

## COUNCIL and COMMITTEE SESSION SUMMARY

**Wednesday, July 22, 2009 - Tuesday, July 28, 2009**

*This summary is not intended to be the official record of the Council –  
Official minutes are available for that purpose in the Office of Legislative Information Services*

<b>PS/MFP</b>	<b>9:30 AM - 7CHR</b>	
<b>Jul 23</b>	(1) • Public Safety Communications Systems (PSCS) (Toregas)	Held discussion
<b>PS</b>	<b>10:30 AM - 7CHR</b>	
<b>Jul 23</b>	(1) • Quarterly Update - MCFRS Reorganization (Davidson)	Received update
	(2) • Quarterly Update - Fire Code Enforcement (Davidson)	Received update
	(3) • Supplemental appropriation - MCFRS - \$1,338,845 for FY09 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant (Davidson)	Recommended approval
	(4) • Special appropriation - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) (Frag)	Recommended approval
	(5) • Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Frag)	Recommended approval if amended
	<b>12:00 Noon - 6CCR</b>	
	(6) • Interview - County Executive appointees to the Fire and Emergency Services Commission (Ferber)	Conducted interview
<b>T&amp;E</b>	<b>2:00 PM - 7CHR</b>	
<b>Jul 23</b>	(1) • Briefing - Solid Waste Services (Levchenko)	Received briefing
	(2) • Special appropriations -Department of Transportation - \$350,000 for the American Recovery and Reinvestment Act Grant, \$750,000 for the BRAC Bicycle and Pedestrian Facilities, and \$2,775,000 for ARRA Traffic Improvements and \$5,715,000 for ARRA Highway Improvements (Orlin)	Recommended approval
	(3) • Resolution to approve the modification of a previously approved abandonment of Marden Lane on the Brooke Grove Campus in Sandy Spring (Orlin)	Recommended approval
	(4) • Resolution to approve the abandonment of Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda (Orlin)	Recommended approval
<b>PHED/T&amp;E</b>	<b>2:00 PM - 7CHR</b>	
<b>Jul 27</b>	(1) • Briefing from the Interagency Workgroup on Clarksburg Stage 4 (Michaelson/Levchenko)	Briefing
<b>PHED</b>	<b>3:00 PM - 7CHR</b>	
<b>Jul 27</b>	(1) • Update- Zoning Ordinance re-write (Zyontz)	Update
	(2) • ZTA 09-04, Rural Neighborhood Cluster (RNC) Zones - Equestrian facilities (Zyontz)	Recommended approval

**MONDAY, JULY 27, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
<b>MFP</b>	<b>2:00 PM - 3CHR To be televised live on County Cable Montgomery</b>	
<b>Jul 27</b>	(1) • Executive Regulation 8-09, Development Impact Tax for Public School Improvements (Orlin)	Recommended approval
	(2) • Executive Regulation 9-09, Development Impact Tax for Transportation (Orlin)	Recommended approval
	(3) • Update - County economic indicators (Farber)	Received update
	(4) • Update - County fiscal situation for FY10-11 (Farber)	Received update
	(5) • <b>Bill 12-09</b> , Ethics - Ex Parte Communications (Faden)	Worksession to be continued

**TUESDAY, JULY 28, 2009**

	8:30 - 9:15 <b>COFFEE</b> with the County Executive ( <i>6th floor Council Conference Room</i> )	Meeting
	9:30 <b>INVOCATION</b> - Mary Alice Rose, Chair of Board of Trustees, First Church of Christ, Scientist, Chevy Chase	Invocation given by Mary Alice Rose
	9:35 <b>PRESENTATION</b> - Proclamation in recognition of Prachee Devadas, 2009 Maryland State Small Business Person of the Year, by Councilmembers Ervin and Floreen	Proclamation presented
	9:40 <b>GENERAL BUSINESS</b> (Lauer)	
	<b>A. Announcements:</b> (Lauer)	
	• Agenda and Calendar Changes	Announced changes
	<ul style="list-style-type: none"> <li>• Public hearing on the <b>Gaithersburg West Master Plan</b> - September 15, 2009 at 7:30 pm.</li> <li>• Public forum on Executive Regulation 03-09, <b>Agricultural Land Preservation Easement Purchases (Building Lot Termination Easement Program)</b> - September 17, 2009 at 7:30 pm.</li> <li>• Public hearing on <b>Spending Affordability Guidelines</b> for FY11 Capital Budget - September 22, 2009 at 1:30 pm.</li> <li>• Public hearing on the 2009-2011 <b>Growth Policy</b> - September 22, 2009 at 7:30 pm.</li> <li>• Public forum on <b>Speed Control Strategies</b> - September 29, 2009 at 7:30 pm.</li> </ul>	Announced
	(1) <b>B. Acknowledgement</b> - Receipt of Petitions	Acknowledged
	<b>C. Action</b> - Approval of Minutes: July 14, 2009	Approved (7y; DT ta; NN a)*

