



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 7/29/05 at 8 pm and 7/30/05 at 9 am*

**Tuesday, July 26, 2005**

9:30 **INVOCATION** - Reverend Glenn Sackett, Shady Grove Adventist Hospital, Rockville

9:35 **PRESENTATION** - Proclamation in recognition of the Walter Johnson High School team, winners of "It's Academic Superbowl" by Councilmember Denis

9:40 **GENERAL BUSINESS**

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

- The public hearing on the Spending Affordability Guidelines for FY07 Capital Budget will be held on September 20, 2005 at 1:30 pm

- The public hearing on the FY07 Annual Budget Priorities and Performance Measures will be held on September 13, 2005 at 7:30 pm

B. **Action** - Approval of Minutes: July 5 and 12, 2005 (Lauer)

(2) C. **Acknowledgement** - Receipt of Petitions (Lacefield)

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

A. **Introduction** - Special appropriation to the M-NCPPC's FY06 Capital Budget and amendment to the FY05-10 Capital Improvements Program - \$1,600,000 for Needwood Golf Course improvements Source: County Current Revenue (Michaelson)  
*Public Hearing is scheduled for 9/6/05 at 1:30 pm.*

B. **Introduction** - Resolution to approve the disposition of the Former Peary High School (Wilson)

*MFP Committee worksession tentatively scheduled for 9/22/05.*

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

- C. **Action** - Resolution to approve the Office of Legislative Oversight's FY06 Work Program (Orlansky)
- D. **Action** - Resolution to continue the Arts and Entertainment District Advisory Panel (Ferber)
- E. **Action** - Executive Regulation 6-05 - Taxicab fines (Faden)  
*T&E Committee recommends approval.*
- F. **Action** - Resolution urging companies to examine food marketing practices aimed at children (Rapp)
- G. **Action** - Resolution to approve the abandonment of a portion of Ronald Drive, Potomac (Orlin)
- H. **Action** - Resolution to approve the abandonment of a portion of Piedmont Road, Clarksburg (Orlin)
- I. **Action** - Resolution to approve the abandonment of a portion of 20-foot wide alley Wheaton Forest Subdivision, Wheaton (Orlin)
- J. **Receipt and Release** - OLO Memorandum Report 2005-7: Implementation of Council Actions on OLO Report 2002, Alcohol Age-of-Sales (Howard)  
*PS Committee worksession will be scheduled at a later date.*
- K. **Receipt and Release** - OLO Memorandum Report 2005-8: Implementation of Council Action on OLO Report 2002-3, Transportation Services for Seniors and People with Disabilities (Brown)  
*T&E/HHS Committee worksession tentatively scheduled for 9/8/05.*
- L. **Action** - Resolution to establish a Long Branch Advisory Committee of East Silver Spring (Trombka)  
*PHED Committee recommends approval.*
- M. **Action** - Extension of time until December 13, 2005 for Council action on Executive Regulation 8-05 - Taxicab fees (Orlin)  
*T&E Committee worksession tentatively scheduled for 9/8/05.*
- N. **Action** - Extension of time until December 13, 2005 for Council action on Executive Regulation 20-04, Microchipping of Animals (McMillan)
- O. **Action** - Extension of time until December 13, 2005 for Council action on Executive Regulation 13-05, Requirements and Procedures for the Moderately Priced Dwelling Unit (MPDU) Program (Trombka)  
*PHED Committee worksession tentatively scheduled for 9/19/05.*

