



# Civic Federation News

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Serving the Public Interest Since 1925*

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## President's Message

By Dan Wilhelm

Proposals to address the Clarksburg construction problems are coming from all sides. Some would have the effect of hiding county actions from the public, which is certainly the wrong way to go.

The Council Office of Legislative Oversight (OLO) report on the Clarksburg debacle describes how the development approval and implementation process is intended to work. It also identifies inconsistencies, flawed processes, lack of coordination and other problems that occurred with this project. (The 181 page report can be found on the web site: [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov) and then select county council).

The report indicates that the laws concerning land use and development come from the constitutional "police power," which refers to the authority of government to regulate the rights of private citizens

in order to further the health, safety and welfare of the general public. The process of making land use decisions must abide by certain procedures that prohibit government from depriving a person of liberty or property without due process of law. To ensure due process, administrative bodies must generally adhere to the following principles:

- The proceeding must be fair in process and appearance.
- The administrative body must provide notice.
- The hearing must be conducted in a manner that allows all parties to present factual evidence and that helps the decision-maker arrive at a fair, legal, and complete decision.
- The decision must be based on the official record

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## December Program

### The County's Master Plan Program

by Wayne Goldstein, 1st Vice President

Our program for the December 12 Regular Meeting will feature John Carter, Chief of the Community-Based Planning Division at the Maryland-National Capital/Park & Planning Commission. He will discuss both the short-term and long-range master plan program, and discuss community outreach and participation as they relate to master plans. He will also talk about new methods to improve the follow through on master plan recommendations. His talk will be followed by a Q and A session.

of the hearing.

- The decision must be based on findings of fact and conclusions of law.
- A legislative body that authorizes an administrative body or official to administer the law must establish ascertainable standards to guide the process and decision-making.

Under the current system, citizens can complain to the Planning Board staff about site plan violations. Such complaints, however, have been largely ignored in the past. The Planning Board may hold a public enforcement hearing; and can require modification of the site plan or impose financial penalties upon finding of violation.

One proposal now before the County Council would transfer site plan enforcement to the Department of Permitting Services (DPS). Under the proposed legislation, DPS will be given exclusive authority to interpret site plans to determine if they are being properly implemented; to approve "minor" changes to the site plans and conditions (DPS has no experience in this area) and decide what to enforce and when to enforce it. The way DPS is set up, all of these decisions would be done out of view of the public. Any enforcement orders or site plan changes will be unknown to the public or at best very difficult to ascertain. Even worse is the fact that there will be no opportunity for a citizen to appeal, except by filing a law suit in Circuit Court and by showing sufficient standing to prosecute the suit. The normal ability to file an administrative appeal with the Board of Appeals will NOT be applicable since the violations relate to site plans and not building code violations.

We have also heard (but it is not confirmed) that there is an idea being discussed to remove public hearings for violations and give the Planning Board Chairman sole discretion over these matters.

In my opinion, both of these approaches violate the principles of law. Rather than transfer enforcement

from the Planning Board to DPS, the Council needs to address and fix the many problems without fundamentally changing the roles and responsibility. The enforcement of site plans needs to remain with the Planning Board and not just the Chairman. That does not preclude DPS inspectors from undertaking the site level fact finding work for the Planning Board. The Council needs to implement corrective actions that

- Provide citizens with more opportunity to present their facts before staff and the Planning Board for proposed development.
- Establish better coordination between DPS, the Planning Board and staff, and other county agencies to ensure that all legal requirements are addressed.
- Require Planning Board decisions to be specific and not general.
- Inform the public about proposed changes to approved site plans and give the public the opportunity to testify.
- Require prompt, detailed and complete County investigations of citizens' complaints about on-going construction. This should apply to the Planning Department and DPS.

