



GREATER SEVERNA PARK COUNCIL MINUTES



Board of Directors Meeting Wednesday, July 28, 2010

The meeting was called to order by President Jerry Pesterfield at 7:40 pm at Woods Memorial Church. Board members present included Al Johnston, Vice President for Public Affairs, Jennifer Mann, Chair of the Beautification Committee, John Norville, Board of Directors, Jerry Pesterfield, President, Steve Poland, Treasurer, and Kathy Michels, Secretary.

Secretary's Report: Three corrections to the Treasurer's Report accompanying the June 23, 2010 Board of Directors Minutes were noted by Treasurer Steve Poland. Moved to adopt the Minutes with corrections approved without objection. A copy of the corrected Minutes is filed for the record.

Treasurer's Report by Steve Poland: Mr. Poland proposed three corrections to the Treasurer's Report for the June 23, 2010 Board of Directors Minutes. The corrected Treasurer's report is attached and filed for the record (see Attachment 1).

Speaker's Schedule-Calendar of Events for Remainder of Year: The updated speaker's calendar is attached for the record (*see Attachment 2*). The following items were reported by Jerry Pesterfield, Al Johnston, and John Norville:

- Option for sitting judges to speak at the September 14 GSPC general meeting has been withdrawn since there was no response from the judges to Mr. Johnston's letter offering 30 minutes to speak and take Q&As.
- Mr. Johnston confirmed that BRAC is scheduled for November 9th and will be held at Woods Church.
- Mr. Norville noted that the Nominating Committee is scheduled for December 14th. He commented that he is hopeful that each of the current GSPC Board Members would continue to serve.
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Early Voting 2010 and Election Dates: Mr. Johnston noted that candidates for county office must file by first Tuesday in August on 3rd.

Election Dates and Early Voting:

- 1 Primary Election September 14, 2010
 - Early Voting will be held at Severna Park Library Friday, September 3 through Thursday, September 9 from 10am to 8pm (no voting Sunday September 5)
- 2 General Election November 2, 2010
 - Early Voting will be held at Severna Park Library starting Friday October 22 through Thursday, October 28 from 10am to 8 pm (no voting Sunday October 24)

Note: Actual election date voting is held at regular polling locations.

GSPC Membership & Dues: Mr. Poland reported that no new dues were received and effective July 1, "Members in Good Standing" (voting eligible) fell to 48 reflecting non-payment of dues by 5 communities that were members last year. Mr. Pesterfield will email communities who have not yet paid their dues.

Note: *See Attachment 3 for membership update as of June 23, 2010.*

GPSC Survey Committee: Mr. Nataf was unable to attend. He will make the last few changes to the GSPC survey and discuss at the August 10 GSPC General Meeting. Mr. Pesterfield is hopeful that the survey will be released in September.

Beautification Committee Report. Jennifer Mann, Chairman of Committee, discussed work in progress and recommendations for branding. She understands there is \$2,500 in the Beautification Fund and that it is a perpetual fund, and no funds have been distributed. However, once process is launched and funds are distributed she asked how funds would be restored. Mr. Pesterfield noted that the GSPC needs to address and develop a plan to add funds annually and find volunteers who will contribute funds. Mr. Johnston also noted that the County now has grants and obtaining funds

from volunteers are two highly viable options for building the fund on an annual basis. Ms. Mann raised the following questions and points for discussion:

- What is GSPC doing to help green energy initiatives and outdoor spaces? May want to provide an opportunity to donate “Green Dollars” to the fund
- Ask contributors to match funds in kind or via donated products
- In order for organizations to partner with the GSPC Beautification Fund need to develop opportunities for partnerships, and the level and type of contributions

Mr. Pesterfield commented that a \$250 limit may be the level to approve, and Ms. Mann’s points on matching funds and branding were well taken. For example, Gary’s and Home Depot branding may be an excellent venue to pursue. Mr. Johnston noted that they went out and got contributors for all the plantings in the middle of Ritchie Highway and the State Highway Fund matched the contributed funds, and they still have \$2,500. Mr. Poland also noted that \$900 donated each year for projects, but has not been done for 3-years.

