

The Villager

Newsletter of the Davidsonville Area Civic Association

Vol. 38, No. 5

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January-February 2012

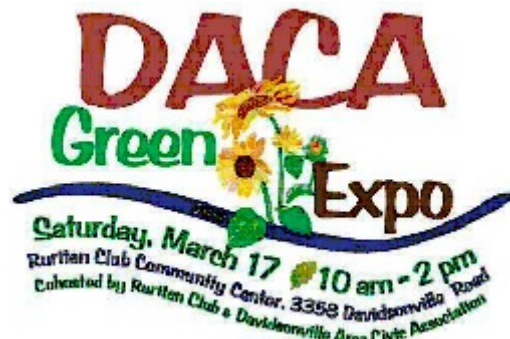
Is there any BIGGER news than elephants in your garden?

It's all in who you know! One day in early December, Topsy and Annette were riding in an elephant-size trailer en route to a photo shoot in New York. Their owner, Frank Murray, wanted to stop at the Doepkens farm to purchase some hay. It was such a nice day, he asked Bill Doepkens if the pachyderms could get some exercise outside the trailer and enjoy some lush farm grass. Bill became acquainted with Mr. Murray over many years of supplying Topsy and Annette with hay when they are working at the Renaissance Festival in Crownsville. The elephants live with Mr. Murray and his family in Florida, where their business is called the Elephant Walk. Mr. Murray and his daughters perform in circus acts all across the USA with their four-ton giants, who are part of the family. Bill said, "They are treated like gold. The bond they share is timeless. It's simply amazing to watch how they interact with their people."

Bill said he is so accustomed to the elephants, he was surprised at the attention they drew. Drivers passing by the farm were even more surprised and delighted. Laurie Hopkins took this picture and sent it to the *Villager*.



DACA's third annual



YES!

Come to the Ruritan Center. Learn how to make your property more GREEN! View exhibits, demonstrations, kids' entertainment. See page 10! Go to www.daca-md.org for more information. DACA invites volunteers to participate!

Call any DACA board member—back page.

DACA members and their contributions

Thanks to Art and Joanne Lohsen for their generous contribution in addition to renewing their membership in DACA.

Welcome Do Nhat Quang to Davidsonville, and thanks to Jan and Herbert Sheppard for the gift membership to their new neighbors.

DACA received thank you's and acknowledgments from Hospice of the Chesapeake; and from All Hallows, Riva Trace Baptist Church, Chesapeake Christian Fellowship, Davidsonville United Methodist Church, Holy Family Roman Catholic Church and South River Bible Church for its year-end contributions to their community outreach work in Anne Arundel County. Grace Evangelical Presbyterian and Union Memorial have not yet responded. In January the Executive Committee voted to contribute \$200 to the Davidsonville Wildlife Sanctuary, 3156 Beards Point Road.

In memoriam
John "Jay" M. Miller, Jr.
September 1, 1958 ~ December 11, 2011
Lifelong resident of Davidsonville
Deepest sympathy to his parents
Barbara and John M. Miller, Sr.
longtime members of DACA

In memoriam
Juliet "Pat" Abend
January 6, 1932 ~ December 30, 2011
Long time resident of Davidsonville
Deepest sympathy to her family

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Zoning lawsuit developments

Russell Stevenson is leading the legal team of the Chesapeake Legal Alliance in the comprehensive rezoning lawsuit against the County. In November he notified interested parties:

“First, we have received contributions of more than \$13,000 toward expenses of the suit. [DACA contributed \$3,000]. Thanks to all of you who contributed. As of November 19, we had only spent \$145 for the filing fee.

“The complaint was filed on October 6, and the case is now called Harwood Civic Association v. Anne Arundel County. On November 1, the County [Attorney Jonathan Hodgson] filed a motion to dismiss on the grounds that the plaintiffs had failed to exhaust their administrative remedies. Believe it or not, the County argued that the “administrative remedies” that we should exhaust is to wait for someone to get a building permit and appeal that to the Board of Appeals on the ground that the zoning was improper. I have filed a memorandum of law opposing that motion. No hearing has yet been scheduled on this motion. I am confident that we should prevail. A pre-trial conference is scheduled for July 12, 2012.

