



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 12/16/05 at 8 pm and 12/17/05 at 9 am

Tuesday, December 13, 2005

9:30 **INVOCATION** - Associate Pastor Rebecca Brillhart, Sligo Adventist Church, Takoma Park

9:35 **GENERAL BUSINESS**

A. Announcements:

- Agenda and Calendar Changes (Lauer)
- Public Hearing dates for the FY07 Capital Budget and FY07-12 Capital Improvements Program: February 7, 8 and 9, 2006 at 7:00 pm.

B. **Action** - Approval of Minutes: November 22 and 29, 2005 (Lauer)

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

(2) 9:40 **CONSENT CALENDAR**

A. **Introduction/Suspension of Rules/Action** - Resolution opposing the Maryland Transit Administration's proposal to eliminate service to the Brunswick line MARC train stations at Boyds and Dickerson in Montgomery County, sponsored by Councilmembers Floreen and Knapp (Steiner)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.

B. **Introduction** - Supplemental appropriation to the County Government's FY06 Operating Budget, Non-Departmental Account - \$8,000,000 for Future/Federal/State/Other Grants (Source: Non-Tax Supported Federal, State, or Other Grant Revenues) (Sherer)
Public Hearing/Action is scheduled for 1/17/06 at 1:30 pm.

C. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY06 Operating Budget - \$600,000 for Field Trip Fund (Source: Other-Charges for Service) (Planell)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- D. **Introduction** - Supplemental appropriation to the Montgomery County Public Schools' FY06 Operating Budget - \$10,550,000 for Provision for Future Supported Projects (Source: Federal and State Grants) (Planell)
Public Hearing/Action is scheduled for 1/17/06 at 1:30 pm.
- E. **Introduction** of the following special appropriations and amendments (Source: Program Open Space): (Michaelson)
- Special appropriation to M-NCPPC's FY06 Capital Budget and amendment to the FY05-10 Capital Improvements Program (CIP) - \$400,000 for Acquisition: Local Parks
 - Special appropriation to County Government's FY06 Capital Budget - \$1,921,000 for Acquisition: Non-Local Parks
 - Amendment to M-NCPPC's FY05-10 Capital Improvements Program (CIP) - \$1,921,000 for Acquisition: Non-Local Parks
- Public Hearing/Action is scheduled for 1/17/06 at 1:30 pm.*
- F. **Introduction** - Supplemental appropriation to the Montgomery College's FY06 Capital Budget and amendment to the FY05-10 Capital Improvements Program - \$1,100,000 for King Street Art Center (Source: Major Facilities Capital Projects Fund) (Sherer)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.
- G. **Introduction** - Supplemental appropriation to the County Government's FY06 Operating Budget, Department of Police - \$1,000,000 for Homeland Security grant award (Source: Federal Grant) (McMillan)
Public Hearing/Action is scheduled for 1/17/06 at 1:30 pm.
- H. **Introduction** - Special appropriation to the County Government's FY06 Operating Budget, Montgomery County Fire and Rescue Service - \$1,940,260 for Interim Fire Station in Clarksburg (Source: Consolidated Fire Tax District) (Davidson)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.
- I. **Introduction** - Supplemental appropriation to the County Government's FY06 Operating Budget, Montgomery County Homeland Security Department - \$400,000 for Homeland Security grant award (Source: Federal Grant) (Davidson)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.
- J. **Introduction** - Supplemental appropriation to the County Government's FY06 Operating Budget for Homeland Security grant awards: Department of Police - \$298,550; Montgomery County Fire and Rescue Services - \$294,330; and Montgomery County Homeland Security Department - \$5,670 (Source: Federal Grant) (Davidson)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- K. **Introduction** - Supplemental appropriation to the County Government's FY06 Operating Budget, Department of Health and Human Services - \$264,600 for Crossroads Youth Community Opportunity Center (Source: Office of Justice Programs/U.S. Department of Justice) (Planell)
Public Hearing is scheduled for 1/17/06 at 1:30 pm.
- L. **Introduction** - Resolution to support state financing for Covenant Village Apartments in Germantown
Action is scheduled for 1/17/06.
- M. **Action** - Resolution to amend Section G of Resolution 15-1015 for the FY06 Designation of Entities for Non-Competitive Award Status: Korean American Association of Maryland (McMillan)
- N. **Action** - Supplemental appropriation to the County Government's FY06 Operating Budget, Non-Departmental Account - \$1,150,000 for Working Families Income Supplement Montgomery County Earned Income Tax Credit Program (Source: General Fund Undesignated Reserves) (Sherer)
MFP Committee recommendation will be available 12/12/05.
- O. **Action** - Executive Regulations 21-05AM, Local Small Business Reserve Program (Healy)
MFP Committee recommends approval as amended.
- P. **Action** - HHS/PS Committee report and recommendations on OLO Report 2006-1: Laws Related to Child Witnesses of Domestic Violence (Langevin)
- Q. **Action** - MFP Committee report and recommendations on OLO Report 2006-2: Legislative Uses of Performance Measures in Budget Decision-Making (Trombka/Yoskowitz)
- R. **Action** - MFP Committee report and recommendations on base budget questions for the FY07 Operating Budget (Trombka)
- S. **Action** - Confirmation of County Executive appointments to the Solid Waste Advisory Committee: Odell Hall, J. Earl Harris, Dennis F. Holt, Judith A. Kane, Walter Sonnevile (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the Criminal Justice Coordinating Commission: Penny J. Coleman, Roger P. Manno, Colleen Davies, Marlene Beckman, Monica Kinney (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Cable Communications Advisory Committee: Yen-Ju Chen, Trish Evans, David Friedman, R. Elizabeth Irons, Joy M. Ragsdale, Jim Schleckser, Suzanne J. Weiss (Ferber)
- V. **Action** - Appointment to the Merit System Protection Board (Ferber)