It was agreed that Ms. Mann would design a plan and draw up recommended processes and business parameters for distribution to Board Members for comment. Mr. Pesterfield noted that the goal is to complete by spring which will allow time to do research and develop a strong business plan. Upon approval by the Board the business plan will be released to delegates for comment prior to finalizing and implementation. Ms. Mann, as Chair of the Beautification Committee, will attend the general meetings and provide status updates and answer questions.

Aspire Board Award: Mr. Pesterfield was pleased to announce that Al Johnston and John Norville have been chosen to receive the Severna Park Aspire “Heritage Day Award” October 2, 2010 to be held at Woods Church. He commented that the awards were well deserved.

Zoning/Legislation Report by Al Johnston: *See Attachment 4* for the July 28, 2010 report presented to the Board by Mr. Johnston. Also included in Attachment 4 are the following informational news articles:

- **Special Email: Impact of NSA Expansion on Transportation and Other Facilities:** Mr. Johnston noted that with the additional staffing at Fort Meade, Benfield, East West Blvd. and Ritchie Highway are headed for very serious problems and this new information should be noted in addressing comprehensive rezoning in the next County Council term.
- **Slots Referendum:** Mr. Johnston noted that the GSPC Board has appropriately declined to place this issue on the GSPC agenda, and the article is provided for information only.
- **Wagner Court of Appeals Cases (Little Dobbins Island):** Mr. Johnston noted that the ruling may impact various provisions in the administration of the Zoning and Environment Codes in the County.

Following Comprehensive Zoning/Legislation items were discussed:

Comprehensive Rezoning: Mr. Johnston commented that the 355 applications don’t appear to be going anywhere and it doesn’t appear that there will be a comprehensive rezoning session. Although unable to predict outcome there has been no discussion on West County and it is anticipated that there will be minimal action which will result in a minimal number approved by November. It was agreed by the Board that Mr. Johnston, in his capacity as a current member of the Growth Action Network’s (GAN) Coordinating Council, will join with Broadneck Association to pursue and track positive outcomes for 23 rezoning applications south of Jones Station Road.

Bill 39-10: Ordinance concerning: Zoning – Small Wind Energy Systems. Mr. Johnston noted that Anne Arundel County was put on the Department of Energy Website re. to Bill 39-10. He also noted that after a brief discussion and explanation of individual votes on the dais, the Bill was approved by a vote of 7-0. Attached for the record is the GSPC letter submitted to the County Council on July 19th (see attachment 5). The letter states that as a piece of initial legislation on the subject of Small Wind Energy Systems it is an excellent start and, although the GSPC would prefer a Bill with stronger controls, as an initial piece of legislation, it is an excellent start and the GSPC supports the Bill.

Bills 48-10, 49-10 and 50-10: Larry Tomlin did get agreement among group, but is it isn’t clear whether there will be any more amendments.

Code Revisions of Articles 16 (Storm water Management), and 17 (Subdivision-Development), Comprehensive Rezoning: Mr. Johnston noted that Ron Bowen, Director of County Public Works, was invited to speak to Maryland State Legislators and Governor O'Malley. There are problems between Department managers and County and State members on storm water management issues. Article 16 is a complete rework.

Mr. Johnston announced that he will go to the hearing regard to Article 17 (Subdivision and Development) to speak personally (not on the Board's behalf) on the following issues:

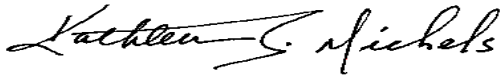
- Pier Encroachment regard to Manhattan Beach Pier
- Tent Restaurant and expanding tent down to beach area
- Heavy Construction area issues regard to trucks coming in a 6:00 am although nothing has been submitted to the GSPC

New Business: Mr. Pesterfield notified Board members that Denny Stam is resigning from the GSPC Board effective August 1, 2010, since he will be moving outside the area. Mr. Pesterfield noted that he has been a great friend to the GSPC members and community and will be sorely missed.

