



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.montgomerycountymd.gov/council

The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office to obtain current information.

This meeting will be televised live on Channel 6; repeated on 7/23/04 at 8 pm and 7/24/04 at 9 am

Tuesday, July 20, 2004

- 9:15 **INVOCATION** - Reverend Rosetta Robinson, Community Ministry of Montgomery County, Rockville
- 9:20 **PRESENTATION** - Proclamation in recognition of American Speech and Hearing Association and Macro International's awards - "Greater Washington's Best Workplaces for Commuters" by Councilmembers Floreen and Knapp
- 9:25 **PRESENTATION** - Proclamation to Mier Wolf in recognition of 20 years of community service by Councilmember Floreen

9:30 **GENERAL BUSINESS**

- A. **Announcement** - Agenda and Calendar Changes (Lauer)
- **Bill 27-03**, Moderately Priced Dwelling Units (MPDU) - Amendments, sponsored by Councilmembers Perez, Andrews, and Leventhal, is scheduled for public hearing on 9/23/04 at 7:30 p.m.
This bill was introduced by the Council on 7/29/03.
 - Additional testimony is invited on **ZTA 03-09**, Moderately Priced Dwelling Units (MPDU) - Large lot zones, sponsored by District Council at the request of MNCPPC, at the public hearing on 9/23/04 at 7:30 p.m.
This ZTA was introduced by the Council on 5/13/03.
- (1) B. **Action** - Approval of Minutes: May 20 and June 29, 2004 (Edgar)
- C. **Acknowledgement** - Receipt of Petitions (Lacefield)

(2) 9:35 **CONSENT CALENDAR**

- A. **Introduction** - Resolution to approve the Office of Legislative Oversight's FY05 Work Program (Orlansky)
Action is tentatively scheduled for 7/27/04.
- B. **Introduction** - Resolutions to transfer project balance within the MCPS' FY05 Capital Budget and FY05-10 Capital Improvements Program: (Levchenko)
1) \$750,000 from Damascus High School improvement project to MCPS Local Unliquidated Surplus Account (Source: G.O. Bonds)
2) \$750,000 from MCPS Local Unliquidated Surplus Account to Gaithersburg Elementary School Addition (Source: G.O. Bonds)
ED Committee worksession tentatively scheduled for 7/20/04.
- C. **Action** - Resolution to support State Financing for the Rehabilitation of Spring Garden Apartments in Silver Spring (Trombka)
- D. **Action** - Resolution to support State Financing for the Rehabilitation of Chevy Chase Lake Apartments in Chevy Chase (Trombka)
- E. **Action** - Resolution to endorse the Maryland Economic Development Assistance Authority and Fund (MEDAAF) grant to the Mills Corporation (Ferber)
- F. **Action** - Resolution to approve the FY05 schedule of revenue estimates and appropriations (Sherer)
- G. **Action** - Executive Regulations 34-03AM, Towing Rules and Regulations (McMillan)
PS Committee recommends approval as amended.
- H. **Action** - Executive Regulation 5-04, Electricity Procurement Regulations (Healy)
MFP Committee recommends approval.
- I. **Action** - Confirmation of County Executive appointments to the Board of Electrical Examiners: Evan Bestland (Ferber)
- J. **Action** - Confirmation of County Executive appointments to the Commission on Children and Youth: Diego Uriburu, Colleen Fee, John C. Munson, Allan Shedlin, Jr., Esther Breger, Christina Craver, James A. Davis, Katelyn Kinker, Adam M. Susser, Michael Williams, Cristina I. Vessels (Ferber)
- K. **Action** - Confirmation of County Executive appointments to the Commission on Health: Cynthia Chao, Wayne E. Sauseda, Eva Feder, Arthur Williams, Paul Jung, M.D., Nancy J. Miller (Ferber)
- L. **Action** - Confirmation of County Executive appointments to the Community Action Board: Traci Thompson Ferguson, M.D., (Primary), Terry Seamens (Primary), Alyssa Sanders, (Alternate), Beverly Brown, Lauren Newman, Daniel Ehrenberg (Ferber)

(2) 9:35 **CONSENT CALENDAR** *(continued)*

- M. **Action** - Confirmation of County Executive appointments to the Energy and Air Quality Advisory Committee: Mary E. Fowler, J. Michael Galway, Jason A. Holstine, Suzanne Matwyshen-Gillen, Jonathan Powell (Ferber)
- N. **Action** - Confirmation of County Executive appointments to the Human Rights Commission: Lisa P. Kinard (Ferber)
- O. **Action** - Confirmation of County Executive appointments to the Strathmore Hall Foundation Board of Directors: Marvin Address, Mary Kay Shartle-Galotto (Ferber)
- P. **Action** - Confirmation of County Executive appointments to the Advisory Board on Victims and their Families: Nancy C. Barash, Sally Rogers, Craig L. Rice, Manjit Singh (Ferber)

