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Transcript of Hearing

Date: May 6, 2019

Case: Meeting/Montgomery County Department of Permitting Services

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DEPARTMENT OF PERMITTING SERVICES
FOR MONTGOMERY COUNTY, MARYLAND

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In Re: :
PUBLIC COMMENT SESSION :
-----x

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Transcript of Hearing
Conducted on May 6, 2019

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2 before Martin Onuegbu, Notary Public of the State of
3 Maryland, at East County Regional Services Center,
4 3300 Briggs Chaney Road, Silver Spring, Maryland
5 20904.

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E X H I B I T S

(None Entered)

1 P R O C E E D I N G S

2 MR. BANDEH: Good evening. My name is
3 Jewru Bandeh. I'm the director for the Eastern
4 Regional Office and we would like to welcome each and
5 every one of you to this East County listening
6 session with County Executive Marc Elrich and County
7 Council Vice President Sidney Katz.

8 At this time we will just have [inaudible]
9 to get us started on the program. Welcome.

10 MR. ELRICH: So thank everybody for coming
11 out tonight. We're in the middle of our listening
12 tour. This is session -- which one? Four?

13 MR. KATZ: Three.

14 MR. ELRICH: Three?

15 MR. KATZ: But who's counting?

16 MR. ELRICH: Obviously, I'm not counting
17 very well. So this is our third session. We've been
18 -- we're trying to get input from the business
19 [inaudible]. As I told people we've heard lots of
20 people raise issues about the regulatory environment
21 in the county. For starting a new business, what do
22 you have to deal with. If you're trying to occ --
23 put your business into an existing building, what do
24 you have to do to get that building ready. And most
25 importantly, what makes Montgomery County different

1 in a bad way than the other jurisdictions around
2 here.

3 People like to say that -- tell us that if
4 they had the start a business over again, they
5 wouldn't start here and when their friends ask them
6 where to locate, they tell them I wouldn't open a
7 business here. So we want to understand why people
8 are saying that? What are they encountering here
9 that they don't encounter in other jurisdictions?
10 With the intention of changing it.

11 Our goal is by the end of this year or
12 early next year, whenever the work gets finished,
13 that we take all the input that's coming from these
14 meetings and all the input that people are submitting
15 in writing. We're going to look at how this impacts
16 our regulations and we're going to introduce either
17 legislation or regulatory changes or a combination of
18 the two so that in short order, we're no worse than
19 anybody else.

20 I want you to not feel that this is the
21 worst place. I don't want you to feel that we're
22 worse than anybody else's. That's our goal. We want
23 to make sure that people feel they can start
24 businesses here, that you tell your friends to come
25 here and that we're addressing the issues that you

1 all find as obstacles.

2 And so we've been doing these tours.

3 We're going to be taking written comments through
4 July 1 and if people don't feel comfortable talking
5 about specific situations or dealing with specific
6 people, you can make your comments in writing and
7 these will not be shared with anybody that you've had
8 issues with. So we want to make sure that anything
9 you say is protected and you don't have to worry
10 about some inspector coming back and saying, you said
11 something not nice about me. Now I'm going to turn
12 your life into something very difficult.

13 So we don't want to do that. We want to
14 make sure that this is transparent and the people can
15 talk frankly and freely to us. And with that, I'll
16 turn this over to Sidney.

17 MR. KATZ: Well thank you all very, very
18 much for being here. Just for a very quick moment,
19 my background is that I'm a small-business person.
20 My grandparents actually started the store in 1918 in
21 Gaithersburg and I ran that store up until the time I
22 actually became a Montgomery County Council member.
23 It was my store. I was mayor of Gaithersburg and I
24 had the store and most municipal officials are part-
25 time people though it's really a full-time job in

1 both places.

2 So when Marc was running and sat down with
3 me and he says, look, we have people that are very
4 concerned about not opening up businesses in
5 Montgomery County. And because of my background, he
6 said would I be willing to work with them, to change
7 that and I said, absolutely. We both need to sit
8 together. We need to look your right in the eyes.
9 We need to hear what you're saying and we need to
10 change what -- whether it's perception or whether
11 it's real. If it's a problem, we need to solve it.

12 And just to prove that, at the first
13 listening session that we had, we had a couple people
14 that were complaining about the amount of forms that
15 they had to fill out for procurement. Marc and I
16 both went, um, while we were listening to this and it
17 went from this amount -- [inaudible] who's in the --
18 the new procurement person, is in the room -- it went
19 from this amount to this amount in one week. Now I
20 --

21 MR. ELRICH: There you go.

22 MR. KATZ: I can't tell you we're going to
23 solve it all that quickly. I mean, give us a chance
24 here. But we're going to sure try and Marc said at
25 that -- and I'm quoting Marc Elrich, sitting next to

1 Marc Elrich. But Marc said there's some things we're
2 not going to wait till the end to try to solve this
3 -- we have some other listening sessions -- but we're
4 going to do it a long way if we can. So we started
5 to do that. We want to hear from you; that's what
6 we're here for.

7 Now, you have people throughout the room
8 from various agencies is here as well and if there's
9 a problem, you know, we'll -- they're going to hear
10 you directly just like we're going to hear you. And
11 I did want to mention that at the end of this
12 process, what we had planned -- well, we were going
13 to do it reverse. I thought we should have a
14 committee work on this and then go out and have a
15 listening tour and then -- but what we decided to do
16 in reverse.

