



Civic Federation News

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

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SESSION 777

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MAY 2006

Last chance to reserve your tickets for the Montgomery County Civic Federation's 2006 ANNUAL AWARDS BANQUET

Honorees:

The Star Cup: **Dan Wilhelm**

The Gazette Award: **Save Seven Locks
School Coalition**

The Sentinel Award: **Clarksburg Town
Center Advisory Committee**

Special Civic Federation Award: **Luella
Mast**

Friday, May 12, 6:00 to 9:30 p.m.

New Fortune Restaurant

Until May 10: \$25 per person or \$40 per couple

After May 10 or at the door: \$30 per person or \$45
per couple

(See reservation form on Page 11)

May Program: Martin Klauber, Montgomery County's "People's Counsel"

By Dan Wilhelm, President

The guest speaker at our meeting on May 8, Martin Klauber, will give us an overview of how the People's Counsel can help citizens. The office of the "People's Council" was established to help citizens better understand the processes followed by the Board of Zoning Appeals, the Office of Zoning and Administrative Hearings, and the Planning Board. The People's Counsel can also provide citizens with technical assistance to help ensure that their cases are presented effectively in public hearings, and sometimes participates in land use hearings to protect the public interest by ensuring that the hearing addresses all relevant issues.

Part of Martin's presentation will identify a number of steps citizens can take to prepare for and participate effectively in matters decided by the above organizations, particularly the preparation and presentation of public testimony. The processes followed by the M-NC/PPC planning staff and the Planning Board have been changing over the last six months. Come and learn about these revised processes so you will know when and where to start, how to use the People's Counsel to advantage, and how to be the most effective advocate for your community.

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Nominating Committee Presents Slate of Candidates for 2006-2007

by Peggy Dennis, Nominating Committee Chair

The Nominating Committee (thanks to Dean Ahmad, Luella Mast, Donna Savage and Charles Wolff for working so hard to pull together this slate) is pleased to present the following slate of candidates for MCCF elective office for 2006-2007.

The nominations will be formally presented at our May 8 meeting. Nominations may also be made from the floor at that time. Voting for our elective officers will take place at the regular meeting on Monday, June 12.

President: Wayne Goldstein. Our current 1st Vice President, Wayne has been involved in civic issues since August 1997 when he joined a group opposed to the proliferation of speed bumps then another group fighting to prevent the demolition of the historic Silver Spring Armory. In spite of losing in those efforts, he has gone on to become very involved in MCCF and is now a member of its Planning and Land Use, Housing, Education, Environment, Transportation, Historic Preservation and Public Safety Committees, memberships he intends to continue if elected MCCF president. He has been a delegate to MCCF for the Kensington Heights Citizens Association (KHCA) for the last 6 years, and was recently elected president of the KHCA. He is also president of Montgomery Preservation, Inc., a nonprofit historic preservation advocacy organization.

Wayne helped organize conferences in 2004 and 2005 concerning issues related to "mansionization". He currently serves on working groups dealing with disabled accessibility, storm water runoff, forest conservation, clean water, and mansionization. He has participated in six master plans and regularly testifies before the County Council, Planning Board, and Historic Preservation Commission. He is a contributor to MCCF's Federation Corner in the Montgomery County Sentinel and to the MCCF newsletter. He is currently helping to organize a charrette, led by world-renown architect Cesar Pelli, for the reuse of the COMSAT Laboratories Building and property in Clarksburg.

First Vice President: Arnold Gordon, delegate from Norbeck Meadows Civic Association, is currently serving as Second Vice President of MCCF and in a variety of committee assignments. He is the current President of the Norbeck Meadows Civic Association. A semi-retired consultant on tax administration, Arnie has worked in 28 countries advising on the modernization and simplification of tax systems. He has resided in the county for 29 years and his four children were educated in the public school system. He has also served as a member of the County's Victim Services Advisory Board and as a Volunteer Victim's Advocate in the District Court of Maryland at Rockville.

Second Vice President: Peggy Dennis is a delegate from West Montgomery County Citizens Association where she has served in various capacities since about 1987. Peggy was drawn into civic activism as a leader in the fight against three different development schemes across from the entrance to Great Falls National Park. She has been on the MCCF ExComm for many years serving at various times as 2nd VP, Program Chair, Newsletter Editor, chairs of the Nominating Committee and the By-laws Committee, and also helps organize the Awards Banquet. She was awarded the Star Cup in 2006. She is secretary and membership chair of Common Cause Maryland. A former Foreign Service Officer, Peggy lives in Potomac with her husband, two sons and an amiable mutt in a timber frame home she designed and built herself where she gardens, cooks slow food and tries to get to Scottish County Dancing whenever civic activities permit.

