDR Use on Commercial Sites – Discussion
4. County Tier Maps – Status of and Review by Business Community
5. Date of April Meeting

**Calvert County  
Small Business Interest Group**

**February 8, 2016, 2 p.m.**

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Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Tom Barnett, Community Planning & Building  
Randy Barrett, R.A. Barrett & Associates  
Danita Boonchaisri, Economic Development  
Pat Buehler, Small Business Interest Group  
William Chambers, Calvert County Chamber of Commerce  
Danielle Conrow, Public Works  
Mary Beth Cook, Community Planning & Building  
Rodney Gertz, Quality Built Homes  
Richard L. Holler, Holler Associates, LLC  
Tom Hejl, Board of County Commissioners  
Dan Kelsh, COA  
Chris Moore, EDC/Remax One  
Jenny Plummer-Welker, Community Planning & Building  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Audrey White, Public Works  
Mark Willis, Public Works

The meeting was called to order by Bill Chambers. Chambers thanked Terry Shannon and county staff for providing information for this meeting and thanked Linda Vassallo and staff for preparing the minutes from the December 2015, meeting. In an effort to streamline meetings, Chambers stated his goal for future meetings is to prepare the agenda based on action items discussed at the previous meeting and send information to everyone in advance.

# **1. Status of Proposed Changes to the Equivalent Dwelling Units (EDU) Structure: Follow-Up from Dec. 14, 2015, Meeting**

Mark Willis stated changes to the resolution regarding the allocation process were on track to be completed by the end of March 2016. Willis prepared talking points for today's meeting and provided updates on the issues discussed at the last meeting, noting the details of what he was proposing today were not yet finalized but were achievable. Willis provided status updates as follows:

## Use of Minimum User Fees

Willis advised the Department of Public Works (DPW) is still working with developers and the business community and, while nothing is official, there is potential to eliminate the minimum user fee. Willis added there is still work to be done but staff is heading in this direction.

## Payment of Capital Connection Fees

All Capital Connection Fees for a project require a one-third payment following site plan approval which guarantees EDU availability for the project. Willis advised DPW is recommending payment of the final two-thirds at any time prior to assignment of the Use & Occupancy permit. Dan Kelsh asked if there was a timeline within which the final two-thirds would have to be paid. Willis stated that although nothing has been approved, staff is considering a timeframe of four years per phase. Should the developer decide to abandon the project prior to completion, Willis advised DPW is looking at a process to reserve the right to meet with the developer and relevant county staff to agree on next steps for that particular project.

Rai Sharma noted a very minimal administrative fee or restocking fee may be charged to cover staff time, etc. when dealing with EDUs. Rodney Gertz agreed there should be some penalty attached to the developer if a project is stopped, adding that a \$1,000 - \$1,500 fee would be reasonable. Willis added they are not trying to make Water & Sewer (W&S) solvent by collecting fees from returned EDUs but want to be fair across the board.

## Projects and Phasing of Projects Related to the Assignment of EDUs

Willis stated the county has always phased projects. EDUs have always been allocated for an entire project and they were always sublet to those individual phases. He added they will continue this process.

## Purchase of Water Meters

There was discussion at the last meeting that the purchase of water meters up front may be a burden to those purchasing them. Willis advised that W&S does not force anyone to buy water meters earlier than necessary because W&S cannot afford to keep a large number of water meters in inventory. He will work closely with contractors to coordinate the purchase of meters as needed for projects.

## Using a Customer's Consumption History to Assist in Determining Allocation

At the last meeting a request was made that W&S consider using customer history to help define potential assignment of allocation. Willis stated it is the practice of W&S to use peak consumption history, when possible, to determine assignment of allocation.

#### Use of a Two-Year Period to Verify Accurate Allocation Assignment

Willis explained that when a new business application is submitted for an old building, the usage history of that building is reviewed to determine assignment of EDUs. A building's history will be used when possible but when that history is not available, a two-year observation period will be used. W&S staff will allow for a two-year period (eight full quarters) to evaluate actual consumption. At the end of that two-year period, the EDUs will either be reduced or increased based on the consumption history over that two-year period. The actual number of EDUs required at that time will be charged to the customer at the future rate. If the number of EDUs is less than anticipated, a refund will be credited to the account for the overage in base rate billing.

#### Owners and the Process of Dual Notices

Willis advised it has always been the practice of W&S to notify both the property owner and the lessee via dual notices when a water bill becomes delinquent. The State of Maryland states that the property owner is responsible for paying the bill.

#### Trading of EDUs Between Customers

Willis expressed concerns about allowing customers to trade EDUs, stating that W&S is responsible for tracking EDUs. However, if it is discovered a business is paying more than they should after an audit is conducted using peak scales, they deserve some kind of refund or exchange. Exactly what that will be has not been determined.

There was discussion regarding this issue. **Dick Holler** stated the county needs to be careful about permitting a private market for EDUs since they would be creating a market they have little or no control over and he feels it would ultimately be against public interest. Rodney Gertz stated the proposals discussed so far show a lot of flexibility and are very fair. He added that when someone pays \$8,400 for EDUs and is asked to give them back for free, it creates animosity. Gertz noted that, while he did not know how the county could process the refund or handle the cash flow, finding a solution to this issue would be appreciated. Sharma advised that W&S plans to write language allowing a person to meet with representatives from DPW to find a solution should a situation arise. Willis stated a desire to be fair but there may be customers who will owe the county money after an audit. Chambers commented if someone is not paying their fair share that needs to end. He added he didn't think anyone in this group would disagree.

#### Researching the Potential for a New "Billing Format"

Willis advised that W&S is currently researching different ways in which a bill can account for services provided. Considerations include a small base rate, using a tier system and different rates for residential, commercial, institutional and industrial users. Willis noted that any change in the billing format is many months away since the county has a policy that users are not charged increases until January 1. **Willis agreed to continue seeking input from this group as research progresses.**



Frank Smith questioned whether there was any plan to conduct an informational campaign to the public notifying them of the billing changes. Sharma stated that public meetings will be held to share information on any proposed changes.

Terry Shannon provided brief information on the different variables that must be considered when deciding what the base rate will be, adding that the last time this was done, public meetings were held for approximately two years.

Chambers thanked Willis for his updates and asked if he will provide updates on the EDU refund/buyback credit issue and billing changes at the next meeting. Willis said he should have solid information to provide at that time.

## **2. Status Report – Calvert County Sign Ordinance**

Tom Barnett reported on the status of the Calvert County Sign Ordinance update. Community Planning & Building (CPB) continues to work with the consultant and expects to have a draft ready for review by the ad hoc sign committee before the end of February. This will also be reviewed by the Board of County Commissioners (BOCC) and the Planning Commission (PC). *(A handout was provided showing a proposed timeline for the project.)* Barnett stated staff has made an effort to incorporate previous comments received from various public meetings into the new ordinance. Chambers questioned whether there were any radical changes in the new version. Barnett advised he didn't think anything changed radically but it is a different way of dealing with sign regulations than most communities have done in the past. There was brief discussion regarding temporary signs and how to regulate them.

## **3. TDR Use on Commercial Sites – Discussion**

Barnett stated they were recently asked to research the possibility of charging for commercial TDRs countywide. To avoid penalizing small business owners, the first thought was to charge TDRs only on large construction projects, like national stores, since the amount the county would charge would not have much impact on them. He added this is something they are just beginning to research and they will obviously need input from this group on how to accomplish this in a way that doesn't negatively impact local small businesses.

Holler commented that in residential cases everyone understands the concept of TDRs as the right to build a house in another area but questioned what was being transferred in the case of commercial development. He questioned if the legality of this issue has been researched. Barnett stated this will probably be one of the first things determined. Mary Beth Cook advised the use of commercial TDRs is being done in St. Mary's County.

Gertz felt projects that were already underway should be grandfathered in some way. He also suggested using TDRs for commercial properties as a way to add flexibility, explaining that if a developer wanted to build higher than allowed by county ordinance, or put in excess parking, perhaps this can be accomplished through the purchase of TDRs. Gertz added that for a developer, obtaining extra square footage would be valuable since it would allow the potential for more stores or more tenants. Putting more in a smaller area is the whole concept

of a town center.

Rick Bailey stated this may be sending the wrong message to the retailers we are trying to attract. You are telling them we are going to do away with additional density at the time we are having difficulties convincing national retailers to come here because there is no growth. You are sending the wrong message and that could be the tipping point to prevent commercial development. Bailey stated the bigger benefit would be to expand the town centers to comply with the tier map growth from the state to allow growth to occur there. That would attract the growth, you can use TDRs and then the market will drive the use for additional TDRs, additional housing, and that will bring in retailers. Chambers agreed, adding we have to provide a market for growth and there has to be a combination.

Barnett asked Bailey if this could be done by allowing more density in town centers. Bailey agreed, adding there could be varied density areas within town centers as they are expanded. In other words, the conventional town centers we have now are the most dense, and then they could be expanded to a lesser dense area. That would feed the market for TDRs and all the pieces will fit together from there. Bailey added he understands that St. Mary's County does this but St. Mary's is not the market that Calvert is. They have growth there and are attracting national retailers. We can't say we have that here.

Buehler agreed with Bailey noting that adding a TDR on commercial is nothing more than a tax. We are trying to get commercial growth to locate here. Buehler stated that if we can expand outside town centers, new families will come here if there is shopping. They are not moving here for that reason, and the cost of housing. Barnett commented it is like the chicken and the egg because you are not going to get retailers until you get housing numbers up and you need the population to get retailers. Chambers stated the way to do that is to create an environment that permits it, and we don't have that now.

Gertz felt allowing for perks on anything over and above minimum standard for commercial is worth exploring. He also agreed with expanding town centers. He added that Chambers was correct in his statement that the environment has to be right, so that someone wanting to locate a business can look at Calvert County and see that we are doing the right thing and this is where they can set up shop and do well over the next 30 or 40 years. That is the comfort they need to bring a commercial site here.

Tom Hejl agreed with Bailey regarding commercial TDRs, adding the county already has a difficult time trying to attract anybody to this county. Hejl also discussed his ideas on how the county can purchase TDRs in the future.

Chambers commented that if the town centers were expanded, with density increased in the center and decreased as the town center expanded, we will get a robust environment and offer that prospect of growth. People want to live in Calvert County but they can't afford it right now. All the tools are there, we just need to be progressive.

#### 4. County Tier Maps – Status of and Review by Business Community

Barnett discussed the progress of the County Growth Tier Map. (A *handout entitled Summary*

*of Deadlines for Sustainable Growth and Agricultural Preservation Act of 2012* was provided.) Barnett stated that since the law was passed the county has been working with the state to understand the law and determine what should be included in which tier category. After much negotiation, they came to an agreement. Barnett noted this has not gone out to the public and anticipates changes based on public feedback. This will initiate further negotiations with the state. At the request of the BOCC, Barnett is currently working to provide a list of the people and land that will be impacted. Chambers questioned if this list might be available for discussion during the group's visit with Secretary Craig scheduled in several weeks. There was discussion on when this list would be complete, the criteria being used to pull the list together and the type of development allowed in each tier.

Gertz discussed denitrification in septic systems and questioned whether shared septic facilities will be required in Tier 3 or if individual septic systems with denitrification will be allowed. Gertz added there are not enough properties large enough to make it economically feasible to install a shared septic facility and suggested this might be one issue to seek assistance on from the state for the rural counties. Barnett stated he did not know the answer to that question but will contact the state to obtain information. Bailey recommended a review of the legislation on this issue to determine if it allows individual septic systems for each lot, adding that this will be the determining factor.

There was additional discussion regarding the different tier levels, the type of development allowed in each tier and impact to citizens. Barnett stated the draft tier map will be shared with the public and anticipates concerns from those with property in Tiers 3 and 4. Gertz stated Secretary Craig will be an ally. He also hoped this would go away but if not, from a developer's standpoint, the longer it takes to get the tier map adopted the more crippling it is to the business community.

Randy Barrett asked whether CPB has attempted to quantify the effect the tier map will have on the TDR program, adding that whatever decision is made regarding the shared or individual septic systems will affect our ability to absorb TDRs. Barnett advised they are working on the TDR issue as well but have not begun to correlate it directly with the tier map.

Pat Buehler questioned whether transfer zones within town centers were still recognized. Jenny Plummer-Welker stated they were still in the regulations. Barnett added that as they begin work on the comprehensive plan and zoning ordinance there is the possibility of expanding certain town centers. Buehler discussed his concerns about the ability to develop a farm that is restricted to a minor subdivision, explaining that if the farm is not directly on a major or secondary road, the property owner will not be able to get enough value out of the lots to cover the cost of the road and storm water management. Buehler added that unless we find a way to use the transfer zones to increase the density in town centers, we will never be able to sell TDRs. He suggested looking at minimum road standards for farm parcels. Barnett advised they have been working with DPW on this issue and have already held a series of meetings. Sharma added they are working on a document now and hope to have that available for review by the farming community soon.

## 5. Next Meeting

Chambers recommended the next meeting be held on Monday, April 4, 2016, at 2 p.m.; all agreed with this date and time. The meeting will be held in the same location.

### Miscellaneous:

- Pass-Through Traffic Data

**Buehler** asked for data from the State Highway Administration or elsewhere on the amount of pass-through traffic going back and forth in Calvert County. He is interested in determining how much of the traffic generated in Calvert County is pass-through traffic coming from people who live in St. Mary's, Charles or Anne Arundel County. **He stated this information would be helpful when complaints are received from the general public about the negative impact new development will have on traffic in the county to show that if we had shopping here we would actually have less traffic.** He feels the public is confused and thinks all the traffic in Calvert County is coming from people who live here. There was brief discussion on this issue. Linda Vassallo advised her department may have data from the Department of Labor Licensing & Statistics on where people work, although she was not certain it would give the pass-through numbers **Buehler** was seeking. **Holler** stated the State Highway Administration did a study on this in the early 1990s. Barnett mentioned looking at the Census Bureau for information. Shannon stated they will research this and see what they can find.

- Stormwater Management Deadlines:

Sharma provided information on recent changes to stormwater management deadlines. He explained the Maryland Department of the Environment (MDE), under their regulations for stormwater management and construction completeness, had a deadline of May 4, 2017, when all infrastructure in every development under construction must be complete. This caused concern with developers and engineers. **Sharma advised that, after receiving input from the development community, DPW has decided they will not require construction completeness for the whole infrastructure by May 4, 2017, but will extend to May 4, 2022; five more years.** However, by May 4, 2017, work related to stormwater management must be complete. To allow time to complete the full construction, five more years has been given due to the economic downturn. Sharma provided brief details on this, advising a document will be sent to all developers, engineers and surveyors explaining the change, which will be in effect immediately. He added this change was approved by the BOCC. *(A memo dated Feb. 5, 2016, from DPW to county surveyors, engineers and development professionals was provided for review.)*

**Calvert County  
Small Business Interest Group**

**April 4, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Tier Maps update and discussion – Tier 3 (follow up to Secretary Craig's visit)
2. EDU's – Status of Proposed Modifications
3. County Sign Ordinance - Status
4. Draft Process – County Staff and their Upcoming Role Replacing the ARCs
5. Date of June Meeting

**Calvert County  
Small Business Interest Group**

**April 4, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Randy Barrett, R.A. Barrett & Associates  
Sandy Bentley, Economic Development  
Danita Boonchaisri, Economic Development  
Dave Brownlee, Community Planning & Building  
William Chambers, Calvert County Chamber of Commerce  
Mary Beth Cook, Community Planning & Building  
Susan Cox, Agriculture Commission/Spider Hall Farm  
Tony DeStefano, EDC/Tax Depot  
Mark Frisco, Century 21 New Millennium  
Rodney Gertz, Quality Built Homes  
Tom Hejl, Board of County Commissioners  
Dan Kelsh, COA  
Chris Moore, EDC/Remax One  
Jenny Plummer-Welker, Community Planning & Building  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Geoff Wanamaker, Bayside Chevrolet  
Mark Willis, Public Works

The meeting was called to order by Bill Chambers.

