



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 7/30/04 at 8 pm and 7/31/04 at 9 am*

**Tuesday, July 27, 2004**

9:00 **INVOCATION** - Reverend Glenn Sackett, Shady Grove Adventist Hospital, Pastoral Care, Rockville

9:05 **GENERAL BUSINESS**

- A. **Announcement** - Agenda and Calendar Changes (Lauer)
- B. **Action** - Approval of Closed Session Minutes: April 13, May 13 and June 22, 2004 (Edgar)
- (1) C. **Acknowledgement** - Receipt of Petitions (Lacefield)

(2) 9:10 **CONSENT CALENDAR**

- A. **Introduction** - Resolution to amend the Ten-Year Comprehensive Solid Waste Management Plan (Trombka)  
*Public Hearing is scheduled for 10/5/04 at 7:30 pm.*
- B. **Action** - Executive Regulation 26-03AM, Cable Modem Service Standards (Healy)
- C. **Action** - Extension of time until December 14, 2004 for Council action on Executive Regulation 34-03AM, Towing Rules and Regulations (McMillan)  
*PS Committee worksession tentatively scheduled for 9/20/04.*
- D. **Action** - Resolution to approve the Office of Legislative Oversight's FY05 Work Program (Orlansky)
- E. **Action** - 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 recommendations will be available 7/22/04.*
- F. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2004 (Edgar)
- G. **Action** - 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)



- (2) 9:10 **CONSENT CALENDAR** *(continued)*
- H. **Action** - Resolution to endorse the Maryland Economic Development Assistance Authority and Fund (MEDAAF) grant for the Bethesda Theatre Nederlander Project (Ferber)
  - I. **Action** - Confirmation of County Executive appointments to the 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 (Ferber)
  - J. **Action** - Confirmation of County Executive appointments to the Commission on Child Care: Kate Barnes, Grace Loverde Ibarra, Ruth Figueroa, Maryanne Lazarchick, Naseem Hoque, Sandra M. Axelrod, David Winstead, JoAnn K. Barnes (Ferber)
  - K. **Action** - Confirmation of County Executive appointments to the Commission on Common Ownership Communities: Charles H. Fleischer, Antoinette Negro, Vicki Satern Vergagni, Andrew Oxendine, Jeffrey R. Williams, Kevin Gannon (Ferber)
  - L. **Action** - Confirmation of County Executive appointments to the Friendship Heights Transportation Management District Advisory Committee: Leonard J. Grant, Stacey Wahler, Howard Byron, Jessica Adams (Ferber)
  - M. **Action** - Confirmation of County Executive appointments to the Silver Spring Transportation System Management Advisory Committee: Erin N. Grace, Richard W. Hayman, Michael Hunston (Ferber)
  - N. **Action** - Confirmation of County Executive appointments to the Washington Suburban Transit Commission: Gary Erenrich (Ferber)
  - O. **Action** - Extension until November 16, 2004 of Temporary Executive Regulation 10-04T, Possession, Sale, or Release of Northern Snakehead Fish (McMillan)
- (3) 9:30 **ACTION** - Proposed Charter Amendments: (Faden)
- A. Resolution to certify petitions to place Charter Amendments on ballot
  - B. Resolution to place proposed amendments to County Charter on November ballot and approve ballot language
- (4) 10:00 **WORKSESSION** - Resolution to establish a voluntary program for securing safe, high quality, lower-priced prescription maintenance drugs for employees and retirees of County and bi-County agencies (Farber)
- (4.5) 12:15 **RECESS** 12:30 - Lunch Meeting - Discussion of State Legislative Program (Wenger)  
*(6th floor Council Conference Room)*
- (5) 1:30 **PUBLIC HEARING** - Zoning Text Amendment 04-09, Eating and Drinking Establishments - Office buildings - Revisions (Wilson)  
*PHED Committee worksession tentatively scheduled for 9/20/04.*