Treasurer: Luella Mast has served as a delegate to MCCF from the Greater Colesville Citizens Association (GCCA) for 5 years. She has served as MCCF treasurer for the past 4 years, on the MCCF Bylaws committee for 3 years, and helps coordinate the Awards Banquet, but her numerous other civic activities and credentials make her a real standout! Her offices in the GCCA have included Vice President for Membership, Secretary, Communications Secretary, and Delegate to the Allied Civic Group. She served 2 3-year terms as a Commissioner on the Montgomery County Fire and Rescue Commission. She is an active member of the League of Women Voters of Montgomery County and has served on the LWVMC Board as Treasurer and Chair of the Fire and Rescue Services, Police Services and Transportation Committees. She represented the League of Women Voters of Montgomery County on the M-NC/PPC Transportation Policy Report Task Force. Other Board experience includes 4 years on the Board of the Montgomery County Education Connection, The Business Education Partnership; 2 years on the Montgomery County Career Connections Governance Board, including serving as President-Elect; 3 years on the Board of Education's Montgomery County Advisory Committee for Career and Technology Education; 6-1/2 years on the Montgomery County Council of PTAs Board, including 2 years as President; 3 years on the Board of the American Institute of Architects Potomac Valley Chapter.

A registered architect in private practice and a member of the American Institute of Architects, Luella and her husband, Phillip, live in Colesville and have two

children and two grandchildren.

Recording Secretary: Richard Zierdt, delegate from the 1350-household Randolph Civic Association (RCA), has been involved in civic community work since 1979. He started as membership chair in the RCA under the tutelage of Allen Bender where he computerized the 3"x5" card system. Since then, he has held all officer-level posts of the RCA and is its current treasurer. Richard began attending MCCF meetings in 1985. He has been its membership chair, and has served as Recording Secretary since 1999. Richard is still our most recent "newly wed", having married Dawn within the current decade.

District 14 Vice President: Alyce Ortuzar: has been a delegate to MCCF from the Sandy Springs Civic Association for the past two years and has helped coordinate articles for the Sentinel Newspaper's "Federation Corner", but her civic activities go way back. She has been involved with environmental and education issues since 1989, and was known to BG & E as the "Tree Lady" working to save trees along New Hampshire Avenue. Until its demise, Alyce worked on environmental and education issues for the Ashton/Sandy Springs Civic Association and was involved in the Sandy Spring Master Plan process. Her day job is editor of the U.S. Surgeon General's Smoking and Health Reports.

District 15 Vice President: Sandy Vogelgesang, delegate from the 600-family West Bradley Citizens' Association (WBCA) has served in this position for the past year. She has been a Board Member for WBCA for five years and is one of leaders of the Save Seven Locks School Coalition since early 2004.

Sandy, a career Foreign Service Officer, retired after serving as Ambassador to Nepal. She and her husband, Jeff Wolfe (also a retired FSO) live with their two children in West Bethesda. They are members of the Seven Locks Elementary and Winston Churchill High School PTAs and active in Scouting.

District 16 Vice President: Lee Warren Shipman, a delegate from the Bannockburn Civic Association, has also served in this position for the past year. At 82, Lee is our senior member with civic activities and credentials that began before the Newsletter editor was even born! While in college, Lee's first civic activity was working for Willard Kiplinger in 1944 to get "Local Option" (the right to vote for

our county government) passed. Lee can teach us the importance of patience and pertinacity because it wasn't until 1948 when Lee was finally old enough to vote that "Local Option" made it onto the ballot and was passed. Lee later worked with the Potomac Valley League, Nancy Long and many others to keep Glen Echo Park from becoming a 60 foot high-rise apartment complex. She began her affiliation with MCCF during Jesse Maury's administration ('71-'73) when WSSC was under investigation, and has served on numerous committees since then.

Like Luella, Lee is an architect. She and her husband, Karl, moved from Chevy Chase to Bannockburn (Scottish for burnt hoe cakes) 47 years ago where they have lived and raised 4 children in a home of her own creation.

District 20 Vice President: Elizabeth Conklin is our nominee for this position. She is completing four years as president of the Seven Oaks Evanswood Citizens' Association. Its location near downtown Silver Spring brings a wide range of issues to the Association, which Elizabeth has dealt with skillfully and diplomatically. She also belongs to the group of local civic presidents, Prezco, which concerns itself with many issues including widening of the beltway and maintaining healthy communities. One of Elizabeth's strong interests has been supporting our small but good library and promoting efforts toward the proposed new, larger library.