**1. Tier Maps Update and Discussion – Tier 3 (follow up to Secretary Craig’s visit)**

Chambers advised that several members of the Small Business Interest Group (SBIG) attended the visit and briefing in February by Maryland Department of Planning Secretary

David Craig. Much of the discussion focused on the Growth Tier Map, specifically Tier 3, which allows for individual well and septic. Secretary Craig will send the combined business groups a memo with his reaffirmation of the individual well and septic permitted by law in Tier 3. Since Calvert County staff is currently working on the tier map, Chambers wanted to follow up on those discussions to check the status. He added that following this meeting, several members of the SBIG will meet with county staff to discuss Tier 4. Chambers then turned the meeting over to county staff to provide an update on Tier 3.

Jenny Plummer-Welker provided details on the status of the Growth Tier Map, noting that according to Maryland Department of Planning staff, the Maryland Department of Environment has confirmed that individual septic and well are permitted in Tier 3. Plummer-Welker stated the Board of County Commissioners (BOCC) is concerned about property rights, especially in the Tier 4 category, and staff is carefully looking at Tier 4 to identify what properties might be impacted. The BOCC asked staff to contact those property owners to ensure they are aware of the state law. A work session with the BOCC will be scheduled, possibly in May, followed by a public informational meeting. Ultimately, the BOCC makes the decision on whether to adopt the tiers and in what shape. The state has allowed a two-step process where it can be adopted informally. Plummer-Welker explained the tiers have to be adopted along with the Comprehensive Plan update, so the BOCC can take action now but if they want to do tiers, it has to be reaffirmed in the Comprehensive Plan.

Tom Hejl advised that a key issue for the BOCC is to have personal contact with the 44 or so impacted property owners in Tier 4 to know their positions.

Rodney Gertz questioned the approval process for the tier map. Plummer-Welker explained that technically it is not approved by the state but the state will look at each of the counties to make sure they have complied with state law. If the state believes Calvert County has not complied, the state will comment on it. The Planning Commission and BOCC will then hold a public hearing to hear state comments and decide whether or not to make changes.

Gertz stated that any delay is crippling for this county and other rural counties and expressed concerns regarding the time involved in getting the tier map completed. He added that until it is finalized he and other developers cannot invest in or move forward with projects. Geoff Wanamaker stated the farmers are looking for direction as well and expressed their concerns on this issue at the meeting with Secretary Craig.

There was extensive discussion regarding the differences between Tier 3 and Tier 4, the number of properties affected, and whether the SBIG can assist with getting the word out to affected property owners. Plummer-Welker advised staff plans to send letters to affected property owners inviting them to the BOCC work session and the public information meeting to obtain additional information. The work session will also be available for view via TV. Plummer-Welker added that staff will work with the property owners and meet with them at their convenience. Chambers stressed the importance of making personal contact with the property owners. Susan Cox stated the county must build a support system of the farming base and suggested sponsoring a meeting through the Farm Bureau. She said it is important to start a relationship between the farmers and the developers, adding that from the



agricultural side there is a threatening feeling of takeover. She stated there has to be a purpose behind the meeting and that should be education, not “we want your land.”

Mark Frisco asked if it would be possible for the SBIG to obtain a list of the affected property owners so members can assist with contacting them. After discussion and with Terry Shannon’s approval, Plummer-Welker stated she can provide the list.

Gertz stated he felt it was a mistake for the business community to get involved with contacting the property owners, stating it should be handled by county staff. He also did not feel it necessary to hold more educational meetings since the state held public hearings on this issue and everyone was invited to attend. Gertz noted the longer this process takes the more crippling it will be and we need to make sure we move forward.

Cox stated the farmers she knows are not against development and getting the support of the Farm Bureau could create momentum. Gertz advised that in this case, the county is not trying to take anything away from the farming community but is giving the property owners back their development potential. He added that having staff conduct individual meetings with these individuals is extremely generous and holding the work session and public informational meeting with the BOCC would serve the purpose. Everyone has to be treated fairly but the longer we delay in getting the tier map in place, the more the economic viability of the county is threatened. Hejl agreed that this project needs to move forward but stated the process of contacting the property owners should not take long and a decision should be made soon after.

Randy Barrett questioned what the plan of action was after the meetings are held and personal contact is made with the property owners, asking what the county plans to do when the property owners respond. There was lengthy discussion about whether the county should contact the property owners and, if they do, which property owners should be contacted. Plummer-Welker commented that many of the affected property owners are located in areas on the tier map that cannot be changed. Hejl stated that, in his opinion, if the properties were not in flexible areas where change is allowed, they should not be contacted at all. Chris Moore agreed that only those property owners who have a choice should be contacted, adding we need to identify the parcels that are in play with the acreage.

Gertz stated the next step should be to define those properties a little further and then get a smaller group of SBIG members together, a subcommittee, to look at the results and decide how to proceed.

Wanamaker questioned what the negative effect is to the property owners and why anyone in the flexible areas would not want their development rights back. Plummer-Welker stated their option would be whether or not they want the ability to put a major subdivision on their property, noting she did not think anyone would turn that down. Wanamaker recommended contacting only those property owners in the flexible areas.

Hejl questioned whether the few properties in the flexible area could be moved to Tier 3 on the map. Plummer-Welker detailed the process involved, explaining the BOCC can do this

but the map has to then be sent to the state to decide whether the county has complied with state law. She added the law is unclear on what happens if the state disagrees with the county's decision.

Gertz recommended staff narrow down the affected properties to potentially eight to 10 properties, and then identify the acreage percentage. This will make the decision easier on staff and doesn't require a lot of notification. In this way, the county has done the best it can do for the farming community. It didn't take rights away where it didn't have to and where the rights were already taken by the state, the county is just adhering to the law. That is the easiest solution to this whole situation.

Barrett commented that discussions like this are why the SBIG meeting is worth having. From our discussions we eliminated going to 40 people and stirring them up over nothing. We have accomplished something today.

## 2. EDUs – Status of Proposed Modifications

Mark Willis provided a recap on the status of various issues related to EDUs, as follows:

#1 - Willis advised staff is working on the rewrite of Allocation Resolution 02-14. The draft was reviewed by the County Attorney and the County Administrator. Changes will be incorporated and presented to the BOCC for approval. Willis noted that a lot of the changes made were based on recommendations from the SBIG.

#2 – The Department of Public Works (DPW) is recommending that payment of EDUs for residential users be made as follows: one-third at site plan approval; two-thirds at request for U&O. DPW is also recommending elimination of minimum user fees. Willis detailed the process stating that projects will be broken down into phases and the developer will have four years to complete each phase. If the developer is unable to complete a phase in four years, they can meet with staff to discuss. In response to an inquiry by Linda Vassallo, Willis explained that when the first-third is paid DPW will lock in the total allocation amount needed for the entire project, if available.

Rick Bailey voiced concerns about the first-third payment being due at site plan approval, stating that many residential subdivisions don't have a site plan review but instead get a record plat. If you did have a site plan review and can't get the record plat because of adequate public facilities requirements, it could be seven years before you could actually start something. Bailey feels the term "site plan review" applies more to a commercial project and asked that staff rethink this element. He suggested using either a record plat or the Public Works Agreement as the basis for the one-third payment rather than at site plan approval. Willis agreed, stating he would get this nailed down.

Wanamaker questioned the methodology used to determine how many EDUs are allocated and how many are actually used and questioned the minimum user fee. Willis stated a minimum usage fee applies when you own an allocation that is not yet activated, but you are still going to hold on to it. Willis briefly explained the purpose of a minimum user fee.

#3 – Willis reaffirmed that Exhibit A of Resolution 02-14 was updated several years ago to reflect more accurate usage by local businesses. Willis explained that to establish what a new or renovated business' actual consumption will be, and therefore what its EDUs will be, it was written into the Resolution approximately two years ago that as long as the business purchased one EDU, DPW would evaluate the account for the next two years. At the end of that two-year period, if money is owed to the business it will be given back, but if the business owes money it will be collected. There was discussion on whether the county would refund money owed to the business in the form of a check or a credit toward taps.

Wanamaker stated he would rather have the credit. Willis advised his preference was a credit as well.

#4 – The potential to allow for the transfer of EDUs between businesses of the same ownership will be recommended. Willis explained the transfer of EDUs was allowed several years ago but only within a specific franchise area within a certain district. The Resolution is being updated to accept the transfer of EDUs between businesses of the same ownership. Willis noted DPW will not recommend the ability to trade EDUs among businesses but will make the recommendation to transfer EDUs between businesses of the same ownership.

Wanamaker questioned how ownership would be determined by the county. Shannon advised by common ownership. Wanamaker inquired what percentage of ownership in a business would be considered as common ownership. He pointed out that, at the recommendation of his accountant, he owns a percentage in many different businesses through various LLCs and asked for clarification on what percentage of ownership would allow him to be able to transfer EDUs between his businesses. There was discussion on this issue. Gertz recommended that a minority ownership, even at 10 percent, should qualify. Willis stated he did not disagree with that.

#5 – Willis discussed the ability to defer all but one EDU for up to two years before having to determine the actual number of EDUs and the associated cost. The updated bill would be due after the 24-month history evaluation. He explained that Exhibit A of Resolution 02-14 was rewritten several years ago in an effort to improve accuracy and DPW will continue to review Exhibit A looking for ways to improve. Willis stated the annual audit will provide the ability to shore things up, adding that if the county owes money at that time, the recommendation is that the county will pay that money back. This also means that if annual audit finds someone is using more than they are paying for they will have to pay the county back.

Bailey recommended having a lookback timeframe to allow everyone to understand what the rules are. He added that if that timeframe is within the two-year period analyzed he feels that would be fair. Chambers agreed.

Wanamaker stated the county isn't really paying anything back and provided details on why he feels this is true. He questioned whether the county intended to buy back the EDUs at the current price or at the price he paid for them several years ago. He noted that how the county determines ownership of a business will determine whether he is able to transfer EDUs from

one property to another, adding he feels a minority ownership of 10 percent will work. He also stated water bills in Calvert County are more expensive than in neighboring counties and thinks this will deter businesses from investing in Calvert County. He feels the county should not have an \$8,400 capital connection fee, adding it is important we get this fixed now. He said the county should charge on a quarterly rate based on the water used so a person pays their fair share. The crippling part is this true up of \$8,400. There was extensive discussion on these issues as well as how the county determines capacity for buildout purposes.

#6 – Willis stated that at the request of Wanamaker and others, staff is conducting extensive research for the purpose of rewriting the rate model on how the county charges customers. He advised that one concern was that the county was high on the base rate, and not as high as it should be on the variable rate. DPW plans to look at that rate model and do what it can to bring the base rate down and possibly move to a tiered system that hits the heavy users the most. DPW is also working to change the water and sewer bills in an effort to provide more transparency. Staff wants to provide information on the bill that shows exactly what a customer is getting billed for. Willis advised their goal is to have that rate model rewritten, approved and accepted by the board so it can go into effect on January 1, 2017.

Willis advised his update was complete unless anyone had further questions for him.

With regard to Wanamaker's statement that water bills are more expensive in Calvert County, Rai Sharma advised DPW has compared bills with Charles and St. Mary's Counties and found that Calvert County was not that far off. With regard to the \$8,400 capital connection fee, he stated that to his knowledge every jurisdiction charges that fee in one form or another, although it may be called something different. Everybody charges that fee to expand their infrastructure to avoid borrowing money for small improvements. Wanamaker advised he would be interested in meeting with Sharma to compare water bills.

There was additional discussion on this issue. Shannon commented that one advantage Charles County has over Calvert County is density, adding the more customers you have, the lower the price. Wanamaker disagreed stating the more water and sewage they have the more expense they have, adding they have just as much expense percentage-wise as Calvert County does so their costs should be comparable. Shannon stated she will try to obtain an audit from Charles County to review.

Chambers thanked Willis for his presentation and asked if there was a timeline for completion. Willis advised he is working to incorporate changes from the County Attorney and County Administrator now. Once complete, it will take three or four weeks to brief the commissioners and then will have to go to public hearing. We are several months away, he said.

Gertz stated that from a residential standpoint, the improvements being recommended for businesses in Calvert County are humongous and he feels that Willis and Sharma have made a tremendous effort to improve this program. He added he understands Wanamaker's frustration regarding the EDU issue but feels getting that part resolved will be the last piece of the puzzle. Wanamaker agreed, stating the improvements made on the residential side are

perfect and will save everyone much aggravation. Wanamaker added he doesn't want to stop this from moving forward because it does help the development community a lot.

Sharma commented he has tried to make many improvements since he has been with the county to make life easier for the citizens of Calvert County. He is supportive of business but the connection fees discussed previously are everywhere although they may be hidden in different ways in different places. The study being conducted now will help determine how other counties charge for services. Sharma added he wants to be fair and would love to sit down with Wanamaker when the study is complete to compare charges.

Gertz asked Rick Bailey to give his opinion on how other counties deal with the EDU issue. Bailey stated it varies from county to county. He commented that, at the end of the day, we want the EDU capacity that we use to match what we are being charged for. We don't want to be charged for 10 knowing we are only going to use five; we want a reasonable assessment. We don't want to have to go back and argue it later to get a refund. Shannon agreed.

In answer to an inquiry by Chambers, Willis advised the next step is to incorporate some of the discussions heard today into the draft document for presentation to the BOCC. Wanamaker asked if Willis could include the 10% common ownership in the document. Willis advised he plans to recommend a 10% common ownership at a minimum, but it could be less.

Discussion then turned to allocated capacity versus actual usage. Barrett commented the 200 gallons per day per EDU allocation for residential is higher than the actual usage and believes it should be more like 130 gallons. Barrett questioned whether DPW was leaving taps on the table because it over allocates versus actual usage, adding that if there is a 20 or 30 percent gap between usage and allocation on a residential component, that is significant. Then you have plants that are operating or you have allocated capacity in regards to the volume that you are using, but you are not using that. Therefore, you run out of taps but your plant is operating below capacity. Barrett stated he didn't want the county to be forced into spending money to expand facilities that are not at capacity. Willis stated he can look at that but doesn't know of anyone lower than Calvert County. Sharma advised that plants are always designed for 20 percent over capacity, noting that when it comes to the design of facilities, the American Water Works Association set the rules.

