

June Program | “Small” (30–40 foot) cell towers would be placed in residential areas without notice or public hearings | **P. 3**

2017 Awards Announced | See the recipients of the Star Cup, the Wayne Goldstein Award, and the Sentinel Award | **P. 5**

Buy Tickets Now | This year’s Annual Awards Celebration will happen Thursday, June 8th | **P. 8**

MCCF Needs a New Education Committee Chair | **P. 9**

Transportation Issues | County Settles DTSS Transit Center Lawsuit, Judge Issues Ruling in Purple Line

Case, County Council Approves Additional Funding for Route 29 and Route 355 BRT Studies | **P. 10**

Planning and Land Use Committee Report | Tina Patterson Appointed to the Planning Board, Short-Term Rentals in Residential Zones, New Inspector General Position for M-NCPPC, Master/Sector Plan Updates | **P. 12**

Safe Use of New, Improved Infrastructure | Crosswalk in use on Nebel Street in Rockville | **P. 14**

Next Year’s Officers | See the slate of new MCCF officers for 2017–2018 | **P. 21**

TO PRINT, USE PRINT VERSION

of note

Next MCFF Meeting

June 12, 2017, 7:45 p.m. @ the Executive Office Building in Rockville. The topic will be “New Legislation on Installation of Small Cell Towers in Residential Zones.”

AGENDA, P. 2 • PROGRAM, P. 3

2017 Awards Celebration

Thursday, June 8, in DTSS **P. 5**
Form to Order Tickets **P. 8**

Meeting Minutes

May 8 Meeting #885 **P. 15**
May 18 Exec. Cmte. Meeting **P. 18**

Membership Application

Join or Renew Now **SEE FORM**

Federation Meeting 886

Monday, June 12, 2017
7:45 p.m.

Lobby Level Auditorium
Executive Office Building
101 Monroe Street
Rockville, Maryland

AGENDA

- 7:45 Call to Order/Introductions
- 7:50 Approval of Agenda
- 7:51 Announcements
- 7:57 Approval of Minutes, May 8 Meeting #885 **P. 15**
- 7:58 Treasurer’s Report
- 8:00 Program: New Legislation on Installation of Small Cell Towers in Residential Zones
- 9:25 Committee Reports
- 9:35 Old and New Business
- 9:45 Adjournment

About MCCF Meetings

All monthly MCCF meetings are open to the public. They are held on the second Monday of each month, September through June, at 7:45 p.m.

The June meeting will be held in the **Lobby Level Auditorium of the Executive Office Building (EOB) at 101 Monroe Street, Rockville, Maryland.**

Walkers can enter by buzzing security at the door. You can park for free either in the lot at East Jefferson and Monroe Streets or in the lowest level of the EOB. Drive onto the ramp in the front of the building (ignore “permit parking only” sign), turn left at the second, lower level; use the intercom at the gate to the parking garage and at the door to the elevators to inform security you’re attending the MCCF Meeting. ■

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 (agenda and details at left).

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

civicednews AT montgomerycivic.org

TO SUBMIT AN ARTICLE, SEE PAGE 21

June Program: New Legislation on Installation of Small Cell Towers in Residential Zones

By Harriet Quinn

In June 2016, the County Council introduced [ZTA 16-05](#), which proposed to eliminate public notice and hearings for placement of “small” cell towers in residential zones. A public hearing was held in July 2016, in the middle of summer, when many residents are on vacation.

Since the July public hearing, the Council has requested additional information, the Executive branch has been working on revisions to the legislation, and industry applicants have put their applications on hold. Our June 12th meeting will be an opportunity for residents to hear new information and provide feedback to the County on this important issue that will affect every neighborhood in Mont-

gomery County.

Some communities do not have above-ground utilities, so the new poles would conflict with their existing conditions. Other neighborhoods that do have above-ground utilities might receive many new additional poles in their neighborhood right-of-way because the multiple antennas may not be compatible with existing PEPCO poles.

This ZTA would eliminate public hearings for these towers in 11 residential zones and allow the cell towers in six residential zones where they are not currently permitted at all. These new poles would be placed in the right-of-way in front of residences; setbacks from residences were proposed to decrease from 60 to 30 feet. “Small” cell towers are not very

small since they can be anywhere from 30–40 feet when including the multiple antennas, so preservation of due process for residents is important.

In addition, there is no requirement that the tower applicant demonstrate that a significant gap in the coverage or capacity exists such that users are regularly unable to connect to the service network or are regularly unable to maintain a connection.

