

DRAFT MINUTES – April 10, 2007

Following a very productive Community Conversations gathering, the meeting was called to order by President Barbara Falcigno. The March 2007 minutes were approved with 2 corrections and 0 additions. The agenda was accepted with no additions or changes.

PUBLIC COMMENTS

- Barbara Falcigno noted a Maryland Sex Offenders Alert Line now exists - 1 866 559-8017. Residents can call this number, register their zip code and sign up to get notices when a sex offender moves into their zip code area.
- Ed Weisel invited anyone interested in carpooling with him to Annapolis for an anti-ICC rally on Saturday, April 14th to let him know.
- Jackie Benn noted the public hearing on April 25th for proposed sewer and water category amendments. Information on the properties being considered is available at the County's website at www.montgomerycountymd.gov/waterworks.
- Gina Angiola noted that voter-verifiable paper ballot legislation passed on final day of the General Assembly session. If the governor signs bill and comes up with funding for new system, we will no longer be using paperless touchscreen voting machines, beginning in the 2010 elections.
- Danny Benn announced a Relay for Life fundraiser at Cheeburger, Cheeburger. They will give 15% of their proceeds from people presenting a copy of a Relay for Life fundraiser flyer.

SPECIAL PRESENTATION

Discussion of the Schools Element of the Annual Growth Policy - Barbara Falcigno noted that the County Council will be reviewing the Annual Growth Policy (AGP) in the very near future. AGP regulates relative timing of development and facilities. It tests for adequacy of certain public facilities to determine whether growth in a given region can be supported. Specifically, it tests for adequacy of transportation, schools, water and sewer, and police, fire, and health services. At the last GOCA meeting, Karl Moritz from Park and Planning spoke on the topic of transportation. Today's meeting focus was adequacy of educational facilities and exactly how those determinations are made. Karl Moritz again presented the County perspective on this issue. In addition, Jim Keenan of Montgomery County Council of PTA's (CIP committee) was invited to discuss his perspective on how these policies actually play out in the school system.

Mr. Moritz opened his talk by explaining again the specific roles of the AGP versus the Master Plan process. The Master plan addresses the amount, pattern, location and type of development; the AGP addresses timing, as noted above. He then went on to explain some of the details of the decision-making process with respect to the adequacy of public schools. The following are some of the key points of this discussion:

- The criteria used to determine "adequacy" of schools for the AGP differs from the criteria used by the school system (MCPS) to determine "adequacy."
- When assessing school capacity, the AGP tests by cluster at the elementary, middle, and high school levels. In other words, they add up capacity (as projected 5 years out) at all the elementary schools within a cluster and use that figure. (Same applies to middle schools and high schools). Anything that is fully funded in the Council's Capital Improvement program in the next five years counts toward this capacity calculation.
- Capacity calculation involves taking the total number of classrooms and multiplying by specific multipliers (i.e. 25 for grades 1-5, 22.5 for secondary grades).
- Similarly, current student enrollment figures are not used in the AGP test, but rather projected enrollment figures 5 years down the line.
- In past, if cluster had projected enrollment that exceeded 100% of projected capacity, it was not automatically labeled "inadequate"; they were allowed to "borrow" capacity from a neighboring cluster by doing a boundary change (on paper) to create adequacy. (This is one point of contention in current AGP testing.) An example

of this kind of borrowing was shown in the Watkins Mill Elementary cluster, which “borrowed” from the nearby Quince Orchard cluster, although no students actually changed schools.

- It was rare for a school cluster to be declared “inadequate” and to be put in moratorium. (another point of contention). One recent case that did occur was the Damascus cluster moratorium, but that was lifted when the new Clarksburg High School was built.

[Important historical case: In 1970’s, the Planning Board declared a moratorium in the Churchill cluster due to inadequate school capacity. A developer took the Planning Board to court. The court said that, because the moratorium could be relieved by adjusting school boundaries, it was arbitrary and threw the moratorium out.]

