



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 or visit our website to obtain updates.

This meeting will be televised live on CCM Channels Comcast 6, RCN 6, and Verizon 30; repeated on 7/31/09 at 7 pm

Tuesday, July 28, 2009

8:30 - 9:15 **COFFEE** with the County Executive (*6th floor Council Conference Room*)

9:30 **INVOCATION** - Mary Alice Rose, Chair of Board of Trustees, First Church of Christ, Scientist, Chevy Chase

9:35 **PRESENTATION** - Proclamation in recognition of Prachee Devadas, 2009 Maryland State Small Business Person of the Year, by Councilmembers Ervin and Floreen

9:40 **GENERAL BUSINESS** (Lauer)

A. **Announcements:** (Lauer)

- Agenda and Calendar Changes
- Public hearing on the **Gaithersburg West Master Plan** - September 15, 2009 at 7:30 pm.
- Public forum on Executive Regulation 03-09, **Agricultural Land Preservation Easement Purchases (Building Lot Termination Easement Program)** - September 17, 2009 at 7:30 pm.
- Public hearing on **Spending Affordability Guidelines** for FY11 Capital Budget - September 22, 2009 at 1:30 pm.
- Public hearing on the 2009-2011 **Growth Policy** - September 22, 2009 at 7:30 pm.
- Public forum on **Speed Control Strategies** - September 29, 2009 at 7:30 pm.

(1) B. **Acknowledgement** - Receipt of Petitions

C. **Action** - Approval of Minutes: July 14, 2009

(2) 9:45 **CONSENT CALENDAR**

A. **Action** - Special appropriation to Montgomery County Public Schools' FY10 Capital Budget and amendment to the FY09-14 Capital Improvements Program - \$602,651 Planned Lifecycle Asset Replacement for Aging Schools Program (Source: State grant)

(McGuire)



(2) 9:45 **CONSENT CALENDAR** *(continued)*

- B. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2009 (Lauer)
- C. **Action** - Resolution to approve the modification of the previously approved abandonment of Marden Lane on the Brooke Grove Campus in Sandy Spring (Orlin)
T&E Committee recommendation will be available 7/23/09.
- D. **Action** - Resolution to approve the abandonment of a portion of unimproved Pine Street in the Hollywood Park Subdivision in Silver Spring (Orlin)
- E. **Action** - Resolution to approve the abandonment of an unimproved and unnamed right-of-way off of Marywood Road in the Marywood Subdivision in Bethesda (Orlin)
- F. **Action** - Resolution to approve the abandonment of Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda (Orlin)
T&E Committee recommendation will be available 7/23/09.
- G. **Action** - Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Farang)
PS Committee recommendation will be available 7/23/09.
- H. **Action** - Executive Regulation 8-09, Development Impact Tax for Public School Improvements (Orlin)
MFP Committee recommendation will be available 7/27/09.
- I. **Action** - Executive Regulation 9-09, Development Impact Tax for Transportation (Orlin)
MFP Committee recommendation will be available 7/27/09.
- J. **Action** - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 03-09, Agricultural Land Preservation Easement Purchases(Michaelson)
A public forum on these regulations is scheduled for 9/17/09 at 7:30 pm.
- K. **Action** - Confirmation of County Executive appointments to the Alcohol and Other Drug Abuse Advisory Council: Paul L. Harrington, James C. Sutton, Roni K. White, A.J. Mitchell, Eric E. Sterling (Ferber)
- L. **Action** - Confirmation of County Executive appointments to the Citizens Review Panel for Children: Stacy Wolff, Migdalia V. Rivera-Goba (Ferber)
- M. **Action** - Confirmation of County Executive appointment to the Commission on Child Care: Janine G. Bacquie (Ferber)
- N. **Action** - Confirmation of County Executive appointment to the Commission on Common Ownership Communities: Elizabeth M. Molloy (Ferber)

