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Transcript of Hearing

Date: July 12, 2024

Case: Garrett Gateway Partners, LLC (CU 16-11)

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Transcript of Hearing
Conducted on July 12, 2024

1	BEFORE THE OFFICE OF: 2 ZONING AND ADMINISTRATIVE HEARING FOR 3 MONTGOMERY COUNTY, MARYLAND 4 -----x 5 In the Matter of: : 6 PUBLIC HEARING ON A SHOW CAUSE : 7 ORDER. : 8 RE: GARRETT GATEWAY PARTNERS, LLC : 9 (CU 16-11) : 10 -----x 11 12 OZAH HEARING 13 100 Maryland Avenue 14 County Office Building, Room 200 15 Rockville, Maryland 20850 16 Friday, July 12, 2024 17 9:32 a.m. 18 19 20 Job# 539384 21 Pages 1 - 30 22 Recorded by: Cody Handlir, Court Reporter 23 24 25	1	C O N T E N T S 2 DECISION: PAGE 3 BY HEARING EXAMINER 30 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
1	A P P E A R A N C E S 2 3 PRESENT FOR HEARING: 4 HEARING EXAMINER: KATHLEEN BYRNE 5 GARRETT GATEWAY PARTNERS REP - DEAN PACKARD 6 COUNTY REP - JOSH KAYE 7 COUNTY REP - GREG NICHOLS 8 DPS REP - MATT ROONEY 9 HOA INTERIM BOARD MEMBER - KIMBERLY ROONEY 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	2	P R O C E E D I N G S 2 (Whereupon, the court reporter was sworn.) 3 HEARING EXAMINER: All right. Good 4 morning. My name is Katie Byrne. I'm the 5 hearing examiner that's been assigned to this 6 matter. This is a public hearing on a Show Cause 7 Order issued on April 17th, 2024, in the matter 8 of CU 16-11, Garrett Gateway Partnerships, to 9 show cause why Conditional Use, CU 16-11, should 10 not be revoked for failure to comply with 11 conditions of the grant. And that's what we're 12 here for today. 13 Mr. Packard, are you here? 14 MR. PACKARD: Yes. 15 HEARING EXAMINER: Okay. If you 16 wouldn't mind coming on up. And then we have 17 representatives from DPS as well. If you guys 18 wouldn't mind coming up and sitting -- one or 19 both, however you want to do it. 20 MR. KAYE: Josh -- Josh Kaye 21 represents Maryland National Capital Park and 22 Planning Commission. 23 HEARING EXAMINER: Okay. All right. 24 Before we get started, just a few preliminary 25 things. This is an in-person hearing. You	4

