

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, July 17, 2018.

The County Council for Montgomery County, Maryland convened in the Council Conference Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:05 A.M. on Tuesday, July 17, 2018.

PRESENT

Councilmember Hans Riemer, President
Councilmember Marc Elrich
Councilmember Tom Hucker
Councilmember George Leventhal

Councilmember Roger Berliner
Councilmember Nancy Floreen
Councilmember Sidney Katz
Councilmember Craig Rice

ABSENT

Councilmember Nancy Navarro, Vice President

The President in the Chair.

SUBJECT: **Interviews - County Executive's appointments to the Housing Opportunities Commission (HOC)**

Reference: Agenda Item 1

Interviewed Ms. Pamela Byrd and Mr. Richard Nelson, the County Executive's recommended reappointments to a second term on HOC. Mr. Berliner, Mr. Hucker and Mr. Rice were temporarily absent; Ms. Navarro was absent.

The Council recessed at 9:10 A.M. and reconvened in the Council Hearing Room at 9:21 A.M.

The invocation was given by Rabbi Dina Rosenberg, B'nai Shalom, Olney.

SUBJECT: **Proclamation recognizing Parks and Recreation Month**

The proclamation was presented by Mr. Riemer recognizing Parks and Recreation Month.

SUBJECT: Proclamation recognizing the 50th Anniversary of Open Housing Law

This proclamation was deleted.

SUBJECT: Proclamation recognizing Peace Day

This proclamation was deleted.

SUBJECT: General Business

Reference: Agenda Items 2A to 2C

Agenda and Calendar Changes

Ms. Limarzi, Clerk of the Council, announced that the public hearing for Zoning Text Amendment (ZTA) 18-06, Moderately Priced Dwelling Unit (MPDU) - Bonus Density, will be September 11, 2018, at 1:30 P.M., signups will begin on August 2.

Receipt of Petitions

No petitions were received this week.

Approval of Minutes

Approved the minutes of June 19, 2018, without objection.

SUBJECT: Consent Calendar

Reference: Agenda Items 3A to 3M

Approved the following consent calendar items listed below:

Introduced a resolution to approve the Office of Legislative Oversight's (OLO) FY19 Work Program;

Introduced a resolution to amend the Council's contract for audit services;

Introduced a resolution to approve the FY19 schedule of revenue estimates and appropriations;

Introduced a resolution to approve the Maryland Economic Development Assistance Authority and Fund Loan to assist Altimmune Inc.'s expansion in Montgomery County (\$150,000);

Introduced a resolution to approve the Maryland Economic Development Assistance Authority and Fund Loan to assist Abt Associates, Inc.'s expansion in Montgomery County (\$750,000);

Introduced a resolution to approve the Maryland Economic Development Assistance Authority and Fund Loan to assist HMSHost Corporation's retention in Montgomery County (\$1,200,000);

Introduced a resolution to approve the Maryland Economic Development Assistance Authority and Fund Loan to assist Applied Biomimetic, Inc.'s expansion in Montgomery County (\$100,000);

Adopted **Resolution 18-1177**, approving Executive Regulation 1-18AM, Speed Humps for Residential Streets;

Adopted **Resolution 18-1178**, approving Executive Regulation 6-18AM, Creation of a Police Leadership Service Compensation Plan;

Adopted **Resolution 18-1179**, approving The Declaration of No Further Need: Disposition of Silver Spring Library, 900 Wayne Avenue, 1st floor, Silver Spring, MD;

Adopted **Resolution 18-1180**, to petition the State for grants for the Montgomery College FY19 Capital Budget: \$3,749,000 for the purchase of furniture and equipment for the Rockville Student Services Center project;

Adopted **Resolution 18-1181**, to authorize the issuance of bonds to finance the Affordable Housing Acquisition and Preservation Project; and

Adopted **Resolution 18-1182**, approving Executive Regulation 4-18, Water Quality Protection Charge.

Mr. Berliner made the motion, which carried without objection. Ms. Navarro was absent.