- (3) 9:50 **ACTION** - Resolution regarding Spending Affordability Guidelines for FY07 Operating Budget (Sherer)
MFP Committee recommendation will be available 12/12/05.

10:30 **DISTRICT COUNCIL SESSION**

- (4) A. **Introduction** - Zoning Text Amendment 05-22, Transit Station Zones - Central Business District, sponsored by Councilmember Denis (Wilson)
Action - Resolution to establish public hearing for 1/24/06 at 1:30 pm.
- (4.1) **Introduction** - Zoning Text Amendment 05-23, TDR Easement - Nonresidential Uses, sponsored by Councilmembers Subin and Floreen (Wilson)
Action - Resolution to establish public hearing for 1/19/06 at 7:00 pm.
- (5) B. **Action** - Resolution to establish public hearing on the Damascus Master Plan for January 24, 2006 at 7:30 p.m. (Michaelson)
- (6) C. **Oral Argument** and Consideration of Hearing Examiner's Report and Recommendation: (Wilson)
Application No: G-834
Applicant: Porten Companies, Inc. (Barbara Sears and Yum Yu Cheng, Attorneys)
Property: 5.288 acres located at 12024 Darnestown Road, Gaithersburg
Action: Rezone from R-200/TDR to RT-8 zone
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Deny

11:30 **LEGISLATIVE SESSION Day # 39**

- A. Approval of Legislative Journal: November 29, 2005 (Lauer)
- B. Introduction of Bills
- (6.1) • **Bill 43-05**, Weapons - Restrictions - Deer Management, sponsored by Councilmember Knapp (Boucher)
Public Hearing is scheduled for 1/24/06 at 1:30 pm.
- (6.2) • **Bill 44-05**, Motor Vehicles - Parking Fines, sponsored by Councilmember Subin (Boucher)
Public Hearing is scheduled for 1/24/06 at 1:30 pm.
- C. Call of Bills for Final Reading
- (6.3) • **Expedited Bill 29-05**, Condominiums - Conversion of Rental Housing (Boucher)
PHED Committee recommends approval with amendments.
- (7) • **Expedited Bill 34-05**, South Germantown Recreational Park - Tennis Center Lease - Amendments (Faden)
- (8) • **Bill 33-05**, Silver Spring Parking Lot District - Amendments (Healy)
T&E Committee recommends approval.
- (9) • **Expedited Bill 37-05**, Taxicabs - Fees (Boucher/Orlin)
T&E Committee recommendations will be available 12/8/05.

- (10) 12:30 **ACTION** - Resolution to set certain Taxicab Fees (Orlin/Boucher)
T&E Committee recommendations will be available 12/8/05.
- (11) 12:35 **ACTION** - Executive Regulation 8-05, Taxicab Fees (Orlin)
- (12) 12:40 **ACTION** - Resolution to set certain penalty and fee amounts under the Forest Conservation Law (Faden)
- 12:55 **ADJOURN**
- (13) 1:00 **INTERVIEW** - County Executive's appointment to Housing Opportunities Commission(Ferber)
(6th floor Council Conference Room)

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on January 17, 2006:

Noise Control Advisory Board: Paul Arveson, Rudy Volin
Silver Spring Recreation Advisory: Robin N. Bradshaw, Stephen D. Earll

The next regular Council Session is scheduled for January 17, 2006. The agenda and committee schedule will be mailed and posted to the web site on January 12, 2006. Please see the listing below for future Council meetings and public hearings.

