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## of note

### 5 Speakers Discuss MCPS Reports At MCFE Meeting in December

Monday, December 14, 2015, 7:45 p.m. @ the County Council Office Building in Rockville. "OLO Reports on MoCo Public Schools"—*The authors of the reports—Sue Richards, Natalia Carrizosa, Elaine Bonner-Tompkins, Stephanie Bryant, and Aron Trombka—will speak at the meeting.*

[AGENDA](#) • [PROGRAM DETAILS](#)

### November Meetings Minutes

[MCCF #870](#) • [EXECUTIVE CMTE.](#)

### Membership Application

Join or Renew Now [SEE FORM](#)

### Federation Meeting 871

Monday, December 14, 2015

7:45 p.m. | 1st Floor Auditorium  
County Council Office Building  
100 Maryland Avenue  
Rockville, Maryland

#### AGENDA

- 7:45 Call to Order/Introductions
- 7:50 Approval of Agenda
- 7:51 Announcements
- 7:55 Approval of Minutes, November 9, 2015, Meeting
- 7:56 Treasurer's Report
- 8:00 Program: OLO Reports on MoCo Public Schools
- 9:20 Resolution: Vote on Deer Hunting
- 9:25 Committee Reports
- 9:40 Old and New Business
- 9:45 Adjournment

### December Program: OLO Reports on the Public Schools

By Paula Bienenfeld, President

Our December program focuses on a series of Office of Legislative Oversight (OLO) Reports on Montgomery County Public Schools (MCPS). The OLO has as its mission providing accurate information, analysis, and independent findings and recommendations to the County Council. The OLO receives its assignments from the Council. The current OLO director is Chris Cihlar.

The Program focuses on three reports regarding MCPS: *MCPS Revitalization/Expansion Program*; *Memorandum Report: Excel Beyond the Bell*, authored by Sue Richards and Natalia Carrizosa; and *Resources and Staffing Among MCPS Schools*. All reports are available online (links below). [MORE](#)

The **Montgomery County Civic Federation, Inc.**, is a county-wide nonprofit educational and advocacy organization founded in 1925 to serve the public interest. Monthly MCCF meetings are open to the public.

The *Civic Federation News* is published monthly except July and August. It is emailed to delegates, associate members, news media, and local, state, and federal officials. Recipients are encouraged to forward the *Civic Federation News* to all association members, friends, and neighbors. Permission is granted to reproduce any article, provided that proper credit is given to the "Civic Federation News of the Montgomery County (Md.) Civic Federation."

### Civic Federation News | Co-Editors

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## December Program, cont.

We are honored to have the authors of all of these reports as our guest speakers to take an in-depth look at the operations of our \$2.4 billion public school system.

The *OLO Memorandum Report: Excel Beyond the Bell* focuses on impacts of an after school program, “Excel Beyond the Bell,” which began in 2008. It currently serves seven schools: Argyle, Roberto Clemente, A. Mario Loiederman, Forest Oak, Neelsville, Col. E. Brooke Lee, and Montgomery Village.

*Resources and Staffing Among MCPS Schools*, authored by Elaine Bonner-Tompkins and Natalia Carizosa, looks at the achievement gap by student income and addresses questions about whether the school system provides sufficient resources to schools to narrow the achieve-

ment gap. The County Council tasked the Office of Legislative Oversight to investigate whether MCPS allocates more staffing and resources to its highest poverty schools aimed at narrowing the achievement gap.

According to the report:

*“OLO’s review of the data found that MCPS allocates more staffing to its highest poverty schools yielding lower class sizes and higher personnel costs per student in high-FARMS schools. The difference in per student compensation costs between high- and low-FARMS schools, however, is dampened by three trends: higher teacher salaries in low-FARMS schools, the allocation of a third of state revenue for compensatory education programs to noncompensatory education programs, and the allocation*

*of less than a third of the total compensatory education budget to secondary schools.”*

These findings suggest that MCPS could provide additional resources to its high-poverty schools and its high-FARMS secondary schools in particular to help narrow the achievement gap. OLO recommends the County Council discuss three issues with the Board of Education and MCPS leadership during worksession.”

Finally, the third report to be discussed, *A Review of the MCPS Revitalization/Expansion Program*, authored by Stephanie Bryant and Aron Trombka, looks at the MCPS process of deciding where and when and at what cost our public schools will be renovated or newly constructed.

Please join us December 14th. ■

## Subdivision Staging Policy: The County’s Development Rules Will Be Changing, But to What?

By Eileen Finnegan

Although a dry topic, the Subdivision Staging Policy (SSP) is the regulatory framework that guides each individual development project’s approval by the Planning Board. This coming spring/summer, a new SSP will be developed by the Planning Board for delivery to Council for their adoption in November 2016.