Our program will feature a discussion with the County’s point person for these issues, Mitsuko Herrera. Ms. Herrera is the Program Director for ultraMontgomery in the Montgomery County Department of Technology Services. She also serves on the FCC Con-

MORE

June Program, cont.

sumer Advisory Committee representing the National Association of Telecommunications Officers and Advisors. The CAC makes recommendations to the FCC regarding consumer issues within their jurisdiction.

Ms. Herrera was formerly the Cable & Broadband Administrator for Montgomery County. Prior to joining Montgomery County, Ms. Herrera served as the Director of Communications Policy and Regulation in the Fairfax County, Virginia, Department of Communications and Consumer Services and as an associate at the law firm of Miller and Van Eaton, PLLC, where she represented municipal clients in cable, wireless, and wireline telecommunications, right-of-way,



MITSUKO HERRERA

and broadband matters. Ms. Herrera is a graduate of Georgetown University Law Center and the University of California at San Diego.

The Executive branch will be releasing a new draft of the pro-

posed legislation this month. They will also host an open house at 6:00 p.m. on June 14 that will include examples of the telecommunications equipment. The Open House will be held in the Cafeteria of the Executive Office Building in Rockville.

Also joining us for the program will be community members who have been monitoring these issues, including Sue Present, who wrote a [four-part series in the January-April issues of the MCCF newsletter](#) regarding the regulatory review of cell tower applications in Montgomery County.

We strongly encourage that civic and homeowners’ association representatives and residents attend this very important June 12 program. ■

NEXT

Announcing the MCCF 2017 Annual Awards

The Sentinel Award is sponsored by the *Montgomery Sentinel* newspaper and awarded to an individual or group for a significant contribution to good government at the local level. Our 2017 awardee is the *Coalition of Bethesda Area Residents (CBAR)* for their successful efforts to collaborate with the various neighborhoods in and around Bethesda to form a common vision for a vibrant downtown Bethesda surrounded by livable communities. Their sustained efforts over several years led to an improved Sector Plan and successful adoption by the County Council of many of their recommendations.

After the Montgomery County Planning Department began to take up the Bethesda Downtown Sector Plan in 2013, a grassroots effort to collaborate with the various sur-

rounding communities was formed. The effort was coordinated by Mary Flynn, the founder of CBAR. Mary formed the nonprofit organization and set up a website, blog, and social media accounts. Once the communications structure was in place, essential information was provided to assist residents in participating in the planning process for the large and complex Bethesda Plan. Katya Martin of East Bethesda also helped to organize communication of information to other communities adjacent to the area. Together, they communicated and collaborated with 15 local governments and community associations representing over 10,000 households to establish a shared vision for a continued successful Bethesda area.

In addition to attending dozens of community meetings, the resi-

dents endured six hours of Planning Board public hearings with over 120 speakers, 17 Planning Board worksessions, three nights of County Council hearings, and 10 County Council and Committee worksessions prior to final adoption of the Plan on May 25. Through their hard work, the surrounding communities were able to communicate a common vision that resulted in recommendations for new parks, more open space, preservation of important community and historic resources, and the establishment of a design review panel.

The Wayne Goldstein Award (formerly known as the Gazette Award) recognizes and honors an individual or group for outstanding service to the people of Montgomery County. This year we honor *Jamison Adcock and the Coalition Against Avery Road Depot (CAARD)*.

MORE

2017 MCCF Awards, cont.

Adcock and area residents formed the grassroots coalition to address the County's efforts to relocate the Shady Grove school bus depot into various neighborhoods.

The odyssey began in 2006 when the Shady Grove Master Plan was adopted. The Plan recommended the County relocate its various facilities (e.g., a liquor warehouse, MCPS food preparation facilities, and a large MCPS bus depot that housed over 200 buses) in order to make room for mixed used development. By 2014, replacement sites had been found for all of the County facilities, except the bus depot. It is important to note that during those eight years, the bus depot's operations had swelled in size to well over 400 buses, and was dangerously over capacity.

In 2014, Adcock and Aspen Hill residents learned that MCPS wanted to relocate the Alternative Education Programs (AEPs) from the Blair G. Ewing Center on Avery Road in Rockville to the old English Manor school, because Ewing was considered "obsolete." MCPS then wanted to tear the Ewing Center down and use the site for a new bus depot to replace the one at Shady Grove. Just a year earlier, MCPS had decided to spend \$16 million to update Ewing, and had even completed a feasibility study on how to best spend the money to benefit the students. The County government intended to sell the Shady Grove bus depot land to developers in early 2017.

