

The Capital

Talks between county, residents over park collapse

By BRIAN M. SCHLETER, Staff Writer

Negotiations between the county and residents who oppose plans to build athletic fields at a planned Arnold equestrian center collapsed yesterday, apparently sending the dispute back to court.

Opponents of the \$2 million park rejected the county's offer to scrap one of the two fields and a parking area and make it a fenced-in pasture for horses instead.

Dennis Callahan, county director of recreation and parks, said opponents of county plans refuse to drop their demand that the county evict the Noah's Ark Wildlife Center, which opened there in December 2002.

"We are not forcing that animal shelter off the property," he said. "Apparently, the only animals they like are the ones they can ride. I think it gives some insight into the type of people we are dealing with here."

A Circuit Court hearing that started Friday is set to resume tomorrow morning, he said.

County officials ceased grading work on the property over the weekend while the lawyers tried to hash out a compromise. Work was expected to resume today.

A lawyer for Elizabeth Gleaves, widow of Andy Smith, for whom the equestrian facility is to be named, said it would be inappropriate to comment since talks are continuing.

"We are preparing for a pitched battle in the courtroom, but we are hoping for an amicable solution as always," Cary J. Hansel said.

He confirmed he and his clients toured Noah's Ark last night. The nonprofit rehabilitates and releases injured animals. Owners Ted and Velvet Kitzmiller are

not named in the lawsuit.

The Kitzmillers lease the farmhouse and 3 acres of the 12-acre site from the county. Mr. Kitzmiller said the visit was productive.

"She had no idea of the scope of what we are doing here," he said. "I think they were impressed and happy with what they saw."

County Executive Janet S. Owens remains committed to keeping the Kitzmillers on the land, Mr. Callahan said, despite grumblings from some who argued the county broke its contract with Mrs. Gleaves.

"This is very near and dear to her heart," he said.

She sold the land to the county in 1998 for \$500,000. In court Friday, Mr. Hansel argued the 1998 sale agreement binds the county to use the farm strictly for equestrian purposes. Their lawsuit seeks to stop work until a jury can decide whether the county broke the contract.

County Circuit Judge Joseph P. Manck ruled work could continue following an emergency hearing March 5 at which he found the 1998 contract allowed the county to have both equestrian and general recreation facilities on the site.

Former county executive John G. Gary Jr. testified during Friday's full hearing before Judge Ronald A. Silkworth in Annapolis that when he signed the contract, he only intended the site be used for an equestrian center, not athletic fields.

Outside court he accused the Owens administration of exploiting a loophole in the contract to circumvent his agreement with Mrs. Gleaves.

"I'm concerned when the government gives its word to a private citizen ... it should honor its word," he said. "I don't think that's what they're doing."

The county maintains the language of the contract clearly allows other recreational uses of the property.

"The county executive shares Mr. Gary's concerns. That's why she believes in protecting citizens (using) legal documents," said Matt Diehl, a spokesman for Ms. Owens.

At Friday's hearing, Mrs. Gleaves reiterated the battle is about honesty and integrity in government - not animals or soccer fields.

"I wouldn't have sold it had (the county) not made it clear that (an equestrian farm) was not the only intended use," she testified Friday.

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