The two basic SSP components of most interest are school capacity and traffic/transit conditions. Under the current rules, a development application is evaluated against existing and CIP-approved school and roadway capacities to determine if a project fits within those parameters. If it does not meet the school test, the project cannot be approved until additional capacity is made available in

an approved CIP project. If a project does not meet the policy area transportation/transit tests, additional fees must be paid. And, if a project does not meet the local area test for nearby intersections, infrastructure improvements are conditioned on the project’s approval. Many in the civic community are comfortable with the expectations and standards of the existing process.

But this familiar policy is about to change. As of now, the changes are fluid and evolving. Planning Staff briefed the Planning Board on November 5, 2015, and outlined the basics of the existing school and transportation tests along with describing some new concepts being considered. Additional transportation briefings are planned for December 3, 2015, (new transit

capacity standards and trip generation rates) and January 2016 (big changes to traffic modeling analysis). *Watching the sessions online* is easy and provides the opportunity to gain the full “flavor” of the discussions.

These briefings are the public venue for staff to receive direction from Planning Chair Casey Anderson. He has been clear in his message to staff: Craft a simple regulatory system that will encourage development using new concepts and retooled traffic modeling. Some in the development community have pressed for more out-of-the-box thinking, asking that the existing approach, which requires various tests, be thrown out and replaced with a total pay-and-go approval approach. The Planning Director,

## Staging Policy Rules, cont.

Gwen Wright, has tempered the discussions, suggesting that there are a wide range of community types in Montgomery County and the SSP must accommodate all geographic areas.

A few of the new concepts being advanced, include:

**I Pro-Rata Share.** This proposal would expand a new policy—which has yet to be fully fleshed out for the White Oak Science Gateway Master Plan area—to other areas. Seemingly simple, the zoning of an area is translated into a total number of trips, while all the necessary local intersection improvements are estimated based on the expected area build-out. Then, a simple division results in a “per trip” fee that is charged of each development project based on the trips generated. The

County would receive the fees and then be responsible for fully designing, managing, and constructing all the infrastructure improvements. The County might be responsible for forward funding improvements, since timing of development may be staggered. Planning Staff is considering how to expand this approach to other areas by some application method or geographic zone and without having a master plan requirement. Bethesda is now being considered for Pro-Rata Share.

**I Vehicle Miles Traveled (VMT).** Based on a California policy to reduce air pollution by reducing total miles traveled in geographic districts, this idea is being considered as a land-use concept for our urban areas. The concept is based on the theory that, if a specific project’s trip average VMT is lower than the area’s average VMT, there

will be less local vehicular traffic. The belief is that this is a measure of increased foot traffic or transit use for the project. Pushing this conclusion further has led to discussions that a reduced VMT project may also possibly deserve a transportation impact credit. This concept does not consider that the reduction in VMT merely means that vehicle trips are shorter, not fewer.

**I Protected Intersections.** Should some limited, specific intersections be prohibited from being made larger by a development project? Should there be standards to establish these intersections? What, if any, other improvements should a development be required to make in an area with a protected intersection?

**I Parking.** Various ideas to reduce auto-centric development, or increase transit usage by limit-

MORE

## Staging Policy Rules, cont.

ing parking will be presented in the future.

This list is not all-inclusive. There will be more new concepts publicly introduced with the new transit tests and new trip generation rates being discussed on December 3, 2015, and the new modeling approaches being presented in January. Staff has also promised to bring forward recommendations on impact taxes later in the spring. These recommendations may provide details on collapsing all development taxes and fees into one, or a full pay-and-go approach.

Please engage in this SSP discussion with the Civic Federation and participate in Planning Staff’s outreach in 2016. To see the schedule, check the [MCCF website](#) and also the [MNCPPC website](#). ■

## County Allows Improper ITOC Tax Credits as Deficit Looms, Amount Could Equal as Much as \$52 Million in Lost Revenue

With a \$17 million revenue shortfall predicted for the 2016 County budget, Montgomery County is tossing away a potential \$52 million revenue opportunity by failing to enforce the rules for the Income Tax Offset Credit (ITOC).

Itemized on your tax bill as “County Property Tax Credit,” the ITOC has nothing to do with an individual’s income tax. This credit is available to homeowners for their principal residence. It also puts a cap on the taxable basis of properties to help prevent residents from being taxed out of their homes.

State law allows only the tier of counties with the highest income tax rates to issue the ITOC, and only Montgomery County has made a practice of issuing the ITOC every

year.

Without the ITOC, the owner of a \$300,000 home would pay \$2,998 in county property taxes in 2015. With the ITOC, this tax bill is trimmed to \$2,306, a reduction of 23%. An owner of a \$900,000 home would owe about \$8,992 in property taxes. With the ITOC, the same homeowner pays about \$8,300, a reduction of slightly more than 7%.

The only qualification required to receive the ITOC is that homeowners actually use their homes as their principal residences. Under state law, investment properties (rental properties) and second homes are not entitled to receive the ITOC.