On December 6 he wrote “The County has filed a

memorandum making additional arguments as to why the case should be dismissed. One of their new arguments is that the plaintiffs’ proper remedy was to initiate a referendum petition to overturn the zoning bill!!! (I assure you that argument is absolutely foolish.) A hearing on the motion to dismiss has not yet been scheduled.”

Individual plaintiffs are contesting the amendments that affect their immediate location. In Davidsonville, Will Biddle, representing DACA, and the nearest neighbors, DACA members Elizabeth Chaney and Dave Gray, are contesting the re-zoning of property on both sides of Riva Road at Central Avenue.

“In other areas, four owners of property that was rezoned have filed motions to intervene. The properties included are Boones Estates in Lothian; 336 and 340 Solomons Island Road (Parlett Properties) and 4 Dental Road in Edgewater; and 708 Bestgate Road (Holy Temple Cathedral Church of God) in Annapolis. All of these owners are represented by the same law firm, Hyatt & Weber. They have also moved to dismiss on various grounds.”

You can go to www.chesapeakelegal.org for the link to their 2011 Annual Report.

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Why have a Davidsonville Expo? *by Will Biddle*

My father-in-law, Compton Peach, was born in what is now Riva in 1909. It was named Taylorsville then. He didn't talk a lot in the eleven years he lived with us in Davidsonville, but he liked to reminisce about the parties that the St. George Barber family hosted in the fall. They served oysters on the half shell, fried oysters, oyster stew, crab cakes, steamed crabs, soft-shelled crabs, and baked rockfish. All their neighbors were invited. The St. George Barbers were not old generation residents; they were wealthy New Yorkers, but they wanted to be a part of their new community. It was a small community, spread out over several square miles, yet it was more of a community than we have today. When my mother-in-law died in 1991, my father-in-law received a note from Mackell Childs who had lived on the farm across Riva Road from his family in the 1930s. That note speaks volumes. We were a community.

Davidsonville has had community sports teams for many years, but I never felt like Davidsonville was a community of people. True, I am an outsider—a Pennsylvanian turned Virginian turned Marylander. Yet in Roanoke, Virginia, I felt very much a part of the "people" community. I suspect most residents of Davidsonville have come here from other places. Like so

many of us, my job required most of my time, and my wife worked away from home. Much of our free time in the early years was spent taking our two boys to athletic events or making sure they did their homework. But we did try to become a part of the community. I coached and played soccer on an adult team. We joined newcomer clubs. We hosted parties for the people we knew in the community. We went to a local church. My eldest son became an acolyte. Unfortunately, most of the friends we made in Davidsonville early on have moved away. They said they wanted to live in a community where they knew their neighbors.

Davidsonville has a post office, where you can usually meet someone you know. Eight churches are based in 21035. We have a great school. But the only times the entire community has come together in the last 25 years were to protest a convention center (1985), a state prison (2001), or another cell phone tower coming to Davidsonville. When Mike Galway moved to Davidsonville, he and Anthony Clarke bought the restaurant that is now the Killarney House. The restaurant had started as a neighborhood pub, but Mike and Anthony recognized that the neighborhoods were comprised of outsiders like me, who worked all the time.

(Next page, please)

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Green Expo

(from page 4)

One day, Fred Tutman, a local man from across the Patuxent, was having a beer with them and they came up with a crazy idea. They thought, let's have a green week to make people in our communities more aware of their environment. The Irish of Killarney figured it should be in the week of March 17 to celebrate St. Patrick's Day.

Mike and Fred came to DACA with their idea. It was the best idea I'd heard in a long time. In 2009, the first Green Week was a modest event in which Killarney House featured green events throughout the week and DACA gave away free tree seedlings one Saturday at Davidsonville Station. However, that success encouraged us to build on it. In 2010, Davidsonville Elementary School welcomed the Green Expo. We recognized that the Expo needed some environmental expertise and it took the tireless work of Lara Mulvaney to get the ball really rolling. In 2011, Riva Trace Baptist Church was the location. This year on March 17th, the Ruritan Club and DACA will co-host our fourth community fair, this time at the Ruritan Club's Community Center on Davidsonville Road.

It appears that the Davidsonville Expo has come of age. Many business and non-profit organizations will be

exhibiting their products and knowledge to discuss with individuals the many ways that you might save on energy costs.