Please note that we have no candidates for Vice President for Districts 17, 18, 19 and 39. As stated earlier, we welcome nominations from the floor or volunteers to serve during the coming year. Our bylaws prefer District Vice Presidents to reside in their districts, but this is not a hard and fast rule. District Vice Presidents have, as their primary responsibility, representing their area to the Civic Federation and representing the Civic Federation to their area. A secondary responsibility is working with the 2nd Vice President to build membership and encourage active participation in the organization.

President's Message

By Dan Wilhelm

At the February 2005 Reality Check Conference, participants from all parts of the metropolitan area identified

in broad conceptual terms where housing and commercial/retail development should occur over the next 25 years. Most of the 60 breakout groups agreed to:

- Concentrate development near existing towns and other hubs of economic activity and focus development near transit stations and along existing corridors;
- Better balance jobs and housing within the geographic area;
- Preserve and protect natural areas, green spaces, and waterways.

Building upon the Reality Check Conference, the Planning Board is now considering changes to the way it guides and regulates land use in Montgomery County. The staff will be holding three community-based discussions on May 3, May 17 and September 27. The first two will be held at Building 3, The John Hopkins University in Rockville between 6:30 PM and 9:30 PM and the third will be held at Brookside Gardens. At the time I am writing this, there are almost 165 people signed up to attend the first two discussions. You may sign up to attend by emailing Margaret.gahelrasoul@mncppc-mc.org. Each discussion builds on the prior one and they will cover the following in order:

- Explore the physical impacts of demographic trends, changing community needs, evolving lifestyle preferences, and the opportunities they represent;
- Provide an opportunity for participants to explore challenges and choices associated with future growth, change, and community needs;
- Consider implementation strategies and priorities with local experts and civic and business leadership.

The second discussion will include presentations from three national experts followed by a short comments and questions period from five local leaders, including yours truly. I have yet to learn what the national experts will say. One early piece of information is that the housing demand over the next 30 years will be toward apartments, town-houses and small-lot detached units (defined as being under 7000 sq feet). Apparently much of the future housing could be placed in or around existing activity centers through redevelopment.

One issue I want to see addressed is transportation. Our roads are already severely congested, so a huge concern is how to add large numbers of additional people and

households without causing even more congestion. Sure, road improvements can be made and will be helpful. MCCF supports major changes to our existing four-lane and six-lane roads in the form of grade-separated intersections in select locations. We have been lobbying for such improvements just to address existing congestion.

One idea being talked about is to actually reduce capacity on existing four and six lane roads in order to encourage transit use and to strengthen neighborhoods. I support improved transit use and strengthening neighborhoods but by using the "carrot" approach: that is, make the alternative approach appealing to those affected. The County must focus on addressing the shortcomings of our existing bus service, and the State must provide more transitways. The County must also integrate planning for transportation and land use. Today, land use decisions and transit decisions are largely made without considering the impact on each other. No wonder they don't work together to move people and to create strong neighborhoods. The County must also fund improvements to be built concurrent with development, rather than years or decades later as is current practice.

My second issue is that citizens must be an integral part of the planning process. Today, citizens have little say in what goes into their master plans for development. The planning staff's vision for the future is to create master plans that focus on the redevelopment of small areas. I am all for the smaller master plan areas, but all parties - the planning staff, citizens, developers, and transit and road designers from DPWT - must be at the table when these master plans are being drafted, not just the planning staff. The master plan process should also follow the Concordia process used for four master plans in eastern Montgomery County during the 1990s. In the development of these plans, citizens had a real voice. The staff and citizens strove to develop a plan based upon consensus, and where agreement could not be reached, the Staff Draft plan documented the conflicts so that the Board could focus on those conflicts and address or resolve them.

Annapolis Matters

By Dale Tibbitts, Legislation Chair

We didn't win, but we didn't lose either. The 90-day state legislative session ended April 10 without passage of public

financing of state campaigns (SB569/HB1054) or closure of the multiple corporation-multiple contribution LLC loophole (SB140/HB585). And, the Montgomery County delegation did not forward local legislation (MC604-06) to the General Assembly for a state constitutional amendment to allow the County to amend the charter to increase the number of petition signatures citizens must collect to put a charter amendment on the ballot.