In 2006, several state legislators were alerted to the fact that

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**ITOC Tax Credits, cont.**

thousands—perhaps hundreds of thousands—of rental properties were incorrectly classified by the State Department of Assessments and Taxation (SDAT) as principal residences. With help from SDAT analysts, the legislators established that millions of dollars of homestead credits and ITOCs were being improperly issued to owners of rental properties and second homes. (See report in *The Washington Post* on July 4, 2005, entitled “No Extra Credit for Montgomery Landlords,” shown at right.)

Realizing that huge amounts of county and state tax revenue were being lost due to improper issuance of property tax credits, the state enacted laws in 2007 and 2013 that require every Maryland homeowner who wants to continue receiving “principal residence” credits to

submit a one-time application by December 30, 2013, certifying that their home is their principal residence. By the end of 2013, about 80% of Maryland homeowners had submitted the principal residence certification.

In clear violation of state law,



Montgomery County continued to issue the ITOC in 2014 and 2015 to owners of properties who did not submit the principal residence certification. The specific tactic that was used to continue to issue the ITOC to ineligible properties while removing the homestead credit from the very same properties is subtly revealed in a footnote in an internal county council memo. The memo reveals how the county quietly managed to illegally issue over \$50 million of ITOCs to properties whose owners had not submitted certification forms.

Unless the appropriate changes are made to the Montgomery County tax billing system, another \$52 million of ITOCs will be illegally issued next year, and even more in subsequent years.

Read the full [White Paper on ITOC](#) on the MCCF website. ■

**Vacant Properties? Not On My Block, Says Councilmember Tom Hucker**

*By Tom Hucker, Montgomery County Councilmember*

When county residents first hear the words “vacant property,” they are more likely to think about far-off cities like Detroit or Baltimore rather than Silver Spring, Gaithersburg, or Damascus. But the reality is that an ever-growing number of county residents can think of at least one vacant property on their street or in their neighborhood. No, not properties where the owners leave for the winter or go on a long vacation. I mean the homes that have been left vacant for five years, ten years, or even longer.

In my own neighborhood in Silver Spring, for example, I know of a handful of properties that have been vacant long before the foreclosure crisis caused by the Great Recession.

I’ve heard concerns about their uncut grass, broken windows, and persistent disrepair since my very first year in the House of Delegates nearly ten years ago. While these may seem like minor housing code violations that can be addressed by the Department of Housing and Community Affairs (DHCA), the reality is that these properties pose a number of serious threats to the community that DHCA simply does not have the tools or resources to address.

Vacant properties are a danger to the community, given that they often attract arson, squatting, or criminal activity. In fact, vacant properties are nearly twice as likely to generate a call for fire or police service, resulting in over 12,000 calls across the U.S. and \$73 million in property damage. To make matters worse,

vacant homes have been found to reduce the neighborhood’s property values by nearly 10%. In my community, the vacant properties have generated dozens of calls for inspection for housing code violations that have undoubtedly made potential families think twice before purchasing or renting a home.

Unfortunately, the only tool that DHCA has to address this issue is their “Clean and Lien” program. Under a clean and lien, DHCA will cut the grass, secure the property, remove any trash or debris, and put a lien on the property for the cost of these services. However, the costs of these services are too low to provide an absentee property owner any real incentive to make the investments the property requires. That is why I

## Vacant Properties, cont.

am planning to introduce two pieces of legislation to address this issue.

The first bill, modeled after successful legislation in hundreds of other jurisdictions, will require property owners to register their property with the County within 30 days of the property becoming vacant. Once the property is registered, DHCA will be required to perform an initial inspection for housing code violations. Any subsequent inspections performed by DHCA will be charged to the homeowner using a graduated fee schedule. This approach will make it increasingly more expensive for a property owner to neglect his or her property, and will increase the owner's financial incentive to rent, sell, or occupy the property. Any of those outcomes are better for the neighborhood as a whole than leav-

ing the property vacant for years.

The second bill will address the growing number of bank-owned foreclosures that go unmaintained. In 2012, the General Assembly passed a law requiring that all foreclosures be registered with the State Foreclosure Registry within 30 days of foreclosure. The law was meant to address the nine to 18 months that frequently occurs between the date of a foreclosure and the date that the property title is transferred. During this time, local jurisdictions have a hard time identifying the party responsible for maintenance, security, and taxes. Worse, the County does not receive the recordation tax or the transfer tax from the bank, which shortchanges the County government of more than \$6,000 in revenue for a property of average value in Mont. County.

To enforce this law, counties are allowed to charge a \$1,000 penalty

to banks that fail to register. In FY15, there were 1,432 foreclosures countywide and 32% (492) either were not registered with the state or were registered after the deadline. While \$1,000 may be a deterrent in other parts of the state, in many cases it may not be sufficient in Montgomery County where high property values mean banks can save many thousands in recordation and transfer taxes by refusing to register their properties. To address this, I am working with Delegate David Fraser-Hidalgo on State Bill 33-16 to increase the penalty to \$5,000.

