



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 Channel 6;
repeated on 8/4/06 at 8 pm and 8/5/06 at 9 am*

Tuesday, August 1, 2006

9:30 **INVOCATION** - Venkataramany Balakrishnan, Sri Siva Vishnu Temple

9:30 **PRESENTATION** - Proclamation in recognition of Derick Berlage's service to Montgomery County, by Council President Leventhal

9:35 **GENERAL BUSINESS**

A. **Announcement** - Agenda and Calendar Changes (Lauer)

- The public hearing on the FY08 Annual Budget Priorities and Performance Measures will be held on September 19, 2006 at 7:30 pm.

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

C. **Action** - Approval of Minutes: June 29 and July 18, 2006 (Lauer)

(2) 9:40 **CONSENT CALENDAR**

A. **Introduction** - Special appropriation to MNCPPC's FY07 Operating Budget - for soccer club game fee subsidies at Soccerplex, sponsored by Councilmember Silverman (Source: General Fund Reserves) (Michaelson)

Public Hearing is scheduled for 9/19/06 at 1:30 pm.

B. **Introduction** - Special appropriation to the County Government's FY07 Operating Budget, Arts and Humanities Council Non-Departmental Account - \$80,000 for National Philharmonic, sponsored by Council President Leventhal (Source: General Fund Reserves) (Davidson)

Public Hearing/Action is scheduled for 9/19/06 at 1:30 p.m.

C. **Receipt and Release** - Office of Legislative Oversight Report 2006-8, An Evaluation of the Police Department's Victim/Witness Assistance Unit (Howard)

PS Committee worksession tentatively scheduled for 9/25/06.

D. **Receipt and Release** - Office of Legislative Oversight Report 2006-10, Follow-Up Memorandum Report on OLO Report 2002-4: An Evaluation of the Montgomery County's Sign Approval and Enforcement Process (Latham)

T&E Committee worksession tentatively scheduled for 9/21/06.



(2) 9:40 **CONSENT CALENDAR** *(continued)*

- E. **Action** - Resolution regarding Montgomery County Municipal Separate Storm Sewer System, National Pollutant Discharge Elimination System Permit (Parr)
- F. **Action** - Resolution to approve categorical transfer of \$300,000 for MCPS FY06 Provision for Future Supported Projects (Planell)
- G. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2006 (Lauer)
- H. **Action** - Resolution to approve County's Highway Noise Policy (Orlin)
T&E Committee recommends approval with amendments.
- I. **Action** - Resolution to approve Franchise Agreement for Use of Public Right-of-Way: AboveNet Communications, Inc. (Healy)
MFP Committee recommends approval.
- J. **Action** - Resolution to approve License Agreement for Use of Public Right-of-Way: United RST LLC (Healy)
MFP Committee recommends approval.
- K. **Action** - Resolution to amend Resolution 15-1471 for the FY07 Designation of Entities for Non-Competitive Award Status for the following: Caroline Center and Secure Care Services, Inc.; and St. Anne's Episcopal Church (McGuire)
- L. **Action** - Confirmation of County Executive appointment to the Alcoholic Beverages Advisory Board: Theodore A. Seale (Ferber)
- M. **Action** - Confirmation of County Executive appointments to the Alcohol and Other Drug Abuse Advisory Council: James Lethbridge, Steven T. Coulter, M.D., Paula McCrimmon (Ferber)
- N. **Action** - Confirmation of County Executive appointments to the Board of Social Services: Carolyn Branson, Nancy Kaplan, Carmen M. Knight, Marta S. Marks, G. Bruce Vanderver, M.D., Carolyn Williams (Ferber)
- O. **Action** - Confirmation of County Executive appointments to the Commission on Children and Youth: Michelle Shay, Judith Laurenson, Mary H. Silva, Denyse Fredriksson (Ferber)
- P. **Action** - Confirmation of County Executive appointment to the Commission on Juvenile Justice: Deborah Kearsse (Ferber)