(2) 9:45 **CONSENT CALENDAR** *(continued)*

- O. **Action** - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Christine Bartlett, Paul L. Vance, Susan Cruz, Jennifer Gauthier, Nancy Gannon Hornberger, Mondy Kumbula-Fraser, Sharon M. Kelly, Mary E. Poulin, Maurice R. Sessoms, L. Blaine Clarke (Ferber)
- P. **Action** - Confirmation of County Executive appointment to the Community Action Board: Latroy T. Powell (Ferber)
- Q. **Action** - Confirmation of County Executive appointments to the County-wide Recreation Advisory Board: Sean T. Smith, Craig A. Snedeker (Ferber)
- R. **Action** - Confirmation of County Executive appointments to the Dickerson Area Facilities Implementation Group: Ed Violette, Heinz B. Bachmann (Ferber)
- S. **Action** - Confirmation of County Executive appointments to the Down County Recreation Advisory Board: Joy Shindler Rafey, John D. Pechilis (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the East County Recreation Advisory Board: La Shane D. Crutchfield, Mark Pharaoh (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Fire and Emergency Services Commission: Paul J. M. Lilly, Joel E. Buzy, Raymond Sanchez, Michael A. McAdams, Ronald L. Ogens, Anita Powell, Chris James Zervas (Ferber)
- V. **Action** - Confirmation of County Executive appointments to the Friendship Heights Transportation Management District Advisory Committee: Robert M. Schwarzbart, R. Mallory Starr (Ferber)
- W. **Action** - Confirmation of County Executive appointments to the Human Rights Commission: Doug Ryan, Elizabeth "Babeth" Mulumba, Sajjad "Saj" Durrani (Ferber)
- X. **Action** - Confirmation of County Executive appointments to the Mid-County Recreation Advisory Board: Arquilla Ridgell, Tchad J. Moore (Ferber)
- Y. **Action** - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Eileen Cahill, Marian A. Altman, Lisa A. Hoston, Randy E. McDonald, Norman Goldstein, Mary F. Scholl, Gamunu Wijetunge (Ferber)
- Z. **Action** - Confirmation of County Executive appointments to the Silver Spring Urban District Advisory Committee: Marne Setton, Jennifer Nettles, Julie Statland, Robert Zeender (Ferber)
- AA. **Action** - Confirmation of County Executive appointment to the Revenue Authority: David D. Freishtat (Ferber)

(2) 9:45 **CONSENT CALENDAR** *(continued)*

- BB. **Action** - Confirmation of County Executive appointment to the Water Quality Advisory Group: Lonnie W. Luther (Ferber)
- CC. **Action** - Confirmation of County Executive appointments to the Workforce Investment Board: Dennis K. Fallen, Michael J. Sullivan, Jr., Gerald M. Shapiro, Elwood Gray, Jr., David N. Rodich, Stephen D. Cain, Steven A. Silverman (Ferber)
- DD. **Action** - Resolution to approve the FY10 schedule of revenue estimates and appropriations (Sherer)
- EE. **Action** - Resolution to amend Resolution 16-970 for the FY10 Designation of Entities for Non-Competitive Contract Award Status: Manna Food Center (McMillan)

9:55 **LEGISLATIVE SESSION Day # 31**

A. Introduction of Bills

- (3) • **Expedited Bill 30-09**, Personnel - Guaranteed Retirement Income Plan - Retirement Savings Plan, sponsored by the Council President at the request of the County Executive (Drummer)
Public Hearing is scheduled for 9/15/09 at 1:30 pm.
- (3.1) • **Bill 31-09**, Administration - Consideration of Bills - One Subject, sponsored by Council President Andrews (Drummer)
Public Hearing is scheduled for 9/15/09 at 1:30 pm.
- (3.2) • **Expedited Bill 32-09**, Taxation - Impact Taxes - Inflation Adjustment - Temporary Suspension, sponsored by Councilmember Elrich (Drummer)
Public Hearing is scheduled for 9/15/09 at 1:30 pm.

