



Civic Federation News

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Montgomery County Civic
Federation

www.montgomerycivic.org
montgomerycivic@yahoo.com

Peggy Dennis, Editor - Phone: 301-983-9738 - Email: hotyakker@gmail.com
Recipients of the electronic version are encouraged to forward it widely

October Program: Our County Government's Regional Offices

By Peggy Dennis, President

The program for our November 14 meeting will focus on our five Regional Offices that provide a local presence for Montgomery County Government. We will have with us the Directors of four regional offices: Catherine Matthews from the Upcounty Region; Ken Hartman from the Bethesda/Chevy Chase (western) Region; Miti Figueredo, new Director of the East County Region; and Ana Lopez van Balen, new Director of the Mid-County Region. Victor Salazar will represent the Silver Spring Region as the director, Reemberto Rodriguez, will be meeting with the Silver Spring Citizens Advisory Board at the same time.

Our guests will cover the range of services provided by them and the regional services centers, the similarities and differences between the centers, what they can do for residents of the county, the role of the regional Citizens Advisory Boards (CAB), and why it is important to have strong, vibrant neighborhood associations working in tandem with the regional directors. Please spread the word among your neighbors and members of your local associations and encourage many residents to attend the meeting, learn more about this aspect of our county government and, as always, ask the questions you've always wanted to get answers to.

Spread the Word – Share the Newsletter

By Peggy Dennis, Newsletter Editor

Share the newsletter! We ask our delegates and associate members to forward the electronic newsletter to all their members and others who might want to know more about what's going on in the county, the issues we're covering, and the actions we're hoping many residents will take. Please – be proactive and take a few clicks to help spread the word

November Community Hero: Neighborhood Montgomery

By Ann McDonald, Member-at-Large

Our Community Hero Award will be presented at our monthly meeting on Monday, November 14, to "Neighborhood Montgomery", a true grass-roots citizens' organization that sprang up in response to re-zoning threats to the County's residential communities:

First, the Montgomery County Planning Board began rewriting the entire County zoning code, as requested by the County Council. The original idea was to simplify and reorganize the current code, but County planners also began separately revising current residential, commercial, and mixed-use zones with little citizen input. This process continues. In March 2010, the County Council enacted a new, wide-ranging set of Commercial/Residential (CR) mixed-use zones that it first applied in White Flint for large-scale, high-density urban redevelopment. In early 2011, the Council enacted an updated County Housing Element to the General Plan that weakened long-standing policy protections for established residential communities affected by development. When it became clear that White Flint's new CR zone would not work for planning areas like Kensington and Takoma-Langley, the Planning Board proposed two new CR zones, (CRT or CR-Town; and CRN for CR-Neighborhood), for locations near or next to existing residential communities. The new CR zones had many undesirable aspects, e.g. allowing much taller buildings next to or near residential communities, reducing meaningful public participation in planning, and threatening the master plan process.

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We were all extremely fortunate that dedicated citizens, largely from the MCCF and communities in the down-county area, tracked these developments closely; and worked actively to counter measures that threatened residential communities. However, so many alarming zoning changes and issues were arising all at once that more citizens needed to understand the impacts, and become involved right away in protecting their residential neighborhoods.

In April, 2011, concerned citizens formed Neighborhood Montgomery, a “neighborhood network for sensible growth.” The group’s message is sustainability, affordability, and quality of life for all of our neighborhoods. The group aims to give as many citizens as possible the information and resources they need to make their voices heard, and to fight effectively against zoning changes that could negatively impact their communities

The County Council’s Planning, Housing and Economic Development (PHED) Committee was scheduled to review the proposed new CRN and CRT zones in May, and there was pressure for fast approval for the upcoming Master/Sector Plans. So, Neighborhood Montgomery had to move fast. Members with years of zoning experience held information meetings for 20-25 community groups all over the County. Most of these meetings were led by Meredith Wellington -- an attorney and former Planning Board member -- along with zoning whizzes Julie Davis, Pat Baptiste, and Jenny Sue Dunner. They generously donated their own time to go out and speak to citizens whenever and wherever they could, giving citizens a crash course in zoning law; as well as advice on how to persuade County decision-makers to balance neighborhoods’ wellbeing against developer interests. Those who attended the meetings, in turn, informed their own communities. By this means, hundreds of residents were reached effectively in a very short time.

Other members set up Neighborhood Montgomery’s Facebook page, a Google group web site, and email list, so any resident who signed up could receive frequent updates drafted by Meredith Wellington on what the Council was doing. Neighborhood Montgomery members also transmitted these memos to their communities, and urged residents to send their own thoughts to the Council. The effectiveness of this outreach became apparent when some Councilmembers mentioned getting an unprecedented flood of emails from constituents on re-zoning issues.

At the same time, Neighborhood Montgomery leadership sent detailed “issue letters” to the Council on specific aspects of the proposed new zones; and they met with members of the Council and the PHED Committee repeatedly, to make sure that the interests

of residential neighborhoods were kept at the forefront. In response to such intense public interest, the Council’s PHED Committee held an unusually high number (9) of work sessions, all of which were heavily attended by concerned citizens.