(3) 9:45 **DISTRICT COUNCIL SESSION**

- A. **Introduction** - Zoning Text Amendment 04-11, Moderately Priced Dwelling Units (MPDU) - Building coverage and green area standards - Multi-Family Zones, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Wilson)
Action - Resolution to establish public hearing for 9/23/04 at 7:30 pm.
- B. **Introduction** - Zoning Text Amendment 04-12, Moderately Priced Dwelling Units (MPDU) - Density bonus and public space requirement - CBD and Transit Station Zones, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Wilson)
Action - Resolution to establish public hearing for 9/23/04 at 7:30 pm.
- C. **Introduction** - Zoning Text Amendment 04-13, Moderately Priced Dwelling Units (MPDU) - Master Plan and Sector Plan conformity requirement exception - CBD, RMX and Development Plan Zones, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Wilson)
Action - Resolution to establish public hearing for 9/23/04 at 7:30 pm.
- D. **Introduction** - Zoning Text Amendment 04-14, Moderately Priced Dwelling Units (MPDU) - Dwelling unit types - one-family residential zones, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Wilson)
Action - Resolution to establish public hearing for 9/23/04 at 7:30 pm.
- E. **Introduction** - Subdivision Regulation Amendment 04-01, Moderately Priced Dwelling Units (MPDU) - Exceptions - Master Plan conformity requirement and Tertiary Road requirement, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Wilson)
Action - Resolution to establish public hearing for 9/23/04 at 7:30 pm.
- F. **Action** - Resolution to establish public hearing for the Master Plan of Bikeways for September 28, 2004 at 7:30 p.m. (Orlin)

9:45 **DISTRICT COUNCIL SESSION** *(continued)*

- G. **Action** - Amendment to the Master Plan for Historic Preservation: Montgomery County Heritage Area Management Plan (Arthur)
PHED Committee recommends approval.
- H. **Action** - Zoning Text Amendment 04-05, Eating and Drinking Establishments - C-O Zone (Wilson)
PHED Committee recommends approval with amendments.
- I. **Action** - Zoning Text Amendment 04-06, Site Plan Enforcement Agreements - Elimination (Wilson)
PHED Committee recommends approval.
- J. **Action** - Resolutions to approve use of Advance Land Acquisition Revolving Fund (ALARF) for acquisition of real property as follows: 1) Woodstock Equestrian Park Addition Lots 6, 7 & 8, Beallsville Property; 2) Linthicum East Elementary School Site (Wilson)

10:30 **LEGISLATIVE SESSION** Day # 21

- A. Approval of Legislative Journal - June 29, 2004 (Edgar)
- B. Introduction of Bills
- (4) • **Bill 24-04**, Moderately Priced Dwelling Units (MPDU) - Amendments, sponsored by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal (Faden)
Public Hearing is scheduled for 9/23/04 at 7:30 pm.
- (5) • **Bill 25-04**, Moderately Priced Dwelling Units (MPDU) - Amendments, sponsored by Councilmembers Praisner and Leventhal (Faden)
Public Hearing is scheduled for 9/23/04 at 7:30 pm.
- (6) • **Bill 26-04**, Vendors - Amendments, sponsored by Councilmember Denis (Faden)
Public Hearing is scheduled for 9/14/04 at 1:30 pm.
- (6.5) • **Expedited Bill 27-04**, Inspector General - Nominating Panel - Membership, sponsored by the MFP Committee (Faden)
Public Hearing is scheduled for 7/27/04 at 1:30 pm.
- (7) 10:45 **WORKSESSION** - Proposed Charter Amendments and recommendations of Charter Review Commission (Faden/Healy)
Action is tentatively scheduled for 7/27/04.
- 12:00 **RECESS**
- (8) 1:30 **PUBLIC HEARING** - Zoning Text Amendment 04-08, Security Pavilions - Residential and Agricultural Zones (Wilson)
PHED Committee worksession tentatively scheduled for 7/26/04.