The Killarney House is sponsoring a poster contest for students in the local schools or private school students from Davidsonville in grades K through 12. Posters should have an environmentally green theme. Contest rules are on page 15. A Little Taste of Italy will be serving a variety of lunches and refreshments. DACA will give away free trees: white oak, pin oak and redbuds. The Reichwein family trio of musicians, under the name they use for DACA's Green Expo—the Composters—will perform.

Davidsonville, this is your fair. It's free; it's fun for the whole family, and hopefully it will bring us together as a community. Senator Ed Reilly will open the fair at 10:00 a.m. Come pick up a tree or two; pick up ideas for eco-friendly heating and cooling; farm fresh foodstuffs; bring your children to enjoy face-painting, scavenger hunt, and other activities, while learning more about their environment. About 2:00 pm we'll start packing things up, having learned to make 2013's Green Expo even better! Plan ahead. *Will*

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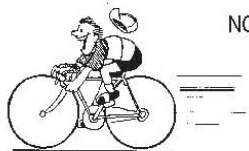
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My Castle versus Public Well-Being or Property Rights versus the Rights of the People?

By Will Biddle

When Maryland was first settled in 1634, the only law that governed the settlers was English law, which is case-based. As there were no cases in the colonies prior to 1634, there was no law. That does not mean that if Butch shot Sir Joseph, Butch would not be held accountable. It does mean that if Butch put his outhouse over the stream upriver of where Sir Joseph got his drinking water, then Sir Joseph had no legal recourse to make Butch remove it.

That may sound absurd, but it is still an actual issue in parts of Appalachia. This issue illustrates where property rights conflict with the rights of the people, or of the commonwealth, or of the common health.

Unfortunately, the issues that face today's residents of Davidsonville may not appear so clear, but they are basically the same. Time has yet to resolve them.

For instance, my wife's cousin's ancestors bought a farm in 1866 and farmed it for 140 years. A developer offered them millions of dollars for this land, and they sold it, amid protests by the owners of the houses built around the farm within the last twenty-five years. Those owners did not want more houses like the ones they

lived in to be built on this very large piece of land. My wife's cousin asks, "What right did these newcomers have to stop me from selling this land to a developer?" If the developer subdivides the land in accordance with the local codes (or laws), then the developer has broken no laws and has every right to subdivide it.

Here in Anne Arundel County, seven men who sit on the County Council voted to re-zone dozens of parcels of land, thereby instantly conveying immediate wealth to the landowners. They did so over the protests of a majority of their constituents and despite a state law that states that **counties shall follow their General Development Plans except "rarely."** They did so despite the fact that the Office of Planning and Zoning opposed most of these re-zonings. These seven men overrode the County Executive's vetoes of most of these rezonings. These seven individuals used something called councilmanic courtesy; they give a councilman their votes to support rezoning in his district in exchange for his votes to re-zone property in their districts. It is the very kind of corruption that led Anne Arundel County to reconfigure its *(next page, please)*

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Property Rights

(from previous page)

government in 1966, to renounce the County Commissioners and adopt a charter form of government. After 45 years, the Council session in 2011 is the first time this “courtesy” has been so shamelessly abused. DACA and other civic associations throughout the county have brought six law suits against the County administration to overturn the most egregious rezonings. Civic associations in other counties are suing their county governments for the same reason.

In the past, civic associations had no legal standing to participate in a suit, but last year the state legislature, at the urging of Marylanders, passed a law that broadens the definition of legal standing. Bob Costa, Davidsonville’s representative in the House of Delegates, was one of the proponents of this law to expand standing. This fall, the new law was recognized by a Maryland high court in a case brought by the Patuxent Riverkeeper, Fred Tutman.

What does this mean? It means Butch can’t defecate in Sir Joseph’s stream anymore. Nor can Sir Joseph let

his run-off foul the waters. The implications are far reaching. Land owners have steadily lost the right to do whatever they want with their land. By the same token, their neighbors and community residents have steadily gained the right to stop objectionable uses that landowners have practiced since 1634. As America and the world becomes more and more crowded, individual rights are being limited while the rights of the community are recognized and broadened. Coal-fired power plants can no longer be constructed in the middle of Baltimore City where, over hundreds of years, the fly ash-laden smoke has shortened the lives of hundreds of thousands of people. No longer can Butch subdivide his two-acre lot into twenty building lots and dump the sewage into the nearest stream. Nor should he. Yet three hundred years ago, everybody did it. In fact the Maryland colony desperately needed towns.