Neighborhood Montgomery won a few and lost a few as the final zoning changes were adopted. But very importantly, the existing requirement remained intact: that in order for the new zones to be applied to your neighborhood, the zone must be recommended in an approved Master or Sector Plan. This protects citizens’ active role in development planning that affects their communities.

The fight isn’t over. The Planning Board is going to issue proposed revisions to the residential zoning code next, and there is still much uncertainty about the continued viability of master and sector plans. So there will be much more work for Neighborhood Montgomery to do to make sure citizens’ voices are heard loud and clear.

Please come and cheer on Meredith Wellington who will be accepting the award on behalf of the entire Neighborhood Montgomery group. The award recognizes the dedication and effort of citizens who are giving their own time and energy to inform and mobilize citizens, so residential neighborhoods will be protected, as Montgomery County grows and develops.

Take a Sunday Drive with a Purpose: Save Emory Church Road & Our Master Plans

By David Reile & Matt Zaborsky, from SEROCA & GOCA

Olney Residents need your help this coming Sunday, October 30! We are demonstrating traffic congestion on Emory Church Road to showcase the problems that building a 46,500 square foot, two story complex with seating for 800 and parking for 200 will have on a semi-rural, one-lane, dead-end road. We are also highlighting the attacks on our Master Plans.

Cars will assemble in the Olney Swim Center Parking lot off Emory Lane at 10:30am. We will then exit Emory Lane, turning right onto Georgia Avenue and then turning right onto Emory Church Road. We will drive down to Norbrook Drive (the small dead-end road that intersects with the end of Emory Church Road). Once we have reassembled, we will head back up Emory Church Road and film cars as we exit onto Georgia Avenue.

Please share this invitation with you family, friends, and neighbors. As a way of saying "Thank You" for participating, a drawing will be held with the names of

all drivers who attend. Three prizes will be given away - gift certificates to Amazon.com - one in the amount of \$50 and two for \$25 each.

Thank you very, very much!

MCCF to Vote on Two Public Safety Bills

By Peggy Dennis, President

Our October meeting brought Montgomery County Police Chief Thomas Manger, Councilmember Phil Andrews, and Dr. David Wilson, a specialist in criminology from George Mason University to discuss the merits and problems with Bill 25-11, the proposed Teen Curfew law. The debate was lively, but it seemed clear that there is no clear consensus to support or oppose this measure.

On October 25, Councilmember Andrews introduced another measure: Bill 35-11 to prohibit "Loitering or Prowling". I encourage you to read the full bill and accompanying documents:

<http://tinyurl.com/loiteringbill>.

In his memo to the Council, Andrews explained his reasoning for the new bill. "A far better approach than a youth curfew to address the behavior that the Executive Branch wants to address --behavior that can occur anytime by people of any age --would be a law prohibiting loitering and prowling modeled after a long-standing and recently upheld state law in Florida. Unlike a youth curfew, a loitering and prowling law wouldn't discriminate based on age, wouldn't be limited to late-night hours when a small percentage of youth crime and overall crime occurs, and would target criminally suspicious behavior by anyone, rather than making it illegal (with exceptions) for certain people (youth) to be out in public after certain hours. Loitering laws can be drafted to withstand a court challenge. In fact, the Florida law prohibiting loitering/prowling recently withstood one. The draft law would enable police to take action if the person moved along but continued the suspicious behavior while lingering in a public place, including any place to which the public has access, including a street. The Class B violations proposed in the law can be civil (\$100 for first offense) or criminal, as circumstances warrant.

It is encouraging that crime by youth in our County has steadily declined since 2007, from 3,844 that year to 3,104 incidents in 2010. Gang-related incidents declined by 50% from 2008 to 2010, and youth arrests during the proposed curfew declined 18% from 2009 to 2010 (while increasing significantly during non-curfew hours). In addition, since the Council approved additional police officers for the Third District --a proven approach to reducing crime --

robberies and aggravated assaults have declined dramatically in the Silver Spring Central Business District from an average of six per month to an average of 1.5 this August and September, as have robberies and residential burglaries in the Rt. 29 corridor (the Ida sector). Credit is due to the fine work done by County police, as well as to County and non-profit personnel who administer and run our positive youth development programs. But more needs to be done to prevent and suppress crime, including expanding organized activities for youth, helping youth get out of gangs, and increasing police presence in targeted areas.

A public hearing on Bill 35-11 is tentatively scheduled for November 15 at 7:30 p.m. I would like the MCCF to have a clear position on this bill for testimony at the hearing. Please be prepared to vote on the following resolution:

Be it resolved that the Montgomery County Civic Federation supports Bill 35-11 - Offenses Loitering or Prowling.

Bill 25-11 is still undergoing amendments. It will be back before the Public Safety Committee on November 3 at 9:30 a.m. and can be watched on County Cable Montgomery TV. You can also read up on its status at: <http://tinyurl.com/curfewstatus>.

Acting on the request of one of our member associations and with the approval of the Executive Committee, I had testified in July in support of the bill but outlined our reservations and qualifications. Should the bill continue out of the Public Safety Committee and go to the full Council for a vote, I would like the MCCF to have a clear position in support of or in opposition to the bill, so please study up and be prepared to vote on each of the following Resolutions:

Be it resolved that the Montgomery County Civic Federation supports Bill – 25-11 – Offenses – Curfew.