- (6) 1:30 **PUBLIC HEARING - Expedited Bill 21-04**, Bond Authorization (Sherer)  
*Action follows this afternoon's public hearings.*
- (7) 1:30 **PUBLIC HEARING - Expedited Bill 27-04**, Inspector General - Nominating Panel - Membership (Faden)  
*Action follows this afternoon's public hearings.*
- (8) 1:30 **PUBLIC HEARING/ACTION** - 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 (Source: Designated Reserves) (Davidson)
- 2:30 **LEGISLATIVE SESSION Day # 22**
- A. Approval of Legislative Journal (Edgar)
- B. Introduction of Bills
- (9) • **Bill 28-04**, Weapons - Technical Amendments, sponsored by the Council President at the request of the County Executive (Healy)  
*Public Hearing is scheduled for 9/14/04 at 1:30 pm.*
- (9.1) • **Bill 29-04**, Sewers, Sewage Disposal and Drainage - Water and Sewer Category Changes - Procedures and Fees, sponsored by the Council President at the request of the County Executive (Healy)  
*Public Hearing is scheduled for 9/14/04 at 1:30 pm.*
- C. Call of Bills for Final Reading
- (10) • **Expedited Bill 21-04**, Bond Authorization (Sherer)
- (11) • **Expedited Bill 27-04**, Inspector General - Nominating Panel - Membership (Faden)
- (12) 2:40 **CONSENT CALENDAR** (*continued*)
- A. **Action** - Appointments to Inspector General Nominating Panel (Ferber)
- B. **Action** - Resolution to consolidate the issuance of certain authorized bonds (Sherer)
- C. **Action** - Resolution to consolidate new authority to issue commercial paper bond anticipation notes with all previously authorized notes (Sherer)
- 2:45 **DISTRICT COUNCIL SESSION**
- (13) A. **Introduction** - Zoning Text Amendment 04-15, Historic District Preservation - PD Zone waivers, sponsored by Councilmember Perez (Wilson)  
*Action - Resolution to establish public hearing for 9/14/04 at 1:30 pm.*
- (14) B. **Introduction** - Zoning Text Amendment 04-16, Local Map Amendment Traffic Test - Metro Station Policy Area, sponsored by Councilmember Silverman (Wilson)  
*Action - Resolution to establish public hearing for 9/14/04 at 1:30 pm.*

2:45 **DISTRICT COUNCIL SESSION** (continued)

- (15) C. **Introduction** - Zoning Text Amendment 04-17, Rural Neighborhood Cluster Zone - Open Space Requirements, sponsored by District Council (Wilson)  
*Action - Resolution to establish public hearing for 9/14/04 at 7:30 pm.*
- (16) D. **Introduction** - Zoning Text Amendment 04-18, Environmental Overlay Zone - Upper Rock Creek Special Protection area, sponsored by District Council (Wilson)  
*Action - Resolution to establish public hearing for 9/14/04 at 7:30 pm.*
- (17) E. **Introduction** - Resolution to change Office of Zoning and Administrative Hearings' Local Map Amendment Fee Schedule (Wilson)  
*Public Hearing/Action is scheduled for 9/14/04 at 1:30 pm.*
- (18) F. **Introduction** - Resolution to change Board of Appeals' Special Exception Filing Fees (Wilson)  
*Public Hearing/Action is scheduled for 9/14/04 at 1:30 pm.*
- (19) G. **Action** - Zoning Text Amendment 04-05, Eating and Drinking Establishments - C-O Zone (Wilson)  
*PHED Committee recommends approval with amendments.*
- (20) H. **Action** - Resolution to establish public hearing on the Olney Master Plan for September 21, 2004 at 7:30 p.m. (Michaelson)
- (21) I. **Action** - Zoning Text Amendment 04-08, Security Pavilions - Residential and Agricultural Zones (Wilson)  
*PHED Committee recommendation will be available 7/26/04.*
- (22) J. **Action** - Consideration of Hearing Examiner's Supplemental Report and Recommendation: (Wilson)  
**Application No: G-812**  
**Applicant:** Arrowsmith Court LC, Contract Purchaser (Jody S. Kline, Esquire)  
**Action:** Rezone from R-200 to RT-10 (Optional Method)  
**Property:** William P. Anderson, et ux, et al, Parcel 949, Montgomery Meadows/Seneca Whetstone Subdivisions, located on Arrowsmith Court, Gaithersburg  
**Recommendations:** Planning Staff: Approve  
Planning Board: Approve  
Hearing Examiner: Approve
- (23) K. **Action** - Resolution to establish public hearing on the Upper Rock Creek Sectional Map Amendment for September 14, 2004 at 7:30 pm. (Michaelson)