Public financing of campaigns is MCCF's number one election reform priority. Public financing helps take the influence of large contributors out of the election process and allows qualifying candidates to run using "clean money" to fund "clean elections". The House of Delegates passed the measure 79-56. The bill was favorably voted out of the Senate Education, Health and Environmental Affairs Committee (EHEA). Unfortunately, Senate President Mike Miller (D-27) did not support the bill and it was not brought to a vote in the full Senate. Hopefully, next year MCCF, Progressive Maryland and Common Cause Maryland can convince the Senate and particularly Senator Miller to vote for this crucial element of campaign finance reform.

The LLC contribution loophole bills SB140 and HB585 were not voted out of their respective committees and therefore died for this session.

The MCCF asked our state legislators to kill local bill MC-604 which would have allowed the Montgomery County government to raise the number of signatures required to put a charter amendment on the ballot from 10,000 to between 26,000 and 52,000 based on current voter registration figures. Supportive delegates, fearing that Chairman Barkley had the votes to force his bill through the House, offered amendments to reduce the maximum possible signature requirement to 3% of registered voters or about 15,600. The bill then moved to the Montgomery County Senate delegation. The Senate "special ordered" (legislative terminology to set aside for more study or consideration) the bill which never came back up for a vote before the session ended. We should be prepared for this bill to show up again next year. As you attend candidates' forums this summer and autumn, be sure and ask those running for state office how they stand on this fundamentally undemocratic movement.

Property Condemnation/Eminent Domain Bills: A Legislative Travesty by Chuck Lapinski, Public Finance and Utilities Chair

A legislative travesty! That is the only way I can describe my disappointment that our state elected officials did nothing to enact corrective language to our laws on property and "condemnation/eminent domain".

I believe Supreme Court Justice Sandra O'Connor stated the concern for these protections best in her 2005 dissenting opinion in *Kelo v. New London*. The majority ruling gave local governments unprecedented and broad authority to seize people's homes and businesses against their will for private development - development that does not traditionally support a public purpose such as a road or rail line or a new school in an inner city neighborhood. Justice O'Connor wrote in her dissent: "The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. ... Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. ...As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

Last year, the Maryland House and Senate established a bi-partisan commission tasked to identify key areas where our state and local laws need reinforcing to provide simple protections, particularly to individual property owners (you and me), farmers, and small businesses. To its partial credit, the Maryland Senate consolidated some 10+ bills into one (SB 3), which addressed many of the concerns raised by the commission. The Senate was in a position to move forward on this bill, but it was dependent on the House moving the companion bill (HB 1137) forward and both houses carrying out the needed "reconciliation". Failure to move the House bill meant that nothing was passed, a poor outcome, and frustrating since so many legislators said that it was a serious and important matter. It is and it will remain so. It should be a major issue for MCCF to discuss and take a position on well before the 2007 Legislative Session. In the meantime, people should be asking their state legislators pointed

questions at "town hall meetings" where they invite us to come and hear about their accomplishments on why they failed to enact this much needed legislation. All candidates at election forums and debates should be similarly queried.

Education Matters

by Mark R. Adelman, Chair, MCCF Education Committee

We reported briefly, at the April 10 delegates meeting, on a number of issues. A synopsis of that report is included with the minutes of the meeting; the complete report is available at

<http://www.educationalassistance.org/MCCFHolding/10April06Report.pdf> In this newsletter article I would like to elaborate on some of the items we discussed on April 10.

1. As of this date (April 22) there is no final decision on the Seven Locks Elementary School Replacement issue. Discussions are continuing at various levels. On April 19, the Staff Working Group (composed of staff from the County Council and MCPS) issued a "final draft" review of the options being considered; you may access this at <http://www.educationalassistance.org/MCCFHolding/OptionsReview&Memo.pdf> [This file is a combination of the report and the Superintendent's Memo (see below); hence it is large.] At the Board of Education (BoE) meeting of April 20, there was consideration of the Superintendent's memorandum on the report and his recommendation that the BoE continue to support the Kendale site option, with some modifications. After a contentious (and embarrassing) "discussion", the BoE voted to hold another public hearing on the matter. This will occur on May 1, and we will testify after having read the above documents to determine if they suggest any refinement of how we present MCCF core positions on this issue. We will also testify at the May 2 County Council hearing on this matter. Both the BoE and the Council will be working on this issue in the days following those hearings, presumably reaching conclusions by mid-May. We continue to hope for a reasonable resolution to this saga; hopefully we can report on it in the June MCCF Newsletter.