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<p>5</p> <p>1 notice for whatever reason the microphones aren't 2 on today, but that's fine because I think we can 3 all hear fairly well. I know you all can hear 4 me. I'm projecting that way, so I would ask 5 those sitting at the table to make sure you 6 project so that people in the -- the audience can 7 also hear. 8 Please note we have a court 9 reporter. The court reporter is documenting 10 every single word that's said. So if we could 11 just try not to crosstalk over each other. I'll 12 do my best the same to try not to interrupt or 13 crosstalk because it's very difficult for the 14 court reporter to transcribe and assign words to 15 individuals. 16 This show cause hearing is being 17 held pursuant to Rule 8.4. And so, I guess, with 18 without further ado, we'll get started. 19 So Mr. Packard, what I'd like you 20 to do is tell me what's happening with the 21 property, why those conditions haven't been met, 22 what's your plan for meeting those. And then I'm 23 going to ask for representatives of the county to 24 tell me what their observations are, what's 25 happening at the property, and the status of</p>	<p>7</p> <p>1 until, you know, two months after we started, 2 COVID hit and everything and that -- that didn't 3 do anybody any favors and due to serious -- I 4 made a terrible mistake of signing over all the 5 rights and responsibilities to Legend Builders, 6 which doesn't absolve me from any responsibility, 7 but it removed the control of -- of the 8 development of the site from -- from my ability. 9 I had oversight. You know, we -- 10 I tried to influence Legend Builders to follow 11 the rules and procedures that I had agreed to. 12 It didn't work. Over a million and a half 13 dollars were -- were lost due to a hundred 14 different reasons, including, you know, the 15 economic conditions and so on and so forth. And 16 it got to the point where all the money ran out 17 of Garrett Gateway Partners. And we were -- we 18 are currently in a dissolved position of 19 functioning on paper at this point. 20 I for -- for the last 10 months, 21 I've been trying to go to outside parties to help 22 finance a way out of this mess and have recently 23 come into contact with people that have, you 24 know, agreed to help solve this problem so that I 25 can complete the commitments I made for the</p>
<p>6</p> <p>1 their notices of violation. So Mr. Packard, 2 we'll start with you. 3 MR. PACKARD: Yes. My name's Dean 4 Packard. I'm a representative of Garrett Gateway 5 Partners. 6 HEARING EXAMINER: And Mr. Packard, if 7 you -- before you start, if you could spell your 8 name for the court reporter, first and last, and 9 identify an address. 10 MR. PACKARD: D-E-A-N P-A-C-K-A-R-D. 11 Address 204 Monroe Street, Suite 201-A, 12 Rockville, Maryland 20850. 13 HEARING EXAMINER: And if you could 14 raise your right hand for me. 15 (Representative was sworn.) 16 MR. PACKARD: I do. 17 HEARING EXAMINER: Thank you. You may 18 proceed. 19 MR. PACKARD: Yes. And originally I 20 signed all the paperwork on the conditional use 21 and the preliminary plan application consenting 22 to follow the approved plans, and conditions of 23 approval, and site plan enforcement agreement, 24 and the conditional use hearing report. And 25 everything was going well with the property</p>	<p>8</p> <p>1 conditional use and preliminary plan. I have met 2 with DPS and the Planning Commission last week 3 and, you know, with the representatives and gave 4 them an outline of what needs to be done. I 5 provided, you know, complete copies of all the 6 plans to Mr. Kaye, and we went over in detail and 7 walked the site as to what is miss -- what is 8 done, what is missing, what needs to be repaired 9 or replaced. 10 And I have started to meet with 11 all the contractors. As I had noted in my 12 emails, I have -- I -- I have two paving 13 contractors that have given me bids. I -- I owe 14 information to the landscape contractor to -- to 15 -- for specific specifications of what 16 landscaping needs to be replaced and installed, 17 you know, to meet the plan. 18 I -- I have met with a -- you 19 know, one of the biggest problems that has 20 persisted for the last year and a half, I would 21 say, is that I could never get Legend Builders to 22 install conduit underneath the -- underneath the 23 -- underneath the site, underneath the sidewalks, 24 and streets, and -- and driveways and so on and 25 so forth.</p>

