



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

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This meeting will be televised live on Channel 6; repeated on 10/1/04 at 8 pm and 10/2/04 at 9 am

Tuesday, September 28, 2004

- (1) 9:00-10:00 **MEETING** - Board of Appeals (6th floor Council Conference Room) (Lauer)
- 10:15 **INVOCATION** - Reverend Connie Miller, Saint Luke Lutheran Church, Derwood
- 10:20 **PRESENTATION** - Proclamation in recognition of October 2004 as "Mentor Month" by Councilmember Andrews
- 10:25 **GENERAL BUSINESS**
- A. **Announcement** - Agenda and Calendar Changes (Lauer)
- B. **Action** - Approval of Minutes: September 14, 2004 (Edgar)
- (2) C. **Acknowledgement** - Receipt of Petitions (Lacefield)
- (3) 10:30 **CONSENT CALENDAR**
- A. **Introduction** - Supplemental appropriation to the County Government's FY05 Operating Budget, Department of Housing and Community Affairs - \$350,000 for Maryland Community Legacy Grant (Source: Maryland Department of Housing and Community Development) (Trombka)
Public Hearing is scheduled for 10/12/04 at 1:30 pm.
- B. **Introduction** - Special appropriation to the County Government's FY05 Operating Budget, Montgomery County Fire and Rescue Service - \$760,000 for Apparatus Maintenance Improvements (Source: Fire Tax District Fund Balance) (Davidson)
Public Hearing is scheduled for 10/5/04 at 1:30 pm.
- C. **Action** - Resolution to approve Temporary Regulation 17-04T, Temporary Taxicab Emergency Fuel Surcharge (Orlin)
- D. **Action** - Resolution to support state financing for the rehabilitation of Barclay Apartments in Bethesda (Trombka)
- E. **Action** - Resolution for Categorical Transfers for Montgomery County Public Schools' FY04 Operating Budget (Planell)
ED Committee recommendation will be available on 9/23/04.



(3) 10:30 **CONSENT CALENDAR** *(continued)*

- F. **Action** - Confirmation of County Executive appointment to the Agricultural Advisory Committee: James R. Clifford, Sr. (Ferber)
- G. **Action** - Confirmation of County Executive appointment to the Commission on Aging: Nguyen Minh Chau (Ferber)
- H. **Action** - Confirmation of County Executive appointment to the Commission on Health: Dan Moskowitz (Ferber)
- I. **Action** - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Lola Demma, Mario A. Ellis, Leon T. Geter, Eric V. Kothari, Mary A. Harrell, Alicia Muhammad, Jeffrey M. Penn, Carrie Fried Mulford, Leonard Briskman, David Eddy, David Cook (Ferber)
- J. **Action** - Confirmation of County Executive appointment to the Commission for Women: Holly Fechner (Ferber)
- K. **Action** - Confirmation of County Executive appointments to the Criminal Justice Coordinating Commission: Mary Betters, Dolores A. Kozloski, Roger Fairfax, Roger Manno, Craig Uchida, Delegate Kathleen M. Dumais (Ferber)
- L. **Action** - Confirmation of County Executive appointment to the East County Citizens Advisory Board: Rochelle L. Rollins (Ferber)
- M. **Action** - Confirmation of County Executive appointment to the Mental Health Advisory Committee: Lauren Milner (Ferber)
- N. **Action** - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Walter S. Booth, Alexandra Tsiros, L. Blaine Charak, James C. Wallace, Patricia Lee, Alec J. Stone, Tuva K. Welp (Ferber)
- O. **Action** - Confirmation of County Executive appointments to the Noise Control Advisory Board: Martin J. Beam, Stephen R. Herm, Timothy M. Reed, Janice Ruggles, Sgt. Michael J. Watts, Fonda E. Woodard (Ferber)
- P. **Action** - Confirmation of County Executive appointment to the Silver Spring Citizens Advisory Board: Alan S. Bowser (Ferber)
- Q. **Action** - Confirmation of County Executive appointment to the Silver Spring Transportation System Management Advisory Committee: Catherine S. Wilde (Ferber)
- R. **Action** - Confirmation of County Executive appointment to the Wheaton Urban District Advisory Committee: Harold Weinberg (Ferber)
- S. **Action** - Confirmation of County Executive appointment to the Upcounty Citizens Advisory Board: Nicholas Alexander (Ferber)

- (4) 10:35 **ACTION** - Executive Regulations 34-03AMII, Towing Rules and Regulations (McMillan)
PS Committee recommends approval as amended.

10:50 **LEGISLATIVE SESSION Day # 28**

A. Approval of Legislative Journal - July 27 and September 14, 2004 (Edgar)

B. Introduction of Bills

C. Call of Bills for Final Reading

- (5) • **Bill 29-04**, Sewers, Sewage Disposal and Drainage - Water and Sewer Category Changes - Procedures and Fees (Healy)
T&E Committee recommendation will be available 9/23/04.

- (6) • **Bill 28-04**, Weapons - Technical Amendments (Healy)
PS Committee recommends approval.