Be it resolved that the Montgomery County Civic Federation opposes Bill – 25-11 – Offenses – Curfew.

Roadside Solicitations

By Dan Wilhelm, Legislative Chair

If you recall, MCCF members voted in March to support a state bill that would have given the Council the authority to pass a law to require individuals and groups to obtain a permit to solicit donations from a median divider or sidewalk adjacent to a roadway. At that meeting, a majority of our delegates wanted a complete ban but we decided to support the proposed legislation as an improvement over not having any regulation. After our vote the Council requested that the bill be modified to also give them the authority to

completely ban roadside solicitations. The County Executive opposed a complete ban as did the career firefighter union, which wanted to be able to continue their annual “Fill the Boot” campaign. Councilmember Phil Andrews, representing the Council, pressed the Montgomery County State Delegation for the modification. MCCF supported the modification based upon the sentiment expressed by the delegates at the March meeting. In the end, the bill was withdrawn for the 2011 session.

At the April meeting, MCCF members voted to support County Bill 12-11 which would have banned county employees from standing in a roadway, median divider, or intersection to solicit money or donations while on duty. Under existing Executive Regulations, the County Fire and Rescue employees could still solicit while on-duty at other locations such as shopping centers. The bill would not affect what the firefighters did while on their own time. In July, the Council deferred action on the Bill based upon assurances from the Fire Chief that he would issue instructions that the fireman could not be in the street, while they were on duty. Many of us saw many firemen in the street during this summer’s Fill-the-Boot campaign. The Chief contends they were not on duty; but we question how that could be proved. In any case, having anybody walk in the street to solicit for donations is a serious safety issue - both for those in the street and for motorists.

As the 2012 legislative session gets underway, Bill MC10-12 has been introduced to the County Delegation by Delegate Anne Kaiser to give the Council the authority to enact a roadside solicitation permit system. We have been assured that another bill will be introduced by Delegate Aruna Miller to give the Council the authority to enact a total ban. The Montgomery County delegation will hold a hearing on bills local to Montgomery County including these two bills on December 5. In order to clarify MCCF’s position on this matter, the following resolution is proposed:

Be it resolved that the Montgomery County Civic Federation supports state legislation giving Montgomery County the authority to enact a law that would either ban roadside solicitation or implement a permit system limiting it. MCCF strongly prefers a complete ban. MCCF urges the Council to enact a law, once they have the authority, to ban or limit roadside solicitation.

FYI - Town hall forum on Maryland offshore wind power

From League of Women Voters

(MCCF has no position on this issue)

Thursday, November 3, Mid County Community Center, 2004 Queensguard Road, Silver Spring

6-7 pm business exposition & tables

7-9 p.m. panel discussion with Q&A featuring State Delegate Ben Kramer, health, economic, and environmental experts

Learn and speak out on an energy proposal that could affect your energy costs, impact local jobs, affect local air quality

Presented by Mont. Co Department of Economic Development

RSVP: WWW.MARYLANDOFFSHOREWIND.ORG

Redistricting 101

By Dan Wilhelm, Legislation Co-Chair

Most of us are aware that electoral redistricting is occurring but are unsure of the specifics of the process. All citizens within the county vote for certain elected officials--the County Executive, the four At Large County Council members, all seven members of the School Board, the state Governor, Lieutenant Governor, Attorney General and Comptroller, U.S. Representative and Senators, the President and Vice President.

There are three sets of officials that represent specific areas or districts in which they must live, and who are elected only by the voters living within the boundaries of those districts. These officials are:

- (1) The five County Council members elected from Councilmanic districts;
- (2) Senators and Delegates elected to the state General Assembly; and
- (3) Representatives to the U.S. Congress.

The Montgomery County Board of Education (BOE) is a bit puzzling. Two of the seven members serve “At Large” and represent the entire county. The other five are elected to represent the five districts, and each must live within that district. All citizens within the county can vote for all seven members of the Board.

The boundaries of the four sets of districts--the U.S. House of Representatives, state General Assembly, County Council, and School Board--must be redrawn after each 10 year census to ensure that each official is representing a substantially equal number of

citizens. There is a different process for approving changes to the boundaries for each of the four sets of districts.

For the five county Councilmanic districts, the County Council normally makes the decision about the new boundaries. The Council appointed a redistricting commission on January 18, 2011. The commission report was presented to the Council on October 4 and there will be a public hearing on November 1, at 1:30 p.m. The Council can accept the proposed boundaries or modify them. If the Council fails to take any action within 90 days of receiving the commission report, the proposed boundaries automatically become law. The council staff report and commission report can be found at: <http://tinyurl.com/redistrpt>

For the Board of Education, the BOE develops and recommends boundary changes to the Maryland General Assembly, which makes the final decision. The BOE made its recommendation on August 24. The Montgomery County delegation (8 senators and 24 delegates) held a public hearing on September 15 and the General Assembly acted on it during the special session that started on October 17. Details can be found at:

<http://www.montgomeryschoolsmd.org/boe/about/redistricting.aspx>

For state legislative redistricting, the Governor is responsible for drafting plans and submitting the new maps to the General Assembly. In early July, the Governor appointed a Governor's Redistricting Advisory Committee (GRAC) to carry out this task. Once the Governor submits a plan (on first day of the session in January), house and senate chamber leadership must introduce the plan as a joint resolution. The General Assembly may then adopt the plan or pass another. If a plan is not adopted by the 45th day of the session, the Governor's plan becomes law.