### **3. County Sign Ordinance - Status**

Staff is working with the consultant, Compass Point Planning, on the sign regulations draft. Plummer-Welker advised the draft provides for more signage and an effort has been made to streamline signage so that town centers are all in one chart. The draft is currently with the County Attorney for review. Revisions will be made based on the County Attorney's comments and it will then be sent to the BOCC for review. The draft will then go to the ad hoc committee, any changes will be incorporated into the document, and it will be sent back to the BOCC. They will then proceed with the adoption process.

Chris Moore asked if they had a timeline. Plummer-Welker stated it will depend on when the

draft is returned by the County Attorney, but as soon as possible. Chambers noted that during discussions at the September meeting, the timeline was February and questioned if it would be completed before Labor Day. Plummer-Welker replied it will probably not be complete until the end of summer.

#### 4. Draft Process – County Staff and their Upcoming Role Replacing the ARCs

Plummer-Welker provided a brief update on the architectural review process now that county staff has replaced the role of the Architectural Review Committees (ARC). *(A handout was provided containing a copy of a presentation given to the Planning Commission on March 16, 2016).*

Plummer-Welker explained that applicants will submit their application to the Department of Community Planning & Building (CPB). Staff will review the application and give a recommendation to the Planning Commission Administrator. If everything is in agreement, the recommendation is for approval. If the proposed project meets the particular town center's zoning ordinance, the Planning Commission Administrator has the authority to approve the application for the Planning Commission. If staff is recommending denial or conditions that the applicant does not agree with, or if the applicant has submitted an application that is not in agreement with the zoning ordinance requirements, it will be referred to the Planning Commission for consideration. She noted this is the current process so, in effect, the ARCs are taken out and staff is doing a much quicker review. The Planning Commission has the final decision on whether to approve or deny. Plummer-Welker advised the BOCC does not have a role in the decision of the Planning Commission for architectural review. When staff presented it to the Planning Commission there was a question about the appeal process. For the appeal process, that was referred to the County Attorney to clarify or to either the Board of Appeals or Circuit Court.

#### 5. Next Meeting

Chambers advised the next meeting be held on Monday, June 6, 2016, at 2 p.m. The meeting will be held in the same location.

#### Miscellaneous:

- Chambers requested this item be added for discussion and directed his comments to Tom Hejl and Terry Shannon. He stated that with projects underway such as the Comprehensive Plan update, Armory Square, and the need to expand the major town centers to increase the commercial tax base, members of this group are concerned the budget for the Department of Economic Development (DED) is not what it should be and understands there may have been a small cut in that budget. Chambers commented the ladies and gentlemen sitting in the room feel very strongly that that budget should be increased. He understands the county has money problems but part of getting the county back where it needs to be is the leadership of Hejl and his colleagues and it is also making sure we have a vibrant DED that has the tools it needs to attract business and keep the ones we have here.

There was discussion on this issue. Shannon questioned what budget cut Chambers was referring to. Chambers stated they understood there was a small cut, about 5 or 6 percent,



to the DED budget. Vassallo clarified that the 6 percent cut was actually the reduction of the visitor center operations, explaining there was a \$100,000 line item in the budget for the operation of the visitor center that was removed. When the department took over the operations it absorbed the cost with existing budget. Chambers inquired if the department was given funds to run the visitor center. Vassallo answered no, adding she identified funds within the existing budget to keep the visitor center open by reducing tourism spending.

Chambers asked that the BOCC take a hard look at this, adding that in order for the county to be business friendly it needs to make sure the arm of county government that supports businesses is given all the resources it needs, and more.

Shannon explained there was a \$100,000 line item that was being paid to have the visitor center run by someone other than the county. When the county took over the operations the cost was reduced to approximately \$20,000. Shannon stated she wanted to make sure everyone understood they did not reduce the economic development budget by \$100,000. Vassallo was able to find savings in her budget to cover the expense. Chambers advised he understood but noted the operation of the visitor center is different than what it was when the Chamber of Commerce handled it. It was staffed differently based on the contract the Chamber of Commerce had with the county. He stated the county found savings in the operation by reducing hours and staff.



**Calvert County  
Small Business Interest Group**

**June 6, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Timeline for County Sign Ordinance
2. Timeline for Commissioners Approval of Changes to the EDU Program
3. Public Hearing Date/Info to Formally Abolish the ARCs
4. Presentation on the Comprehensive Plan Process
5. Date for August Meeting – Monday, August 1, 2016 at 2:00 p.m.

**Calvert County  
Small Business Interest Group**

**June 6, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Sandy Bentley, Economic Development  
Danita Boonchaisri, Economic Development  
Dave Brownlee, Community Planning & Building  
Bill Chambers, Calvert County Chamber of Commerce  
Mary Beth Cook, Community Planning & Building  
Danielle Conrow, Public Works  
Susan Cox, Agriculture Commission/Spider Hall Farm  
Tony DeStefano, EDC/Tax Depot  
Mark Frisco, Calvert County Chamber of Commerce/Century 21 New Millennium  
Rodney Gertz, Quality Built Homes  
Tom Hejl, Board of County Commissioners  
Chris Moore, EDC/Remax One  
Michael Moore, Southern Maryland Black Chamber of Commerce  
Jenny Plummer-Welker, Community Planning & Building  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Anthony Williams, Builtrite Homes  
Mark Willis, Community Planning & Building

The meeting was called to order by Bill Chambers at 2:05 p.m.

**1. Timeline for County Sign Ordinance**

Chambers stated he and Anthony Williams sent a request to the Department of Community Planning & Building (CPB) requesting they provide a copy of the draft Sign Ordinance for review and asked Mark Willis to respond to this request.

Willis advised that CPB was currently working with the county attorney to fine-tune the draft Sign Ordinance and didn't want to distribute the document until that was complete. He has no problem providing the document for review but would prefer to wait until it is approved by the county attorney. Willis offered to meet with Chambers and Williams following this meeting to discuss further. Williams stated everyone is anxious to see the document but acknowledged the request was last minute. Willis noted staff is working on the final timeline for accomplishing the entire task and felt they were close to being able to provide not just a copy of the draft ordinance but also a timeline.

Jenny Plummer-Welker distributed a handout showing timelines for several CPB projects. The timeline for the County Sign Regulations is as follows:

- Meet with Ad Hoc Sign Regulations Committee – July 2016
- Planning Commission Work Session – August 17, 2016
- Joint Public Hearing, Planning Commission (PC) and Board of County Commissioners (BOCC) – September 2016

In response to an inquiry from Chambers, Plummer-Welker stated that due to the complexity of the ordinance and the recent decision by the Supreme Court regarding sign content, staff would like to meet with a small group of the ad hoc committee to go through the draft document. Mike Moore questioned the possibility of locating a model similar to our rural community that staff could work from to expedite the process. Plummer-Welker explained that because of the Supreme Court ruling which removed the ability to regulate signs by content, she was not aware of any models that would help.

Terry Shannon provided an explanation of the meaning of content-based signs. There was discussion regarding the effect of the Supreme Court ruling and enforcement of the regulations. John Norris briefly explained the legalities of the ruling.

## **2. Timeline for Commissioners Approval of Changes to the EDU Program**

Willis advised CPB held a work session with the Board of County Commissioners (BOCC) and was provided with input and guidance. Prior to the adoption of the document, it must go to a public hearing. Willis stated the public hearing will probably be scheduled sometime in late July.

## **3. Public Hearing Date/Info to Formally Abolish the Architectural Review Committees (ARCs)**

Based on the handout distributed earlier by Plummer-Welker, Chambers stated the work session with the PC is scheduled for June 15, 2016. The joint public hearing with the PC and the BOCC will be scheduled in July/August 2016.

## **4. Presentation on the Comprehensive Plan Process**

Willis advised that Mary Beth Cook and Plummer-Welker will provide a PowerPoint presentation today to explain what the Comprehensive Plan and Zoning Ordinance are, why it is necessary to update them, what the process is to accomplish this and how to get everyone involved in that process.

Plummer-Welker provided the presentation on the Comprehensive Plan. Cook gave the presentation on Zoning Ordinance update. An electronic copy of the presentation will be provided to members. There was discussion regarding proposed text amendments that will soon go before the BOCC for approval. Zoning maps will also be updated. Plummer-Welker stated they are asking for participation through public meetings, specific topic meetings and through social media. For those people unable to attend the public meetings, slideshows and information will be posted on the county's website and feedback will be requested. Per the handout provided by Plummer-Welker, the timeline for the Comprehensive Plan and Zoning Ordinance updates is as follows:

Identify Issues – now through Fall 2016

- Initial meetings, analysis of existing conditions
- 1<sup>st</sup> round of public meetings
- Joint work session between PC and BOCC

Develop Plan and Ordinance – Fall 2016-Fall 2017

- Issue development with stakeholders and interested persons
- 2<sup>nd</sup> round of public meetings
- Draft plan, review and joint work session about Plan
- Draft Zoning Ordinance, review and joint work session about zoning ordinance

Adoption – Fall 2017 – Spring 2018

- Revised draft plan
- Revised draft ordinance
- Joint work session, public hearing and adoption for plan
- Joint work session, public hearing and adoption for zoning ordinance

Discussion ensued. Williams commented staff has worked hard to get things where they are but expressed concerns about how long the process is taking. He feels the process has been painful because of the PC. Williams shared that he and the president of the Ag Board recently requested a meeting with Mike Phipps of the PC but Mr. Phipps denied that request. Williams felt this was irresponsible and disrespectful.

Mike Moore stated there are several levels of participation in the decision-making process including the BOCC, the PC and staff and if everyone is not on the same page with the vision for our community, it will not happen. The young people are leaving our county because there are no job opportunities and no affordable housing. The PC is an impediment to the development of our community and there needs to be a decision made at the top level, with the BOCC, giving direction to the PC on where the county needs to go. He added the missing component of all of the public meetings is the younger generation; those from 18 – 30 years of age.

Rodney Gertz stated changes must be made and there must be flexibility in the plan to allow modifications when necessary. He spoke highly of staff and Commissioner Hejl regarding changes made so far and feels the PC is the problem. He added that town centers need to be more viable and we can't wait until the Comprehensive Plan updates are complete.

Chambers commented there should be an educational piece included at the public meetings to inform citizens about the issues farmers are facing and how the commercial and residential tax contributions are currently upside down. The facts are we have a declining school enrollment and a stagnant economy with impediments to growth and development in town centers. Unless there is an educational component that precedes every public meeting, the meetings will be dominated by individuals that don't want to be confused by facts.

Mark Frisco recommended using the Market Square Shopping Center in Prince Frederick, developed by Marrick Properties, as an example of good development, adding that while everyone loves that shopping center now, he is sure there were challenges when it was being built as well.

Rick Bailey commented that the portion of the Comprehensive Plan presentation with the most meaning to him deals with decreased traffic, adding that the perception of most people is that traffic has gotten worse, but that is not the case. Decreased traffic is a reflection of our changing demographics. Having more retired and older people in our community is reflected in decreased traffic and in decreased school enrollment. He questioned what this means to the county's budget and how this information can tie into the educational component needed for public meetings.

Following discussions, Plummer-Welker stated that information regarding future public meetings and links to questions will be posted on the county's website at [www.co.cal.md.us/futureCalvert](http://www.co.cal.md.us/futureCalvert) and welcomed everyone's ideas and thoughts. As to the comments made about educating the public, she advised CPB plans to conduct presentations to the public later this summer similar to the one given today to get people thinking about the Comprehensive Plan. There was brief discussion about how to get the younger generation involved in this process.

##### **5. Date for August Meeting – Monday, August 1, 2016 at 2:00 p.m.**

Chambers confirmed the next meeting be held on Monday, August 1, 2016, at 2 p.m. The meeting will be held in the same location.

##### **Miscellaneous:**

- Rai Sharma made a request to all attendees who deal with CPB and Public Works that they make sure all documents submitted for consideration are complete and correct before they are submitted for review. He noted that if the engineer does his due diligence to ensure the documents are complete before they are submitted, staff will be able to process the paperwork more quickly.
- Frank Smith recommended that an invitation be sent to the PC to have a representative attend the Small Business Interest Group meetings. He added this group is having a positive impact and it would be beneficial to have a representative from the PC at the meetings.
- Sharma advised he was contacted previously by Anthony Williams regarding an issue the development community is having with the Maryland Department of the Environment. After brief discussion, Sharma and Williams agreed to schedule a separate meeting to discuss the issue.
- Williams questioned the process for rerouting of permits and what determines a reroute, stating he has concerns about construction being stopped while a reroute is conducted. He

advised he does not understand the process and requested more information from Mark Willis. Williams and Willis agreed to schedule a meeting within the next few days to discuss this issue further.

There was brief discussion about increased regulations and the possibility of CPB creating **checklists** that can be provided to customers at the beginning of new construction projects mapping out the process and requirements needed for a particular project. Willis stated he is always looking for ways to help the efficiency of his department but expressed concerns about how many checklists would need to be created and how extensive the checklists would need to be. Mike Moore noted there are many ways to interpret the county's code and putting together a checklist will save people time and money. Tom Hejl felt it would not be necessary to create a huge number of checklists and gave examples of several projects where a checklist would be helpful; such as, new home construction, decks, pools, fences and adding a room to an existing property.

**Calvert County  
Small Business Interest Group**

**August 1, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. EDU Reforms – Status and Implementation Schedule
2. Sign Ordinance – Request from Small Business Interest Group to Review the Draft Prior to the Planning Commission August Meeting
3. Re-Routing
4. Discussion –Tier Maps – Expansion of Major Town Centers to an Additional One Mile in Radius
5. Date for October 2016 Meeting – Monday, October 3, 2016 at 2:00 p.m.



**Calvert County  
Small Business Interest Group**

**August 1, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Randy Barrett, R.A. Barrett & Assoc.  
Sandy Bentley, Economic Development  
Danita Boonchaisri, Economic Development  
Dave Brownlee, Community Planning & Building  
Bill Chambers, Calvert County Chamber of Commerce  
Mary Beth Cook, Community Planning & Building  
Ron Cooper, RMC Innovative Solutions  
Danielle Conrow, Public Works  
Audrey Piercy, Public Works  
Mark Frisco, Calvert County Chamber of Commerce/Century 21 New Millennium  
Rodney Gertz, Quality Built Homes  
Mike Hart, Board of County Commissioners  
Tom Hejl, Board of County Commissioners  
Dave Jenkins, Southern Maryland Association of Realtors  
Dan Kelsh, COA  
Chris Moore, EDC/Remax One  
Michael Moore, Southern Maryland Black Chamber of Commerce  
Jenny Plummer-Welker, Community Planning & Building  
Wayne Raither, Public Works  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Anthony Williams, Builtrite Homes  
Mark Willis, Community Planning & Building

The meeting was called to order by Bill Chambers at 2:05 p.m.

### 1. EDU Reforms – Status and Implementation Schedule

Rai Sharma advised the county attorney approved the final document this morning. Sharma is hopeful this will go to public hearing on Aug. 30. The document will be available on the county website.

