

**APPROVED**

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND**

Tuesday, March 1, 2005 Rockville, Md.

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:25 A.M. on Tuesday, March 1, 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           |                                                |

Mr. Perez announced that Ms. Praisner will be absent for the morning portion of the meeting because she is the District of Columbia attending a semi-annual meeting of the National Governors' Association.

The President in the Chair.

Imam Faizul Kahn, Islamic Society of Washington Area, gave the invocation.

**SUBJECT: Proclamation in Recognition of Susan Coll, Local Author on Writing "Rockville Pike"**

The proclamation was presented by Mr. Denis to Ms. Coll.

**SUBJECT: Proclamation in Recognition of Bullis High School Students' Efforts to Aid Tsunami Victims**

The proclamation was presented by Mr. Silverman to the students.

**SUBJECT: GENERAL BUSINESS**

**Agenda and Calendar Changes:** Noted an addendum to the agenda, adding approval of the minutes of January 31, February 1 and 8, 2005; and announcing that the Public Safety Committee meeting scheduled for March 7, 2005 is cancelled.

**SUBJECT: Approval of Minutes**

Approved the minutes of January 31, February 1 and 8, 2005, as amended.

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

**SUBJECT: Receipt of Petitions**

**Reference:** Agenda Item (2)

No petitions were received in Legislative Information Services.

**SUBJECT: Consent Calendar**

**Reference:** Agenda Items (3)A-F

The Consent Calendar was adopted:

**Introduced** a resolution regarding Preservation of a portion of the American Speech, Language and Hearing Association property by the Maryland-National Capital Park and Planning Commission;

**Resolution 15-905**, establishing a Council grants process;

**Resolution 15-906**, approving Executive Regulation 14-04, Maximum Income Limits for Moderately Priced Dwelling Unit Program;

**Resolution 15-907**, authorizing the advance taking for the Muncaster Road improvements project;

**Resolution 15-908**, confirming the County Executive's appointments of the following persons to serve as members of the Commission on Aging: Jodie Fine, Elaine Hoover, Suzann C. Leahigh, Andrea J. Lev, Goldie W. Rivkin, Patrice J. Thomas, Donna M. Duke, Bruce Dunton, Frances M. Goldstein, Alan Kreger, Stewart B. Oneglia, and Sandra Sewell;

**Resolution 15-909**, confirming the County Executive's appointment of Christopher Knott to serve as a member of the Library Board.

Mr. Andrews made the motion. Mr. Subin, Mr. Denis, and Ms. Floreen voted in the negative on the Resolution 15-905, and Ms. Praisner was temporarily absent.

**SUBJECT: Office of Legislative Oversight Report 2005-3, An Inventory of County Government Programs Designed to Serve Seniors**

**Reference:** Agenda Item (5)

Released the Report.

The Council received a PowerPoint presentation on Report 2005-3.

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

**SUBJECT:** **Local Map Amendment (LMA) G-819**

**Reference:** Agenda Item 5

The Council heard oral argument on LMA G-819.

Remanded the case to the Hearing Examiner to reopen the record so the application can be amended to include a binding element that states the Applicant has agreed that all the Moderately Priced Dwelling Units required will be constructed on site.

Ms. Floreen made the motion. Ms. Praisner was temporarily absent.

The Council recessed at 12:28 P.M. and reconvened at 1:57 P.M.

**SUBJECT:** **Intercounty Connector (ICC)**

**Reference:** Agenda item 6.

The Council received a PowerPoint presentation from Planning Board staff regarding recommendations to the Intercounty Connector Draft Environmental Impact Statement (ICC DEIS).

Mr. Andrews and Ms. Praisner said that they had not received a response to their letter of January 12 requesting more information from the State Highway Administration (SHA), and that their comments regarding this information, when received, should be included in the public record. With respect to the number of lanes for the project, they agreed that Mr. Orlin's recommendations included on page 26 of the memorandum should receive further consideration by the State.

Ms. Praisner and Mr. Knapp requested a copy of SHA's report, when it is completed, on options to suppress the impact of the road design on the Small's Nursery community.

