



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 CCM Channels Comcast 6, RCN 6, and Verizon 30; repeated on 11/20/09 at 9 pm

Tuesday, November 17, 2009

9:30 **PRESENTATION** - Dedication of mural "Building Strong Communities" created by Project Youth ArtReach, a Class Acts Arts program, with youthful offenders at the Montgomery County Correctional Facility through funding from the Montgomery County Council's Community Grant program, by Council President Andrews *(3rd floor Council Conference Room)*

9:40 **INVOCATION** - Monsignor Ralph Kuehner, Saint Francis Assisi Catholic Church, Derwood

9:45 **GENERAL BUSINESS** (Lauer)

- (1) A. **Announcement** - Agenda and Calendar Changes
B. **Acknowledgement** - Receipt of Petitions
C. **Action** - Approval of Minutes: November 3, 2009

(2) 9:50 **CONSENT CALENDAR**

A. **Introduction** - Resolution regarding Montgomery County Public Schools' State funding request for school construction (Levchenko)
ED Committee worksession tentatively scheduled for 11/23/09.

B. **Introduction** - Resolution to approve Montgomery County Emergency Operations Plan (Davidson)
PS Committee worksession tentatively scheduled for 11/19/09.

C. **Action** - ED/MFP Committee report and recommendations on OLO Report 2010-2, Succession Management in Montgomery County Government and Public Schools (Richards/Bonner-Tompkins/Latham)

D. **Action** - Executive Regulation 12-09AM, Establishment of Annual Registration Fee for Common Ownership Communities (Fargar)
PS Committee recommends approval as amended.

- (2) 9:50 **CONSENT CALENDAR** *(continued)*
- E. **Action** - Resolution to approve waiver for extended absence of Board of Appeals member (Ferber)
- 9:55 **DISTRICT COUNCIL SESSION**
- (3) A. **Introduction** - Zoning Text Amendment 09-11, Residential Zones - Agricultural vending, sponsored by Councilmember Berliner (Zyontz)
Action - Resolution to establish public hearing for 1/12/10 at 1:30 pm.
- (4) B. **Introduction** - Zoning Text Amendment 09-12, Rural Service Zone - Development standards, sponsored by Councilmember Knapp (Zyontz)
Action - Resolution to establish public hearing for 1/12/10 at 1:30 pm.
- (5) 10:00 **ACTION** - Council recommendations regarding toll charges for Intercounty Connector (ICC) (Orlin)
T&E Committee recommendation will be available 11/16/09.
- (6) 10:30 **BRIEFING** - Health Impact Assessment for major road projects (Orlin)
- (7) 11:10 **ACTION** - Locally Preferred Alternative for I-270 Improvements and Corridor Cities Transitway Project Planning Study (Orlin)
- 11:30 **LEGISLATIVE SESSION Day #43**
- A. Introduction of Bills
- (8) • **Expedited Bill 41-09**, Taxation - Property Tax Credit - Business Incubator, sponsored by the Council President at the request of the County Executive (Faden)
Public Hearing is scheduled for 1/12/10 at 1:30 pm.
- (9) • **Bill 42-09**, Common Ownership Communities - Dispute Resolution, sponsored by the Council President at the request of the County Executive (Faden)
Public Hearing is scheduled for 1/12/10 at 1:30 pm.
- (10) • **Bill 43-09**, Callithea Farm Stables - Lease Amendment and Extension, sponsored by Council President at the request of the Maryland-National Capital Park and Planning Commission (Mihill)
Public Hearing is scheduled for 1/12/10 at 1:30 pm
- B. Call of Bills for Final Reading
- (11) • **Bill 33-09**, Inspector General - Attorney (Faden)
MFP Committee recommends approval with amendments.
- (12) • **Expedited Bill 35-09**, Police - Drug Enforcement Forfeitures Fund - Amendments (Drummer)
PS/HHS Committee recommends approval with amendments.

11:30 **LEGISLATIVE SESSION Day #43 (continued)**

B. Call of Bills for Final Reading *(continued)*

- (13) • **Bill 19-07**, Eating and Drinking Establishments - Nutrition Labeling (Mihill)
HHS Committee recommends approval with amendments.

12:00 **BOARD OF HEALTH:**

- (14) • **Action** - Resolution to adopt Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus (Mihill)
HHS Committee recommends approval with amendments.

12:15 **RECESS 12:30 - Brown Bag Lunch Meeting with Board of Appeals (6CCR)**

- (15) 1:30 **PUBLIC HEARING** - Resolutions to amend the MCPS' FY09-14 Capital Improvements Program: B-CC Cluster ES Solution; Clarksburg MS Solution; Northwest Cluster ES Solution; and Seneca Valley Cluster ES Solution (Orlin)
ED Committee worksession tentatively scheduled for 11/23/09.