Old Business: Mr. Pesterfield noted that requests for meetings at the Library need to be submitted by September 30. Need to address long range planning needs and negotiate applicable space. Mr. Johnston confirmed that November 9th general meeting of the GSPC (BRAC-Gangs) is confirmed for Woods Church.

Next Meetings: **General Meeting:** August 10, 2010 at 7:30 pm – Severna Park Library
Board Meeting: August 25, 2010 at 7:30 pm – Woods Church

The meeting was adjourned at 8:45 pm.
Very Respectfully submitted:



Kathleen J. Michels, GSPC Secretary
August 20, 2010

GREATER SEVERNA PARK COUNCIL
Board of Directors Meeting
MINUTES - Correction for the Record (July 28, 2010)
Wednesday, June 23, 2010

Treasurer's Report Corrections for the record [noted in "red"]

Treasurer's Report by Steve Poland: Mr. Poland reported account balances as of May 31, 2010, including dues received from one community for 2010, but not yet deposited; two checks were issued (#'s 2170 Postmaster; 2171 Home Depot), and \$5,000 CD was renewed for 12 months at 0.15%. Moved to adopt the Treasurer's Report approved without objection. Copy is filed for the record.

Note: See Attachment 1 for corrected Treasurer's Report.

GSPC Board Meeting
June 23, 2010

Treasurer's Report (Corrected)

Account balances (as of 05/31/2010)

BB&T checking	= \$ 5,073.25
SmithBarney money market	= \$ 5,576.06
SmithBarney CDs (4)	= \$20,000.00

Beautification Trust Fund balance (as of 05/31/2010)

Bank Annapolis	= \$ 2,467.46
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Account activity (June mtd)

BB&T	
Dues deposited	= \$ 0.00 (Rev 1 – 12 Jul 2010)
Checks pending	
#2169	= \$ 7.46 (Rev 2 – 28 Jul 2010)
#2170 Postmaster	= \$ 70.00
#2171 Office Depot	= \$ 22.39

SmithBarney activity

Money Market	= \$ 0.00
Interest	= \$ 0.00

New \$5,000/12 mo/0.15% CD matures on 06/16/2011

**GSPC SPEAKER CALENDAR PLANNER
AUGUST THROUGH DECEMBER 2010
As of July 28, 2010**

- AUGUST 10 JOHN LEOPOLD, AA COUNTY EXECUTIVE
- SEPTEMBER 14 KINDER FARM PARK & 4H
- OCTOBER 12 DEPT. NATURAL RESOURCE POLICE
- NOVEMBER 9 BRAC-GANGS
 □ Mr. Johnston confirmed Woods Church as venue for
 meeting
- DECEMBER 14 NOMINATING COMMITTEE/ AND NEW DISTRICT 5
 AA COUNTY COUNCIL WINNER

GREATER SEVERNA PARK COUNCIL

Membership UPDATE

As of June 23, 2010

The list of Greater Severna Park Council communities and their membership status includes:

48 Communities in Good Standing YTD 2010

2010 dues paid by: Arnold Preservation Council, Belleview Estates, Bendale, Ben Oaks, Berrywood, Bluff Point, Brittingham, Cape Arthur, Carrollton Manor, Cattail Passage, Chartridge, Chartwood, Chartwell, Colchester, County Crusaders, Crain West, Cypress Improvement, Cypress Landing, Fair Oaks, Glen Oban, **Harlequin**, Hollywood, Kensington, Kilmarnock, Lake Waterford, Linstead, Lower Magothy, Magothy Forest, McKinsey Park, North Cape Arthur, North Severna Park, Olde Severna Park, Point Field Landing, Pointfield West, Severna Enclave, Severna Forest, Severndale, Shipley's Choice Community, Shipley's Choice Homeowners, Shipley's Retreat Homeowners, Swann Point, Twin Harbors, West Severna Park, Westridge, Whitehurst, Whitney's Landing, Woodberry Farms, Woodbridge Forest.

