



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 9/22/06 at 8 pm and 9/23/06 at 9 am*

**Tuesday, September 19, 2006**

- 9:30 **INVOCATION** - Reverend Jan P. Lookingbill, Emmanuel Lutheran Church, Bethesda
- 9:35 **PRESENTATION** - Proclamation in recognition of Constitution Week by Councilmember Michael Knapp
- 9:40 **GENERAL BUSINESS**
- (1) A. **Announcement** - Agenda and Calendar Changes (Lauer)  
B. **Acknowledgement** - Receipt of Petitions (Lacefield)  
C. **Action** - Approval of Minutes: July 25, 2006 (Lauer)
- (2) 9:45 **CONSENT CALENDAR**
- A. **Introduction** - Resolution to approve the FY07 schedule of revenue estimates and appropriations (Sherer)  
*Action is tentatively scheduled for 9/26/06.*
- B. **Introduction** - Resolution to approve the Franchise Agreement for Use of Public Right-of-Way: Xspedius (Healy)  
*Public Hearing is scheduled for 10/10/06 at 1:30 pm.*
- C. **Introduction** - Resolution to adopt the National Incident Management System (NIMS) for Montgomery County (Davidson)  
*Action is tentatively scheduled for 9/26/06.*
- D. **Introduction** - Special appropriations to the County Government's FY07 Operating Budget, Department of Recreation - \$206,270 for Paint Branch Sports Academy, \$206,270 for Springbrook Sports Academy, and \$169,230 for Wheaton Sports Academy, sponsored by Councilmember Praisner (Source: General Fund Reserve) (Sherer)  
*Public Hearing is scheduled for 10/3/06 at 1:30 pm.*

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

- E. **Introduction** - Special appropriation to the Montgomery County Public Schools' FY07 Operating Budget - \$400,000 for Automated External Defibrillator Program (Source: General Fund Undesignated Reserves) (Planell)  
*Public Hearing is scheduled for 10/3/06 at 1:30 pm.*
- F. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY07 Operating Budget - \$997,433 for Teaching American History Program (Source: Federal Grant) (Planell)  
*Public Hearing/Action is scheduled for 10/3/06 at 1:30 pm.*
- G. **Introduction** - Resolution to approve categorical transfer of \$7,050,000 for MCPS' FY06 Operating Budget (Planell)  
*ED Committee worksession tentatively scheduled for 9/28/06.  
Action is scheduled for 10/3/06.*
- H. **Introduction** - Supplemental appropriation to the County Government's FY07 Operating Budget, Department of Health and Human Services, Children, Youth, and Family Services - \$370,211 for Crossroads Youth Opportunity Center Demonstration Grant (Source: U.S. Department of Justice, Office of Justice Programs) (McGuire)  
*Public Hearing is scheduled for 10/3/06 at 1:30 pm.*
- I. **Introduction** - Supplemental appropriation to the County Government's FY07 Capital Budget and amendment to the FY07-12 Capital Improvements Program, Department of Public Works and Transportation - \$1,608,000 for Multi-Agency Driver Training Facility (Source: G.O. Bonds) (McMillan)  
*Public Hearing is scheduled for 10/10/06 at 1:30 pm.*
- J. **Receipt and Release** - Office of Legislative Oversight Report 2006-7, Department of Public Works and Transportation: Citizen Inquiries and Requests for Service (Trombka/Latham)  
*T&E Committee worksession tentatively scheduled for 10/12/06.*
- K. **Action** - Resolution to approve Economic Development Revenue Bond in an amount not to exceed \$20 million for The Heights School (Sherer)
- L. **Introduction** - Resolution to support Habitat for Humanity of Montgomery County, MD's application for the State's Community Investment Tax Credit Program (McMillan)  
*Action is scheduled for 9/26/06.*
- M. **Action** - Appointment of special counsel to provide legal services to Montgomery County and the Board of Investment Trustees: Linda Shore and Stephanie Monaco of Mayer, Brown, Rowe & Maw LLP (Faden)

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

N. **Action** - Executive Regulation 16-06, Personnel Regulations - Amendment to extend the sunset date (McGuire)

*MFP Committee recommends approval.*

O. **Action** - Council nominee to the Bethesda Urban Partnership Board of Directors: Jack D. Hayes (Ferber)

P. **Receipt and Release** - OLO Report 2007-1, Review of Montgomery County Public Schools' "Serious Incident" Reporting (Orlansky/Rubin)

