



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.

Council Sessions are now held in the 3rd Floor Council Hearing Room

This meeting will be televised live on CCM Channels Comcast 6, RCN 6, and Verizon 30; repeated on 4/3/09 at 7 pm

Monday, March 30, 2009

- (1) 12:30 **DISCUSSION** - State Legislative Program (*Room change: 6CCR*) (Foster)

REVISED:

Tuesday, March 31, 2009

8:30 - 9:30 **COFFEE** with the County Executive (*6th floor Council Conference Room*)

9:30 **INVOCATION** - Reverend Ginger Luke, River Road Unitarian Universalist Church, Bethesda

9:35 **PRESENTATION** - Proclamation in recognition of Poolesville High School Volleyball Team for winning the State championship by Councilmember Knapp

9:40 **GENERAL BUSINESS** (Lauer)

- (2) A. **Announcement** - Agenda and Calendar Changes
B. **Acknowledgement** - Receipt of Petitions
C. **Action** - Approval of Minutes: March 16 and March 17, 2009

(3) 9:45 **CONSENT CALENDAR**

A. **Introduction** - Resolution to approve FY10 Transportation Fees, Charges, and Fares (Orlin)
Public Hearing is scheduled for 4/21/09 at 1:30 pm.

B. **Introduction** - Resolution to establish FY10 Solid Waste Service Charges (Levchenko)
Public Hearing is scheduled for 4/21/09 at 1:30 pm.

C. **Introduction** - Resolution to establish FY10 Water Quality Protection Charge (Levchenko)
Public Hearing is scheduled for 4/21/09 at 1:30 pm.

(3) 9:45 **CONSENT CALENDAR** *(continued)*

- D. **Introduction** - Supplemental appropriation to the County Government's FY09 Capital Budget, Department of Transportation - \$2,600,000 for the following projects: Resurfacing - Rural/Residential Roads \$1,058,400; Resurfacing - Primary/Arterial Roads \$1,344,480; and Rural & Residential Road Rehabilitation \$197,120 (Source: G.O. Bonds) (Orlin)
Public Hearing/Action is scheduled for 4/21/09 at 1:30 pm.
- E. **Introduction** - Supplemental appropriation to the County Government's FY09 Operating Budget, Montgomery County Fire and Rescue Service - \$500,000 for Urban Security Initiative (UASI) Mass Casualty Support Unit Supplies (MCSUS) Grant Award (Source: Federal Grant) (Davidson)
Public Hearing/Action is scheduled for 4/14/09 at 1:30 pm.
- F. **Introduction** - Resolution of consent to and support for re-designation of an Enterprise Zone: Wheaton CBD Policy Area (Ferber)
Action is tentatively scheduled for 4/14/09.
- G. **Action** - Resolution to set public hearing on intent to consider increasing FY10 General Fund tax rate above the Constant Yield Tax Rate (CYTR) (Sherer)
Public Hearing is scheduled for 4/21/09 at 1:30 pm.
- H. **Action** - Executive Regulation 34-08 AM, Discharge of Guns Within Montgomery County (McMillan)
PS Committee recommends approval as amended.
- I. **Action** - Supplemental appropriation to the Montgomery County Public Schools' FY09 Operating Budget - \$699,501 for Retrofit School Buses with Emission Reduction Devices (Source: Federal grant) (McGuire)
ED/T&E Committee recommends approval.
- J. **Action** - Resolution to approve recording in the County's land records a notice of the State's right of recovery: property leased to CHI Centers, Inc. at the former Hillandale Elementary School (McGuire)
- K. **Action** - Confirmation of County Executive appointments to the Advisory Committee on Consumer Protection: William A. Goldberg, Meena Gowda, Robert Fogarty (Ferber)
- L. **Action** - Confirmation of County Executive appointments to the Board of Investment Trustees: Mary Ellen Menke, John Lodge Gillespie, Jr. (Ferber)
- M. **Action** - Confirmation of County Executive appointment to the Commission on Juvenile Justice: Susan J. Farag (Ferber)
- N. **Action** - Confirmation of County Executive appointment to the Criminal Justice Coordinating Commission: Ronald A. Wright (Ferber)

(3) 9:45 **CONSENT CALENDAR** *(continued)*

- O. **Action** - Confirmation of County Executive appointments to the Firearm Safety Committee: Paolo Amedeo, Jesse-Thomas Lim, Raymond Roberts, Guy G. Wright III (Ferber)
- P. **Action** - Confirmation of County Executive appointments to the Forest Conservation Advisory Committee: David B. Post, Andrew T. Der, Norman E. Mease, Pamela Browning, G. William Pastor, Laura Miller, Brett Linkletter, Thomas Paul Allen (Ferber)
- Q. **Action** - Confirmation of County Executive appointment to the Mid-County Citizens Advisory Board: Randy E. McDonald (Ferber)
- R. **Introduction** - Supplemental appropriation and amendment to the FY09-14 Capital Improvements Program of the Montgomery County Government - Property Use/Smart Growth Initiative; Public Safety Headquarters (GE Tech Park Building)(McMillan)
Public Hearing is scheduled for 4/21/09 at 7:30 pm.