Chambers thanked Sharma for the expediency in which this was accomplished, adding the document is pro-business and business friendly. On behalf of the Small Business Interest Group (SBIG), Anthony Williams expressed his gratitude as well, stating everyone is listening to each other now and that is important. He is proud of the accomplishments made so far, including the recent approval of the text amendments which will provide an opportunity to move forward. Williams stated the next steps will be to increase the town centers and take care of the TDR program but feels the county is on the right track. Chambers stated it is vital to the sustainability of the county that we look at the commercial and residential town centers as true success stories and thinks everyone will be surprised at how quickly the business community responds when expansion of the major town centers takes place.

### 2. Sign Ordinance – Request from Small Business Interest Group to Review the Draft Prior to the Planning Commission August Meeting

Chambers stated the sign ordinance will go before the Planning Commission in several weeks and expressed his concerns that a draft of the document has not yet been provided to members of the SBIG for comment.

Mark Willis explained the county attorney made multiple recommendations to the draft sign ordinance and staff is working to address those recommendations. He stated Community Planning & Building (CPB) will make this a priority and plans to create a core group of three staff members who will dedicate time to get this task completed. Once complete, it needs to go back to the county attorney; then to the ad hoc committee, which will consist of members of the SBIG, for review and comment; to the Board of County Commissioners (BOCC); and then to the Planning Commission. Willis was hesitant to provide a timeline but said he can provide the SBIG with a copy of the process that must be followed to get the document ready for adoption sometime this week.

Mike Hart stated he would like to see the regulations be the same throughout the county. Chambers commented the business community shares that sentiment.

To help expedite the process, Mike Moore suggested CPB conduct research to see if another jurisdiction has a model available that fits Calvert County's needs rather than trying to reinvent the wheel. Willis commented he did not think a model was available, noting that at this point it would not be beneficial to use a model since the sign ordinance process is already well underway and a lot of work has been put into the document. There was brief discussion regarding the recent Supreme Court decision on sign content and how that decision can be enforced.

Dan Kelsh commented that the SBIG would like to help simplify the sign ordinance and asked that they be allowed to review the document at the earliest possible opportunity.

Chambers agreed, stating that if there is something glaring in the document the SBIG would like an opportunity to weigh in on it and work through possible solutions and alternatives. Willis advised he will find out when he can legally release the document for review, adding the SBIG will have an opportunity to comment on the document prior to any final recommendations going to the BOCC. Terry Shannon advised that once staff is confident the county attorney has no major issues, the document can go to this group or the sign ad hoc committee for review.

### 3. Rerouting

Williams directed several questions to Mark Willis. He asked for clarification on who was required to review the site plan when it is being revised. He also asked if it would be possible to establish a fast-track day so all necessary approvals could be obtained in one day. He explained that currently the process is taking too long and developers are unable to move forward on projects until the rerouting is approved, adding that having to stop construction on a house while waiting for approvals is hurting the developers.

Rodney Gertz provided an example of how difficult it is and how long the approval process takes when a customer asks to make a simple change to their house plans, stating it is difficult to explain to a customer that there will be a six-week delay in their house construction because of a minor change. Gertz added they are not trying to avoid compliance with state agencies but feels there should be a way to fast-track the process.

Willis stated he will look into this issue.

### 4. Discussion – Tier Maps – Expansion of Major Town Centers to an Additional One Mile in Radius

Chambers stated there have been previous discussions regarding tier maps and asked if anyone had additional thoughts or ideas they wanted to share.

Williams asked about transferrable development rights (TDR) and what would be most beneficial to help those people trying to sell the TDRs. There was brief discussion about the number of TDRs available for purchase and how the zoning changes in 1999 and 2002 affected the TDR program.

There was discussion about the possibility of combining the adoption of the tier maps with the comprehensive plan update. Williams suggested not waiting to adopt the tier maps and questioned why the tier maps and the comprehensive plan update can't be completed at the same time so they can match.

Jenny Plummer-Welker stated that until the tier map is adopted properties in Tier #3 cannot move forward. She added CPB talked about a two-step process where we proceed with adoption of the tiers now, take a close look at them during the comprehensive plan update and see if we can narrow down the impact.

Gertz felt the county would have to get the tier maps in place and then work through the comprehensive plan for expansion of the town centers. He added that trying to combine the

tier maps with the comprehensive plan will delay the tier maps for three or four years and will be more detrimental. Williams stated he did not want to see delays.

To clarify, Shannon advised the county is getting ready to move forward with the adoption of the tier maps as the zoning stands today. Then, as we are working through the comprehensive plan and expanding the town centers, the tier maps will be adjusted to reflect what is in the updated comprehensive plan. When the new comprehensive plan is adopted, the new tier maps will be adopted at that time.

Mike Moore commented that, with regard to the expansion of the town centers, if any changes are going to be made they need to be consistent to avoid having to come back in 10 years to make another change. Let's try to make changes that make sense, he said. Williams advised that town centers with water and sewer will have the most impact on the TDR program. Mike Moore suggested that maybe there should be some discussion on that now, not after the fact.

##### **5. Date for October 2016 Meeting – Monday, October 3, 2016 at 2:00 p.m.**

Chambers confirmed the next meeting will be held on Monday, Oct. 3, 2016, at 2 p.m. The meeting will be held in the same location.

##### **Miscellaneous:**

- TDRs – For the next meeting, Williams asked that everyone try to come up with ideas on how to sell TDRs. He feels the state has hurt the rural counties by pushing all growth to counties that have water and sewer treatment facilities. In a recent meeting with Mike Miller, Williams stated he suggested the state adopt a program where inner city housing, for connection, would have to buy a TDR from Calvert County. Chambers stated that every rural county was hurt, not just Calvert County.

Williams stated it would be a great idea if the rural counties could adopt legislation that would force the people that have the land for water and sewer to purchase TDRs. Gertz agreed, stating a set dollar amount could be used that could then be put toward the TDR fund program and distributed to other counties in the state. Williams added that if it were possible to sell TDRs outside the county, our TDR program might grow again. Mike Moore commended Williams for his idea and recommend further discussions with Mike Miller to see if Miller could convey this idea to this colleagues.

Tom Hejl stated that county staff was planning to attend the Maryland Association of Counties meeting at the end of the month and could discuss this with the Rural County Coalition.

Chambers commented they may have some follow-up meetings on this issue between now and the next SBIG meeting in October.

The meeting was adjourned at 2:55 p.m.

**Calvert County  
Small Business Interest Group**

**October 3, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Request for Copies of Written Guidelines/Parameters Provided to the Consultants for the Comprehensive Plan
2. Sign Ordinance Progress and Update
3. Abolishment of the Architectural Review Committees (ARC) – Next Steps?
4. Presentation – Category 1 and Category 2 Site Plans – Becky Parkinson, Planning Commission
5. Adjourn

**Calvert County  
Small Business Interest Group**

**October 3, 2016, 2 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Randy Barrett, R.A. Barrett & Associates  
Sandy Bentley, Economic Development  
Danita Boonchaisri, Economic Development  
Bill Chambers, Calvert County Chamber of Commerce  
Ron Cooper, RMC Innovative Solutions  
Danielle Conrow, Public Works  
Susan Cox, Agriculture Commission  
Tony DeStefano, Tax Depot  
Rodney Gertz, Quality Built Homes  
Tom Hejl, Board of County Commissioners  
Dave Jenkins, Southern Maryland Association of Realtors  
Chris Moore, Remax One  
John Riffe, Gradient Construction  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Anthony Williams, Builtrite Homes  
Mark Willis, Community Planning & Building

The meeting was called to order by Bill Chambers at 2:05 p.m.

**1. Status of Inspections and Permits, Backlogs and Staff Shortages**

Chambers stated this item was added to the agenda at the last minute at the request of Tony DeStefano. Discussion was then turned over to DeStefano for details.

DeStefano distributed a handout summarizing his concerns regarding backlogs and delays in the inspections and permits process. He feels the delays with permit approvals and timely inspections are due in part to staff shortages, adding there needs to be better coordination between agencies. He questioned what the county was doing to improve customer service

and community relations to help businesses get what they need as quickly as possible. DeStefano commented hiring additional staff might help and also recommended raising fees to cover the salary for new employees.

Anthony Williams stated most inspectors working for the county are dedicated employees who care about their jobs and the people they serve. He noted there are problems, mainly due to health issues and retirement, and agreed they do need help. Williams recommended cross training the younger inspectors so they can handle multiple tasks and fill in when someone is out sick. With regard to temporary inspectors, Williams commented the county should have a list of at least 10 or 12 inspectors to pull from at any given time rather than just one or two, and these temporary inspectors need to be paid more than the normal salary as an incentive to get them to work.

DeStefano commented another issue with the temporary inspectors is they have to shelve their license when they come to work for the county and many do not want to do that. There was discussion about the reasons behind this requirement and the ethical issues involved.

Williams stated the county has a pro-growth Board of County Commissioners (BOCC) that is making changes to entice growth in the town centers and feels the county needs to get ahead of the curve before the growth begins.

Ron Cooper questioned whether the county had a transition or succession plan for the inspectors who will retire soon and asked if other employees are being trained to fill those positions. Terry Shannon stated there are retirees in the community looking for part-time work and having a list of substitute inspectors the county could tap into when the need arises would be helpful.

DeStefano also expressed his concerns with the planning review process, stating a small change to building plans causes substantial delays in both the county and state approval process. He feels this is hurting future development of the county, adding the county needs to work with the state to fix these issues.

Chris Moore asked how other counties are dealing with these labor issues. Mark Willis advised that St. Mary's County uses a third-party company for its inspections. Willis noted the asking salary for these inspectors is substantially higher than what Calvert County pays its inspectors. There was brief discussion on the use of third-party companies for inspections. Williams commented that if the county chooses to use third-party inspectors the current inspectors should not get shoved aside. Rai Sharma stated the third-party inspectors would only be used on an as-needed basis when regular inspectors were sick or on vacation.

DeStefano discussed the possibility of using a third-party inspector, at the expense of the individual or business requesting the inspection, when a project needs to be expedited and county inspectors are experiencing a backlog. There was brief discussion on this issue.

Tom Hejl stated the BOCC understands staff is shorthanded and recommended Mark Willis request additional staff when he submits his FY18 budget request. There was additional

discussion about hiring new staff and cross training employees.

Following discussions, Willis advised he will provide a detailed analysis at the December meeting. He will research how other counties handle their inspections and report back to this group. He added he has performed a staff analysis and will address this in his FY18 budget submittal.

## **2. Request for Copies of Written Guidelines/Parameters Provided to the Consultants for the Comprehensive Plan**

Chambers advised the requested guidelines/parameters for the comprehensive plan were provided by Willis and were sent out to the entire group; Chambers thanked Willis for providing the information.

Chambers stated he and Williams recently attended one of the forums provided for the comprehensive plan and wanted to discuss some of the questions/concerns they had regarding the forum. He advised the business community has concerns that this process will drag on well past the next election cycle. (A list of concerns/issues was provided to members.) Chambers requested written answers be provided that can be shared with this group as well as other business groups.

There was discussion regarding the forum and the list of concerns/issues. Several issues discussed included:

1. Lack of attendance at the forum and a lack of young people in attendance
2. Lack of discussion regarding tier maps or the TDR program
3. Not enough information being provided at the forum

Discussion ensued regarding how to get more citizens involved in the comprehensive plan update process. Susan Cox suggested going to the people and recommended making presentations at PTA meetings, church meetings and the Farm Bureau annual dinner. Frank Smith recommended giving presentations to students at the College of Southern Maryland as a way to obtain younger viewpoints. Dave Jenkins stated multiple platforms for outreach need to be considered, adding there are companies that will create interactive outreach programs. Chris Moore added a Facebook campaign would be a good way to get the younger citizens involved.

Willis commented the comprehensive plan update process is still in the beginning stages and the purpose of the meetings held so far was to get information out to the citizens and to obtain their vision for Calvert County. Willis noted that to date, staff has not turned down a single person requesting a presentation for their group or organization. Staff is currently working with the Board of Education and the College of Southern Maryland to provide presentations to high school and college students. In addition, staff has already had discussions about obtaining interactive feedback from citizens through Facebook and social media.

Linda Vassallo stated it is important to remember we are in the beginning stages of outreach and feedback on how people want to receive information was obtained from the first



comprehensive plan meetings. Staff has prepared an outreach plan that includes a heavy focus on social media but also includes using videos, interviews and direct mail and email campaigns. All of that is coming after these meetings happen.

Randy Barrett stated the county wants to hear what people have to say but we learn more by what they do. We have declining school enrollments, we export our young people and valuations on our property rights are flat. Barrett added we need to watch what people do instead of what they say and it is the job of the county to interpret that data to determine what is wrong and what needs to change.

### **3. Sign Ordinance – Progress and Update**

Willis provided an update on the progress of the sign ordinance advising that reviews by staff and the county attorney are complete. The document will be provided to the sign regulations ad hoc committee for review the week of Oct. 17, followed by review by the entire committee. Staff plans to schedule this on the BOCC agenda Nov. 29 and present to the Planning Commission Dec. 14. Willis added staff hopes to receive final approval from the BOCC in early January 2017.

### **4. Abolishment of the Architectural Review Committees (ARC) – Next Steps?**

Chambers noted the BOCC voted to abolish the ARCs on Nov. 24, 2015, and asked for a status update from Willis. Willis advised this was scheduled for adoption Oct. 25.

### **5. Presentation – Category 1 and Category 2 Site Plans**

Carolyn Sunderland, Planning Commission Administrator with the Department of Community Planning & Building, provided information on a recent change to the site plan review process regarding conditional approval for Category II site plans. (A copy of a memo dated Sept. 20, 2016, from Carolyn Sunderland to Terry Shannon, County Administrator, was provided for reference.)

As background, Sunderland explained the Department of Community Planning and Building was directed by the BOCC to analyze and provide options and recommendations to address Category II site plans. Category II site plans are limited to projects with new construction (new buildings or addition to existing buildings) that cumulatively total less than 5,000 square feet, do not alter existing vehicular traffic patterns, and do not propose an automobile filling station, car wash, fast food restaurant, bank or any other use involving drive-up service. Sunderland noted that Category I site plans must be approved by the Planning Commission.

In response to this directive, staff met separately with representatives from the building/engineering communities in early 2016 to evaluate the present site plan procedures and consider changes that would improve the process. It was the consensus of the representatives that issuance of a conditional approval for Category II site plans would benefit most county stakeholders. Sunderland advised staff concurs the issuance of a conditional approval for Category II site plans would enhance customer service and provide additional documentation to the applicant/agent relative to the project's status and progress through the review process. Sunderland added staff determined this change could easily be

incorporated into the current site plan procedures and provided details on the current site plan approval process and how this change can be implemented. Sunderland stated the proposed changes in policy and procedures for Category II site plans took effect Oct. 1, 2016.