The problem of inadequate citizen involvement occurs not only at the enforcement stage but throughout the entire planning process. It starts at the beginning when citizens have too little say in the development of the master plans which shape their communities. The summaries of citizen comments from master plan citizens advisory committee meetings and the resulting draft master plans are controlled by Park & Planning staff. Citizens' concerns are often recorded but often given little weight. A better model to use is the "Concordia process" - a system followed in the mid-1990s at the direction of the Council for four eastern Montgomery County master plans. This process worked well and placed the Planning staff and citizens advisory committees on a more equal footing. Issues where the

citizens and staff could not reach a consensus were clearly presented to the Planning Board for decision. This process, or at least the key components of it, should be implemented for all master plans.

When developers present a development proposal to the Park & Planning staff, there are Development Review Meetings at which representatives from various planning and executive departments meet with the developer to discuss the proposal. Although the OLO report indicates these are open to the public, past practice has been to tell the public that these are internal meetings only. We understand that the Planning Department is taking action to require that in the future, developers meet with the community before submitting plans to Park & Planning, and to publish the Development Review Meeting schedule so citizens can attend. If actually implemented, these two steps will go a long way toward including citizens in the development review process and the resulting Planning Board approvals.

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## **Unreliability in Land Use Policies and Practices**

by Jim Humphrey, Chairman, Planning and Land Use Committee

Ever since I reached voting age some decades ago, I've tried to stay informed on matters of local government. For most of that time, I've held views I suspect most county residents shared. I believed our zoning, land management and affordable housing programs were national models, albeit suffering from occasional minor flaws. When we citizens weighed in on important issues concerning the policies and practices of government, I believed our opinions would be considered. And having done our part, I trusted that decisions would be made and implemented in the public interest.

I believed that after we testify before the Planning Board on a proposed development project, citizens

should be able to return to our regular routines and rely on county employees to insure the developer sticks to the approved plan. I believed that when we comment on proposed changes to zoning or other land use laws before the County Council, the approved changes should be rigorously enforced by the Executive Branch. Following years of our unpaid participation in the process of revising the master plans for our communities, I believed that we should have confidence that those plans would be implemented as approved.

But, this idealistic model is premised not only on active citizen participation, but also on our elected and appointed officials meeting their responsibilities. Over the past four years I have paid closer attention as an MCCF delegate, and have had a growing and disquieting perception that the land use policies and practices of our county government were no longer reliable. And then, the citizens of Clarksburg uncovered widespread system failure in the approval and enforcement of plans for the Clarksburg Town Center project. Subsequent discovery of violations on several other projects has shown that Clarksburg was not an isolated incident but part of a pattern of government inadequacy, and confirmed my suspicion that public confidence is no longer warranted.

Our trust has been betrayed. And there is blame enough to go around for the creation of the permissive atmosphere in the Executive Branch, in the Council, and at the Planning Board - a "laissez faire" attitude that has both marginalized citizen input and slackened governmental responsibility in order to expedite developers' projects.

We now know that the Planning Board and their staff relied on the accuracy of information provided by developers when approving projects, and that these submissions sometimes contained contradictory data. This duplicity indicates at best a lack of professionalism on the part of some developers, and at worst a purposeful deception. The fact that neither

the Planning Board nor their staff caught the submitted errors before approvals were granted exposes the sloppy, inadequate performance of their duties, whether due to inadequate staffing, heavy workloads, faulty supervision or other reasons. We must avoid heaping all blame on current Planning Board Chairman, Derick Berlage. We now know that these problems began under past Chairman, William Hussman and festered under former Chairman, Arthur Holmes.

We now also know that the county executive has contributed to this permissive atmosphere, as we remember the words of President Harry Truman when he said "the buck stops" on the desk of the guy in charge--in this case, Doug Duncan. His Department of Permitting Services has not been verifying whether buildings under construction meet the approved standards for height or setback from the street and adjacent properties. According to Director Robert Hubbard, DPS has not conducted regular field investigations or even random checks. Their lax enforcement operation is triggered only by citizen complaints, relying primarily on developers and builders hiring surveyors to attest to their own adherence to county laws and regulations.

