

**TOWN OF INDIAN HEAD
TOWN COUNCIL
Village Green Pavilion
PUBLIC HEARING CASE #201701
June 15, 2017**

Mayor Paulin called the Public Hearing for Case #201701 to order at 7:10 p.m. Steve Scott of Scott Law Group, David Cooksey and Cathy Flerlage of Soltesz were present to represent Cook Inlet Region, Inc. for application for Rezoning from Open Space (OS) and Town Center Mixed Use (TCMX) to TCMX for Parcel 609, Tax Map 11, consisting of 19.368 acres, more or less. Those in attendance were:

Mayor Brandon Paulin
Vice Mayor Ron Sitoula
Councilman Curtis Smith
Ryan Hicks, Town Manager
Lucinda Stevens, Zoning Administrator
Andrea Brad, Town Clerk

Mayor Paulin asked the applicants to begin with their presentation.

Mr. Scott asked to put on the record; the rationale which they believe entitles this parcel to a rezoning, pursuant to the laws of the State of Maryland applicable to this particular property in this petition. The Land Use Article of the Maryland Annotated Code allows for a rezoning where it can be demonstrated that there is a "mistake" in the existing zoning. Mr. Scott believes the testimony at this evenings hearing, the materials to be presented and also already presented do establish the mistake.

Mr. Scott asked to take record notice, the Town Staff Report which recommends the granting of this petition and take record notice of the Town's Planning Commission deliberations and recommendation which also recommends the granting of this petition. Mr. Scott also noted that in those two documents the recommended conditions in the granting of the petition. (see attached documents.) The petitioner is acceptable and agreeable to those conditions. Mr. Scott did note that the last condition talks about rather than rezoning the area in question, moving the OS zoning line. This condition is the least preferred option for the petitioner.

Mr. Scott stated that parcel 609 is within the area designated by the Comprehensive Land Use Plan for high intensity development. The parcel consists of around 19.368 acres of land currently undeveloped and unimproved and as the petition indicates it is owned by the Cook Inlet Region, Inc. The property is currently split zoned. Approximately 7 acres of the parcel is zoned OS with the balance of the property being TCMX. The subject of the petition is the 7 acres zoned OS.

Mr. Scott stated that when you look at the purpose and intent of the OS zone in the Zoning Ordinance and its allowable uses and you compare that to the fact that it is privately owned and not designated by the owner as open space or for public use the conclusion is reached that the OS zoning is a mistake.

Mr. Cooksey discussed the property location and location, location of the zoning line and showed 4 exhibits which included a map of the Town of Indian Head, a map of the parcel showing the zoning line, the concept plan, and a map showing the other OS zoned areas in Town.

Mr. Cooksey explained that the first step in the process for Soltesz was to look into the zoning and allowable uses of the property. During that step they discovered the split zoning which in Mr. Cooksey's opinion is somewhat unusual in the zoning world. In the map showing the zoning line it reflects that the parcel is OS to the North and TCMX to the South. When looking for the allowable uses for the property Mr. Cooksey found that the OS zoning was not listed on the permissible use chart in the Zoning Ordinance and there was no allowable use for a private owner on OS. Mr. Cooksey explained that OS is generally intended to set aside significant areas in the Town for public open space use. The map reflecting OS areas in Town shows the areas all being green areas owned by the Town except for the CIRI property and a small buffer along the Robinson Terminal property. When moving forward with the process and application to rezone Soltesz put together a concept plan showing possible development under TCMX zoning. The proposed development under TCMX will protect as much property as is currently zoned OS and Mr. Cooksey explained that it will actually protect more sensitive property than the current zoning.

Mr. Scott stated that based on their analysis the concept plan is consistent with the Comprehensive Land Use Plan and Zoning Ordinance and he asked Ms. Flerlage to elaborate on that point.

Ms. Flerlage explained that her task was to review the Comprehensive Plan and the Zoning Ordinance and how their concept plan would represent an implementation of the goals and objectives represented in the Comprehensive Plan.

Ms. Flerlage listed some of the goals in the Comprehensive Plan for TCMX development. Those goals included providing attractive and varied living environments, encouraging intimate, efficient and aesthetic use of space, encouraging developers to use a more creative approach in the development of land, encouraging variety in the physical development pattern of residential areas and foster forms of development which exhibit the characteristics of traditional neighborhood development. Ms. Flerlage stated that as proposed, the development of the 19+ acres is consistent with all of those goals for residential land development in the TCMX zone.