For the U.S. Congressional House districts, the GRAC developed two different maps. The public had a brief period during which they could comment. After the comment period, a single plan was proposed and the General Assembly approved it during the special session that started October 17.

Forest Conservation/Tree Canopy Bill

By Ginny Barnes, Environment Chair

After receiving comments through DEP Director Hoyt, the County Executive has indicated a willingness to uncouple his tree canopy proposal from the Forest Conservation Law since the two parts are to be administered by two separate agencies. Forest

Conservation is the responsibility of MNCPPC, but the tree canopy portion will come under DPS, using the Sediment Control staff already in place. There is no intent to hire any new staff tree expert such as an arborist and the review process will be a desktop operation with no staff going out in the field to examine trees on lots less than 40,000 sq. ft. The proposal still imposes a fee for canopy loss (as yet undetermined) as the only deterrent to removing trees from smaller lots. It has taken nearly 3 years for DEP to bring us this far and there is still no target date for the Bill to be sent to the County Council.

Council Remands Chelsea School Site Rezoning

by Jim Humphrey, Planning & Land Use Committee Chairman

By way of background, the development company EYA made application for rezoning of the Chelsea School site at 630 Ellsworth Avenue, Silver Spring. The school has stated its intention to relocate and has entered into a contract to sell the site to EYA. The site is currently zoned in the R-60 Zone (6,000 square foot lots--6 dwelling units to the acre). EYA is seeking rezoning to the RT-15 townhouse zone (15 dwelling units to the acre), in order to construct 76 townhouses adjacent to the Riggs-Thompson House, a historic resource located on the site.

The Seven Oaks-Evanswood Citizens Association asked the Federation's help and support in opposing the rezoning application. And at their April 20, 2011 meeting, the MCCF Executive Committee, by unanimous vote, agreed to oppose the rezoning. The vote was supported by a Federation position of record in support of adherence to county master plans, since the 2000 North and West Silver Spring Master Plan did not recommend RT townhouse zoning for the site.

The Planning Board considered the rezoning request during their May 19 session this year. MCCF provided testimony in opposition--not to townhouses on the site (which are allowed in the R-60 Zone), but to the density of units that could be built under the requested RT zoning. By a 4 to 1 vote the Board decided to recommend the County Council approve EYA's rezoning request with conditions. The case then moved to the Office of Zoning and Administrative Hearings.

The Hearing Examiner (HE) heard testimony stretching over five days, from end of May until mid-July. The Federation's testimony to the Planning Board was entered into the record, and I also testified before the HE as an individual opposing the rezoning. The HE recommended that the Council remand the case back to them, to allow EYA the opportunity to

redesign the project to address several factors outlined in their report.

On October 18 of this year, the Council heard Oral Arguments in the case and agreed with the Hearing Examiner's recommendation, on a 5 to 4 vote. In its formal resolution, the Council found that the rezoning application "does not satisfy the requirements of the RT-15 Zone and its purpose clause", that as designed the project is "incompatible with land uses in the surrounding area" and "is not sufficiently related to the public interest to justify its approval."

The case is now remanded back to the HE in order to revise the project design "to have less density and more breaks in the massing" and "to take further evidence regarding the size of the environmental setting for the historic resource", the Riggs-Thompson House. Copies of the Council's resolution as well as testimony submitted by me and MCCF in the case are available on the Federation website, on the Current Issues page for the Planning and Land Use Committee. As is true of all rezoning cases, this is an ex parte issue on which communication with Council members is prohibited by state law.

Governance—a Lost or Forgotten Function of County Governing?

By Charles Lapinski, Public Finance Committee Chairman

The first known use of the term "governance" dates to the 14th century, according to Merriam Webster's Dictionary and Lexicon. The term has more power and effect than one or two of its synonyms, i.e. governing and government. There is a relationship between them and the other recognized synonyms (i.e., administration, authority, rule, jurisdiction, and the obsolete moral conduct or behavior). Governance incorporates all of the effects of these synonyms. It is more than they are individually and as a composite of their meanings and effects. It also encompasses "the act or process of governing", and specifically the exercise of the granted power of "authoritative direction or control." It is an ongoing and evolving active exercise of the "responsibilities and authorities" that is granted in our case by the citizens of our County through our Charter. Our Charter provides for a very strong and powerful Council. For a document of its type, the powers and authorities of the Council are fairly well defined and counter-balanced by the powers and authorities granted to the Office of the County Executive and its citizens.

So why is this exercise of defining the effects and limits of governance so important? I felt it and saw it in action, at least a little bit, and probably more as the

Council parsed through the thorny issues last spring: lack of revenues; balance of power between county governing versus distinguishing union rights and responsibilities; balance in bargaining; fair and equitable balance between taxing taxpayers and the costs of government including the effects on all categories of labor across all departments, boards and commissions; and, the seemingly impossible demands placed on it from the state through such mandated mechanisms as "maintenance of effort" and perhaps the unintended but extreme legislative consequences of the Thornton Commission. As a result we had a county funded government (including Park and Planning Commission, MC Board of Education and Montgomery College) that rapidly became, over the last 4-5 five budget years in particular, economically unaffordable and unsustainable.