B. Miscellaneous Business:

- (4) • **Action** - Resolution to extend expiration date of **Bill 19-07**, Eating and Drinking Establishments - Nutrition Labeling until August 31, 2010 (Lauer)

10:00 **UPDATE** on the following: (Farber)

- (5) • Update - County economic indicators
- (6) • Update - County fiscal situation for FY10-11

- (7) 11:00 **ACTION** - Resolution to amend the Amended Silver Spring Urban Renewal Plan: Pedestrian Bridge to proposed Silver Spring Library (Zyontz)
PHED/HHS Committee recommends disapproval.

11:15 DISTRICT COUNCIL SESSION

- (8) A. **Introduction** - Zoning Text Amendment 09-06, Town Sector (TS) Zone - Minimum area, sponsored by Councilmembers Knapp, Elrich, and Floreen (Zyontz)
Action - Resolution to establish public hearing for 9/15/09 at 1:30 pm.
- (8.1) AA. **Introduction** - Zoning Text Amendment 09-07, Life Science Center (LSC) Zone - Revisions, sponsored by District Council at request of the Planning Board (Zyontz)
Action - Resolution to establish public hearing for 9/15/09 at 7:30 pm.
- (9) B. **Action** - Request for withdrawal without prejudice of Local Map Amendment: (Zyontz)
Application No: G-823
Applicant: Arnold Fainman d/b/a Tommy Scott, Inc. (Stephen J. Orens and Rebecca D. Willens, Attorneys)
Property: 13,371 square feet located at 8804 Old Georgetown Road Bethesda, in the 7th Election District
- (10) C. **Action** - Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
Application No: Development Plan Amendment (DPA) 09-1
Applicant: Fairland Development, LLC and Fairland Development II, LLC (Barbara Sears and Yum Yu Cheng, Attorneys)
Property: 314 acres, located along the border between Montgomery County and Prince George's County, south of Maryland Route 198 and east & north of Greencastle Road
Action: Amend the Development Plan in G-813 and G-814
Recommendations: **Planning Staff:** Approve
 Planning Board: Approve
 Hearing Examiner: Approve
- (11) 11:30 D. **Oral Argument** and Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
Application No: G-878
Applicant: Germantown, LLC (Cindy Bar, Attorney)
Property: 8.46 acres located at 18451 Mateny Road
Action: Rezone from C-1 to RT-15
Recommendations: **Planning Staff:** Approve
 Planning Board: Approve
 Hearing Examiner: Approve

12:30 RECESS

- (12) 1:30 **PUBLIC HEARING** - Zoning Text Amendment 09-05, Burtonsville Overlay Zone - Allowed uses (Zyontz)
PHED Committee worksession tentatively scheduled for 9/21/09.
- (13) 1:30 **PUBLIC HEARING** - Subdivision Regulation Amendment 09-02, Subdivision Approval - Conflict Resolution (Zyontz)
PHED Committee worksession tentatively scheduled for 9/22/09.

- (14) 1:30 **PUBLIC HEARING** - Supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program for the Department of Police, Montgomery County Fire and Rescue Service, Montgomery County Public Schools, and Maryland-National Capital Park and Planning Commission - \$48,316,000 for Smart Growth Initiative - PSTA and Multi-Agency Service Park (Webb Tract) (Source: Interim Financing) (McMillan)
PS/T&E Committee worksession tentatively scheduled for 9/17/09.
- (15) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY10 Operating Budget, Montgomery County Fire and Rescue Service - \$1,338,845 for FY09 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant (Source: State Grant) (Davidson)
PS Committee recommendation will be available 7/23/09.
- (16) 1:30 **PUBLIC HEARING/ACTION** - Special appropriations to the County Government's FY10 Operating and Capital Budgets and amendments to the FY09-14 Capital Improvements Program, Department of Transportation (Orlin)
• Division of Transit Services - \$350,000 for the American Recovery and Reinvestment Act (ARRA) Grant (Source: Federal grant)
• \$750,000 for the BRAC Bicycle and Pedestrian Facilities (Source: Federal Aid)
• \$2,775,000 for ARRA Traffic Improvements and \$5,715,000 for ARRA Highway Improvements (Source: Federal Aid)
T&E Committee recommendation will be available 7/23/09.
- (17) 1:30 **PUBLIC HEARING/ACTION** - Special appropriations to the County Government's FY10 Operating Budget, Department of Health and Human Services for American Recovery and Reinvestment Act (ARRA): (Source: Federal ARRA grant funds) (Yao)
• \$763,334 - Community Services Block Grant
• \$206,978 - Senior Nutrition
• \$245,000 - Immunization Activities
• \$587,101 - Part C IDEA, Montgomery County Infants and Toddlers Program
- (18) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY10 Operating Budget for Police, Sheriff, State's Attorney, Corrections, and DHHS - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) (Source: Federal grant) (Frag)
- (19) 2:30 **WORKSESSION** - Germantown Sector Plan (Michaelson/Orlin)
- 5:00 **ADJOURN**