We also know that Elisabeth Davison, head of the Department of Housing and Community Affairs, has allowed developers in a number of projects to delay building Moderately Priced Dwelling Units until all market rate units were constructed, or avoid building them altogether. This is in direct violation of county law specifying that required MPDUs be built "along with or before market rate units," a law which she does not have the authority to waive.

We know too that the County Council has been instrumental in fostering this developer friendly environment. We have seen master plans undermined by special interest legislation to allow particular development projects to be approved, projects that introduce land uses not recommended in

the applicable master plans. We have seen the Council pass affordable housing program amendments that gave developers significant bonuses while resulting in few new affordable units. Two years ago, we witnessed six of the nine Council members approve changes to the annual growth policy that virtually eliminated all limits on the rate of growth. And, we know that the Council has failed in their responsibility to oversee the operations of the Planning Department, especially the committee charged with planning oversight that has been headed by Steve Silverman for the last three and one half years. We are increasingly concerned because all Council members except Phil Andrews have received campaign contributions from the construction and development industry.

Council President Tom Perez and Planning Board Chair Berlage have both publicly apologized for the failure of past plan approval and enforcement practices. Other responsible parties in county government should look to their example. And Mr. Berlage has laid out a list of improvements, many of which he has already put in place, which promise that planning processes will once again be worthy of the public's confidence. It is a start on the road back to reliability. Will other elements of the county government follow suit?

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## **Education Matters**

by Mark R. Adelman, Chair, MCCF Education Committee

Members of the Board of Education (BoE) are elected to oversee the operation of Montgomery County Public Schools (by the Superintendent and his/her staff). The Civic Federation Education Committee is attempting to understand whether BoE staffing is adequate to assure the BoE mandate can be met. By way of background, we have ascertained the following facts. They may not be exciting or "news" to many of you, so think of this as the first of what

may be a series of reports on how, in our view, the BoE can and should do a better job.

1. The County Council does not regulate MCPS or the BoE in any "legislative" fashion, except as occurs indirectly via budgetary and fiscal decisions.

2. The County Charter has no sections bearing directly on MCPS or the Board of Education, although those sections pertaining to the operating and capital budgets do apply to the school system, as further circumscribed by state law.

3. State control of MCPS and the BoE is via two paths:

a. COMAR (Code of Maryland Regulations<sup>1</sup> has a title (13A) that describes the State Department of Education and includes some extremely brief guidelines (largely devoid of detail) as to how local Boards of Education are to operate.

b. The Education Article of the Annotated Code of Maryland<sup>2</sup> is a compilation of all existing laws enacted by the General Assembly regarding education at both the state and local level. It reflects laws enacted subsequent to proposals made by state legislators and as influenced by public testimony, including, but not limited to, testimony by local BoE representatives.

4. Until the mid-1950s Montgomery County did not have an elected BoE. The existing format of the BoE is the result of modified legislation passed in the 1980s. Adjustments to the salaries of Board members (currently \$22,500/year for the president and \$18,500 for others) were last made in 2002 by action of the General Assembly.

5. There is historic precedent for having local boards of education either appointed or elected to part time positions and for vesting most operational oversight of the local school districts in the hands of the superintendent of schools: the logic is apparently based on the idea that the running of public schools should be entrusted to educational experts and not left to politicians.

6. It should be made clear that the BoE has its own staff, distinct from that of the Superintendent/MCPS. There is NO existing law regarding BoE staffing. Until the 1970s the BoE had NO staff. It chose to shift the position of ombudsman from MCPS to the BoE and a lawsuit was filed by MCEA questioning the Board's authority to do so. This suit was dismissed. Since then, the BoE staff has been increased, by action of the BoE, but there appears to be no official document, other than BoE policy and handbook (undergoing revision) authorizing or addressing the issues of numbers of Board staff, etc.

