



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 to obtain current information.

This meeting will be televised live on Channel 6; repeated on 12/17/04 at 8 pm and 12/18/04 at 9 am

Tuesday, December 14, 2004

- (1) 8:30-9:00 **DISCUSSION** - State Legislative Program (6th floor Council Conference Room) (Wenger)
- 9:15 **INVOCATION** - Reverend Peter Bath, Sligo Adventist Church, Takoma Park
- 9:20 **PRESENTATION** - Proclamation in recognition of retirement of Mary Edgar, Clerk of the Council by Council President Perez
- 9:25 **PRESENTATION** - Certificates in recognition of eight Montgomery County high school students selected to the 2004 All-State Soccer Teams by Council President Perez
- 9:30 **PRESENTATION** - Proclamation in recognition of William H. Hudnut, III, Mayor of the Town of Chevy Chase, for his many years of community service by Councilmember Denis
- 9:35 **GENERAL BUSINESS**
- A. **Announcement** - Agenda and Calendar Changes (Lauer)
- B. **Action** - Approval of Minutes: (Edgar)
- (2) C. **Acknowledgement** - Receipt of Petitions (Lacefield)
- (3) 9:40 **CONSENT CALENDAR**
- A. **Introduction** - Special appropriation to the MNCPC's FY05 Capital Budget and amendment to the FY05-10 Capital Improvement Program - \$600,000 for Small Grant/Donor-Assisted Capital Improvements (Source: General and Park and Planning Current Revenue and Contributions) (Michaelson)
Public Hearing is scheduled for 1/18/05 at 1:30 pm.
- B. **Action** - Appointment to the Merit System Protection Board (Ferber)
- C. **Action** - Extension of appointment as Acting Chief, Volunteer Fire and Rescue Services: Fred Welsh (Ferber)

- (3) 9:40 **CONSENT CALENDAR** *(continued)*
- D. **Action** - Executive Regulation 11-03AM, Amendments to Montgomery County Personnel Regulations on Grievance procedures and other amendments (Faden)
 - E. **Action** - Franchise agreement for use of public right of way: Jewish Federation of Greater Washington, Inc. (Healy)
MFP Committee recommends approval with amendments.
 - F. **Action** - Confirmation of County Executive appointments to the Commission on People with Disabilities: Kathy L. Kolan, Angela J. Washington-Bivans (Ferber)
 - G. **Action** - Confirmation of County Executive appointments to the County-wide Recreation Advisory Board: Donna Bartko, Joe Felperin, Seth P. Gerson, Kenneth S. Kramer, George Tarrico, Solly J. Thomas, Jr., David Magill, Stephen D. Earll, Noah Grosfeld-Katz, Sean Thomas Smith (Ferber)
 - H. **Action** - Confirmation of County Executive appointments to the Criminal Justice Coordinating Commission: Steven G. Berry (Ferber)
 - I. **Action** - Confirmation of County Executive appointment of Marketing Manager, Department of Economic Development: Robert W. McGlotten, Jr. (Ferber)
- (4) 9:45 **BRIEFING** - Intercounty Connector Environmental Impact Statement (Orlin)
- (5) 11:00 **ACTION** - Resolution regarding Spending Affordability Guidelines for FY06 Operating Budget (Sherer)
MFP Committee recommendation will be available 12/13/04.
- 11:30 **DISTRICT COUNCIL SESSION**
- (6) A. **Introduction** - Zoning Text Amendment 04-26, Mixed-Use Town Center Zone, sponsored by the Council President at the request of the Planning Board (Michaelson)
Action - Resolution to establish public hearing for 1/18/05.
 - (7) B. **Action** - Zoning Text Amendment 04-23, Private Educational Institution - I-1 Zone (Wilson)
PHED Committee recommends disapproval.
 - (8) C. **Action** - Zoning Text Amendment 04-22, South Silver Spring Overlay Zone - Building Height (Wilson)
PHED Committee recommends approval with amendments.
 - (9) D. **Action** - Zoning Text Amendment 04-21, Country Inn Zone - Remedial map amendment process (Wilson)
PHED Committee recommends approval.

