

Executive Board Meeting Minutes
March 10th, 2015

CALL TO ORDER

President John Webster called the meeting to order at 7:30 p.m. GOCA representatives, alternates, and members of the public introduced themselves.

A motion was made and seconded to approve the January 2015 minutes which were approved as written. A motion was made and seconded to approve the March agenda. The agenda was approved unanimously.

PUBLIC COMMENTS & ANNOUNCEMENTS

No public comments or announcements were made.

CHICK-FIL-A DEVELOPMENT PROPOSAL

Stacy Silber, attorney for Chick-Fil-A (CFA), presented the proposed plan for a CFA at 18115 Georgia Avenue, behind the Five Guys building. She showed a visual of the plan noting that concerns over the difficulty in accessing the CFA building and the outdoor seating area had prompted several design changes. The existing entrance to the restaurant would be closed and moved further up Georgia Avenue. The building would be moved closer to the street (Georgia Avenue). Street trees would be added. Additional design changes included moving the drive-through behind the building and a formal pedestrian entrance from the street. The design is unique to the site with every side of the building being treated as a “front” façade with brick and embellishments. CFA is planning to file an application by the end of March. To comply with County regulations, however, there will be another public presentation of the CFA plans on March 23 in the Buffington Building Community Room. This is to serve notice to adjacent property owners and area civic organizations who will be invited as well. Signs for these meetings will be on the building. The application will then go to the Montgomery County Planning Board for approval.

Questions from the Board were heard. Jackie Benn asked whether the sidewalk would be improved only in front of the CFA or further down. Silber said sidewalk improvement would only be on CFA controlled property. A question arose on when the new CFA would open. Silber said the new CFA is expected to be open for business in one and one-half years. Jim Smith thanked CFA for working with the Olney Town Center Advisory Committee on the design and the drive-through. He asked whether the sidewalk on the northern side could be connected with the businesses to the north of CFA and to the east. Silber said that this is a challenge since there is an existing fence and a parking lot as well and these properties do not belong to CFA. These businesses would be losing some parking space. The same situation exists with regard to the neighboring business to the east which would also lose some of their property. Smith felt that these businesses might benefit from a connection to the CFA property. Silber said CFA would investigate and attempt to secure a right-of-way for access through the parking areas. She said that if anyone has any connections with any of these businesses, CFA would be willing

to contact them and work with them on a solution. The owner of the shopping center owns two parcels and the right-of-way.

A question arose about why these property owners would want to give up their property for CFA. They would not be giving it up because it's a parking lot. They would be giving CFA the right-of-way to go across the parking lot. There could be some advantage for their tenants and CFA is still negotiating with them.

John Webster asked for a motion to support the CFA proposal as presented with the addition of the desire to negotiate with neighboring businesses regarding potential rights-of-way through their properties. Barbara Falcigno motioned to support the CFA proposal with this addition. Larry Solomon seconded.

The motion carried with **25 supporting**, **no oppositions** and **2 abstentions**. GOCA will support the CFA proposal.

INDEPENDENT TRANSIT AUTHORITY RESOLUTION

Barbara Falcigno presented County proposal (MC 24-15) for an Independent Transit Authority (ITA). The proposal was made by the County Executive at a special public hearing on January 30, 2015. After much debate and lack of support, the proposal was pulled. Falcigno said that since transit and its construction funding remain relevant and unsolved issues for Montgomery County, GOCA should expect this issue to be revisited in the future and should be on record with a formal position on the ITA proposal in order to respond quickly and with authority. The current Department of Transportation (DOT) is not focused on transit since there is no money to build right now. She noted that the proposed ITA would operate outside the County budget, be appointed (not elected) for five years, draft its own budget, create its own funding plan, do its own hiring and procurement. The idea is to create a new agency with the authority to move forward with a single agenda – transit. Since there was no support for this, it was pulled. One major point is that this new agency could borrow money on their own and the taxpayers would be responsible for it. It would also have eminent domain powers and the ability to create special taxing areas to fund their projects.