7. In the early 2000s there was a task force created by the General Assembly to consider a number of issues related to BoE composition and staffing. The task force completed its work some time ago and made recommendations that led to the currently operative legislation as to Board compensation and a scholarship for the student member of the BoE. Interestingly, although the charging document establishing the task force clearly stated that counties the size of ours are expected to have 9 or 10 members on the BoE, the task force did NOT recommend a change in the current composition (7 elected "full" members and one student).

8. The current staff of the BoE consists of seven people.<sup>3</sup> There are two BoE policy documents regarding BoE staff (BNA and BNB); both are quite sketchy and out of date. The Board, recognizing this, is working on revising both, and has assigned this task

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1 <http://www.dsd.state.md.us/comar/>

2 [http://www.dsd.state.md.us/comar/Annot\\_Code\\_Idx/EduIndex.htm](http://www.dsd.state.md.us/comar/Annot_Code_Idx/EduIndex.htm)

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3 <http://www.mcps.k12.md.us/boe/contact/staff.shtm>

to both its Policy Committee and its Communications and Public Engagement Committee; the latter has been especially involved in this work.

I have been attending (as an observer), the meetings of the Communications Committee as it works on revising Policies BNA and BNB and have found the process quite informative. I am encouraged especially by the dialogue that is taking place among members of the Board. It seems they have heard community concerns and are seriously discussing the multiple "jobs" of the BoE and the role that staff must play in accomplishing the tasks at hand. One point in the discussion seems, to me, especially important. BoE process routinely involves creating a policy document and then tasking the Superintendent to create a regulatory document, to "make it happen" (recall our participation in the dialogue about Policy FAA and Interim Regulation FAA-RA). It appears likely that, when BNA and BNB are revised, the regulatory piece that accompanies them will be part of the BoE Operations Handbook<sup>4</sup>, and will therefore be written by the BoE, with the help of its staff.

Our Committee continues to research the structure of other boards of education (and their staffing), searching for a set of "best practices". This process is proving to be even more difficult than we originally expected, so I repeat my request (from last month's newsletter): If you know of a school district that you believe does a really good job, we'd appreciate knowing about it. Just Email me the name of the school district or the URL of its website. And thanks in advance. If we, as citizens, feel that our Board of Education is not doing what we elected them to do, we have an obligation to provide them with feedback and advice; we cannot afford to simply protest, grumble, and then wait for the next election to choose candidates we hope will do a better job.

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4 <http://www.mcps.k12.md.us/boe/about/operations.shtm>

## **Annual Budget Priorities and Performance Measures**

By Marvin Weinman, Co-Chair, Public Finance and Utility Committee

On February 15th the Council adopted Resolution 15-904, establishing Annual Budget Priorities and Performance Measures. The resolution stated that: "the Council intends to establish a stronger framework for its budget deliberations in close consultation with County agencies and the community. As a key element of this framework, the Council intends to set annual budget priorities. The Council will set these priorities by October 1st each year for the following fiscal year."

While this is an admirable statement of intent, it will take a significant effort over a considerable amount of time to work out the details for implementation across all the elements of county government including the MCPS, Montgomery College, the Maryland National Park and Planning Commission and WSSC. For instance, it is not enough to simply say that budget priorities must be set by October 31st. Tools and details are necessary if the prioritization of the budget process is to be carried out. This clearly requires additional thought.

The Council clearly believes there is a need for greater support for linking measurements to priorities and their related cost evaluation. Currently, "Montgomery Measures Up" (provided by the Office of Management and Budget) is limited in its ability to provide the needs identified in the Council resolution. It is able to address the performance measurement of only a limited number of internally identified programs.

In its desire to undertake a more comprehensive effort, the council has tasked the Office of Legislative Oversight (OLO) to compare the use of performance measures by public and private organizations in their budget decision-making process. On November 15,

2005 OLO issued the report on its study effort, Legislative Uses of Performance Measures in Budget Decision-Making, focusing primarily on the efforts of state and local legislatures.

