



CIVIC FEDERATION NEWS

*Official Publication of the Montgomery County Civic Federation
Serving the Public Interest Since 1925*

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749TH SESSION

WWW.MONTGOMERYCIVIC.ORG

SEPTEMBER 2003

SEPTEMBER PROGRAM

VOLUNTARY PUBLIC FINANCING FOR ELECTION CAMPAIGNS

At the April Delegates Meeting a number of options concerning election reforms were considered and a straw poll taken to ascertain interest levels. The option of public financing for election campaigns received by far and away the greatest support from our members. Thus, the September program will focus on the "Clean Money/Clean Elections" legislation and how the issue may be promoted in Maryland.

James Browning, Director of Maryland Common Cause will speak on the CM/CE "model legislation", on the bills already passed and enacted in Arizona and Maine, about how the legislation is being put into practice and working out in these two states and about what Maryland Common Cause and other organizations are doing to promote the effort in our state. The full text of the model legislation with accompanying notes can be read at this website: www.publiccampaign.org. Although long, (67 pages) the text and notes are well written, thought provoking and worth the time and effort to read.

Delegate John Hurson (District 18, Democrat) has graciously agreed to speak in support of this issue. Del. Hurson introduced Bill HB-1248 during the 2001 session to establish a commission to study the issue of public financing of state legislative races. [The text of this bill can be read at www.mlis.state.md.us, going to "prior session information" then to "bills 2001" then type in bill number.] To help garner support for the bill, Mr. Hurson brought U.S. Senator John McCain to Annapolis on St. Patrick's Day for the last National Town Hall Meeting on substantive campaign finance reform. Delegate Hurson has served on the Stenberg Commission which will soon be coming out with its recommendations.

Mr. John Samples of the Cato Institute has kindly agreed to speak on the opposing side of the public finance issue. Mr. Samples directs Cato's Center for Representative Government. Full background information and a list of his writings can be found at www.cato.org then clicking on "experts".

ANNUAL DUES

It's time to pay annual dues. Membership renewal forms may be downloaded directly from the website at montgomerycivic.org or you may use the form printed in this newsletter and send it with your payment to the address of the Membership Chair provided in the form.

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MONTGOMERY COUNTY CIVIC FEDERATION, INC.

Proposed Budget: Fiscal Year July 1, 2003 – June 30, 2004

	2004 Proposed	2003 Actual	2003 Budget	
INCOME				
Dues	4,625.00	4,637.00	4,000.00	
Organizations	4,225.00	4,267.00	NA	65 @ \$65 av. (57 in 02-03)
Individuals	400.00	365.00	NA	20 @ \$20 av. (18 in 02-03)
Donations	100.00	890.48	NA	From Organizations & Individuals
Dec. Elected Officials Reception	1,900.00	1,845.00	1,100.00	Income = Expense
Interest (savings account)	5.00	9.76	40.00	
Miscellaneous	25.00	0.00	50.00	Income not assigned elsewhere
In-Kind Contributions	150.00	163.17	50.00	Non-cash: services, supplies, food
INCOME	6805.00	7540.41	5240	
EXPENSES				
Member Communications	2,835.00	3,862.82	3,950.00	
Newsletter	2,735.00	3,637.82	3,800.00	10 issues, Sept - June
Layout	100.00	266.00	500.00	
Printing	1,385.00	1,796.34	1,800.00	300; 2 @ 16 pages; 8 @ 12
Mailing	1,250.00	1,636.80	1,500.00	300; 2 @ 0.60; 8 @ 0.37
Web page	100.00	225.00	150.00	
Civic and Social Betterment	3,115.00	2,743.79	2,330.00	
Dec. Elected Officials Reception	1,900.00	1,851.19	1,600.00	Restaurant, invitations, awards
June Awards Ceremony	400.00	428.69	300.00	Awards, food
Community Information Forums	325.00	226.41	200.00	Fall: education; 2004: candidates
Association Memberships	50.00	50.00	50.00	Committee for Montgomery
Delegate meetings	190.00	187.50	180.00	ICB rental fee, 9 meetings/year
Petition Drive Expenses	250.00	NA	NA	9 County Council elected at large
Organizational Support	475.00	354.48	550.00	
Executive Com. Tools & Expenses	200.00	206.98	200.00	Postage, copying
President's Expenses	100.00	0.00	100.00	Mileage, meals, supplies
Membership Drive	150.00	139.50	200.00	Postage, copying
Miscellaneous	25.00	8.00	50.00	Expenses not assigned elsewhere
TOTAL EXPENSES	6425.00	6961.09	6830.00	
Transfer to Reserves	380.00	579.32	(1,590.00)	
TOTAL EXPENSES	6805.00	7540.41	5240.00	