Recognizing that several aspects of the AGP were not working well, a number of changes were made in 2003, including:

- Ending the policy of “borrowing” for ES and MS
 - Borrowing is still allowed at the HS level. (By way of example, Mr. Moritz discussed the situation with the Blake Cluster, which exceeded capacity by 67 students using the MCPS capacity figures and by 22 students using the AGP test; however, because Paint Branch cluster had an excess capacity of 396 students, Blake cluster was deemed adequate. It is important to note that no students are actually transferred; this is a “virtual transfer” or adjustment on paper only)
- Adding \$300 million for school capacity
 - Recordation tax was increased and these additional funds were devoted to increasing school capacity (one example of new funding source)
- School facilities payment (information taken from slide)
 - \$12,500 per student, required if enrollment exceeds 100% of capacity for ES or MS, or 105% of capacity for HS.
 - Moratorium is imposed if enrollment exceeds 110% of capacity at any level
- Adding impact taxes (developers were asked to pay a specific fee for each single-family home built, each townhouse, etc. The fees have increased slightly since the slide was made, but the fees on the slide were listed as follows: single-family home-\$8,000; townhouse - \$6,000; garden apt.-\$4,000; high-rise-\$1,600; senior-\$0) Impact taxes are only used for expanding capacity, meaning for capital budgets, not operating budgets (i.e. they are not used for adding teachers, etc.) So far, they have only brought in about \$12 million (not large relative to capital budget).
 - Fees are based on averages of how many students come out of each type of unit developed (estimates are based on census data in part)
 - Challenge: enrollment increases are only partially due to new development and this can vary from area to area (it may account for only 20% of new enrollment for example)
 - Estimating enrollment trends for new kindergarten students is the most difficult calculation.

Other comments of interest:

- MCPS school boundary changes do occur, but not usually in association with AGP needs.
- County-wide, about 80% of the change in school enrollment is NOT due to new development, but rather to turnover in existing housing, etc. (This is used by some as an argument against moratoriums. It also creates challenges in determining how much to tax new development projects for school capacity needs.)
- Relocatable classrooms (portables) are not counted for purposes of assessing either congestion or capacity in AGP
- There is an ongoing tension between development decisions and MCPS decisions. There has been a conscious effort made to try to keep some separation between school and development concerns; however, too much separation can also lead to difficulties. Finding the right balance is an ongoing challenge.
- In response to a question about what remedies are available in cases of truly inadequate capacity, Mr. Moritz outlined four potential approaches:
 - Moratorium (Rockville currently has tightened its “adequacy” requirements and is using moratorium as a remedy for inadequate school capacity)
 - Requiring Developers to build schools (MCPS has not employed this, but developers have been required to build roads when transportation tests have demonstrated inadequacy in that arena)
 - Requiring developers to pay cash for future capacity expansion
 - Public involvement and commitment of public funds for capacity expansion

Next, Mr. Moritz showed several slides:

- The first showed numerous sites of planned development within regions that are already classified as “overcapacity” by MCPS standards for ES. (note: MCPS capacity figures are always lower than AGP figures).
- The next showed dots of all ES’s, color-coded to indicate whether they were at capacity, under-capacity, or over-capacity by MCPS criteria.
- Next few slides showed similar information with respect to middle schools and high schools.
- Next slide showed relocatable classroom locations (total number is 719). MCPS budget currently emphasizing relocatable reduction. Current school enrollment down, but that trend is expected to be temporary. Montgomery County currently experiencing record high birth rates, for example.

Right now, County is in process of re-evaluating all the tests used to assess school capacity for purposes of the AGP. They have looked at 14 or 15 different options. Class-size reductions have led to a larger divergence between AGP school test results and what the public perceives as “adequate school capacity,” so this is a good time to re-evaluate.

KEY TIMELINES:

- Interim reports are being prepared by staff (last one was due in on April 15)
- Planning Board worksessions are scheduled for 5/3, 5/8, 5/10, 5/17
- Public Forum is scheduled for May 5 (location to be determined)
- Planning Board report is due in on 5/21, which will trigger another series of public forums by the County Council in June.