The proposed development consists of 164 units leaving a stream valley and over 7 acres of existing woodland and steep slopes on the property undisturbed. Ms. Flerlage stated that the natural features are being treated as an important amenity. Ms. Flerlage discussed the proposed roadways and park areas. The density is in the targeted range and there will be a variety of floor plans, facades, an abundance of landscaping, street furnishings and customized lighting and signage. Ms. Flerlage stated that there is visual interest to the high styled and aesthetic development. Ms. Flerlage focused on goal implementation from the Zoning Ordinance, the Comprehensive Plan and the Urban Land Use Study.

Mr. Cooksey stated that the Land Use Plan describes land use OS as land and facilities generally owned and operated by the Town. Mr. Scott also noted for the record that Ms.

Flerlage discussed very specific parameters for the land use for this particular parcel 164 units, design and layout, all of which is from the approved conceptual use plan the Planning Commission has reviewed and approved in accordance with Town Zoning Regulations. Mr. Scott asked to note for the record that it has already been through concept plan approval as per the Zoning Ordinance.

Mr. Scott stated that when you look at the purpose and intent of the OS zone and the allowable use, it makes certain assumptions regarding ownership and the highest and best use of the parcel of land. Mr. Scott stated that in their reasonable interpretation of the OS zone, and when they look at and interpret those assumptions it becomes clear to them that the OS zone is intended for public or quasi-public use reserved for the benefit of the public in some way. Mr. Scott stated that when you compare that to the facts of this case, this is privately owned property, it is in an area designated by the Comprehensive Plan as land use for high density development. There is an environmental feature on the North side but Mr. Scott stated that there is a myriad of laws and regulations that protect that environmental feature even as the property will be developed in the TCMX zone making the OS zone not necessary to protect that environmental feature. Mr. Scott also noted for the record that this particular owner did not request the OS zone and were not aware of it. The owners realized the split zoning once they asked Soltesz to look into possible uses for the property.

Mr. Scott stated that it has been discussed in front of the Planning Commission about chain of title, prior uses of property, prior owner of property and prior action on the property. Mr. Scott respectfully suggested that all of that is irrelevant to this particular proceeding. Mr. Scott stated that a mistake exists and that entitles the owner to rezoning.

Mr. Scott stated that from the Land Use Article of the Maryland Code, a legislative body may grant a local map amendment to change the zoning classification of land based upon the finding that there was a mistake in the existing zoning classification. Mr. Scott stated that for these purposes a mistake means some invalid or incorrect assumption and that there is case law that states mistake can be found where the Zoning Authority made invalid or incorrect assumptions about physical aspects, use, characteristics or ownership of a piece of property and that is what the petitioner is arguing.

Mr. Scott stated that the property is in private ownership, it can be developed, and it is in a place that should be developed under the Comprehensive Plan. The property has some physical characteristics that are environmentally sensitive; however Mr. Scott feels there are so many laws and regulations that already protect those environmentally sensitive areas. Mr. Scott stated that in any event the protection of those environmentally sensitive areas can be accomplished with the property zoned TCMX, and that is what the applicant is asking for, to rezone the 7 acres from OS to TCMX thereby causing the entire parcel to be TCMX. Mr. Scott stated that in the alternative the lesser option would be to move the OS zoning line to an area more northerly where it could actually serve a function to protect the environmental feature, however the applicant does not feel that is necessary due to the laws and regulations that already protect the area. However, Mr. Scott stated that if that is the pleasure of the Town Council the applicant will accept that.

Ms. Flerlage discussed the streamline on the property. According to Ms. Flerlage the concept plan keeps with the current and pertinent regulations and she discussed the streamline buffer and the protection included in the plan despite the zoning change.

Mr. Scott stated for the record that the application filed in this case by the petitioner does include exhibits and attachments, including a traffic study and other items required by the Zoning Ordinance and in addition to those requirements. The Planning Commission's report/recommendation to the Town Council analyzed the exhibits and found the data to be appropriate and recommended approval of the request.

Following the closing of the applicant's presentation, Mayor Paulin moved into Council discussion and deliberation.