Cash on Hand July 1, 2003: \$7203.48

Luella W. Mast, Treasurer

Approved by the Executive Committee August 21, 2003

Note: Per MCCF Bylaws: Article XVII. FINANCIAL MANAGEMENT. Section 1. Annual Budget. An operating budget for the Membership Year shall be adopted to plan and manage the Federation's fiscal affairs. A proposed budget shall be prepared by the Treasurer and submitted to the Executive Committee for approval in August. The budget as approved shall be printed in the September Newsletter and included in the September Agenda for action by the Membership. The budget shall include all planned and expected expenditures and revenues. Federation officials shall assist the Treasurer as requested in developing the budget.

County Fails at Silver Spring Historic Survey

By Wayne Goldstein, Historic Preservation Chair

This past July, the Montgomery County Planning Board took actions meant to complete a historic preservation process for Silver Spring that began more than 5 years ago. However, this process has not been completed and has also been compromised by the decision of the Planning Board to disregard part of our county's historic preservation law.

In 1998, to get permission to demolish the Silver Spring Armory, the County agreed, in part, that "Master Plan designation review of the Locational Atlas Silver Spring Historic District should be funded, with the understanding that there is a strong potential for the nomination of a thematic Art Deco District." The County further agreed to "initiate an intensive architectural survey of the Silver Spring central business district. One of the primary products of this survey will be a determination of National Register eligibility of the CBD..."

The survey finally began in March, 2002 and was completed in December. The consultant hired by the County (and paid over \$40,000) found 205 properties over 50 years old and determined that 33 were eligible for the National Register of Historic Places. Five were already locally designated. Of the remaining 28, only 4 were designated by the Planning Board this summer.

What's wrong with this picture?

1. Over 5 years after the requirement was agreed to, Master Plan designation of the Locational Atlas Silver Spring Historic District has not even been started.
2. There are currently no plans for Montgomery County to submit any of the National Register nominations of the individual sites and districts that were proposed by the consultant.
3. The Silver Spring CBD survey has a number of errors and omissions caused by inaccurate or incomplete research. Many properties got no more than a cursory review because the buildings were considered to be too altered to be able to be designated. It remains to be seen what important information was overlooked about both unaltered and altered properties.
4. A number of promising properties built in the mid to late 1950s were not researched, even though they will be 50 years old in the next few years.
5. Because the County has not done the "intensive architectural survey," as promised to the Maryland Historic Trust, historic preservationists will be forced to spend their time and money to do the government's job, researching many other properties to determine if they could be historically significant.

6. There is a recurring problem caused when the Planning Board fails to follow the requirements of Chapter 24A of the County Code, Historic Resources Preservation. Section 24A-3(b) states: "In considering historic resources for designation as historic sites or historic districts, the planning board shall apply the following criteria..." What follows are four historic criteria related to "Historical and cultural significance" and five historic criteria related to "Architectural and design significance." There are no other criteria, either historic or nonhistoric, that are listed in the statute.

For a few years in the 1980s, Planning Board documents stated the following: "Upon receiving a recommendation from the [HPC], the Planning Board holds a public hearing to make its determination using the same [nine] criteria, considering the purposes of the Ordinance, AND BALANCING THE IMPORTANCE OF THE HISTORIC RESOURCE WITH OTHER PUBLIC INTERESTS." (Emphasis added)

Now, at least two members of today's Planning Board have created a new form of nonhistoric criterion that they call "proportionality." Proportionality is a quota system, allowing only a certain percentage of buildings to be historically designated. About 4% of the 200+ properties in the Silver Spring CBD that are over 50 years old are permanently protected by being on the Master Plan for Historic Preservation. Another 3% are already on the Locational Atlas, which provides temporary protection from significant alteration or demolition. After a "comprehensive" review, the Planning Board recently agreed to place an additional 2% on the Locational Atlas.