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

- P. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2005 (Lauer)
- Q. **Action** - Confirmation of County Executive appointments to the Board of Social Services: Mita Banerjee, Ralph W. Cole, Terri Phillips DiFazio, M.D., Katherine Kurtz, Ronald S. Little (Ferber)
- R. **Action** - Confirmation of County Executive appointment to the Commission on Children and Youth: Kelcey Rochelle Klass (Ferber)
- S. **Action** - Confirmation of County Executive appointments to the Commission on Health: Yusef R. Battle, Michelle N. Browne, Silvia B. Casaro, Okianer Christian Dark, Jim Grossfeld, Miryam C. Granthon, Paul R. Fowler, Wendy W. Friar, Susan L. Glover (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the East County Recreation Advisory Board: George B. Aman, Austin Steo (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Glen Echo Park Partnership for Arts and Culture, Inc. Board of Directors: Nat N. Polito, Gail Nachman (Ferber)
- V. **Action** - Confirmation of County Executive appointments to the Pedestrian Safety Advisory Committee: C. William Frick, Linda Sobel Katz, Erwin H. Mack, Pam Miller, Sylvia K. Morrison, Marilyn Praisner (Ferber)
- W. **Action** - Confirmation of County Executive appointment to the Revenue Authority: Phillip L. Feliciano (Ferber)
- X. **Action** - Resolution to approve the abandonment of a portion of unimproved Highland Avenue National Park Seminary, Silver Spring (Orlin)
- Y. **Action** - Appointment of Council representative to Nominating Committee for the Board of Trustees of Montgomery College (Ferber)

9:55 **LEGISLATIVE SESSION Day # 23**

- A. Approval of Legislative Journal: July 12, 2005 (Lauer)
- B. Introduction of Bills
- (4) • **Bill 23-05**, Domestic Violence Coordinating Council - Establishment, sponsored by Councilmembers Silverman and Subin (Boucher)  
*Public Hearing is scheduled for 9/20/05 at 1:30 pm.*

9:55 **LEGISLATIVE SESSION Day #23** *(continued)*

B. Introduction of Bills *(continued)*

- (5) • **Bill 24-05**, Department of Economic Development - Non-merit position - Minority Business Affairs Manager, sponsored by the Council President at the request of the County Executive (Boucher)  
*Public Hearing is scheduled for 9/20/05 at 1:30 pm.*

- (6) • **Bill 25-05**, Consumer Protection - Office - Powers and Duties, sponsored by Council President Perez and Councilmember Praisner (Faden)  
*Public Hearing is scheduled for 9/20/05 at 1:30 pm.*

C. Call of Bills for Final Reading:

- (7) • **Expedited Bill 5-05**, Landlord-Tenant Relations - Attorneys' fees (Faden)  
*PHED Committee recommends approval.*

- (8) • **Expedited Bill 17-05**, Licenses - Benefit Performances (Faden)  
*PS Committee recommendation will be available 7/25/05.*

- (9) • **Bill 9-05**, Buildings - Location in County (Faden)  
*PHED Committee recommends approval.*

D. Miscellaneous Business:

- (10) • **Action** - Resolution to extend time until March 9, 2007 for Council action **Bill 6-04**, Personal Property Business Tax Credit - Employee Home Computer Telecommuting Incentive (Lauer)

- (11) • **Action** - Resolution to extend time until March 16, 2007 for Council action on **Bill 7-04**, Off-the-Road Motorcycles - Registration and Operation (Lauer)

10:15 **DISTRICT COUNCIL SESSION**

- (12) A. **Action** - Resolution to extend time for Council action on the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan until October 21, 2005 (Michaelson)

- (13) B. **Action** - Resolution to establish a public hearing for September 8, 2005 at 7:30 pm on amendments to Zoning Text Amendment 03-27, Building Height - Measurement (Wilson)

- (14) C. **Action** - Consideration of Hearing Examiner's Report and Recommendation: (Wilson)

**Application No:** G-809

**Applicant:** Maria Ruth Burley, Centex Homes Developer (Jody Kline, Attorney)

**Property:** .24 acres east side of Seven Locks Road, approximately 1,600 feet north of its intersection with Democracy Boulevard

**Action:** Rezone from R-T8 to R-90

**Recommendations:** Planning Staff: Approve

Planning Board: Approve

Hearing Examiner: Remand

- (14.1) 10:30 **ACTION** - Request for Oral Argument - Abandonment of a portion of unimproved Moorland Lane (Orlin)