SUBJECT: **Resolution to approve County Executive's appointment of David C. Anderson as Assistant Chief, Montgomery County Police Department (MCPD)**

Reference: Agenda Item 4

Adopted **Resolution 18-1183**, confirming the County Executive's appointment of David C. Anderson as Assistant Chief, MCPD. Mr. Katz made the motion, which carried without objection. Ms. Navarro was absent.

SUBJECT: Worksession/Action - Special appropriation to the County Government's FY19 Capital Budget and Amendment to the FY19-24 Capital Improvements Program (CIP), Conservation of Natural Resources: Stormwater Management Design/Build/Maintain Contract

Reference: Agenda Item 5

Mr. Riemer noted that for several months extensive work by the Council and Executive branch has been put forward to reach a compromise on the two stormwater management items.

Mr. Levchenko, Senior Legislative Analyst, summarized the background on the issues, the compromise proposal reached between the Council and the Executive branch for creation of a new design/build/maintain contract, the transfer of appropriations assumed from existing projects to the new project, and the technical correction to keep the transfer within the 10 percent transferability required by the County Charter, as contained in the analyst packet.

Adopted **Resolution 18-1184**, approving the subject special appropriation and amendment to the FY19-24 CIP.

Ms. Floreen made the motion, which carried without objection. Ms. Navarro was absent.

SUBJECT: Worksession/Action - Amendments to the FY19-24 CIP, Conservation of Natural Resources: Miscellaneous Stream Valley Improvements, Stormwater Management Retrofit: Roads; and Stormwater Management Retrofit: Countywide to Stormwater Management Design/Build Maintain Contract

Reference: Agenda Item 6

Mr. Levchenko stated that Item 6 affirms the compromise proposal and is a companion piece to Item 5 with a new appropriation for the new design/build/maintain contract project. It also transfers appropriations from the existing projects, as contained in the analyst packet.

Adopted **Resolution 18-1185**, approving the subject amendments to the FY19-24 CIP.

Mr. Rice made the motion, which carried without objection. Ms. Navarro was absent.

SUBJECT: Worksession - Proposed Charter amendments and recommendations of Charter Review Commission (CRC)

Reference: Agenda Item 7

Mr. Riemer announced that straw votes would be taken today and that action on a resolution to place Charter amendments on the November ballot is tentatively scheduled on July 24, 2018.

Participating in the discussion were Mr. Hamlin, Legislative Attorney, and Mr. Drummer, Senior Legislative Attorney.

Mr. Hamlin reviewed the proposed Charter amendment on the composition of the Redistricting Commission in Section 104, Redistricting Procedure, recommended by the CRC. Supported without objection. Ms. Navarro was absent.

Mr. Hamlin reviewed the proposed Charter amendment recommended by the CRC to change the language in Section 305, Approval of the Budget; Tax Levies, from "an affirmative vote of nine, not seven, Councilmembers" to "a unanimous vote of all current Councilmembers." After a discussion on the proposed language, as well as the matter of what might be done when a Councilmember is unable to be physically present to vote, supported the CRC recommended amendment without objection. Agreed that the issue of voting remotely may be taken up as a change to the Council Rules of Procedure at some later time. Ms. Navarro was absent.

Supported without objection (Ms. Navarro was absent) Mr. Hucker's proposed Charter amendment to Section 401, Merit System, recommending the following language to allow for greater flexibility in hiring non-merit staff:

(d) one or more [confidential aide] aides for each member of the Council;

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY**

SUBJECT: ZTA 18-07, Accessory Residential Uses - Accessory Apartments

Reference: Agenda Item 8A

Introduced draft #2 of ZTA 18-07, sponsored by Councilmembers Floreen, Leventhal and Riemer. A public hearing is scheduled for September 11, 2018, at 1:30 P.M.

Mr. Berliner requested to be added as a co-sponsor of the ZTA.