Here's what one Planning Board member said about this issue in July: "I will not support this building for designation, either, similar to the reasons that the Chairman stated. I would add I think we need to look at the matter of 'proportionality,' but I think we need to look at the need of the cityscape or land use as a whole. On this particular block, there is a strong need for redevelopment in our community..."

The Chairman said this: "... Thirdly, there really is a cost to the owner even putting it on the Atlas. I know we say, 'It's just on the Atlas, it's not a final decision, and it might not get designated at all,' but the reality is, it casts a cloud, it discourages reinvestment, banks get very nervous about it, at the very least, it adds cost and delay to any project that for anyone wants to do there, so again, in view of all the sites in Silver Spring that have already been designated if it's not one of the best of the best, I'm not going to support it. And I don't think this even comes close."

The Executive Committee has asked me to draft a letter asking the Planning Board members to explain their reasons for rejecting placement of certain Silver Spring properties on the Locational Atlas. I will also ask the Committee to make inquiries as to when the survey will be done properly and when properties will be recommended for placement on the Master Plan and be nominated to the National Register. I've also been asked to prepare a program on historic preservation for the November delegate's meeting. Among other important issues, I may invite Planning Board members to come and give us their perspectives on historic designation in Montgomery County.

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ZONING TEXT AMENDMENTS COULD RAISE BUILDING HEIGHTS

By Jim Humphreys District 1 Vice-President

On July 29, Council Member Nancy Floreen introduced Zoning Text Amendment No. 03-24. If passed, this would allow the Planning Board to approve increased residential building heights on site plans which include Moderately Priced Dwelling Units (MPDUs). The zone categories which would be affected are within central business districts and on properties adjacent to single-family detached areas that are within or in close proximity to Metro Station Policy Areas.

ZTA 03-24 is of concern because changing the building standards of a zone category potentially alters the master plan for every area of the County that has property zoned in the affected category.

To read the text of this legislation, go to the Council's website at www.montgomerycountymd.gov. On the left side of the menu bar, click on "County Council." On the Council's homepage, scroll down to the box titled "Recent Council Issues & Initiatives" and click on the blue "Legislation" option.

Council President Subin has postponed consideration of this ZTA and the Perez/Andrews Bill 27-03 which would end MPDU buyouts, while Council staff conducts a 4-month study of the larger MPDU issue.

County's Annual Growth Policy Under Review

by Dan Wilhelm, First Vice President

The Planning Board has undertaken a first-ever, top-to-bottom review of the Annual Growth Policy (AGP) and sent a report and recommendations to the County Executive and Council. As chair of the MCCF Transportation Committee, I have testified at two Planning Board hearings on the AGP and I've sent written comments on the Planning staff's recommendations. I believe I have had a significant effect on the final recommendations. The major points of the recommendations are:

1. The existing AGP doesn't work. The current Policy Area Transportation Review and school tests indicate that transportation capacity is adequate in many areas and that schools are not crowded. These conclusions do not square with daily experience and common observation. Traffic congestion has reached unacceptable levels in most areas of the county and school buildings throughout the county are overcrowded. The Planning Board is proposing to delete these two tests. The local area transportation review (LATR) test (i.e. test of intersections near the development) will remain.

2. Limit development approvals. The Board finds that the best long-term strategy is to (a) slow the rate of growth of development approvals, and (b) increase the financial resources to construct new facilities. The Board recommends establishing an annual preliminary plan approval rate that balances economic needs with infrastructure delivery.

1. For the next two years, a 1% preliminary plan approval rate is proposed: 5800 jobs and 3625 housing units annually. This does not take into account already approved development, and projects not constrained by the AGP such as federal projects and developments located in Rockville and Gaithersburg. The pipeline of already approved development is 77,000 jobs and 24,000 housing units. The Board is proposing that a comprehensive review of the pipeline be undertaken in 2004 to address its size. After the

next two years, the development rate would be established taking into account many factors that they have not had time to address this year since their major focus has been on process. Note that the AGP sets the timing of when development occurs according to previously defined zoning. Zoning is established by sectional map amendments, which follows master plan updates.

