



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, September 11, 2018

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, September 11, 2018.

PRESENT

Councilmember Hans Riemer, President
Councilmember Roger Berliner
Councilmember Nancy Floreen
Councilmember Sidney Katz

Councilmember Nancy Navarro, Vice President
Councilmember Marc Elrich
Councilmember Tom Hucker
Councilmember George Leventhal
Councilmember Craig Rice

The President in the Chair.

The Council held a moment of silence.

9:34 (1) **GENERAL BUSINESS**

A. **Announcements** - Agenda and Calendar Changes

There were no agenda or calendar changes.

B. [Receipt of Petitions](#)

There were no petitions received this week.

C. **Approved** the minutes of July 17, 2018, without objection. Ms. Floreen and Mr. Rice were temporarily absent. Later in the meeting they indicated had they been present, they would have approved the minutes.

9:35 (2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Ms. Navarro made the motion, which carried unanimously. Ms. Floreen and

Mr. Rice were temporarily absent. Later in the meeting, they indicated had they been present, they would have voted in the affirmative.

- A. Adopted **Resolution 18-1218**, confirming the County Executive's appointments to the Montgomery County Economic Development Corporation Board: Robert G. Brewer, Jr., Carmen Larsen, Ola Sage, Tien Wong;
- B. **Approved** Council nominee for re-appointment to the Bethesda Urban Partnership, Inc. Board of Directors: Deborah Michaels;
- C. **Introduced** amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes. A public hearing is tentatively scheduled for September 25, 2018 at 1:30 pm.
- D. **Introduced** a supplemental appropriation to Montgomery County Public School's (MCPS) FY18 Operating Budget, Entrepreneurial Activities Fund - \$4,700,000 for School Bus Safety Camera Program. A public hearing is tentatively scheduled for September 25, 2018 at 1:30 pm.
- E. **Introduced** amendment to the FY19-24 Capital Improvements Program (CIP) - Goldsboro Road Sidewalk and Bikeway. A public hearing/action is tentatively scheduled for October 2, 2018 at 1:30 pm.
- F. **Introduced** a supplemental appropriation to the County Government's FY19 Operating Budget, Circuit Court - \$200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing. A public hearing is tentatively scheduled for September 25, 2018 at 1:30 pm.
- G. Adopted **Resolution 18-1219**, to amend Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Lead4Life, Inc., Health Management Consultants, L.L.C., and Catholic Charities of the Archdiocese of Washington, Inc. (Lt. Joseph P. Kennedy Institute, Inc.);
- H. Adopted **Resolution 18-1220**, to amend Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Ayuda, Inc., HIAS, Inc., and KIND, Inc., d/b/a Kids in Need of Defense;
- I. **Introduced** a supplemental appropriation to the County Government's FY19 Operating Budget, Department of Transportation (DOT) - \$73,176 for replacement of roadside trees (Source: Street Tree Planting Fund). A public hearing is tentatively scheduled for September 18, 2018 at 1:30 pm.

- J. **Introduced** a special appropriation to the County Government's FY19 Operating Budget, Department of Health and Human Services (DHHS) - \$70,799 for Behavioral Health and Crisis Services for Adult Drug Court. A public hearing is tentatively scheduled for September 25, 2018 at 1:30 pm.
- K. **Introduced** a resolution to approve a certain finance plan of the Washington Suburban Sanitary Commission for the issuance of refunding bonds. Action is tentatively scheduled for September 18, 2018.

9:39 (3) **BRIEFING - 495/I-270 Managed Lanes Study**

Participating in the discussion were Dr. Orlin, Deputy Director; Ms. Rubin, Special Project Manager, Ms. Wright, Director, and Mr. Aldrich, Montgomery County Planning Department; Mr. Harper, Parks Department; and Mr. Conklin, Deputy Director for Transportation Policy, DOT.

Received a briefing on the study conducted by the State Highway Administration (SHA) for improvements to I-495 and I-270 to reduce traffic congestion. Mr. Riemer noted that SHA representatives were invited to participate in today's discussion but declined, preferring to wait until more details are developed for possible options. Dr. Orlin noted that in accordance with the National Environmental Policy Act (NEPA) process, 19 preliminary alternatives were developed and the next step will be the selection of Alternatives Retained for Detailed Study (ARDS). The ARDS, which should be completed early 2019, will reduce the number of options moving forward. An Environmental Impact Statement (EIS) and traffic analysis would then be completed for each alternative.