2. On April 18, we testified before the County Council regarding the MCPS budget. We recommended that funding for two FTE analysts be removed from the MCPS budget

and that the funds be used to hire two analysts (preferably as BoE staff) who would be charged with making the MCPS budget more transparent and with answering citizens' questions about it. You may access our testimony at <http://www.educationalassistance.org/MCCFHolding/BudgetTestimony.pdf> We believe our recommendations are being seriously considered.

3. The BoE has sent us some information in response to our questions about the costs of producing and publicizing the FY 2007 MCPS Operating Budget. We are evaluating the information and will be reporting on it to the Executive Committee and to the Delegates, probably via an article in the Newsletter. Also, the BoE has responded to our request for discussions of the impact of "No Child Left Behind" on MCPS. We are pursuing this dialogue.

4. The BoE has posted provisional revised versions of several policy documents, requesting public comment. We submitted comments on BNB (BoE staff); you may access them at <http://www.educationalassistance.org/MCCFHolding/BNBComments.pdf> Comments on Policy ABA (Community Relations) are due in mid-May, and we are now working on this.

You are all aware of the size and scope of MCPS, the cost of its operations, the complexity of the decisions that MCPS and BoE must make, and the importance of all of this to the quality of life in Montgomery County. Our Committee is one very small piece of the mechanism by which we all struggle to "get it right". We have repeatedly asked for your input and your help and are grateful for it. We need it now, perhaps more than ever before.

Transportation Committee Report

by Byron Bloch, Transportation Chair

Do you have a "privately maintained" road in your neighborhood? The County Council has budgeted \$250,000 in the FY 2007 budget to study the issue of publicly owned but privately maintained roads. Many cul-de-sacs and short stretches of road fit into this category, but the county executive has no idea how many, where they are, or the state of repair or disrepair they are in. MCCF will be embarking on a dialogue with various elements of the county

government with the goal of eliminating the various obstacles that keep homeowners from improving such roads. If you know of any roads or parts of roads in your neighborhood that might fall into this "privately maintained" category, please contact me (301-299-1800 or byron@autosafetyexpert.com) with the specifics, including the name of the road and the name and phone number of at least one resident who may be able to describe the condition of the road and how the residents carry out their maintenance responsibilities.

Update on Combination Crosswalks-and-Speedhumps. MCCF passed a resolution to request the County to allow the installation of the "red brick paver" combination crosswalk-and-speedhump designs for both primary and secondary residential streets, of the 22-foot-long flat-top design, and only if the required petition process showed that the neighborhood met the concurrence requirements. Responding to that request, Council President George Leventhal has passed along an inquiry to the Dept. of Public Works and Transportation (DPWT) for such consideration. Let's hope the DPWT agrees, and makes such combination crosswalk-and-speedhump installations permissible for both primary and secondary residential streets. They combine pedestrian safety and traffic calming in an attractive, durable, non-jolting design suitable for 25 mph and 30 mph primary and secondary residential streets.

Public Safety Committee Meeting with Ike Leggett

by Fernando Bren, Public Safety Chair

The Public Safety Committee met with Ike Leggett, former president of the Montgomery County Council and currently a Democratic candidate for County Executive on Friday, March 24th. The discussion was wide-ranging and this report covers only issues relating to public safety.

Mr. Leggett's view is that public safety must be approached in the context of the total community and the total budget. Growth, development, traffic all relate to public safety. Public safety measures must be put in place visibly and proactively in order to head off problems. Public perception of unsafe conditions jeopardizes investment, development and commerce. He gave as

examples, that people may not go to Friday night high school football games, or shop at certain malls if there is a perception that these areas are unsafe. He took credit for pushing the prompt development of community police substations in Burtonsville and Sandy Spring. He also said he supports a meaningful and major role for volunteer fire fighters.

Another question dealt with the recent controversy over the Fraternal Order of Police Internet Forum, where some comments were racist and sexist. He feels it is better for these attitudes to be out in the open so they can be dealt with, rather than suppressed or denied.

With respect to gang violence, he suggested that it must be initially treated as a public safety problem; that gang members must realize that they are engaging in criminal activity and that it will be dealt with as such. After making that clear, there is a role for mentoring programs, work and recreational activities. He also said there is a need for more bilingual, Hispanic, and Asian police officers.

Public Safety Committee: Next Meeting

The next meeting of the MCCF Public Safety Committee will be on Friday, May 5, 2006, 7:00 to 8:30 PM at the Home of Fernando & Roberta Bren, 9913 Hall Road, Potomac. The guest speaker will be State Senator Rona Kramer discussing "Outcomes of 2006 Legislative Session and Future Issues". This meeting is open to all, but please RSVP (301-299-0899) at least 24 hours prior to the date of the meeting if you plan to attend.

