CECIL COUNTY COMPREHENSIVE PLAN CITIZEN OVERSIGHT COMMITTEE
MEETING MINUTES
8 July 2009

Present: Bennett, John; Broomell, Diana; Butler, Eileen; Cairns, Ed; Clewer, Jeff; Colenda, Sarah; Denver, John; Derr, Dan; Duckett, Vernon; Edwards, Sandra; Folk, Patricia; Gilley, Paula; Kilby, Phyllis; Lane, Diane; Polite, Dan; Pugh, Mike; Rossetti, Rupert; Smyser, Chuck; Stewart, Gary; Strause, Vicky; Tapley, Donna; Thorne, Owen; Walbeck, Carl; Whitehurst, Dan; Whiteman, Will; Wiggins, Kennard; Bayer, Michael – ERM; Graham, Clive- ERM; Di Giacomo, Tony; Sennstrom, Eric; Whiteford, Craig

Absent: Buck, Walter; Bunnell, John; Day, Shawn; Deckard, Donna; Doordan, B. Patrick; Ellerton, Vaughan; Gell, Robert; Jackson, Ann; Priapi, Vic; Shaffer, Henry; Snyder, Linda

Call to Order: Dr. Lane called the meeting to order at 6:01 p.m.

Approval of minutes: Motion was made by Sarah Colenda to approve the 1 July 2009 meeting minutes. Motion was seconded by Paula Gilley. Vicky Strause noted that the language on page 8 needs to reflect her comments that the effectiveness of buffers is based on their size and her inquiry as to the size of the buffers. Sarah Colenda said that "existing residences" needed to be inserted on page 6. Eileen Butler stated that she did not make the motion to approve the previous meeting's minutes, rather Patricia Folk made the motion. Rupert Rossetti said that page 6 needed to be revised to read "Jeff Clewer asked what would happen if an existing system needs to be replaced. Mr. Rossetti replied that wearing my tributary team hat, it would be best if it were to be replaced with a denitrifying system." All members present voted in favor of motion to approve the 1 July 2009 meeting minutes. Motion carried.

New Business: Dr. Lane announced that Craig Whiteford, the County's Budget Manager, was present to provide his analysis of the future costs associated with the concept plan. Dr. Lane said that the COC would deviate from the agenda so that Mr. Whiteford could impart his knowledge to the COC relative to the County's capital improvement program and future anticipated projects and their associated costs as the first item of business. Dr. Lane indicated that the COC would return to the water resources segment of the concept plan and the motions from last week once Mr. Whiteford was finished.

Clive Graham proceeded to provide the background for the listed facilities needed to support the contemplated plan's future growth. Mr. Graham noted that the table of projects is preliminary and that it is based on the sub-committee report presented by Henry A. "Dick" Shaffer. Clive Graham remarked that the questions to be asked of the Comprehensive Plan include do we have enough water, do the roads have capacity, and for this evening's discussion, can we afford the projects listed? Mr. Graham noted that the table only includes those projects that require at least some County funding. Phyllis Kilby asked if state funding percentages are assumed based on past performance. Michael Bayer answered in the affirmative and that they are based on funding formulas. Mr. Graham noted that the table does not include water, wastewater, or solid waste projects since they are enterprise funds, intended to be self

supporting. Mr. Graham stated that looking out to 2030, we need to determine the affordability and what can make it affordable and what needs to change if it is not.

Craig Whiteford opined that he was present to provide clarity and to assist the COC with their understanding of the information provided. Mr. Whiteford reported that he first reacted with incredulity to the tabular information showing $1 billion of future needs. However, he has gone back and reviewed the County's capital improvement program from 1999 through 2014 in an effort to glean a better understanding on where we have been and where we are presently with capital projects. His perusal of this data has revealed that the County has been averaging $30 million on an annual basis in capital project costs. The County's portion has been $20 million on average with the state and other sources providing $10 million. Mr. Whiteford noted that extrapolating that over 20 years would lead to $600 million in capital expenditures. Craig Whiteford reflected that the public schools and college take the majority of the allocated funding. Future allocations are difficult to determine due to the fact that the ultimate decision as to what is funded and what is not is left to the Board of County Commissioners based on affordability. Mr. Whiteford's analysis of the projects contained in the table leave him with the opinion that the projects listed can be funded through the County's capital improvement program. Mr. Whiteford indicated that he was available to answer inquiries from the COC.