Now, by means of the Fertilizer Use Act of 2011—also supported by Mr. Costa, Butch IX, who now owns a professional lawn care company, can no longer dump tons of fertilizer on his *(page 8, please)*

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(Continued from page 7) customer's lawns. He is compelled to protect the health of the Chesapeake Bay for the good of the community. Now, if Butch and Joseph IX want to eat crabs, oysters, and rockfish caught in the bay, we all must stop fertilizing the water that runs into the Bay and fouling it. The new law restricts the amount of phosphorus that a lawn fertilizer can contain; prohibits fertilizing between November 15 and March 1; and prohibits using fertilizer within 15 feet of a waterway.

The new law in no way curtails the use of fertilizer by farmers and homeowners **who are using the recognized best practices**. Well-established lawns don't need fertilizer. Only new lawns and those lawns on poor soil should be fertilized, and only in the fall, September to mid-November. Fertilizing in the spring causes grass to grow faster than is natural. When the air heats up and the soil dries out, the grass is stressed, and much of the tender young grass simply dies.

Fescue—a cold weather grass most appropriately planted here—grows best in our long autumns, and that

is when lawns should be fertilized. Mow them high (3 to 4 inches) so their blades will shade their roots. Don't bother with bluegrass; it is not suited to our climate. If you have a crabgrass problem, spread Halts—a granular crabgrass inhibitor—without fertilizer in the spring or spray the crab grass with crab grass killer as it emerges. Hot weather grasses like Zoysia never need fertilizer.

Lara Mulvaney contributed to this article.

The beavers are back

The South River Federation organized a roadside clean-up of volunteers for Monday, January 16, on Governors Bridge Road at St. George Barber Road, where Flat Creek meets the roadsides. In November Chris Rizek paddled his kayak into the shallows of Flat Creek off South River and he discovered that the dam-building beavers have returned, after being forcibly removed last spring. Perhaps the road crew will see their signs also. Be warned now that when spring rains come, Governor's Bridge Road will be flooded again.



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Excerpts from January letter from County Council Chairman, Dick Ladd, District Five

Happy New Year – may it be prosperous and fulfilling. 2011 was a remarkably full and productive year for the County Council; 2012 has the potential to be no less so. In addition to the regular budget issues this year, we will consider the Charter Review Commission’s recommendations, which are due no later than April 16, 2012. Any recommendations deemed appropriate, and others proposed by any Council member, will be considered for placement on the November 2012 ballot for a countywide referendum. A five-vote majority is required for an issue to be placed on the ballot.

Three issues are frequently mentioned: binding arbitration, the criteria for disqualifying an elected member of the Council, and term limits for Board of Appeals members. As the County Council district realignment recognizing 2010 census data does not require a ballot vote, it will be handled separately, most likely before our budget period.

Council member disqualification is an interesting and challenging issue, especially for a part-time legislative body. The County Charter, Section 202(c), provides for disqualification if an elected member no longer resides in the district represented. It also provides that a military reservist who is called to active duty for more than 180 days is deemed to have “vacated” his position under Section 205(h).

In today’s “virtual” world, a Councilman’s full-time employment could cause one to be temporarily working away from home – either nearby or far away – for an extended period of time. From my experience, one would or could return for family or other professional requirements with careful planning. One such requirement would be attending Council meetings, particularly when votes important to one’s district are pending.

While missing some important votes may be unavoidable, repeatedly missing votes provides, in my opinion, a basis for disqualification. The question is, “How many absences over what period of time would be considered disqualifying?” Further, would a similar number of absences for health or medical reasons also be disqualifying or otherwise deemed as having vacated one’s position? In other words, what constitutes failure to perform one’s councilmanic duties and responsibilities of office?

In contrast, Section 404 of the County Charter states “if a County Executive shall be convicted of a crime involving moral turpitude, of misfeasance or malfeasance in office, or fails to perform the daily duties and responsibilities of his office as set forth in Section 405 for a continuous period of six months, his office may be declared vacant by the affirmative vote of not less than five members of the County Council.” (Turn to page 11)



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Food by A Little Taste of Italy

It's only two months away. The Green Expo Committee is delighted that our Saturday in 2012 will actually fall on March 17, to help us celebrate a truly green St. Patrick's Day. We invite volunteers to join us now, to get in on the planning stages. Make it your own, and make it even better!