I hope the Montgomery County Civic Federation and its members will support my council bills as well as State Bill MC 33-16. If you have any questions or would like a presentation to your community, please feel free to contact me at [tom@tomhucker.com](mailto:tom@tomhucker.com). ■

## A History of MCCF 's 'Orphaned Roads' Project, Part 1

*By Peggy Dennis, Past President*

In 2008, County Executive Ike Leggett made a surprise visit to the Montgomery County Civic Federation's January meeting. He presented the MCCF with a handsome, framed certificate "in recognition and appreciation of your valuable work to research and chart policy alternatives for Montgomery County's Orphaned Roads."

This surprise visit did not make it into *The Washington Post* or any newspapers. So, how did this honor come about? It is a "long story" but one worth telling.

My street, Fawsett Road in Potomac, was created in 1945. Back then, a landowner who wanted to subdivide his property and sell off lots could do so with few requirements from the government. A road



*Then-MCCF President Peggy Dennis receives a surprise visit from County Executive Leggett in 2008, who presents the MCCF with a Certificate of Appreciation for work on the Orphaned Roads issue.*

accessing lots and future homes did not have to be paved or built to "standards." Our road was created by Howard Fawsett in the Fawsett Farms subdivision. Fawsett probably did nothing more than drive his tractor with a plow blade down the track through his farm that ended just short of one of the many, long-abandoned gold mines in this area. The 1,550-foot-long cul-de-sac was dedicated to the County in 1947.

Over the years, homes were built and residents moved in. We pooled money to pay for a snow plow contract and truckloads of gravel to be spread every few years. When there were only a few homes, minimal traffic and little stormwater runoff, the road was tolerable. But, as the road aged, people began to want something better. In the 1960s, a group asked the County's Department of

**Orphaned Roads, cont.**

Transportation (DOT) to pave the road. They were told that not only would they have to repay the County for the project, but the cost was estimated to be one million dollars, a price too heavy to bear for only 18 property owners.

In the early 1990s, Howie Denis was our District 1 Councilman. He met with a group of homeowners who still wanted to pursue the illusive dream of a real road, then he went to bat for us. DOT told him it was impossible to do anything for Fawsett Road because they (DOT) didn't know how many roads in a similar condition existed in the County, nor how much it would cost to improve them and accept responsibility for their future maintenance. Mr. Denis put \$250,000 into the budget to hire a consultant to provide that information.

In 2005, my husband and I were approached by the builder planning to build homes on four of the last undeveloped lots. The Department of Permitting Services was requiring the developer to construct the first 100 feet of Fawsett Road to County standards and to put a stormwater swale along our frontage and a culvert under our driveway. We agreed, hoping that it might be a first step toward further improvements along the rest of the road.

I'm a busybody, and I watched the road construction progress with interest. One day, I stopped to talk with the County roads inspector. He looked down our road and said, "I can't believe your road is in this condition!" I explained its history and about the \$250,000 in the budget. He snorted in disbelief and said that DOT knew what they had in their inventory. He said, "All they had to

do was study the MAARS Report. Just call Leroy Anderson and ask to see the MAARS Report!"

Mr. Anderson was loath to let me look at this document. First, he said DOT didn't have it. Then he admitted that they did have it but said I couldn't see it. When I pointed out that it was a public document, he explained that it was an old, printed copy, and he didn't want me to see it. A challenge! I emailed Art Holmes, the Director of DOT, and complained that I was not being allowed to see public information. The next day Mr. Anderson called me and invited me in.

I made an appointment and turned up at DOT with lined tablet in hand. The MAARS Report for Montgomery County turned out to be a four-inch-thick collection of old-fashioned computer printouts. It

MORE

**Orphaned Roads, cont.**

contained detailed information on every publicly dedicated road in the County and who was responsible for its maintenance: the Feds, State, County, or an amorphous group of roads maintained by "others." I started at the beginning (alphabetically) with the "A" roads and wrote down each road that was supposed to be "maintained by others." Just taking notes on the "A"s took all afternoon. A mugs game! But I had the presence of mind to note down the name of the State Highway Administration office and phone number which produced the MAARS Report.

The next day I called that office and asked very politely if they could electronically send me just the data covering the roads "maintained by others." They were delighted to help me out, and 15 minutes later I had

what I needed in my computer. My husband massaged the data and gave me an alphabetical listing. Working together, we took the ADC Atlas for the County and highlighted each road on its map grid. Map 2 showed

Hyattstown Mill Road and Prescott Road in the Little Bennett Regional Park. But that was just the start, and I had no idea what I was getting myself into.