So, what did it take for the Council, and to a lesser extent the Executive, to individually and collectively realize that maybe their actions and decisions (and in many cases essentially the lack thereof) had rapidly become part of the problem. In a very significant way the causative event was the financial equivalent "of the 100 year storm": the current severe and prolonged economic recession. The recession and the (at best) slow recovery have reshaped the state's and the county's economic maps. According to data from the US Bureau of Labor Statistics, the state's unemployment rate was 3.6% in December 2007. In June 2009 and August 2011 the rate was 7.3%, with a peak of nearly 8.5%. The County fared a little better with current unemployment rate estimated in the range of 6.7%, but a stubbornly high under-employment rate estimated at 2-3 times that rate, or approximately 15-20%. This much larger labor segment is a significant part of the private sector labor force which is the principal funding source for all County funded government through various taxes and fees which were all raised, sometimes several times over the same timeframe.

The following summary is my attempt at highlighting some key points resulting from a lengthy, sensitive and thoughtful discussion with Councilman Phil Andrews on how the Council came together and, as I put it, put the "governance" back into governing by carefully exercising the authorities and responsibilities granted to it in the County Charter:

- There was the collective realization that there was a lack of significant revenues and sources (in addition to budget cuts, virtually every tax and fee had already been raised, some several times over the preceding 2-3 years) with which to balance this and future budgets. It would take significant structural changes in the budget, and/or a really major tax increase that the private sector and labor could ill-afford and not tolerate.

- The Council also recognized that its actions were severely restricted by various state mandates such as the schools “maintenance of effort” requirement. Requesting waivers was a source of insufficient economic relief given the gaps that had to be closed. Prior budgets protected the schools budgets (they experienced only some very small cuts) at the expense of the rest of the County government’s budget, which experienced huge cuts in budget and services (e.g., the libraries were cut over 40%, and they are considered a compliment to the county school system).
- There were some significant differences in health and retirement benefits among the various public employee union contracts, all of which provided higher benefits than those of the private sector and even the federal government employees.

Conclusion: here has been a power imbalance between the union negotiated contracts and the Executive branch of County government, particularly on key governing issues. The findings of the county’s Organizational Reform Commission (ORC) confirmed the effects of all these issues on the County’s ability to effectively govern. In its report issued last winter, the ORC said that the current situation was economically unaffordable and unsustainable, particularly over the long term, even if there should be a significant improvement in the economy. Court cases filed by the various unions generally upheld the Council’s authorities to prudently fund government, even if it means abrogating some conditions of the contracts with the unions. Here’s hoping that this and future County Councils and County Executives will practice more active governance, and will only agree to contracts that are fair and equitable to both parties, and affordable in the near and long term.

Real “governance” is on-going and must be practiced continuously, and should not be practiced only when the perfect economic storm hits us. This past year had its painful moments, but the Council in particular and the Exec demonstrated sensitivity to the delicate situation. “Kicking the can down the road” as a method of governing which we relied on for too long, just does not work over the long term. A continuing lesson of history, and economic history in particular, is “the economy (and economics) will do for you, that which you would not do for yourself, but often with seemingly cruel effects.”

The Council and the Exec do have the authorities and responsibilities granted them in the Charter to practice fair and equitable governance. Let’s us hope they exercise them continuously and judiciously in the future.

Walmart on Rockville Pike? by Paula Bienenfeld

JBGR Developers have proposed construction of a Walmart on the Rockville Pike, at the Pike Center strip mall, on the northeast corner of Bou Avenue and Rockville Pike. According to recent articles in the Washington Post, the Gazette, and the Greater, Greater Washington blog, the proposal would be for a store of approximately 80,000 square feet. In addition, so far approximately 200 to 250 residential units will be proposed. The proposal has not yet come before the Planning Board. The property is located in what will be designated as the White Flint II Sector Plan area. According to the Gazette article, “...the new store will replace the largest portion of the shopping center, a strip of stores that includes a clothing store and a Cici’s Pizza restaurant. The Jared jewelry store, TGI Friday’s restaurant, and M&T Bank at Pike Center will remain...” The strip mall also includes Bagel City, a favorite in our neighborhood.

This proposal could come before the Planning Board in November. As part of addressing the “big box” issue, Councilmember Ervin along with 4 co-sponsors have proposed a bill, at <http://tinyurl.com/bigboxissue>, which would require a Community Benefits Agreement for big box stores and surrounding civic associations.

Carryout Bag Law By Peggy Dennis, President

MCCF is helping to get out the word on the county’s new Carryout Bag Law. Starting January 1, all retail establishments in Montgomery County that sell goods and provide their customers a carryout bag (either paper or plastic) will be required to charge 5 cents per bag. Retail establishments include all stores, permanent booths, service stations, grocery stores, department stores, specialty goods sellers, convenience stores, restaurants and others.

Montgomery County’s new Carryout Bag Law is designed to improve our environment by cutting down on plastic bags—a significant source of litter—which pollute our streets, streams, and playgrounds, and harm property values. A similar program has been in effect in Washington DC for the past 18 months and has already reduced plastic bag litter that clogs the rivers and streams in Washington DC by an estimated 65 percent. Proceeds from the Carryout Bag Law go exclusively to programs that fight litter and provide stormwater pollution control in Montgomery County.