Unique Planning Event for COMSAT Property

by Wayne Goldstein, 1st V.P. & Historic Preservation Chair

Between June 3 - 6, come to the Rockville campus of Montgomery College where you will have a once-in-a-lifetime opportunity to watch and work with one of the world's greatest living architects as he leads a design charrette to propose ways to reuse the COMSAT Laboratories Building, adjacent to I-270 in Clarksburg. Cesar Pelli designed this building in 1969, early in his

career, before going on to design important buildings around the country, such as the North Terminal at Reagan National Airport, and around the world, such as the twin Petronas Towers in Malaysia, once the tallest buildings in the world.

Pelli and his firm will also help the community come up with specific concepts for the development of the rest of the 200-acre site and we will look to incorporate the latest in green building design and green development principles. This will be an opportunity to prove to the property owner and to the County Council that historic designation of this building will help, rather than hinder, redevelopment of the site and to explore how a truly accountable and participatory charrette process can be a better model for visualizing, writing, and implementing our master plans.

The charrette, to be held in the Architecture Technologies Building at the Rockville campus, will be free. There will be a charge to attend the final event on the evening of June 6, which will include a keynote address and the presentation of the charrette results by Mr. Pelli. For more information, contact Wayne Goldstein at 3021-942-8079 or waynemgoldstein@hotmail.com or go to <http://www.montgomerypreservation.org>

Strategic Planning Steering Committee

If you are interested in participating in the MCCF Ad Hoc Strategic Planning Steering Committee, please contact Fernando Bren, Chairman of the Committee, at 301-299-0899 or FernandoBR@aol.com as soon as possible (ASAP)! The Committee will discuss ideas, proposals, and plans for initiating, developing, and managing an ongoing Strategic Planning Process for the Montgomery County Civic Federation and will present its proposals and recommendations at the June 12, 2006 MCCF Meeting.

Status of Issues

By Jim Humphrey, Zoning & Land Use Chair

Housing Committee

- Workforce Housing - Bill 30-05 to create a Workforce Housing Program, and ZTA 05-16 to change zone category standards in Metro Station Areas for buildings that include WH units, Council action pending

Planning and Land Use Committee

- Damascus Master Plan revision, Council action pending
 - ZTA 05-15 Impervious Surface Limits in RDT and Rural Large Lot Zones, as well as proposed temporary moratorium on approval of child lots and issuance of permits for sand mound septic systems in AgReserve - awaiting recommendations by new Ad Hoc Agricultural Policy Working Group created by Council
 - ZTA 05-12, to require Site Plan approval for projects on C-2 Zone commercial properties, awaiting PHED Committee action
-

Minutes of the April 10, 2006 Regular Meeting

by Lyle Schofield

Meeting called to order at 7:45 p.m. Delegates, guests and some candidates introduced.

Announcements

Minutes Accepted as published in the April Newsletter
Treasurer's Report - available on back table. Also, there is now a carbon copy form for motions to be used during the meetings.

Agenda Corrections: New motion added (not published) on "tree canopy preservation". Agenda accepted with no objections or further additions.

Program with Guest Speaker, Tom Dagley, Office of Inspector General (OIG). Introductory remarks welcomed citizens to bring concerns to his attention. Complaints are tracked, and analyzed with other issues. Issues are prioritized across the whole county, as office has limited resources (less than 5 FTEs for the office). There is a full time position currently vacant (description posted on County's web site) and job applicants are encouraged to apply.

The Inspector General (IG) feels that the past year has seen accomplishments. Independent investigators are a somewhat new concept. Key issue is that of "independence" - this is the only office that can truly say this. County Council has gone out of their way to make sure the IG's audits and work are carried out independently. Investigators must be able to assess risk across a 3.8 billion dollar operation. Must interact with the residents and taxpayers. OIG would like to hear more complaints and suggestions from county employees and is planning on reaching out

more to them.

Law that defines OIG has a conflict or dilemma regarding county funded agencies that are state organizations, such as Park & Planning. OIG needs to follow the county's money, which can cross a line into groups that are not strictly county agencies. Council has supported OIG on this issue.

Some feel that there is overlap between OIG and Office of Legislative Oversight (OLO). IG does not see this overlap, and OIG and OLO have a cooperative relationship. OLO is directed by County Council, OIG is independent based and does their own audits and assessments of operations.