Amended the Committee recommendation with respect to retaining walls to state that the Maryland Department of Transportation (MDOT) will work with individual property owners to determine whether the application of retaining walls, where feasible, would result in a more desirable outcome.

Mr. Knapp requested that the construction of the bikeway be listed as a County priority.

With respect to the Memorandum of Understanding with SHA that calls for replacement parkland of the same environmental quality, Mr. Perez requested regular briefings on the status of mitigation issues.

The Council noted Ms. Praisner's requests for the following: further input on the possible Briggs Chaney Road interchange from the neighboring communities; for the SHA to consider the Route 29/ICC interchange as if there were no or limited work at Fairland Road and Route 29; for the Maryland-National Capital Park and Planning Commission and the SHA to look at further mitigation in the Upper Paint Branch Special Protection Area including land acquisition; for the report to acknowledge that it was not correct to state that Cloverly, Aspen Hill, and White Oak Master Plans affirmed the ICC since the ICC was not allowed to be considered during these deliberations; and for additional funds beyond the \$24.0 million allocated for Environmental Stewardship. Ms. Praisner also commented that the conformance to the priority funding area was because the priority funding area was defined by the State to ensure the ICC would apply.

Mr. Andrews requested information on the cost of dredging Lake Needwood.

Supported building the ICC:

YEAS: Denis, Floreen, Knapp, Leventhal, Silverman, Subin  
NAYS: Andrews, Praisner, Perez.

Ms. Floreen made the motion.

Supported the Corridor 1 alignment for the ICC:

YEAS: Denis, Floreen, Knapp, Leventhal, Perez, Silverman, Subin  
NAYS: Andrews.  
PRESENT: Praisner.

The T&E Committee made the motion.

The Council unanimously opposed by consensus the Corridor 2 alignment.

Supported the T&E Committee's recommendations concerning the design options for the ICC, as amended:

YEAS: Denis, Floreen, Knapp, Leventhal, Perez, Praisner, Silverman,  
Subin  
PRESENT: Andrews.

The Council recessed at 4:36 P.M. and reconvened at 7:32 P.M.

**SUBJECT: Public Hearing on Zoning Text Amendment 05-02, Transit Oriented, Mixed Use Zone**

**Reference:** Agenda Item 7

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 March 4, 2005.

The meeting adjourned at 8:00 P.M.

**SUBJECT: Report of Closed Session of February 15, 2005**

In compliance with Section 10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the County Council's closed session of February 15, 2005. The Council convened in closed session at 12:30 P.M. to discuss the acquisition of real property for a public purpose and matters related directly thereto, pursuant to State Government Article, Section 10-508(a)(3). The topic was the Marlboro Meadows project.

The following persons were present: Councilmembers Perez, Leventhal, Andrews, Denis, Floreen, Knapp, Praisner, Silverman, and Subin; Mr. Farber, Council Staff Director; Mr. Levchenko, Legislative Analyst; Mr. Faden, Senior Legislative Attorney; Ms. Steiner, Confidential Aide to Councilmember Floreen; Mr. D'Ovidio, Confidential Aide to Councilmember Subin; Mr. Hondowicz, Aide to Councilmember Andrews; Ms. Kinikin, Aide to Councilmember Praisner; Mr. Parr, Confidential Aide to Councilmember Perez; and Mr. Lacefield.

**SUBJECT: Report of Closed Session of February 15, 2005**

In compliance with Section 10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the County Council's closed session of February 15, 2005. The Council convened in closed session at 2:30 P.M. 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 State Government Article, Section 10-508(a)(1)(i). The topic was the inspector general interviews.

The following persons were present: Councilmembers Perez, Leventhal, Andrews, Knapp, Praisner, and Subin; Mr. Farber, Council Staff Director; Ms. Ferber, Legislative Analyst; Mr. Faden, Senior Legislative Attorney; Mr. Parr, Confidential Aide to Councilmember Perez; Ms. Ervin, Confidential Aide to Councilmember Leventhal; and candidates for the position.

This is an accurate account of the meeting:

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Linda M. Lauer, Clerk of the Council