Residents testified before the Board of Education at the annual CIP hearings. Despite their testimony, the Board of Education approved the proposal but the residents were

not deterred.

They established a petition, distributed flyers around the community, planned community meetings, filed a complaint with the State Board of Education, issued MPIA requests to MCPS, and reached out to County Council, our state delegations and the media.

The County Council instructed MCPS to go back and redo the feasibility study on the Ewing Center. It seemed there was a lot of skepticism about demolishing a solidly built school building to make way for buses, especially at a time when MCPS was relying on over 400 portables to manage its enrollment boom.

In the meantime, other communities found themselves blindsided, as the County sought other locations for parking buses (e.g., at the Carver Educational Services Building on

MORE

2017 MCCF Awards, cont.

Hungerford Drive, or on the site of the old WINX radio towers off Westmore Road in Rockville). Members of the coalition lent their voices to support those communities, because they believed that they also had been treated unfairly.

As of last fall, both Carver and Westmore were pulled from consideration, but Avery Road remained on the chopping block. The Department of General Services was expected to announce a final plan for where to put the buses. It was around that time that CAARD really came together. It was comprised of residents from Aspen Hill, Avery Road, Manor Lake, Twinbrook, Flower Valley, and Manor Park. The Coalition then organized another community meeting that attracted their largest turnout to date.

Months went by, and still no new plan was brought forward. Finally, this past spring the County announced they were not going to relocate the Shady Grove bus depot for the foreseeable future. Thanks to the work of Jamison and the Coalition, the County will be conducting a full review of all the bus depots.

The Star Cup is awarded to the Federation delegate or committee performing the most outstanding public service on behalf of Montgomery County. This year we honor *Jim Zepp*, our current President and Public Safety Committee Chair. Jim is also a member of the MCCF Transportation Committee and previously served as MCCF First Vice-President and Second Vice-President.

As a professionally trained planner and regular transit rider, Zepp has also dedicated a great deal of volunteer time working on the re-

gion's complex transportation issues as a member of WMATA's Rider Advisory Council, the County Executive's Transit Task Force, and MCCF representative on the Route 29 BRT Corridor Advisory Committee. He has also served on the Board of the Northwood-Four Corners Civic Association as well as on his area's Master Plan Committee. Over the last several years, Zepp has attended many transportation meetings and diligently kept us informed about county and regional transportation issues as well as the latest trends in transportation. We are very grateful for Jim's exemplary service.

Please help us celebrate the achievements of these wonderful citizen activists at our Annual Awards Reception, June 8, 6:30-9:00 p.m., at McGinty's Public House, 911 Ellsworth Drive in Silver Spring. [See the registration form on [page 8](#).] ■

Reserve Your Tickets Now for Montgomery County Civic Federation's 2017 ANNUAL AWARDS CELEBRATION

THURSDAY, JUNE 8, 2017

Reception

6:30 to 9:00 p.m.

Awards Presentations

7:15 to 8:15 p.m.

"THE ROOM" AT

MCGINTY'S PUBLIC HOUSE

911 Ellsworth Drive, Downtown
Silver Spring, Maryland

*Reception includes substantial
hors d'oeuvres, wine, soft drinks.
Beer and cocktails at cash bar.*

SPACE IS LIMITED

PLEASE RESERVE BY MAY 31ST

Questions? Call Alan Bowser,
301.523.6659

MCCF Annual Awards Celebration

I/We will attend the Reception on Thursday, June 8, 2017:

\$35 per person \$60 per couple

(After May 31st or at the door: \$40 per person)

Name(s): _____

Association or Organization (as applicable): _____

Contact Information: Phone _____

Email _____

Please print or cut off and fill in this form with check payable to:
Montgomery County Civic Federation, Inc., and mail to Montgomery County
Civic Federation, Awards Celebration, P.O. Box 1123, Bethesda, MD 20827-1123

MCCF Needs a New Education Committee Chair!

Paula Bienenfeld has recently resigned as the MCCF's Education Committee Chair. Since 2009, she has served the MCCF in many different roles including as the President, First Vice President, and on many different committees as well as organizer of the annual Budget-Paloozas, the Hackathons, and many monthly programs on education and government transparency-related issues. While her dedication and knowledge to the work of the MCCF will be sorely missed, her familiarity with the policies and politics, performance, and the inner workings of the MCPS will be a major gap in the MCCF's activities and coverage related to the County's education services and expenditures.