2010 dues unpaid: **Evergreen, Fairwinds, Oakleigh Forest, Round Bay, Williams Woods.**

10 Communities in arrears

For 2009 -- 10: Berrywood Ridge, Berrywood South, East Earleigh Heights, Jennings Road, Manhattan Beach, Severn Heights, Sheffield Park

For 2008 -- 10: Jones CA

For 2007 -- 10: Arundel Plaza, McKinsey Woods

GSPC Zoning/Legislation Agenda 7-28-10, Boldface=Your Attention, Regular Typeface=
Information/follow.

Legislation, Planning, Zoning and Capital Projects:

Bill 39-10 Small Wind Energy Systems, Hearing 7-19-10-Adopted 7-0, permitted with conditions in all districts, special exception in residential less than three acres, 1.1 ratio setbacks. [More to come]

Bills 48-10, 49-10 & 50-10 amending Articles 16, 17 & 18 introduced 7-6-10, scheduled for hearing on 8-2-10. Implements General Assembly legislation on storm water management. GAN review 7-30-10.

Comprehensive Rezoning applications: GAN review on 7-23-10 of Tom 7-21-10 presentation to HBAM, Long Range Planning completed first review of 355 applications and well into second review. No mention of West County competing subdivisions. Request from Russet for GAN support.

Special Email: Impact of NSA expansion on transportation and other facilities. Russ Stevenson support on Ritchie and environment cases. PAB review required by Charter. **Questions?** [*Note for the Record: Background News Article Attached pg. 9-10*]

Slots Referendum-Special email, questions? [*Note for the Record: Background News Article Attached pg. 11-12*]

Administrative Hearing Officer/Board of Appeals/MDE-Corps of Engineers-Zoning Complaints:

Webpage for AHO: <http://www.aacounty.org/AdminHear/Calendar.cfm>, Webpage for Board of Appeals: <http://www.aacounty.org/BdofAppeals/Calendar.cfm>

Manhattan Beach v. Pleasant, pier encroachment, Telcon 7-24-10

Manhattan Beach Tent Restaurant expansion of prior operation where there was no initial permit, Telcon 7-24-10.

Manhattan Beach Heavy construction use of Magothy Marina, Telcon 7-24-10. [*Nothing substantial*]

Corkys Smoke Shack, 500 Ritchie Highway, (410) 544-4440, setback from property line. Inspector Ann Hatcher will visit site 3-3-10. Roadside Vendors License issued 1-26-10, Sign in County ROW 3-23-10.

2010-133-V W. Venizelos, 7-29-10 10:00AM, 326 Magothy Rd, pier setbacks, (Manhattan Beach)

2010-29-V C. Goodell, 7-29-10 11:30AM, 1372 Kinloch Circle, porch setback+steep slopes, (Glen Oban)

BA 1-10S KHI Deep Creek Villas, Inc, 7-28-10 5:30PM, standing, school capacity, density issues. (watch only)

Board of Appeals Deliberations 6-24-10 5:30PM: (No Severna Park cases)

Circuit Court Cases (Clerk of Court 222-1431)

Court of Special Appeals Cases, Clerk 410 260-1450, *Court of Appeals Clerk 410-260-1500*.

Case 60, 2009 Term, McHale, et al, (Little Dobbins Island), **dismissed by Board of Appeals, Multiple Parties** (CBF, MRA, CAC), 4-30-10 Remand-Board of Appeals-standing. [*Case*] **Not received at Board 7-27-10.** [*Note for the Record: Background News Article Attached pg. 13-14*]

Case 2250 [Refiled] Sept Term 2007 Steve Curtis v. AA Cnty (Circuit Court Case C-07-120132, BA82-02A) Application for C2 in R2 zone, Applicant argued County Council made a mistake for not affirmatively considering during rezoning, (Crain West). Consent Order, New District Court Petition for Contempt Order District Court.

Subpoena Received,

Hearing on **10-7-10** CASE # 0702SP01579-2005, Tim Kingston, Inspector.

Pre-submission Community Meetings Calendar at:

<http://www.aacounty.org/LandUse/CalendarPreSub.cfm>

(none)

Sketch Plans/Subdivisions: <http://www.aacounty.org/LandUse/SubActivity/index.cfm>

Enclave at Severna Park, Final Plat 6-30-10, TM 32H-P148, 12.55A, 9 SFD, P2007-112, S2001-38.