SUBJECT: **ZTA 18-04, Exemptions - Agricultural Zone**

Reference: Agenda Item 8B

Ms. Floreen, Chair of the Planning, Housing and Economic Development (PHED) Committee, reviewed the Committee's recommendation, as contained in the analyst packet.

Enacted **Ordinance 18-47**, approving ZTA 18-04 as recommended by the PHED Committee.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Elrich, Huckler, Rice, Berliner, Leventhal, Floreen, Riemer

ABSENT: Navarro.

SUBJECT: **ZTA 18-08, Site Plan Amendment - Solar Collection Systems**

Reference: Agenda Item 8C

Introduced draft #4 of ZTA 18-08, sponsored by Councilmember Huckler. A public hearing is scheduled for September 11, 2018, at 1:30 P.M.

SUBJECT: **Zoning Text Amendment 18-09, Landscape Contractors - Rural Cluster Zone**

Reference: Agenda Item 8D

Introduced draft #2 of ZTA 18-08, sponsored by Councilmember Huckler. A public hearing is scheduled for September 11, 2018, at 1:30 P.M.

Ms. Floreen requested to be added as a co-sponsor of the ZTA.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #16**

Introduction of Bills

SUBJECT: **Bill 26-18, Landlord-Tenant Relations - Accessory Apartment Licensing**

Reference: Agenda Item 9A

Introduced draft #3 of **Bill 26-18**, sponsored by the PHED Committee. A public hearing is scheduled for September 11, 2018, at 1:30 P.M.

SUBJECT: **Expedited Bill 27-18, Taxation - Development Impact Tax for Transportation Improvements - Refunds - Credits - Amendments**

Reference: Agenda Item 9B

Introduced draft #1 of **Expedited Bill 27-18**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for September 11, 2018, at 1:30 P.M.

SUBJECT: **Bill 28-18, Boards, Committees, and Commissions - Amendments**

Reference: Agenda Item 9C

Introduced draft #1 of **Bill 28-18**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for September 18, 2018, at 1:30 P.M.

Call of Bills for Final Reading

SUBJECT: **Expedited Bill 25-18, Health and Sanitation - Special Needs Housing - Renaming**

Reference: Agenda Item 10A

Senior Legislative Attorney Drummer reviewed the purpose of Expedited Bill 25-18, as contained in the analyst packet.

Enacted draft #1 of **Expedited Bill 25-18**, as introduced.

Ms. Floreen made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Elrich, Hucker, Rice, Berliner, Leventhal, Floreen, Riemer

ABSENT: Navarro.

SUBJECT: **Expedited Bill 16-18, Taxation - Transportation Mitigation Payment - Credit**

Reference: Agenda Item 10B

Mr. Riemer, a member of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee's recommendation, as contained in the analyst packet.

Enacted draft #3 of **Expedited Bill 16-18**, as introduced.

The GO Committee made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Elrich, Hucker, Rice, Berliner, Leventhal, Floreen, Riemer
ABSENT: Navarro.

The Council recessed from 10:22 A.M. to 10:33 A.M. to allow staff to arrive.

Call of Bills for Worksession and Final Reading

At request of Mr. Berliner to delay any action, Mr. Riemer indicated that final action on **Bill 34-17** and **Bill 38-17** would be taken on July 24, 2018.

SUBJECT: **Bill 34-17, Housing - Moderately Priced Dwelling Units (MPDU)**
Reference: Agenda Item 11A

Participating in the discussion were Mr. Snuggs, Director, and Ms. Killian, Department of Housing and Community Affairs (DHCA); and Ms. Govoni, Montgomery County Planning Department.

Ms. Floreen, Legislative Attorney Hamlin and Senior Legislative Analyst McMillan reviewed the PHED Committee's recommendations, as contained in the analyst packet, and the participants responded to questions from Councilmembers.

SUBJECT: **Bill 38-17, MPDU - Requirement to Build**
Reference: Agenda Item 11B

Consideration of this item was postponed until July 24, 2018.

The meeting adjourned at 12:36 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council