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 13, 2005	2:00 pm	Council Retreat
Dec 19, 2005 - Jan 13, 2005		RECESS
Jan 16, 2006		HOLIDAY
Jan 17, 2006	9:15 am	Regular Session
Jan 23, 2006	12:30 pm	State Legislation
Jan 24, 2006	9:15 am	Regular Session
Jan 30, 2006	12:30 pm	State Legislation
Jan 31, 2006	9:15 am	Regular Session
Feb 6, 2006	12:30 pm	State Legislation
Feb 7, 2006	9:15 am	Regular Session
Feb 13, 2006	12:30 pm	State Legislation
Feb 14, 2006	9:15 am	Regular Session
Feb 20, 2006		HOLIDAY
Feb 21, 2006	9:15 am	Regular Session
Feb 27, 2006	12:30 pm	State Legislation
Feb 28, 2006	9:15 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

January 17, 2006

- 1:30 pm Supplemental appropriation to the MC's FY06 Capital Budget and amendment to the FY05-10 CIP - \$1,100,000 for King Street Art Center
- 1:30 pm Supplemental appropriations to the County Government's FY06 Operating Budget
- DOP - \$1,000,000 for Homeland Security grant award
 - Montgomery County Homeland Security Department - \$400,000 for Homeland Security grant award
 - Homeland Security grant awards: DOP - \$298,550; MCFRS - \$294,330; and Montgomery County Homeland Security Department - \$5,670
 - DHHS - \$264,600 for Crossroads Youth Community Opportunity Center
 - NDA - \$8,000,000 for Future/Federal/State/Other Grants
- 1:30 pm Special appropriation to the County Government's FY06 Operating Budget, MCFRS - \$1,940,260 for Interim Fire Station in Clarksburg
- 1:30 pm Special appropriations and amendments to the following:
- Special appropriation to M-NCPPC's FY06 Capital Budget and amendment to the FY05-10 Capital Improvements Program (CIP) - \$400,000 for Acquisition: Local Parks
 - Special appropriation to County Government's FY06 Capital Budget - \$1,921,000 for Acquisition: Non-Local Parks
 - Amendment to M-NCPPC's FY05-10 Capital Improvements Program (CIP) - \$1,921,000 for Acquisition: Non-Local Parks
- 1:30 pm Franchise Agreement for Use of Public Right of Way: MD CLEC LLC
- 1:30 pm **Bill 41-05**, Health Services - Advisory Board for Montgomery Cares Program - Establishment
- 1:30 pm **Expedited Bill 42-05**, Minority Owned Business Purchasing Program - Extension
- 1:30 pm ZTA 05-21, Corporate Training Center - C P Zone
- 1:30 pm Supplemental appropriation to the MCPS' FY06 Operating Budget
- \$600,000 for Field Trip Fund
 - \$10,550,000 for Provision for Future Supported Projects
- 7:00 pm ZTA 05-20, Site Plans - Approval, Amendment, and Enforcement
- 7:00 pm ZTA 05-17, Site Plan Enforcement
- 7:00 pm ZTA 05-18, Planning Board Public Hearings - Hearing Examiner
- 7:00 pm ZTA 05-19, Site Plan Enforcement
- 7:00 pm SRA 05-04, Site Plan Enforcement
- 7:00 pm **Bill 35-05**, Permitting Services - Site Plan Enforcement

January 19, 2006

- 7:00 pm ZTA 05-23, TDR Easement - Nonresidential Uses
- 7:30 pm Resolution to amend the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Multi-Use On-Site Systems

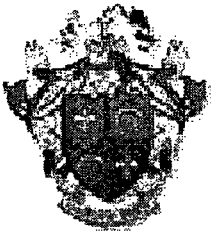
January 24, 2006

- 1:30 pm ZTA 05-22, Transit Station Zones - Central Business District
- 7:30pm Damascus Master Plan



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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Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, December 13, 2005

Item Number	Note	Staff
Agenda Item #1	There were no Petitions received in LIS this week.	Lacefield
Agenda Item #2-O	This item will be available Monday, December 12.	Healy
Agenda Item #6.1	This item will be available Monday, December 12.	Boucher
Agenda Item #6.2	This item will be available Monday, December 12.	Boucher
Agenda Item #6.3	This item will be available Monday, December 12.	Boucher
Agenda Item #8	This item will be available Monday, December 12.	Healy



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ADDENDUM #2

Tuesday, December 13, 2005

(2) 9:40 CONSENT CALENDAR

Add: W. Introduction/Suspension of Rules/Action - Resolution to request M-NCPPC to develop a plan for purchase of Uncle Tom's Cabin property, sponsored by Councilmember Floreen (Steiner)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.



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ADDENDUM

Tuesday, December 13, 2005

10:30 DISTRICT COUNCIL SESSION

- Add**
Sponsor: (4) A. **Introduction** - Zoning Text Amendment 05-22, Transit Station Zones - Central Business District, sponsored by Councilmember Denis and Perez (Wilson)
- Add:** (4.2) **Introduction** - Subdivision Regulation Amendment 05-05, Planning Board Actions - Enforcement, sponsored by the District Council (Faden)
Action - Resolution to establish public hearing for 1/17/06 at 7:00 pm.
- Add:** (4.3) **Introduction** - Subdivision Regulation Amendment 05-06, Subdivision and Site Plans - Coordination with other agencies, sponsored by Councilmember Silverman (Faden)
Action - Resolution to establish public hearing for 1/17/06 at 7:00 pm.

11:30 LEGISLATIVE SESSION Day # 39

- Title**
Change: (6.2) • **Bill 44-05**, Motor Vehicles - Parking Violations, sponsored by
Add Sponsor: Councilmembers Subin and Praisner (Boucher)