DACA Green Expo planners are Lara Mulvaney, Will Biddle, Chris Asher, Gerry Coffman, John Healy, and Wayne Reid. We also will be closely connected to the Davidsonville Ruritan Club, the Patuxent Riverkeeper, and Killarney House.

Contact any of the DACA members—phone numbers and email addresses are on the back page—to offer your services. You will be just as welcome if you show up on the day of the Expo, but you'll be even more important if you help work on the planning stages.

Green Expo poster contest for grades K through 12

The Killarney House will sponsor the Green Theme Poster Contest again. The poster theme is *What people can do to help the environment* and may contain words as well as drawings and photographs. Posters should demonstrate an environmental cause or send a "green" message; they might show what a person living in Davidsonville can do to improve our environment.

The contest will be judged by Bea Poulin, President of the Muddy Creek Artists Guild and the Community and Constituent Services Specialist for the County Executive, and by Jeannie Smith of Davidsonville.

Contest rules are on page 15.

THIS SUMMER

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Dick Ladd, (from page 9) The specifics and resolution of the current situation in District One will clearly shape the Council’s deliberations on any proposed Charter amendment.

Stormwater runoff is an important issue on our peninsula, one that generates many calls to our office for assistance. Equally noteworthy is the strong support for the stormwater management bill that Councilman Chris Trumbauer and I sponsored. Within the Council, resistance to raising any fees is strong and probably dominant given the concurrent proposals to increase flush fees at the State level. Consequently, we have withdrawn the bill with plans of maybe reintroducing it at a later date.

The size of the problem with stormwater runoff is huge. The Department of Public Works estimates the cost of the Watershed Improvement Plan to be \$968 million, of which five percent is needed just to catch up on deferred maintenance and repairs on existing drainage networks. This backlog continues to grow faster than the current repair program.

Notes from DACA Minutes

Repair of **hurricane damage** on Patuxent River Road south of Central Avenue is complete; the barriers are removed; it is safe to drive.

On one day, 21 cars were parked illegally on the grass beside the road at the **Davidsonville Park & Ride**, while there were 46 vacant spaces at the Annapolis Park & Ride on Harry Truman Parkway. Ed Woods will draft a letter to SHA requesting that they correct this by reassigning bus routes to stop in Annapolis, or by some other means—enforcement, tickets, fines, etc.

The **General Assembly** opened January 11. State legislative districts were changed. Part of Davidsonville is still in 30-B, South County between the Bay to Patuxent River—still represented by Bob Costa.



PRESIDENTS' DAY

In memoriam
Kenneth K. Carr
September 3, 1923 ~ January 10, 2012
Long time resident of Davidsonville and
DACA member
Deepest sympathy to his family

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DIGG digs in the park by *Bobbie Reichwein*

The Davidsonville Involved Green Group (DIGG) completed phase two of its Woodland Garden Project in Davidsonville Park this past fall. They had finished phase one along the walking trail back in May. The gardeners prepared and mulched the flower beds and planted two redbud trees. This fall they had to remove debris and sand that were deposited there by Irene and the rains of Lee. Then the planting began. The group planted blueberry bushes, sweetspire and ferns, and re-mulched the gardens.


One of the goals of the committee is to use native plants to improve habitat in the park and keep the need for continuing maintenance to a minimum once the plants have become established. The committee anticipates that the native plants will spread and reduce the need for future plantings. However, if it is necessary, DIGG will dig some more.

From an article submitted to Edgewater/Davidsonville Patch 12/15/2011



Anne Biddle, Norma Talbert, and Nancy Covington at work on the Garden Project. Photo by Peggy Wormwood

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Update on the challenges of mailing

Thanks to all who responded that yes, they received the November-December *Villager* by email. It is very reassuring to me to know that it worked. I send it in batches to different groups, and if a few from each group let me know they have it, I can assume that it went safely to all. Every time I do this, fewer and fewer bounce back from incorrect addresses. Some county mailboxes reject it as they are too small for such a large file; I continue to delete them from the email list and make sure they are on the postal mail list.

I am sorry I cannot send individual reminders to renew dues. The expiration date is printed with the address, but copying the list from one format to another made many inaccuracies. Please do not blame our printer

Andy Morsberger and Minuteman Press of Crofton; Andy is saving my sanity (bless him)! It saves time and money when I can send the *Villager* by email to the members who have given me their email address. They get it much faster than if they must wait for the printer and the post office, which is the greatest delaying factor. I am still figuring out how to notify people by email of their expiration date.