If you are interested in how the County's school system is educat-

ing our children as well as half of the County's \$6.1 billion in FY2018 expenditures are buying, we need your help in developing insights for possible positions by the MCCF and how to best serve and keep our members informed of important education-related developments.

There are many controversies, such as: How does MCPS plan on closing the achievement gap for certain minorities beyond just increased spending? Why does it cost MCPS twice as much to build comparable school facilities than it does the Fairfax County school agency? As schools-related spending is likely to continue its growing dominance of the County's expenditures, this is a critical concern for residents, businesses, and our communities.

On May 18th, [The Brookings In-](#)

[stitution issued a report](#) on the state of educational research for improving the high school graduation rate. They summarized this situation with the following description:

Imagine your doctor tells you that you have an unhealthy condition. You ask what you can do about it. He responds that he doesn't know. When you return some time later, he tells you your unhealthy condition is improving. You ask what brought on the improvement, and he responds that he doesn't know. You ask if any studies are going on about the condition. He shrugs and says, "A few."

Please email your interests and contact information ASAP to Jim Zepp, [jzepp1953 AT gmail DOT com](mailto:jzepp1953@gmail.com). ■

Transportation Issues Around Montgomery County

COUNTY SETTLES TRANSIT CENTER LAWSUIT

On May 30th, County Executive Leggett announced that the [County had settled the County's \\$67 million lawsuit against the contractors who worked on the construction of the Silver Spring Transit Center](#). The trial began on May 10th.

[The contractors will pay the County \\$25 million](#). The payment does not include legal fees, other damages, or the \$8 million paid to a consultant to evaluate the cracking.

The County will pay Foulger Pratt \$3 million. Foulger Pratt had counter-sued for \$10 million.

JUDGE ISSUES RULING IN PURPLE LINE CASE

On May 22, the Judge in the Purple Line case ruled that [federal](#)

[transit officials failed to properly assess Metrorail's ongoing problems during the project approval process](#).

U.S. District Court Judge Richard Leon ordered a supplemental environmental review, consistent with the August 2016 ruling.

On May 30, Judge Leon dismissed the remaining claims of the Plaintiffs. Subsequent to the orders, the State of Maryland filed an appeal with the U.S. Court of Appeals.

COUNTY COUNCIL APPROVES ADDITIONAL \$\$ FOR ROUTE 29 AND ROUTE 355 BRT STUDIES

Mont. Co. Department of Transportation (MCDOT) has taken over the Route 29 BRT study process from the Maryland Transit Administration (MTA) and Maryland State Highway Administration (MDSHA).

The State closed its Route 29 Corridor Planning study of alternatives after determining that they would not be making a recommendation for an alternative. The MTA study showed that the best performing overall option studied was the "No Build" option. The Corridor Planning Study—with over 1,000 pages of documentation—can be [viewed online](#).

The County Executive stated he wants to move forward with his own proposal that was submitted to the Federal Transit Administration for a grant. He requested that \$31.5 million be programmed in the CIP for design and construction of his proposal. The Council approved programming \$3.5 million in FY2018 for design funds and another \$2 million for staffing despite the fact that no actual study has been performed

Transportation Issues, cont.

yet. The neighborhood associations connected to the corridor had many questions about the new MCDOT proposal and requested a report/analysis from the County since their proposal was not included in the State study.

Many have also requested that the County's proposal for buses servicing 11 stops running in mixed traffic be compared with WMATA's recommendation to implement Metro Extra Service on Route 29. WMATA currently has 20 buses available for implementing this service in Montgomery County in a matter of months, not years. This is an option included in all the other corridors under study for BRT (Route 355, Veirs Mill Rd., and Upper Georgia Ave.).

Metro Extra is a limited-stop service to the same proposed BRT stops

and at similar frequency as proposed by the County but at much lower cost. Currently, WMATA provides the service to the 11 stops where the proposed BRT stations would be. The MetroExtra service has been very successfully implemented in other areas of the County and on all the major bus corridors in Washington, D.C. MCDOT strongly opposed funding MetroExtra and reluctantly agreed to provide a RideOn limited stop service to the 11 stops beginning in January.