Manhattan Manor, New Resub Lots 32&33, 3 SFD, TM32-P342, (Severn Heights)

Dynasplint Headquarters, Mids Holdings, 5-4-2010, Adm Plat Amend, 11.13 A, 11 Unites, P2010-48, S2010-17

Dynasplint Headquarters, Mids Holdings, 5-4-2010, Commercial 11.03 A, 12 units, C2010-34, TM 23P39L4

(both) [*Dynasplint/Shore Acres moving forward without zoning*]

Shore Acres, L145, L. Fallin, New Modification 5-14-10, .21A, 1 Unit. TM33P37, P2010-89, S1990-301

Bracketed notes [] are explanatory notes and additional information provided

C:\gspc\agenda\zlagenda\zlagenda 7-28-10, Al Johnston 410 647-1380, j202gspc@comcast.net

The Greater Severna Park Council, Inc.

P.O. Box 786
Severna Park, MD 21146

Reply to:
Albert M. Johnston
202 Balsam Drive
Severna Park MD, 21146
j202gspc@comcast.net
410 647-1380

July 19, 2010

Hon. C. Edward Middlebrooks, Chairman
Anne Arundel County Council
The Arundel Center
Annapolis, MD 21146

Dear Mr. Middlebrooks, re: Bill 39-10 Zoning - Small Wind Energy Systems

The Greater Severna Park Council has watched with great interest as the County Council refined this Bill through two prior hearings and considered some 12 amendments. Of especial note is the bus tour of Eastern Shore installations hosted by Council Member Dillon on July 12th. May I publically thank Mr. Dillon for the opportunity to actually observe multiple SWES equipments in operation and watch the individual instrumentation systems report power being fed into the utility system grid.

A great deal of information may gained by just visiting the individual sites and watching the instrumentation. What made the trip outstanding was the running commentary by “tour guide”, Mr. Tim Fluharty, from Fluharty’s Electric. Tim actually installed two of the systems visited and was a walking database of what works and what doesn’t. In addition to the “rolling lecture” Tim provided tour participants a personally compiled brochure of some 43 pages and a copy of the US Department of Energy 28 page brochure on Small Wind Electric Systems.

As I reflect on the day, the outstanding element was Tim’s analysis that site selection and tower elevation was the key to an economically successful installation. Output comparison of the two comparable 10kw systems Tim had installed made the point. The one installed with the unit well above the tree cover was producing 200 watts. The other on a shorter tower but with a waterfront site produced some 800 watts with comparable, but unmeasured, wind energy. His story of the degreed electrical engineer who attempted small scale implementation of a large scale European vertical shaft “water wheel” turbine documented what I have often seen in industry—a lot of engineering prototypes never make it to the manufacturing floor.

Adopting the concept that “higher is better”, GSPC recognizes that the 1.1 tower ratio for setbacks in residential zones essentially effectively prohibits SWES in R5, only slightly less in R2 and probably somewhat effective in R1. The Council has spoken on Amendment #11 which in our view would have been a more direct approach but we consider the subject now closed.

As the press has infrequently reported, the PJM grid does not have enough capacity to absorb the predicted growth in the upcoming decade. SWES as our Tour Guide, Tim, repeated more than once, do not pay for themselves if you ignore the Federal, State and local incentives. They do provide public visual exposure to a source of “clean energy” but little in the way economic data of the cost of kw power contributed to the grid. Adding annual reports of kw contributed to the grid for a five year period in return for the incentives might be useful. A County sponsored installation at a waterfront park compared with one at an inland park with periodic reporting to the public would provide actual public understanding of the efficacy and would even be better

Mr. Dillon is to be commended for the time and great energy he has contributed to bring this Bill to this point. The ultimate decision will be with his colleagues

As the Members of the County Council well know, the Greater Severna Park Council would prefer a Bill with stronger controls. On the other hand, as a piece of initial legislation on the subject of SWES it is an excellent start and we support the Bill, either as amended or improved with amendments this evening. As with all legislation, actual experience may point to changes in the future.