Vice Mayor Sitoula asked Mr. Scott if in his experience has he seen other private properties zoned OS and what purpose did it serve in other places. Mr. Scott explained that the OS zone in the Town of Indian Head is a little unusual in his experience. Mr. Scott briefly discussed the Public Land Zone (PL) in the Town of La Plata that has more expansive permissible uses than the Town's OS zone. Mr. Scott stated that the problem with an OS zone on private property is that unless it was consented to or done in concert with the owner of the property it takes away the useable aspects of the property and may not be appropriate at the zoning level when there has been no other determination as to the environmental features and usability. Mr. Scott stated that he has not seen this in other jurisdictions and has not seen a similar zone in other jurisdictions. Mr. Scott stated that he thinks it is fair to argue from a land use point of view that it is incompatible with private ownership.

Councilman Smith had questions related to the exhibits discussed by the presenters. Councilman Smith asked for clarification on the possible design concept that was mentioned if the zoning line was moved instead of a change in the zoning. Mr. Cooksey explained that the current concept development plan displays the allowed use of the land if it was completely zoned TCMX in terms of setbacks, streams and steep slopes. The displayed concept plan is the plan that the owners of the property took through the Planning Commission and revised after their comments. The concept plan also leaves as much OS acreage as is zoned OS now.

Councilman Smith asked if the traffic study considered the potential use of some of the proposed OS areas. Mr. Cooksey explained that the traffic study took into account the proposed development of 164 units. Mr. Cooksey also discussed the proposed open areas and the constraints currently in place to prevent development in those areas. The proposed open space areas would belong to the Home Owners Association or the Town if that is what is preferred as part of the OS requirements.

Councilman Smith requested a brief education on what the stream valley buffer means. Ms. Flerlage explained that essentially the stream valley is demonstrated on the plan by a heavy blue line with some dots, which is the center line of the stream. According to the Town's ordinance the developer would need to show 50 feet from the center line of the stream either way away from the stream as a buffer area. On the concept plan this was expanded further to include steep slopes that are adjacent to the stream. Ms. Flerlage explained that typically when you have a resource protection zone it starts with a

minimum and then it expands in set increments to accommodate other adjacent environmental features that may be there. In this case, being a very well defined stream, what you have as far as adjacent features is limited to some steep slopes and there are no highly erodible soils on the site. The concept plan also included a proposed woodland trail skirts along the edge of the buffer which they consider a serious amenity for the community.

Councilman Smith asked how this development will impact the adjacent neighborhoods. Mr. Cooksey explained that while he is not sure of the exact impacts the residents are concerned about, a traffic study is done and whatever the study recommends in terms of traffic improvements will have to be put into place. Mr. Cooksey also stated that there will be buffers in place between the neighboring communities and there are no sidewalks to connect with the Villages of Potomac. The developer does not intend to impact the neighboring communities in any way. Mr. Scott stated that from a zoning point of view, the Comprehensive Plan designates and calls for this type of development in this area and in developing the Comprehensive Plan the Town has recognized that this type of development is compatible with the surrounding neighborhoods.

Vice Mayor Sitoula asked Mr. Scott if the property prior to CIRI owning it belonged to the Federal Government and he explained that he is still having a hard time understanding why the zoning is being called a mistake. Vice Mayor Sitoula used the example of a private citizen buying real estate and having to sign documents in reference to the property. Vice Mayor Sitoula does not feel that you can sign these documents and then go back and claim a mistake. Mr. Scott verified that the question was did CIRI come to the zoning or did the zoning come to CIRI. Vice Mayor Sitoula confirmed that, that was his question. Mr. Scott stated that when CIRI bought the property the OS zoning did not exist on the property and it was done at a later date. Mr. Scott explained that the owners of the property are an Alaskan corporation, so they are not local and they do not understand local land use issues. Mr. Scott stated that while that is not an excuse for not knowing what is going on, the legal and factual analysis provided does indicate that at some point along the years of their ownership the zoning was changed by the Town and whether or not CIRI even knew about it does not negate the argument of a mistake. Mr. Scott stated that they are not saying the Town was involved in any maleficence or misfeasance, and they are not saying the Town was negligent, and while the word mistake may be a little bit strong it is the word used in the Annotated Code. Mr. Scott explained that in this particular case the word mistake means that the zoning on the property is not compatible with the ownership, the proposed uses of the property, the allowable uses and the highest and best use that could be put to the property under the Comprehensive Plan.

With no further comment from Council, Mayor Paulin opened the floor to citizen's comments.