The Council programmed an additional \$2 million to continue the Route 355 BRT planning study. They also approved \$2.1 million in operating funds for a new limited-stop RideOn service for Route 355 between Lakeforest Mall and Medical Center. The County will purchase 17 new buses for the route, which will begin service in October. Also includ-

ed in the operating budget is a new Clarksburg to Shady Grove express bus route to begin this month.

The Council also selected a locally preferred alternative for the Veirs Mill Road BRT study for future study. While they selected a hybrid of Option 2, Transportation Systems Management/limited stop service with queue jumps where feasible, they did not provide any funding to move the study to the next phase of engineering. The Veirs Mill Road corridor has been under study since 2009. Studies for the other two corridors began in 2015.

In addition, although none of the studies for BRT on various corridors have done any detailed engineering, the County Council has provided MCDOT with \$1.25 million in public funds to hire a corporate public relations and lobbying firm, to market the BRT and lobby the public. ■

Planning and Land Use Committee Report

TINA PATTERSON APPOINTED TO THE PLANNING BOARD

On May 25, the County Council voted 8-1 to appoint Tina Patterson of Germantown to replace Commissioner Marye Wells-Harley on the Planning Board beginning in September. Commissioner Wells-Harley, whose second term on the Board will expire in July, was not eligible for reappointment.

Patterson is a small business owner whose background includes extensive experience in dispute resolution. She is a board member of both the Committee for Montgomery and Leadership Montgomery and a volunteer with the Montgomery County Interfaith Advisory Board. She previously served on the Board of Directors of the Black Rock Center for the Arts in Germantown and as

a Commissioner on the Montgomery County Commission on Human Rights.

"I want to make sure people feel like they can come before the Planning Board and express their concerns," Patterson said in a recent interview with *Bethesda* magazine. "Sometimes people feel like the process is only for developers. It's not. It's for all of us."

We look forward to working with Ms. Patterson and we thank Commissioner Wells-Harley for her dedicated service.

PLANNING BOARD WEIGHS IN ON SHORT-TERM RENTALS IN RESIDENTIAL ZONES (STRR)

On May 11, the Planning Board made recommendations regarding the Planning Department's Zoning

Text Amendment 16-03 which modifies the ZTA that was first introduced on February 2, 2016. Their recommendations were sent to the Council, who will hold a public hearing in the future. This ZTA would change the zoning in residential zones to allow, by right, short-term rentals, which is any rental less than 30 days. Examples of these online services are Airbnb, Flipkey, HomeAway, and VRBO; the operation of these essentially unlicensed hotels has grown.

Currently, residents may rent rooms in their houses or their entire dwellings for 30 days or more. Short-term rentals of less than 30 days are allowed in residential zones if the property is a licensed "Bed and Breakfast." Planners recommended "Bed and Breakfast" remain a separate use category in the Zoning Code and a new category, called accessory

PLU Cmte. Report, cont.

residential use for short-term residential rentals, would be created.

The Staff recommended that residential short-term rentals be limited to a maximum of 90 days per year for the property. The Planning Board eliminated the 90-day maximum. The proposed legislation would allow for administrative approval of short-term rentals if the property meets certain criteria.

Since most Homeowners and Condominium Associations already have regulations restricting and prohibiting short-term rentals, this legislation primarily affects neighborhoods that are not “common ownership” communities that have HOA or condominium documentation.

The ZTA requires notice to confronting and abutting neighbors,

and allows up to six guests at a time. Although the property would be required to be licensed, there is no indication of how this would be enforced, since the companion licensing legislation is not available at this time. Civic Associations are encouraged to monitor this legislation as it moves to the County Council.

NEW INSPECTOR GENERAL POSITION FOR M-NCPPC

We are pleased to report that state Delegate Ben Kramer’s Bill (HB 321)—creating an Office of Inspector General for the Maryland-National Capital Park and Planning Commission (M-NCPPC)—passed the General Assembly unanimously and was signed into law by the Governor on April 18.

Prior to passage of this legislation, none of our bicounty agencies had an Inspector General. The

Montgomery County Office of Inspector General does not have jurisdiction over bicounty agencies such as M-NCPPC and WSSC. MCCF testified in Annapolis along with other groups in favor of an Inspector General for both M-NCPPC and WSSC. We appreciate the time and work Delegate Kramer put into the passage of this important legislation. We hope to see legislation creating an Inspector General for WSSC during the next legislative session.

MASTER/SECTOR PLAN UPDATES

Check the [Planning Department website](#) for updates.

■ **Bethesda Downtown Plan.** On May 25, the Council voted 8-1 to approve the plan. Councilmember Elrich opposed primarily because of the lack of infrastructure based staging in the plan.