9:50 **LEGISLATIVE SESSION Day # 13**

- A. Introduction of Bills
- (4) • **Bill 12-09**, Ethics - Ex Parte Communications, Councilmembers Floreen, Ervin, and Leventhal; Council Vice President Berliner, and Council President Andrews
Public Hearing is scheduled for 4/28/09 at 1:30 pm. (Faden/Zyontz)
- (5) • **Bill 13-09**, Consumer Protection - Advisory Committee - Membership, sponsored by Councilmember Leventhal (Mihill)
Public Hearing is scheduled for 4/28/09 at 1:30 pm.
- B. Call of Bills for Final Reading
- (6) • **Expedited Bill 8-09**, Parks Department - Golf Courses - Lease with Revenue Authority - Amendment (Foster)
PHED Committee recommends approval.
- (7) • **Expedited Bill 33-08**, Secondhand Personal Property - Amendments (Drummer)
PS Committee recommends approval with amendments.
- (8) 10:30 **PRESENTATION** - Report of the Universal Preschool Implementation Work Group (Yao)

11:15 **RECESS**

1:00 **WORKSESSION - Amendments to FY09-14 Capital Improvements Program:**

- (9) • Montgomery County Public Schools ED (Levchenko)
- (12) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the Montgomery County Public Schools' FY09 Capital Budget - \$3,125,000 for Relocatable Classrooms (Source: Current Revenue) (Levchenko)

(13) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY09 Operating Budget, Non-Departmental Account - \$10,000,000 for Future/Federal/State/Other Grants (Source: Federal, State or Other Grant Revenues) (Sherer)

(14) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the Montgomery College's FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program - \$3,217,000 for Germantown Science and Technology Park Infrastructure project (Source: Federal Aid and State Aid) (Sherer)

1:45 **DISTRICT COUNCIL SESSION**

(15) A. **Action** - Resolution to establish public hearing on the Germantown Sector Plan for May 12, 2009 at 7:30 pm (Michaelson)

(16) B. **Action** on the following Corrective Map Amendments: (Michaelson)

- **G-871**, Rosemont Section of the Gaithersburg Vicinity Master Plan
- **G-872**, Sieling Property at 14668 Southlawn Lane in Rockville
- **G-869**, Rural Village Center Overlay Zone at Darnestown Road and Seneca Road in Darnestown

PHED Committee recommends approval.

(17) C. **Action** - Amendment to the Master Plan for Historic Preservation: Wild Acres in Bethesda (Zyontz)

(18) D. **Action** - Subdivision Regulation Amendment 09-01, Adequate Public Facilities - Validity Period (Faden/Zyontz)

PHED Committee recommends approval with amendments.

(19) E. **Worksession/Action** - Amendment to the Master Plan for Historic Preservation: Falkland Apartments (Zyontz)

PHED Committee recommends approval.

(20) 3:15 **SEMI-ANNUAL REPORT** of the Montgomery County Planning Board (Michaelson)

4:15 **WORKSESSION - Amendments to FY09-14 Capital Improvements Program:**

(10) • Police PS (McMillan)

(11) • Judicial Center Annex (Farag)

4:45 **ADJOURN**

(21) 7:30 **PUBLIC HEARING** - Historic Preservation Amendment 09-1, Historic Resource Preservation - Amendments (Zyontz)

PHED Committee worksession will be scheduled at a later date.

FUTURE COUNCIL MEETINGS

(3rd floor Council Hearing Room)

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.

Apr 6 -10, 2009		RECESS
Apr 14, 2009	9:00 am	Regular Session
Apr 14, 2009	12:30 pm	Council Brown-Bag Lunch
Apr 21, 2009	9:30 am	Regular Session
Apr 28, 2009	9:30 am	Regular Session
Apr 28, 2009	12:30 pm	Council Brown-Bag Lunch
May 4, 2009	9:30 am	Council Budget Worksession
May 5, 2009	8:30 am	Coffee with the County Executive
May 5, 2009	9:30 am	Regular Session & Council Budget Worksession
May 5, 2009	12:30 pm	Council Brown-Bag Lunch
May 6, 2009	9:30 am	Council Budget Worksession
May 7, 2009	9:30 am	Council Budget Worksession
May 7, 2009	3:00 pm	Mtg. w/ Prince George's County Council - Bi-County Budgets
May 8, 2009	9:30 am	Council Budget Worksession
May 11, 2009	9:30 am	Council Budget Worksession
May 12, 2009	9:30 am	Regular Session & Council Budget Worksession
May 12, 2009	12:30 pm	Council Brown-Bag Lunch
May 13, 2009	9:30 am	Council Budget Worksession
May 14, 2009	9:30 am	Council Budget Worksession
May 15, 2009	9:30 am	Council Budget Worksession