Key findings and recommendations can be found in the report and were the subject of review in the Management and Financial Policy (MFP) Committee meeting on November 21st. The three key findings were:

1. Performance measures have the potential to improve legislative decision-making.
2. Legislatures rarely participate in selection measures used to evaluate program performance.
3. Most state and local legislatures do not use performance measures routinely in their budget decision making.

There were eight recommendations:

1. The Council should encourage the County and bi-County agencies to continue using performance measures as an internal measurement tool.
2. The Council should systematically incorporate performance measures into budget decision-making.
3. During each budget season, the Council should identify a short list of priority measures that the Council will examine in depth during the following budget season.
4. The Council should direct agencies to design new budget and finance technology systems that are capable of linking performance measures with specific budget line items.
5. Office of Legislative Oversight base budget reviews should include an assessment of how performance measures are developed and used.
6. Agency and Council budget analysts should assess their performance measurement performance training needs.
7. The Council should not adopt a policy to routinely sunset County agencies, departments and commissions.
8. The Council should not extend the effort to

establish priority-based budgeting (such as the Balanced Scorecard approach) unless the process is capable of excluding major categories of spending from the highest priority ranking.

Public hearings were held on September 13th, prior to publication of the OLO report, and there is further need for public input in relation to the report recommendations and other possible options for requirements definition and implementation.

### **The FY 2007 Annual Growth Policy**

Another upcoming issue relates to the initial presentation of the FY 2007 Spending Affordability Guidelines (AGP) at the MFP committee session on November 28th. Public hearing on the subject will be held on December 6th.

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## **County's Draft "Hazard Mitigation Plan"**

by Charles Pritchard, Public Safety Committee

On November 3, the Montgomery County Homeland Security Department held a meeting on its "Draft Hazard Mitigation Plan". Present were the Department Director, Gordon Aoyagi, members of his staff and a rather limited public attendance. Copies of the draft plan were obtained and examined by the MCCF Public Safety Committee prior to the meeting.

The draft plan is lengthy and almost too bulky to take to meetings when broken down into three loose leaf folders. It is detailed and covers natural disasters including hurricanes/tropical storms; thunderstorms/hail/lightning; flood/flash flooding; windshear and severe windstorms; tornadoes; blizzards/ice storms; droughts; and earthquakes. The draft plan notes that some types of disasters have higher actual risks than others. There is, for example, no record of an earthquake in Montgomery County although earthquakes have occurred in the state of

Maryland. Lower risk hazards include soil movement, brush fires, conflagrations and extreme heat or cold. These listed disasters were essentially natural phenomena. At the meeting, the Homeland Security staff pointed out that some man-made disasters are now considered "sensitive" or "classified" in terms of public disclosure. The staff and draft plan, however, acknowledge the potential threats of terrorists using weapons of mass destruction (WMD), criminal use of explosives, arson and the presence, storage or transportation of hazardous solid, liquid or gaseous materials. These items are included in the draft plan but in no great detail.

The draft plan includes a historical account of previous similar plans, strategies for prevention, property protection, natural resource protection, emergency services, structural projects and public information and education. High priority mitigation strategies include those for flooding, ice storms, blizzards and drought.

Our Committee comments were both positive and negative. We felt that the plan would be difficult to distribute and be absorbed because of its extreme bulkiness. As a basic research and reference aid, however, it is valuable. A well organized public outreach program that will enlist and train volunteers and inform and educate the public is clearly needed to implement these "strategies." We noted that breakdowns in the power supply have created great problems for the public and that there has been poor coordination between PEPCo and the County Department of Public Works and Transportation. We testified that more attention should be paid to construction and building policies. Our county has endured significant disasters and resultant hardships from tropical storm Agnes, periodic ice storms, blizzards and droughts. Additionally, the county's Homeland Security Department is charged with civil defense and law enforcement responsibilities. Hurricane Katrina has shown how inadequate initial

planning, shoddy code enforcement and inadequate building inspections may multiply the devastating effects of natural disasters creating yet more death and misery.