- (15) 10:40 **ACTION** - Resolution to authorize Advance Taking - Montrose Parkway West (Orlin)  
*T&E Committee recommends approval.*
- (16) 10:45 **BRIEFING** by Montgomery County Planning Board and Department of Permitting Services regarding the status of building permit and site plan review (Michaelson/Faden)
- 12:45 **RECESS**
- (17) 1:30 **PUBLIC HEARING** - Olney Sectional Map Amendment (G-838) (Michaelson)  
*PHED Committee worksession tentatively scheduled for 9/19/05.*
- (18) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the MCPS' FY06 Capital Budget and amendment to FY05-10 Capital Improvements Program - \$1,500,000 for Relocatable Classrooms (Source: Current Revenue) (Levchenko)
- (19) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY06 Operating Budget, Various Departments - \$1,902,760 for Federal Fiscal Year 2005 Homeland Security Grant Program (Source: Federal grant) (Davidson)  
*HSC Committee recommendation will be available 7/21/05.*
- (20) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the Maryland-National Capital Park and Planning Commission's FY06 Operating Budget - \$34,600 for Federal FY2005 Homeland Security Grant Program (Source: Federal grant) (Davidson)  
*HSC Committee recommendation will be available 7/21/05.*
- (21) 1:30 **PUBLIC HEARING/ACTION - Expedited Bill 19-05**, Bond Authorization (Sherer)  
*Notice - Council sitting in continuation of Legislative Session Day #23 for action.*
- (22) 1:30 **CONSENT CALENDAR** (*continued*)
- A. **Action** - Resolution to consolidate the issuance of certain authorized bonds (Sherer)
- B. **Action** - Resolution to consolidate new authority to issue commercial paper bond anticipation notes with all previously authorized notes (Sherer)
- (23) 1:30 **PUBLIC HEARING/ACTION - Expedited Bill 21-05**, Condominiums - Conversion of Rental Housing - Extended Tenancies (Boucher)  
*Notice - Council sitting in continuation of Legislative Session Day #23 for action.*
- (24) 1:30 **PUBLIC HEARING/ACTION - Expedited Bill 22-05**, Building Permits - Moratorium (Faden)  
*Notice - Council sitting in continuation of Legislative Session Day #23 for action.*
- 5:30 **ADJOURN**

**The following appointments were received from the County Executive and are tentatively scheduled for confirmation on September 6, 2005:**

Commission on Juvenile Justice: Francine L. Applewhite, Marlene Beckman, Kathleen L. Carmody, Timothy M. Delaney, Maria S. Garcia, Gwen Haney, Ibolya Ignat, Ketanji Brown Jackson, Penny C. Kahn, Sharon M. Kelly, Dylan Presman, Gustavo A. Torres, Captain Kathi Rhodes

Friendship Heights Transportation Management District Advisory Committee: Carlean M. Russel, David M. Glass, Robert L. Cope, Steven A. Robins

**NOTICE:**

*The next Council Session is scheduled for Tuesday, September 6, 2005.*

*Committee sessions will resume on Wednesday, September 7<sup>th</sup>. The agendas for these sessions will be mailed and posted to the web site on September 1<sup>st</sup>.*

*Upcoming Council meetings and public hearings are listed below.*

**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 1 - Sep 2, 2005**

		<b>RECESS</b>
<b>Sep 6, 2005</b>	9:15 am	Regular Session and Worksession - Shady Grove Sector Plan
<b>Sep 9, 2005</b>	9:30 am	Worksession - Shady Grove Sector Plan
<b>Sep 12, 2005</b>	10:00 am	Worksession - Shady Grove Sector Plan
<b>Sep 13, 2005</b>	9:15 am	Regular Session Worksession - Shady Grove Sector Plan
<b>Sep 16, 2005</b>	1:15 pm	Town Hall Meeting - Holiday Park Senior Center
<b>Sep 20, 2005</b>	9:15 am	Regular Session
<b>Sep 27, 2005</b>	9:15 am	Regular Session

**FUTURE PUBLIC HEARINGS**

**To testify call 240-777-7931**

**September 6, 2005**

1:30 pm Special appropriation to the M-NCPPC's FY06 Capital Budget and amendment to the FY05-10 CIP - \$1,600,000 for Needwood Golf Course improvements