Town Manager Hicks asked if Lincoln Housing opens their gate, which may happen due to scheduled work on the Base's main gate, would the traffic study incorporate that possibility. Mr. Cooksey explained that as the project moves forward they will be required to do a preliminary plan process and if there are changes in the demographics since the original study had been completed, the Town has the right and ability to request a revised traffic study to take into account any changes that have occurred.

Jacqueline McClary – Villages of Potomac: Ms. McClary expressed her concerns that Dr. Andrews Way would be the only way for the proposed development to get in and out. Ms. McClary stated that this would affect the Villages of Potomac residents since this is their only way in and out of their development. Ms. McClary also expressed a concern about the safety of children crossing the streets to play at the school and she asked if there is another way for the proposed development to get in and out. Mr. Cooksey stated that the traffic study is done by parameters set by the Town and the State Highway Administration as to volume levels of service and it speaks to the trips per day based on the generational trip manual. Mr. Cooksey explained that during the preliminary plan process they will have to take the study to the Planning Commission to discuss mitigations and remediations required at that time. Councilman Smith also explained the Town will take the same accommodations they would take for any other high volume traffic area. Ms. Flerlage stated that if you read the traffic study, part of the analysis is to incorporate any background traffic/development and to incorporate any impacts of potential future development. The conclusion of the report is that at full build out all of the impacted intersections, all of the links and sections of highway will function at B level of service. Ms. Flerlage also addressed a comment she heard in the audience in reference to possible parking issues. Ms. Flerlage stated that there will be plenty of parking to supply over and above what is required by the Town's ordinance. There are over 500 parking spaces in the concept plan.

Barbara Prasser – 300 Bland Drive: Ms. Prasser asked the Town to reconsider the townhouses in the development and consider senior housing. Mayor Paulin explained that this type of concern will be discussed during the preliminary design at future meetings.

Vivian Elder – 88 Mattingly Avenue: Ms. Elder asked if the rezoning was not approved would the only difference to the plan be one row of townhouses. Mr. Cooksey explained that while an analysis on what could be down with the current zoning has not been done, he believes they would lose 40 to 45 units. Ms. Elder asked if a decision on the zoning would be made tonight without the Town's attorney present. Councilman Smith explained that it was the Council's intent to make a decision tonight and that the Town's attorney has been informed during the whole process so far. Mayor Paulin stated that the Council will be going into closed session to consult with the attorney before a final decision is made. Ms. Elder suggested the Council leave the zoning of the property as it is.

Magdalene Nyarko – 20 Lookout Drive: Ms. Nyarko asked to verify that no houses would be demolished if the zoning wasn't approved. Mayor Paulin explained that the property is currently undeveloped.

With no further citizen comments, Mayor Paulin made a motion to move into closed session per §3-305(b) of the Maryland Open Meetings Act, to consult with counsel to obtain legal advice. Councilman Smith seconds the motion. The motion carried. Council moved into closed session at 7:56pm.

The persons in attendance for the closed session were Mayor Paulin, Vice Mayor Sitoula and Councilman Smith. Town Attorney Fred Sussman was consulted via phone. Topics actually discussed were procedures regarding rezoning and the need to consult further with legal counsel prior to a final decision. Actions taken were scheduling a special

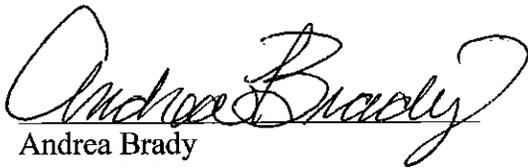
meeting for Wednesday June 21st at 3pm at the Village Green Pavilion, and Mr. Sussman advised Council to leave the record open until that time. The closed session adjourned at 8:15pm.

Councilman Smith made a motion to reopen the meeting. Vice Mayor Sitoula seconds the motion. Motion carried. The meeting reopened at 8:15pm.

Mayor Paulin made a motion to follow the suggestion of legal counsel and keep the record open until the 21st of June when the Council will hold a special meeting at 3pm in the Village Green Pavilion for further consideration of Case #201701 when Mr. Sussman is able to be present. Councilman Smith seconds the motion. Motion carried.

Councilman Smith explained that the rationale to keep the record open is to allow Council time to provide Mr. Sussman with the minutes from the Public Hearing and Council will have a decision at the June 21st Special Meeting.