11:30 **DISTRICT COUNCIL SESSION** *(continued)*

- (10) E. **Action** - Zoning Text Amendment 04-24, U.S.29/Cherry Hill Road Employment Overlay Zone - Revisions (Wilson)
PHED Committee recommends approval.
- (11) F. **Action** - Zoning Text Amendment 04-20, Building Height Standards - revisions under certain circumstances - C-2 Zone (Wilson)
PHED Committee recommends approval with amendments.
- (12) G. **Action** - Development Plan Amendment **DPA 04-3** (Wilson)
Applicant: Clarksburg Skylark, LLC (Roger Bain Attorney)
Property: Clarksburg: bounded by Newcut Road, Skylark Road, and Maryland Route 97
Action: Approval of DPA to add 2,000 sq. feet of indoor community space and certain conditions regarding use of that space
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Not Required
- (12.5) H. **Introduction** - Zoning Text Amendment 04-27, Total Lot Coverage Requirements for the RE-2, RE-1, Rural, RC and RDT Zones (Wilson)
Action - Resolution to establish public hearing for 1/18/05 at 7:00 pm.

12:15 **LEGISLATIVE SESSION Day # 37**

- A. Approval of Legislative Journal - May 4, and November 16, 2004 (Edgar)
- B. Introduction of Bills
- (13) • **Bill 39-04**, Environmental Protection - Green Rewards Program, sponsored by Councilmember Leventhal (Faden)
Public Hearing is scheduled for 2/1/05 at 1:30 pm.
- C. Call of Bills for Final Reading
- (14) • **Bill 26-04**, Vendors - Amendments (Faden)
PS Committee recommends approval with amendments.

12:30 **ADJOURN**

- (15) 7:30 **PUBLIC HEARING - Bill 36-04**, Commission on Human Rights - Discrimination in Housing - Amendments (*7th floor Council Hearing Room*) (Healy)
HHS Committee worksession tentatively scheduled for 1/20/05.

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on January 18, 2005:

Mental Health Advisory Committee: Swaroop G. Rao, M.D., Miriam L. Yarmolinsky, Susan S. Magazine, Kenneth E. Ratcliffe, Roy Turner

Solid Waste Advisory Committee: Amy E. Schaffer, Philip A. Browne

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.

Dec 20, 2004 to Jan 14, 2005		Recess
Jan 18, 2005	8:30 am	Meeting with Board of Education
Jan 18, 2005	9:45 am	Regular Session
Jan 24, 2005	12:30 pm	State Legislation
Jan 25, 2005	9:15 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

January 18, 2005

- 1:30 pm Special appropriation to the MNCPC's FY05 Capital Budget and amendment to the FY05-10 CIP - \$600,000 for Small Grant/Donor-Assisted Capital Improvements
- 1:30 pm ZTA 04-26, Mixed-Use Town Center Zone

NOTICE:

The next Council Session is scheduled for Tuesday, January 18, 2005. Committee sessions will resume Tuesday, January 18th. The agendas for these sessions will be mailed and posted to the web site on January 13th.

Upcoming public hearings are listed below.



If persons with disabilities need services or aides to participate in any Council activity, please call 240-777-7900 five days in advance. This agenda is available in an alternative format upon request.
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ADDENDUM

Tuesday, December 14, 2004

(3) 9:40 CONSENT CALENDAR

- Deferred:** D. **Action** - Executive Regulation 11-03AM, Amendments to Montgomery County Personnel Regulations on Grievance procedures and other amendments (Faden)
- Add:** J. **Action** - Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes (Levchenko)
T&E Committee recommends approval.
- Add:** K. **Introduction/Suspension of Rules/Action** - Resolution to appoint Elda Dodson as the Acting Clerk of the Montgomery County Council (Farber)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.
- Add:** L. **Action** - Resolution to amend Resolution 15-748 regarding Temporary Regulation 17-40T, Emergency Taxicab Fuel Surcharge (Orlin)
- Add:** M. **Action** - Supplemental appropriation to the County Government's FY05 Capital Budget and amendment to the FY05-10 Capital Improvements Program, Department of Correction and Rehabilitation - \$4,993,000 for Montgomery County Detention Center (MCDC) Reuse (Source: G. O. Bonds and State aid) (McMillan)
PS Committee recommends approval with amendments.
- Add:** N. **Action** - Supplemental appropriation to the County Government's FY05 Operating Budget, Montgomery County Fire and Rescue Service - \$4,270,560 for EMS Transport Fee & Apparatus Management Plan (Source: EMS Transport Fees) (Davidson)
PS Committee recommends approval with amendments to purpose, amount and funding source.

12:15 LEGISLATIVE SESSION Day # 37

Change Title: (13)

- B. Introduction of Bills
- **Bill 39-04, Energy Policy - Clean Energy Rewards Program**, sponsored by Councilmember Leventhal (Faden)