17 We decided to have the listening tour
18 first and at the end of this process we're going to
19 have what I always call a charette -- where
20 everybody, all the stakeholders come together that we
21 can figure this out together and have people, maybe
22 who are actually specialists in various fields, sit
23 down and see what's the best way to get from A to B
24 and we're going to do that as well.

25 So we're going to work together. We're

1 going to figure this thing out. We're going to have
2 a better Montgomery County for business, in every
3 other way as well and we're going to ask people to
4 try to keep your remarks to three minutes. Now, I
5 have a world-famous watch right here and it -- I know
6 how to -- I know how to get up to three minutes on
7 this.

8 So when you come up, please identify
9 yourself and then we're going to tell you when three
10 minutes are up. We'd like to hear from as many
11 people as we possibly can. So that's what we're
12 going to do. Do you want to start calling on people
13 or should I call on people?

14 MR. ELRICH: Raise your hand if you
15 want to --

16 MR. KATZ: We've got a line up here.

17 MR. ELRICH: Okay. George's McFarland;
18 McFarland and Associates.

19 MR. MCFARLAND: Good evening. First of
20 all, I want to say thank you for this opportunity. I
21 have lived in this county now for 45 years and
22 started my business here in 1989 -- 30 years ago.
23 And most of my business experience has been on
24 federal contracts. But the last -- I guess about
25 three years ago, I decided to pursue contract with

1 the Montgomery County government. And I found that
2 that was very -- very difficult to negotiate the
3 contract. It took much longer than I was used to.

4 It seems that many of the regulations
5 seem to be kind of arbitrary and capricious and I
6 guess I was used to much more familiar with the
7 Federal Acquisition Regulations where it specified,
8 for example, reasonable cost, allowable costs,
9 allocable cost, things like that. They gave you a
10 firm basis for negotiation.

11 I think that there's some confusion
12 about the difference between contracts and grants.
13 Sometimes it seems like although it says it's a cost
14 reimbursable contract, it is actually operated a
15 little bit more like a grant. I think that there has
16 to be a stronger appreciation for the power of small
17 businesses to be part of an economic engine.

18 I remember when we were talking about
19 Amazon and excited about Amazon, it was all about the
20 economics. I know that one of the challenges that we
21 face in this county is that we have an aging
22 population and we also have too much of the -- we
23 depend on too much of the revenue to come from a
24 small group of people. So I think that small
25 businesses have a capacity to hire more people who do

1 pay taxes. Sometimes, I think they look at small
2 businesses as not so much as a partnership, but you
3 should be glad you got a contract.

4 So I think it has to be more of a
5 partnership and understanding that we bring value, we
6 hire people who send kids to college, who pay for
7 houses, who pay rent, who paid mortgages, all of
8 these things and I think that when we understand and
9 appreciate the value of what small businesses do and
10 how they can make these changes.

11 I'm particularly interested the health
12 care community and today I think what we are looking
13 at is, we're spending all the money we got, we're
14 spending 18 out of every \$100 on health care. There
15 are a lot of people -- a lot of things that community
16 health workers and non-technical people can -- things
17 they can do to help people who live longer and
18 healthier. So thank you.

19 MR. KATZ: Thank you very much and I
20 appreciate that. I also think we should mention that
21 we know very well that the number one employers, the
22 largest amount of employees, come from small
23 businesses in Montgomery County. And so that's a
24 another point that we certainly want to make.

25 MR. ELRICH: I want to add to that; the

1 paperwork we shared is just one aspect of what we
2 want to change. I want to implement local
3 preferences for businesses because you're the ones
4 that spend your money here and if I give a contract
5 to somebody from Virginia or Pennsylvania that money
6 is gone. If I give it to Montgomery County business,
7 I'm collecting your property tax, the tax on your
8 inventory, your payroll tax, the taxes on your
9 employees.

10 There's a lot of money that stays in and
11 flows in the county by working with local businesses.
12 So we need to recognize that so we capture that and
13 factor it in to when we actually give out contracts.
14 So we want you to know that we actually have heard
15 you. I appreciate what you've had to say, and I'm
16 definitely committed to making this better for local
17 businesses in this county.

18 MR. KATZ: Next is Jonathan.

19 MR. ELRICH: Next is Jonathan Genn.

20 MR. GENN: Good evening and thank you very
21 much for allowing us to speak with you and first to
22 applaud both of you for the very sincere effort
23 you're making, because it is important. And I think
24 the interesting aspect of where we are today is while
25 there may be challenges in the county, I always see

1 those challenges as opportunities and this is a way
2 in which we can change the messaging which would be
3 very, very important. So thank you for this
4 opportunity.

5 A few broad comments I'd like to make and
6 just -- particularly for those who may not know me.
7 I have been working here for 30-some-odd years for a
8 family that's been here for generations. And in this
9 room people know that I represent the Gudelsky family
10 working on the Viva White Oak Project adjacent to the
11 FDA here in White Oak. We're proud of what this
12 opportunity may mean in bringing thousands and
13 thousands of jobs to this area, opportunities for
14 small businesses and really, we feel, could be one of
15 those great models of racial equality and social and
16 economic justice for an area of the county that has
17 been both in a legal and defacto moratorium for
18 years.