3:30 **LEGISLATIVE SESSION Day # 22** (continued)

- (24) C. Call of Bills for Final Reading (Healy)  
• **Bill 18-04, Personnel - Retirement - Police**  
*MFP Committee recommendation will be available 7/26/04.*

3:30 **LEGISLATIVE SESSION Day # 22** (continued)

(25) • **Bill 29-03**, Forest Conservation - Equestrian facilities (Faden)  
*PHED Committee recommends approval with amendments.*

(26) 4:15 **DISCUSSION** - FY06 Budget Process (6th floor Council Conference Room) (Farber)

5:30 **ADJOURN**

**COUNCIL MEETINGS**

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

<b>Aug 9-Sep 10, 2004</b>		Recess
<b>Sep 6, 2004</b>		Holiday
<b>Sep 14, 2004</b>	9:15 am	Regular Session
<b>Sep 21, 2004</b>	9:15 am	Regular Session
<b>Sep 28, 2004</b>	9:00 am	Meeting with Board of Appeals
<b>Sep 28, 2004</b>	10:15 am	Regular Session

**FUTURE PUBLIC HEARINGS**

To testify call 240-777-7931

**August 17, 2004**

9:00 am County Executive's Public Hearing: Economic Development Revenue Bond - Sandy Spring Friends School, Inc. (To testify call 240-777-8860)

**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  
1:30 pm **Bill 28-04**, Weapons - Technical Amendments  
1:30 pm **Bill 29-04**, Sewers, Sewage Disposal and Drainage - Water and Sewer Category Changes -  
Procedures and Fees  
1:30 pm ZTA 04-15, Historic District Preservation - PD Zone waivers  
1:30 pm ZTA 04-16, Local Map Amendment Traffic Test - Metro Station Policy Area  
1:30 pm Resolution to change Office of Zoning and Administrative Hearings' Local Map Amendment Fee  
Schedule  
1:30 pm Resolution to change Board of Appeals' Special Exception Filing Fees  
7:30 pm Upper Rock Creek Sectional Map Amendment  
7:30 pm ZTA 04-17, Rural Neighborhood Cluster Zone - Open Space Requirements  
7:30 pm ZTA 04-18, Environmental Overlay Zone - Upper Rock Creek Special Protection area

**September 21, 2004**

7:30 pm Olney Master Plan

**September 23, 2004**

7:30 pm Revisions to MPDU Program

**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 27, 2004

(2) 9:10 **CONSENT CALENDAR**

- Add:** P. **Introduction** - Special appropriation to the MNCPPC's FY05 Capital Budget - \$691,000 for Rock Creek Trail Pedestrian Bridge (Source: General Obligation Bonds) (Michaelson)  
*Public Hearing/Action is scheduled for 9/14/04 at 1:30 p.m.*
- Add:** Q. **Introduction** - Resolution to establish a countywide prescription drug discount card program sponsored by Councilmembers Perez, Praisner, Denis, Leventhal, and Andrews (Parr)
- Add:** R. **Action** - Resolution to amend the FY05 Designation of Entities for Non-Competitive Award Status: CASA of Maryland, Inc. (Trombka)