*PS/ED Committee presentation and worksession tentatively scheduled for 10/19/06.*

9:50 **LEGISLATIVE SESSION Day # 31**

A. Approval of Legislative Journal: July 25, 2006 (Lauer)

B. Introduction of Bills

(3) • **Bill 38-06**, Technical Corrections, sponsored by County Council (White)  
*Public Hearing is scheduled for 10/10/06 at 1:30 pm.*

(4) • **Expedited Bill 39-06**, Streets and Roads - Fees - Preliminary Subdivision Plans, sponsored by the Council President at the request of the County Executive (Healy)  
*Public Hearing is scheduled for 10/24 /06 at 1:30 pm.*

10:00 **DISTRICT COUNCIL SESSION**

(5) A. **Introduction** - Subdivision Regulation Amendment 06-02, Fees - Preliminary Subdivision Plans, sponsored by the Council President at the request of the County Executive (Healy)  
*Action - Resolution to establish public hearing for 10/24/06 at 1:30 pm.*

(5.1) B. **Introduction** - Zoning Text Amendment 06-24, Home Occupations - Furniture displays, sponsored by Councilmember Denis (Zyontz)  
*Action - Resolution to establish public hearing for 10/24/06 at 1:30 pm.*

(6) C. **Action** - Resolution to establish public hearing for October 24, 2006 at 1:30 pm on Clarksburg Corrective Map Amendment (G-857) (White)

(7) D. **Action** - Resolution to extend time until November 22, 2006, for Council action on Damascus Sectional Map Amendment (G-854) (Michaelson)

(8) E. **Action** - Zoning Text Amendment 06-08, Accessory Buildings - One-Family Residential Zones (Zyontz)  
*PHED Committee recommends approval with amendments.*

10:00 **DISTRICT COUNCIL SESSION** *(continued)*

- (9) F. **Action** - Request for Oral Argument and/or Consideration of Hearing Examiner's Report and Recommendation: (Zyontz)  
**Application No:** G-841  
**Applicant:** Shady Grove Investors I, LLC and Shady Grove Investors, II, LLC (Scott C. Wallace, Attorney)  
**Property:** 6.92088 acres located at the Northeast quadrant of the intersection of Omega Drive and Research Boulevard, Gaithersburg  
**Action:** Rezone from C-2 to PD-44  
**Recommendations:** Planning Staff: Approve  
Planning Board: Approve  
Hearing Examiner: Deny
- (10) G. **Action** - Resolution to extend time for Council action on G-841 until October 31, 2006 (Zyontz)  
*Note: Extension will be required if oral argument is granted above.*
- (11) H. **Oral Argument** and 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

12:15 **RECESS**

- (13) 1:30 **PUBLIC HEARING - Bill 34-06**, Work Release/Pre-Release Programs - Amendments (White)  
*PS Committee worksession tentatively scheduled for 9/25/06.*
- (14) 1:30 **PUBLIC HEARING - Bill 35-06**, Property Tax Credit - Senior Citizens (Faden)  
*MFP Committee worksession tentatively scheduled for 9/25/06.*
- (15) 1:30 **PUBLIC HEARING - Bill 36-06**, Forest Preservation Advisory Committee - Establishment (White/Faden)  
*T&E Committee worksession tentatively scheduled for 9/26/06.*
- (16) 1:30 **PUBLIC HEARING - Bill 37-06**, Property Tax Credit - Green Buildings (Boucher)  
*MFP Committee worksession will be scheduled at a later date.*