2. The amount of allowed preliminary plan approvals would be allocated in a way that permits the most efficient land-use. The amount of approvals would be determined for eight newly defined areas. The Planning Board has recommended the allocation for the next two years in their letter. It places most development in Metro Station areas and least in rural areas. Subsequent AGP updates would take into account many factors. Once the allocation within each area is used up for that year, new approvals would be suspended until the next year's allocation unless the developer decides to mitigate the impact of 100% of the trips generated by the proposed development.

3. Exceptions. The Planning Board would continue exceptions to the development approval ceilings for affordable housing, strategic economic development projects and development within Metro station policy areas. The Planning Board would change the rules so that the impact tax exemption for affordable housing would apply only to affordable units, not to all units as defined in the current AGP.

4. CIP. The Planning Board believes that the new AGP must strengthen its relationship with the CIP.

5. Taxes. The Planning Board recommends increasing the rates for the transportation impact tax and establishing a substantial impact tax for schools (\$8000 for single detached family houses). In support of the School Board, the Planning Board also recommends that the recent increase in recordation tax (when selling homes) be dedicated to school construction. The School Board notes that much of the crowding, especially in developed areas, comes not from new development but the selling of existing houses. These two tax sources will provide much more funding for school construction.

This summary only notes the highlights of the nine page Planning Board letter which itself summarizes the Planning Staff report. I encourage each of you to access the Planning Board's Web site at www.mc-mncppc.org to obtain and study the Board's letter, the full text of the

report and other documents on the AGP that staff will post there, probably by the time you read this.

Overall, I am pleased with the Board's recommendations. In my opinion the proposed changes, if implemented, will be a first and significant step that will slow the increase in road congestion and school crowding, but in two areas I don't think they have gone far enough. At the MCCF meeting on September 8, the delegates will be asked to take a position on the proposed changes to the AGP. I propose that MCCF support the Planning Board's recommendations with the following changes:

1. The 1% increase in housing and jobs should include all development. The county cannot stop construction of federal projects, developments in Rockville and Gaithersburg nor those projects already approved and "in the pipeline". The Council chooses to put no constraints on developments that promote "economic growth" or affordable housing goals. An estimate should be made of the number of units to be created by all these projects and additional subdivision proposals approved only if the 1% limit has not been exceeded. Subsequent approval rates should be adjusted to account for the difference between estimated and actual numbers. I agree with Commissioner Wellington that the Alternative Review Procedure for Metro Station Policy Areas can be accommodated within the preliminary plan approval rates for these areas.

2. The Planning Board recommendation about linking the AGP to the County CIP needs to be strongly supported. Since many transportation projects are state responsibilities, the AGP also needs to be linked to state CIP projects.

The Planning staff is also developing a "real world" example of the proposed AGP process. There will be a "Teach-in" on Saturday, Sept. 13 from 9:30 AM to 1:00 PM in the Council third floor hearing room to inform the public about the existing AGP and Planning Board recommendations. The Council will then hold public hearings on this topic on September 16 and 18. I encourage everyone to attend both the "Teach-In" and testify at the hearings.

Transportation Policies

by Dan Wilhelm, Transportation Committee Chairman

There was insufficient attendance at the special June delegates meeting for us to take any positions. As a result, we will bring one or two issues each month to the membership for decision until they have all been addressed. During the September meeting we will vote on

the balance land use issue. We have talked about this issue several times but never voted on it. It is to:

1. Improve balance between jobs and housing within the regions of the County.
2. Organize growth around transit nodes, both rail and bus.
3. Reduce growth in rural and outer low-density suburban areas.

The policies are aimed at reducing commutes by enabling people to live closer to work, making better use of existing roads by balancing directional travel during the morning and evening peak periods, and making it easier for people to use transit. The result will be less road congestion than without these measures.

**We Need Your Support
Renew Your Membership
Today!**

President's Message

By Dan Wilhelm, First Vice President

This week our president, Cary Lamari, suffered the loss of his father, Paul Lamari. Our thoughts are with Cary at this most difficult of times, and we offer our condolences to him and his family.