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
	(2) 9:45 <b>CONSENT CALENDAR</b>	Approved (7y; DT ta; NN a)*
<b>16-1054</b>	A. <b>Action</b> - Special appropriation to Montgomery County Public Schools' FY10 Capital Budget and amendment to the FY09-14 Capital Improvements Program - \$602,651 Planned Lifecycle Asset Replacement for Aging Schools Program (Source: State grant) (McGuire)	Adopted
<b>16-1055</b>	B. <b>Action</b> - Extension of time for Council action on resolutions due to expire August 31, 2009 (Lauer)	Adopted
<b>16-1056</b>	C. <b>Action</b> - Resolution to approve the modification of the previously approved abandonment of Marden Lane on the Brooke Grove Campus in Sandy Spring (Orlin)  <i>T&amp;E Committee recommendation will be available 7/23/09.</i>	Adopted
<b>16-1057</b>	D. <b>Action</b> - Resolution to approve the abandonment of a portion of unimproved Pine Street in the Hollywood Park Subdivision in Silver Spring (Orlin)	Adopted
<b>16-1058</b>	E. <b>Action</b> - Resolution to approve the abandonment of an unimproved and unnamed right-of-way off of Marywood Road in the Marywood Subdivision in Bethesda (Orlin)	Adopted
<b>16-1059</b>	F. <b>Action</b> - Resolution to approve the abandonment of Reed Street in the Miller's Second Addition to Bethesda Subdivision in Bethesda (Orlin)  <i>T&amp;E Committee recommendation will be available 7/23/09.</i>	Adopted (6y; ME n; DT ta; NN a)*
<b>16-1060</b>	<b>Change:</b> G. <b>Action</b> - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 12-09, Establishment of Annual Registration Fee for Common Ownership Communities (Farag)	Adopted
<b>16-1061</b>	H. <b>Action</b> - Executive Regulation 8-09, Development Impact Tax for Public School Improvements (Orlin)  <i>MFP Committee recommendation will be available 7/27/09.</i>	Adopted
<b>16-1062</b>	I. <b>Action</b> - Executive Regulation 9-09, Development Impact Tax for Transportation (Orlin)  <i>MFP Committee recommendation will be available 7/27/09.</i>	Adopted

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
<b>16-1063</b>	<p align="center"><b>J. Action</b> - Resolution to extend time until December 31, 2009 for Council action on Executive Regulation 03-09, Agricultural Land Preservation Easement Purchases (Michaelson)</p> <p align="center"><i>A public forum on these regulations is scheduled for 9/17/09 at 7:30 pm.</i></p>	Adopted
<b>16-1064</b>	<p align="center"><b>K. Action</b> - Confirmation of County Executive appointments to the Alcohol and Other Drug Abuse Advisory Council: Paul L. Harrington, James C. Sutton, Roni K. White, A.J. Mitchell, Eric E. Sterling (Ferber)</p>	Adopted
<b>16-1065</b>	<p align="center"><b>L. Action</b> - Confirmation of County Executive appointments to the Citizens Review Panel for Children: Stacy Wolff, Migdalia V. Rivera-Goba (Ferber)</p>	Adopted
<b>16-1066</b>	<p align="center"><b>M. Action</b> - Confirmation of County Executive appointment to the Commission on Child Care: Janine G. Bacquie (Ferber)</p>	Adopted
<b>16-1067</b>	<p align="center"><b>N. Action</b> - Confirmation of County Executive appointment to the Commission on Common Ownership Communities: Elizabeth M. Molloy (Ferber)</p>	Adopted
<b>16-1068</b>	<p align="center"><b>O. Action</b> - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Christine Bartlett, Paul L. Vance, Susan Cruz, Jennifer Gauthier, Nancy Gannon Hornberger, Mondie Kumbula-Fraser, Sharon M. Kelly, Mary E. Poulin, Maurice R. Sessoms, L. Blaine Clarke (Ferber)</p>	Adopted
<b>16-1069</b>	<p align="center"><b>P. Action</b> - Confirmation of County Executive appointment to the Community Action Board: Latroy T. Powell (Ferber)</p>	Adopted
<b>16-1070</b>	<p align="center"><b>Q. Action</b> - Confirmation of County Executive appointments to the County-wide Recreation Advisory Board: Sean T. Smith, Craig A. Snedeker (Ferber)</p>	Adopted
<b>16-1071</b>	<p align="center"><b>R. Action</b> - Confirmation of County Executive appointments to the Dickerson Area Facilities Implementation Group: Ed Violette, Heinz B. Bachmann (Ferber)</p>	Adopted
<b>16-1072</b>	<p align="center"><b>S. Action</b> - Confirmation of County Executive appointments to the Down County Recreation Advisory Board: Joy Shindler Rafey, John D. Pechilis (Ferber)</p>	Adopted
<b>16-1073</b>	<p align="center"><b>T. Action</b> - Confirmation of County Executive appointments to the East County Recreation Advisory Board: La Shane D. Crutchfield, Mark Pharaoh (Ferber)</p>	Adopted