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## **Public Safety Committee Meeting** by Charles Pritchard, MCCF PSC Member

The MCCF Public Safety Committee met October 31. Councilman George Leventhal, who appears to be slated to be the council's next president, spoke with us about his views on a variety of public safety issues.

Overall, Mr. Leventhal was cautiously optimistic. He stressed the value of having Chiefs Manger and Carr as heads of our Police and Fire & Rescue Departments. The latter department will acquire a new station in Clarksburg in FY-09 and new equipment. Leventhal stated that relations between career and volunteer fire and rescue personnel are good, but the issue of affordable housing (or lack thereof) for police and firefighters is ever present. He complimented both departments and their members for their on-site support in the recovery and rescue operations in New Orleans following hurricane Katrina.

Queried on the problem of gang violence, Leventhal stated that the county government including the Executive, Council, law enforcement and public schools are taking steps to deal with it.

On Homeland Security, Leventhal said that in the event of a major terrorist attack such as the detonation of a nuclear "dirty bomb", contingency plans for population evacuation call for the use of Ride-On and school buses. The county also has programs to train volunteers to support police, fire and rescue and medical personnel.

Regarding the controversial issue of whether the county should acquire a law enforcement helicopter, Leventhal said he personally sees their value, but the County Council, on the recommendation of its Public Safety Committee, does not support the proposal.

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The county currently depends on the Maryland National Guard and the Maryland State Police helicopter units for limited support. A Guard unit was useful in the sniper crisis and, more recently, in spotting plots of marijuana culture.

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## Status of Issues

### HOUSING COMMITTEE

- Condo Conversions - Extended Tenancies - Bill 29-05, PHED Comm. worksession Nov. 28 at 2 p.m.
- Workforce Housing Program - Bill 30-05 and ZTA 05-16, PHED worksession Dec. 12 at 2 p.m.
- In August, County Executive transferred 5 publicly owned sites (Jingle Lane in Glenmont, Bowie Mill Rd. in Olney, public parking lot on Bethesda Ave. in Bethesda, and 2 sites on Washington Grove Blvd.) to DHCA for creation of housing projects. Now awaiting selection of developer proposals.

### PLANNING AND LAND USE COMMITTEE

- ZTA 05-02, to create a new Transit Oriented Mixed Use Zone (MCCF seeks amendment to specify dwelling-units-per-acre density limit). Council vote to take place in Jan. '06 with Shady Grove Plan vote.
- County Service Park at Shady Grove, County Executive negotiating land deal to swap for other parcel(s) so site near Metro can be redeveloped.
- Master Plans under revision by Council-- Bethesda CBD (Council vote as early as Nov. 22) and Shady Grove (Council vote postponed to Jan.)
- Master Plans under revision by Park & Planning--Damascus and Twinbrook (to be approved and transmitted to current Council). Germantown and Gaithersburg Vicinity to be held over for transmittal to 2006 Council.
- 2005-2007 Growth Policy disapproved by 5-4 vote of Council on Nov. 15. Policy approved in 2003

remains in effect.

- Bi-Weekly Updates on Development Approval Issues (PHED Comm. on Dec. 5 at 9:15 a.m.).
  - Amendment to 10-Year Water and Sewer Plan - PIFs, Council vote pending.
  - ZTA 05-15, Impervious Surface Limits in AgReserve & Rural Large Lot Zones, final PHED/T&E Comm. session Nov. 21 with Council vote pending.
  - Bill 35-05, ZTAs 05-17, 05-18 & 05-19, & SRA 05-04, to consolidate Site Plan enforcement under DPS, Council hearing scheduled for Jan. 17 at 7:00 p.m.
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## Minutes of the November 17 Executive Committee Meeting

by Richard Zierdt, Recording Secretary.