Barrett stated he was in favor of the proposed changes but asked that, during the comprehensive plan update, staff attempt to improve the issue of having different dates and time frames on various plans – such as preliminary subdivision plans, final plats, site plan approvals, public facilities, road plans, etc. – noting that currently everything has a different time frame, a different vesting date and a different start date. Barrett commented he would like to see some of these combined to avoid having to go through different extension processes to keep approvals alive and concurrent, adding it is very hard to keep track of all the expiration dates for projects.

Chambers thanked Sunderland for the presentation, adding he felt this was another step in the right direction.

## **6. Adjourn**

Chambers confirmed the next meeting will be held on Monday, Dec. 5, 2016, at 2 p.m.

The meeting was adjourned at 3:20 p.m.

**Calvert County  
Small Business Interest Group**

**December 12, 2016, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Continued Discussion on Inspector and Staff Shortages Impacting the Business Community
2. Sign Ordinance - Discussion to Include “lolly pop” Weekend Signs
3. Permits, Backlogs, Permit Processing and Timeframes
4. Architectural Review Process – Commissioners’ Plans
5. Comprehensive Plan - Update
6. Adjourn

**Calvert County  
Small Business Interest Group**

**December 12, 2016, 2 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Sandy Bentley, Economic Development  
Danita Boonchaisri, Economic Development  
Bill Chambers, Calvert County Chamber of Commerce  
Ron Cooper, RMC Innovative Solutions  
Marty Cooper, RMC Innovative Solutions  
Tony DeStefano, Tax Depot  
Rodney Gertz, Quality Built Homes  
Dave Jenkins, Southern Maryland Association of Realtors  
Dan Kelsh, COA  
Chris Moore, Remax One  
John Riffe, Gradient Construction  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Kelly Robertson-Slagle, Economic Development  
Frank Smith, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Anthony Williams, Builtrite Homes  
Mark Willis, Community Planning & Building

The meeting was called to order by Bill Chambers at 2:03 p.m.

**1. Continued Discussion on Inspector and Staff Shortages Impacting the Business Community**

Chambers advised this item was placed on the agenda as follow up from the last meeting. Mark Willis stated he would combine his update for items 1 and 3 on the agenda since they were related.

With regard to item 3 – “Permits, Backlogs, Permit Processing and Timeframes,” Willis advised that he is currently aware of no backlog right now, adding that if a call is received for

an electrical inspection on a Monday, it will be done by Wednesday. He is trying to hire a second full-time electrical inspector so things are moving in the right direction. Willis noted he is not aware of a tremendous backlog but he will investigate any issues brought to him.

Discussion switched to item 1 on the agenda and how to correct the issue of inspector and staff shortages. Anthony Williams feels the county should look hard at cross training inspectors and educating younger inspectors. Willis acknowledged that while new applicants were asking for salaries higher than budgeted, he was impressed by several applicants he recently interviewed because they were trained in multiple disciplines.

Ron Cooper inquired about the use of outside contractors. Willis advised the question is whether the county has dedicated back-up support that can fill in when needed, and have someone either on-call or actually working for the county on a contracted basis that we can call at any given time. He stated several counties use some version of this and he plans to consider it during the next budget cycle. The goal is to improve customer service and using outside contractors could help, especially since they are usually capable of conducting inspections in more than one discipline or trade. Williams agreed using outside contractors would be beneficial but wanted to ensure this would not have an adverse effect on those inspectors currently working for the county.

Willis noted that if projects like the Dominion expansion or a big housing development are taken out of the picture, there is no issue with backlogs. He stated that possibly, with adequate advance notice and planning, the county might be able to use contracted services on larger projects and this is something he intends to research.

Rick Bailey stated another option, particularly on commercial projects, is the use of third-party inspections. He explained that the developer/contractor would hire an independent consultant to do all the inspections on a project, eliminating the need for a county inspector to be involved. This removes manpower requirements from the county. Williams commented that for big commercial projects time is money, and the ability to use third-party inspections would be a huge step in the right direction.

Willis noted he was not against any of the recommendations but needed to do research and look at what the cost is to use in-house staff versus an outside entity. Williams stated the choice could be up to the developer as to whether or not they want to use a third-party inspector and the developer should pay for their permits, adding the county should not give them any credit. Bailey agreed, stating the key is the ability to schedule when your consultant will be there so there is no lost time waiting for an inspector to show up.

Tony DeStefano commented that one reason he originally brought this topic to the attention of this group was to open a line of communication and dialog. He expressed his concerns that the permitting process needs to be more clearly defined and everyone, especially county staff sitting at the front counter, needs to know what the process is and be able to provide a full explanation to customers. He does not feel customers are getting that kind of customer service and not having a defined process is a hindrance to economic development in the county. Williams stated that talking about issues and working to make improvements is why

this group meets, adding the group has come a long way with communication and listening to each other.

Willis advised he will conduct research and will present a plan to the group at the next meeting on Feb. 13, 2017.

## 2. Sign Ordinance – Discussion to Include “lolly pop” Weekend Signs

Willis updated members on the status of the sign ordinance, stating the process is on schedule. Community Planning and Building (CPB) has briefed the commissioners, presented it to various groups, received good feedback, and will present it to the Planning Commission on Dec. 14, 2016. It will then go out for agency review, followed by a joint public hearing.

Chambers asked Willis to provide information about weekend signs. Willis stated the issue with weekend or “lolly pop” signs is they are being placed on state or county rights-of-way rather than private property. There was extensive discussion about the legality of weekend signs, the existence of a letter or “gentlemen’s agreement,” and how to enforce it. Williams stated the agreement or compromise made with county government is a vital resource to the livelihood of the building industry and he provided a brief history of the agreement. Williams agreed the use of weekend signs is getting sloppy but noted that many people are unaware of the agreement and need to be informed.

Willis questioned how the adoption of the sign ordinance would affect the gentlemen’s agreement, adding the agreement could not be included in the new sign regulations because the county does not have authority to put them in state highway rights-of-way. Williams stated this has to be a gentlemen’s agreement between all parties. The county has to understand, and businesses need to police themselves as well, which has been lax. He added businesses need to abide by the agreement and start spreading the word to those who don’t abide. Williams stated this is strictly a gentlemen’s agreement and cannot be put into the regulations but stressed the importance of signs to the building industry. Rodney Gertz agreed, stating enforcement of the agreement is tricky but the importance to the business community is tremendous. Gertz stated everyone has to abide by the same agreement to put signs up on Friday evening and take them down on Sunday evening. He added that whatever that agreement ends up being, it should be strictly enforced across the board.

Willis commented the commissioners have to be comfortable with whatever decision is made and recommended that after the sign regulations are adopted they look at readopting the gentlemen’s agreement, behind the scenes, through the BOCC. Williams agreed, adding the county should view the weekend signs as a community service. He stated the signs are not only for the development community, but also benefit other businesses, including farmers and churches.

Terry Shannon commented that some of these signs are being put up by non-county businesses and asked for suggestions on how to handle that situation. Williams recommended making sure those businesses know about the gentlemen’s agreement and are aware the agreement is for Calvert County businesses only. Bailey stated that if the county picked the

signs up one time, it would send a message to those businesses. He added that if the county wants to distinguish enforcement between those who are complying and those who are not, they can pick up the signs of those not in compliance after the others are already gone. That will help send the message and distinguish between the two.

Willis stated that by the time the county moves toward the joint public hearing for the sign regulations, he should have an update on the weekend sign issue, adding that when the sign regulations are adopted, the weekend sign issue will be brought back to the surface as an official document from this board.

Chris Moore inquired about storefront window signage, stating he thought the current regulations allow for 50 percent window signage. Bailey commented the last revision of the regulations increased that to 75 percent. Willis advised they are looking into window signage but have not made a final decision on the percentage, adding he would prefer less regulation in this area.

### **3. Permits, Backlogs, Permit Processing and Timeframes**

Since this item was addressed during discussions under item 1 above, no additional discussion was conducted.

### **4. Architectural Review Process – Commissioners' Plans**

Chambers asked for clarification on the BOCC's recent decision not to abolish the county's architectural review committees (ARC), noting the Chamber of Commerce, Small Business Interest Group and Southern Maryland Minority Chamber of Commerce were all in favor of abolishing the ARCs. Williams added he and Chambers would like to review the restrictions placed on staff regarding the ARC process since there seems to be discrepancy on the process and staff's involvement.

Willis provided details on the ARC process and time restrictions placed on the ARCs to make decisions. He advised the ARCs are still active and will review projects, but they will have 30 days to conduct their review and make a decision. If they cannot come to a decision within 30 days, staff will make the decision for them.

There was extensive discussion on the role and authority of the ARCs, and the role of staff in the process. Several members questioned the purpose of the ARCs, stating there was no need for an ARC review since it can delay projects. Williams expressed concerns about the lack of qualified people sitting on the ARCs and felt staff was more capable of making necessary decisions. Willis emphasized the BOCC voted 5-0 in favor of keeping the ARCs in place. Bailey stated this was not Willis' decision and nothing could be accomplished today. He recommended members gather their thoughts and objections on this issue and take them to the BOCC for consideration.

Shannon stated that for clarity, she will provide the exact wording of the motion regarding the ARCs as made by the BOCC and provide it to members in writing.

There was continued discussion on the ARC review process and the delays caused by the process. Williams was adamant that staff should make the decisions and there should be no outside interference. Following discussions, Chambers suggested they accept the recommendation made by Bailey to get several members together for a meeting to gather thoughts and objections and discuss those findings with the commissioners.

## 5. Comprehensive Plan – Update

Willis advised the comprehensive plan process was moving forward as planned.

Chambers advised he was approached by a member of the Planning Commission inquiring whether staff has attended functions and meetings of outside organizations, such as the Young Professionals, in an effort to obtain feedback from the young people in the county regarding the comprehensive plan process. Willis answered that staff has reached out to every organization or group that has requested a presentation. Willis added they have made efforts to reach out to millennials, noting they recently held a millennium pizza party as a way to gather information from younger citizens. Shannon added the county is also exploring social media in an effort to connect with millennials. Chambers suggested staff show up unannounced at church meetings attended by young adults to provide information about the comprehensive plan. Gertz felt staff should not show up uninvited at meetings, adding the comprehensive plan update was a time-consuming process and staff should not have to chase people down, especially if there is no interest. He recommended holding the normal public meetings and moving on. Willis stated staff will reach out to every group requesting information, no matter how small.

Williams said the comprehensive plan needs to be complete prior to the election of a new BOCC.

## 6. Miscellaneous Discussions

a. In response to an inquiry from Williams, an update was provided on the status of the Chick-fil-A restaurant coming to Prince Frederick.

b. Gertz discussed a procedure used in Charles County regarding the inspection and maintenance for storm water management in subdivisions. He explained this involves a declaration that is recorded on the subdivision as a blanket document which states the homeowner is ultimately responsible for the inspection and maintenance of the storm water management on their individual lot. Gertz asked if staff could review this to see if it was something Calvert County might consider doing. Rai Sharma asked that Gertz provide the information to him for consideration.

## 7. Adjourn

The meeting was adjourned at 3:22 p.m.

The next meeting is scheduled for **Monday, February 13, 2017, at 2 p.m.**



**Calvert County  
Small Business Interest Group**

**February 13, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Discussion on ECTC Potential Text Amendment – as discussed in meeting with Planning Sec. Peters
2. Tier Maps – Timeline for Submittals to the State / Swap Parcels Concept
3. Comprehensive Plan Consultants – Report on their “concept” for increasing the geographic boundaries of the town centers
4. Continued Discussion on the Inspector Issue – report was to be presented on a game plan from the County
5. Adjourn

**Calvert County  
Small Business Interest Group**

**February 13, 2017, 2 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Randy Barrett, R.A. Barrett & Associates  
Bill Chambers, Calvert County Chamber of Commerce  
Mary Beth Cook, Community Planning & Building  
Ron & Marty Cooper, RMC Innovative Solutions  
Wes Donovan, Chesapeake Beach Resort  
Rodney Gertz, Quality Built Homes  
Miriam Ghol, Calvert Coalition for Smart Growth  
**Tom Hejl, Board of County Commissioners**  
Dave Jenkins, Southern Maryland Association of Realtors  
Dan Kelsh, COA  
Jeff Love, Jeff Love & Associates  
Wilson Parran, Deputy County Administrator  
John Riffe, Gradient Construction  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Linda Vassallo, Economic Development  
Geoff Wannamaker, Bayside Chevrolet  
Anthony Williams, Builtrite Homes (call-in)  
Mark Willis, Community Planning & Building

The meeting was called to order by Bill Chambers at 2:03 p.m.

**1. Discussion on EC/TC Potential Text Amendment – as discussed in meeting with  
Planning Sec. Peters**

**Chambers stated he and members of the Small Business Interest Group recently met with  
Maryland Department of Planning Secretary Wendi Peters. Included in that meeting were**

Delegates Mark Fisher and Jerry Clark, along with several people from the governor's staff. Discussions included various issues, including tier maps, Plan Maryland and Employment Center Town Center (EC/TC) zoning districts. Chambers said Delegate Clark discussed moving the EC/TC zones and seeking a text amendment to open it up for development. Randy Barrett added that during this meeting Clark mentioned EC/TCs have been dead zones with significant limitations. Barrett stated an increase in EC/TC uses could spur investment in economic development. Chambers questioned whether Community Planning & Building (CPB) staff was looking at this issue while conducting the comprehensive plan update.

Mary Beth Cook advised the EC/TC zoning district no longer exists and is now called EC. She added that changing the EC into some other type of zoning district could not be done with a text amendment, but would require a zoning map amendment, which is a more involved process. She stated staff would like to address the topic during the update to the comprehensive plan and zoning ordinance. Cook requested members contact her with recommendations for EC district uses.

Anthony Williams stated residential development is needed in the EC districts. Barrett commented there has been very little private sector investment in ECs due to the existing code limitations. Cook advised that before additional uses can be considered, staff needs to ensure those uses are allowed in the comprehensive plan. Williams added that any assistance with allowing additional uses in EC districts would help spur development.

Miriam Gholl stated she thought town centers were for employment-type businesses such as office parks, adding if the interest is to allow more residential it should be called residential. Linda Vassallo stated the town center is for employment-type businesses but it is currently not being developed, adding she would not want town centers to be limited to residential.

Williams commented if staff could move more residential use into town centers and add applicable zoning for town centers, this would meet their needs. Chambers stated he will follow up on this issue.

Gholl questioned if there was a plan to update the town center master plans. Mark Willis advised staff will update the town center master plans immediately following the comprehensive plan update. Gholl stated the master plans are decaying and if they are not updated now, piecemeal zoning amendments will be necessary which will upset citizens who want to be involved in the planning of the towns. There was discussion about updating town center master plans.

Rodney Gertz agreed that updates to the master plans need to occur and felt there also needed to be some flexibility to keep projects moving. He stated Calvert County does not have five years to sit back and do nothing, adding that any consultant report he has read shows housing is missing in the county. He added that areas that grow, such as the city of Charlotte, N.C., have flexibility, which Calvert County lacks. That flexibility, or piece zoning, is in

those areas that are open to having respectable, responsible growth. Barrett commented that when the county had only one zoning ordinance and town center master plan, things got done. He added that now, when trying to get a simple answer on how many parking spaces a project needs, you have to look at the setback, the zoning, the overlay, etc., and this leads to the frustration in the business community.

