

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, February 1, 2005 Rockville, Md.

The County Council for Montgomery County, Maryland convened in the Council Conference Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:15 A.M. on Tuesday, February 1, 2005.

PRESENT

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| Councilmember Thomas Perez, President | Councilmember George Leventhal, Vice President |
| Councilmember Phil Andrews | Councilmember Michael Knapp |
| Councilmember Howard Denis | Councilmember Nancy Floreen |
| Councilmember Marilyn J. Praisner | Councilmember A. Silverman |
| Councilmember Michael Subin | |

The President in the Chair.

SUBJECT: Breakfast Meeting with the Board of Education

Reference: Agenda Item 2

The Council met with Board President O'Neill, Vice-President Haughey, and Board Members Abrams, Cox, Ervin, Navarro, and Romero.

Mr. Subin, Chair of the Education Committee, suggested that joint meetings be scheduled twice a year.

The Council recessed at 10:00 A.M. and reconvened at 10:18 P.M. in the Council Hearing Room.

The Council held a moment of silent prayer.

SUBJECT: Proclamation in Recognition of Dr. David I. Steinberg, Principal of Magruder High School, as the Winner of the 2004 Washington Post Distinguished Educational Leadership Award for Montgomery County

The proclamation was presented by Councilmember Subin to Dr. Steinberg.

SUBJECT: Proclamation in Recognition of Bonnie Fogel, named as the 2004 Washingtonian of the Year by The Washingtonian

The proclamation was presented by Councilmember Silverman to Ms. Fogel.

SUBJECT: General Business

Agenda and Calendar Changes:

There were no agenda and calendar changes.

Approval of Minutes

Approved the minutes of November 30, 2004 and January 18, 2005; and the closed session minutes of July 27, 2004.

Ms. Praisner made the motion.

Receipt of Petitions

There were no petitions received in Legislative Information Services.

SUBJECT: Consent Calendar

Reference: Agenda Items 4A-4O

Deferred consideration of agenda item 4G, confirmation of the County Executive's appointments to the Committee on Hate/Violence, and 4K, confirmation of the County Executive appointment to the Partnership Board for Victims of Hate/Violence at the request of Mr. Leventhal. Mr. Leventhal requested that the appointments not be confirmed until all of the potential appointees are informed that either one or both of the committees could be repealed as part of the recommendations of the Committee Evaluation and Review Board.

Ms. Praisner, referring to Agenda Item 4A, introduction of a resolution in support of a Maryland Economic Development Assistance Authority and Fund grant for an environmental feasibility study at the Army Research Laboratory, questioned whether the study will provide information on the thoroughness of the information provided by the Department of Defense and the potential costs to clean up contamination caused by military activities or provide information on whether it is economically feasible to redevelop sites pending the outcome of the

Base Alignment and Closure (BRAC). She questioned what is anticipated in the additional round of BRAC starting in 2005.

Mr. Andrews requested to be added as a cosponsor of Agenda Item 40, Establishing Annual Budget Priorities and Performance Measures.

The Consent Calendar was adopted:

Introduced a resolution to endorse the Maryland Economic Development Assistance Authority and Fund grant for an environmental feasibility study at the Army Research Laboratory;

Introduced a resolution to support the development of a long range funding plan for the Washington Metropolitan Area Transit Authority (WMATA) and for increasing the Federal Government's contribution to WMATA;

Resolution 15-868, approving Executive Regulation 23-04, Financial Disclosure;

Resolution 15-869, was introduced, the Council Rules of Procedures were suspended, and the resolution was adopted designating Legislative Branch employees to file financial disclosure statements;

Resolution 15-870, approving a special appropriation to the Maryland-National Capital Park and Planning Commission FY05 Capital Budget and amendment to the FY05-10 Capital Improvements Program (CIP) for small grant/donor assisted capital improvements, in the amount of \$600,000;

Resolution 15-871, confirming the County Executive's appointment of Lt. Ronald G. Smith to serve as a member of the Alcohol and Other Drug Abuse Advisory Council;