Residents can avoid the charge for carryout bags by bringing their own reusable bags to carry purchases out of the store. The 5-cent charge also applies to purchases made over the phone/Internet/fax, or at a

self-checkout counter, if you are using store-provided carryout bags. Some bags are exempt from the Carryout Bag Law. Examples include bags used to package bulk or perishable items, prescription drugs, as well as paper bags from restaurants and delis for customers to carry out prepared or left-over food. For More Information visit montgomerycountymd.gov/bag

New State Road Signage Law From Catherine Matthews, Up-County RSC

New laws regulating signs placed or posted along State roads took effect October 1, 2011 and the Maryland State Highway Administration (SHA) will start issuing fines for illegally placed signs along state roads and highways beginning January 1, 2012. Companies will have a grace period of three months (October 1 - December 31, 2011) to remove all commercial signs from the medians and right-of-way areas or face a \$25 fine per sign. As part of the public awareness campaign, the State will post stickers on illegal signs during the grace period warning businesses to remove the signs before January 1 when the fines go into effect. See the frequently asked questions about the new laws: <http://www.roads.maryland.gov/pages/faqs.aspx?CatId=0&QId=27>

Correction on Membership Directory By Peggy Dennis, President

The October newsletter discussed the creation of our new Membership Directory to be available to members only on the MCCF website. As soon as this new feature of the website is up and running, you will be notified by email and provided with the password. When the password is changed, it will be distributed via email. There will be a single password for all members. In the meantime, if anyone wants to “opt out” of the Membership Directory, please do not contact Jim Humphrey. All changes – corrections, inclusions or deletions – should be sent to Dan Wilhelm at djwilhelm@verizon.net.

Minutes of the October 10 Meeting

By Sue Schumacher, Secretary

Call to Order: President Peggy Dennis called the meeting to order at 7:45 pm with introductions all around.

Agenda was approved with one correction: the program would begin at 8pm not 9pm.

Announcements: Jim Humphrey announced that MCCF has a column available to it in the Sentinel. Committee Chairs etc., could write 800-1,000 word columns.

The Montgomery County Tax Payers program on December 16 is a debate between Fairfax County and Montgomery County. It will be moderated by the Montgomery County League of Women Voters.

Minutes of the September 12 meeting: it was moved and seconded to approve the minutes as printed in the October newsletter. The minutes were duly approved.

Program : Current Issues in Public Safety. Jim Zepp, Chair of the Public Safety Committee introduced the panel participants, Tom Manger, Chief of Police, Montgomery County and Dr. David Wilson, Chair of the Criminology, Law and Society Department, George Mason University. The main topic of discussion was Bill 25-11, the proposed Teen Curfew Law. Chief Manger started the program by saying that, at first he was against a curfew, until the July incident in Silver Spring where there was a gang fight by DC teens who came to Montgomery County, because both DC and Prince Georges County both have curfews. In addition, he mentioned the Germantown 7-11 incident at where a large group invaded and overwhelmed the store with a mass shop lifting. The Chief was swayed also by the fact that it would be a civil violation, not a criminal violation.

Professor Wilson reported on his research on juvenile curfews and crime reduction. He explained that he and his graduate students reviewed studies that provided meaningful data on juvenile crime and curfews. They could find only 8 relevant studies. His conclusion after all this is that curfews do not reduce juvenile crime. One of the main reasons is that most juveniles that do commit crimes do so before curfews begin. He did add that most mayors and most Chiefs of Police like curfews.

County Councilman Phil Andrews next spoke. He said that he is against youth curfews. He is for a targeted approach, and supports using other laws that are currently on the books

Chief Manger next introduced Lt. Patil, head of the County's Gang Unit. Lt. Patil explained that the Gang

Unit is divided into two segments—north county and south county. In addition, the south county segment has an FBI agent liaison as well as an AFT liaison. There are currently between 30-37 gangs in the county. This is a 1,300 percent increase in neighborhood gangs. A major reason for the increase is the urbanization of the county.

The panel touched briefly on the Neighborhood Watch Program, and Chief Manger said there is no down side to Neighborhood Watch.

Committee Reports

State Legislation/CFM: Dan Wilhelm, co- Chair, reported that there has been a 9 month extension on Congressional Transportation funding. In addition, he announced that there will be a State Special Session beginning on October 17 that will look at the Congressional Redistricting Plan.

Parks: Carol Ann Barth reported on the long-range planning of the Department of Parks (2010-2030). The Department is looking at large mega-centers that would include both rec centers and senior centers. She also mentioned the County-wide Recreational Advisory Board.

Planning and Land Use: Jim Humphrey reported that the Planning Board is to report to the County Council and that the Council is set to approve the CR mixed-use zones on October 11. He mentioned as it now reads every mixed use building must be at least 40 feet tall. This is of special significance since the CR Neighborhood zoning is to be transitional buffer between residential and commercial. In addition, as it currently reads, the new Kensington Master Plan will allow buildings taller than 45 feet next to R60 zoning.

Old Business/New Business: Al Geske brought up that in the local redistricting, the town of Kensington will be broken up into three different councilmanic districts. Kensington is not happy!

Meeting Adjourned at 9:45p.m.