There being no further discussion at this time, Councilman Smith made a motion to adjourn. Vice Mayor Sitoula seconds the motion. Mayor Paulin adjourned at 8:19pm.

A handwritten signature in cursive script that reads "Andrea Brady". The signature is written in black ink and is positioned above the printed name and title.

Andrea Brady
Town Clerk

Staff Report
Rezoning Request for
CIRI, Parcel 609

Introduction

The Cook Inlet Region, Inc. (CIRI) owns parcel 609, consisting of 19.3638 acres, more or less, within the Town of Indian Head. The Town's Zoning Map currently shows the parcel split zoned with approximately one third zoned open space and two-thirds zoned Town Center Mixed Use (TCMX). A general development plan for the property consisting of 164 townhouse units was approved by the Planning Commission in August of 2016. A traffic impact study was prepared by Traffic Concepts, Inc. in November of 2016 indicating that affected intersections will continue to operate satisfactorily under future conditions with full build out of the development.

Based on the proposed concept of 164 townhome sites on the subject property, the following impacts are noted by staff as required by Article 20 of the Town's Zoning Ordinance. Staff has determined that the application for rezoning provided by CIRI is complete. The application has requested that the entire parcel be rezoned to TCMX or as an alternative, preserve an open space sector that will be redefined to preserve the environmentally sensitive areas of the property.

Population Change

With 164 additional townhome units, and the current ratio of 2.76 persons/dwelling from the 2010 Census, the population increase from the project determined will be 452 people. With a current population of 3,857; this represents an 11.7% increase in population. It is expected that full buildout of the development will not occur for 4-6 years after initiation of the development. With actual growth from the date of the most recent 2009 comprehensive plan until now consisting of only a few new homes, the proposed level of population increase from this development is well within the levels anticipated in the comprehensive plan. Moreover, the increase in school enrollment for this property is estimated consisting of: 35 elementary school students, 21 middle school students, and 31 high school students which will not increase the schools capacity beyond its capability.

Availability of Public Utilities

The proposed increase in water and sewer usage from full buildout of the development will not increase the available treatment capacity beyond existing capacity.

Water distribution systems with adequate pressure and fire flow and sewage collection system are within close proximity to the development and available for extension to serve the proposed development.

Natural gas is also available within Indian Head Highway in the event the developer elects to be served by natural gas.

Present and Future Transportation Patterns

The proposed development will access at two (2) locations onto Dr. Andrews Way which then intersects Indian Head Highway, an arterial highway. Traffic will most definitely increase onto Dr. Andrews Way and Indian Head Highway. A traffic impact study, prepared by Traffic Concepts, Inc. on behalf of CIRI, has been completed and shows that all intersections impacted by the Development will operate at an acceptable level of service A or B after full buildout and anticipated 3% growth in background traffic volumes.

Compatibility with Existing and Proposed Development

The property in question is bordered by the Navy Base, the elementary school, and town and city parkland, existing townhouses in Riverwatch Commons and Riverwatch Development and multi-family units along Indian Head Highway. The proposed townhouse development with a gross density of 8.3 units/acre is consistent and compatible with the surrounding properties.

Relationship to the Town's Comprehensive Plan

The proposed TCMX development is consistent with the Town's 2009 Comprehensive Plan and further detailed in the applicant's petition for rezoning.

Fiscal Impact on Town Government

The fiscal impact on the Town will consist of additional revenues in the form of taxes, and impact fees. Impact fees will amount to approximately 1.7 million dollars. The Town will however be required to perform perpetual routine maintenance on public roads and utilities that will be initially installed by the Developer. The Town will not be responsible for construction of any improvements associated with the Development. The Town's police and fire protection manpower and facilities will be burdened with additional responsibility associated with 164 new residential units within the town limits. However, the Town's Comprehensive Plan identifies current police, fire, and other community services as adequate through 2030.

Suitability of the Property for the Intended Use

The existing 19.38 acre parcel is currently undeveloped and unimproved. The majority of the property is forested. Environmentally sensitive elements such as streams and steep slopes are located primarily within the area zoned Open Space. The property is not encumbered with the 100 year mapped floodplains or Chesapeake Bay Critical Areas. The soils, outside of the steep slopes, are suitable for development according to the Natural Resource Conservation Service. The applicant has made a written inquiry to the Department of Natural Resources concerning the existence of rare and endangered species. No response has been received at this time. On balance, the site is suitable for the development.