- (16) 1:30 **PUBLIC HEARING** - Resolution to adopt Board of Health Regulation requiring a health impact assessment for major road projects (Mihill/Orlin)
HHS Committee worksession will be scheduled at a later date.

- (17) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY10 Operating Budget, Office of Emergency Management and Homeland Security - \$1,752,215 for FFY2008 Urban Area Security Initiative (UASI) Critical Care Hospital Surge Capabilities (Source: Federal grant) (Davidson)

- (18) 1:30 **PUBLIC HEARING - Expedited Bill 40-09**, Personnel - Audits - Trust Fund (Drummer)
MFP Committee worksession tentatively scheduled for 11/24/09.

- (19) 2:00 **INTRODUCTION/Suspension of Rules/Action** - Resolution to approve FY10 Budget Savings Plan (Farber)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.

2:30 **ADJOURN**

2:30 **PHED Committee (3rd floor Council Hearing Room) - ZTA 09-08, CR Zone**

7:30 **PUBLIC HEARING on the following/NOTE: This evening's public hearings have been postponed to November 24, 2009 at 1:30 pm.**

- (20) • **Bill 34-09**, Forest Conservation - Enforcement (Faden)
(21) • Zoning Text Amendment 09-09, Planning Board Enforcement (Zyontz)
(22) • Subdivision Regulation Amendment 09-03, Enforcement - Amendments (Zyontz)

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.

Nov 24, 2009	9:30 am	Regular Session
Nov 26, 2009		HOLIDAY
Dec 1, 2009	9:30 am	Regular Session
Dec 8, 2009	8:30 am	Coffee with the County Executive
Dec 8, 2009	9:30 am	Regular Session
Dec 14, 2009 to Jan 8, 2010		RECESS
Dec 25, 2009		HOLIDAY
Jan 1, 2010		HOLIDAY

FUTURE PUBLIC HEARINGS

To testify call 240-777-7803

Nov 24, 2009

1:30 pm Resolution to approve County Guaranteed Bond Financing Plan for Housing Opportunities
Commission: Wheaton MetroPointe Apartments Development

1:30 pm Amendment to the Maryland-National Capital Park and Planning Commission's FY09-14 Capital
Improvements Program - South Germantown Recreational Park: SoccerPlex Facilities

1:30 pm **Bill 36-09**, Elected Officials - Compensation

1:30 pm **Expedited Bill 39-09**, Property Tax Credit - Renewable Energy - Annual Aggregate Limit

NOTE: Postponed from November 17, 2009

1:30 pm **Bill 34-09**, Forest Conservation - Enforcement

1:30 pm ZTA 09-09, Planning Board Enforcement

1:30 pm SRA 09-03, Enforcement - Amendments

Dec 1, 2009

1:30 pm Housing Element of General Plan

1:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

1:30 pm **Bill 38-09**, Growth Policy - Amendments

1:30 pm Resolution to amend FY10 Transportation Fees, Charges, and Fares

1:30 pm Resolution to adopt Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

Hold for continuation of afternoon hearings:

7:30 pm Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

7:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

7:30 pm **Bill 38-09**, Growth Policy - Amendments

Dec 3, 2009

Hold for continuation of 12/1/09 hearings::

7:30 pm Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers

7:30 pm **Bill 37-09**, Contracts and Procurement - Equal Benefits

7:30 pm **Bill 38-09**, Growth Policy - Amendments



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, November 17, 2009

Item Number	Note	Staff
Agenda Item #20	This evening's public hearing has been postponed to November 24, 2009 at 1:30pm.	Faden
Agenda Item #21	This evening's public hearing has been postponed to November 24, 2009 at 1:30pm.	Zyontz
Agenda Item #22	This evening's public hearing has been postponed to November 24, 2009 at 1:30pm.	Zyontz

The following items are anticipated to be added/changed/deleted on the agenda by addendum:

A. Introduction of Bills

Add: (10.1) • Expedited **Bill 44-09**, Buildings - Energy Efficiency - Deferral, sponsored by the Council President at the request of the County Executive (Mihill)

Public Hearing is scheduled for 12/1/10 at 1:30 pm



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ADDENDUM

Tuesday, November 17, 2009

11:30 LEGISLATIVE SESSION Day #43

A. Introduction of Bills

Add: (10.1)

- **Expedited Bill 44-09**, Buildings - Energy Efficiency - Deferral, sponsored by the Council President at the request of the County Executive (Mihill)
Public Hearing is scheduled for 11/24/09 at 1:30 pm