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<p>9</p> <p>1 So at this point in order to -- 2 the top priority that I have is to get the street 3 lights installed, but we have to -- to follow the 4 plans, we have to mole underneath the -- which is 5 a -- a tunneling application to open up probably 6 20 different holes on the site and push conduit 7 underneath the property, and driveways, and 8 sidewalks. 9 I contacted a lighting engineer, 10 and he came up with an idea to install solar 11 lights as opposed to the traditional 120-volt LED 12 lights. I presented that to the homeowners, some 13 of which are here today, and they rejected the 14 idea. So unless that changes, I have a plan move 15 -- to move forward. I've met with the mole 16 tunneling contractor, and he is preparing bids 17 for me and has requested additional 18 specifications, which I intend to send to him 19 today. 20 I -- yesterday, I met with the 21 site contract -- concrete contractor who is 22 responsible for installing the pervious 23 sidewalks. And there are -- there's a couple of 24 repairs on the pervious sidewalks that are 25 currently tripping hazards that need to be</p>	<p>11</p> <p>1 pond by adding additional media material and 2 lower the outfall so it's in compliance with the 3 -- with the -- the plan design requirements. We 4 -- we have -- we have agreed to do that and 5 provide additional stabilization and, you know -- 6 Another issue that remains is 7 that, you know, in order to install the six 8 planter beds and -- and the -- and the pergola in 9 the common area, playground, part of that was to 10 install a -- a -- a public water tap so that 11 there'll be a -- a place to water the beds from, 12 you know, from a -- from a public space that will 13 have to be metered by the WSSC. So I have a 14 contractor giving me -- I've discussed it with 15 him numerous times and he's given me a price to 16 do that. That will have to go in first before 17 the road's done because a piece of the water line 18 is underneath of 3 feet of the road and it'll 19 have to be cut into the water line. I don't know 20 if he can tunnel underneath the road, but it will 21 have to be, you know, it'll have to be cut into 22 the pipe. 23 HEARING EXAMINER: All right. So I'm 24 going to kind of interrupt you here -- 25 MR. PACKARD: Sure.</p>
<p>10</p> <p>1 corrected, and we looked at that. There is 2 probably 35 percent of the pervious sidewalk that 3 still needs to be installed. All that -- we had 4 ordered, fortunately, all the pavers at the same 5 time and the pavers are sitting on another 6 property across the street, and fortunately, 7 nobody's stolen them and so that -- we ordered 8 them all at the same time so the color would 9 match, so we didn't have multiple colors on the 10 site. And he is preparing a bid right now to 11 install the pervious sidewalk. 12 We walked the site for both in 13 the -- in the public domain, in the right-of-way, 14 and also on site to look at, you know, damaged 15 curb, and some curb needs to be replaced because 16 it's damaged beyond repair. Some curb can be 17 patched. There are some sidewalk that needs to 18 be pulled out and replaced, you know, that's been 19 marked by DPS that we will need to bring up to 20 standard in order to close the pond out for -- 21 for -- for DPS and the right-of-way. 22 The -- we met with DPS with the 23 Storm Water Management Department. They have 24 requested that we make modifications to the 25 infiltration ponds, to raise the level of the</p>	<p>12</p> <p>1 HEARING EXAMINER: -- a little bit. 2 MR. PACKARD: That's pretty much 3 everything. 4 HEARING EXAMINER: There's a lot to do 5 -- 6 MR. PACKARD: Yes. 7 HEARING EXAMINER: -- obviously. 8 Where are you as far as build-out and occupancy? 9 MR. PACKARD: The units have been a 10 hundred percent occupied since last -- end of 11 last May or end of last June, so over a year. 12 HEARING EXAMINER: And where is it as 13 far as transition with management of the 14 community based on declaration and covenants? 15 MR. PACKARD: For the past, I would 16 say, month to month and a half, we have been 17 discussing with the neighbors to -- I think the 18 discussions as of yesterday were that we needed 19 to temporarily appoint two board members to have 20 a public hearing for the HOA to formally accept 21 and elect five board members, which will complete 22 the -- the -- the turnover to the -- to the -- to 23 the -- to the members of the community. We've 24 turned over all accounting records of -- of, you 25 know, the money that was -- has been collected</p>