Clarksburg is a good example: OLO looked at 4 specific objectives. OIG objectives were different, focusing on fraud and misconduct; OLO was focused on policy and procedure. Both reports together provide a comprehensive picture. OIG pays attention to performance and procurement practices - follows expenditures, looks at efficiency and effectiveness, looks at contractors and vendors to test reliability of information. Performance on workers' compensation and accidents is a complex area. Program performance measurements such as "Montgomery Measures Up". IG trying to improve the use of this program. Handout provides look at action plan for last fiscal year.

Crown Farm - Motion to have council enforce MPDU and TDR requirements for Crown Farm annexation into Gaithersburg prior to agreeing to annexation. 7 seconds on motion. Council cannot control annexation, but they can control zoning change (suspend zoning changes for five years). Vote: 17 for, 0 against, 2 abstain. Motion passes.

Motion to have council defer annexation rezoning until historic preservation program for the structures have been established. 7 seconds to motion. Last whereas clause was stricken through a friendly amendment. Vote: For 18, 0 against, 1 abstention. Motion passes.

Motion to require scrutiny of obligations of KB Homes based on HUD and FTC issues from last year. 5 seconds. Amendment to take out references to developer contributions to political campaigns. Motion seems to contain two pieces: one of not rushing to judgment on an important decision, the other gets to the quality of work of a contractor. Vote: 6 for, 7 against, 3 abstain. Motion fails.

Motion to ask council to wait until state attorney general makes a ruling on legality of "enclave". 5 seconds. "Enclave" is an area of property completely surrounded by

another jurisdiction - county enclave would be the Washingtonian complex. 16 for, 1 against, 2 abstentions. Motion passes.

Motion to ask council to postpone vote on annexation rezoning until public hearing has taken place. 5 seconds. Vote: 18 for, 0 against, 1 abstention. Motion passes

Motion on Free Library Parking - Council has already voted to require free parking for library patrons. Vote: 5 for, 7 against, 5 abstain. Motion fails.

Motion on Tree Canopy Preservation - issue of trees removed to provide massive driveways across public right-of-way for "bash-and-builds". More than 5 seconds. Passed unanimously.

Committee Reports

Tomorrow, **Planning & Land Use Committee** will hold press release with Common Cause Maryland and Neighbors for a Better Montgomery to publicize issue about Gaithersburg annexation of Crown Farm and ask that annexation rezoning be considered slowly and carefully, not rushed to accommodate developer. DPS responded to problems with method of building height measurement; will look into example and get back to committee. Discussion of Clarksburg, money is being spent to correct many problems in the community. Some concern about confidentiality agreements in place for this to happen.

Education Committee asks for photographs of poorly maintained portables at MCPS schools for upcoming report. Detailed notes in Mark's handout.

Budget - Analysis of new operating budget still going on. Budget categories have been changed making a comparison to last year's budget difficult, especially in the area of infrastructure. MCCF will be testifying before the council (either Dan or Chuck).

10:05 Meeting Adjourned

Minutes of the April 19, 2006 Executive Committee Meeting

by Peggy Dennis, Acting Recording Secretary

Meeting called to order at Julius West M.S. at 7:55, p.m.
Attending: Dan Wilhelm, Wayne Goldstein, Luella Mast, Jim Humphrey, George Sauer, Mark Adelman, Marvin Weinman, Charles Wolff, Sandy Vogelgesang, Peggy Dennis, Byron Bloch & Dale Tibbitts

Minutes of the March 23 ExComm meeting approved as written in April Newsletter

Treasurer: Luella reports 22 have paid for Awards Banquet so far. "Comp" tickets discussed. Agreement: two groups receiving awards will receive 6 tickets each and spouses/additional members for groups will pay. Next ExComm meeting will take place on **Tuesday, May 16** at the Crossways Center (tentative) or Julius West M.S.

Environment: Wayne reports county government not taking the 11-point proposal on water quality seriously and is saying that the Civic Federation does not represent the county populace. Wayne will draft letter to County Dept. of Environment with cc going to Duncan and state DEP and run it past Dan before transmission. Jim reports MCCF Resolution on the Tree Canopy was sent to Tree Maintenance Div of DPWT and is under discussion within DNR.

