APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, January 18, 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 9:20 A.M. on Tuesday, January 18, 2005.

PRESENT

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 Steven A. Silverman
Councilmember Michael Subin

The President in the Chair.

SUBJECT: **Interview of the County Executive's Appointee to the Washington Suburban Sanitary Commission (WSSC): Sandra A. Allen**
Reference: Agenda Item 1

The Council interviewed Ms. Allen for the position on the WSSC.

The Council recessed at 9:33 A.M. and reconvened at 9:47 A.M. in the Council Hearing Room.

The invocation was given by Reverend Carolyn Roberts, United Church of Christ of Seneca Valley.

SUBJECT: **General Business**

Agenda changes:

Noted that the public hearing on the FY06 Capital Budget and amendments to the FY05-10 Capital Improvements Program (CIP) will be set at a later date; and that the public hearing on the Washington Suburban Sanitary Commission FY06-11 CIP has been changed from 8:00 P.M. to 1:30 P.M. on February 8, 2005.

Approval of Minutes

There were no minutes for approval.

Receipt of Petitions

There were no petitions received in Legislative Information Services.

SUBJECT: **Consent Calendar**
Reference: Agenda Items 3B-L

The Council deferred action on Agenda Item 3A, the Police Mutual Aid Agreement for the Presidential Inauguration, until later in the day.

Ms. Floreen requested that the County Attorney's Office provide additional information on the search capabilities of the Montgomery County Code.

The Consent Calendar was adopted:

Introduced a resolution to establish to establish a Task Force to Study Compensation of the County Executive, County Council, Sheriff, and State's Attorney;

Introduced a resolution in support of the purchase of PEPCO Communications' interest in Starpower Communications, L.L.C. by RNC Telecom Services;

Introduced a resolution to approve a 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;

Introduced a resolution to approve a retroactive increase to the minimum and maximum salaries on the salary schedule of uniformed Fire/Rescue managers;

Introduced a resolution regarding the publication of the 2004 Montgomery County Code;

Introduced a resolution to approve a supplemental appropriation to the FY05 Operating Budget of the Montgomery County Public Schools (MCPS) for the Entrepreneurial Activities Fund, in the amount of $273,000;

Introduced a resolution to approve a supplemental appropriation to the FY05 Operating Budget of MCPS for the Middle Schools Magnet Consortium, in the amount of $2,441,487;

Introduced a resolution to approve the categorical transfer of $1,500,000 for the Montgomery County Public Schools FY05 Provision for Future Supported Projects;

Resolution 15-852, approving Executive Regulation 9-04AM, Amendments to the Montgomery County Personnel Regulations on Multilingual Pay, Service Increment Dates, Annual and Sick Leave, and Promotion;

Resolution 15-853, confirming the County Executive's appointments to the Mental Health Advisory Committee: Swaroop G. Rao, M.D., Miriam L. Yarmolinsky, Susan S. Magazine, Kenneth E. Ratcliffe, and Roy Turner;

Resolution 15-854, confirming the County Executive's appointments to the Solid Waste Advisory Committee: Amy E. Schaffer, and Philip A. Browne;

Introduced a supplemental appropriation to the FY05 Operating Budget of the Department of Health and Human Services for Public Health Emergency Preparedness and Response Program, in the amount of $438,380;

Ms. Praisner made the motion. Mr. Subin was temporarily absent.

SUBJECT: **County Executive Appointment to the Washington Suburban Sanitary Commission: Sandra A. Allen**
Reference: Agenda Item 1

Resolution 15-855, was adopted confirming the County Executive's appointment of Sandra A. Allen to serve as a member of the WSSC.

Ms. Floreen made the motion. Mr. Subin was temporarily absent.

Later in the meeting, Mr. Subin stated that had he been present at the time of Ms. Allen's confirmation, he would have voted in the affirmative.

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

SUBJECT: **Zoning Text Amendment (ZTA) 05-01, Non-residential Professional Office – R-90 Zone**
Reference: Agenda Item 4

Introduced ZTA 05-01.

Resolution 15-856, was adopted establishing a public hearing for March 8, 2005 at 1:30 P.M. on the subject text amendment.

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

SUBJECT: **Local Map Amendment (LMA) G-821**
Reference: Agenda Item 5

Resolution 15-857, was adopted granting LMA G-821, reclassifying from the R-60 Zone to the R-T8 Zone 2.00 acres of land known as Lot 2, Seibels' Subdivision and located at 3961 Greencastle Road in Burtonsville, Maryland, in the 5th Election District.

Ms. Praisner made the motion and the resolution was adopted by a roll call vote:

YEAS: Denis, Floreen, Silverman, Andrews, Praisner, Leventhal, Perez.
ABSENT: Subin, Knapp (temporarily).

Later in the meeting, Mr. Knapp stated that had he been present for the vote, he would have voted in the affirmative.