19 We have opportunities to bring more
20 private sector jobs here in the next few years than
21 this area has had in the last few decades, and we
22 want to try to capitalize on that. One of the
23 things, though, that I think would be important is
24 that we make sure the county and its process doesn't
25 get in the way. And when -- and particularly if we

1 are in a public-private partnership as we are, what's
2 really critical is that the county continue to honor
3 its role in the public/private partnership and we
4 think that would be very, very important because the
5 contrary message which is for the private sector
6 can't rely on Montgomery County to honor its
7 commitments would be devastating.

8 So in one specific instance, we are in a
9 public-private partnership with Montgomery County.
10 Montgomery County issued and approved unanimously a
11 CIP program for four years that's going to fund the
12 critical infrastructure to get the jobs here in short
13 order. And that CIP recommendation was changed
14 significantly reducing that commitment. We actually
15 have a contract with the county to fund that.

16 This would be a lousy message to the
17 community -- to the business community to say, when
18 the county's made a commitment, that it will
19 backtrack off of it. So I ask you to please reflect
20 on the importance of that. If you want businesses to
21 invest, they have to rely on the county's role in it
22 and so I just asked you to consider that.

23 The last thing I'd like to just say, well
24 actually it's twofold; one is --

25 MR. KATZ: You're right at three minutes.

1 MR. GENN: Okay. The White Oak Science
2 Gateway Master Plan is an example of a lot of things
3 that could be done better. And when we have the
4 opportunity, we could list literally the dozen
5 lessons learned and it's important that we learn the
6 lessons so we don't repeat them. So end it after
7 about three minutes and 40 seconds. Thank you.

8 MR. ELRICH: Thank you. Lynn Martins.

9 MS. MARTINS: Restaurant business casual
10 Monday. Lynn Martins, Seibel's Restaurant,
11 Burtonsville, Maryland. We are the oldest existing
12 family-run business -- I mean, restaurant in
13 Montgomery County now.

14 MR. KATZ: Are you really?

15 MS. MARTINS: We are because you guys are
16 chasing us away. Just briefly want to touch on the
17 most recent liquor policies that were changed. You
18 guys did a lot of changes before. They just recently
19 got changed again and it makes me shake my head,
20 because it's gone back in my mind, further, worse
21 than what it was three years ago with the existing
22 changes.

23 I'm not sure if you understand that we get
24 a book about this thick every month and we know
25 exactly what everybody else is paying in the state of

1 Maryland for liquor because it is a standard price
2 book. It's just crazy because some of the
3 explanations that were given for why they made the
4 changes are always referring to some businesses, some
5 businesses, some businesses. And like I always hear
6 and I always see, that there's a few businesses
7 aren't -- that are making it more difficult or not
8 following the rules. So we have to make a new
9 regulation instead of making those businesses and
10 enforce with what's going on.

11 So if you have businesses that are going
12 in and buying too much from your stores and wiping
13 out the inventory, don't let them. You have managers
14 in your stores. One of the explanations is, we order
15 a special case of wine in and they only buy one
16 bottle and now it's sitting on the liquor store
17 shelves. Don't do it. I mean, that's just poor
18 management, you know, so why do we all have to suffer
19 for poor management within your retail stores?

20 Another -- a couple of things. I have
21 another thing that I just would like to address. I
22 really appreciate that lots of times you make changes
23 recently -- the minimum wage increase and you make
24 allowances for small businesses. I think we really
25 need to look at what is the definition of a small

1 business. You seem to always look at it in the
2 number of employees. In the restaurant industry, we
3 have the narrowest -- we make one set on every dollar
4 we sell but we have the most labor. We're not one of
5 -- I mean, one of the most labor. I'm sure there's
6 other ones, but we employ a lot of people. Not
7 making a lot of money. So I think that we need to
8 look at maybe revenue and the number of people in
9 there.

10 And just take into consideration that
11 Burtonsville is part of Montgomery County and that
12 we're -- Maple Lawn is killing us. Maple Lawn up in
13 Howard County is really drawing people. We used to
14 get a lot of people coming down out of Howard County
15 and the economic impact of their regulations, their
16 minimum wage, their price of liquor and other items
17 are really affecting us within the county.

18 And when you -- I know that you take a lot
19 of rules and you look at everything and I always hear
20 DC, DC, DC. You know, Howard County, Prince George's
21 County, we're not always on the same page. And it
22 does make it tougher. Every day it's getting harder
23 and harder and Burtonsville Loop Road. There you go.
24 Did I hit my three minutes?

25 MR. KATZ: You absolutely were at three

1 minutes.

2 MS. MARTINS: I had three things in three
3 minutes.

4 MR. KATZ: You can tell you're a small
5 business person. You know how to be effective.
6 Thank you very much.

7 MR. ELRICH: Carter Wilson, please.

8 MR. WILSON: How you doing?

9 MR. ELRICH: How are you doing?

10 MR. WILSON: Thanks for letting me speak.
11 It's great that you guys are doing this business
12 listening session. I'm a small business owner. I've
13 been in business for 38 years. I build houses. I
14 just want to say one thing -- that Department of
15 Permitting Services is doing a good job on the
16 residential side. There's a lot of good people up
17 there. They're responsive. Of course, there's
18 always some people that aren't as responsive as they
19 should be, but overall, they do a very good job and
20 just wanted to mention that to you.