Cary asked that I talk about some recent and pending measures before the County Council. While running for office, Councilmembers made abundant promises about addressing quality of life issues facing both citizens and businesses. Unfortunately, after winning the election Councilmembers often forget about their promises. Based upon recent actions, the Council is approving measures that will degrade our quality of life.

Two of the most important documents that address growth and how we expect our individual communities to develop are the zoning ordinance and our master plans. A majority of the council appears to be bent upon gutting both. For example, Councilmembers Nancy Floreen and Mike Subin have introduced Zoning Text Amendment 03-28 that would authorize the Planning Board to increase the height above that allowed by the zoning ordinance and above what is specified in our master plans in order to accommodate a few MPDUs. Just months ago the Council lowered the number of units in a development before developers are required to build MPDUs, effectively increasing density. In the spring the Council passed a resolution that would permanently earmark a large amount of County funds for affordable

housing. Taken together, these measures promise to further clog our roads and overcrowd our schools. How much more can this Council do to subvert our master plans, gut the zoning ordinance and degrade our quality of life?

Another area that affects our quality of life is school crowding. The Board of Education has found that much of school crowding is a result of turnovers in home ownership. Last spring the Council increased the recordation tax that is imposed when houses are sold, in part to provide more funding for schools. But the Council put the increased taxes into the general fund. It now remains to be seen how much, if any, of this added revenue will be spent for the purpose that justified its increase.

This fall the Council will be taking up the Annual Growth Policy (AGP). Many of us have opposed the changes made to the AGP over the last decade that resulted in more congestion and school crowding. The Planning Board is proposing changes that acknowledge for the first time that runaway growth is causing more harm than good. The Planning Board is proposing many changes that will address parts of the problem but they would permit too much growth during the next two years. Growth from all sources needs to be limited to 1% for the next two years, and after that, growth should be permitted only to the extent that it is linked directly to the funding of projects that mitigate traffic congestion and school crowding. How the Council addresses the proposed changes to the APG will determine the extent to which our problems are alleviated or exacerbated. Stay tuned!

UPCOMING EVENTS OF INTEREST

A Town Hall Meeting will be held on Wednesday, September 10, 7:30-9:00 p.m. at the Women's Club of Chevy Chase, 7931 Connecticut Avenue. The topic is "Maryland's Clean Energy Future". The meeting is hosted by The Sierra Club (Montgomery County group), Congressman Chris Van Hollen, MD House Majority Leader Kumar Barve, Councilman George Leventhal and many others. For more information see the website at www.Maryland.sierraclub.org.

The County Council will hold a "Teach-In on Saturday, September 13 from 9:30 to 1PM at the Council Office Building, 3rd floor hearing room about revisions in the Annual Growth Policy. The teach-in will include speakers and small-group sessions to discuss the various factors that impact the AGP. Among the issues to be discussed will be the land use approval process, overall development, traffic congestion, school overcrowding, housing and economic development. In a word -- everything that counts!

The teach-in will be aired live on Cable Montgomery, channel 6.

PROPOSED BYLAWS CHANGE

by Luella Mast, Treasurer

At its August 21st meeting the Executive Committee voted to recommend deleting the last sentence in Article III. Annual Dues, Section 3. The complete Section 3 reads as follows:

Section 3. The names of member associations which have not paid their dues will be published in the November issue of the Federation newsletter. Membership of such delinquent member associations will be terminated if dues are not received by January 15 following. An association dropped for non-payment of dues may rejoin the Federation only upon payment of one year's back dues.

Were the proposed change to be supported by the Delegates to the Federation, the last sentence, "An association dropped for non-payment of dues may rejoin the Federation only upon payment of one year's back dues." would be removed from the bylaws. Associations which had been past members of MCCF but were not current members and which wished to rejoin could do so by paying the current year's dues and would not have to pay one year's back dues in addition.

MCCF Bylaws Article XIX. Amendment of By-laws outlines the process for changing our bylaws. A proposed change in the bylaws may be proposed by a Delegate or Delegates or by the Executive Committee. The proposed change is published in our Newsletter, brought up at the Delegate Assembly as an introduced resolution and tabled until the following Delegate Assembly.

