



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 11/20/09 at 9 pm*

**Tuesday, November 17, 2009**

9:30 **PRESENTATION** - Dedication of mural "Building Strong Communities" created by Project Youth ArtReach, a Class Acts Arts program, with youthful offenders at the Montgomery County Correctional Facility through funding from the Montgomery County Council's Community Grant program, by Council President Andrews (*3rd floor Council Conference Room*)

9:40 **INVOCATION** - Monsignor Ralph Kuehner, Saint Francis Assisi Catholic Church, Derwood

9:45 **GENERAL BUSINESS** (Lauer)

- (1) A. **Announcement** - Agenda and Calendar Changes  
B. **Acknowledgement** - Receipt of Petitions  
C. **Action** - Approval of Minutes: November 3, 2009

(2) 9:50 **CONSENT CALENDAR**

A. **Introduction** - Resolution regarding Montgomery County Public Schools' State funding request for school construction (Levchenko)  
*ED Committee worksession tentatively scheduled for 11/23/09.*

B. **Introduction** - Resolution to approve Montgomery County Emergency Operations Plan (Davidson)  
*PS Committee worksession tentatively scheduled for 11/19/09.*

C. **Action** - ED/MFP Committee report and recommendations on OLO Report 2010-2, Succession Management in Montgomery County Government and Public Schools (Richards/Bonner-Tompkins/Latham)

D. **Action** - Executive Regulation 12-09AM, Establishment of Annual Registration Fee for Common Ownership Communities (Farag)  
*PS Committee recommends approval as amended.*

- (2) 9:50 **CONSENT CALENDAR** *(continued)*
- E. **Action** - Resolution to approve waiver for extended absence of Board of Appeals member (Ferber)
- 9:55 **DISTRICT COUNCIL SESSION**
- (3) A. **Introduction** - Zoning Text Amendment 09-11, Residential Zones - Agricultural vending, sponsored by Councilmember Berliner (Zyontz)  
*Action - Resolution to establish public hearing for 1/12/10 at 1:30 pm.*
- (4) B. **Introduction** - Zoning Text Amendment 09-12, Rural Service Zone - Development standards, sponsored by Councilmember Knapp (Zyontz)  
*Action - Resolution to establish public hearing for 1/12/10 at 1:30 pm.*
- (5) 10:00 **ACTION** - Council recommendations regarding toll charges for Intercounty Connector (ICC) (Orlin)  
*T&E Committee recommendation will be available 11/16/09.*
- (6) 10:30 **BRIEFING** - Health Impact Assessment for major road projects (Orlin)
- (7) 11:10 **ACTION** - Locally Preferred Alternative for I-270 Improvements and Corridor Cities Transitway Project Planning Study (Orlin)
- 11:30 **LEGISLATIVE SESSION Day #43**
- A. Introduction of Bills
- (8) • **Expedited Bill 41-09**, Taxation - Property Tax Credit - Business Incubator, sponsored by the Council President at the request of the County Executive (Faden)  
*Public Hearing is scheduled for 1/12/10 at 1:30 pm.*
- (9) • **Bill 42-09**, Common Ownership Communities - Dispute Resolution, sponsored by the Council President at the request of the County Executive (Faden)  
*Public Hearing is scheduled for 1/12/10 at 1:30 pm.*
- (10) • **Bill 43-09**, Callithea Farm Stables - Lease Amendment and Extension, sponsored by Council President at the request of the Maryland-National Capital Park and Planning Commission (Mihill)  
*Public Hearing is scheduled for 1/12/10 at 1:30 pm*
- B. Call of Bills for Final Reading
- (11) • **Bill 33-09**, Inspector General - Attorney (Faden)  
*MFP Committee recommends approval with amendments.*
- (12) • **Expedited Bill 35-09**, Police - Drug Enforcement Forfeitures Fund - Amendments (Drummer)  
*PS/HHS Committee recommends approval with amendments.*

11:30 **LEGISLATIVE SESSION Day #43 (continued)**

B. Call of Bills for Final Reading *(continued)*

- (13) • **Bill 19-07**, Eating and Drinking Establishments - Nutrition Labeling (Mihill)  
*HHS Committee recommends approval with amendments.*