Jim Keenan who is with the Montgomery County PTA (parent, volunteer, became involved after boundary changes affected his own child’s schooling) offered the following observations:

- Growth is a major concern because they are behind on capacity in the County for the projected growth.
- The CIP program for this year is over \$1 billion, so the \$12,000 raised through impact taxes is not a great deal of help meeting the funding needs for the school system.
- The PTA advocates for schools and programs through the County’s CIP process and in the operating budget.
- There are currently 700 portable classrooms countywide. While the presence of portables does not necessarily mean a school is overcrowded, having 14 or more is probably a good indication there is a problem. They are now setting environmental quality standards for portables
- Rockville did impose a moratorium that worked well. It did not group schools in a cluster.
- A goal of the PTA is to have a school system that provides environmentally-friendly places for learning.
- The PTA is promoting lowering Montgomery County Public Schools’ (MCPS) capacity levels which are: kindergarten- 17 students – 1 teacher; elementary – 23 –1; middle/high school – 25 –1. The optimal performance level is 85% of capacity.
- Community superintendents have some flexibility to add some positions to a specific school, if needed.
- Ultimately, the PTA feels development needs to slow down.

Barbara noted that approximately 50% of residents in the County do not have children in the public schools, but at some point those homes will turn over to individuals or families that may school-aged children. So, school populations rise and fall in cycles. MCPS tries to build for the mid-range of the numbers. So, at peak times they need portables, and at the low end of the cycle they have empty classrooms. While it would be nice to have a seat for every child in a permanent classroom at peak, there is a need to strike a balance so that County money is being spent wisely.

OFFICERS/COMMITTEE REPORTS

Treasurer’s Report – Roy Peck reported that the current balance is \$7,136.19.

Correspondence Report – Jackie Benn reported that the correspondence included a preliminary plan for Aunt Hattie’s Place, a group home on the southwest corner of Norwood Rd and Rte. 108.

Olney Chamber of Commerce Report – Joe Buffington reported that the Chamber and the Brooke Grove Retirement Community will co-host the second annual Athena Awards Luncheon on May 4th at Brooke Grove Nursing Home and the Chamber will hold its Awards and Installation Program on June 13th.

Civic Federation Report– No Report

Membership Committee – Bob Beard reported that 18 of the 31 associations that were members last year have paid their dues and 2 more have promised to send theirs in. He also noted that he had spoken to Scott Graeves and Scott is willing to make a donation towards Olney Days 2007.

Land Use Report: Barbara F. reported that there was not much new this month.

Transportation Report – Dave Eskenazi reported that he is still working with the State Highway Administration on the signals at Emory Road and Georgia Avenue and on posting No Parking signs on Georgia Avenue in front of Willow Grove, the elderly housing development, and sidewalks on Morningwood Drive.. With respect to Emory, he is concerned that a recommendation made by Capt. Demmi to put in red turn arrows on Georgia Avenue and he is following up on that.

Olney Town Center Advisory (OTCAC) Committee Report - Jim Smith, the OTCAC Chair, reported that the Committee has created a Fact Sheet that is available on their website, www.olneytowncenter.org. It also lists all the Committee members, and other background information. They will be posting documents and recommendations as they are developed. Jim noted that the Committee was tasked with developing an illustrative concept for the town center that will complement the Olney Master Plan. Then as development plans are submitted, the Committee will review them against the illustrative plan and provide comments to the Maryland-National Capital Park and Planning Commission's (P&P) Planning Board. Their comments will be considered equally with staff recommendations. They are beginning to work with an architectural firm performing some pro bono work to help the group develop the illustrative concept. They expect to have a pictures with draft design guidelines together by mid-Fall to supplement the guidance relating to the town center in the Master Plan along with a draft design for a town commons for discussion with the community. The Committee is now collecting information on program requirements fore different civic uses expected to be in the town center, many in close proximity to each other, possibly in a civic center, such as the police satellite station, the Library, a combination Chamber office and visitors' center, and a teen center. The Committee has met with representatives of the Freeman Company. Harvey Metro, owner of the MetroMetro Building on Rte. 108, attended the last meeting to get an update on what the Committee is doing, and several members met with representatives of B. F. Saul to discuss future development plans and the opportunities the new zone affords.

The first property the Committee has looked at was the Sayag property on Hillcrest Avenue. The Sayags came to the Committee after presenting their plan to GOCA. The Sayags have been working since them to resolve a number of issues raised by a number of agencies and have made some revisions to their plan. The Committee has prepared some recommendations for the Planning Board, but no hearing date has been set yet.