## 2. Tier Maps – Timeline for Submittals to the State/Swap Parcels Concept

Chambers commented another subject discussed during his visit with Secretary Peters was tier maps. He stated there are projects sitting on the sidelines because tier maps have not been adopted and asked for an update on the status of the adoption of the tier maps. Commissioner Hejl advised discussion on tier maps would be on the Board of County Commissioner (BOCC) agenda February 28.

Chambers stated there were previous discussions about moving some Tier 4 properties into Tier 3 and asked if this issue would be part of the commissioners' discussions on February 28. Willis advised this would not happen on the Feb. 28, but would happen as part of the comprehensive plan.

Chambers asked if there is an 18-month window after tier maps are adopted to make changes to the comprehensive plan. There was brief discussion on this issue.

## 3. Comprehensive Plan Consultants – Report on their “concept” for increasing the geographic boundaries of the town centers

Chambers asked Willis to provide information on the mindset of the consultants regarding expansion for residential and commercial development in town centers.

Willis stated the consultants are not ready to look at town center boundaries, advising they are currently working on other aspects of updating the comprehensive plan and need to pull everything together before boundaries can be considered. He advised the consultants should finish what they are currently working on in early April and will then focus on town center boundaries.

Geoff Wannamaker stated taxpayers are spending a lot of money for consultants to review and make recommendations on the comprehensive plan update and questioned how the current process differs from the recent charrette process and if the recommendations from the charrette will be part of the comprehensive plan update.

Terry Shannon said the comprehensive plan update is much broader than the charrette. Willis noted the charrette was dedicated to the Prince Frederick area, but felt the concept of the charrette is not unlike what the county would like to be comprehensively. He added the consultants are not looking to throw out the information obtained during the charrette process. Wannamaker advised one recommendation from the charrette was to resemble Alexandria or Annapolis where buildings have commercial on the bottom and residential on

top. He felt there was no market for that type of building in Calvert County and stated the comprehensive plan process should provide a different direction. Willis stated that nothing has been ruled out yet.

Wannamaker stated growth comes in cycles and Calvert County misses cycles more than it hits them, adding the county is now going through another process with the comprehensive plan. He advised he has 130 employees in Prince Frederick and half of them live outside the county because they can't find a place to live. Williams commented he is currently working on a project that will bring an outstanding apartment complex to the area and feels more things will happen in the town center but it may take longer than everyone thinks.

Gertz stated that when discussing issues like the EC zoning and the comprehensive plan, flexibility is needed. He added that developers and the people who invest in our community need flexibility and simplicity to create the projects everyone wants. He agreed guidelines are necessary but felt documents such as the comprehensive plan should be as flexible and simple as possible to allow projects to come forward. He added that workforce housing is a component that has been missing for too long in our community.

Shannon commented Calvert County has less than 25 percent of land left in the town centers and feels there is a need to expand the town centers to meet the demand for economic growth we all would like to see. She added staff will look at the smartest ways to grow our town centers.

Williams stated there is frustration because town centers have been shut down for 10 years but feels with the recent change to the TDR program we now have the opportunity to move forward in our town centers.

With regard to the upgrade of the comprehensive plan and zoning ordinance, Willis stated the difference between the current rewrite and the previous plan is simplicity and flexibility, adding that times have changed and staff is trying to move forward. Gertz commented the county is working on the ability for people who work in our community to live in our community, which is a move in the right direction.

Wannamaker stated it is frustrating that it takes so long to get anything done, adding the commissioners were elected because they were going to make the county more business friendly. He commented it is frustrating that it takes 12 to 18 months to get a permit and stated he cannot continue to wait for Calvert County to decide if they are going to be business friendly. Hejl stated this is frustrating for the commissioners as well and shrinking timelines is one of the components they have asked staff to build into the comprehensive plan.

Dan Kelsh stated, from the commercial side as it relates to the single-family attached, he feels there are things that can be done now that would help compress the timeframe and

would go a long way to help the business community see results sooner rather than later. He advised the two areas that are most frustrating for people is at the front of a project before the submittal of an application, and from the Planning Commission approval to permit. He added there are ways to help move these areas along that would not require text changes but would only require thinking through the process and compressing it.

Ron Cooper mentioned the possibility of creating a tiger team to review the entire process and determine what the impediments are, with a charter to review and streamline the process from 18 months down to six months. There was brief discussion on this suggestion.

Chambers stated he felt it was the sincere desire of CPB to look for ways to compress timelines. Gertz stated staff is working hard and has done a lot over the past few years that has been good for the community. He advised we need the flexibility that allows good judgement to bend a little bit to make the economic picture make sense for both the county and the investor.

#### **4. Continued Discussion on the Inspector Issue – report was to be presented on a game plan from the County**

Chambers requested that Willis provide a status update on the progress made on the inspector issue discussed at the last meeting.

Willis stated there was discussion at the last meeting regarding inspections and the possibility of third-party inspections, as well as plan review time. He advised staff wants to cut plan review time but also has to ensure they conduct accurate reviews. Willis advised he reviewed the organization of his department and feels some improvements can be made both on the inspections side and the plan review side, adding if the department works more efficiently, this may reduce the wait time for inspections or plan reviews. He is working with the County Administrator's office to implement improvements.

Chambers questioned how Willis plans to address the current inspector issue while he is working with the County Administrator on department reorganization. Willis advised they have been without a primary electrical inspector for almost a year and are currently trying to hire an electrical inspector. Chambers asked when third-party inspections would become a routine piece of the department's business. Willis stated he could not answer that question because getting the process of third-party inspections set up is very complex. He advised he was in favor of third-party inspections but did not feel comfortable initiating the process until he completed the internal review and reorganization of his department, which he hopes will be complete by June 30. There was discussion on the benefits of having third-party inspections.

Rai Sharma stated the Department of Public Works will do everything possible to help with the timing issues discussed, but emphasized the need for plans to be submitted correctly the first time. He advised staff has to conduct numerous reviews of the plans and that should never happen. Williams agreed, stating engineers are not sure what the planning staff is

looking for and this causes delays. He advised everyone needs to work together to figure out how to fix this problem.

**5. Adjourn**

The meeting was adjourned at 3:20 p.m.

**The next meeting will be held on April 10, 2017 at 2 p.m.**

**Calvert County  
Small Business Interest Group**

**April 10, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Update on Process to Install Third-Party Inspections as Option for Developers/Builders (status in lieu of deadline date of 6/30/17)
2. County Sign Ordinance Update – Adoption? When?
3. Comprehensive Plan – Update and Timeline
4. Department of Economic Development – Strategic Plan Update - Results
5. Rt. 4 Widening Project - Status
6. Tier Maps – Status of Approvals
7. Adjourn



**Calvert County  
Small Business Interest Group**

**April 10, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Randy Barrett, R.A. Barrett & Associates  
Sandy Bentley, Economic Development  
Ron Cooper, RMC Innovative Solutions  
Danielle Conrow, Public Works  
Charlie Cox, Economic Development Commission  
Susan Cox, Agriculture Commission  
Mark Frisco, Chamber of Commerce  
Rodney Gertz, Quality Built Homes  
**Tom Hejl, Board of County Commissioners**  
Dave Jenkins, Southern Maryland Association of Realtors  
Robin Marshall, Marshall & Associates Insurance  
Julie Paluda, Public Works  
Wilson Parran, Deputy County Administrator  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Calvert County Chamber of Commerce  
Linda Vassallo, Economic Development  
Anthony Williams, Builtrite Homes (call-in)  
Mark Willis, Community Planning & Building

The meeting was called to order by Frank Smith at 2:02 p.m.

Smith notified attendees that Bill Chambers is no longer with the Calvert County Chamber of Commerce, having accepted a position with the Salisbury Area Chamber of Commerce. As the chamber board chair, Smith will fill in for Chambers until a new president/CEO is hired.

**1. Update on Process to Install Third-Party Inspections as Option for Developers/Builders (status in lieu of deadline date of 6/30/17)**

Mark Willis advised that in a previous meeting he was asked to consider the implementation

of a third-party inspection program. At that time he estimated he would be able to bring a plan back to the group by June 30, 2017. After conducting preliminary research, he feels he will be able to meet that deadline and will seek input from members of this group in the near future. Willis added the use of third-party inspections on footings is already being done but its use would be new for electrical and plumbing inspections.

Rodney Gertz cautioned Willis not to overdo the process, adding that any additional uses for third-party inspections would free up inspector capacity and be helpful. Anthony Williams stated it is not necessary to use third-party inspections for residential site plans and feels they should be used for commercial site plans only. Rick Bailey agreed, noting that using third-party inspectors for commercial projects will help with manpower issues. Gertz stated third-party inspectors should be used for residential footings as well. Willis asked attendees to notify his department when they have a critical situation and staff will try to work with them to get the inspection accomplished as quickly as possible.

There was brief discussion on previous health issues with staff. Willis advised he currently has a full staff and has on-call substitutes he can use when needed. He noted that a full staff means he has two inspectors each for building, electrical and plumbing. Willis stated the Department of Community Planning & Building (CPB) is also looking to revise the way it conducts permit plan reviews.

## **2. County Sign Ordinance Update – Adoption? When?**

Willis advised the progress of the county sign ordinance is currently being dictated by state law. He stated the document is out for agency review, which ends on April 25, 2017, and briefly described the next steps once agency review is complete. He is hopeful he can schedule this with the Board of County Commissioners (BOCC) for a joint public hearing by mid-May.

## **3. Comprehensive Plan – Update and Timeline**

Willis provided information on the status of the comprehensive plan update, stating the roundtable discussions went well and helped staff focus on the major topic items. Staff is now conducting public workshops at the College of Southern Maryland; a total of five workshops will be held. The fourth workshop is scheduled for April 20 and will focus on what town centers should look like. Willis is working with Linda Vassallo on the final workshop, which will be held in early May and will focus on economic vitality. Once all workshops are complete, Willis will work with the consultants to create a document outlining the results from these meetings which will be presented to the Planning Commission and the BOCC. This document will then become the basis for the draft of the comprehensive plan for BOCC review in the fall of 2017. His intent is to have the comprehensive plan adopted by spring 2018. Willis added the update of the zoning ordinance will coincide with the update of the comprehensive plan. Staff will also seek public input during the zoning ordinance update.

Randy Barrett questioned if there was a projected date for final adoption of the zoning ordinance. Willis stated the plan is to have the zoning ordinance adopted within three or four months following adoption of the comprehensive plan but was unsure at this time if that could be accomplished.

In answer to a question from Dave Jenkins, Julie Paluda provided a brief explanation on how capital projects are linked to the comprehensive plan.

Mark Frisco inquired how changes to the zoning ordinance will affect projects currently underway. Willis stated projects will be grandfathered. Frisco questioned at what point a project gets grandfathered. Willis advised this typically occurs when a permit or site plan is in place but will research the issue and get back to the group with a definite answer.

Barrett asked that staff look at the issue of vesting and grandfathering more closely. He stated that since site plans take a minimum of one year and adoption of the zoning ordinance is not expected for 16 months, developers and builders need to look at how they advise a client to move forward if they are not vested at the time of submittal in the current ordinance. Barrett believes the new zoning ordinance will be more flexible, but noted it is difficult to ask someone to move forward on a project if the criteria under which the project is going to be reviewed is not defined. Anthony Williams agreed, adding a deadline must be established once a site plan is submitted. Willis stated he will research this issue with staff for further discussion with this group.

Terry Shannon stated there also has to be flexibility so that if there is new zoning ordinance verbiage, property owners have the flexibility to go with the new requirements.

Gertz stated he has always felt that when someone takes ownership of a piece of property, the zoning requirements should not be changed and downzoning should not be allowed. The zoning in place at the time of purchase should be guaranteed, with the flexibility to upgrade to future, more beneficial zoning requirements if desired.

#### **4. Department of Economic Development – Strategic Plan Update – Results**

Linda Vassallo provided information on the update to the Economic Development Strategic Plan and thanked those members of the Small Business Interest Group (SBIG) who participated in the strategic plan focus group. She explained that Anirban Basu, of Sage Policy Group, conducted the study for the 2017-2022 strategic plan. Vassallo detailed some of the findings from the report, which calls for the expansion of town centers with potential boundary extensions and a focus on expanding agritourism and ecotourism activities. Sage Policy Group also provided updated metrics to assist the Department of Economic Development (DED) with measuring success and recommended updating the goals and objectives. On the SWAT analysis, emphasis was placed on the expansion of town centers and whether infrastructure was needed in some of the town centers.

Vassallo stated she also asked Sage Policy Group to look at the structure of the BOCC advisory boards currently staffed by the DED, which include the Economic Development Commission (EDC), the Tourism Advisory Commission (TAC) and the Agriculture Commission (AG). She advised the BOCC previously approved a pilot program to change the structure of the EDC, explaining that instead of meeting every month, the EDC now meets bimonthly and holds industry cluster focus meetings throughout the year. The DED also changed the way it conducts zoning text amendment reviews. She explained that rather

than holding separate text amendment meetings with each of the three commissions, they now bring representatives from each of the commissions together, in a team approach, so that each hears the opinions of the other on the recommended text amendment. Vassallo advised that Basu recommended creating a new Economic Development advisory board that would combine the three commissions, which will be more effective. Vassallo stated this will be formally presented to the BOCC in July when Basu briefs the BOCC on his recommendations for the strategic plan.

Smith asked when the SBIG will be able to access the report. Vassallo stated her goal is to conduct a public presentation to the BOCC in July. Once BOCC approval is received, she can provide copies to the SBIG. The report will also be available to the public.

#### **5. Rt. 4 Widening Project – Status**

Rai Sharma advised funding for construction of the Rt. 4 widening project is still in place. A pre-final review will occur on April 27 in Baltimore. Sharma stated staff is working on a Memorandum of Understanding between the BOCC and the State Highway Administration. He anticipates construction will begin in spring 2018, and will last approximately 12 – 18 months.

#### **6. Tier Maps – Status of Approvals**

Willis advised discussion on tier maps is scheduled on the BOCC agenda for April 25 and has already been reviewed by the Planning Commission. At the request of Smith, Shannon agreed to provide members with a copy of the latest version of the tier map document. Gertz stated not having the tier maps in place has been crippling to development for the last five years and stressed the importance of getting something approved without further delay. Willis noted that after the tier maps are approved, they can still be revised during the comprehensive plan update process if necessary.

#### **Miscellaneous**

A.) Smith advised the Chamber of Commerce received feedback indicating that what is said in these meetings is not getting down to county employees and there seems to be hesitation or slowdown in the approval process. He added the many years of slow growth may still be the mentality of some employees on the receiving end conducting the approvals. Smith noted that although he asked, the person providing this feedback would not provide examples of this process slowdown due to concerns of retribution. He added that 90 percent of the feedback received by the chamber is positive but wanted to bring this feedback to the attention of the SBIG. There was extensive discussion on this issue.