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<p style="text-align: right;">13</p> <p>1 and spent to date to -- to the homeowners. And 2 we continue to answer questions and -- and to try 3 to provide all the documentation so that it can 4 be legally transferred. 5 HEARING EXAMINER: So it hasn't 6 happened yet, but you're in the process of doing 7 that. 8 MR. PACKARD: Correct. And -- and 9 part of the process was to record a deed to 10 transfer the property to -- to the HOA, and that 11 has just occurred. 12 HEARING EXAMINER: Here's my issue. 13 Now that the HOA is the owner of the common area 14 and all of the improvements, an enforcement 15 action taken by DPS would now involve the HOA, 16 and the HOA would be who they would have to take 17 the enforcement action against. But you're 18 responsible for the improvements. Your company, 19 as the applicant, is responsible for completing 20 all the terms of the conditional use. So if I 21 were to suspend or revoke this conditional use 22 and you've already recorded a deed transferring 23 the property and ultimately the responsibility 24 for maintenance and upkeep of the property to the 25 HOA, the potential for this community to shoulder</p>	<p style="text-align: right;">15</p> <p>1 HEARING EXAMINER: Okay. 2 MR. NICHOLS: Okay. My name is Greg 3 Nichols, G-R-E-G N-I-C-H-O-L-S, and I work for 4 the Department of Permitting Services. I am the 5 code compliance manager within our division of 6 zoning and co-compliance. 7 HEARING EXAMINER: Okay. And if you 8 could raise your right hand for me. 9 (Mr. Nichols was sworn.) 10 MR. NICHOLS: Do you need our address 11 at Reddie Drive? 12 HEARING EXAMINER: No. 13 MR. NICHOLS: Okay. 14 HEARING EXAMINER: We know where to 15 find you. 16 MR. NICHOLS: Cool. Cool. Yeah. So 17 yeah, this was brought to our attention middle of 18 and toward the fall of last year that the 19 community had been 100 percent occupied. And at 20 that time, we began looking at, you know, what 21 could have happened, what might have happened, 22 why -- why things didn't -- why -- why the 23 community wasn't complete in our -- in our view 24 as far as all the site work and even the some of 25 the basic safety issues, like lighting and the</p>
<p style="text-align: right;">14</p> <p>1 this burden that you failed to complete, I mean, 2 we're there. Like, that's my issue. I have a 3 real problem with that. 4 So I'm just -- I'm saying that as 5 it is because I'm in a little bit of a rock and a 6 hard place because it's still your responsibility 7 ultimately. You were the applicant. You were 8 the one that came in. You were the one that 9 agreed to all of this. I'm sorry that this -- I 10 mean, COVID hit a lot of people. I know it was 11 difficult. I know cost of materials went up, all 12 of that. I'm very sympathetic with that. You 13 made a poor choice in a business partner. I'm 14 also very sympathetic with that. But we are 15 where we are. So I want to hear from Planning 16 and from DPS as to how -- tell me what you know. 17 Let's start there. 18 MR. PACKARD: Okay. Can I just 19 conclude real quick by saying -- 20 HEARING EXAMINER: Sure. 21 MR. PACKARD: -- that I understand all 22 that. And I -- I -- I have -- I have mentioned 23 to the homeowners and to the county on numerous 24 occasions that I -- I have no intent to walk away 25 from my responsibilities.</p>	<p style="text-align: right;">16</p> <p>1 private streets and things. So I went out and, 2 of course, looked at the resolution that was 3 approved back in -- when was this? A long ways 4 back. 5 HEARING EXAMINER: Yeah, that's page 6 10. 7 MR. NICHOLS: Oh, yeah. Yeah, yeah, 8 yeah. 2016 in December. Anyway. And I 9 consulted with Park and Planning because the 10 resolution required a preliminary plan to be 11 created for -- for the community. And we put our 12 heads together, and I inspected the property and 13 found a number of major things that weren't done, 14 nevermind all the minor, you know, amenity things 15 that would be really nice and make everything 16 beautiful. And that -- then I decided that we 17 needed to go ahead and write a -- a notice of 18 violation and to issue it to Gateway Partners. 19 And we gave them a -- a timeline and -- and told 20 them that if -- if it wasn't completed by then, 21 then we would request a show cause. 22 HEARING EXAMINER: Okay. 23 MR. NICHOLS: And that's basically why 24 we're here. And I would say that when we wrote 25 this and got involved and started, you know, none</p>