Resolution 15-872, confirming the County Executive's appointment of the following persons to serve as members of the Human Rights Commission: Andrea Diane Graham, Beth Mellen Harrison, Eeshan V. Melder, Peter J. Nickoloff, Nancy Morrison O'Connor, and Tanzila Sheikh;

Resolution 15-873, confirming the County Executive's appointment of Captain Russell E. Hamill to serve as a member of the Local Management Board for Children, Youth and Families;

Resolution 15-874, confirming the County Executive's appointment of the following persons to serve as members of the Noise Control Advisory Board: Richard J. Peppin and Richard Szwerc;

Resolution 15-875, confirming the County Executive's appointment of the following persons to serve as members of the Solid Waste Advisory Committee:

Roberta Faul-Zeitler, Betty Garrand, Mark Glazer, Michael T. Goergen, Jr., Thomas Jagodits, Amy E. Schaffer, Walt Sonnevile, and Benjamin Zindler;

Resolution 15-876, confirming the County Executive appointment of Joseph Beach to serve as a member of the Technology Investment Fund Loan/Grant Committee;

Resolution 15-877, confirming the County Executive's appointment of Marie Mackey to serve as a member of the Workforce Investment Board;

Introduced a resolution to establish annual budget priorities and performance measures.

Ms. Praisner made the motion.

SUBJECT: **Supplemental Appropriation to the FY05 Capital Budget and Amendment to the FY05-10 CIP of the Department of Correction and Rehabilitation for the Montgomery County Detention Center Reuse, in the Amount of \$4,993,000**

Reference: Agenda Item 5

Resolution 15-878, was adopted approving the supplemental appropriation, in the amount of \$4,097,000.

The Public Safety Committee made the motion.

SUBJECT: **Spending Affordability Guidelines for the FY06 Capital Budget and Other General CIP Assumptions**

Reference: Agenda Item 6

Approved the guidelines for Maryland-National Capital Park and Planning Bonds of \$3.1 million for FY05, \$3.1 million for FY06, and \$22.6 million for FY05-10 six-year CIP. The inflation rates will be amended later to reflect the Department of Finance's updated inflation information for the Public Service Program.

The Management and Fiscal Policy (MFP) Committee made the motion. Mr. Subin and Mr. Denis were temporarily absent.

Defeated Mr. Knapp's motion to raise the FY05 guidelines by \$10 million to \$209 million and the FY10 target to \$190 million, thus raising the six-year guideline by \$19 million to \$1.159 billion, a 1.7% increase:

YEAS: Praisner, Knapp

NAYS: Denis, Andrews, Floreen, Silverman, Perez

ABSENT: Subin, Leventhal (temporarily).

Defeated Ms. Praisner's motion to raise both the FY05 and FY06 guidelines to \$209 million and the FY10 target to \$190 million, thus raising the six-year guideline to \$1.178 billion, a 3.3% increase:

YEAS: Praisner, Knapp

NAYS: Denis, Andrews, Floreen, Silverman, Perez

ABSENT: Subin, Leventhal (temporarily).

Defeated Ms. Praisner's motion to approve the school impact tax revenue assumptions as submitted by the County Executive and illustrated in the Mr. Orlin's addendum memorandum, dated February 1, 2005:

YEAS: Praisner, Knapp

NAYS: Denis, Andrews, Silverman, Floreen, Perez

ABSENT: Subin, Leventhal (temporarily).

Resolution 15-879, was adopted raising the FY05 and FY06 guidelines to \$209 million and the FYs07-10 targets to \$200 million, thus raising the six-year guideline to \$1.218 billion, a 6.8% increase; and other general CIP assumptions.

YEAS: Andrews, Silverman, Floreen, Denis, Perez

NAYS: Praisner, Knapp

ABSENT: Subin, Leventhal.

The MFP Committee made the motion.

Later in the meeting, Mr. Subin and Mr. Leventhal said had they been present, they would have voted in support of the resolution.

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY**

SUBJECT: Master Plan of Bikeways

Reference: Agenda Item 7

Resolution 15-880, approving the Countywide Bikeway Functional Master Plan, as amended.