Gertz commented that since the SBIG meetings began he has seen a 100 percent turnaround in the mindset, attitude and accomplishments from every county office participating on the SBIG. Williams stated that 2.5 years ago there was no communication with the commissioners or staff and now there is direct communication with everyone, adding there has been a massive change in employee attitudes. He knows they care and want to help. He commented staff cannot do everything for everyone and sometimes there will be sour grapes but the people sitting in this room are listening now. He added he takes offense to someone saying nothing has changed.

Willis expressed frustration that someone is complaining to the chamber about the county's processes but won't voice their complaints directly to staff. He asked that the chamber tell this person to contact him directly so he can document the complaint and attempt to find a solution, adding he cannot fix an issue if he does not know what it is.

Smith stated if negative comments come through the chamber in the future, he will recommend they contact staff immediately to get the issue resolved. Mark Frisco noted it is important for the chamber to remind chamber members that the SBIG meetings are productive. Frisco commented there is still a fear that a complaint will lead to retribution, adding he feels if someone has a complaint they should attend an SBIG meeting to discuss it. He stated if he receives a complaint through the Chamber Government Affairs Committee he will recommend they contact the department involved.

**B.)** Robin Marshall stated this is her first time attending an SBIG meeting and came to recommend that county government and/or the Chamber of Commerce offer educational seminars to the public explaining the process and steps involved with each county department when opening, amending or revamping a business, including commercial, residential, strip shopping center and single family dwelling. She suggested offering these seminars once or twice a year to provide assistance to those individuals who struggle with the process. She added she runs an insurance agency and receives many complaints from clients on the difficulty of working through the process with county government. There was discussion on this issue.

Smith advised the chamber met last week to discuss organizing a business expo for the spring of 2018 that will include key speakers and breakout groups offering information to people looking to start a business, those who want to progress their business and those who need assistance with accounting, human resources, etc. They hope to hold breakout sessions with representatives from the county to explain the steps needed to do business with the county.

Vassallo stated the DED is currently in the process of organizing a seminar for real estate agents to provide them with information on how to navigate through the county processes to assist agents when dealing with clients looking to relocate or expand a business in the county. She advised she does not disagree with offering seminars and feels outreach is always good. Vassallo briefly explained the services currently offered by the DED, adding staff will take good care of anyone seeking their help.

Kelly Slagle advised the DED partners with the Chamber of Commerce, the Small Business Development Center, Community Planning & Building, etc., to offer a variety of seminars throughout the year. She commented it is very important to understand there is no one size fits all process and each situation is unique depending on the type of business, where they are located or plan to locate, whether they plan to serve food, etc. Slagle stated the DED understands the frustrations voiced by Ms. Marshall's clients and asked that she refer her clients to the DED, 410-535-4583, for assistance. Williams commented that anyone he has referred to the DED came away with a clearer perspective on what they need to do.

Randy Barrett expressed his frustrations with the multiple levels of the process and approvals

required by the county, adding the current process is a disaster. As the county is going through the update of the comprehensive plan and zoning ordinance, Barrett emphasized the importance of clarity, stating clarity provides the opportunity to function without the need to ask a bunch of questions or request permission. Barrett requested that staff do everything possible to clarify and simplify the zoning criteria that allows an average individual to read a document and be able to understand what their expectations are.

Willis stated his guidance to the consultant regarding the comprehensive plan is simplicity and efficiency of the document. We want a document that is easy to use, efficient and direct to the point to cut down on a lot of the cross referencing that isn't necessary. Shannon commented the layperson should be able to pick up the document and understand it as much as possible. She added this was done with the sign ordinance and believes it will be done with the comprehensive plan and the zoning ordinance.

C.) Vassallo provided an update on the progress of the expansion at the Dominion Cove Point plant, stating the project should be complete and in service by December 2017. There are approximately 2,500-2,800 people currently working on the Dominion expansion. The number of employees needed at the plant will start to decrease sometime in June. Vassallo wanted everyone to be aware this decrease will have an effect on the business community from Lusby south to Solomons and they may hear complaints about business dropping off a bit due to the workers leaving the area. Vassallo stated the DED plans to adjust its tourism advertising to try to offset this decline in an attempt to maintain a level playing field from a visitation standpoint. Slagle added staff has been in touch with the affected businesses to make sure they are aware.

Frisco commented this workforce decrease will also have an impact on the residential sales and rentals market in the south end of the county and could cause people to default and prices to fall. He suggested staff reach out to those people to see if they are interested in converting to vacation rentals. Vassallo advised many of the rentals used by the workers are in St. Mary's County and does not have an exact number of the workforce residing in Calvert County.

## **7. Adjourn**

The meeting was adjourned at 3:27 p.m.

**The next meeting is scheduled for June 12, 2017, at 2 p.m.**

**Calvert County  
Small Business Interest Group**

**June 12, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**AGENDA**

1. Update on Process to Install Third-Party Inspections as Option for Developers/Builders
2. County Sign Ordinance Update – BOCC Review and Public Notice Status?
3. Department of Economic Development – Strategic Plan Update - Results
4. Rt. 4 Widening Project - Status
5. Tier Maps – Status of Approvals
6. Economic Development – Discuss method to help business work through startup/modification process
7. New Items?
8. Adjourn

**Next Meeting: Monday, August 14, 2017 at 2 p.m.**

**Calvert County  
Small Business Interest Group**

**June 12, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

**MINUTES**

**Attendees:**

Rick Bailey, Marrick Properties  
Sandy Bentley, Economic Development  
Eddie Logan, Prime Lending  
Danita Boonchaisri, Economic Development  
Bob Carpenter, President, Calvert County Chamber of Commerce  
Danielle Conrow, Public Works  
J.R. Cosgrove, R.A. Barrett & Associates  
Mark Frisco, Century 21 New Millennium  
Joe Hawxhurst, Inspections & Permits  
Dan Kelsh, COA  
Chris Moore, Remax One  
Wilson Parran, Deputy County Administrator  
John Riffe, Gradient Construction  
Kelly Robertson-Slagle, Economic Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Frank Smith, Chair, Calvert County Chamber of Commerce  
Carolyn Sunderland, Community Planning & Building  
Linda Vassallo, Economic Development  
Anthony Williams, President, Small Business Interest Group  
Dean Wilkinson, R.A. Barrett & Associates  
Mark Willis, Planning & Zoning

The meeting was called to order by Frank Smith at 2:04 p.m.

Smith stated this will be the last Small Business Interest Group (SBIG) meeting he will run, explaining that Bob Carpenter, the new president of the Calvert County Chamber of Commerce, will oversee future meetings.



Anthony Williams requested a discussion regarding commercial site plans be added to the agenda.

**1. Update on Process to Install Third-Party Inspections as Option for Developers/Builders**

Mark Willis advised that Community Planning & Building (CPB) plans to create a committee, managed by Joe Hawxhurst, to research the use of third-party inspectors in Calvert County. The goal is to demonstrate the usefulness of third-party inspections, and how we plan to grow the program going forward. Willis's plan is for the committee to meet at least once prior to the August SBIG meeting so a report can be provided at that meeting. He stated CPB is seeking approximately five to seven volunteers to participate on the new committee and asked anyone interested in volunteering to contact Joe Hawxhurst. Williams recommended contacting companies in other counties that conduct third-party inspections to seek their participation on the committee. Rick Bailey advised he is familiar with a company in Prince George's County and will seek their participation. Bailey and Williams volunteered to participate on the committee.

**2. County Sign Ordinance Update – BOCC Review and Public Notice Status?**

Willis stated adoption of the Sign Ordinance is progressing, advising a joint public hearing is scheduled for July 18. Smith asked if it would be possible for the SBIG to review the proposed sign ordinance before it goes to public hearing. Williams requested that, if possible, a copy of the proposed sign ordinance be provided to the SBIG, the Chamber of Commerce and Rick Bailey for review prior to the July 18 public hearing. Willis stated nothing has changed since the SBIG last reviewed the document but will ask staff to provide the requested copies.

Chris Moore questioned when the document would receive final approval. Willis stated if the document is recommended by the Board of County Commissioners (BOCC) on July 18, it could receive final approval in early August.

**3. Department of Economic Development – Strategic Plan Update – Results**

Linda Vassallo stated results from the Calvert County Strategic Plan update were received in March and will be presented to the BOCC in July. The document has not yet been released to the public. Vassallo advised that Anirban Basu, of Sage Consulting, conducted the strategic plan update and thanked those SBIG members who participated in the focus group meeting. She provided highlights, noting that Basu recommended the expansion of town centers, particularly in Prince Frederick, and recommended combining the Economic Development Commission, the Tourism Advisory Commission and the Agriculture Commission into one advisory commission. Recommendations for updated goals and objectives were also made.

In addition to the strategic plan update, the Department of Economic Development is updating a target market industry study through a grant from the Office of Economic Adjustment; those results are expected within the next several weeks. Vassallo stated that with the new strategic plan and the updated target market industries, we should have a good blueprint for going forward.

#### 4. Rt. 4 Widening Project – Status

Rai Sharma advised the State Highway Administration (SHA) plans to advertise the Route 4 widening project in October 2017. A notice to proceed will be given in January 2018. The contract starts in spring 2018. Overall construction is estimated to last a little more than two years; funding is in place. Smith asked if information about the project plans was posted on the web. Sharma advised SHA has not yet posted information on the web. Mark Frisco advised the Government Affairs Committee of the Chamber of Commerce sent an email to the SHA last week requesting a copy of the current and future plans and is awaiting a response.

#### 5. Tier Maps – Status of Approvals

Willis stated the tier maps were adopted by the BOCC on April 25, 2017. A cover letter was sent to the Maryland Department of Planning (MDP) along with a link to the adopted tier map document for their review. Willis advised there is nothing further for the county to do at this time noting that if MDP has comments on the document they will have to be discussed during a public hearing. Willis added the tier maps can also be tweaked during the comprehensive plan process, if warranted.

Smith questioned whether this item needed to remain as a line item on future SBIG agendas since the tier map project is coming to a close. Williams stated tier maps should remain on future SBIG agendas because of their connection to the master plan. Williams then requested Willis provide an update on the status of the master plan.

Willis advised the Comprehensive Plan is the master plan for the county but noted that each town center has its own master plan and these individual master plans then come together in the Comprehensive Plan. He stated a pre-draft document has been prepared, based on the five issue papers presented to the public, and was provided to the consultant. This document will be presented to the Planning Commission on June 28 for review and recommendations. The draft Comprehensive Plan will be created from this document. Willis hopes to present the document to the BOCC in October for review and comment. Staff will work on the Zoning Ordinance update simultaneously with the Comprehensive Plan update and Willis is hopeful the Comprehensive Plan will be adopted by this time next year, followed closely by the Zoning Ordinance. He noted that as the Comprehensive Plan is being reviewed by the BOCC, staff will transition into working on the Zoning Ordinance update and gathering public opinion on that. Plans are to have the document adopted by May 2018. In answer to an inquiry from Williams, Willis advised that EC/TC zoning has been eliminated.

#### 6. Economic Development – Discuss Method to Help Business Work Through Startup/Modification Process

Smith advised this was placed on the agenda as a follow up to comments made by Robin Marshall at the last meeting regarding difficulties faced by a business associate trying to navigate through the county's process while trying to start or modify a business, and asked if this particular business had contacted Economic Development for assistance.

Kelly Robertson-Slagle reported that Economic Development staff met with the business in question, adding the business is now only days away from being final. Robertson-Slagle

explained that once staff was notified of the problem, they worked with this business almost daily to educate and guide them through the process. She noted this is a service Economic Development can provide to any business needing assistance.

Robertson-Slagle stated that since the last meeting, the Chamber of Commerce is planning a business startup expo and she is participating on their planning committee. She provided brief information on ideas discussed at the first meeting of the planning committee and recommendations being made to establish various educational tracks for startup businesses or those looking to expand.

Danita Boonchaisri provided information on her role as the county's business ombudsman, explaining her goal is to connect with clients early before mistakes are made and they get off track in the process. She explained that, depending on the needs of the clients, she can coordinate various county resources and agencies to help the client work through the process.

Vassallo advised she and Willis have discussed several communication improvements which can be implemented, such as ensuring that staff in other departments refer clients to Economic Development for assistance, adding that reaching the client before a problem arises is the key.

## **7. New Items**

### **a. Commercial Site Plans – Discussion**

Williams shared his concerns with the commercial site plan process, explaining he frequently hears complaints from people who are trying to open a business in an old building but are being asked to comply with new building regulations or Health Department requirements, some of which are impossible to comply with due to the age of the building. He added the biggest complaint he receives as president of the SBIG is there is no consistency from staff and you never know what you are going to get when you walk in the door. He feels that proper education may be the answer, adding that 90 percent of this problem is lack of communication and lack of knowledge. Dan Kelsh agreed there needs to be additional education, adding the dilemma is people are not sure how to get a final answer they can trust.

Willis stated that once codes are updated, whether it be building, electrical or plumbing, there are very few allowances that can be made. He noted staff never likes to say no, but has to abide by the adopted code currently in place. Willis advised he would like to initiate quarterly meetings to provide an opportunity for anyone having problems to meet with him to discuss their issues.

Williams questioned if something could be done to streamline the commercial site plan process. He then described information shared by Bill Chambers about a program used in Salisbury, Maryland. He explained that when a person comes to the Salisbury planning office, they are immediately assigned a staff person who will walk them through the various processes, such as permitting and site plan, from start to finish.

There was extensive discussion regarding this concept. Terry Shannon stated the position described by Williams is called a navigator. She said the key is knowledge, awareness and

education, noting she would like to see Calvert County put something like that in place. Willis added he would love to have this idea implemented as well. He stated the current navigator position in CPB is not set up like those in Salisbury and briefly described the duties of the navigator's position in CPB.

Williams described site plan issues he recently experienced with a project he is working on. He said even though he has been doing this kind of work for 40 years, he was confused when going through the site plan process. He briefly discussed several issues he had with a community center project, stating the process was too difficult and frustrating.

Willis stated the BOCC recently approved a new position for a plan reviewer or plans examiner in CPB, which has been requested by many people for quite some time. He is hopeful to have someone dedicated to reviewing site plans from a building perspective sometime after July 1. Rick Bailey commented the goal should be to have all the initial review done at the time the building permit is issued. Willis agreed.

There was additional discussion regarding the navigator concept. Mark Frisco felt the Department of Economic Development was already assisting clients and walking them through the process. Vassallo explained many times people are not connecting with Economic Development staff until the situation becomes critical and they come to the department out of desperation. She added that CPB staff is doing a good job of directing clients with issues to Economic Development. Smith commented in order to implement the navigator concept, CPB would need to hire more people. Frisco commented he did not feel it was necessary to hire new navigators, but feels there is a need to direct people to Economic Development staff faster. He added the Chamber of Commerce could help facilitate that. Shannon stated she and Willis would research this concept further.