The next regular Council Session is scheduled for September 15, 2009. The agenda schedule will be mailed and posted to the web site on September 10, 2009. Please see the listing below for future Council meetings and public hearings. Council Committees will meet on September 14, 2009; see the Committee agenda for a list of meetings.

FUTURE COUNCIL MEETINGS

County Council meeting notices are posted on the bulletin board in the fifth floor lobby of the Council Office Building in Rockville, pursuant to State law.

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

Aug 3 to Sep 11, 2009		RECESS
Sep 7, 2009		HOLIDAY
Sep 15, 2009	8:30 am	Coffee with the County Executive
Sep 15, 2009	9:30 am	Interviews - Housing Opportunities Commission
Sep 15, 2009	10:00 am	Regular Session
Sep 15, 2009	11:30 am	Lunch with Board of Education
Sep 22, 2009	9:30 am	Regular Session
Sep 22, 2009	11:30 am	Lunch with Montgomery County Planning Board
Sep 29, 2009	9:30 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

Sep 15, 2009

1:30 pm Expedited Bill 29-09, Bond Authorization

7:30 pm Gaithersburg West Master Plan

Sep 17, 2009

7:30 pm **Public forum** on Executive Regulation 03-09, Agricultural Land Preservation Easement Purchases (Building Lot Termination Easement Program)

Sep 22, 2009

1:30 pm Spending Affordability Guidelines for FY11 Capital Budget

1:30 pm Resolution regarding Spending Affordability Guidelines for FY11 Capital Budget and FY11-16 CIP

7:30 pm 2009-2011 Growth Policy

Sep 29, 2009

7:30 pm **Public forum** on Speed Control Strategies



If you need services to participate in any Council activity, please contact us as far in advance as possible: 240-777-7900 (TTY 240-777-7914) Email: County.Council@montgomerycountymd.gov. This document is available in alternative formats upon request.



Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, July 28, 2009

Item Number	Note	Staff
Agenda Item #2G	This item will be available Monday, July 27, 2009.	Farag
Agenda Item #19B	Please bring Agenda packet item #7 from July 14, 2009.	Orlin

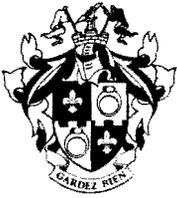
The following items are anticipated to be added on the agenda by addendum:

ADDENDUM

Tuesday, July 28, 2009

(2) 9:45 **CONSENT CALENDAR** (continued)

Add: FF. **Introduction** - Resolution to support application for a State of Maryland Neighborhood Business Works Program loan: Hook and Ladder Restaurant (Davidson)
Action is tentatively scheduled for 9/15/09.



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ADDENDUM

Tuesday, July 28, 2009

(2) 9:45 **CONSENT CALENDAR** *(continued)*

Change:

G. **Action** - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Farag)

Add:

FF. **Introduction** - Resolution to support application for a State of Maryland Neighborhood Business Works Program loan: Hook and Ladder Restaurant(Davidson)
Action is tentatively scheduled for 9/15/09.

Add:

GG. **Introduction** - Special appropriation to the County Government's FY09 Operating Budget, Department of Police - \$53,330 for Byrne Justice Recovery Act (BJRA) Grant (Source: Federal grant) (Farag)
Public Hearing/Action is scheduled for 9/15/09 at 1:30 pm.