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A Montgomery County Developer is Trying to Intimidate Us

A few weeks ago, the Monrovia Town Center (MTC) developer filed a \$186 million dollar suit against Frederick County. That's a pretty big number isn't it? That number is designed to scare you. To intimidate you. To make you worry how the County will pay for it, and how much your taxes might go up to do so. In the suit, the developer says he's spent over \$10 million on the project and yet, here he is suing for \$186 million. Hard to see a reasonable explanation for that amount other than to view it as a threat to the County, and probably an attempt to force a settlement for less. This isn't the first time this developer has sued the County – he did it in 2010 and again in 2016. This is how a bully behaves. It's how an entitled developer behaves when he doesn't like the cards he's been dealt, in a game he thought he controlled.

Back in 2012, the developer probably thought he had this project locked up. He had a compliant Board of County Commissioners (BoCC) willing to ramrod this project through, including current Councilmen Billy Shreve and Kirby Delauter. He had former Commissioner Blaine Young as the number one cheerleader, sitting on both the Planning Commission and the BoCC, pushing hard for approval.

They didn't count on the residents objecting so strongly. They didn't count on RALE organizing the community in opposition to the development. We caught them telling stories about a mythical community meeting in a racetrack shed, and we cited how the development violated the Zoning Ordinance. We argued that our schools and transportation network couldn't support the development. Last year, the County Executive validated our arguments, releasing a study showing a \$500 million infrastructure deficit looming over the County to fix the roads and schools that are burdened and broken by the BoCC's development approvals.

They tried to fool us with a sham letter from the Frederick Area Committee on Transportation (FACT). Former Commissioner Paul Smith sought FACT's support for the development and, according to the Frederick Newspost, collaborated with two FACT members to concoct the now infamous "FACT letter". One of these people – reportedly a co-author of the letter – was father of the MTC project's lead engineer! This was a clear conflict of interest. It also appears to have been a violation of State ethics law because Paul Smith failed to report these interactions about the MTC development.

The Circuit Court focused on the probable ethics violation and sent the MTC case back to the County Council. The Council held hearings and conducted an extensive case review but couldn't resolve the issues the Judge identified, nor could they resolve other issues in the case record. The man that was supposed to be the star witness – Paul Smith – was missing in action. As a result, a majority of the Council ordered the developer to restart the development review process. Councilman Tony Chmelik fought on behalf of the developer throughout the proceedings. It's a shame that he never fought for his own constituents on this issue.

After a year of trying to work with an uncooperative developer, that same majority on the County Council – not Tony Chmelik – sent the entire case back to the Circuit Court, asking the Judge to do what he could to enable the Council to review the case with a clean record. Again, Councilman Chmelik fought against doing the right thing on MTC. He even voted against the simple act of letting the public know what was happening. Months later, the Circuit Court Judge heard all the arguments and ruled that the developer must restart the development review process and vacated all the old BoCC approvals.

The developer has appealed that decision, but before the first briefs were filed, they attacked the County with this outrageous suit. This is an election year and I think this suit is politically motivated. I think this Montgomery County developer is suing Frederick County to influence the election, perhaps trying to scare us into voting for someone that will (again) bow to his wishes. In 2014, the developer funded the campaigns of Councilman Tony Chmelik and Blaine Young. I wonder what Tony thinks about taking donations from someone posing such a threat to the County.

Frederick County needs to make fair & transparent land use decisions, finding the correct balance between private property rights, the public need to provide the critical infrastructure to support development, and the rights and opinions of our current taxpayers. We shouldn't make decisions based on outlandish threats from entitled developers. We shouldn't make decisions based on fear. After all, that's what bullies expect from us and we're better than that.

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