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
<b>16-1074</b>	<b>U. Action</b> - Confirmation of County Executive appointments to the Fire and Emergency Services Commission: Paul J. M. Lilly, Joel E. Buzy, Raymond Sanchez, Michael A. McAdams, Ronald L. Ogens, Anita Powell, Chris James Zervas (Ferber)	Adopted
<b>16-1075</b>	<b>V. Action</b> - Confirmation of County Executive appointments to the Friendship Heights Transportation Management District Advisory Committee: Robert M. Schwarzbart, R. Mallory Starr (Ferber)	Adopted
<b>16-1076</b>	<b>W. Action</b> - Confirmation of County Executive appointments to the Human Rights Commission: Doug Ryan, Elizabeth “Babeth” Mulumba, Sajjad “Saj” Durrani (Ferber)	Adopted
<b>16-1077</b>	<b>X. Action</b> - Confirmation of County Executive appointments to the Mid-County Recreation Advisory Board: Arquilla Ridgell, Tchad J. Moore (Ferber)	Adopted
<b>16-1078</b>	<b>Y. Action</b> - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Eileen Cahill, Marian A. Altman, Lisa A. Hoston, Randy E. McDonald, Norman Goldstein, Mary F. Scholl, Gamunu Wijetunge (Ferber)	Adopted
<b>16-1079</b>	<b>Z. Action</b> - Confirmation of County Executive appointments to the Silver Spring Urban District Advisory Committee: Marne Setton, Jennifer Nettles, Julie Statland, Robert Zeender (Ferber)	Adopted
<b>16-1080</b>	<b>AA. Action</b> - Confirmation of County Executive appointment to the Revenue Authority: David D. Freishtat (Ferber)	Adopted
<b>16-1081</b>	<b>BB. Action</b> - Confirmation of County Executive appointment to the Water Quality Advisory Group: Lonnie W. Luther (Ferber)	Adopted
<b>16-1082</b>	<b>CC. Action</b> - Confirmation of County Executive appointments to the Workforce Investment Board: Dennis K. Fallen, Michael J. Sullivan, Jr., Gerald M. Shapiro, Elwood Gray, Jr., David N. Rodich, Stephen D. Cain, Steven A. Silverman (Ferber)	Adopted
<b>16-1083</b>	<b>DD. Action</b> - Resolution to approve the FY10 schedule of revenue estimates and appropriations (Sherer)	Adopted
<b>16-1084</b>	<b>EE. Action</b> - Resolution to amend Resolution 16-970 for the FY10 Designation of Entities for Non-Competitive Contract Award Status: Manna Food Center (McMillan)	Adopted