21 I think the main thing that Montgomery
22 County should be doing is create a pro-business
23 environment and that's -- this is first -- it's a
24 good step. This is a good step, first step. And,
25 you know, taxes affect businesses, regulations,

1 legislation affect businesses and costs. On a
2 national level, you see -- you've seen the corporate
3 income tax come down, you've seen deregulation and
4 it's a pro-business environment and our economy is
5 soaring right now. So we need to create the same
6 kind of thing for Montgomery County. That's the main
7 comments that I need to say. Thank you very much.

8 MR. KATZ: Thank you, Carter.

9 MR. ELRICH: Dave -- your name -- it's
10 with an R. After that you're on your own, please.

11 MR. KATZ: Dave Rudorfer.

12 MR. ELRICH: I knew one of us would know.
13 I knew one of us would know.

14
15 MR. RUDORFER: I'm actually here today to
16 talk about the commercial side of Department of
17 Permit Services and, again in general, they do a
18 great job. I work -- I coach a lot of retail tenants
19 through the process both in Montgomery County,
20 Arlington County, Fairfax County, so I can compare
21 and contrast the systems. Overall, a good solid
22 system.

23 One of the advantages that you have over
24 your competitors, frankly, is the fast-track program.
25 So I would encourage you please don't -- again,

1 there's a certain limitation of who can apply for it
2 but it's a great system. You've got a very good
3 website, in terms of folks coming in from out of
4 town, that I can refer them to. I do typically,
5 though, refer folks to hire our permit expeditor if
6 they're coming from out of town just because, again,
7 there are some options. And I typically again, use a
8 local architect if I'm doing work to take it through
9 the system and usually very successfully.

10 The couple of areas of improvements that I
11 would suggest is for those that are out of town and
12 they don't take my advice to get a permit expeditor
13 to help them coach through the system. Whether they
14 walk it in or the e-file, is they get in the system
15 and I can get onto your website and I can track the
16 progress. I know there's something going wrong if
17 it's -- if it's not moving forward.

18 But then I call them up and tell them to
19 start calling and they complain that sometimes they
20 just don't get an answer or they get the run down,
21 again. So maybe if there is a way to appoint a more
22 designated person to be able to help coach them
23 through the process.

24 And then the only other suggestion I would
25 have for improving the system is Fairfax County and

1 Arlington has a county on their website that they not
2 only can track status, but you they actually post the
3 comments on the website. So again I as a third party
4 can go in and read through and see what's going on
5 just to help them through the process. That's why
6 I'm here today. Thank you.

7 MR. ELRICH: Can I ask you a question?

8 MR. WILSON: Yes, sir.

9 MR. ELRICH: Couple of things I've been
10 thinking about and you're in the position to know.
11 One is requiring inspectors to do complete
12 inspections and leave a punch list rather than go
13 through until something fails and stop them and come
14 back and pick up where they left off. Would doing
15 the punch list to help people?

16 MR. WILSON: To be honest with you, in
17 Montgomery County I really haven't had that
18 experience on the commercial side. Most of the
19 inspectors, I just haven't had that complaint from
20 contractors, to be honest with you.

21 MR. ELRICH: And do you have issues where
22 something fails on sight that you thought was built
23 to plan?

24 MR. WILSON: Well, that can happen. It
25 does happen and, frankly, in some cases what the

1 reviewer approves versus what the inspector thinks is
2 correct, sometimes there is a difference of opinion.
3 Frankly, again, your team of reviewers and inspectors
4 typically jump all over it and work it out usually to
5 the point where it doesn't delay construction.

6 MR. ELRICH: I'm raising it because I've
7 heard these small people so -- that it's caused
8 delays. I'm looking at giving something to
9 inspectors so they could call back to the office
10 actually show a live picture on the phone to an
11 inspector the person who approved the plan in the
12 office and determine whether or not it should be
13 failed or whether it complies with what -- would that
14 be helpful?

15 MR. WILSON: Sure, absolutely.

16 MR. ELCRICH: Okay. Thank you.

17 MR. KATZ: And what was your last name?

18 MR. RUDORFER: Rudorfer R-U-D-O-R-F-E-R.

19 MR. KATZ: Very good. Thank you.

20 MR. RUDORFER: Thank you.

21 MR. KATZ: Next is Eric Saul.

22 MR. SAUL: Hello, I'm Eric Saul. I am a
23 small business as a local architect and I'm going to
24 piggyback on Dave R. -- whatever his last name is.
25 So I mainly do residential, single-family homes as

1 well as small commercials like restaurants, things
2 like that. And I agree with Dave. You know, the
3 residential side is very good. [inaudible]. The
4 residential side is very good. There's some little
5 things that we could do to make it more efficient.
6 Like for example, when I'm doing an interior
7 renovation, I have to go through zoning to get
8 approval. I have to go through land development to
9 get approval and its sort of like a wasted step when
10 it's interior. So in DC you just bypass those two.
11 So I have to wait one extra hour on Montgomery County
12 for those.