**September 13, 2005**

7:30 pm FY07 Annual Budget Priorities and Performance Measures

**September 20, 2005**

1:30 pm Spending Affordability Guidelines for FY07 Capital Budget

1:30 pm **Bill 20-05**, Transmission Facility Coordination - Amendments

1:30 pm ZTA 05-10, Telecommunication Facility - Amendments



**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.**

[www.montgomerycountymd.gov/council](http://www.montgomerycountymd.gov/council)

**COUNTY COUNCIL SEEKS APPLICANTS FOR  
MERIT SYSTEM PROTECTION BOARD**

**DEADLINE OCTOBER 19, 2005**

The Montgomery County Council is accepting applications from qualified voters of the County for appointment to a three-year term on the Merit System Protection Board. Generally, the Board is expected to protect the Merit System and to protect employee and applicant rights guaranteed under the County Merit System.

The term of Board member Mary Lamary (declined to affiliate) will expire in December 2005. Ms. Lamary has indicated that she will apply for reappointment. The appointee must be a Democrat, Republican, or decline to affiliate with a party, or a member of another party officially recognized by the Board of Elections. By law, no more than two of the three members of the Merit System Protection Board may be of the same political party. Present Board members are: Harold Kessler (Democrat), Rodella E. Berry (Democrat), and Mary A. Lamary (declined to affiliate).

The County Merit System Protection Board's mission is to oversee the Merit System for the protection of employee's and applicant's rights guaranteed under the Merit System. There are two methods in which the Board processes appeals: 1) a written decision issued after a review and discussion of a written record; 2) a written decision issued after a pre-hearing conference and a formal hearing in cases involving a suspension, demotion, or dismissal. The Board, on a periodic basis, conducts special studies, audits or inquiries of the administration of the merit and retirement pay systems and, in this effort, may compel the attendance of witnesses. Written reports of its findings and recommendations are filed with the County Executive and the County Council. The Board also provides comments on any proposed changes in the Merit System law or regulations.

The Board normally meets for approximately four hours in the evening once every two weeks. In addition, the Board holds hearings during the day, which can take the full day or be scheduled for the evening. Additional time is also required for preparatory work. Members of this Board receive \$6,859, which is adjusted annually to reflect 50% of the percentage change in the Washington Area Consumer Price Index.

The appointment is for three years. Section 403 of the County Charter states in part "**...No member shall hold political office or participate in any campaign for any political or public office during the member's term of office.**" Members of County boards, committees and commissions may not serve on more than one such group at a time.

Letters of application are made public as part of the appointment process. Letters expressing interest, including a resume listing professional and civic experience, should be addressed to Council President Thomas E. Perez, Montgomery County Council, 100 Maryland Avenue, Rockville, Maryland 20850. **Applications must be received in the Council office by 5:00 p.m. Wednesday, October 19, 2005.**

# # #

**FOR INFORMATION: Justina Ferber, 240-777-7938 or 240-777-7900  
justina.ferber@montgomerycountymd.gov**



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### ADDENDUM

Tuesday, July 26, 2005

#### 9:55 LEGISLATIVE SESSION Day # 23

##### B. Introduction of Bills:

- (4)  
**Add Sponsors:**
- **Bill 23-05**, Domestic Violence Coordinating Council - Establishment, sponsored by Councilmembers Silverman, Subin, Floreen, and Praisner (Boucher)
- Change:** (5)
- **Expedited Bill 24-05**, Department of Economic Development - Non-merit position - Minority Business Affairs Manager, sponsored by the Council President at the request of the County Executive (Boucher)

#### 10:15 DISTRICT COUNCIL SESSION

- Correction:**(14)
- C. Action** - Consideration of Hearing Examiner's Report and Recommendation:(Wilson)  
**Application No:** G-809  
**Applicant:** Maria Ruth Burley, Centex Homes Developer (Jody Kline, Attorney)  
**Property:** 5.24 acres east side of Seven Locks Road, approximately 1,600 feet north of its intersection with Democracy Boulevard  
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