- (17) 1:30 **PUBLIC HEARING** - Special appropriation to MNCPPC's FY07 Operating Budget - \$142,450 for soccer club game fee subsidies at Soccerplex (Source: General Fund Reserves) (Michaelson)  
*PHED Committee worksession tentatively scheduled for 9/28/06.*
- (18) 1:30 **PUBLIC HEARING** on the following supplemental appropriations: (Sherer)  
• 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)  
• 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)  
*ED Committee worksession tentatively scheduled for 9/28/06.*
- (19) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY07 Operating Budget, Arts and Humanities Council Non-Departmental Account - \$80,000 for National Philharmonic (Source: General Fund Reserves) (Davidson)
- (20) 1:30 **PUBLIC HEARING/ACTION** - Resolution to approve Franchise Agreement for Use of Public Right-of-Way: Fiber Technologies Networks, L.L.C. (Healy)  
*MFP Committee recommends approval unless issues are raised at the hearing that require further review.*
- (21) 1:30 **PUBLIC HEARING/ACTION** - Resolution to Approve County Guaranteed Bond Financing Plan for Housing Opportunities Commission: Wheaton Metro Kiss and Ride Development (Healy)
- (22) 1:30 **PUBLIC HEARING/ACTION** - Bethesda CBD Corrective Map Amendment (G-856): Edgemoor Lot 3, Block 12A (Michaelson)  
*Council sitting as District Council for action on this item.*

**ADJOURN**

- (23) 7:30 **PUBLIC HEARING** - FY08 Annual Budget Priorities and Performance Measures (Farber)  
*MFP Committee worksession tentatively scheduled for 9/25/06.*

**Thursday, September 21, 2006**

- 7:30 **PUBLIC HEARING** - Zoning Text Amendment 06-23, Signs - Place of Assembly (Zyontz)  
*PHED Committee worksession tentatively scheduled for 9/28/06.*

### 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.

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 **Bill 37-06**, Property Tax Credit - Green Buildings
- 1:30 pm **Bill 36-06**, Forest Preservation Advisory Committee - Establishment
- 1:30 pm Bethesda CBD Corrective Map Amendment (G-856): Edgemoor Lot 3, Block 12A
- 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 Special appropriation to MNCPPC's FY07 Operating Budget - \$142,450 for soccer club game fee subsidies at Soccerplex
- 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
- 7:30 pm FY08 Annual Budget Priorities and Performance Measures

#### September 21, 2006

- 7:30 pm Zoning Text Amendment 06-23, Signs - Place of Assembly

#### September 26, 2006

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

#### October 3, 2006

- 1:30 pm Special appropriation to the MCPS' FY07 Operating Budget - \$400,000 for Automated External Defibrillator Program
- 1:30 pm Supplemental appropriation to the MCPS' FY07 Operating Budget - \$997,433 for Teaching American History Program
- 1:30 pm Supplemental appropriation to the County Government's FY07 Operating Budget, DHHS, Children, Youth, and Family Services - \$370,211 for Crossroads Youth Opportunity Center Demonstration Grant
- 1:30 pm Special appropriations to the County Government's FY07 Operating Budget, Department of Recreation - \$206,270 for Paint Branch Sports Academy, \$206,270 for Springbrook Sports Academy, and \$169,230 for Wheaton Sports Academy

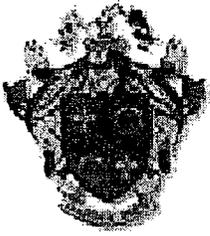
#### October 10, 2006

- 1:30 pm Resolution to approve the Franchise Agreement for Use of Public Right-of-Way: Xspedius



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**Montgomery County Council**  
 Legislative Information Services

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**Tuesday, September 19, 2006**

Item Number	Note	Staff
Agenda Item #1	There were no Petitions received in LIS during recess.	Lacefield

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

**ADDENDUM**

**Tuesday, September 19, 2006**

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

**Add Sponsors:** D. **Introduction** - Special appropriations to the County Government's FY07 Operating Budget, Department of Recreation - \$206,270 for Paint Branch Sports Academy, \$206,270 for Springbrook Sports Academy, and \$169,230 for Wheaton Sports Academy, sponsored by Councilmembers Praisner, Subin, Perez, and Denis (Source: General Fund Reserve) (Sherer)  
*Public Hearing is scheduled for 10/3/06 at 1:30 pm.*

9:50 **LEGISLATIVE SESSION Day # 31**

B. Introduction of Bills

- (4.1) • **Expedited Bill 40-06**, Cable Communications - Amendments, sponsored by the Council President at the request of the County Executive (Faden/Healy)
- (4.2) • **Expedited Bill 41-06**, Consumer Protection - Internet Access, sponsored by the Council President at the request of the County Executive (Faden/Healy)