13 But going into the small business part,
14 you know small business spends probably the majority
15 or the biggest chunk of their money just opening
16 their store, especially a restaurant. We're seeing
17 200 to 500 thousand dollars on average just to open.
18 And when you rent a place especially where I work,
19 Takoma Park, Silver Spring, these rents are 5000 to
20 10,000 a month and we're seeing permits taking three
21 to five months, even longer, to get through all the
22 inspections and there is no fast track.

23 So that could add up to, you know, tens of
24 thousands of dollars of rent. Apartment fees --
25 \$1,000 \$2,000. An idea would be let's do a fast

1 track. Let's charge a little bit more for it. It
2 would be way less expensive in the end when you add
3 it all up. So that's one option.

4 Going to your question that you asked Dave
5 about reviewers and inspectors in the field, we come
6 -- we run across that all the time where an inspector
7 will disagree with something in the plans based on
8 what the reviewer said and then my client has to drop
9 you know \$700 on a permit fee to change the plans --
10 a revision fee and it's always \$700.

11 One time we had a misspelling on the
12 drawings that said the code was 2012 instead of 2015,
13 by mistake. The reviewer didn't catch that, but the
14 inspector did and he said, oh, you need to change
15 this to 2015. So just to change one digit on the
16 plans, I had go pay \$700 on my dime because the
17 client was mad at me for doing that, rightfully so.
18 But just for a year the code was wrong on a set of
19 drawings.

20 So if we can avoid some of those with
21 simple -- like you're saying too, a phone with my
22 camera. I could say, okay we fixed this little
23 electrical issue, take a picture, send it back.
24 Instead of having that inspector come back three days
25 later to look at that one wire. Those kinds of

1 things can just speed up the process.

2 MR. ELRICH: Can ask you about --

3 MR. SAUL: Sure.

4 MR. ELRICH: The three to five months on a
5 restaurant -- have you done restaurants in DC for
6 example or another county?

7 MR. SAUL: Yes. Yes. [inaudible].

8 MR. ELRICH: Does it take as long or --

9 MR. SAUL: I would say they have a process
10 to do it faster. They actually do have a fast-track;
11 you pay a lot of money for it. I think they have
12 this like \$10,000 -- what are they called. It starts
13 with a V like Velocity -- something in the process.
14 But you can -- you can even do a larger building in a
15 week.

16 MR. ELRICH: But if you weren't being
17 fast-tracked in DC, would it be a three to five month
18 process there?

19 MR. SAUL: I would say it probably, yes.
20 Arlington, no, they're faster. I could probably do
21 it in three to four weeks versus three four months.
22 I haven't done one in Fairfax.

23 MR. ELRICH: So if you could maybe write
24 something down. Just let us know what's different
25 about Arlington and here. What happens that you can

1 do it in four weeks rather than four months? That's
2 the kind of thing we want to get down to so we can
3 look at it.

4 MR. SAUL: Sure, sure. Yeah, we submit
5 and it takes four weeks just to hear back from
6 somebody. So we'll submit it and then it's just
7 sitting around for 30 days or something where
8 Arlington just gets back to you in a week. So it's
9 something on the administrative or on the permitting
10 side that we don't know about. So and I know they're
11 busy. I know there's -- maybe there's more employees
12 that need to be hired.

13 MR. ELRICH: I'm sure everybody is busy.

14 MR. SAUL: Yeah, sure.

15 MR. KATZ: Let me ask you a que -- so in
16 the other jurisdictions do they have people that will
17 sit around a table in the beginning and tell you --

18 MR. SAUL: Yes. Yeah, especially
19 Arlington. Yeah, you can have a meeting with
20 everybody in the room and they'll sit down and go
21 over your plans with you for a simple set of plan
22 especially like an interior renovation. You can have
23 the mechanical guy, electrical person -- all the
24 people in the room and they can sort of tell you
25 exactly what you need right there.

1 MR. KATZ: And that's got to speed things
2 up, I would assume?

3 MR. SAUL: Absolutely, yeah.

4 MR. KATZ: So that's something that we
5 need to look into too. Thank you.

6 MR. SAUL: No problem.

7 MR. KATZ: Next, we have Diane Korzan.
8 Just one second please? We do have cards if someone
9 is coming in right now and would like to also come up
10 and comment. Just let Jewru know back there and
11 he'll bring you a card. Thank you. Go ahead.

12 MS. KORZAN: Hi, I'm Diane Korzan. I have
13 my own accounting business in Montgomery County. But
14 my comment I wanted to make was you've heard from two
15 builders here tonight. As a homeowner, I think that
16 the county needs to do more to protect the homeowner
17 from builders building homes next door and flooding
18 people out. And I don't know how to say it, but they
19 raised the grade level and, you know, without a
20 homeowner knowing what's going on.

21 I guess I was out of town when they sent a
22 letter out asking, you know, us to come to a meeting
23 or something. And I think that a builder should be
24 required to send a certified letter so that, you
25 know, they can say, oh, this homeowner obviously

1 doesn't care because I was never informed. And when
2 I came back from vacation, the meeting had already
3 happened and then there nothing I could do. So
4 that's all I have to say.