Very truly yours,

Albert M. Johnston
Vice President-Public Affairs
Greater Severna Park Council, Inc.

cc. Hon. Ronald C. Dillon, Vice Chairman
Hon. Daryl Jones
Hon. James Benoit
Hon. Cathleen M. Vitale
Hon. Chuck Ferrar
Hon. Tricia L. Johnson
Teresa Sutherland

[NSA lifts veil on Ft. Meade expansion](#)
**Up to \$5.23 billion could be spent on spy agency
Growth. Elisabeth Hulette, CAPITAL 7/25/10**

The National Security Agency's planned expansion in west county will cost billions of dollars and bring thousands of people to the area, according to a recently released draft environmental impact statement.

At minimum, the project will cost \$2.07 billion and bring in 6,500 workers to a 1.8 million-square-foot building. At most, it could cost \$5.23 billion and use 11,000 people in a 5.8 million-square-foot building.

According to the NSA's statement, the area proposed for the project - called "Site M" - sits on 227 acres near Rockenbach Road and Cooper Avenue at Fort George G. Meade. Currently the Applewood and Park golf courses use that land.

"Aren't we lucky to have such a great job climate in west county?" said Claire Louder, executive director of the West

Anne Arundel County Chamber of Commerce. "There are people across the country who would give their right arm to have the kind of job growth we have in this area."

But while the project will pour in people and spur the local economy, officials said they remain concerned about whether the county is prepared to accommodate this kind of growth. Roads, schools and other infrastructure could become congested at a time when the county has few funds available for major projects.

"It's going to be difficult to fund some of the improvements that are needed," said County Councilman Jamie Benoit, D-Crownsville. "Everyone's going to have to understand that the fiscal crisis in the entire country is causing a lot of problems."

A spokeswoman for the NSA public affairs office said the agency could not answer questions on short notice.

The agency is one of several expanding its presence at Fort Meade at the same time other parts of the military are moving here as part of the federal Base Realignment and Closure process, called BRAC.

The NSA currently occupies about 630 acres at Fort Meade. The 227-acre expansion would begin with 1.8 million square feet of office space, with 6,500 workers and at a cost of \$2.1 billion. It would be occupied by 2014.

If the second and third phases are implemented, that footprint would grow to 5.8 million square feet with 11,000 personnel and at a cost of \$5.2 billion.

That final phase isn't expected to be completed until 2029.

Phase I also calls for the construction of infrastructure to support the massive complex, including a steam and chilled water plant, water storage tower, and electrical substations and generator facilities.

About one-third of the workers expected to arrive in the first phase already work in the region, meaning they likely would commute to their new jobs. The impact of those commuters on local roads, such as Route 175, is the biggest concern in west county at the moment, Louder said.

But the NSA has been working with the community to address the traffic problem, she said. The agency plans to encourage carpooling and likely will set up secure commuter buses in areas where lots of workers live.

"NSA has been really terrific about working with their people," she said. "It's not one person, one car."

Benoit added that the county is trying to find creative ways to fund improvements to roads and other infrastructure. A recent example is Town Center Boulevard at the planned Odenton Town Center. Halle Cos. will construct the thoroughfare in exchange for \$6 million in credits toward impact fees developers normally pay to build new projects.

That kind of public-private partnership may be the way through the fiscal obstacles as the NSA expands, Benoit said.

"Getting a developer to fund a road, that's how we need to get things done," he said.

Bob Leib, the county executive's special assistant for BRAC, said the county also has concerns about the impact on wastewater output in west county. In their response to the NSA's impact statement, county officials will question the water situation and ask for federal aid for building roadways.

Despite those concerns, Leib said, the expansion - and the jobs that come with it - will be good for the county's social and economic fabric.

"Fort Meade is fast becoming the Silicon Valley for cybersecurity," he said. "It's going to be that big a deal."

[Slots issue emerges in campaigns, Candidates for range of offices take stance on casino location](#)
Capital, Erin Cox, 7-25-10

With the location of Maryland's most lucrative gambling emporium now up to Anne Arundel County voters, the issue has begun to emerge in races for everything from County Council seats to the Governor's Mansion.