President's Report – Barbara reported that she was looking for a volunteer to serve on an Olney Liaison Committee for Good Counsel High School formed when the school opened. They are to meet three times a year to review the traffic impacts of the school-related traffic. They will be having their first meeting soon and GOCA is suppose to provide a representative to serve on that Committee.

Barbara noted that the first Community Conversation had taken place earlier that evening. All are welcome to attend. Since GOCA is an umbrella civic association, the goal is to bring interested residents from member associations, not necessarily the GOCA delegates, together to discuss common issues and concerns principally related to the operation of their local associations and within their developments, to improve communication between associations, and to provide a vehicle for them to share experiences and knowledge.

OLD BUSINESS

Proposed Doherty Property Sewer & Water Category Change – Barbara Falcigno noted that a resolution relating to the Doherty Property sewer and water category change had been tabled at the last meeting for action at the April meeting. The Doherty property is on Emory Church Road, just east of Georgia Avenue. The First Baptist Church plans to move there from their current location in Wheaton. The property is currently served by septic and is not recommended for inclusion in the sewer envelope in the southeast quadrant of Olney. However, the church is a private institutional facility (PIF) and, as such, can get approval for sewer and water. At the March meeting, Arnie Gordon moved that GOCA oppose the sewer and water category change requested by the First Baptist Church. She noted that the property feeds into North Branch watershed which is environmentally sensitive. During the master plan process, the community was very concerned about the environmental sensitivity of the area and requested that a special protection area be established in the quadrant. However, the Council did not approve that because they felt the low density of development anticipated there offered sufficient

protection. However, the Church has now come in with a proposal for development that is much more intense than the residential development the current zoning would yield there.

A newsletter published by the Church indicates that on this 15-acre site, they are proposing to cover 10 acres with their building and parking lot. In the first phase of their development they are proposing a 50,000 sq. ft building. As a comparison, Barbara noted that the Giant Food store in Olney is 46,000 sq. ft., but this property is on a rural road. Also, the new owner can tear down the existing barn once they own the land. It is anticipated that a full-cycle traffic light will be needed to accommodate the traffic from the Church. The Southeast Rural Olney Civic Association (SEROCA) will be meeting with representatives from the Church on April 27th. They plan to listen and ask questions. It is a permitted use, so they want to be a good neighbor. It was also noted that other churches use the facility in Wheaton, but it is not clear yet whether these churches are included in this plan.

Dave E. noted the construction of Good Counsel HS, the construction of the Washington Christian Academy that is underway and the site proposing to use grinder pumps to increase the developable density on their site, all on Batchellors Forest Road and asked how much of this density of development can occur before the area loses its rural character. Barbara noted that with the restriction on the development of PIF in the Agricultural Reserve, there is increased pressure to locate PIFs in these types of areas. It was noted that the Council is responsible for the policies relating to PIF and since there is no master plan for PIFs, it is hard to say that this use cannot go on this site. Paul Jarosinski noted that the basis of the opposition to the use is not that the community does not want this use, it is just that the scope of the development is not consistent with the concepts in the Olney Master Plan for this area. Khalid Afzal noted that the low density development proposed for the land in this area makes it more attractive for PIF uses and many churches that cannot afford land in the higher density and commercially zoned areas. It is a complicated issue that is part of why the Council is struggling with this.

The motion as Arnie Gordon made it at the March meeting, and was seconded by Sharon Dooley reads that:

GOCA OPPOSE THE SEWER AND WATER CATEGORY CHANGE BEING APPLIED FOR BY THE WHEATON FIRST BAPTIST CHURCH FOR THE PROPERTY ON EMORY CHURCH ROAD.

The motion passed with 2 abstentions and 1 opposed.

Khalid noted that all sewer and water category changes come to P&P for review and recommendation. Those that the staff feels are not controversial are decided on by the staff without any public comment. However, those, such as this one, go through a public hearing process before the Planning Board. Then the Planning Board forwards its recommendation for approval or denial of the sewer and water category change.

