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**County settles church school lawsuit for \$3.25M**

**Agrees to pay Riverdale Baptist, allow construction of 440-student school**

By SCOTT DAUGHERTY, Staff Writer  
Published 11/19/10

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County officials Thursday agreed to pay \$3.25 million to the Riverdale Baptist Church in Upper Marlboro to settle a 4-year-old religious discrimination lawsuit, according to attorneys involved in the case.

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The consent judgment, reached on the 12th day of an extended jury trial in U.S. District Court in Baltimore, also requires the county to allow the evangelical congregation to build a controversial 440-student school in Bristol near the Jug Bay wetlands.

"They are finally going to get to do what they have wanted to do for eight years - build a permanent home," said H. Robert Showers Jr., the church's lead attorney. He noted that the church's Arundel Bay Christian Academy has operated since 1991 out of leased buildings outside another church in Lothian.

County Attorney Jonathan Hodgson explained Thursday that he decided to negotiate the settlement because the case was not going well at trial and the jury could have awarded the church as much as \$8.7 million in damages and attorney fees.

He repeatedly noted that he proposed a settlement in 2008 that would have allowed the school to be built and cost taxpayers only about \$300,000 - but the County Council unanimously rejected it and forced him to take the case to trial.

"With hindsight, it is clear that the County Council would have been wise to have taken my advice," Hodgson said. "By any measure this is a very large figure, and it did not need to end this way."

State Senator Ed Reilly, R-Crofton, a former county council-man and outspoken opponent of the school and the settlement, could not be reached Thursday night for comment.

**The history**

The controversy began in 2003, when officials with the church first sought permission from the county to build a 30,500-square-foot school on about 57 acres near the intersection of Wrighton and Pindell roads in south county.

County planners initially approved construction of the school in 2004 and granted the church a grading permit.

Neighbors, however, appealed the decision to the county's Board of Appeals. They said the school would be too large for their small, rural corner of the county. Among other things, they feared traffic to and from the school would overwhelm the area's narrow roads and that construction would contaminate the nearby Jug Bay wetlands.

The County Council effectively killed the project when it passed two pieces of legislation

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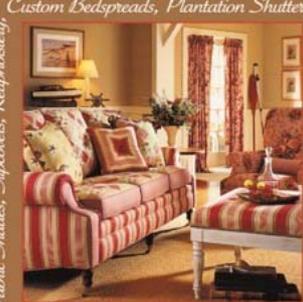
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in 2005 and 2006. One bill required private schools to be built on lots served by major roads. Another limited development along historic and scenic roads - including Wrighton and Pindell.

Showers said the bills were timed so that they would affect Arundel Bay Christian Academy, but not two other private schools in the works at the same time - Sojourner-Douglass College in Edgewater and Indian Creek School in Crownsville.

Out of options, the church filed its lawsuit in 2006.

### Targeted legislation

Hodgson Thursday admitted in court that the county - specifically the administration of then-County Executive Janet S. Owens - targeted the church with restrictive legislation and therefore violated a federal law that prevents local municipalities from blocking specific congregations from building houses of worship.

He said the admission was necessary in light of "damaging testimony" from people involved in the Owens administration - perhaps most notably a former aide to Owens, Carl O. Snowden.

Hodgson said Snowden, who now serves as the civil rights director for state Attorney General Douglas F. Gansler, admitted on the stand to asking the county's zoning office to delay its review of the school's building plans.

While defending his decision to settle the case rather than putting it to the jury, Hodgson noted that the church didn't need to prove the county's motive was religious discrimination - just that the acts had a "discriminatory effect."

Hodgson said the County Council, unlike in 2008, will have no chance to override this consent judgment.

"They have no say," he said. "I have every expectation a school will be built on the site."

While no legal paperwork was filed Thursday with the court, Hodgson said the agreement is binding and that it had been signed off on by members of the governing committee of the county's self-insurance fund.

The committee includes the county attorney and the county's chief administrative officer, finance director and central services officer.