Some political observers do not expect the issue to dramatically drive voter turnout or tip the scales in statewide elections. But less than a week after Maryland's highest court ordered a ballot measure on the casino, politicians have begun staking out positions to appeal to local voters.

Some have shunned all contributions from gambling interests, while others have declared support for the Arundel Mills mall casino and its hundreds of millions of dollars in revenue destined for government coffers. Still others have taken a hands-off approach, saying they're pleased voters will get a chance to clarify what they want.

Gov. Martin O'Malley said Friday that

Laurel Park racetrack is the best venue for a casino, but that he'll make sure slots revenue begins rolling in quickly regardless of the referendum outcome.

"Anne Arundel can win either way," O'Malley said in an interview. "Everyone wants to get this up and running, but I think it's more important to do it right than to do it someplace that people don't want it."

His leading political adversary, former governor Robert L. Ehrlich Jr., took a similar yet opposite approach, saying through an aide that the 4,750 slot machines destined for Anne Arundel are best suited for an entertainment destination at the mall in Hanover.

"We're for getting slots into operation so that it could generate revenue for the state," said Andy Barth, Ehrlich's spokesman.

Grass-roots support

Organizations on both sides of the casino debate say they expect grass-roots support from county voters who have been moved to action either by the casino's location or the fact that it has been delayed.

"Voters in Anne Arundel County are concerned about keeping their taxes down and creating job and career opportunities," said Joe Weinberg, a principal with casino developer The Cordish Cos. "Our facility at Arundel Mills will generate over \$30 million per year in revenue to the county and create 4,000 jobs."

Heather Ford with Citizens Against Slots at the Mall, a coalition that includes the Maryland Jockey Club and Penn National Gaming, said the petition effort to put the matter on the ballot created an army of anti-casino volunteers.

"We hope that the people who are running for office will help this initiative, because they'll see it's in their best interest to support the cause," Ford said. "They'll see we have boots on the ground and that we're well organized."

The prolonged delay in bringing slots to Anne Arundel County began with the County Council's 10-month hand-wringing over zoning for Arundel Mills mall. Casino opponents immediately began collecting signatures to put the zoning on the ballot, but were blocked by a lawsuit from the casino developer. The legal wrangling ended Tuesday with an order from Maryland's highest court that ordered a referendum on the casino's zoning be placed on November's ballot.

If voters overturn zoning for the casino at Arundel Mills, the state would be back to square one and forced to rebid the license for an Anne Arundel gambling facility, officials said.

And that rebidding process would require another round of zoning fights before the County Council.

Councilman Jamie Benoit, a Crownsville Democrat who represents the Laurel area, has asked all candidates for county office to sign a pledge not to take money from gambling interests.

"The integrity of the referendum depends in part on the integrity of those who represent the county and who wish to do so," Benoit said in a written statement. "If the voters invalidate the law to permit slots passed by the County Council last year, it is critical that the next council be objective."

So far, Democrat Chris Trumbauer, a council candidate, and Mike Shay, the Green Party candidate for county executive, have signed the pledges.

"This ongoing train wreck has been undecided, and now that it's going before the citizens again, they can clarify what they want," said Shay, who says he's against the government being in the business of gambling, but respects the will of voters. "This could possibly be in front of the County Council and the county executive again, and the titans of the gambling industry will be pouring money into campaigns."

Joanna Conti, the Democratic candidate for county executive, said she thinks turnout from anti-casino voters will help her campaign because she prefers slots to go to Laurel Park.

"As county executive, I will implement the will of the voter as quickly as possible," Conti said.

Not taking sides

Politicians such as County Executive John R. Leopold, who in the past heralded the money the Arundel Mills casino could bring to the county, have chosen not to take sides on the ballot issue.

"Mr. Leopold's responsibility as the top administrator of the county is to abide by the law and the will of the people," said Leopold's spokesman, David Abrams. "That's what he's done, and that's what he will continue to do."

The intrigue surrounding slot-machine gambling in this election season may be a shadow of what voters experienced when the statewide referendum legalizing gambling was passed two years ago.