Planning & Land Use: Jim reports Clarksburg Town Center and Greenway Village lost water last night as developer cut water main. New proposal on Clarksburg TC will be up for public hearing and comment soon. Damascus activists expressing concern about potential widening of Rt. 27 to 2 lanes each direction. Creation of by-pass to keep commuter traffic out of town center may be preferable if limited access precludes new development along bypass. Hearing on Clarksburg Village developer violations has been postponed. New building height restrictions (from 35 to 30 feet) discussed with stress on how Department of Permitting Services must clearly show how the measurements are to be carried out so builders will have no excuse for "misinterpretation". Wayne: letter on proposed Crown Farm annexation rezoning was sent to all ExComm members and Sentinel Newspaper. Press release on this topic was held on 4/11 jointly with Common Cause Maryland and Neighbors for a Better Montgomery.

Programs: May program will be Marty Klauber on The People's Counsel. June program will be on the proposed Crown Farm annexation and rezoning or on housing affordability. Suggested participants from FDC, HUD and KBHomes and homeowner representatives with focus on consumer protection and how to insure homes are built in compliance with building codes and without defects. Jim will follow-up on concerns raised in letter of 4/11 to County Council

Awards Committee: Sandy reports all is in good shape. All recipients and presenters have been notified and accepted. Last year's program will be used as template for this year's. Charles will provide background info on history of awards and short bios on awardees.

Public Safety: Committee met with County Exec candidate Ike Leggett. George and Jim discuss problem of inadequate screening process for individuals going into county's special needs housing, specifically issue of sexual predators and violent offenders living close to schools. Support system needs improvement.

Public Finance: Marvin passed out copies of charts & testimony on operating budget. Concern about high cost overruns on school construction. 9.5% increase on personal taxes this year.

Education: Mark will be discussing impact of "No Child Left Behind" on MCPS. Mark reported that the SLES situation is still unresolved and that his committee is preparing testimony before the County Council (May 2). He reported that his testimony (April 18, before the Council), proposing removing funds for staffing of MCPS (2 FTE) and transferring the positions to BoE or Council for analysis of the MCPS budget, appeared to be well-received by some Council members. He will be meeting with MCPS staff, to whom he was referred by BoE, for detailed discussions of the impact of NCLB on MCPS programs/outcomes.

Legislation: Dale reports no victories/no defeats in legislation of interest to MCCF. MC 604 was not passed, but will probably be put in again next year. Public Financing was passed by House and sent out of Senator Hollinger's with a favorable report, but Senator Miller would not allow bill to be brought up for a vote on the Senate floor. WMATA hearing on Silver Spring Transit Station coming up on April 24.

Transportation: Byron, Peggy and other committee chairs will work with Nancy Floreen, chair of Council's Transportation Committee and staff in DPWT and DPS to identify and resolve issues that prevent residents on privately maintained, "orphaned" roads from improving their roads.

Meeting adjourned at 10:15.

Montgomery County Civic Federation's
2006 ANNUAL AWARDS BANQUET

Honorees:

The Star Cup: **Dan Wilhelm**

The Gazette Award: **Save Seven Locks School Coalition**

The Sentinel Award: **Clarksburg Town Center Advisory Committee**

Special Civic Federation Award: **Luella Mast**

Friday, May 12, 6:00 to 9:30 p.m.

New Fortune Restaurant

16515 S. Frederick Avenue, Gaithersburg

Until May 10: \$25 per person or \$40 per couple

After May 10 or at the door: \$30 per person or \$45 per couple

Directions: New Fortune is in the Walnut Hill Shopping Center, on Route 355 one block northwest of the intersection with Shady Grove Road & I370.

Menu: Appetizer, Roast Chicken, Beef Chow Foon, Chinese Broccoli with Oyster Sauce, Fried Tofu with Vegetables, Twice-cooked Pork, Singapore Noodles, Fried Rice, Steamed Fish Cantonese Style, Orange Wedges, wine and sodas. Cash bar.

Please cut off and fill in this stub. Mail with a check payable to the Montgomery County Civic Federation to: Ms Luella Mast
MCCF Treasurer, 809 Hobbs Dr., Colesville, MD 20904

I/We will attend the banquet

Name

Association or Organization (if applicable)

Name

Federation Meeting

Monday, May 8
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 Meeting Agenda
7:56 Approval of Minutes and Treasurer's Report
8:00 Program: The People's Counsel
9:00 Committee Reports
9:35 Member Issues
9:40 Old Business
9:50 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 September through June 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 May 20.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to e-mail, and send it to 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.

NEXT EXECUTIVE COMMITTEE MEETING

Tuesday 16 May, 7:45 p.m.

Location TBA

Please check Web site!

MONTGOMERY COUNTY CIVIC FEDERATION

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