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<p>17</p> <p>1 of the ownership issue had happened. I mean, the 2 changing and all that. 3 HEARING EXAMINER: Right. 4 MR. NICHOLS: So we had no idea and -- 5 and up -- up until right now, I'm really sort of 6 -- I've -- sorry, I was away for two weeks. 7 HEARING EXAMINER: That's fine. It's 8 summer. You're entitled. 9 MR. NICHOLS: I was on vacation, so -- 10 so yeah. So that's all kind of transpired kind 11 of what -- when I was away. But yeah, I'm -- I'm 12 -- we're very concerned as well because we don't 13 want anyone to be between rocks and hard places, 14 and we just need this resolved. 15 HEARING EXAMINER: What I need is a 16 timeline. I need a realistic timeline, and I 17 need to know you can pay for it. 18 MR. PACKARD: We have money and that's 19 grown now to -- to pay for it. I have 20 commitments from the people to stand by me to get 21 this done. I -- we are starting -- we want to 22 start construction within -- within a week to 10 23 days pending coordination with the county, and 24 the inspectors, and the -- the contractor's time 25 commitments to be on site. I -- and all -- I</p>	<p>19</p> <p>1 want is real details. So I've heard a lot, 2 right? I started taking notes and it just wasn't 3 going to happen because I'm a visual person. And 4 I looked at the plans ahead of time. I've heard 5 what you were saying, looked at the photographs. 6 I've heard from the county what they want. So I 7 want a detailed timeline, all the things that 8 have to be done, your estimated time and date for 9 completion. I want you to take that list, give 10 it to the representatives of the county, make 11 sure that what you have on your list is what they 12 have on their list. I want you to make sure that 13 the timeline is realistic, and I need something 14 that tells me that you have the money for this. 15 MR. PACKARD: Okay. 16 HEARING EXAMINER: All right? So I'm 17 -- I'm relying on you guys to work together. I'm 18 relying on the county to get back to me if -- if 19 what you're getting isn't necessarily acceptable 20 in order to abate the notices of violation and 21 bring the property into compliance. So if you're 22 saying you want to get this started within the 23 next week to 10 days, then I fully expect early 24 next week, you're going to have this list and 25 timeline to them to sit down and make sure that</p>
<p>18</p> <p>1 want to have it done within three months. 2 The bonds expire on September 3 29th. The bonds were not guaranteed by us. They 4 were guaranteed by the builder, which is another 5 twist of -- of oddness. The -- the builder has 6 expressed great concern about as bonds being 7 called. I look at it differently, that I have a 8 commitment to the county and -- and to the 9 homeowners to finish this. And I have no 10 confidence whatsoever in the builder to do it. 11 So I feel it's my responsibility to get it done 12 as fast as possible. 13 And some of the work is 14 landscaping and is weather dependent, so it can't 15 go in until probably second week of September 16 because of the -- because of the summer. It'll 17 be close as to the bonds. And Linda Kobylski, 18 the DPS at our meeting last week, said, what 19 happens if you can't get everything punched out 20 and closed out by -- by September 29th? And I 21 said, then either Garrett Gateway or Legend 22 Builders will have to extend the bond regardless 23 so that they don't expire and -- and continue the 24 path to complete it as soon as possible. 25 HEARING EXAMINER: Okay. So what I</p>	<p>20</p> <p>1 -- I don't want you to over promise on your 2 timeline. I want it to be realistic. You just 3 told me about we can't do plantings until the 4 second week of September. Get -- I get that, 5 right? All of that needs to be folded into this 6 particular timeline. 7 MR. PACKARD: Yes, ma'am. 8 HEARING EXAMINER: All right. So 9 before I do anything else, I know we have a lot 10 of people here in the audience. I know we've 11 received several letters of concern. We always 12 call them letters of opposition, but it's more -- 13 I -- I don't know if I would classify the letters 14 that we've received as letters in opposition, 15 more letters of we're really upset and concerned 16 about this and we want to make sure that it that 17 it gets done. So it's not necessarily 18 opposition. It's we agree there's a problem. 19 MR. NICHOLS: Dean, finish what you 20 start. 21 HEARING EXAMINER: Yes, a hundred 22 percent. So with -- I'm going to -- if there's 23 anybody here that would like to say anything or 24 present any testimony, I'll give an opportunity 25 now for that. Everyone that has signed in here</p>