5 MR. ELRICH: Thank you. Next, we have
6 Shane Pollin, please.

7 MR. POLLIN: Good evening. My name is
8 Shane Pollin. I'm the director of one of the Duffie
9 Companies. We're a family business. We were
10 headquartered in Hillandale in eastern Montgomery
11 County for about 40 years. We just finished tearing
12 down our corporate headquarters to build one of the
13 first LEED Platinum hotels. We've been building in
14 eastern Montgomery County since the 1950s as a
15 family.

16 And I think the biggest thing about
17 becoming business friendly is to try to be friendly
18 and try to find a way to support the businesses that
19 are here. On some of the themes that we've heard,
20 when Amazon was coming it was all about Amazon. But
21 here we are as a family who's been here since 1953
22 developing, and it doesn't feel like there's
23 necessarily support or how to get to yes. Sometimes
24 we hear the governor go out and one of the things --
25 we agree or disagree, but this idea of what are you

1 trying to do? How can we support you to do that?
2 Particularly, if you're looking to reinvest in the
3 community.

4 And we do a lot of firsts as the Duffie
5 Companies as specialists and high-performance green
6 building and sustainable design. So we hear about
7 things like we have a goal to get to zero net energy
8 or reduced greenhouse gas. We built our corporate
9 headquarters as a LEED platinum building. We wanted
10 to put solar on it. It took nine months to get the
11 permit, right? To navigate through a process, we
12 participated in the process for the taxed amendment
13 that came out.

14 We were the poster child when that text
15 amendment came out, but to have to navigate through
16 the systems that we have without the -- it doesn't
17 feel like there's a way to get to yes. We don't want
18 to just pay fees and go for things like local area
19 transportation improvement. We want to invest in the
20 roads. We did studies at our own expense. We meet
21 with the OT staff and you've been very supportive.
22 But the fact remains it's a year and a half two years
23 in, we can't put the money that we're trying to into
24 roads.

25 And so even when you have companies like

1 ours who are choosing to be here -- we chose to
2 relocate from -- to build a new hotel on our own dime
3 in Montgomery County. We moved to Colesville four
4 miles away. We've built ourselves a LEED platinum
5 office building. Again, it's getting the support and
6 coming in.

7 We've had the experiences you're talking
8 about, Marc, where the inspector might have a
9 different view. We have the same issue sometimes on
10 DPS for reviewing a complex plan where we'll get
11 comments back pointing some things out on the plan.
12 We address the comments taking that cycle,
13 resubmitting, whole new set of comments that -- that
14 could have been pointed out on the first thing but
15 it's just as the inspections you're pointing out.

16 So there's not this sense of urgency and
17 the sense of how can we -- like these are businesses,
18 how can we help them make their investments? And I
19 think that's generally the theme that I'd like to hit
20 upon is just have that attitude of yes and recognize
21 that there are some families, there are businesses
22 who are trying to invest and just take that step back
23 and say how can we help them? How do we get to yes?
24 Whatever the issue is, how do we get to yes?

25 MR. ELRICH: And again, too long to lay

1 out in words. But could you write down what took so
2 long? What was the process that could possibly take
3 nine months to get approval for solar panels on an
4 approved building?

5 MR. POLLIN: Yeah, we can tell you sort of
6 the thicket that we went through. But it had to do
7 with the fact that if you had a site plan approved --
8 which we had the site plan approved before the
9 downturn -- you had to amend the site plan in order
10 to put solar, because we weren't putting it on the
11 roof, because we wanted to put it where it's we
12 actually chose to put it, where it's more visible and
13 where it was sort of easier to install on our lot.
14 And so we ended up with an amendment process of a
15 site plan. That's what that text amendment was
16 about.

17 But we illustrated that, that need for
18 that amendment. In the absence of the amendment,
19 then we're submitting with a plan that was from 2007.
20 The engineer -- then that you have to submit and just
21 like sort of change the date on the plans, resubmit
22 the plans, cross off things here. In -- we don't
23 like that -- back. In -- no, do it this way -- back.
24 In -- right. And so this whole process of back and
25 forth and I'm just kind of scratching my head saying

1 we're trying to do -- so many times we're trying to
2 do what we think the county is saying that they want
3 us to do, but we can't get through the process.

4 MR. ELRICH: So you didn't start with the
5 meeting that established what it was that you have to
6 do where you could [crosstalk]?

7 MR. POLLIN: We actually set up another --
8 we hired another small business who was a solar
9 installer, who said yeah, we can go and we can
10 install solar. And again I don't -- we hire them and
11 then they went in and they fell in the thicket for a
12 period of time when they went in to just to get the
13 permit and they said no, no you need to go to Park
14 and Planning to get a site plan amendment.

15 So there was another small business who's
16 sort of got in trouble. Didn't even know what it
17 took because they thought they were just going to go
18 put panels on the way they do in other jurisdictions.
19 So yeah it just -- it all added up and I don't -- I
20 don't put all responsibility on the county. This is
21 always a we share some. Oh, yeah, we didn't do this
22 right or didn't put the block on the right -- on the
23 plans the way it could be. The architects can tell
24 you. But clearly the goal was not like how do we get
25 this done for you.

1 MR. ELRICH: It seems to me that you want
2 to know what needs to be on your plans so that you're
3 not surprised when somebody says it's not there. The
4 other thing is that you are talking about lead agency
5 review, I think when it goes between -- you do
6 something for one agency and then somebody else
7 flunks you after you've made a change. And this gets
8 to something that has been talked about. We've not
9 resolved it. Which is -- my preference is to give
10 DPS the lead agency review so when everything's done,
11 there's no conflict, there's one final word and you
12 don't go back and forth anymore. So I will look at
13 that.