*To be continued.* ■

**Transportation Alternatives: New Bike Master Plan Process**

*By Peggy Dennis, Past President & Transportation Committee Member*

On July 1, 2015, the Planning Department began working on a new Countywide Bikeways Functional Master Plan (CBFMP) with three community meetings. The highlight of these meetings was an interactive map of the County which allowed participants to click on specific spots and make comments about problems for cyclists and suggestions for solutions. This [interactive map](#) can be accessed until May or June, so hop on, read the comments that have

already been made, and your own thoughts.

The process to revise the CBFMP will focus on developing a high-quality, low-stress, and safer bicycle network, bringing bicycle recommendations in line with industry best practices, and consolidating all bicycle recommendations into a single plan for the first time since 1978. A revision of the original CBFMP was carried out 10 years ago, and [it can be seen online](#).

An emphasis will be placed on

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## Bike Master Plan Process, cont.

evaluating newer facilities—such as separated bike lanes, buffered bike lanes, and bicycle boulevards—as well as secure bicycle storage facilities.

The Montgomery County Planning Board has approved a 21-member Bicycle Master Plan Community Advisory Group, which will advise Planning Staff as the Master Plan develops. The group consists of 13 members from cycling and other organizations, and eight community members who applied to be part of the effort. I am honored to represent the Montgomery County Civic Federation in this effort.

To see the kind of visionary planning that is being considered, visit the website on the [Proposed White Flint Separated Bike Lane Network](#). ■

## Upcoming Meetings for Master Plans in Progress

*By Harriet Quinn, Planning and Land Use Committee Co-Chair*

Below is a list of upcoming meetings and milestones for area Master Plans in progress with links to the [Master Plan's webpage](#). For Planning Board sessions, check the agenda a few days before for specific times and staff reports. In addition, you also can view [pending and recent development project approvals](#).

**December 1, 7:30 p.m.:** County Council Public hearing for Montgomery Village Master Plan. Third Floor Council Hearing Room, Rockville. To testify, [sign up online](#) or call 240.777.7803. Presentations on the Plan and other materials are posted on [Montgomery Village Master Plan webpage](#).

**December 3: Planning Board Worksessions** (8787 Georgia Avenue, Silver Spring):

■ Board of Education CIP request for 2017-22,

■ Proposed Changes to Subdivision Staging Policy-Briefing on TPAR Transit Component and Trip Generation Rates,

■ Bike lanes proposed for the White Flint area, and

■ [Westbard Sector Plan](#) Worksession No. 3.

**December 9, 7–9 p.m.:** Community meeting for [White Flint 2 Sector Plan](#). Luxmanor Elementary School.

**December 14, 7–9 p.m.:** Community meeting for [Rock Spring Master Plan](#). Walter Johnson High School.

MORE

## Alert Montgomery: Staying Informed When an Emergency Happens

Advance notice of an emergency—even just a few minutes—can make a big difference to your safety. Systems like “Alert Montgomery” can send notification to your computer and mobile phone so you receive emergency alerts whether you are at home, work, or even running errands.

By their very nature, emergencies occur without warning. Following an emergency, government officials will provide vital information about response efforts and ways to keep you, your family, and your community safe. Keeping open lines of communication will ensure that you know what is expected. Having access to a variety of communication devices can ensure you always get the latest information.

Montgomery County uses sev-

eral different media outlets to get information out to residents. This includes:

- [Alert Montgomery Notifications to Mobile Phones and Email](#)
- [Television and Radio](#)
- [Montgomery County Homepage](#)
- [Reverse 911](#)
- [Social Media](#)

This alert system is administered by the MoCo Office of Emergency Management and Homeland Security.

MoCo officials can use this alerting system to contact residents before or during a major crisis, emergency, or severe weather event. Residents who register on this system will receive only the most urgent alerts (e.g., water main break, tornado warning) if they do not register for other optional groups. Alert Montgomery can deliver important

emergency alerts, notifications, and updates on all of a person's devices. Contact MC311 from inside the county or 240.777.0311 from outside the county for any questions or concerns. Ask the operator for assistance with the Alert Montgomery application.

Alerts may be broadcast via the following delivery methods:

MORE

## Master Plan Meetings, cont.

**December 15:** Planning Board work session. [Bethesda Downtown Sector Plan](#).

**December 17:** Planning Board work sessions on the [Greater Lyttonsville Sector Plan](#) and [Westbard Sector Plan](#). ■

## Alert Montgomery, cont.

- E-mail account (work, home, other);
- Cell phone (SMS Text);
- Everbridge Mobile Member App;
- Home Phone (Voice);
- Cell Phone (Voice);
- TTY Device;
- Twitter (Follow “@ReadyMontgomery”); and
- Facebook (friend “Montgomery County MD Office of Emergency Management and Homeland Security”).

When an incident or emergency occurs, authorized senders can notify you using Alert Montgomery. This is your personal connection to updates, instructions on where to go, what to do, or what not to do, who to contact and other important information. While signing up for Alert Montgomery is free of charge, your

wireless carrier may charge you a fee to receive text messages. Please review your wireless service agreement to understand your carrier’s pricing scheme.