The proposed change as published in this Newsletter will be introduced at the September 8th Delegate Assembly. There will be time for discussion. In addition, any amendments to the proposed change can be made at that time. We will vote on the proposed change, with any amendments, at the October 13th Delegate Assembly, when, if the amendment is approved, the bylaws will be amended.

The complete copy of the Civic Federation bylaws is available on the Civic Federation web site. In addition, copies of the bylaws will be available at the September Delegate Assembly. Dick Kauffunger is chairing a committee to review the MCCF bylaws. If you have any ideas for further changes/improvements to the bylaws, please contact Dick at 301-871-1369 or frankauffunger@hotmail.com.

Calendar of Events

Sept. 8, 2003, Monday. 749th General Assembly at 7:45 p.m. in 1st fl. Auditorium, County Council Bldg.

Sept. 18, Thursday. Executive Committee Meeting at 7:45 p.m. at Red Brick Courthouse, Rockville.

Oct. 6, 2003, Monday. 750th General Assembly at 7:45 p.m. in 1st fl. Auditorium., County Council Building.

Oct. 16, Thursday: Executive Committee Meeting at 7:45 p.m. at Red Brick Courthouse, Rockville.

Nov. 10, 2003, Monday. 750th General Assembly at 7:45 p.m. in 1st fl. Auditorium, County Council Bldg.

Nov. 20, Thursday: Executive Committee Meeting at 7:45 p.m. at Red Brick Courthouse, Rockville.

HAVE YOU NOTICED?

**TAXES ARE GOING THROUGH
THE ROOF**

**PUBLIC SCHOOLS ARE FAILING
GOVERNMENT IS OVERSPENDING**

STREETS ARE FULL OF POTHOLES

GOOD JOBS ARE IN VIRGINIA

**ARE YOU AND YOUR COMMUNITY
BETTER OFF TODAY THAN EIGHT
YEARS AGO?**

GET INVOLVED!

THE CIVIC FED IS THE PLACE

Think about it...

You have just read one of the most thorough, independent, and accurate newsletters in the County. For over 78 years, elected officials, community leaders, citizens and journalists have relied on the *Civic Federation News* as an authoritative source of citizen's concerns and expectations.

Whether it is environmental issues, traffic congestion, ethics in government, unmet social needs, schools or land use, the *Civic Federation News* provides you with timely and accurate information. Join the Civic Federation today. With the exception of devoting your own time and energy, it is the best investment you can make for your community.

Delegates Meetings

**Monday, September 8 – 7:45
p.m.**

**First Floor Auditorium
County Council Office Bldg.,
100 Maryland Avenue, Rockville**

AGENDA:

7:45 Call to order, Cary Lamari presiding
7:50 Announcements and introductions
7:55 Adoption of agenda / Approval of minutes
8:05 Program: Voluntary Public Financing for Elections
8:35 Questions and Answers
9:05 Old Business/ Officers Reports
9:15 Election Reform sub-committee
9:20 Housing sub-committee
9:25 New business
9:45 Adjournment

Next Executive Committee Meeting
Thursday, September 18, 2003, 7:45 p.m.

Red Brick Courthouse

29 Courthouse Square, Rockville

(Note: there is free parking in front of the courthouse.)

The **Montgomery County Civic Federation** is a nonprofit, educational, and advocacy countywide organization. It was founded in 1925 to serve the public interest. Its monthly Delegates meetings are open to the public and are held on the second Monday of each month (except for holidays, July, August and December) at 7:45 p.m. in the First Floor Auditorium, County Office Building, Rockville, MD.

The **Civic Federation News** is published monthly. It is mailed to Delegates, associate members, news media, and local, state, and federal officials. Permission is granted to reprint any article provided proper credit is given to the "*Civic Federation News* of the Montgomery County Civic Federation." Deadline for submissions for the next issue: Midnight September 25. Prepare submission in fully justified 11-point Times Roman font, preferably as a Word document, attach it to e-mail, and send it to Hotyakker@aol.com.

Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, djwilhelm@erols.com.

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