Minutes of October 20 Executive Committee Meeting

By Sue Schumacher, Secretary

Call to order at 7:45 by President Dennis at the home of Sandy Vogelgesang. Attendees: Peggy Dennis, Bill Schrader, Sue Schumacher, Ann McDonald, Virginia Sheard, Dan Wilhelm, Jim Humphrey, Jim Zepp, Paula Bienenfeld, Sandy Voegelgesang, and Carol Ann Barth. The agenda for the meeting was approved.

Minutes: The September Excomm minutes were approved.

Treasurer's Report: Bill Schrader reported that 55 members have paid to date. He indicated that at least one individual/group has paid twice and that the 2nd payment will be counted in 2012.

Programs: President Dennis is in charge of the November meeting on the Regional Service Centers. Four directors will be present and a representative from Silver Spring, because our meeting date is when the Silver Spring Citizens Advisory Board meets at that Regional Service Center.

December meeting: Transit Task Force & the BRT report will not be timely for December; ditto for Zoning Code Rewrite and ZAP group, also Forest Conservation Law. Peggy will see if the new County Inspector General will be able to be our program presenter for December. Failing that, maybe Economic Development with Steve Silverman, Nancy Floreen and Marc Elrich. Also suggested for future programs are Schools and Cell Phone Towers; the Artificial Turf Playing Fields issue. The decision was to invite the Inspector General.

Community Hero: November's hero will be Neighborhood Montgomery with Ann McDonald organizing. Discussion next went to October's Hero Marvin Weinman, the former Public Finance Chair, who was not present to receive his award at the meeting. It was suggested that if Mr. Weinman is present he will be recognized and given his award. Otherwise he will be honored at December meeting.

Discussion Topics:

1. In discussing the Teen Curfew proposed law, President Dennis stressed that we need to understand what the major components of the bill are, the County Executive's amendments; what Phil Andrews plans on proposing and very importantly it must have a sunset provision, before MCCF takes a position.
2. On the competing "Road Side Solicitation" Bills, 10-12 allowing permits for median strips or sidewalks and the second bill that would ban such solicitation outright. MCCF would support the outright ban.
3. On MC 9-12 which will give the student member of the MCBOE a vote on all issues including monetary issues such as collective bargaining, which is not permitted now. Paula Bienenfeld suggested the MCCF oppose this since the student member is voted for only by the students not the tax payers.
4. CCF has been asked by the Maryland League of Women Voters to co-sponsor the November 3rd Town Hall Forum on offshore wind energy generation. It was decided that

this can be done as long as our commitment is limited to publicity in the newsletter.

5. MCCF will also partner with the County Executive (in limited fashion) to include in the newsletter information about the new bag law which goes into effect January 1, 2012
6. As for the Public Hearing Officers appointed by the County Executive holding hearings on issues within purview of the Executive Branch, MCCF will take no action since this is authorized in the law.

Date For Next Excomm Meeting: Thursday, November 17 at Paula Bienenfeld, 6018 Tilden Lane, Rockville, Maryland.

Committee Reports

Education: Paula Bienenfeld reported that the Artificial Turf Report is out and that a letter was sent to the state's Open Meetings Compliance Board on the possible violation of the Open Meetings Act in the preparation of this report and the formation of the 'work group'. Paula sent the letter as an individual, and not as a representative of the Civic Fed. She indicated that Howard County is using money coming from the Alcohol Tax to buy artificial turf for its athletic fields. (NOTE: since the meeting she has found out that the Howard County BOE has decided not to spend the money on artificial turf.) In addition she mentioned that the Pearson Foundation, which holds a contract with MCPS, has been paying for school officials around the country to go on "junkets". It is not known if anyone from Maryland or Montgomery County went on these trips. A New York Times reporter, Michael Winerip, is working on this story. As for the Farquhar Middle School construction and possible 'land swap', Paula announced that the Parks Department does not own the property; Pulte, the developers, still own the property. Lastly, she brought up the fact that State law specifically limits Montgomery County to only 7 Board of Education (BOE) members, whereas all the other counties in the State with over 100,000 students have 9 BOE members.

Planning/Land Use: Jim Humphrey reported that ZTA 11-01, CR Zone amendment was approved by the County Council (8-1, Elrich voting no) on October 11. In addition, he indicated that Councilmember Nancy Floreen introduced amendments to this ZTA that eliminated certain safeguards for properties next to CR Neighborhood projects, if the agricultural or residential zoned property is "improved with a commercial, industrial or utility use" and it was passed unanimously. Jim reported also on Bill 22-09 (pending from a previous council) which addresses appeal rights for Notice of Violation and Stop Work Order on building construction. The Council approved the bill,

with committee amendments, on October 18. On the subject of the rezoning of the Chelsea School in Silver Spring where EYA want to build townhouses (current zoning is R-60) on October 18 Council remanded back to the Hearing Examiner for project redesign.

Parks and Recreation: Carol Ann Barth reported that the County is moving toward more regional recreation centers and away from neighborhood-scale facilities. These new buildings are supposed to cover more than an acre of ground. In addition, there would be parking for 200 cars. The proposed pace for developing these centers (one every 5-6 years) is extremely ambitious. Such an aggressive capital investment plan in an era of massive structural budget deficits and contracting agency resources hardly seems sustainable.