Kelsh stated not every business owner wants to be involved with this process and felt the majority of businesses he works with want to turn things over to professionals such as RA Barrett and COA, adding these professionals work hard to understand the different processes to take that load off the business owner. Shannon agreed the professionals would not require help through the process, but feels there are some sole proprietors who try to save money by working through the process themselves but don't understand how intricate it is. Kelsh shared his thoughts on how the current process could be streamlined.

Willis stated he would like to form a committee regarding the commercial site plan review process. The goal is to get everyone around a table during several meetings to reach an agreement on how to improve the process. Williams agreed getting a committee together to define everyone's responsibilities was a good idea.

Frisco asked to discuss after-the-fact permits. As a real estate agent, he commented he has seen an increase in problems when appraisers and home inspectors pull permit records on a piece of property only to find that improvements made by the prior owner of the property was completed without a permit. Frisco asked if there was a way to fast track these after-the-fact permits. There was brief discussion on this issue. Willis agreed this problem is on the rise and explained the difficulties with trying to fast track these permits, stating inspections

still need to be accomplished to ensure the work was performed according to current code.

#### **b. Storm Water Management Audit**

Danielle Conrow provided information on recent audits performed by the state regarding how the county handles storm water management. Conrow explained an outside audit was conducted to see how storm water facilities are inspected. She advised the results of this audit was good other than it is subject to how plans are approved, adding they can only inspect to the level of the detail that was approved.

In addition, an in-house audit looked at the plan review process regarding storm water management and how state regulations are being followed. Conrow detailed two issues found in this audit.

The first had to do with Environmental Site Design (ESD), the new statewide regulations for more environmentally friendly facilities. Conrow stated the state requires that ESDs be designed to the first inch of rainfall and discussed problems found by the state with the county's interpretation of the regulations. She wanted to make sure everyone was aware that the one-inch minimum is a hard minimum. She added staff is being told to push for the environmental site design features.

The second issue dealt with constructability. Conrow explained the state looked at six plans currently under review and was not happy with the level of detail staff was asking of the consultants. She stated that, in an effort to be business friendly and to get plans through, staff has been lax and was slapped on the wrist for that. The state advised it is the responsibility of the county to make sure a storm drain system is constructible or to make sure spot shots are on the plan and how much detail is provided. Conrow provided additional details on the state's requirements. She stated the state will send a letter within the next several weeks describing their requirements and the county must begin enforcement at that time.

Conrow advised she would provide a summary of the findings from the state's audit if anyone was interested or was happy to speak offline with anyone needing more details.

#### **8. Adjourn**

The meeting was adjourned at 3:22 p.m.

**The next meeting is scheduled for August 14, 2017, at 2 p.m.**

**CALVERT COUNTY CHAMBER OF COMMERCE  
SMALL BUSINESS INTEREST GROUP AGENDA  
AUGUST 14, 2017**

1. Approval of Agenda
2. Approval of minutes from June 12 meeting
3. Update on Third Party Inspections  
Committee membership
4. Sign Ordinance  
August Public Hearing
5. Department of Economic Development Strategic Plan  
Presentation to BOCC in July  
Kelly Robertson-Slagle
6. Route 4 widening Update
7. Comprehensive Plan Update
8. Assigning of one person for permitting process
9. Commercial Site Plans  
Mark offering to open his office once a quarter for troubleshooting
10. After the fact permits
11. Stormwater Management Audit
12. Armory Square lawsuit Update
13. Building inspection issues
14. Other items
15. Adjournment

**Next Meeting: Monday, Oct. 16, 2017**

## Calvert County Small Business Interest Group

**August 14, 2017, 2:00 p.m.**

*Planning Commission Hearing Room  
Courthouse Square Office Building  
205 Main Street  
Prince Frederick, MD*

### **MINUTES**

#### **Attendees:**

Rick Bailey, Marrick Properties  
Randy Barrett, R.A. Barrett  
Jennifer Pettko, Economic Development  
Danita Boonchaisri, Economic Development  
Danielle Conrow, Public Works  
Sue Dzurec, Citizen  
Mark Frisco, Century 21 New Millennium  
Rodney Gertz, Quality Built Homes  
Myra Gowans, Citizen  
Joe Hawxhurst, Inspections & Permits  
Tom Hejl, Board of County Commissioners

John Mattingly, Jr., County Attorney  
Lillie Mattingly, Calvert Comm. Real Estate  
Wilson Parran, Deputy County  
Administrator  
Kelly Robertson-Slagle, Economic  
Development  
Terry Shannon, County Administrator  
Rai Sharma, Public Works  
Anthony Williams, BuiltRite Homes  
Mark Willis, Planning & Zoning

The meeting was called to order by Mark Frisco at 2:08 p.m.

#### **1. Update on Third Party Inspections**

Joe Hawxhurst informed the group that the Third Party Inspection Committee members are himself, Anthony Williams, Rick Bailey, Tom Reinecker, Dewey Heinrich and Dale Weems. The first meeting looked at problems to be addressed with third party inspections, the types of inspections the county would allow to be done by a third party inspector and required administrative changes. At the next meeting, the committee will bring in third party inspection companies and discuss information collected from jurisdictions which currently use third party inspectors.

Anthony Williams asked if Public Works needed to be part of the process. After discussion, it was decided that a Public Works representative should be included on the Third Party Inspection Committee.

#### **2. Sign Ordinance**



Mark Willis stated a work session with the BOCC is scheduled for Tuesday, August 22. If the BOCC approves the sign ordinance, there will be a Planning Commission joint public hearing that evening. After the public hearing, the Planning Commission will make a recommendation to the BOCC who will make a final decision on the ordinance. The public will be able to provide input during the public comment period on Tuesday morning, at the public hearing Tuesday evening or by submitting an email or letter to the BOCC prior to August 22.

Lillie Mattingly asked about commercial window covering. Willis responded that the new ordinance will allow business owners to cover up to 100% of available window space.

### **3. Department of Economic Development Strategic Plan**

Kelly Robertson-Slagle informed the group that Anirban Basu attended an Executive Session with the BOCC on July 11. Mr. Basu will present his findings during open session on Tuesday, August 29. Slagle invited the group to attend the open session or watch via the live feed on the county website. The Strategic Plan will be available on the county website after Mr. Basu's presentation.

If the plan receives BOCC approval, Economic Development will work to create objectives and goals to achieve the vision of the strategic plan as directed by the BOCC.

Slagle shared the three main focuses of the Strategic Plan: expanding town centers where possible; incentivizing agritourism and agribusiness; and consolidating the Agriculture Commission, Economic Development Commission and Tourism Advisory Commission into one Economic Development Advisory Board. The plan also suggests the creation of benchmarks to measure the progress toward Economic Development's goals.

### **4. Route 4 Widening Update**

Rai Sharma advised the group that nothing has changed since the last meeting. The plans are available on the SHA website.

Hejl suggested sharing accurate project information via social media to correct the misinformation currently being shared.

L. Mattingly inquired as to whether the redirecting of Main Street was part of this project. Sharma offered that the Main Street redirecting is part of the Rt. 4 widening. Once the traffic light at Commerce and Rt. 4 is established, that portion of Main Street will be removed.

### **5. Comprehensive Plan Update**

Willis shared he has scheduled a meeting for Monday, August 21, to speak citizens regarding the status of the Comprehensive Plan. He will continue to meet with any group which requests a meeting.

Willis offered that Planning and Zoning has received four plan subsections from the consultant to review. After the entire review is complete, an initial draft document will be compiled and sent to the Planning Commission. After review and approval by the Planning



Commission, the document will be presented to the BOCC. Willis's goal is to present the Comprehensive Plan to the BOCC for adoption in April/May 2018.

Willis reminded the group that the Comprehensive Plan is the vision of the county. The Zoning Ordinance is the law adopted and enforced to achieve the vision of the Comprehensive Plan. As such, the Zoning Ordinance is a separate document that may not be approved until months after the Comprehensive Plan is adopted.

Willis said the Planning Commission will hold work sessions and possibly a public session and the BOCC will hold a work session and then a public hearing for adoption. The public can continue to comment on the document throughout the process.

Willis added that community groups would like the chance to review the document every time there is a change and there isn't time to do that. The Planning Commission decided to have the system set up so all changes go before them, not a citizen-staffed board. With that being said, there is time set aside for public input throughout the process.

There was ensuing discussion about water and sewer issues resulting from increasing the boundaries of the town centers. Willis offered that there is nothing restricting the growth of the water and sewer system in a town center that has existing water and sewer infrastructure and that Mr. Basu suggested increasing town centers where there is water and sewer (Prince Frederick). Willis added that the citizens who use the water and sewer system pay for the cost of expanding the water and sewer system over its lifetime. Willis stated that St. Leonard and Huntingtown town centers can expand, but they will be restricted because they are not on water and sewer.

Willis informed the group that the Water and Sewerage Division is also in the process of updating their comprehensive plan. Planning and Zoning ensures that the water and sewer plan is in line with the Planning and Zoning plan. The Water and Sewerage Division holds public hearings regarding their plan.

Bailey asked if MDE was consulted on any of the comprehensive plans. Willis offered that they will be consulted at the appropriate time.

## **6. Assigning One Person to a Commercial Permit**

Willis suggested that it would be nice to be able to assign employees to walk customers through the commercial review process, but there is so much correspondence and time involved with each project that there is not enough staff to make that happen. Terry Williams, Planning and Zoning's Development Navigator, works to coordinate each commercial project and ensure the process goes as intended. Williams is able to connect with customers who are missing information and share that information with all parties involved. Willis hopes the process continues to improve.

Willis informed the group that an offer was made to fill the new position of Planning Deputy Director. Willis envisions this position as the overseer to keep track of projects and help clients through the review process. The Planning Deputy Director will work to bridge the gap

between the review process in Planning and Zoning and the inspection process in Inspections and Permits.

Frisco asked what the catalyst would be for the Planning Deputy Director to help a project. Willis offered that the Planning Deputy Director will be involved in the TEG/SEG meetings, so will be aware of projects in the initial stages. Planning and Zoning currently keeps a chart that is used to track each project's progress. Willis also added that there are many reasons a project may be held up such as incorrect resubmittals, not addressing concerns raised by the reviewing departments or issues within the reviewing departments.

Shannon shared that she thinks the Planning and Zoning staff should be in sync with the development community. This would enable Planning and Zoning to think ahead and be proactive when it comes to commercial projects and to reach out to customers to resolve issues before their project stalls. Willis responded that Terry Williams's job is to compile the information gathered from each agency at the TEG/SEG meeting and to make all involved parties aware of what is required. Willis reiterated that customers who do not address or take under advisement the requirements and suggestions from the TEG/SEG meeting may experience delays in their project.

Willis offered that projects that ask for exceptions to regulations or the normal process are still required to meet the regulations prior to receiving a permit or U&O.

Williams offered that the building community has an excellent relationship with the current directors and communication is better than ever. He feels that some groups in the building community put at risk the strides and improvements that have been made and hope that that isn't the case. Willis offered that he is not going to let anyone come against his staff or the BOCC stating that Planning and Zoning will continue to ensure that the rules and regulations are followed.

## 7. Commercial Site Plans

Willis stated that he would like to delay starting Planning and Zoning's quarterly site plan meetings until the new Planning Deputy Director is in place. If this occurs prior to the October SBIG meeting, Willis will distribute invitations.

Public Works is currently holding quarterly meetings. Conrow offered that the Public Works quarterly meetings include the developers, contractors and consultants and that discussion is technical in nature. Conrow attends these meetings on behalf of Public Works and relays pertinent information to her staff.

Rodney Gertz highlighted the importance of front-end meetings to save time for all parties involved and to ensure everyone is on the same page. He offered that some counties have created a gauntlet of information that is impossible to get through. He believes the direction Calvert County is headed is refreshing and appreciated throughout the business community.

## 8. After-the-Fact Permits

Willis stated that there are many different situations addressed by after-the-fact permits. Frisco's situation involved an unpermitted sunroom that required an electrical permit. Pulling the electrical permit triggered the code requirement to hardwire all smoke detectors in the home. Hawxhurst stated that once unpermitted work is identified, Inspections and Permits has to follow through and ensure code compliance.

Once a customer pulls after-the-fact permits, a progress meeting occurs with all inspectors and tradesmen in order to review the project and determine next steps. The intent of this progress meeting is to limit the disturbance to the structure.

Frisco suggested that most inspections for after-the-fact permits be scheduled on the same day to speed up the process. Hawxhurst stated that every effort will be made to accommodate requests but there are prerequisites and sequences that sometimes cannot be rearranged.

Gertz offered that it's a slippery slope to make after-the-fact permits too easy to get. Williams offered that a governmental jurisdiction is not going to do anything wrong and will continue to ensure that all codes are enforced and followed.

Barrett offered that the issue is the timeline when the problem is identified, not the process to fix the problem.

Frisco offered that part of the solution is to educate realtors. Frisco will relay information about after-the-fact permits to his group. Willis offered that he and Hawxhurst are willing to meet with realtors to explain the process and what needs to happen when after-the-fact permits are required.

Williams suggested that Planning and Zoning ask for a copy of the final survey prior to closing to ensure that the building footprint was built according to what was submitted.

## **9. Storm Water Management Audit**

Conrow advised the group that she received the audit summary from the MDE engineer. The three major changes to current operations include requiring ESD minimum to the first inch of rainfall, construction drawings (COMAR requirement) and the required information on approved plans must be the same for public and private development.

Conrow also offered that a commercial rough grading permit can only be applied for once the concept storm water management (SWM) plan is approved. Rai Sharma stated that if quality plans are submitted, the review time could decrease significantly. Conrow informed the group that her staff will no longer review a resubmission unless it addresses all agency comments. Gertz suggested requiring a cover sheet/checklist with all agency comments listed. When the plans are returned, each comment should have a written response that states how the issue was resolved and referencing a page number (if possible). Conrow assured attendees that these changes are to ensure efficient customer service and expedite plan review.

Sharma offered that Calvert is the only county that doesn't require review fees. Most counties charge review fees for resubmissions which decreases the number of errors on submitted plans.

Barrett offered that the MDE audit allows everyone to know the minimum requirements and what is expected. This improvement will level the playing field and shorten agency review time.

#### **10. Armory Square Lawsuit Update**

John Mattingly informed the group that the Circuit Court dismissed the Armory Square lawsuit in favor of the county. The court found that the zoning changes were a legislative action, not an administrative action. If the plaintiffs choose to readdress the suit and refile, the County Attorney's office will look to the BOCC for guidance. The SBIG will be informed of any changes in this case.

#### **11. Building Inspection Issues**

Frisco offered that this item addressed a specific concern of his and he will discuss with staff at Planning and Zoning and Inspections and Permits directly.

#### **12. Other Items**

Barrett asked where citizens go if they want to have stop signs installed in a neighborhood and whom to contact regarding the use of golf carts in Solomons. Williams offered that he spoke with the Sheriff's Dept. regarding golf carts and was told it was illegal to drive golf carts on public roads because they are not tagged vehicles. Sharma offered that Public Works will research and bring information back.

#### **13. Adjournment**

The meeting was adjourned by Frisco at 3:38 p.m.

**The next meeting is scheduled for Monday, October 16, 2017, at 2 p.m.**