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<p style="text-align: right;">21</p> <p>1 will -- make sure you have your mailing address 2 and your e-mail address on there, and you'll 3 receive -- you'll receive copies of anything that 4 I generate. 5 So what I'm going to do is I'm 6 going to create an order today, and I'm 7 essentially going to put this on the record that 8 Mr. Packard is to create a detailed list of 9 everything that needs to be accomplished, a 10 realistic timeline. Provide me with some kind of 11 proof of funding. You coordinate with the 12 county, pick a date next week. The county is to 13 make sure that everything is on that list in 14 order to satisfy the notices of violation and to 15 meet the conditions as set forth in the original 16 conditional use. 17 So I am not going to suspend or 18 revoke the conditional use now, but we are going 19 to reset another day to come back to make sure 20 that this has been accomplished. So what I'd 21 like to hear from -- realistically from our 22 representatives, the county, and from you, Mr. 23 Packard, is when do we think we will cross the 24 finish line? Because I will reset another 25 hearing today on the record for that -- for that</p>	<p style="text-align: right;">23</p> <p>1 please state your name and mailing address for 2 the record. 3 MR. ROONEY: Sure. My name -- first 4 name's Matthew, M-A-T-T-H-E-W. Last name is 5 Rooney, R-O-O-N-E-Y. Mailing address is 7009 6 Universal Court, Derwood, Maryland 20855. 7 HEARING EXAMINER: And could you raise 8 your right hand for me? Do you promise to tell 9 the truth, the whole truth, and nothing but the 10 truth? 11 MR. ROONEY: I do. 12 HEARING EXAMINER: Thank you. 13 MR. ROONEY: I have a process question. 14 HEARING EXAMINER: Sure. 15 MR. ROONEY: I am on the transition 16 team that's helping the temporary or the 17 tentative HOA board members, and my wife, 18 Kimberly, who's in the audience as well, is a 19 board -- a tentative board member. We have 20 expressed concern about the logistics of the 21 transition for exactly the reasons that you 22 stated, not wanting to be on the hook for capital 23 expenditures for an incomplete neighborhood. 24 Garrett Gateway's position is that the HOA is 25 responsible for maintenance, not construction of</p>
<p style="text-align: right;">22</p> <p>1 time. 2 MR. PACKARD: Realistic -- 3 realistically, I think not after October 15th. 4 HEARING EXAMINER: So we need to go 5 until October 15th. So we can do -- let's do 6 something at the end of October then. Do you 7 guys think that's realistic? 8 MR. NICHOLS: Yes. 9 HEARING EXAMINER: Okay. We could do 10 Tuesday, October 22nd? So Tuesday, October 22nd, 11 at 9:30 a.m., we'll have another show cause 12 hearing. It's basically going to be essentially 13 a status hearing. And at that point, you should 14 be at that finish line. Okay? All right. So if 15 no one -- no one else wishes to speak. I have 16 someone, I guess, that wishes to speak. 17 MR. ROONEY: Do you want me to come up? 18 HEARING EXAMINER: I do. 19 MR. PACKARD: Do you want us to go 20 back down? 21 HEARING EXAMINER: Sure. That would 22 be fine. Thank you, guys. 23 MR. PACKARD: I'm sorry. 24 MR. ROONEY: Excuse me. 25 HEARING EXAMINER: And if you could</p>	<p style="text-align: right;">24</p> <p>1 the neighborhood, so that wouldn't be an issue. 2 What I just heard today is it is potentially an 3 issue. Is that reason enough to halt any 4 transition efforts until after August -- after 5 October 15th? 6 HEARING EXAMINER: I can't give you 7 any legal advice, but what I can tell you is that 8 when an enforcement action is taken against a 9 property owner, you find out who the legal 10 property owner is. And the legal property owner 11 is who has the deed and land records. There are 12 rules that are set up for transitions of HOAs, 13 you know, from the developer to -- and you know 14 this. Like you -- you guys have read the 15 declaration, you've read the covenants. So I -- 16 I can't tell you that you should stop or go 17 forward. What I can tell you is that property 18 owners are responsible for the -- what happens on 19 their property, even if somebody else did it or 20 didn't do it. That's -- that's the way 21 enforcement works. And I spent 20 years doing 22 code enforcement in this state, and the number of 23 property owners that I've had conversations with 24 that have said that, well, someone else dumped it 25 on my property, someone else cut the tree down.</p>