Other legal avenues also may be closed to opponents of the school. Showers noted that U.S. District Judge J. Frederick Motz has agreed to retain jurisdiction over the case. If any south county residents decide to file their own legal challenges to the school, Motz will hear them, Showers said.

"I don't expect the judge to look favorably on any third-party suits in light of what he has already heard," he said.

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**Keeping the Garden** - 2010-11-20 18:48:47

In Genesis, God placed man in the Garden of Eden. The first commandment he gave man was to, "Keep the Garden". He has never rescinded that commandment. I hope Riverdale Baptist will be mindful of that during what appears to be eventual construction; her neighbors downstream on Two Run Creek would surely appreciate that.... Especially the ones who can't vote... There are some pretty effective site design practices which can help mitigate (somewhat) the loss of the forest that provided the buffer for the creek, sanctuary and pax river; the church should make these site design practices part of their plan for the ABCA School.

*Eric Lind* - , - Karma: Neutral

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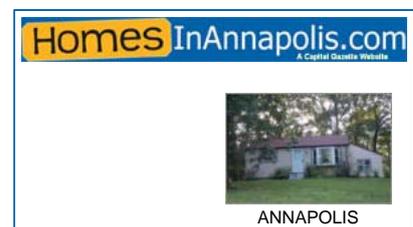


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**Poor Jug Bay** - 2010-11-20 08:30:26

God, out of timeless eternity, created the heavens and the earth, and then ceased His creative activity, and rested (Genesis 2:1-2). "And God saw all that He had made, and behold, it was very good" (Genesis 1 :31).

...except Jug Bay wetlands sanctuary which this church believes is in desperate need of additional pollution caused by runoff, and sewage and waste disposal issues caused by large septic systems.

*mitchelle stephenson - edgewater, MD - Karma: Neutral*



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**Interesting...** - 2010-11-19 16:34:16

She, Owens, denies a church and forces us taxpayers, once again, to foot the bill. Why? Simple answer: she lives near where they will build it. He, Leopold, forces a Casino down the throats of the citizens. Why? Simple answer: he does not live near where they will build it. When will we ever get a County Executive who cares about ALL of AACO again? Perhaps never, maybe that is a thing of the past, so sad for us all and the future of our County.

*triple crown - crofton, md - Karma: Terrible*

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**Carl** - 2010-11-19 15:28:48

Carl is untouchable.

*Arthur G - Riva, MD - Karma: Good*

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**Carl and Janet should help pay...** - 2010-11-19 14:12:08

"Hodgson...admitted in court...the administration of...Janet S. Owens - targeted the church with restrictive legislation and therefore violated a federal law...He said the admission was necessary in light of "damaging testimony" from people involved in the Owens administration - perhaps most notably a former aide to Owens, Carl O. Snowden...(who) admitted on the stand to asking the county's zoning office to delay its review of the school's building plans."

So, why can we not hold Janet and Carl personally responsible for some of this settlement, since they obviously and by admission violated the law.

*Fred Davis - Annapolis, MD - Karma: Excellent*

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**Precluded from appeal?** - 2010-11-19 13:51:41

Interesting County loses a case which seems like a no-brainer. Mr. Hodgson states there is no basis for appeal. Ms. Ownen's staff interjecting themselves in the review process seems to have had an adverse result. Perfect process, not by any stretch of imagination. Why is the County issuing grading permits prior to complete review of building applications? What purpose does that serve? It opens the door for applicant to appeal denial. Clearly if you issue a grading permit, your indicating the project will be approved. So, if you're a church you get to override the alleged Comprehensive Plan, Code and zoning requirements? How about a carnival and bingo parlor to support the church? Citizens of AACO now have to pay \$3 million and will be on the hook for all infrastructure improvements. The property owners in proximity home values will be adversely effected. So much for their rights. Maybe they should sue the County. Unbelievable.

*harry trampolini - severna park, MD - Karma: Excellent*

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