7:53 PM Present: Jim Humphrey, Dale Tibbitts, Marvin Weinman, Richard Zierdt, Arnie Gordon, George Sauer, Lee Shipman, Luella Mast, Dan Wilhelm

7:57 Meeting called to order by MCCF Vice President Arnie Gordon.

Minutes from the October 20, 2005 Executive Committee meeting are approved.

Treasurer's report is accepted (distributed earlier via e-mail).

Programs. Dec: John Carter from M-NC/PPC on the Master Plan process. January 2006: Program on Running Effective Meetings by Mary Ann Bowen. February 2006: Jim Johnson, Long Branch Weed-and-Feed. Others suggested future programs on candidate's debates, budget, and affordable housing.

Public Safety. Committee has met with Police Chief Manger twice. Discussion ensued about reported crime statistics, apparently on the rise, while the Chief claims otherwise.

Public Finance. Marvin Weinman. Office of Legislative Oversight issued a report "Legislative Uses of Performance Measures in Budget Decision-Making (Report Number 2006-2)" dated November 15, 2005. Marvin met with the report's authors.

Planning and Land Use. Jim Humphrey will testify on the MCCF's position on workforce housing. Dec 6: Council testimony on site plan enforcement by DPS.

Charter Review Commission. Dale Tibbetts. Attended CRC meeting this morning. David Moon from Fair Vote.org also attended. That group advocates alternative methods of voting. County Councilmember Nancy Floreen also attended who explained that the amount of money involved in at-large council member campaign financing is not a problem. County Councilmember Phil Andrews also attended and stated that at-large districts are too large.

Dale is meeting with the county attorney about two possible petitions the MCCF might sponsor regarding the makeup of the County Council: one would be for 9-0, and the other 9-2 (local / at-large Council seats).

Annapolis meeting with delegates and senators. Discussion ensued about how MCCF delegates could meet our State legislators in Annapolis to lobby on MCCF issues and positions.

Community Hero. Arnie Gordon nominates Helene Rosenheim of Olney. Discussion ensued about the Community Hero program and the frequency it is bestowed upon an individual or group.

New business. A legislative scorecard would be helpful before the next election.

Meeting adjourned 10:01 PM.

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## **Minutes of the November 14 Federation Meeting**

By Richard Zierdt, Recording Secretary

MCCF President Dan Wilhelm calls the meeting to order at 7:50 pm with introductions and announcements. [Approximately 43 are present at 8:19 pm]

Agenda, additions to: Jim Humphrey, Private Institutional Facilities; Dave Michaels, Group Homes; Accountability project

Announcements. Jerry Garson - County Executive Doug Duncan held press conference on the Montrose Parkway this morning.

Treasurer's Report. Luella Mast leaves her report on back table.

Minutes. Minutes from the October 10, 2005 meeting are accepted as printed in November Newsletter

Program. Derick Berlage, Chairman of the Planning Board. "What We Have Learned Since Clarksburg." Montgomery County is coming to the end of "green field" development. In the future, it will be in-fill development, re-development, and transit-oriented development. How much do we want to grow? COG estimates that MC population will increase by 200,000 in the next 20 years. Planning Board has recommended a 1% annual growth rate. (Growth Management Policy replaces the Annual Growth Policy). The Agricultural Reserve must be preserved as sacred ground. Growth will occur near metro stations. Mature commercial centers could be re-built more densely. Selected arterials could be re-developed, e.g., Rockville Pike. Most of the single family homes along Georgia Avenue between Wheaton and Silver Spring are not owner-occupied and might be a target for re-development. Mr. Berlage outlines steps the Planning Board will take to restore public confidence in the planning process involving

transparency, accountability, and ethics. Computerize all documents and made them available online to all citizens. Wayne Goldstein describes an Office of Legislative Oversight (OLO) report on site plan violations. Several questions ensue. Some suggest that the Planning Board institute a waiting period after public testimony closes before making a final decision about a project. Some suggest that at least one structure at Clarksburg be ordered taken down to restore public confidence. Some say the proposed fines regarding Clarksburg building violations are too low.