The Transportation and Environment Committee made the motion. Mr. Subin and Mr. Leventhal were temporarily absent.

Later in the meeting, Mr. Subin and Mr. Leventhal said had they been present, they would have voted in the support of the resolution.

SUBJECT: Local Map Amendment (LMA) G-824
Reference: Agenda Item 8

Ms. Praisner requested that the members of the Clarksburg Civic Association be notified about the importance of providing testimony through the formal process on issues important to them.

Resolution 15-881, was adopted approving LMA reclassifying from the R-200 Zone to the PD-11 Zone, of a 23.8211-acre parcel of unimproved land, known as “Eastside” including Parcel P600 and a previously dedicated right-of-way, which are located on the south side of Shawnee Lane, between Gateway Center Drive and MD 355 in Clarksburg. Mr. Subin and Mr. Leventhal were temporarily absent.

Later in the meeting, Mr. Subin and Mr. Leventhal said had they been present, they would have voted in support of the resolution.

The Council recessed at 12:22 P.M. and reconvened at 1:35 P.M.

SUBJECT: Public Hearing on Bill 39-04, Energy Policy – Clean Energy Rewards Program
Reference: Agenda Item 9

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business February 8, 2005.

SUBJECT: Public Hearing/Action – Supplemental Appropriation to the FY05 Operating Budget of the Department of Health and Human Services for Public Emergency Preparedness and Response Program, in the Amount of \$438,380
Reference: Agenda Item 10

The public hearing was held and the record was closed.

Resolution 15-882, was adopted approving the supplemental appropriation for the Public Emergency Preparedness and Response Program.

The Health and Human Services Committee made the motion. Mr. Subin was temporarily absent.

SUBJECT: Public Hearing/Action – Supplemental Appropriation to the FY05 Operating Budget of the Circuit Court, for Adult and Juvenile Drug Court Grant Programs, in the Amount of \$191,960

Reference: Agenda Item 11

The public hearing was held and the record was closed.

Resolution 15-883, was adopted approving the supplemental appropriation for the Adult and Juvenile Drug Court Grant Programs.

Mr. Andrews made the motion. Mr. Subin was temporarily absent.

SUBJECT: Public Hearing/Action – Supplemental Appropriations to the Montgomery County Public Schools' FY05 Operating Budget for the Entrepreneurial Activities Fund, in the Amount of \$273,000; and for the Middle Schools Magnet Consortium, in the Amount of \$2,441,487

Reference: Agenda Item 12

The public hearing was held and the record was closed.

Resolution 15-884, was adopted approving the supplemental appropriation for the Entrepreneurial Activities Fund.

Resolution 15-885, was adopted approving the supplemental appropriation for the Middle Schools Magnet Consortium.

The Education Committee made the motion. Mr. Subin was temporarily absent.

SUBJECT: Legislative Session

See the legislative journal of today's date for the minutes of this session.

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
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SUBJECT: Zoning Text Amendment 05-03, Sign Review Board – Membership and Authority

Reference: Agenda Item 16

Introduced Zoning Text Amendment 05-03.

Resolution 15-886, was adopted scheduling a public hearing at 7:30 P.M. on March 8, 2005 on the subject text amendment.

SUBJECT: Historic Preservation Amendment 05-1, Enforcement

Reference: Agenda Item 17

Introduced Historic Preservation Amendment 05-01.

SUBJECT: Receipt and Release – Office of Legislative Oversight (OLO) Report 2005-1, A Study of the County Government’s Selection and Funding Practices for Health and Human Services and Community Development Grant Awards

Reference: Agenda Item 18

Received and released OLO’s report 2005-1.

Ms. Praisner made the motion. Mr. Silverman and Mr. Subin were temporarily absent.

Ms. Praisner requested an addendum to the report be provided showing a broader timeline of how the Council approaches grant issues, and for representatives from the departments, the Procurement Office, and the County Executive’s Office to attend the Committee meeting on Thursday.

The Council adjourned at 3:05 P.M.

This is an accurate account of the meeting:

Elda M. Dodson, CMC
Acting Clerk of the Council