MORE

PLU Cmte. Report, cont.

■ **The White Flint 2 Sector Plan.** Planning Board held the 8th work-session on May 18.

■ **Changes to the Local Area Transportation Review (LATR) Guidelines** were approved by the Planning Board on May 25th.

■ **Grosvenor-Strathmore Metro Area Minor Master Plan.** Public Hearing Draft available and the Planning Board public hearing will be held on June 29th.

■ **Rock Spring Master Plan.** County Council Public hearing is scheduled for June 20 at 7:30 p.m. [Sign up here.](#)

■ **MARC Rail Communities Plan.** The Planning Department has held several community meetings.

■ **Veirs Mill Corridor Master Plan.** Community meeting was held May 15. ■

Safe Use of New, Improved Infrastructure on Nebel Street

By Peggy Dennis, Transportation Committee Member

With all the emphasis on “complete streets”, the rewrite of the Bicycle Master Plan and the work of the Pedestrian, Bicycle Traf-



fic Safety Advisory Committee, we shouldn’t lose sight of the need for everyone to obey the rules. As part of the White Flint Master Plan area, Nebel is one of the streets that has had separated bike lanes built on both side to induce more riders to safely share the roads, and well marked crosswalks put in at intersections.

On Tuesday afternoon (May 30), I observed two parents and their three children carefully crossing Nebel Street in one of the crosswalks. And the vehicle drivers stopped and waited patiently while this little family waddled across and made it safely to the other side.

The family consisted of two geese and three goslings! So, even our wildlife is benefitting from our new, safer infrastructure. ■

Minutes of the May 8th, 2017, Meeting #885, at the Executive Office Building, Rockville

By Danila Sheveiko, Recording Secretary

Call to Order: President Jim Zepp called the 885th session to order at 7:45 p.m. Introductions followed.

Agenda: It was moved and seconded to approve the agenda.

Minutes: It was moved and seconded to approve the minutes of the April 17th general meeting as they appeared in the May 2017 newsletter. The minutes were approved by affirmation.

Treasurer's Report: Treasurer Jerry Garson reported no changes since April. Copies of the Treasurer's report are available upon request.

COMMUNITY HERO

Awardees for the month of March, 2017 (postponed because of weather) were Valarie Barr and Charlotte Coffield of Silver Spring. As Presidents of the Lyttonville Community Civic Association and the Rosemary Hills Neighbors' Association, Coffield and Barr led their neighborhoods through deliberations for the **Greater Lyttonville Sector Plan recently approved by the Montgomery County Council**. Long-time activists from west Silver Spring, Coffield and Barr have supported a **broad range of community initiatives related to environmental, transportation, and economic development activities**. More on their story in the **March newsletter**.

PROGRAM

The May program was dedicated to transparency and open government (postponed from the March, 2017, National Sunshine Week program due to inclement weather) with a focus on the Maryland Public Information Act and the Maryland Open Meetings Act. Featured were guests Ron Ely (a **MCCF Community Hero from May of 2015**) Noel Isama, a Policy Analyst from the **Sunlight Foundation**.

Residents have limited options when their MPIA requests are not honored by Montgomery County government. The **Maryland Public Information Act Compliance Board**—funded and appointed in December 2015—does not have the authority to order the release of

MORE

May Mtg. Minutes, cont.

records and is limited to reviewing “excessive fees” of at least \$350. The Board does issue published opinions and has determined that “fee waivers” are not under their jurisdiction.

The Act further directs the Board to “(1) study ongoing compliance with this title by custodians; and (2) make recommendations to the General Assembly for improvements to this title,” but the Compliance Board has apparently construed this to only mean reviewing compliance with respect to fees, and not any other procedures under the Maryland Public Information Act.

The Board has strongly encouraged requesters with issues other than fees to seek help from the **Public Access Ombudsman**. The

current Ombudsman is **Lisa Kirshner**. Operating out of the Office of the Attorney General, the Ombudsman is essentially a low-cost mediator who can address a variety of issues but does not issue written opinions; neither party is compelled to accept mediation, so compliance is voluntary. Similar to the MPIA Compliance Board, the Public Access Ombudsman does not have the authority to order the release of public records. In theory, OAG has staff resources to handle public record issues, and the Attorney General does have the power to issue opinions or directives to local governments.