#### Committee Reports.

Education. Mark Adelman. FAA-RA (on Long-range Planning of Educational Facilities) working group is proceeding. Board will not surplus the Seven Locks school site. However, the new school is still under consideration.

Legislative. Dale Tibbitts. Delegate Barkley continues pressure to raise the minimum number of signatures necessary to get a question on a ballot. Legislation to remove the Limited Liability Corporation (LLC) Loophole will be introduced again this year.

Planning and Land Use. Jim Humphrey. Distributes a paper on three proposed positions. (1) Six limits on Private Institutional Facilities (PIFs) in the Ag Reserve (RDT Zone). Motion is made for the MCCF to support all six. Seconded. Motion passes 23-0-1. (2) Four recommendations on Steve Silverman's proposed Workforce Housing Program - Bill 30-05 and ZTA 05-16, and three other related recommendations. Motion is made for the MCCF to support all seven. Seconded. Some expressed concern that MPDUs and WHUs (Workforce Housing Units) should not be built together as a single development. Some wondered about the efficacy of WHUs altogether, believe it will lead to more development and congestion, and is basically

attempt to manipulate the housing market. Motion to close debate passes. Original motion then passes 14-7-1. (3) Site Plan Enforcement - Bill 35-05, ZTA 05-17, and SRA (Subdivision Regulation Amendment) 05-04. Motion is made that MCCF oppose this legislation. Seconded. Passes unanimously.

Group Homes. Dave Michaels. Committee distributes fifteen recommendations. Motion is made that the MCCF support all committee recommendations. Seconded. Motion is then made to pass the first 14 recommendations. Motion passes: 14-0-2. Recommendation on 15th recommendation fails 5-7-7.

Statement of the Accountability Project. Seven principals are presented. Motion is made that MCCF seek greater accountability by county officials. Motion is accepted. Seconded. Some feel the principals are not specific enough. Some feel the motion is presented too late without adequate debate and is not an emergency. Motion passes 13-2-4.

Adjournment. 10:20 PM

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### Volunteers Needed

Colesville Meals on Wheels serves the needs of the homebound in the Woodmoor, Four Corners, Burnt Mills, White Oak, Colesville, Calverton and surrounding areas. We deliver meals 5 days a week from 10:30 a.m. to 12:30 p.m. We do not deliver when schools are closed due to snow or on major holidays. Your commitment would only be 2 hours a week. For more information call Sarah Day at 301-384-5735.

Thank you for your help -- Susan Armstrong

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## Federation Meeting

Monday, December 12  
7:45 1st Floor Auditorium  
County Council Office Building.  
Rockville, MD

### Agenda

7:45 Call to Order  
7:46 Introduction and Announcements  
7:55 Adoption of Business Meeting Agenda  
7:58 Approval of Minutes and Treasurer's Report  
8:00 Program  
9:00 Committee Reports  
9:20 Member Issues  
9:30 Old Business  
9:35 New Business  
10:00 Adjourn

The **Montgomery County Civic Federation** is a county-wide nonprofit educational and advocacy organization. It was founded in 1925 to serve the public interest. Its monthly Federation meetings are open to the public and are held on the second Monday of each month (except for holidays, July and August) 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.**"

Submit contributions for the next issue by: **Midnight, Saturday December 17.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to [hotyakker@comcast.net](mailto:hotyakker@comcast.net). Please send all address corrections to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or [djwilhelm@erols.com](mailto:djwilhelm@erols.com).

## NEXT EXECUTIVE COMMITTEE MEETING

Thursday, December 15, 7:45 p.m.

**RED BRICK COURTHOUSE**

29 Courthouse Square, Rockville

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

## MONTGOMERY COUNTY CIVIC FEDERATION

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