12:00 **BOARD OF HEALTH:**

- (14) • **Action** - Resolution to adopt Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus (Mihill)  
*HHS Committee recommends approval with amendments.*

12:15 **RECESS 12:30 - Brown Bag Lunch Meeting with Board of Appeals (6CCR)**

- (15) 1:30 **PUBLIC HEARING** - Resolutions to amend the MCPS' FY09-14 Capital Improvements Program: B-CC Cluster ES Solution; Clarksburg MS Solution; Northwest Cluster ES Solution; and Seneca Valley Cluster ES Solution (Orlin)  
*ED Committee worksession tentatively scheduled for 11/23/09.*

- (16) 1:30 **PUBLIC HEARING** - Resolution to adopt Board of Health Regulation requiring a health impact assessment for major road projects (Mihill/Orlin)  
*HHS Committee worksession will be scheduled at a later date.*

- (17) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY10 Operating Budget, Office of Emergency Management and Homeland Security - \$1,752,215 for FFY2008 Urban Area Security Initiative (UASI) Critical Care Hospital Surge Capabilities (Source: Federal grant) (Davidson)

- (18) 1:30 **PUBLIC HEARING - Expedited Bill 40-09**, Personnel - Audits - Trust Fund (Drummer)  
*MFP Committee worksession tentatively scheduled for 11/24/09.*

- (19) 2:00 **INTRODUCTION/Suspension of Rules/Action** - Resolution to approve FY10 Budget Savings Plan (Farber)  
*Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.*

2:30 **ADJOURN**

2:30 **PHED Committee (3rd floor Council Hearing Room) - ZTA 09-08, CR Zone**

7:30 **PUBLIC HEARING on the following/NOTE: This evening's public hearings have been postponed to November 24, 2009 at 1:30 pm.**

- (20) • **Bill 34-09**, Forest Conservation - Enforcement (Faden)  
(21) • Zoning Text Amendment 09-09, Planning Board Enforcement (Zyontz)  
(22) • Subdivision Regulation Amendment 09-03, Enforcement - Amendments (Zyontz)

### 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.

Nov 24, 2009	9:30 am	Regular Session
Nov 26, 2009		HOLIDAY
Dec 1, 2009	9:30 am	Regular Session
Dec 8, 2009	8:30 am	Coffee with the County Executive
Dec 8, 2009	9:30 am	Regular Session
Dec 14, 2009 to Jan 8, 2010		RECESS
Dec 25, 2009		HOLIDAY
Jan 1, 2010		HOLIDAY

### FUTURE PUBLIC HEARINGS

To testify call 240-777-7803

#### Nov 24, 2009

1:30 pm Resolution to approve County Guaranteed Bond Financing Plan for Housing Opportunities  
Commission: Wheaton MetroPointe Apartments Development

1:30 pm Amendment to the Maryland-National Capital Park and Planning Commission's FY09-14 Capital  
Improvements Program - South Germantown Recreational Park: SoccerPlex Facilities

1:30 pm **Bill 36-09**, Elected Officials - Compensation

1:30 pm **Expedited Bill 39-09**, Property Tax Credit - Renewable Energy - Annual Aggregate Limit

*NOTE: Postponed from November 17, 2009*

1:30 pm **Bill 34-09**, Forest Conservation - Enforcement

1:30 pm ZTA 09-09, Planning Board Enforcement

1:30 pm SRA 09-03, Enforcement - Amendments

#### Dec 1, 2009

1:30 pm Housing Element of General Plan

1:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

1:30 pm **Bill 38-09**, Growth Policy - Amendments

1:30 pm Resolution to amend FY10 Transportation Fees, Charges, and Fares

1:30 pm Resolution to adopt Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

*Hold for continuation of afternoon hearings:*

7:30 pm Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

7:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

7:30 pm **Bill 38-09**, Growth Policy - Amendments

#### Dec 3, 2009

*Hold for continuation of 12/1/09 hearings::*

7:30 pm Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

7:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

7:30 pm **Bill 38-09**, Growth Policy - Amendments



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](mailto:County.Council@montgomerycountymd.gov). This document is available in alternative formats upon request.