The May program concluded with a panel presentation on the transparency of the Washington Suburban Sanitary Commission water rate policy. The WSSC rate structure does not confirm to best

practices and is unique in the United States with volumetric rates in place since January of 1978. WSSC does not have cost of services studies. Panelists claimed that the rate structure is irrational, unfair, and discriminatory, generating cost spikes and unreasonable “undue rate discrimination.” The real price of water has been increasing, and we need a sustainability incentive in the rate structure. The **Montgomery County Taxpayer's League position** is that, because the water rate does not bear any relationship to cost, it is a tax and not a fee. Costs have to be recovered. Labor costs are about 20% of the WSSC budget. Residents consume about 75% of all the water supplied in Montgomery County with higher residential and business rates than Fairfax County.

MORE

May Mtg. Minutes, cont.

RESOLUTION

The resolution in support of grants to rewater the C&O Canal and repair the towpath passed with one vote against. (See [May news-letter](#).)

COMMITTEE REPORTS

Transportation

■ The County Council will take a straw vote on funding for Route 29 Bus Rapid Transit as well as Metro Extra service for Route 29 next Monday. (See [Agenda Item #6](#) and [Agenda Item #7](#).)

■ Public meetings are planned for June 2017 to receive public comment on preliminary bikeway recommendations for Montgomery County's [Bicycle Master Plan](#).

Environment

■ It turns out that, just like MCPS, Park & Planning also replaced their defective turf field at the Blair High School without filing a warranty claim with the manufacturer, choosing to instead [fund a new field from a different supplier by cutting other MNCPPC projects around the County](#). The Environment Committee's MPIA request for documents proving that these fields are safe has been stonewalled by the school system's Public In-



formation Office. Councilmember Elrich made attempts to obtain similar documents showing that the fields were regularly tested for safety as mandated, only to receive an acknowledgement that MCPS did "not have detailed, consistent testing practices or records" to comply with the request, all the while claiming that these defective fields are "safe" and cost-effective.

Legislation

■ Tort reform for artificial turf fields failed in committee. HB313 passed to reduce bow-and-arrow deer hunting safety zone from inhabited buildings down to 50 yards.

■ The [craft beer bill](#) passed.

Adjournment: The meeting adjourned at 9:57 p.m. ■

Minutes of the May 18th, 2017, MCCF Executive Committee Meeting

By Danila Sheveiko, Recording Secretary

The Executive Committee (Ex-Comm) convened at the Mid-County Recreation Center.

Call to Order: Jim Zepp, President, called the meeting to order at 7:22 p.m. Present: Jerry Garson, Harriet Quinn, Jacquie Bokow, Bailey Condrey, Danila Sheveiko, Carole Ann Barth, and Alan Bowser.

Adoption of Meeting Agenda: Jim Zepp called for and received unanimous approval of the proposed agenda.

Approval of Minutes for April 20th ExComm Meeting: Jim called for and received unanimous

approval of the minutes.

Treasurer's Report: Jerry Garson reported a bank balance of \$11,528.35.

ANNOUNCEMENTS

■ A public hearing on the [Draft 2017 Comprehensive Water Supply and Sewerage Systems Plan](#) will be held at the County Council Office Building on June 13, 2017, at 1:30 p.m. A periodic, comprehensive update of the Plan is required by State law.

ISSUES DISCUSSED

■ **Future Meeting Locations:** Due to continued difficulties with after-hours access to the County Executive Office Building, the ExComm is searching for alternative loca-

tions for general meetings, with the ground floor hearing room in the Council Building most preferable after the ongoing renovations to the space are complete. Executive Committee meetings will continue to be held at the Mid-County Recreational Center and via teleconference call every other month.

■ The June 12, 2017, general meeting will be about the proposed process for review of applications for small (30 feet) cell tower installations in residential zones. More information is available in the article [on page 3](#) and in [our five-part news-letter series](#).

■ Annual Awards Reception on June 8th at McGinty's in Silver Spring ([see reservation form on page 8](#)).

May ExComm Mtg., cont.

COMMITTEE REPORTS

Nominations

■ Committee is seeking candidates for Recording Secretary to run on the Federation's 2018 slate of elected officers.

Education

■ Vacant.

Public Utilities

■ Possible support of the Taxpayer's League testimony on the WSSC rate study was discussed. The Water Loss Audit Report computed a lost water rate of 17.9%, one of the highest in the nation, and said one third of this is due to old meters that under-bill larger customers.

Public Finance

■ The **FY18 \$5.4 billion County Operating Budget** has been approved. County employee salary has increased 20% in three years.