"Two years ago, we were fighting to get in the church door. Now we're fighting over which pew to sit in," said Annapolis-based pollster Patrick Gonzales of Gonzales Research and Marketing Strategies. "It's a big deal to the lobbyists, and they're all whipped up about it because they will make a lot of money."

Dan Nataf, a political science professor and head of the Center for the Study of Local Issues at Anne Arundel Community College, said the question before voters this time is more nuanced than when they legalized gambling in 2008. "The assumption had always been made that it was going to go to Laurel, and that was being voted for at the time," Nataf said. "The dominant thinking process at the time was (a vote for slots was) to bolster the state finances. The question of whether it should be in my backyard is a more difficult question."

Both Gonzales and Nataf predicted the ballot referendum would not generate enough interest to alter the gubernatorial election, but that it could sway local races. Candidates for those seats agree, and are honing campaigns.

"I think it will have a significant impact on races in our county," said Councilman Daryl Jones, a Severn Democrat who represents the area around the mall. "This is an issue that has been highly volatile within our county."

Suit to raze luxury compound on island fails at top court

Ruling says law not retroactive, but another courtroom showdown looms

Andrea Siegel, SUN 7-22-10

The state's top court Thursday upheld the dismissal of a lawsuit asking that a building contractor raze the luxury compound he built without permits on an island in the Magothy River.

The lawsuit, filed by the Critical Area Commission in 2008, was the first filed under state environmental enforcement measures toughened by legislators only months earlier. They strengthened the law largely in response to the illegal construction on 2-acre Little Dobbins Island.

The Court of Appeals said Thursday that the 2008 provisions could not be applied retroactively to the construction by Daryl C. Wagner and his company, DCW Dutchship Island LLC, that was discovered four years before the law took effect.

"Clearly, Wagner's and DCW's misconduct predated the effective date of the amendment," Judge Glenn T. Harrell Jr. wrote for the unanimous court.

"That was our whole argument from the beginning," said attorney Robert J. Fuoco, who with lawyer Warren K. Rich has been representing Wagner. Fuoco described Wagner, who through his attorney declined to comment, as "satisfied, relieved."

The changes in the law gave the Critical Area Commission authority to pursue violations in Maryland's Chesapeake Bay and other watersheds and seek environmental mitigation.

Commission Chairwoman Margaret McHale said this was the sole case in which the panel sought to apply the law retroactively. Disappointed "because of the environmental damage that was done and the way it was done," she said it was not a setback for future applications of the beefed-up law.

The commission's executive director, Ren Serey, said what the agency sought from the lawsuit was a requirement that anyone trying to obtain building permits after the fact for a critical-area violation also have a plan for environmental restoration.

A challenge that can now move forward, because this case has been resolved, may accomplish that, officials said.

Wagner's illegal home construction was one of several to surface in a short time period in Anne Arundel County.

In 2004 — a few years after the work was done — county zoning inspectors learned that Wagner had built a 3,000-square-foot house, swimming pool, replica lighthouse, gazebo, 40-foot-long driveway and boat ramp on Little Dobbins Island without state or local permits. Wagner, who had been living there much to the consternation of county officials, belatedly sought variances, or government approval, for the construction.

Anne Arundel County's Board of Appeals granted some of the variances, allowing Wagner to keep the house, lighthouse and well and septic systems on condition that he remove other structures,

including the pool and gazebo. The decision, opposed by the Critical Area Commission, [Chesapeake Bay Foundation](#) and Magothy River Association, worked its way to the Court of Special Appeals. Thursday's ruling by the higher court allows the Court of Special Appeals to set a date to hear arguments in that case. If the variances are upheld, the county will require an environmental mitigation plan, McHale said.

Because there had been a small cottage and outbuildings on the island, Wagner is allowed to have the same amount of impervious surface that those structures had. But his construction surpassed that, officials said.

A separate effort by Anne Arundel officials to force Wagner to demolish the house is on hold. "We will continue our efforts to remove Mr. Wagner's illegal construction as long as that construction remains illegal. If he is successful in getting permits for that structure, then we will dismiss our case," County Attorney Jonathan A. Hodgson said.

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