14 MR. POLLIN: Yeah. And again, we -- the
15 ideas, we think we do know what's there but the rules
16 are challenging or if you have a standard method
17 application that didn't have a site plan, I could
18 build a building that's a lot bigger. Don't need
19 that for the solar, but a small building that was
20 done under site plan ten years ago could be. And how
21 do you know which ones which? So it's complicated.
22 But thank you for listening. I really appreciate it
23 and we look forward to bringing some amazing projects
24 forward in Eastern Montgomery County with your
25 support.

1 MR. ELRICH: We look forward to seeing
2 you.

3 MR. KATZ: Thank you.

4 MR. ELRICH: Thank you. Next, it's
5 T-O-C-H-U. Yes, please. And the first thing we're
6 going to ask you to do is to please say your name
7 please.

8 MR. OYI: Thank you so much for having me.
9 My name is Tochu Oyi. But my stage name Tochu. I'm
10 a soul singer, an R&B singer and I'm also the CEO of
11 GE Records. If you don't mind, I'd like to give you
12 my card, if that's okay?

13 MR. KATZ: Sure.

14 MR. OYI: Thank you, sir.

15 MR. KATZ: Marc is a music man, so you
16 certainly want him to hear it.

17 MR. OYI: Yes, sir. I have basically
18 three questions. I've been a CEO of my record
19 company for about a year now. And my first question
20 is, are there any plans to promote the arts and
21 entertainment industry here in Montgomery County and
22 at large in this county? I mean we talk about
23 business and I think for most of -- for most of us we
24 forget or we seem to ignore the fact that
25 entertainment -- when say art and entertainment, I'm

1 not talking about music, movies, painting.

2 The arts, in fact, is a huge part of
3 society and it can be used as a force to market and
4 to create revenue. So is there any plans for the
5 community to promote that among the young people and
6 white kids, black kids, Asian kids, different kids,
7 promoting the arts, getting them involved even if
8 it's not as a career but as a leisure and as a hobby
9 to get them active?

10 The second question I want to ask, are
11 there also grants that a young business can get --
12 you know, participate in? Are there any form of
13 grants or loans or something that they can get to
14 encourage that and to help the business.

15 And the third thing I want to talk about,
16 it's if you look at New York in the 80s and the 90s
17 you look at the amazing talents that came from pop
18 music, R&B music, soul music. There were shows and
19 there were all of those venues that were promoted as
20 talent shows. So I was wondering, is the county
21 interested or is the county does the -- is there a
22 plan to have some sort of talent show or venues where
23 young people can come and express themselves, express
24 their talent, to be encouraged, you know, and be
25 given some sort of -- some sort of reward for that to

1 encourage them to work on their gifts, work on their
2 craft, to hone their skill and to be better assets to
3 the community at large? So those are my three
4 questions and thank you so much. Check out my music.
5 I'm a soul singer so you will love that -- Sam Cooke,
6 Otis Redding -- that's, you know --

7 MR. KATZ: I noticed you didn't ask me to
8 sing with you, but that's okay. You're at your three
9 minutes. We do have Park and Parts grants and
10 programs and there's a system to go through. We have
11 your card and I guess we'll have someone contact you.
12 How does that sound?

13 MR. ELRICH: Okay. The artist Sam Cooke
14 or who was that? I'm trying to [inaudible].

15 MR. OYI: Sam Cooke -- that's like one of
16 my heroes -- Sam Cooke.

17 MR. KATZ: How old are you?

18 MR. OYI: I'm 26.

19 MR. ELRICH: Some music is ageless.

20 MR. KATZ: Ageless. Okay. I know Sam
21 Cooke.

22 MR. ELRICH: Just a couple of things. We
23 do do arts and entertainment grants. We have a very
24 active arts community and we, you know, promote art
25 in public spaces and in buildings. So there are

1 opportunities and they're opportunities for young
2 people. The grants and loans, you would have to like
3 to take a specific case to our small business people
4 and talk to them about if there's a program we have
5 that might fit. What you're doing, there's no
6 generic -- if you're a small business you get a loan
7 but there are programs we do run and you should check
8 it out. And I think -- who's here from -- Judy
9 Stevenson is over there and she's in the small
10 business --

11 MR. KATZ: Judy, can you hold up your hand
12 again so that --

13 MS. STEVENSON: I'll give him my card.

14 MR. ELRICH: Okay. Next, is Dr. Drena
15 Valentine.

16 DR. VALENTINE: Thank you.

17 MR. KATZ: Thank you.

18 DR. VALENTINE: So you probably recognize
19 me or remember me. I'm the interim executive
20 director for the Maryland Black Chamber of Commerce.
21 But today I am here because I'm also a small business
22 owner. And I wanted to follow up on a question mark
23 that you had -- on a statement that you made. You
24 said you were set up preferences for the state. And
25 my question is, how is that different from the

1 current program of the local small business reserve
2 program?