SUBJECT: **Extension of Time for Council Action on Olney Master Plan**
Reference: Agenda Item 6

Resolution 15-858, was adopted extending the time for Council action on the Olney Master Plan until March 28, 2005.

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

SUBJECT **Remedial Map Amendment G-835**
Reference: Agenda Item 7

Resolution 15-859, was adopted establishing a public hearing for March 8, 2005 at 1:30 P.M. on Remedial Map Amendment G-835 to reclassify property from Country Inn Zone to the RDT Zone.

Mr. Leventhal made the motion. Councilmember Subin was temporarily absent.

SUBJECT: **Olney Master Plan**
Reference: Agenda item 8

The Council reviewed the Planning, Housing, and Economic Development Committee's (PHED) recommendations for the Olney Master Plan.

Mr. Leventhal requested the Planning Board consider the potential for low-income housing as a second level above one-story strip shopping centers.

Supported R-200/PD-3 zoning for the Bowie Mill School Site, as amended by Mr. Leventhal, to include language as suggested by the Olney Coalition, and to reflect that the majority of housing on the site will be either workforce or affordable.

Mr. Silverman made the motion. Mr. Andrews, Ms. Floreen, Mr. Knapp, and Ms. Praisner were opposed.

Supported an eight percent imperviousness cap for the Norbeck Country Club property.

Ms. Praisner made the motion. Ms. Floreen was opposed.

SUBJECT: **<u>Proclamation in Recognition of Elizabeth Feldman, Winner of Bethesda's "Marathon in the Parks" Race</u>**

The proclamation was presented by Councilmember Denis to Ms. Feldman.

The Council recessed at 12:12 P.M. and reconvened in the Council Conference Room at 12:37 P.M.

SUBJECT: **<u>State Legislative Program</u>**
Reference: Agenda item 9

The Council received a briefing on the County's 2006 Federal priorities.

Ms. Praisner requested that a reference to the telecommuting center be included within the description of the Montgomery County incubator program in the East County Science and Technology Center; suggested that the Council should support the Chesapeake Bay initiatives, and requested information on whether the Safer Act has been enacted.

Ms. Floreen suggested that the issue of access to Canadian prescription drugs should be raised; and requested more information on the Alternative High School Construction Program.

Mr. Perez requested Ms. Wenger, Director, Office of Intergovernmental Relations, to provide information on the proposal to move the responsibility for the Head Start program to the Education Committee.

Removed from the priorities list the $7.54 million request for three medium sized rotor wing aircraft for a County Aviation Unit.

Mr. Silverman requested that the Department of Housing and Community Affairs provide a briefing on the Long Branch Village Center Improvement Program; and further information on $1.2 million request for the Early Childhood Development Centers.

Removed from the priorities list the school system's request for $250,000 to design, build, and equip a Montgomery County Public Schools (MCPS) command and control center.

Requested that Dr. Weast, Superintendent of Schools, be notified that the Council has a number of unanswered questions concerning MCPS priorities.

The Council recessed at 1:36 P.M. and reconvened at 1:45 P.M. in the Council hearing room.

SUBJECT: **Public Hearing on Zoning Text Amendment 04-26, Mixed-Use Town Center Zone**
Reference: Agenda Item 10

The public hearing was conducted as reflected in the transcript. Additional material for the Council's consideration should be submitted by the close of business January 28, 2005.

SUBJECT: **Police Mutual Aid Agreement for the Presidential Inauguration**
Reference: Agenda Item 3A

Resolution 15-860, was adopted introducing, suspending the Council's Rules of Procedure, and approving the Memorandum of Understanding between the Metropolitan Police, the United States Attorney for the District of Columbia, and the Montgomery County Police to provide law enforcement services with respect to the Presidential Inauguration of 2005.

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

SUBJECT: **Public Hearing on a Special Appropriation to the FY05 Capital Budget and Amendment to the FY05-10 Capital Improvements Program of the Maryland-National Capital Park and Planning Commission, for Small Grant/Donor-Assisted Capital Improvements, in the amount of $600,000**
Reference: Agenda Item 11

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business January 19, 2005.

Ms. Floreen requested that a member of the Parks Foundation be present at the PHED Committee meeting when the issue is discussed.

Ms. Praisner requested additional information on how other agencies address small donor contributions.

SUBJECT: **Olney Master Plan (Continued)**
Reference: Agenda Item 8A and 8B

The Council continued its review of the Olney Master Plan recommendations and transportation elements.

Agreed to retain Queen Elizabeth Drive as a primary residential street.

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

Mr. Andrews stated for the record that he supports widening Muncaster Mill Road to two lanes each way and does not support the Western Connector.

The Council adjourned at 3:25 P.M.

This is an accurate account of the meeting:

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Elda M. Dodson, CMC
Acting Clerk of the Council