Mr. Riemer asked Council staff to help develop a process for reviewing draft comments on the project and allowing the Council the opportunity to provide comments.

Ms. Floreen requested additional information on the Innovative Congestion Management program and that the Council be updated on other transportation projects.

Noted that Planning and DOT staff are working with the City of Rockville and Prince George's County so that formal concurrence and unified comments can be made at the appropriate times during the Transportation Environmental Regulatory Process (TERP).

Mr. Hucker suggested an additional briefing be scheduled with the County's State delegation and County government relations groups so questions can be answered and the County can work toward a unified voice regarding the project. He requested clarification on the width of the right-of-way on I-495 and suggested the information be made available to the public.

Ms. Navarro suggested a link to project information be included on the Council's website, and that a timeline of the decision-making process be included.

11:28 (4) **WORKSESSION** - [Resolution to approve 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan](#) (*continued*)

Participating in the discussion were Mr. Soukup, Senior Planner, Water and Wastewater Policy Group, Department of Environmental Protection (DEP); and Mr. Levchenko, Senior Legislative Analyst.

Mr. Berliner, Chair of the Transportation, Infrastructure, Energy and Environment (T&E) Committee, reviewed previous decisions made by the Council on the Water and Sewer Plan Update. Noted that the Council has already taken preliminary action on most of the Ten-Year Water Supply and Sewerage Systems Plan, and that today the Council will be taking up the remaining issue and reviewing T&E and Council staff's policy recommendations related to Water and Sewer Plan criteria for addressing existing and anticipated onsite system failures within special service areas.

Supported, without objection, the Committee recommendation to add language in the Plan Update noting that for the initiation of a special service area survey by DEP, confirmation by the Department of Permitting Services (DPS) of at least one on-site failure or major problem which cannot reasonably be addressed with on-site solutions is required, as contained in the analyst packet.

Supported, without objection, the Council staff recommendation to add language in the Plan Update to affirm that property owners can choose to opt-out of special service area surveys, as contained in the analyst packet.

Supported prohibiting the subdivision of properties approved for public water/sewer via special service areas and/or through the individual public health problems criterion, as contained in the analyst packet. Mr. Leventhal was opposed, stating that he supported maintaining as much affordable, middle-class housing as possible and thought the recommendation went too far and could unfairly benefit wealthy homeowners.

Mr. Levchenko reviewed the third staff recommendation to add language to clarify which individual public health cases can be addressed administratively through DEP versus through the regular Council review process.

Mr. Riemer called for a straw vote on the T&E Committee and Council staff recommendations, as contained in the analyst packet. All Councilmembers were in support with the exception of Mr. Leventhal.

Noted that next steps will focus on the creation of a database of onsite systems in the County, and education and outreach to property owners.

Council action on the Ten-Year Water Supply and Sewerage Systems Plan 2017-2026 is tentatively scheduled for September 25, 2018.

The Council recessed at 12:13 P.M. and reconvened at 1:37 P.M.

(6) **PUBLIC HEARING - [Zoning Text Amendment 18-06, Moderately Priced Dwelling Unit \(MPDU\) - Bonus Density](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 14, 2018. A PHED Committee worksession is tentatively scheduled for September 20, 2018.

(7) **PUBLIC HEARING - [ZTA 18-07, Accessory Residential Uses - Accessory Apartments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2018. A PHED Committee worksession is tentatively scheduled for September 24, 2018.

(8) **PUBLIC HEARING - [ZTA 18-08, Site Plan Amendment - Solar Collection Systems](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 11, 2018. A PHED Committee worksession is tentatively scheduled for September 13, 2018.

(9) **PUBLIC HEARING - [ZTA18-09, Landscape Contractors - Rural Cluster Zone](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 11, 2018. A PHED Committee worksession is tentatively scheduled for September 13, 2018.

(10) **PUBLIC HEARING - [Bill 26-18, Landlord-Tenant Relations – Accessory Apartment Licensing](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2018. A PHED Committee worksession is tentatively scheduled for September 24, 2018.

(11) **PUBLIC HEARING - Expedited Bill 27-18, Taxation - Development Impact Tax Credits and Local Area Transportation Review Mitigation Payments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2018. A GO Committee worksession is tentatively scheduled for September 13, 2018.

The meeting adjourned at 2:43 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council