She reviewed the GOCA Resolution (*below*) in response to the Montgomery County ITA proposal and asked for discussion from the Board. The Board felt that funding for transit projects should be paid for regionally and not just by Montgomery County; the ITA should stay within MCDOT and not become a separate agency; cost for implementation of transit projects should not exceed MC borrowing limits; transit projects should be implemented in phases. GOCA has already implemented a resolution on the BRT with regard to completing the first phase before proceeding with the next to see how the first phase works.

Joe Corbett suggested that the GOCA Board may not be representative of the Olney community as a whole because of some of its recent positions. He felt that the Board should vote against the GOCA Resolution on the Montgomery County ITA.

Discussion ensued. It was suggested that a referendum on the ITA proposal is needed. The ITA seems like an end run around the fact that GOCA is on record as against a special tax to fund transit projects and, if implemented by County Bill 24-15, an ITA could impose an unlimited tax to fund their projects.

GOCA is against exceeding the MC borrowing limit. The possible disregard for the Olney Master Plan and damage to the center of town as well as eminent domain and special tax on homeowners to fund ITA projects are also concerns.

Greg Panicter agreed with Joe Corbett that GOCA should be responsive to the voters regarding transit in the community and support the proposed GOCA Resolution on an ITA to make certain the County does not create an institution that Olney does not want. He questioned whether the resolution is broad enough. Joe Corbett felt that the Board was going forward with a vote on the Resolution before having presented it first and voting on it at the next Board meeting as has been done previously. Barbara Falcigno noted that the resolution has been available online for review for the last month. Ed Weisel said that the Board needs to perfect the resolution and suggested tabling the resolution in order to revise the language.

Jim Smith motioned to table the vote on the GOCA resolution as written. Howard Greif seconded. There was no discussion from the Board.

There were **12 votes in favor** of tabling the resolution **and 14 votes opposed**. **The motion to table the resolution failed.**

Ed Weisel felt that before a transit development phase proceeds to development, it should be endorsed by a citizens' referendum. He then made a motion to hold a citizens' referendum at the next election and place the resolution on the ballot. Barbara Falcigno seconded the motion. The motion was **approved with 24 in favor, 3 opposed and one abstention.**

Jim Smith made a motion to revise the resolution language by changing "funds" to "funding methods" to read: *Transit projects shall be funded by existing Federal, State, County funding methods and not by special taxes or bonds that exceed existing authorized borrowing limits.* Barbara Falcigno seconded.

The Board voted **27 in favor, 2 opposed and 1 abstention** to support the resolution as amended (*below*).

GOCA RESOLUTION

Montgomery County Independent Transit Authority (County Bill 24-15)

Whereas the County has proposed a new politically-appointed Independent Transit Authority (ITA) with unspecified borrowing and eminent domain powers; and

Whereas the ITA will not be directly accountable or transparent to County voters; and

Whereas the ITA proposal separates County decision-making and prioritization for transit projects from road projects; and

Whereas the ITA disenfranchises County elected officials; and

Whereas GOCA supports carefully informed planning and fiscal management with full accountability and transparency to the voters; and

Whereas the County proposes to grant itself the power to impose special taxes without limitation to fund County transit functions; and

Whereas the Greater Olney Civic Association (GOCA) is on record strongly opposing any special taxing of residents for transportation projects with broad regional benefit; and

Whereas ITA debt will ultimately be the responsibility of County taxpayers through the aforementioned special taxes; and

Whereas the ITA will have power to exceed the County's authorized debt limits; and

Whereas the County still has debt obligations remaining from a debt burden that recently threatened its AAA bond rating

Now therefore be it resolved that GOCA opposes the creation of the ITA as currently proposed. Furthermore, GOCA strongly urges the County's elected officials to pursue transit projects in a fiscally responsible manner with full and direct accountability and transparency to County voters by adhering to the following general principles:

Transit projects shall be funded by existing Federal, State, and County funding methods and not by special taxes or bonds that exceed existing authorized borrowing limits

Transit and road projects shall both remain the direct responsibility of the County Executive, who is the elected official responsible for deciding trade-offs and prioritizations for all transportation projects and expenditures

Transit projects shall be developed in fiscally responsible phases with proof of operational viability, ridership, and ongoing fiscal self-sufficiency being requirements for proceeding to the next phase of development

Transit projects shall not proceed beyond the conceptual stage without first obtaining documented and published citizen input and a citizen's referendum on the final proposal

OFFICERS/COMMITTEE/LIAISON REPORTS

Transportation Committee

Barbara Falcigno noted there is a new booklet on how to ride a bike safely which is in the library now.

She also reported that there will be an open house on Thursday, March 19 from 5:30 - 8:00 pm at the James Blake HS Cafeteria, 300 Norwood Road in Silver Spring, MD to view results of the MDDOT Route 28/198 Corridor Improvement Study which focuses on the Route 28 corridor east to I95. There will be no formal presentations but there will be maps and other exhibits of the preliminary alternatives under consideration. See the GOCA website for details

Falcigno asked for volunteers to join the Transportation Committee to work on an upcoming subcommittee. She said that a second survey on Olney commuters will go out soon for community feedback. Area HOAs will be asked to send it to their homeowners for input.

Mid-County Citizen's Advisory Board

Greg Intoccia reported that the County operating budget will be available by March 15 with discussion ensuing in April. His committee will study the budget and report. He asked the Board to submit to him any ideas they may have on the County budget.

Public Policy & Community Affairs Committee

Matt Quinn reported that the Committee has now had its second meeting. There are currently seven committee members. He said the Committee will focus on land use and legislation but will not report on existing building projects that are mostly complete, but on zoning changes such as Brookeville Farms, the proposed Berrend project on Georgia Avenue, the Mess property with 200+ undeveloped acres, Brooke Grove with proposed six lots in Olney. They will also look at the old Vitro site to determine potential impact on Olney. The goal is to be proactive on legislative issues within the County Council, District 14 and 19 by communicating with representatives in these areas regarding their vision for these areas. He noted that there are currently 750 bills in the State House and 500 Senate bills on the May agenda that the Committee wants to keep in mind.

Olney Town Center Advisory Committee

Jim Smith reported that the next meeting of this committee is scheduled for March 24. The Committee is working on locating space for an Olney Town Commons and is currently talking to several local real estate owners in an attempt to locate suitable space for the Town Commons. He noted that the committee will approach the REIT of the Shoppers property as well as the old Good Earth property as possibilities.

Bylaws Committee

Kathy Curtis reported on the process of working through changes to GOCA bylaws to include the specific changes presented by the Cherrywood HOA. She said that the Committee has changed the amendment language to follow the GOCA format where necessary. The results of the bylaw changes mean that future appointments and removals of Committee chairmen will come to the GOCA Executive Board for vote.

Bylaws Committee Report on Cherrywood HOA's Proposed Bylaws Amendment

Cherrywood HOA has proposed amending GOCA's Bylaws. The Bylaws Committee is tasked with (1) putting the amendment in the proper language, (2) favorably or unfavorably reporting the amendment to the Executive Board and (3) identifying where else the Bylaws would need to be amended to accommodate this proposal. This is the proposed amendment as submitted by Cherrywood HOA:

Committee chairs are appointed and removed by the president with simple majority consent of the delegates at an open meeting of the GOCA members. If a committee chair position is unfilled for more than 30 calendar days, then any delegate may nominate himself / herself or any other delegate to a committee chair position. The GOCA delegates shall then, by simple majority, approve or disapprove appointment of the nominated delegate to the committee chair position.