Public Safety: Jim Zepp reported that Councilman Phil Andrews wants to improve the County's crime analysis capacity, but resources are limited. Currently it is 15 minutes to a crime scene for Alexandria Virginia. In addition, Jim reported that Baltimore County is receiving funds from the National Highway Safety Board to work on crime and auto accident incidents.

Public Finance: Chuck Lapinski reported in via phone from the Tax Payer League meeting that the gasoline tax suggested by the Governor will bring in \$1-2\$ billion a year to the State Transportation Trust Fund. He also reported on Fairfax County Development versus Montgomery County Development. He indicated that Fairfax County is much more pro-development and pro-jobs. In the case of Northrop-Grumman, the Governor of Virginia called Northrop-Grumman everyday whereas Maryland's Governor called perhaps three times.

State Legislation/CFM: Dan Wilhelm reported that a proposed fifteen cent gasoline tax will be phased in over three years and is needed to fund the Transportation Trust Fund. Rapid Bus Transit studies are on going. The full task force meets every other week. Studies have started on the economic benefit of the transit and on identifying where additional lanes can be built and their cost. Funds for the two studies are coming from the Rockefeller Foundation. Dan indicated that the Montgomery County delegation will hold a hearing on bills local to Montgomery County on December 5th, which would include the Roadside Solicitation bills. On December 7th there will be a hearing dealing with joint Montgomery County/Prince Georges County bills, mainly the WSSC and Planning Commission.

Old Business/New Business: None

Newsletter Assignments: Were made

Adjournment: 9:45

Montgomery County Civic Federation

Serving the County since 1925

MEMBERSHIP APPLICATION OR RENEWAL

July 1, 2011 through June 30, 2012

Mail to: William H. Schrader (Treasurer)
12824 Middlevale Lane, Silver Spring, MD 20906
301-946-6545; schraderw@erols.com

Inquiries: Dan Wilhelm (Database)
904 Cannon Road, Colesville, MD 20904
301-384-2968; djwilhelm@verizon.net

Name of Organization/Individual _____ Date _____

Number of Households (Approx) _____ Annual Dues (see below) \$ _____
(Make checks payable to **Montgomery County Civic Federation**)

Membership Type	Number of Households	PLEASE CHECK	DUES	Max Number of Delegates	Voting Privileges
Local Association (civic, community, homeowner or municipality. Must represent at least 10 households - not paid members. Cannot be a single local issue group.)	10 to 50		\$25*	1	Yes
	51 to 300		\$45*	2	
	301 to 600		\$65*	3	
	601+		\$85*	4	
Umbrella Association (Two or more local associations. Cannot be single local issue group.)	60 to 500		\$45*	2	Yes
	501 to 1000		\$65*	3	
	1001+		\$85*	4	
Regional or County-Wide Organization (environmental, transportation, or other civic/community)	50+ memberships, not households		\$45*	2	Yes
Individual Associate	(not applicable)		\$20*	1	No
Associate Group (Gov't agency, business, or other organization)	(not applicable)		\$85*	2	No

***A \$5 discount may be taken for each person who elects to receive the newsletter via email – please check e-mail box below.** Organizations can also select less than the allowed number of delegates and pay according to that number. Please provide all the information below no matter the newsletter delivery method.

1.	Name* (President)		Phone (H/W)	
	Street		E-mail	
	City, State, Zip		Newsletter: US Mail <input type="checkbox"/> Email <input type="checkbox"/>	Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>
2.	Name		Phone (H/W)	
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	City, State, Zip		Newsletter: US Mail <input type="checkbox"/> Email <input type="checkbox"/>	Put email address in directory: Yes <input type="checkbox"/> No <input type="checkbox"/>

Federation Meeting

Session 831

Monday, November 14, 2011
7:45 1st Floor Auditorium
County Council Office Building.
100 Maryland Avenue
Rockville, MD

Agenda:

7:45 Call to Order & Introductions
7:50 Approval of Agenda
7:52 Announcements
7:53 Approval of Minutes of October 10 meeting
7:55 Treasurer's Report
7:55 Community Hero: Neighborhood Montgomery
8:00 Program: Regional Services Centers
9:15 Resolutions on Loitering Bill, Teen Curfew Bill
and Roadside Solicitations Bills
9:30 Committee Reports
9:43 Old Business / New Business
9:45 Adjournment

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 Council Office Building, 100 Maryland Avenue, Rockville, MD.

The **Civic Federation News** is published monthly, except in July and August. 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, Sunday, November 20, 2011.** Prepare submission as an MS Word, Word Perfect or text-only document, **attach** it to an e-mail, and send it to: **hotyakker@gmail.com**

Please send all **address corrections** to Dan Wilhelm, 904 Cannon Road, Silver Spring, MD 20904, 301-384-2698, or djwilhelm@verizon.net.

NEXT EXECUTIVE COMMITTEE MEETING

DATE: THURSDAY, NOVEMBER 17

7:45 P.M.

At the home of Paula Bienenfeld

6018 Tilden Lane, North Bethesda, 20852



**Official Publication of the
Montgomery County Civic Federation**

Dan Wilhelm, Database Manager
904 Cannon Road
Silver Spring, MD 20904
DJWILHELM@VERIZON.NET

First Class Mail

Address service requested