You can receive alerts about: school closures, government closures, gas leaks, severe weather, traffic, park closures, and public health and other emergencies. Regardless of the alerts you choose to receive, all account holders will receive tornado warnings and other critical emergency notifications.

### NEW FEATURES

One major component of the new alert system is the ability to deliver more targeted alerts during location specific emergencies such as gas leaks, hazardous materials events, and flash floods. This improved technology will enable residents to manage their own account informa-

tion with more ease, ensuring they can readily receive important emergency alerts and notifications.

### THE NEED TO RE-REGISTER

In October 2014, the County switched its service provider for the Alert Montgomery service. While they initially transferred all account holder information, they could not transfer user names and passwords. Registering for an account in the new system will allow you access to your account so you may modify your information directly.

### HOW DO I REGISTER?

[Click on this link.](#)

### IS THERE AN APP?

There is an App for Android and iPhone users. Search for “Everbridge Member” on the Google

[MORE](#)

## Minutes of the November 9, 2015, Meeting #870

*By Jean Cavanaugh, Recording Secretary*

**Call to Order:** President Paula Bienenfeld called the meeting to order at 7:51 p.m. **Introductions** by attendees followed.

**Agenda:** Paula Bienenfeld called for and received approval of the agenda.

### ANNOUNCEMENTS

■ The Stormwater Partners Network will send thank you notes to the six County Councilmembers who voted to pass Bill 52-14, the Safe Lawn bill, restricting the use of cosmetic pesticides on lawns. A Thank You note was circulated for our members to sign.

■ Costco is appealing the decision rejecting its application to build a

mega gas station in Wheaton. The first round of appeals is November 13, 2015; the County attorney will defend the County’s decision.

■ MCPS is planning on leasing more than 60 acres at three future school sites for three large solar generating facilities: Brickyard MS Site, on Brickyard Road, Churchill Cluster, 20 acres; Oakdale MS Site, on Cashell Road, Magruder Cluster, 18.49 acres; and Laytonsville MS Site, on Warfield Road, Gaithersburg Cluster, 22.74 acres. [More information online.](#)

■ The County has cancelled a long-promised Ride On bus to service Tobytown. There is no public transit available to this historically African American neighborhood.

■ MCCF and others will host the MCPS Budgetpalooza in February

2016. The Acting MCPS superintendent presents the budget request December 8. Please volunteer to review one chapter of the MCPS budget and report on it at the Budgetpalooza.

■ Please give MCCF your thoughts on the new newsletter and website.

■ County Executive Ike Leggett’s Transit Task Force presented its [final report](#). The CE decided not to

[MORE](#)

## Alert Montgomery, cont.

Play or Apple Store. These apps are free; however, text and data charges may apply. Check with your mobile carrier for more details. Once you download the App, simply log in to the app with your User Name and Password to activate. There are no applications available for Blackberry or Windows-based phones at this time. ■

## November Minutes, cont.

pursue State legislation enabling creation of an Independent Transit Authority at this time. MCCF is finalizing a response to the TTF report.

■ Eileen Finnegan is representing MCCF on the Planning Department's **Subdivision Staging Policy Traffic Impact Study Technical Working Group**. (See article in newsletter.)

■ Peggy Dennis is representing MCCF on the Planning Department's **Functional Master Plan for Bicycles and Bikeways**.

**Minutes:** Paula Bienenfeld called for and received approval of the October 12, 2015, minutes as published in the **November newsletter**.

**Treasurer's Report:** Jerry Garson reported MCCF's bank balance is

\$13,761. He also submitted a report on expenditures of \$1742.38 since July 1, 2015.

**Montgomery County Community Hero:** MCCF Vice President Alan Bowser presented the Hero of the Month award to Ricardo Loaiza, founder and Executive Director of the **After School Dance Fund**. Since 2010, ASDF has worked to strengthen family values and heritage and to help students develop confidence, promote excellence in academics, and pave their way into higher education. They hold a dance competition every November at the Strathmore in Rockville.

**Program:** *Maryland State Comptroller Peter Franchot*. Mr. Franchot was elected as Maryland's 33rd Comptroller in 2006. He served in the Maryland General Assembly

for 20 years prior to being elected Comptroller, and also serves on the Board of Public Works and as Vice Chair of the State Retirement and Pension System of Maryland.

Franchot presented a certificate congratulating MCCF on its 90th anniversary. He described Maryland's Board of Public Works (BPW) as unique in the country and dating back to the early 1900s when Maryland almost went bankrupt from financial scandals. The Governor, State Treasurer, and Comptroller sit on the BPW and supervise Maryland finances. BPW votes on 18,000 contracts and approves \$85 billion of state spending. BPW objects to only 1% of proposed spending. BPW is the "court of last resort" for those who want to object to a particular expenditure. Franchot emphasized BPW's transparency and accountability, and

MORE

## November Minutes, cont.

welcomed all to testify in support of or against a project at the BPW.