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
	<b>Add: FF. Introduction</b> - Resolution to support application for a State of Maryland Neighborhood Business Works Program loan: Hook and Ladder Restaurant (Davidson)  <i>Action is tentatively scheduled for 9/15/09.</i>	Introduced
	<b>Add: GG. Introduction</b> - Special appropriation to the County Government's FY09 Operating Budget, Department of Police - \$53,330 for Byrne Justice Recovery Act (BJRA) Grant (Source: Federal grant) (Farag)  <i>Public Hearing/Action is scheduled for 9/15/09 at 1:30 pm.</i>	Introduced
	<b>9:55 LEGISLATIVE SESSION Day # 31</b>	
	<b>A. Introduction of Bills</b>	
	(3) • <b>Expedited Bill 30-09</b> , Personnel - Guaranteed Retirement Income Plan - Retirement Savings Plan, sponsored by the Council President at the request of the County Executive (Drummer)  <i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i>	Introduced
	(3.1) • <b>Bill 31-09</b> , Administration - Consideration of Bills - One Subject, sponsored by Council President Andrews (Drummer)  <i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i>	Introduced
	(3.2) • <b>Expedited Bill 32-09</b> , Taxation - Impact Taxes - Inflation Adjustment - Temporary Suspension, sponsored by Councilmember Elrich (Drummer)  <i>Public Hearing is scheduled for 9/15/09 at 1:30 pm.</i>	Introduced
	<b>B. Miscellaneous Business:</b>	
<b>16-1085</b>	(4) • <b>Action</b> - Resolution to extend expiration date of <b>Bill 19-07</b> , Eating and Drinking Establishments - Nutrition Labeling until August 31, 2010 (Lauer)	Adopted (5y; RB, VE, DT ta; NN a)*
	<b>10:00 UPDATE</b> on the following: (Farber)	
	(5) • Update - County economic indicators	Received update
	(6) • Update - County fiscal situation for FY10-11	Received update
<b>16-1086</b>	(7) <b>11:00 ACTION</b> - Resolution to amend the Amended Silver Spring Urban Renewal Plan: Pedestrian Bridge to proposed Silver Spring Library (Zyontz)  <i>PHED/HHS Committee recommends disapproval.</i>	Adopted (7y; GL n; NN a)*

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
	<b>11:15 DISTRICT COUNCIL SESSION</b>	
	(8) A. <b>Introduction</b> - Zoning Text Amendment 09-06, Town Sector (TS) Zone - Minimum area, sponsored by Councilmembers Knapp, Elrich, and Floreen (Zyontz)	Introduced
<b>16-1087</b>	<i>Action - Resolution to establish public hearing for 9/15/09 at 1:30 pm.</i>	Adopted (8y; NN a)*
	(8.1) AA. <b>Introduction</b> - Zoning Text Amendment 09-07, Life Science Center (LSC) Zone - Revisions, sponsored by District Council at request of the Planning Board (Zyontz)	Introduced
<b>16-1088</b>	<i>Action - Resolution to establish public hearing for 9/15/09 at 7:30 pm.</i>	Adopted (8y; NN a)*
<b>16-1089</b>	(9) B. <b>Action</b> - Request for withdrawal without prejudice of Local Map Amendment: (Zyontz) <b>Application No: G-823</b> <b>Applicant:</b> Arnold Fainman d/b/a Tommy Scott, Inc. (Stephen J. Orens and Rebecca D. Willens, Attorneys) <b>Property:</b> 13,371 square feet located at 8804 Old Georgetown Road Bethesda, in the 7 <sup>th</sup> Election District	Adopted (8y; NN a)*
<b>16-1090</b>	(10) C. <b>Action</b> - Consideration of Hearing Examiner's Report and Recommendation: (Zyontz) <b>Application No: Development Plan Amendment (DPA) 09-1</b> <b>Applicant:</b> Fairland Development, LLC and Fairland Development II, LLC (Barbara Sears and Yum Yu Cheng, Attorneys) <b>Property:</b> 314 acres, located along the border between Montgomery County and Prince George's County, south of Maryland Route 198 and east & north of Greencastle Road <b>Action:</b> Amend the Development Plan in G-813 and G-814 <b>Recommendations:</b> <b>Planning Staff:</b> Approve <b>Planning Board:</b> Approve <b>Hearing Examiner:</b> Approve	Adopted (8y; NN a)*
<b>16-1091</b>	(11) 11:30 D. <b>Oral Argument</b> and Consideration of Hearing Examiner's Report and Recommendation: (Zyontz) <b>Application No: G-878</b> <b>Applicant:</b> Germantown, LLC (Cindy Bar, Attorney) <b>Property:</b> 8.46 acres located at 18451 Mateny Road <b>Action:</b> Rezone from C-1 to RT-15 <b>Recommendations:</b> <b>Planning Staff:</b> Approve <b>Planning Board:</b> Approve <b>Hearing Examiner:</b> Approve	Oral Argument; straw vote to deny application; resolution to deny to be considered in September; extended time for Council action to 9/30/09
	<b>12:30 RECESS</b>	