Olney Days 2007 – Helene Rosenheim reported that plans are processing for this year's Olney Days events Friday, May 18th – Sunday May 20th. She noted again that the most significant change from last year is that the Olney Community Band and the Olney Big Band, formerly known as the Olney Jazz Band, will both be performing at Olney Manor Park on Saturday afternoon and evening during the Fun Fair and Fireworks. The Community Band will perform around 5:00 pm and the Big Band will play following the various food eating contests up until the Fireworks. People will be encouraged to Swing Dance while they are performing. The food eating contest include the pasta eating contest sponsored by Mama Lucia's, the ice cream eating contest sponsored by Cold Stone Creamery, the watermelon eating and watermelon seed spitting contest sponsored by the Good Earth Garden Market we held last year, plus a new event sponsored Dream Dinners in which people will assemble a Rice Pilaf dish.

The Dream Dinner event will serve as a kick-off of a month-long fundraiser for GOCA. Dream Dinner will donate money to GOCA based on Dinners purchased by residents who indicate that they are participating in the GOCA fundraiser. There is no additional charge to those purchasing the meals. So, it is a win-win situation – residents get an assist with their meal preparation at a reasonable cost, GOCA gets some additional funding, and Dream Dinners gets some additional business. One other change is that the Mr & Ms. Olney Contest that starts the weekend's activities will be held on the Historic Stage of the Olney Theatre this year. Another new event that will take place at the park is a musical activity for preschool and early elementary aged children. The activity will last about 15-20 minutes and will be repeated every half hour. The events at the Park will again include the Homerun Derby, the Lacrosse Shoot-Out, the Tennis Fun Day, and the Sandy Spring Volunteer Fire Department's fire engine rides and carnival games and refreshment sales. And the evening will end with fireworks.

Earlier Saturday morning, Joe's Ride and Stride will take place, all beginning in the Oakdale Emory Church parking lot. This event will again include the 45K ride, the 10K ride, and the Bike Rodeo, along with the 5K walk added last year for those who want to participate, but were not interested in the bike ride. The events on Sunday

include the Olney Days Car and Truck Show sponsored by Fletcher's Service Center and the Olney Days Parade. The next planning meeting will take place on April 19th. They are now working on lining up volunteers and Helene plans to contact each civic association to request that they provide 3-4 volunteers to work sometime over the weekend. She is also requesting volunteers through the Park Police and the local high schools. Those interested in helping with the planning or volunteering to work at the events over the course of the weekend were asked to contact Helene at 301 774-6774 or at helene.rosenheim@verizon.net.

NEW BUSINESS – None

ANNOUNCEMENTS

Roy Peck noted that his father had received its first contact from the State Highway Administration relating to the property Norman's Farm is located on, which is in the Inter-County Connector (ICC) right-of-way. The letter indicates that funds have been placed in an escrow account for the property and the State now has the right to go onto the property and begin construction. However, Roy indicated that they do not feel that the amount in the escrow account is sufficient. Winchester Homes which owns 4 properties in that area are also involved in this taking. He felt that since the land had been undervalued, correcting this error will result in the cost of constructing the ICC will be higher than projected.

Following a few other announcements, the meeting was adjourned

Respectfully Submitted,

Danny Benn

Danny Benn, Recording Secretary

People in attendance:

Gina Angiola (Norbeck Hills), Barbara Barry (Perspective Woods), Bob Beard (Homeland Village), Barbara Beccles (Norbeck Hills), Jackie & Danny Benn (Fairhill Farm), Joe Buffington (Olney Chamber), Sharon Dooley (James Creek), Brenda Egeland (Norbeck Grove), Marge Fait (Perspective Woods), Barbara Falcigno (Olney Oaks), Jay Feinberg (Olney Oaks), Paul Jarosinski (Cherrywood), Jim Keenan (MCCPTA), Jennifer Mavrikes (Manor Oaks), J. Messimore (Cherrywood), Karl Moritz (M-NCPPC), Buck Parr (Tanterra), Roy Peck (Norbeck Meadows), Jocelyn Rawat (Councilmember Floreen's Office), Ingrid Romer (Norbeck Hills), Helene Rosenheim (MCRSC), Jim Smith (Oatland Farm), Marc Smith (Olney Oaks), and Ed Weisel (Norbeck Meadows)