3 And the reason I asked is because at least
4 for the last six, eight, even the past year, counties
5 like Prince George's County was the most recent
6 county that I know of is promoting preference
7 programs for their counties. And I thought when I
8 first started my business that, wow, this -- this
9 local small business reserve program is going to be a
10 program to help me really get my business off in --
11 in Montgomery County. But let me tell you, I heard
12 about it through someone telling me about it. So you
13 don't even hear it being promoted, number one.

14 Number two, there are outreach programs
15 that have been pulling many of our folks from
16 Montgomery County to Prince George's County because
17 they're promoting. They have huge outreach programs
18 promoting opportunities for small businesses and
19 dollar amounts attached to it. And a lot of these
20 outreach events are even -- gets even more specific
21 with telling small businesses, hey, do this, do that.
22 This opportunity is with this agency.

23 So we do have a preference program. So
24 I'm just curious based on what -- the comment that
25 you made, how is it going to be different? Or am I

1 incorrect in saying that the local Small Business
2 Reserve Program that I've been certified in it's not
3 this preference program that you're talking about?

4 MR. ELRICH: It's really not. My
5 preference is a program more like Prince George's
6 County and other jurisdictions that flat out give
7 points and preference for contracts. I'm not
8 interested in reserving a certain amount of contracts
9 for small businesses. I would prefer to, when given
10 the opportunity, make sure that a small business gets
11 the contract not just simply a reserve. And so it's
12 more active.

13 And I've had people mail me copies of the
14 Prince George's County program saying, why can't you
15 do something like this here? I'm well aware of
16 Prince George's County's aggressive courting of
17 people. I have told my staff that I expect people to
18 start going to business functions and showing up.

19 I've been doing this and discovering and
20 I'm looking around for someone from economic
21 development, they're not there. I've told people you
22 need to start being there. I feel perfectly
23 comfortable have an introductory conversation, but I
24 really want a real presence. So we are aggressively
25 going to basically counter-attack and do what Prince

1 George's County and Fairfax do frankly, which is
2 getting everybody's business and say, we want you
3 here; how can we help?

4 DR. VALENTINE: Okay. So then what I ask
5 -- what I want to ask is that when you're putting
6 together this preference program, could you consider
7 the small businesses who are startups as well as have
8 been into business for -- have been in business for
9 less than three years or five years? Because what
10 gets small business is -- and I think this is similar
11 at the state level and as well as the one on one the
12 federal side, but we are not talking about the
13 federal.

14 But what get small businesses is that you
15 have a lot of businesses similar to myself. I'm a
16 single-member LLC and there is, I think -- someone --
17 a participant already -- had already mentioned the
18 fact that there is -- that you count how many
19 employees that that business have or how much revenue
20 that employee -- that business have. Where there are
21 many businesses out there that does not have the --
22 or meet the revenue thresholds when it comes to these
23 preference programs. So I just ask that the County
24 legislators consider that when they are --

25 MR. ELRICH: I want to consider all those

1 things because some of that -- particularly the
2 experience thing because that's something other
3 people complained about. Like, they've said there
4 are clauses that would say, have you done business
5 with the county before? If that becomes the
6 condition of doing business with the county, then
7 you're never going to get it. If you're lucky,
8 you'll get to be a sub or there's another word for
9 what it is. And then since you are never the prime
10 and you're always the sub then you live in the world
11 of only being a prime.

12 So we need to take that into account so
13 that some of these smaller businesses can be
14 considered as primes. I mean, people have talked to
15 me about the size of the contracts they're bidding
16 on. I could not find any logical reason why they
17 should be subs only and they didn't qualify as
18 primes, because they'd actually done work on that
19 scale before. We're not talking about enormous
20 projects.

21 So I hear what you're saying we're going
22 to be very thoughtful about this. This is something
23 you should write up so we're sure this is in the
24 record. So if you've got some detail on it, please
25 send it to me.

1 DR. VALENTINE: Okay, thank you.

2 MR. ELRICH: Thank you.

3 MR. KATZ: They wanted you to announce
4 this.

5 MR. ELRICH: I'm announcing other people
6 in the audience tonight.

7 MR. KATZ: Like Ed Sullivan.

8 MR. ELRICH: Sort of. Andrew Kline, the
9 CAO in the back there. Jerome Fletcher in the back.
10 He works on economic development. And we have our
11 small business support group members Judy Stevenson
12 and Daniel Proma (ph) and Vance (ph) Walker --
13 procureme. And [inaudible] who we introduced
14 earlier.

15 So those are some of our folks. We
16 brought people here because we want you to know that
17 we're all listening. Louis Montara from the Mid-
18 County Regional Services Center. So we want you to
19 know that we are actually listening. Cathy Durbin
20 for Liquor Control.

21 MR. KATZ: That is everybody that we have
22 on the list. Does anybody else want to come up? We
23 have a little bit of time left. Does anybody want to
24 come up and speak? Going once. Okay.

25 MR. ELRICH: Go drink water and eat

1 cookies.

2 MR. KATZ: Yeah. Thank you all very, very
3 much. I'll be here for a few more minutes. I know
4 Marc has another meeting but I'll be here for a few
5 more minutes if somebody wants to come up and have a
6 chat. Thank you for being here.

7 (The Recorded Hearing was concluded at
8 8:00 p.m.)

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Sheila Martin

SHEILA MARTIN

May 22, 2019

Transcript of Hearing
Conducted on May 6, 2019

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