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- Q. **Action** - Confirmation of County Executive appointments to the Commission on Landlord-Tenant Affairs: Andrea R. Mack, Denise F. Hawkins (Alternate Member), Tangela T. Bullock, Roger D. Luchs, Brijette C. Chenet (Ferber)
- R. **Action** - Confirmation of County Executive appointment to the Committee on Hate/Violence: Kent Weaver (Ferber)
- S. **Action** - Confirmation of County Executive appointments to the Committee for Ethnic Affairs: Ravi Bakhru, Amani Elkassabany, Harry Iceland, Ismail Kenessy, Jin Kim, Ghiyath Nakshbendi, Kimberly Powell (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the Dickerson Area Facilities Implementation Group: Walter Sonnevill, Heinz Bachmann, Eric Cronquist, Joseph LaDana (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Energy and Air Quality Advisory Committee: Ann Elsen, David B. Faerberg, Jody Foster, Sandi Rudenstein, Gurpreet Singh, Grace D. Soderberg (Ferber)
- V. **Action** - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Eileen Cahill, Jennifer Deng-Pickett, Andrew Fraser, Seth E. Jacobson, Mary F. Scholl, Gabriel Ruiz, Joy Turner (Ferber)
- W. **Action** - Confirmation of County Executive appointments to the Silver Spring Urban District Advisory Committee: M. Genevieve Hardesty, Nancy Schwiesow, Barbara V. Henry, Peter B. Esker, Jon M. Lourie, Abrielle B. Anderson, Renee Okon (Ferber)
- X. **Action** - Confirmation of County Executive appointments to the Upcounty Citizens Advisory Board: Eric A. Cooper, Doug Noble (Ferber)
- Y. **Action** - Confirmation of County Executive appointments to the Advisory Board for the Montgomery Cares Program: James T. Marrinan, Charles H. Short, Cesar Palacios, Safia Qadri, Pernell Crockett, Gary A. Colangelo, DDS, Brent Ewig, Hugh F. Hill, M.D., Peter W. Monge, Richard C. Bohrer, Okianer Christian Dark, Arthur F. Woodward, Jr., M.D., Ulder Tillman, M.D., Daryl Plevy (Ferber)
- Z. **Action** - Resolution to approve the abandonment of a portion of Willowbrook Drive in Potomac (Orlin)
- AA. **Introduction** - Resolution to Approve County Guaranteed Bond Financing Plan for Housing Opportunities Commission: Wheaton Metro Kiss and Ride Development (Healy)
Public Hearing/Action is scheduled for 9/19/06 at 1:30 pm.
- BB. **Introduction** - Resolution to approve the abandonment of a portion of Woodmont Avenue in Bethesda (Orlin)

(2) 9:40 **CONSENT CALENDAR** *(continued)*

CC. **Introduction** - Supplemental appropriation to the County Government's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program, Department of Economic Development - \$2,800,000 for Germantown Business Incubator (Source: State Aid & Current Revenue) (Sherer)
Public Hearing is scheduled for 9/19/106 at 1:30 pm.

DD. **Introduction** - Supplemental appropriation to the Montgomery College's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program - \$4,000,000 for Goldenrod Building Renovation (Source: Current Revenue) (Sherer)
Public Hearing is scheduled for 9/19/106 at 1:30 pm.

9:50 **DISTRICT COUNCIL SESSION**

(3) A. **Introduction** - Zoning Text Amendment 06-23, Signs - Place of Assembly, sponsored by Council President Leventhal (Zyontz)
Action - Resolution to establish public hearing for 9/21/06 at 7:30 pm.

(4) B. **Action** - Zoning Text Amendment 06-19, Florist - Office-Moderate Density (O-M) Zone (Zyontz)
PHED Committee recommends approval.