FUTURE PUBLIC HEARINGS

(3rd floor Council Hearing Room)

To testify call 240-777-7931

Apr 13, 2009

7:00 pm FY10 Operating Budget

Apr 14, 2009

1:30 pm Amendments to the County government collective bargaining agreements

1:30 pm Supplemental appropriation to the County Government's FY09 Operating Budget, MCFRS - \$500,000 for Urban Security Initiative (UASI) Mass Casualty Support Unit Supplies (MCSUS) Grant Award

1:30 pm **Expedited Bill 10-09**, Personnel - Retirement Incentive Program

7:00 pm FY10 Operating Budget and amendments to the FY09-14 Capital Improvements Program (CIP)

Apr 15, 2009

1:30 pm FY10 Operating Budget and amendments to the FY09-14 Capital Improvements Program (CIP)

7:00 pm FY10 Operating Budget and amendments to the FY09-14 Capital Improvements Program (CIP)

Apr 16, 2009

7:00 pm FY10 Operating Budget and amendments to the FY09-14 Capital Improvements Program (CIP)

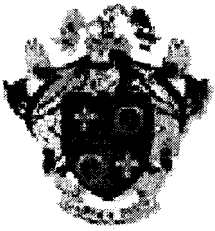
FUTURE PUBLIC HEARINGS (continued)
(3rd floor Council Hearing Room)
To testify call 240-777-7931

Apr 21, 2009

- 1:30 pm ZTA 09-01, Sandy Spring/Ashton Overlay Zone - Prohibited uses
- 1:30 pm Supplemental appropriation to the County Government's FY09 Capital Budget, DOT - \$2,600,000 for the following projects: Resurfacing - Rural/Residential Roads \$1,058,400; Resurfacing - Primary/Arterial Roads \$1,344,480; and Rural & Residential Road Rehabilitation \$197,120
- 1:30 pm Intent to consider increasing FY10 General Fund tax rate above the Constant Yield Tax Rate (CYTR)
- 1:30 pm Resolution to amend FY10 Transportation Fees, Charges, and Fares
- 1:30 pm Resolution to establish FY10 Solid Waste Service Charges
- 1:30 pm Resolution to establish FY10 Water Quality Protection Charge
- 1:30 pm Supplemental appropriation to the MCPS' FY09 Capital Budget - \$154,640 for the Current Replacements/Modernizations project (Carderock Springs ES)
- 1:30 pm **Bill 9-09**, Schools and Camps - Grants for Teaching Science and Mathematics
- 7:30 pm Supplemental appropriation and amendment to the FY09-14 Capital Improvements Program of the Montgomery County Government - Property Use/Smart Growth Initiative; Public Safety Headquarters (GE Tech Park Building)



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. This document is available in alternative formats upon request.



Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, March 31, 2009

Item Number	Note	Staff
Agenda Item #1	There is no material for this item.	Foster
Agenda Item #3R	This item will be available Monday, March 30, 2009.	McMillan
Agenda Item #10	This item will be available Monday, March 30, 2009.	McMillan
Agenda Item #11	Please bring worksession packet #14 from the March 24 Council session.	Farag
Agenda Item #15	This packet will be distributed as soon as the Executive sends the Germantown fiscal analysis.	Michaelson



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ADDENDUM

Tuesday, March 31, 2009

(3) 9:45 **CONSENT CALENDAR** *(continued)*

Change: R. **Introduction** - Supplemental appropriation and amendment to the FY09-14 Capital Improvements Program of the Montgomery County Government - Property Use/Smart Growth Initiative; \$12,893,00 for the Public Safety Headquarters (GE Tech Park Building) (McMillan)

Added: S. **Action** - Amendment #1 to contract for audit services with Clifton Gunderson LLP to add additional work (Rubin)

9:50 **LEGISLATIVE SESSION Day # 13**

Added: (5.1) A. Introduction of Bills
• **Bill 14-09**, Special Capital Improvements Project - Public Safety Headquarters, sponsored by the Council President at the request of the County Executive (McMillan)
Public Hearing is scheduled for 4/21/09 at 7:30 pm.

Added: (5.2) • **Expedited Bill 15-09** - Recordation Tax - Use of Revenue, sponsored by the Council President at the request of the County Executive (Faden)
Public Hearing is scheduled for 5/5/09 at 7:30 pm.

Added: (5.3) • **Expedited Bill 16-09** - Room Rental and Transient Tax - Amendments, sponsored by the Council President at the request of the County Executive (Faden)
Public Hearing is scheduled for 5/5/09 at 7:30 pm.