- (9) 1:30 **PUBLIC HEARING** - Amendment to the WSSC's FY05-10 Capital Improvements Program: Piedmont Road Water Main and Clarksburg Area Stage 3 Water Main, Part 1 (Levchenko)
T&E Committee worksession tentatively scheduled for 7/22/04.
- 2:00 **ADJOURN**
- 2:00 **ED Committee** (7th floor Council Hearing Room)

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on July 27, 2004:

Alcohol and Other Drug Abuse Advisory Council: Dawn A. Levinson, David P. Lunden, Kathy Houser, Frederick J. Oeltjen, William A. Saunders, Joanne Nightingale, Neal Berch
Commission on Child Care: Kate Barnes, Grace Loverde Ibarra, Ruth Figueroa, Maryanne Lazarchick, Naseem Hoque, Sandra M. Axelrod, David Winstead, JoAnn K. Barnes
Commission on Common Ownership Communities: Charles H. Fleischer, Antoinette Negro, Vicki Satern Vergagni, Andrew Oxendine, Jeffrey R. Williams, Kevin Gannon
Friendship Heights Transportation Management District Advisory Committee: Leonard J. Grant, Stacey Wahlert, Howard Byron, Jessica Adams
Silver Spring Transportation System Management Advisory Committee: Erin N. Grace, Richard W. Hayman, Michael Hunston
Washington Suburban Transit Commission: Gary Erenrich

COUNCIL MEETINGS

Note: See the COMMITTEE AGENDA for a listing of the Committee meetings currently scheduled.

Jul 27, 2004	9:00 am	Regular Session
Jul 27, 2004	12:30 pm	State Legislation
Aug 9-Sep 10, 2004		Recess
Sep 6, 2004		Holiday

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

July 27, 2004

- 1:30 pm ZTA 04-09, Eating and Drinking Establishments - Office buildings - Revisions
- 1:30 pm **Expedited Bill 21-04**, Bond Authorization
- 1:30 pm Supplemental appropriation to the County Government's FY05 Operating Budget, NDA Support for the Arts and Recreation - \$1,500,000 for Partnership for Arts and Recreation initiative
- 1:30 pm **Expedited Bill 27-04**, Inspector General - Nominating Panel - Membership

September 14, 2004

- 1:30 pm **Bill 22-04**, Health - Fitness Centers - Defibrillators
- 1:30 pm **Bill 23-04**, Contracts and Procurement - Local Small Business Reserve Program
- 1:30 pm **Bill 26-04**, Vendors - Amendments

September 23, 2004

- 7:30 pm **Bill 27-03**, Moderately Priced Dwelling Units (MPDU) - Amendments
- 7:30 pm ZTA 03-09, Moderately Priced Dwelling Units - Large lot zones
- 7:30 pm ZTA 04-11, Moderately Priced Dwelling Units (MPDU) - Building coverage and green area standards - Multi-Family Zones
- 7:30 pm ZTA 04-12, Moderately Priced Dwelling Units (MPDU) - Density bonus and public space requirement - CBD and Transit Station Zones
- 7:30 pm ZTA 04-13, Moderately Priced Dwelling Units (MPDU) - Master Plan and Sector Plan conformity requirement exception - CBD, RMX and Development Plan Zones
- 7:30 pm ZTA 04-14, Moderately Priced Dwelling Units (MPDU) - Dwelling unit types - one-family residential zones
- 7:30 pm SRA 04-01, Moderately Priced Dwelling Units (MPDU) - Exceptions - Master Plan conformity requirement and tertiary road requirement
- 7:30 pm **Bill 24-04**, Moderately Priced Dwelling Units (MPDU) - Amendments
- 7:30 pm **Bill 25-04**, Moderately Priced Dwelling Units (MPDU) - Amendments

September 28, 2004

- 7:30 pm Master Plan of Bikeways

September 30, 2004

- 7:30 pm ZTA 04-10, Accessory Apartments - Revisions
- 7:30 pm **Bill 20-04**, Landlord-Tenant Relations - Accessory Apartments



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ADDENDUM

Tuesday, July 20, 2004

(2) 9:35 **CONSENT CALENDAR**

Defer: G. **Action** - Executive Regulations 34-03AM, Towing Rules and Regulations (McMillan)
PS Committee worksession tentatively scheduled for 8/2/04.

Add: Q. **Introduction/Suspension of Rules/Action** - Resolution to designate the Collaboration Council for Children, Youth and Families as the Local Council for an Early Learning Opportunities Federal Grant application (Planell)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.

Add: R. **Introduction** - Resolution to endorse the Maryland Economic Development Assistance Authority and Fund (MEDAAF) grant for the Bethesda Theatre Nederlander Project (Ferber)

(3) 9:45 **DISTRICT COUNCIL SESSION**

Defer: H. **Action** - Zoning Text Amendment 04-05, Eating and Drinking Establishments - C-O Zone (Wilson)

Add: 2:00 **PROPOSED CLOSED SESSION** to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, State Government Article, §10-508 (a)(4). Topic is Economic Development Fund. (6th Floor Council Conference Room)(Ferber/Faden)

Add: 2:30 **PROPOSED CLOSED SESSION** to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §10-508 (a)(1)(i). Topic is a personnel matter. (6th floor Council Conference Room) (Farber)

Note: The 2:00 ED Committee is cancelled.