(1) This is the amendment after the Bylaws Committee put it in the proper language without changing anything substantively:

Committee Chairs are appointed and removed by the President with simple majority consent of Representatives at an Executive Board meeting of the GOCA members. If a committee Chair position is unfilled for more than 30 calendar days, then any Representative may nominate himself/herself or any other Representative to the committee Chair position. The GOCA Representatives shall then, by simple majority, approve or disapprove appointment of the nominated Representative to the committee Chair position.

(2) The Bylaws Committee:

- a. favorably reports the Cherrywood position that the Executive Board should have a voice in the appointment and removal of committee leadership
- b. unfavorably reports the position on restricting the election of a Chair from among the current Representatives and on electing someone who has not been nominated by the President.

(3) Article VII – Committees #5 would have to be rewritten to accommodate the specific issue in this proposed amendment.

Curtis said that since the Bylaws Committee is still working on overall bylaws changes, there is no need for a vote on the Cherrywood change at this time. This amendment will be included for vote when all the changes are presented to the Executive Committee.

2015 Membership Renewals

Greg Intoccia reported that currently dues have been received from 26 GOCA member communities. Seven have not yet paid their dues. Members have until March 31st to stay current otherwise these neighborhoods will no longer be GOCA members.

Correspondence Report

Jackie Benn reported that much new correspondence had been received. She circulated the new correspondence to the Executive Board members present.

Chamber of Commerce Report

There was no report made.

GOCA Awards Ceremony

Barbara Falcigno reported that the March 8, 2015 Awards Ceremony at Good Counsel High School was very well attended by the community as well as by County and State elected officials, including the County Executive.

She noted the 2014 winners honored as follows:

GOCA Citizen of the Year - Jim Smith
Contribution to the Community - Howard Greif, Dan McNickle , Jessica Weiss
Youth Contribution to the Community - Elizabeth Homick
Heritage Award - George Brown
GOCA worker of the Year - Lee Lofthus
Special President's Award – Amy Harbison

GOCA 2015 officers were also introduced to the community.

NEW BUSINESS

There was no new business.

ADJOURNMENT

A motion was made and seconded to adjourn the meeting. All were in favor and the meeting was adjourned at 8:58 p.m.

Respectfully submitted,
Judy Broseker, Recording Secretary

In attendance:

GOCA Executive Board

John Webster, President - Manor Oaks; Greg Intoccia, Executive Vice President - Ashley Hollow; Matt Quinn, 1st Vice President – Cherrywood; Judy Broseker, Recording Secretary – Brookeville Knolls; Jackie Benn, Corresponding Secretary - Fair Hill Farm; Kathy Curtis, Treasurer - Lake Hallowell; Barbara Falcigno, Immediate Past President - Olney Oaks

Greg Panicter (Briar Acres), Dave Rada (Brooke Manor Estates), Lydia Rappolt (Camelback Village), Jenni Davies (Cherrywood), Andrea Keller (Fair Hill Farm), Danny Benn, (Fair Hill Farm), Don Schmelter (Highlands of Olney), Helene Rosenheim (Highlands of Olney), Howard Greif (Lake Hallowell), Leisa Sarecky (Manor Oaks), Larry Solomon (Norbeck Grove), Ed Weisel (Norbeck Meadows), Matt Zaborsky (Norbeck Meadows), Jim Smith (Oatland Farm), Lee Lofthus (Oatland Farm), Diana Littlefield (Olney Acres), Carolyn Knight, (Olney Oaks), Alden English (SEROCA), Louis Saporito (James Creek), Ann Marie Saporito (James Creek), Joe Corbett (Williamsburg Village),

Invited Guests

Stacy Silber, attorney for Chick-Fil-A, Lerch, Early & Brewer
John Martinez, Chick-Fil-A
Terri Hogan (The Gazette)
Lon Andersen, AAA Mid Atlantic

Public

Jessica Brill Ortiz, John Maynard (Bohler), Kim McCrary (Cherrywood), Tim Stemann (Williamsburg Village)