■ Instead of filing a warranty claim on Blair High School's defective synthetic turf field, **local Parks funding was used to pay for a new field from a different supplier without public notice or input.**

Planning & Land Use

■ Recommendations for revisions to Zoning Text Amendment 16-03, regarding short-term nightly rentals (e.g., Airbnb) in residential zones were made by the Planning Board to provide for some parking requirements and restrictions. Planning Department staff recommended a 90-day per year limit on short-term rentals, but the Planning Board

changed the recommendation to 365. There was no discussion of the companion licensing bill. (See article on [page 12](#)).

■ The **Planning Board finalist for MNCPPC commissioner is to be announced Tuesday.**

■ **Bethesda Downtown Sector Plan to be approved** on Thursday.

Transportation

■ The Beltway is now on a regular basis experiencing congestion peaks on Saturdays.

■ A meeting on new 355 Ride On bus stops will be held on May 24th. It appears that these stops will have to be removed once Bus Rapid Transit is built.

■ Traffic light timing on the 270 spur is now metered to back up to Montrose.

■ The MTA/MCDOT \$3 million

MORE

May ExComm Mtg., cont.

Route 29 BRT Corridor Planning Study showed the best overall performing option was the "No Build" option.

The County Executive is moving forward with his own proposal for BRT on Route 29 to travel in mixed traffic at an early estimated capital cost of \$31.5 million for purchase of 14 special buses, construction of ~14 special stations for the special buses at 11 locations. The capital cost estimate excludes roadwork, financing, and operating costs. The Council approved an additional \$7.5 million for design and also approved funding for a Route 29 RideOn limited-stop service for the 11 locations to begin in January 2018 for less than \$1 million. This service is similar to WMATA's MetroExtra service that WMATA recommended 3 years ago for Route

29. (See article on [page 10](#).)

■ A WMATA surge will significantly affect the Metro Red Line between Twinbrook and Shade Grove starting June 17th.

Environment

■ Funding for three more synthetic turf fields was approved in a budget supplemental.

■ The Council's Planning, Housing, and Economic Development Committee will hold a worksession on Executive Regulation 21-15 to adopt the International Green Construction Code on June 12th, 2:00 p.m. in the 7th floor Council Hearing Room.

■ The Planning Board will hold a public hearing on the 2017 Park Recreation and Open Space Plan on May 25th. Most of the resources appear to be dedicated to installation of new athletic fields and other recreational venues, including a possible hang-

gliding hill.

■ A non-binding resolution to divest from fossil fuels passed the County Council by a vote of 8-1, with Councilmember Floreen in the minority.

Nominations

■ MCCF is still looking for a Recording Secretary to serve the 2017-2018 year term.

NEW BUSINESS

■ Newsletter deadline and articles Sunday, May 26th at 6:00 PM to Jacquie Bokow at civicednews@montgomerycivic.org.

■ Date and location of next ExComm meeting: June 22 via teleconference 7:45-9:45 p.m.

Adjournment: Jim called for and received unanimous approval for adjournment at 8:54 p.m. ■

MCCF Officers for Next Fiscal Year Are Nominated

Election of officers will take place at the June 12th general meeting. Terms are for one year. The following slate has been nominated:

- President—Jim Zepp
- First Vice-President—Bailey Condrey
- Second Vice-President—Danila Sheveiko
- Treasurer—Jerry Garson
- Recording Secretary—

We are seeking a secretary for our meetings.

Also, four At-Large members of the Executive Committee are named by the President early in his/her term of office. This is a great way to become more actively involved and contribute to the work of the Civic Federation.

If you are interested in serving in this capacity or would like to nomi-

nate another delegate, please contact us at [info AT montgomerycivic.org](mailto:info@montgomerycivic.org). ■



JIM ZEPP

Like our new Facebook Page and follow us on Twitter.

Montgomery County Civic Federation

www.montgomerycivic.org

info AT montgomerycivic.org

Twitter Feed @mccivicfed

[MCCF Facebook Page](#)

cfn

The *Civic Federation News* is published monthly except July and August by the Montgomery County Civic Federation, Inc. 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.”

Submit contributions for the next issue by the 26th of the current month. Send to CFN at [civicednews AT montgomerycivic.org](mailto:civicednews@montgomerycivic.org).

Send all address corrections to membership AT montgomerycivic.org.

VIEW PAST ISSUES ONLINE [HERE](#)