Changes in the Character of the Neighborhood or Mistake in the Original Zoning

According to State Law, the applicant must prove a change in the character of the neighborhood or that there was a mistake in the original zoning. We agree with the applicant's assertion that there was a mistake in the original zoning. It is unusual for private property to be zoned Open Space. Open Space is generally confined to government owned land on which parks or other public uses can be made of the land. In this case, an arbitrary zoning boundary was placed on the property, most likely to protect and preserve environmentally sensitive areas. Protection of environmentally sensitive elements can be preserved by other means and in some areas, is required by the State government.

Staff Recommendation

The current zoning map of the Town shows the parcel in question being split zoned with the northern 7 acres ± being zoned Open Space and the remainder zoned TCMX. We can only assume the open space was placed to protect and preserve the natural features of the site including a perennial stream, steep slopes and forest. It is unusual for private parcel to be zoned open space particularly in view of the absence of floodplain and Chesapeake Bay Critical Areas. The specific location of the Open Space zoning boundary line appears to be arbitrary and not based on an environmental study or topographical survey.

With this in mind, the staff recommends the following course of action:

Recommendation: Approval of rezoning of the open space to TCMX (rendering the entire property TCMX) with the following condition(s):

- Based on a topographical survey of the property and environmental analysis by the applicant, and input from DNR, place in a perpetual conservation easement all forest areas, streams and their buffers, and steep slopes, not proposed for development. This will include the northern and perhaps the southern areas of the property.

- Allow a natural buffer to remain along the common property boundary with the Navy Base.
- Comply with the provisions of the Town's Forest Conservation Ordinance with any required reforestation implemented within the Town of Indian Head, if possible.

As an alternative, the "Open Space" zoning could be preserved, but redefined, to include the environmentally sensitive areas only.

Planning Commission Report
Rezoning Request for CIRI, Parcel 609
April 12, 2017

The Planning Commission (PC) is providing this Report to the Town Council (Council) in response to an application dated November 2016 to amend the Zoning Map. The PC evaluated the application in accordance with the process outlined in Zoning Ordinance Article XX (attached), and accordingly voted on a formal recommendation to the Council. A copy of the application, prepared by Soltesz in a 2-inch binder, can be viewed at the Town Hall.

The subject property is parcel 609 of Tax Map 5 in Grid 4, owned by Cook Inlet Region, Inc. (CIRI). The 19.36-acre parcel has two zoning classifications: approximately 12-acres of Town Center Mixed Use (TCMX) fronting Route 210, and approximately 7-acres of Open Space (OS) adjacent to the Navy property. See attached Zoning Map with Site identified. The owner/ applicant requests the OS portion of the property to be rezoned as TCMX, which would render the entire property with TCMX zoning.

A public hearing was held February 15, 2017 to present the application. The Chairman explained the order of the proceedings, the applicant presented its petition, the Zoning Administrator presented a Staff Report, a.k.a. facts of finding (attached), and the floor was opened for comments and discussion by the PC and public. See attached minutes for detail.

On March 15, 2017, the PC held its regularly scheduled meeting and voted to recommend **approval** of the petition (3 ayes, 0 nays, 1 abstain – Commission Chair), with the following **conditions** as listed in the Staff Report:

1. Based on a topographical survey of the property and environmental analysis by the applicant, and input from DNR, place in a perpetual conservation easement all forest areas, streams and their buffers, and steep slopes, not proposed for development. This will include the northern and southern areas of the property.
2. Allow a natural buffer to remain along the common property boundary with the Navy Base.
3. Comply with the provisions of the Town's Forest Conservation Ordinance with any required reforestation implemented within the Town of Indian Head, if possible.
4. As an alternative to the above three (3) conditions, the "Open Space" zoning can be preserved, but redefined, to include the environmentally sensitive areas only.

A copy of the meeting minutes are attached, marked "*DRAFT*", because the PC has not yet met to approve minutes.

The following attachments are provided for reference:

1. Article XX
2. Zoning Map with Site identified
3. Minutes from Public Hearing 02-15-17
4. DRAFT minutes from 03-15-17 meeting
5. Staff Report and Memo 12-12-17
6. Staff Report supporting documents: Traffic Impact Study dated November 2016, letter from Traffic Concepts dated 2-13-17, letter from MSHA dated 2-9-17; and a letter to Charles County Public Schools dated 12-12-16.