(5) C. **Action** - Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
Application No: G-840
Applicant: Magruder/Reed Communities, LLC (Anne C. Martin, Attorney)
Property: 3.28 acres located at 17720 Washington Grove Lane, Gaithersburg
Action: Rezone from R-90/TDR5 to RT-10
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Approve

(6) D. **Action** - Requests for Oral Argument and/or Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)
Application No: G-842/DPA 06-2
Applicant: Hampden Lane Associates, L.L.C. (Patricia A. Harris, Attorney)
Property: 22,611 square feet located at 4913, 4915, 4917, 4919 and 4921 Hampden Lane, Bethesda
Action: Rezone from R-60 to TS-R
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Remand

(7) E. **Action** - Resolution to extend time for Council action on G-842/DPA 06-2 until October 31, 2006 (Zyontz)
Note: Extension will be required if oral argument is granted above.

10:15 **LEGISLATIVE SESSION Day # 28**

- A. Approval of Legislative Journal: July 18, 2006 (Lauer)
- B. Introduction of Bills
- (8) • **Bill 36-06**, Forest Preservation Advisory Committee - Establishment sponsored by Councilmembers Perez, Denis, Praisner and Leventhal (White/Faden)
Public Hearing is scheduled for 9/19/06 at 1:30 pm.
- (8.1) • **Bill 37-06**, Property Tax Credit - Green Buildings, sponsored by Councilmember Floreen (Boucher)
Public Hearing is scheduled for 9/19/06 at 1:30 pm.
- C. Call of Bills for Final Reading
- (9) • **Bill 32-05**, Contracts and Procurement - Service Contracts (Faden)
MFP Committee recommendations will be available 7/31/06.
- (10) • **Expedited Bill 20-06**, SoccerPlex - Lease Amendments (Faden)
PHED Committee recommends approval with amendments.
- (11) 11:00 **WORKSESSION/ACTION** - Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes (Levchenko)
Action may be deferred to 9/19/06.
- (12) 12:00 **STATUS REPORT** - Recommendations of the C&O Task Force (Hartman)
- 12:15 **RECESS**
- (13) 1:30 **PUBLIC HEARING** - Zoning Text Amendment 06-21, Building Coverage - RE-1 Cluster (Zyontz)
PHED Committee worksession tentatively scheduled for a later date.
- (14) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY07 Operating Budget, Office of the State's Attorney -\$22,050 for Health Benefits for State's Attorney's Scholars program (Source: General Fund Reserves) (McMillan)
PS/MFP Committee recommendations will be available 7/27/06.
- (15) 1:30 **PUBLIC HEARING/ACTION** - Amendment to MNCPPC's FY07-12 Capital Improvements Program - Legacy Open Space (Michaelson)
- (16) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY07 Capital Budget - \$1,800,000 for Legacy Open Space (Source: Program Open Space Acquisition Funds) (Michaelson)

- (17) 2:00 **ACTION** - Special appropriations to the MNCPPC's FY07 Capital Budget and amendments to the FY07-12 Capital Improvements Program (CIP): (Michaelson)
- 1) \$4,145,000 for Acquisition: Local Parks (Source: Program Open Space)
 - 2) \$640,000 for Greenbriar Local Park (Source: Program Open Space and Park and Planning Bonds)
 - 3) \$750,000 for Ballfield Initiatives (Source: Program Open Space and G.O. Bonds)
 - 4) \$1,000,000 for PLAR: Non-Local Parks (Source: Program Open Space and G.O. Bonds)
 - 5) \$2,398,000 for Black Hill Trail Renovation and Extension (Source: Program Open Space and G.O. Bonds)

PHED Committee recommends approval with amendments.

- (18) 2:10 **ACTION** on the following amendments to the MNCPPC's FY07-12 Capital Improvements Program: (Michaelson)
- 1) Elmhirst Parkway Neighborhood Park
 - 2) Takoma-Piney Branch Local Park

PHED Committee recommends approval with amendments.

- (19) 2:15 **ACTION** on the following resolutions: (Michaelson)
- 1) Special appropriation to the MNCPPC's FY07 Capital Budget -\$4,000,000 for Acquisition: Non-Local Parks (Source: Program Open Space)
 - 2) Amendment to the MNCPPC's FY07-12 Capital Improvements Program - Acquisition: Non-Local Parks

PHED Committee recommends approval with amendments.

