

**From:** Ellen Moyer

**Date:** November 26, 2016 at 7:51:00 PM EST

**To:** Bevin Ann Buchheister

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**Subject: Re: Program Open Space funds can be used to improve facilities at EISENHOWER GOLF COURSE! - (Public Hearing at Council on MONDAY 28th)**

I applaud you for your research that identifies the use of pos \$ under local decisions.

The city has accrued 2.7 million pos funds

Your research reveals once again the limited economic analysis employed by those we elect. .. And the propensity for pulling the wool over our eyes with faulty or inaccurate information.

Thank you for your information.

It would be fiscally irresponsible for the council to pass the fast track sell the golf course resolution without a well thought out economic analysis to its fiscal benefits , a plan for improvements, and leisure recreation program plan. This is the kind of leadership we should expect from our public officials.

Another repeat of the curious lack of economic analysis process used for the old city recreation center on st Mary's street.

On another note I personally object to the change of title City Administrator to City Manager in the consent calendar. This is another way to move an agenda without public debate. The Charter establishes the Mayor as the CEO. The change In terminology is another back door move to recreate the government of Annapolis to a city manager form which has been controversial in the past and never approved by the public.

The back room wheeling and dealing experienced with this majority Democratic Party council is disturbing.

Ellen Moyer

Sent from my iPhone

On Nov 26, 2016, at 5:07 PM, Bevin Ann Buchheister wrote:

Mr. Mayor, Aldermen, Alderwomen and concerned residents:

Lack of funds to improve the buildings and course at the Eisenhower golf course is the major reason given to the public to justify sale of the golf course to the County.

I have heard from several Aldermen that they have been advised by the City that the we cannot use Program Open Space (POS) funds to develop or improve recreation facilities and, therefore, cannot use these funds on the needed improvements to buildings at the Eisenhower Golf Course.

This is incorrect information.

The POS state law restricts STATE expenditures of POS funds to land acquisition (Nat.Resources, 5-903), but it specifically states that local jurisdictions can use the funds for acquisition or development of land for recreation, and specifically mentions construction of indoor or outdoor recreational facilities such as **GOLF** centers as one of the approved uses of local side POS funds. (See Nat Resources, 5-903(b)(3) below)

Since the Council is not operating with the relevant facts about the POS law and how local funds can be spent, I strongly suggest that the public hearing on sale of the golf course be postponed until the law is understood by the council and the public. How can the public be expected to comment on this when the Aldermen and Alderwomen, whose job it is to inform their constituents, have not been given correct, or full information?

See below for citations to the Natural Resources Article of the state code that support my assertion.

### **Section § 5-902 (a)(2)-**

The legislative declaration of intent states that POS funds can be used to "Accelerate development and **capital renewal** of needed outdoor recreation facilities....."

### **Section § 5-903. Funds**

#### **(b) Appropriations to assist local governing bodies. --**

(1) The General Assembly shall appropriate the remaining funds not

appropriated under subsection (a) of this section to assist local governing bodies in acquisition and **development of land for recreation** and open space purposes, including the provision of public access to the land.

(2) Except as provided in paragraph (3) of this subsection, funds appropriated under paragraph (1) of this subsection for development of land for recreation and open space purposes **may be used for indoor or outdoor recreation and open space purposes, including the construction of indoor or outdoor recreational facilities such as aquatic, golf, community, and nature centers.**

(3) An indoor recreational facility funded under paragraph (1) of this subsection shall:

(i) If the facility is 7,500 square feet or greater, meet or exceed the current version of the U.S. Green Building Council's LEED Green Building Rating System Silver rating, however, the facility is not required to be certified through the LEED certification process; and

(ii) Incorporate, to the maximum extent practicable, the nonstructural site design practices in the Maryland Stormwater Design Manual, incorporated by reference in COMAR 26.17.02.

Thanks,

Bevin A. Buchheister, Esq.