Ed Cairns said that he expected taxes to double based on the projects in the table. Mr. Whiteford responded that tax increases may occur in the future. Gary Stewart noted that the tax base will expand which will lead to increased revenue. Mike Pugh said that the continual rise in assessments by the state will also lead to increased revenue. Ed Cairns exclaimed that the Board of County Commissioners will not be able to afford the projects. Gary Stewart interjected that the costs for projects to support existing development will increase regardless of whether any population increase occurs. Discussion ensued on accurately assessing the data, trip ends generated by each new resident, potential income from measures such as impact fees and excise taxes, and the efforts to focus growth in the growth area. Mike Pugh reiterated Craig Whiteford's assessment that the plan was affordable. He reported that both population and revenues will increase incrementally over the life of the plan and that the analysis of the last 14 years has revealed that this is not out of line. Dr. Lane noted that 60% of the College's cost in the table will be borne by the state as would 45% of the public schools' costs.

Owen Thorne was aghast by what appears to a $400 million gap from the County between $1 billion and $600 million without the inclusion of the Elkton loop road. Clive Graham disagreed on the issue of roads. The 2030 transportation demand was based on models and the road projects in the table reflect only County costs. Mr. Graham continued that the loop road is included and reflects real County costs; it does not assume a zero percent share. Mr. Graham noted that the public schools and college have known costs based on their regularly updated master plans. He also noted that the Concept Plan includes sub-committee ideas for impact fees and excise taxes which if set at, for example, $5,000 per new dwelling, based on 20,000 new dwellings, would generate ~$100 million. Kennard Wiggins lamented that the baseline costs were not separated from the growth related costs and that prohibits him from determining whether this is good or bad or properly assessing its affordability. Vicky Strause questioned the foundation data for the costs. Dr. Lane spoke as to the College's funding. She indicated

the costs are based on the 10 year facility assessment and that the College is dependent on state funding. If the state does not fund, the County won't include it in the CIP. Discussion ensued on state funding formulas and enrollment growth. Additional discussion ensued on previous studies and the breakeven point for residential dwellings. Will Whiteman inquired as to whether the loop road was required by 2030 or by build-out. Clive Graham responded that the loop road was not needed to handle 2030 traffic. John Bennett queried on land acquisition for a jail. Craig Whiteford noted that the present renovation project will adequately expand jail capacity through 2030. Jeff Clewer observed that there is no room for expansion at the present site. Discussion ensued on the potential need for more schools based on population growth and the most appropriate location for said schools. Additional discussion ensued on the fire section of the table and the origin of the items contained therein. Donna Tapley asked Mr. Whiteford if there were any fallacies or surprises in the table. Mr. Whiteford replied in the negative and said he is comfortable with the costs as shown.

Rupert Rossetti asked what the next steps were. He inquired as to whether high, middle and low case funding probabilities would be run. Clive Graham indicated that while the costs table was a somewhat blunt instrument it had been carefully prepared and was valuable. He added that he had not anticipated conducting a detailed fiscal model run. John Denver questioned the level of participation by Anirban Basu in assessing affordability. Gary Stewart predicted that Mr. Basu will say it is affordable. However, Mr. Stewart said that is not the question, the true question is one of making it work by realizing additional revenue. Dr. Lane reflected that prioritization and funding of capital projects are done by the Board of County Commissioners, not this group. Dan Whitehurst and Phyllis Kilby engaged in a repartee regarding the taxes generated by growth, the breakeven point on residential units, high school overcrowding and ways to spend future revenue wisely. Clive Graham reminded the COC that the affordability question would be revisited during discussion of the community facilities element of the Concept Plan.

Dr. Lane noted that we still have to consider Eileen Butler's motion from last meeting and Rupert Rossetti's presentation on de-nitrifying septic systems. Rupert Rossetti presented a powerpoint presentation on his proposal to require de-nitrifying septic systems for new development within 1,000' of perennial streams or within wellhead protection areas. Mr. Rossetti presented slides indicating the areas that would be affected adjacent to perennial streams, an analysis for both the 300' and 1,000' buffer, statewide direction to reduce nitrogen and phosphorus by 2011, and COC options. Jeff Clewer asked Rupert Rossetti if his statement to do nothing means to maintain present systems. Mr. Rossetti answered yes. Vicky Strause asked if best available technology meant de-nitrifying systems. Mr. Rossetti replied it does. Will Whiteman identified the central fallacy of the argument is that the systems are de-nitrifying when in fact they are not. Mr. Whiteman also queried as to whether farmers would be prohibited from spraying within the buffers. Mr. Rossetti answered no and that they have other requirements such as cover crops. He noted that while agriculture has made great strides managing pollutant loads, urban and suburban are losing ground. Will Whiteman cautioned that the agricultural community will be next since focusing on septic systems will only address 15% of the load and agricultural is the biggest contributor of nitrogen. John Bennett noted that the state estimates agriculture contributes 40% of the load and it is doing more than its fair share. Discussion ensued on the