Franchot discussed his three top initiatives: (1) start public school after Labor Day to advantage tourism-related businesses and the Orioles; (2) improve financial literacy through schools; and (3) end the Montgomery County alcohol monopoly. Franchot has not done an economic analysis of the impact of ending the County monopoly on alcohol. Franchot also expressed his support for reduced testing in public schools; noted there are about 50,000 tax returns coming in due to the Wynn Case loss; called for more fiscal discipline; and supported reducing the cost of building new schools in Montgomery County from the current \$500/square foot to closer to Alexandria's average of

\$250/sf.

Responding to questions from the audience, Franchot stated Maryland will not divest its retirement fund of fossil fuel investments. He also described his mutually supportive relationship with the liquor industry where they enforced a ban on powdered alcohol and caffeinated alcohol, and Franchot will not support opening up sale of alcohol in Costco or grocery stores. Franchot is "agnostic" on artificial turf fields; generally opposes "no bid" contracts such as those used by MCPS; will review "illegal" fees in MCPS; gen-

erally supports the Purple Line but is waiting for final bids, costs, and financing details; and urged Montgomery County to set up its own BPW to provide spending oversight (e.g., for MCPS).

Franchot promised to review To-bytown's public transit challenge and the erroneously distributed Homestead Tax Credits in Montgomery County. Franchot urged all to **watch live streaming of BPW meetings** and to attend BPW sessions to testify.

**Adjournment:** The meeting adjourned at 9:30 pm. ■

## November 19, 2015, Executive Committee Meeting Minutes

*By Jean Cavanaugh, Recording Secretary*

**Call to Order:** Paula Bienenfeld, President, called the teleconference

meeting to order at 7:45 p.m. Present: Jim Zepp, Peggy Dennis, Carole Ann Barth, Virginia Sheard, Jerry Garson, Harriet Quinn, and Jean Cavanaugh.

MORE

## Nov. ExCom Minutes, cont.

### Adoption of Meeting Agenda:

Paula Bienenfeld called for and received unanimous approval of the proposed agenda.

Approved minutes for October 15, 2015, ExComm Meeting.

**Treasurer's Report.** Jerry Garson report a balance of \$13,583.

### ANNOUNCEMENTS

Paula Bienenfeld and Jerry Garson testified at the **Joint House and Senate Delegation Priorities Hearing** November 18 in Rockville.

Jim Zepp announced the Advanced Transit Association (ATRA) will be holding a conference called **Technix 2016: Envision Automated Transit** at the University of Maryland Center for Advanced Trans-

portation Technology on Saturday, January 9, 2016, where he will moderate a session on the potential implications of driverless car technologies and planned development in White Oak, Md.

**Programs:** The *December* program (Paula Bienenfeld organizing) will feature the County Council's Office of Legislative Oversight to discuss three recent reports on MCPS. *January's* proposed program is on WMATA and regional transportation. *February* will focus on environment and what local communities are doing to protect and enhance their natural resources.

**Community Heroes:** Committee brainstormed on nominees for the monthly "Community Hero" award. *We welcome nominations from any MCCF member.*

### ISSUES

Annual Awards Ceremony: McGinty's in Silver Spring can host the event on a Thursday evening.

MCCF ExComm priorities for State legislation include: legislation outlawing the use of microbeads in consumer products; elimination of BPA-coated sales receipts; transportation priorities like preparing for self-driving car technologies; and a performance review for MNCPPC.

There are several bills submitted by the Montgomery County delegation that MCCF ExComm would like to oppose, including: the County setting up a student loan refinancing authority; changing the state constitution to enfranchise non-U.S. citizens to vote in Board of Education elections; and ranked choice voting. MCCF ExComm would like to review and consider supporting review

MORE

## Nov. ExCom Minutes, cont.

of WSSC ratemaking structure; establish 10 early voting centers; lower the Homestead Tax Credit cap from 10% to 5%; and support the Maryland Department of Natural Resources in allowing deer hunting on Sundays. See all proposed **MoCo Delegation bills.**

MCCF is finalizing its response to County Executive Leggett's proposal to create an Independent Transit Authority to fund an extensive Bus Rapid Transit (BRT) system.

Louis Wilen is finalizing a White Paper on the Income Tax Offset Credit (ITOC). **[Now online.]**

### COMMITTEE REPORTS

#### Education

MCPS proposed and the Board of Education adopted a \$1.728 billion **2017-2022 CIP budget.** During the

Montgomery County Delegation to Annapolis Priorities hearing, Board of Education Chair Pat O'Neill said MCPS needs additional funds to what they proposed.

#### Public Utilities

Cmte. members speculated that the Pepco merger will probably go through.