Unfortunately, the ever inefficient postal system delayed paper delivery of the previous issue until November 30 and December 1. USPS regulations prohibited Andy from carrying the Davidsonville addressees to the Davidsonville Post Office, and he had to take them to Linthicum, where they sat for two weeks.

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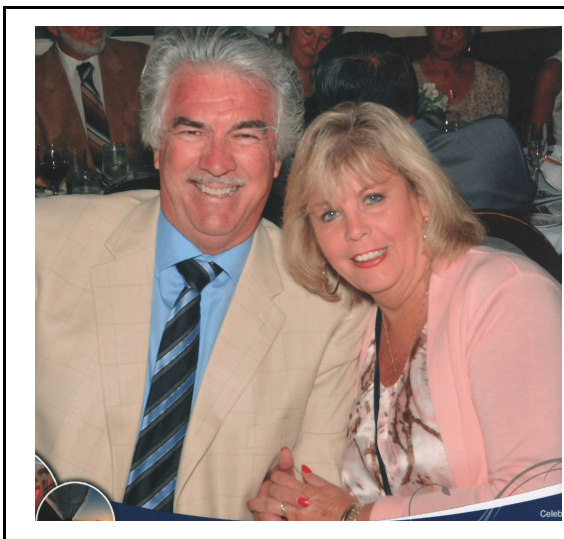
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Stream Monitoring

Saturday, January 21, 10:00 am-3:00 pm

Join us to learn about stream ecology and assist with our research, focused on three streams flowing through the Sanctuary. We'll hike to the streams, sample for stream insects, then bring them back to the Wetlands Center by noon. Stay for the afternoon sort and ID session as long as you can. For teens and adults.

Stream Water Chemistry— 10:00 am-12:30 pm
Volunteers will conduct field tests on dissolved oxygen content and other parameters. Water samples are also collected for lab analysis. New volunteers interested in assisting the study should contact the Volunteer Coordinator at 410-741-9330.

Thursday, January 19, two sites along **Pindell Branch**.

Friday, January 20, two sites along **Galloway Creek**.



Galloway Creek in June

Jug Bay website is awesome! Go to www.jugbay.org

Christopher J. Asher, CFP®, CRPC®

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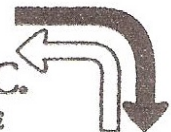


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1. Posters should show an environmental cause or send a "green" message.
2. Children in grades K through 12 may enter.
3. Children who live in Davidsonville or attend Davidsonville Elementary, Central Middle School, or South River High School are eligible.
4. Each entrant or child should do his or her own work without the help of friends, parents, or other family members.
5. Each child is allowed one entry.
6. Each entry must be on 20 inch by 30 inch or 22 inch by 28 inch poster board.
7. An entrant can use any medium: markers, water colors, acrylics, photographs, collage, etc. or combination thereof.
8. Your name, grade, school, age, address and phone number must be printed clearly on the back of your entry.
9. All entries must be submitted between 10:00 a.m. and 12:00 noon on March 17th at the Ruritan Club Center at 3358 Davidsonville Road, Davidsonville, MD 21035.
10. Judges' decisions are final. Judges

will consider the age of the applicants in awarding the prizes.

First prize is a \$50 gift certificate for food served at the Killarney House Restaurant. Second and third prizes are \$25 gift certificates for food served at the Killarney House. The Killarney House is located at 584 West Central Avenue, Davidsonville 21035.



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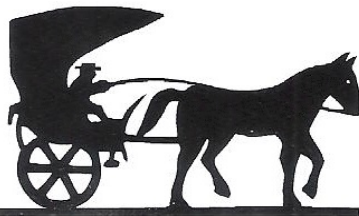
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The *Villager* is published at least six times each year.
 We invite your written and signed contributions of letters,
 articles, and community notices.

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At \$5.00 per year for each person, my check for \$ _____ is enclosed, payable to DACA for membership for _____ person/people for _____ year(s). Also enclosed is my contribution of \$ _____ to DACA to help with the expenses incurred in the effort to maintain the quality of life that brought us to the Davidsonville area and to help guide the growth and development of our community.

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Your comments, your interests?