fairness of saddling extra cost onto individuals for the new technology when it will only address 15% of the load. Additional discussion ensued on funds collected through the flush tax that are available locally for upgrade, the number of systems installed locally and the cost of said installation. Sarah Colenda inquired as to how many septic systems would be impacted. Chuck Smyser said there are 3,000 septic systems in the Chesapeake Bay Critical Area. Ed Cairns was concerned that the discussion was only focusing on cost, not the benefit. Will Whiteman opined that not all landowners will be able to afford these systems. Paula Gilley reflected that this would make affordable workforce housing even more difficult to achieve. Ed Cairns suggested that workforce housing not be built on septic systems. Will Whiteman noted that affordable housing could mean a lot and dwelling for the child or grandchild of a landowner. Mike Pugh wanted to know why the expansion from the sub-committee recommendation of 300' all the way out to 1,000'. Rupert Rossetti countered that there is a 50% delivery rate within 1,000'. Mr. Pugh interjected that the difference between 300' and 1,000' is de minimis. Discussion ensued on paying for systems, cleansing ability of streams, value of expanded buffers, a phasing of the installation, monitoring output, and the clash of theory and reality. Dr. Lane asked if there was a motion.

Rupert Rossetti made a motion to require all new development in wellhead protection areas or within 1,000' of streams to use septic de-nitrification systems. The motion was seconded by Owen Thorne. 11 members voted in favor of motion. 10 members voted in opposition to motion. 5 members did not vote. Motion approved.

Eileen Butler reminded the COC that her motion from last meeting was to expand the 25' non-tidal wetland buffer to 75'. Ms. Butler presented a summary of the reasoning behind her motion and the websites containing the science upon which it is based. Ms. Butler presented background on why there is presently a 25' buffer and a synopsis of the maps she asked David Black to prepare. Vicky Strause noted that the Harford County zoning workgroup had voted to reduce the non-tidal wetland buffer in their growth area to 25' from 75'. Will Whiteman cautioned about putting too much faith in the GIS inventory of non-tidal wetlands due to the remote source of dating. He noted that field verification picks up many wetlands that the GIS remote sensing misses. Mr. Whiteman expounded that expanding the buffer could be seen as a taking and presented an exhibit to illustrate his point by showing the impact to a one acre piece of property of the present 25' buffer, a 50' buffer, and a 75' buffer. He is of the opinion that this will shoot holes in the growth area. Discussion ensued on whether agricultural operations would be subject to the same buffers, whether this would prohibit creativity of design in the growth area, whether the GIS map was an accurate depiction of the wetlands, and how this, in concert with the new stormwater regulations, would make it difficult to focus growth in the growth area. Dr. Lane asked if there was a motion.

Eileen Butler made a motion to expand the 25' non-tidal wetland buffer to 75'. Motion was seconded by John Bennett. 11 members voted in favor of the motion. 13 members voted in opposition to the motion. 2 members did not vote. Motion was defeated.

Eileen Butler made a motion to expand the non-tidal wetland buffer from 25' to 75' outside of the growth area. Motion was seconded by John Bennett. 18 members voted in favor of the motion. 2 members voted in opposition to the motion. 6 members did not vote. Motion approved.

Clive Graham presented a summary of the environmentally sensitive areas portion of the concept plan. Mr. Graham explained the priority preservation areas to the COC based on the map the COC approved in May. He added that the PPAs will be defined and refined later. Mr. Graham presented a synopsis of the green infrastructure portion. Discussion ensued on the proper wording relative to the green infrastructure issue. Mr. Graham said he would clarify language relative to green infrastructure for next week's meeting.

Dr. Lane announced that the COC will meet next Wednesday, 15 July 2009 at 4:00 p.m. in Room 208 of the Cecil College Technology Center. The COC will get through the remainder of the concept plan.

Adjournment: Dr. Lane adjourned the meeting at 9:03 p.m.

Respectfully submitted:

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Eric S. Sennstrom, AICP
Director – Planning & Zoning