#### Public Finances

MoCo will buy more bonds. CE Leggett said November distribution of income tax revenue is \$47 million below what the county anticipated. County Council Administrator Stephen Farber gave **a briefing to the Council on November 17, 2015, on cost of government.**

#### Planning and Land Use

County Department of Permitting Services proposes adoption of the International Green Construc-

tion Code with amendments as Executive Regulation 21-15. There is a **public hearing on December 17, 2015,** at 1:30 p.m., DED Conference Room, 111 Rockville Pike, Suite 800, Rockville, Maryland.

The White Flint Phase 2 and Rock Spring Sector Plan meetings are both being held on November 30, 2015, the same night as the MoCo Delegation's priorities hearing. The Planning Board is deliberately scheduling two meetings in the same neighborhood on same night. MCCF will write a letter from Councilmember Floreen and the PB Chair.

The oral argument for Costco mega gas station was on November 13, 2015. Costco appealed the County's decision. The hearing lasted three hours. PHED took action on a ZTA on mega gas stations. Would include homes in buffer area.

MORE

## Nov. ExCom Minutes, cont.

Extend to 500 feet from 300 feet.  
Passed 2-1; Floreen against.

■ The PHED is reviewing an **Omni-bus ZTA 15-09** with both substantive and technical corrections to the new zoning code. PHED approved—without a public hearing—substantive changes to accessory apartments rules. The requirement in the new zoning code said if an accessory apartment did not meet standards, the homeowner had to go through a conditional use (previously called special exception) process. PHED removed that requirement. PHED also, again without a public hearing, eliminated a five-year moratorium on accessory apartments in new houses in RE-1 and RE-2 zones.

■ Residents continue to oppose elements of **Westbard** and **Greater Lyttonsville** Sector Plans.

■ Council member Hucker plans to introduce a bill to help reduce the number of vacant properties in the County. Hucker staff will briefly summarize the bill at the next MCCF meeting. [See article in this issue.]

■ MCCF will write a monthly column on the Subdivision Staging Policy update. [See article.]

### Transportation

■ The County Council passed an **amendment to the DBU Roads (“orphaned road”) policy** where only 50% of the residents need to agree before the County surveys and gives a cost estimate on improving the road. A super majority of 60% is still required before the County will build a road. [See article in this issue.]

■ MCCF will write a letter to Pepco on its promise to offer a shared use path on its property.

■ The Purple Line bids are in;

finance packages due December 8.

### Environment

■ The County Council on November 17, 2015, passed **emergency bill 45-15** to rename the Water Quality Management Charge currently on property tax bills as an “excise tax” to pay for stormwater management, in response to a recent lawsuit challenging the WQM charge.

■ There is an infestation of emerald ash borer in the U.S. and it has reached Montgomery County. The EAB destroys ash trees unless they are injected annually with a pesticide. Ash trees left untreated will become brittle and hazardous. County agencies are defining treatment and public information programs.

■ **Artificial Turf.** The House Energy and Commerce Committee asked for more information from the EPA

MORE

## Nov. ExCom Minutes, cont.

on artificial turf, but the EPA did not meet its deadline. Congress has asked the Consumer Products Safety Commission to do more research on artificial turf.

### OLD BUSINESS

■ Jim Zepp outlined a proposal for a regional Civic Summit with other civic federations to be hosted by MCCF in the spring of 2016 and will proceed to organize.

■ MCCF will sponsor the MCPS Budgetpalooza in February 2016.

■ The Committee for Montgomery is hosting its annual Holiday Breakfast on December 16, 2015. MCCF will share a table with the Montgomery County Taxpayers League.

### NEW BUSINESS

January, February, and March

meetings will be in the Executive Office Building (EOB) at 101 Monroe Street, Rockville, in the large meeting room, Lobby level. Attendees using EOB or COB should use public level of garage next to Council Office Bldg. *Important:* The only access to

Monthly MCCF 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. Parking is free in the garage accessed from Monroe St. or from Jefferson St. heading east from I-270.

The *Civic Federation News* is published monthly, except in July and August. It is emailed to delegates, associate members, news media, and local, state, and federal

the public level of the garage is from the entrance at the corner of Monroe Street and Rte. 28. Parking is free after 6:00 p.m.

**Adjournment:** Meeting adjourned at 10:15 p.m. ■

officials. Permission is granted to reprint any article provided proper credit is given to the “Civic Federation News of the Montgomery County (Md.) Civic Federation.”

**Submit contributions for the next issue by Sunday, December 26, 2015.** Prepare each submission as an MS Word, Word Perfect, or text document; attach it to an e-mail; and send to Peggy Dennis, Co-Editor, at [mccfnewsletter@gmail.com](mailto:mccfnewsletter@gmail.com).

Please send all address corrections to [mccivicfed@gmail.com](mailto:mccivicfed@gmail.com).