2:30 **ADJOURN**

The next regular Council Session is scheduled for September 19, 2006. The agenda and committee schedule will be mailed and posted to the web site on September 14, 2006. Please see the listing below for future Council meetings and public hearings.

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 7- Sep 15, 2006		RECESS
Sep 19, 2006	9:30 am	Regular Session
Sep 26, 2006	9:30 am	Regular Session
Oct 3, 2006	9:30 am	Regular Session
Oct 10,, 2006	9:30 am	Regular Session
Oct 17, 2006	9:30 am	Regular Session
Oct 24, 2006	9:30 am	Regular Session
Oct 31, 2006	9:30 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

September 19, 2006

- 1:30 pm **Bill 34-06**, Work Release/Pre-Release Programs - Amendments
- 1:30 pm **Bill 35-06**, Property Tax Credit - Senior Citizens
- 1:30 pm Resolution to approve Franchise Agreement for Use of Public Right-of-Way: Fiber Technologies Networks, L.L.C.
- 1:30 pm Special appropriation to the County Government's FY07 Operating Budget, Arts and Humanities Council NDA - \$80,000 for National Philharmonic
- 1:30 pm Resolution to Approve County Guaranteed Bond Financing Plan for HOC: Wheaton Metro Kiss and Ride Development
- 1:30 pm Supplemental appropriation to the County Government's FY07 Capital Budget and amendment to the FY07-12 CIP, DED - \$2,800,000 for Germantown Business Incubator
- 1:30 pm Supplemental appropriation to the Montgomery College's FY07 Capital Budget and amendment to the FY07-12 CIP - \$4,000,000 for Goldenrod Building Renovation

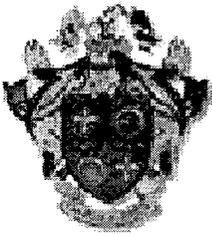
September 26, 2006

- 1:30 pm Zoning Text Amendment 06-22, Office - Real Estate - C-1 and C-2 Zones



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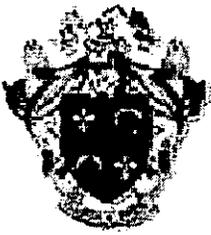


Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, August 1, 2006

Item Number	Note	Staff
Agenda Item #9	Please bring the MFP Item #1 packet from July 31 meeting. A supplementary memo will be available after the MFP worksession on July 31.	Faden



Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, August 1, 2006

Item Number	Note	Staff
Agenda Item #9	Please bring the MFP Item #1 packet from July 31 meeting. A supplementary memo will be available after the MFP worksession on July 31.	Faden

“The following items are anticipated to be corrected by addendum:”

(2) 9:40 **CONSENT CALENDAR** *(continued)*

Amount Added: A. **Introduction** - Special appropriation to MNCPPC’s FY07 Operating Budget - \$142,450 for soccer club game fee subsidies at Soccerplex, sponsored by Councilmember Silverman (Source: General Fund Reserves) (Michaelson)

Correction: BB. **Action** - Resolution to approve the abandonment of a portion of Woodmont Avenue in Bethesda (Orlin)



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ADDENDUM

Tuesday, August 1, 2006

(2) 9:40 CONSENT CALENDAR *(continued)*

Amount: A. **Introduction** - Special appropriation to MNCPPC's FY07 Operating Budget - \$142,450 for soccer club game fee subsidies at Soccerplex, sponsored by Councilmember Silverman (Source: General Fund Reserves) (Michaelson)

Correction: BB. **Action** - Resolution to approve the abandonment of a portion of Woodmont Avenue in Bethesda (Orlin)

10:15 LEGISLATIVE SESSION Day # 28

Add sponsors: (8.1) • **Bill 37-06**, Property Tax Credit - Green Buildings, sponsored by Councilmembers Floreen, Subin, Denis and Knapp (Boucher)