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<p style="text-align: right;">25</p> <p>1 Sorry. You are responsible for what happens in 2 the four corners of your property. That's all I 3 can tell you. 4 MR. ROONEY: Okay. I mean, that 5 sounds to me like a rant, we have a well-founded 6 concern and should probably think twice about 7 that. But, okay. 8 HEARING EXAMINER: Yeah. I mean, 9 obviously it's up to you -- I -- you know. And 10 -- and you're a small community. There are 11 larger communities, obviously, that hire outside 12 counsel to help manage -- that's -- however you 13 guys want to go forward and manage your community 14 is how you want to manage your community. 15 MR. ROONEY: Okay. Thank you. 16 MR. PACKARD: But I have a question 17 also. 18 HEARING EXAMINER: Sure. 19 MR. PACKARD: With the permits and the 20 commitments still in Garrett Gateway's name, that 21 doesn't absolve Garrett Gateway from completing 22 that. 23 HEARING EXAMINER: Correct. So for 24 failure to comply with the permit, the county can 25 pursue you as well. Enforcement is another</p>	<p style="text-align: right;">27</p> <p>1 back here Tuesday, 10-22, at 9:30 a.m. to check 2 on the progress. So no suspension, no revocation 3 at this point. Let's just go ahead and get it 4 done. 5 MR. PACKARD: I just -- I just want to 6 -- the only thing I want to say is, you know, I 7 -- I would -- I wish to start within seven to 10 8 days. It is conditioned upon receiving the final 9 bids from the contractor. So I will update 10 everybody by -- before Tuesday as to the status 11 of -- of -- of the bids and -- and continue, you 12 know -- I promised the community I would give 13 them week -- weekly updates as to what is and -- 14 and will be transpiring so that -- because some 15 of the work will be an inconvenience to the 16 neighbors. So I want to make sure that they're 17 aware of what's coming so that everybody is not 18 surprised with people blocking access to things, 19 and digging holes in people's properties, and 20 everything else. And -- and I -- I -- I want to 21 be as transparent as possible with you, and the 22 community, and with DPS, and Park and Planning, 23 so that -- that's the only way I see this working. 24 HEARING EXAMINER: Okay. Don't give 25 me any details, right? So make sure that you're</p>
<p style="text-align: right;">26</p> <p>1 matter. 2 You guys have to work together. 3 Like, that's the only thing that I can tell you. 4 You a hundred percent have to work together. You 5 are on the ground. He's operations. So the 6 county can sue anybody they want, right? Anybody 7 that touches it has something to do with it. How 8 that works itself out, it works itself out. So 9 like it or not, you guys are tied together. So 10 you have an obligation under the permit. You 11 have an obligation under this conditional use. 12 You have an obligation for all the promises that 13 you made. We're looking at you first. And when 14 I say we, I mean the royal we, not me, the 15 county. Right? 16 MR. PACKARD: And them, too. 17 HEARING EXAMINER: And them, too. 18 Right? So right now, the ball is in your court 19 to make sure that this happens. No pressure. 20 MR. PACKARD: No pressure. 21 HEARING EXAMINER: All right. So 22 without -- if there's -- if there's nothing else, 23 I'll just essentially -- there were three things 24 I asked you to do. So I'm going to write that up 25 essentially as an order and that we will come</p>	<p style="text-align: right;">28</p> <p>1 in constant communication with community and with 2 DPS and Planning. 3 MR. PACKARD: Okay. 4 HEARING EXAMINER: So I'm going to 5 issue this order and then I'm going to come back 6 on October 22nd and be nothing but Mary Sunshine 7 because it will all be done. 8 MR. PACKARD: So my point of 9 communication will solely be with the community, 10 Josh, and Greg. 11 HEARING EXAMINER: Correct. Josh and 12 Greg will keep me informed -- 13 MR. PACKARD: Okay. 14 HEARING EXAMINER: -- as to what's 15 going on. 16 MR. PACKARD: Okay. Understood. 17 HEARING EXAMINER: Okay. All right. 18 I want to thank you all for coming out this 19 morning. This concludes our show cause hearing, 20 and we will see you on the 22nd of October. 21 (Off the record at 10:03 a.m.) 22 23 24 25</p>

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2 I, Cody Handlir, the officer
3 before whom the foregoing proceedings were taken,
4 do hereby certify that any witness(es) in the
5 foregoing proceedings were fully sworn; that the
6 proceedings were recorded by me and thereafter
7 reduced to typewriting by a qualified
8 transcriptionist; that said digital audio
9 recording of said proceedings are a true and
10 accurate record to the best of my knowledge,
11 skills, and ability; and that I am neither
12 counsel for, related to, nor employed by any
13 of the parties to this case and have no
14 interest, financial or otherwise, in its outcome.

15

16 

17 _____
18 Cody Handlir, Notary Public in and for the
19 State of Maryland

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1 CERTIFICATION OF TRANSCRIPT


2 I, Marti Schreiber, do hereby certify
3 that this transcript was prepared from the digital
4 audio recording of the foregoing proceeding; that
5 said proceedings were reduced to typewriting under
6 my supervision; that said transcript is a true and
7 accurate record of the proceedings to the best of
8 my knowledge, skills, and ability; and that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to the case and have no interest,
11 financial or otherwise, in its outcome.

12

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14

15

16 

17 _____

18 Marti Schreiber,

19 Planet Depos, LLC

20 July 23, 2024

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