11:00 **DISTRICT COUNCIL SESSION**

- (7) A. **Introduction** - Zoning Text Amendment 04-20, Building Height Standards - revisions under certain circumstances - C-2 Zone, sponsored by Councilmember Denis (Wilson)
Action - Resolution to establish public hearing for 11/9/04 at 1:30 pm.
- (8) B. **Action** - Resolution to establish public hearing on the Shady Grove Sector Plan for November 4, 2004 at 6:30 pm (Michaelson)
- (9) C. **Action** - Zoning Text Amendment 04-15, Historic District Preservation - PD Zone waivers (Wilson)
PHED Committee recommends approval with amendments.
- (10) D. **Action** - Resolution to change Board of Appeals' Special Exception Filing Fees (Wilson)
- (11) E. **Action** - Consideration of Hearing Examiner's Report and Recommendation: (Wilson)
Application No: G-817
Applicant: Noyes Lane, LLC (C. Robert Dalrymple and Anne C. Martin, Attorneys)
Action: Rezone from R-60 to RT-12.5
Property: 2.7 acres west side of Georgia Ave, north and south of Noyes Drive, Silver Spring
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Approve

11:00 **DISTRICT COUNCIL SESSION** *(continued)*

- (12) F. **Action** - Request for Oral Argument and/or Consideration of Hearing Examiner's Report and Recommendation: (Wilson)
DPA 03-2
Applicant: Sandy Spring Builders, LLC (Martin J. Hutt, Attorney)
Action: Approval of six residential townhouses, instead of eight originally planned for Parcel A (one unit will also house a dental office)
Property: Property located on the northeast corner of Arlington Road and Edgemoor Lane, Bethesda, consisting of 12,832 sq ft
Recommendations: Planning Staff: Approve
Planning Board: Approve
Hearing Examiner: Approve
- (13) 11:30 **RECEIPT AND RELEASE** - Office of Legislative Oversight Report 2004-8, An Interagency Study of Tree Management Practices (Richards)
T&E Committee worksession tentatively scheduled for 10/7/04.
- 12:00 **RECESS**
- (14) 1:30 **PUBLIC HEARING** - Supplemental appropriation to the County Government's FY05 Capital Budget, Department of Health and Human Services - \$408,000 for School Based Health Centers (Source: G.O. Bonds) (McGuire)
HHS Committee worksession tentatively scheduled for 10/4/04.
- (15) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY05 Operating Budget, DHCA, Montgomery Housing Initiative Fund - \$3,727,660 for Seneca Heights Apartment project (Source: State grant) (Trombka)
- (16) 1:30 **PUBLIC HEARING/ACTION** - Resolution to set transportation fees, charges, and fares (Orlin)
- 2:10 **ADJOURN**
- (17) 2:15 **INTERVIEWS** - Board of Appeals Applicants *(continued)* (6th floor Council Conference Room) (Ferber)
- (18) 7:30 **PUBLIC HEARING** - Master Plan of Bikeways (Orlin)
T&E Committee worksession tentatively scheduled for 11/18/04.

Thursday, September 30, 2004

- 7:30 **PUBLIC HEARING** - Zoning Text Amendment 04-10, Accessory Apartments - Revisions and **Bill 20-04**, Landlord-Tenant Relations - Accessory Apartments (Wilson/Faden)
PHED Committee worksession will be scheduled at a later date.

The following appointments were received from the County Executive and are tentatively scheduled for interview on October 5, 2004 and for confirmation at a later date:

Chief, Fire and Rescue Service: Thomas W. Carr, Jr.

Director, Department of Public Works and Transportation: Arthur Holmes, Jr.

The following Council appointment is tentatively scheduled for confirmation on October 5, 2004:

Nominating Committee for the Board of Trustees of Montgomery College: Marlana Valdez

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

October 5, 2004


- 1:30 pm Amendment to WSSC's FY05-10 CIP, Blue Plains WWTP: Liquid Train Projects, Part II - \$14.2 million for costs related to the McGaughan Company claim
- 1:30 pm Supplemental appropriation to the Montgomery College's FY05 Capital Budget and amendment to the FY05-10 CIP - \$2,650,000 for Takoma Park King Street Art Center
- 1:30 pm Special appropriation to the County Government's FY05 Operating Budget, MCFRS - \$760,000 for Apparatus Maintenance Improvements
- 1:30 pm **Bill 30-04**, Homestead Property Tax Credit - 2005 Tax Year
- 1:30 pm **Bill 33-04**, Homeland Security - Reorganization

October 12, 2004

- 1:30 pm **Bill 31-04**, Streets and Roads - Snow Removal - Amendments

October 19, 2004

- 7:00 pm 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
- 7:00 pm **Bill 32-04**, Fire and Rescue Service - Emergency Medical Services Transport Fee
- 7:00 pm ZTA 04-19, Large Retail Stores

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ADDENDUM

Tuesday, September 28, 2004

(3) 10:30 CONSENT CALENDAR

Defer:

N. Action - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Walter S. Booth, Alexandra Tsiros, L. Blaine Charak, James C. Wallace, Patricia Lee, Alec J. Stone, Tuva K. Welp (Ferber)

2:30 ~~PROPOSED CLOSED SESSION~~ to consult with counsel to obtain legal advice and to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §10-508 (a)(1)(i) and (7). Topic is WSSC. (Ferber)

Cancelled.