**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
	(12) 1:30 <b>PUBLIC HEARING</b> - Zoning Text Amendment 09-05, Burtonsville Overlay Zone -Allowed uses (Zyontz)  <i>PHED Committee worksession tentatively scheduled for 9/21/09.</i>	PH held; record open until COB 9/17/09
	(13) 1:30 <b>PUBLIC HEARING</b> - Subdivision Regulation Amendment 09-02, Subdivision Approval - Conflict Resolution (Zyontz)  <i>PHED Committee worksession tentatively scheduled for 9/22/09.</i>	PH held; record open until COB 9/17/09
	(14) 1:30 <b>PUBLIC HEARING</b> - Supplemental appropriation to the FY09 Capital Budget and amendment to the FY09-14 Capital Improvements Program for the Department of Police, Montgomery County Fire and Rescue Service, Montgomery County Public Schools, and Maryland-National Capital Park and Planning Commission - \$48,316,000 for Smart Growth Initiative - PSTA and Multi-Agency Service Park (Webb Tract) (Source: Interim Financing) (McMillan)  <i>PS/T&amp;E Committee worksession tentatively scheduled for 9/17/09.</i>	PH held; record open until COB 9/10/09
<b>16-1092</b>	(15) 1:30 <b>PUBLIC HEARING/ACTION</b> - Supplemental appropriation to the County Government's FY10 Operating Budget, Montgomery County Fire and Rescue Service - \$1,338,845 for FY09 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant (Source: State Grant) (Davidson)  <i>PS Committee recommendation will be available 7/23/09.</i>	PH held; record closed. Adopted (6y; VE, DT ta; NN a)*
	(16) 1:30 <b>PUBLIC HEARING/ACTION</b> - Special appropriations to the County Government's FY10 Operating and Capital Budgets and amendments to the FY09-14 Capital Improvements Program, Department of Transportation (Orlin)	PH held; record closed. Adopted (7y; VE ta; NN a)*
<b>16-1093</b>	<ul style="list-style-type: none"> <li>• Division of Transit Services - \$350,000 for the American Recovery and Reinvestment Act (ARRA) Grant (Source: Federal grant)</li> </ul>	
<b>16-1094</b>	<ul style="list-style-type: none"> <li>• \$750,000 for the BRAC Bicycle and Pedestrian Facilities (Source: Federal Aid)</li> </ul>	
<b>16-1095</b>	<ul style="list-style-type: none"> <li>• \$2,775,000 for ARRA Traffic Improvements and \$5,715,000 for ARRA Highway Improvements (Source: Federal Aid)</li> </ul> <i>T&amp;E Committee recommendation will be available 7/23/09.</i>	
	(17) 1:30 <b>PUBLIC HEARING/ACTION</b> - Special appropriations to the County Government's FY10 Operating Budget, Department of Health and Human Services for American Recovery and Reinvestment Act (ARRA): (Source: Federal ARRA grant funds) (Yao)	PH held; record closed. Adopted (7y; VE ta; NN a)*
<b>16-1096</b>	<ul style="list-style-type: none"> <li>• \$763,334 - Community Services Block Grant</li> </ul>	
<b>16-1097</b>	<ul style="list-style-type: none"> <li>• \$206,978 - Senior Nutrition</li> </ul>	
<b>16-1098</b>	<ul style="list-style-type: none"> <li>• \$245,000 - Immunization Activities</li> </ul>	
<b>16-1099</b>	<ul style="list-style-type: none"> <li>• \$587,101 - Part C IDEA, Montgomery County Infants and Toddlers Program</li> </ul>	



**TUESDAY, JULY 28, 2009**

<b>RES/ORD</b>	<b>SUBJECT</b>	<b>ACTION</b>
<b>16-1100</b>	(18) 1:30 <b>PUBLIC HEARING/ACTION</b> - Special appropriation to the County Government's FY10 Operating Budget for Police, Sheriff, State's Attorney, Corrections, and DHHS - \$1,029,500 for a FFY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) (Source: Federal grant) (Farag)	PH held; record closed. Adopted (7y; VE ta; NN a)*
	(19) 2:30 <b>WORKSESSION</b> - Germantown Sector Plan	Worksession (Straw vote - Approved 8y; NN a)*
	5:00 <b>ADJOURN</b>	

\*y=yes; n=no; ta=temporarily absent; a=absent