



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, September 18, 2018

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:39 A.M. on Tuesday, September 18, 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 invocation was given by Reverend Derek Longbrake, Montgomery County Coalition for the Homeless.

PRESENTATIONS

- A. The proclamation was presented by Mr. Riemer, Mr. Katz and Maryland State Senator Kagan recognizing Peace Day.
- B. The proclamation was presented by Mr. Rice and Mr. Katz recognizing the 231st Anniversary of the United States Constitution.

10:05 (1) GENERAL BUSINESS

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

Ms. Limarzi, Clerk of the Council, announced that the Council will hold a public forum on the Community Grants Program on October 9, 2018, at 7:30 P.M., and that a public hearing on the FY20 WSSC Spending Control Limits is scheduled for October 2, 2018, at 1:30 P.M. She also announced

an addendum to the agenda, adding for introduction a Special Appropriation to the FY19 Capital Budget and Amendment to the FY19-24 Capital Improvements Program (CIP), Montgomery County Government, Department of Transportation (DOT) - \$1,565,000 for Teachers Way Extended; deleting for introduction **Bill 32-18**, Transportation Management - Transportation Demand Management Plan - Amendments; and changing Zoning Text Amendment (ZTA) 18-03, Farm Alcohol Production - Standards, from action to a worksession.

B. [Acknowledgement - Receipt of Petitions](#)

There were no petitions received this week.

C. **Approved** the minutes of July 24, 2018, without objection. Mr. Berliner was temporarily absent.

10:07 (2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Rice made the motion, which carried unanimously.

- A. **Introduced** a resolution to approve categorical transfers of \$1,600,000 for the Montgomery County Public School's (MCPS) FY18 Operating Budget, and categorical transfers of \$720,000 for FY18 Grant Funds in the Provision for Future Supported Projects. An ED Committee worksession is tentatively scheduled for September 27, 2018.
- B. Adopted **Resolution 18-1221**, approving a certain finance plan of the Washington Suburban Sanitary Commission (WSSC) for the issuance of refunding bonds;
- C. Adopted **Resolution 18-1222**, approving an abandonment of a portion of Planning Place right-of-way at the intersection with Georgia Avenue in the Woodside Park Subdivision of Silver Spring.
- D. **Introduced** a resolution to consolidate previously authorized notes for sale and issuance as a single issue. Action is tentatively scheduled for October 2, 2018.
- E. **Introduced** a special appropriation to the FY19 Capital Budget and Amendment to the FY19-24 CIP , Montgomery County Government, DOT - \$1,565,000 for Teachers Way Extended. A T&E Committee worksession is tentatively scheduled for September 28, 2018 and a public hearing and action are scheduled for October 9, 2018 at 1:30 P.M.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #21**

10:08 (3) **Introduction of Bills:**

A. **Expedited Bill 29-18, Bond Authorization**

Introduced draft #1 of **Bill 29-18**, sponsored by the Council President at the request of the County Executive. A public hearing and action are scheduled for October 2, 2018, at 1:30 P.M.

B. **Bill 30-18, Finance - Accessibility Features Supplement - Established**

Introduced draft #2 of **Bill 30-18**, sponsored by Mr. Leventhal; and co-sponsored by Mr. Katz, Mr. Rice, Mr. Riemer, Ms. Navarro, Mr. Hucker, Mr. Elrich, Mr. Berliner and Ms. Floreen. A public hearing is scheduled for October 9, 2018, at 1:30 P.M.

C. **Bill 31-18, New Home Warranty and Builder Licensing - Amendments**

Introduced draft #7 of **Bill 31-18**, sponsored by Mr. Rice. A public hearing is scheduled for October 9, 2018 at 1:30 P.M.

10:13 (4) **Call of Bills for Final Reading:**

A. **Bill 10-18, Administration - Director of County Climate Policy - Established**

Ms. Mihill, Legislative Attorney, reviewed the T&E Committee recommendation, as contained in the analyst packet.

Enacted draft #4 of **Bill 10-18**, as contained at the end of these minutes.

The T&E Committee made the motion and the bill was enacted by a roll call vote:

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

10:15 (5) **DISTRICT COUNCIL SESSION**

A. **WORKSESSION – ZTA 18-03, Farm Alcohol Production - Standards**

Participating in the discussion were Ms. Dunn and Mr. Penn, Planning Department, Maryland-National Capital Park and Planning Commission (MNCPPC); Mr. Motazed, Department of Permitting Services (DPS); and Mr. Zyontz, Senior Legislative Analyst.

Ms. Floreen, chair of the Planning, Housing and Economic Development (PHED) Committee, summarized the Committee's work to date. Mr. Riemer, one of the lead sponsors, presented background information and noted the importance of striking a balance between making farming more viable and preserving the agricultural heritage of the County.

Mr. Zyontz reviewed the Committee recommendation as well as Mr. Riemer's proposed amendments for additional connections between agriculture and the material used for agriculture production and additional limits on the number and crowd size of allowed events, as contained in the analyst packet.

Councilmembers spoke in favor of proceeding with the recommendations and Mr. Riemer's proposed amendments as well as possible benefits in delaying action until the Agritourism Study is completed by MNCPPC in 2019.

Mr. Elrich, Mr. Katz, and Mr. Berliner questioned the reason for Council action before the study is completed. Mr. Elrich requested alternatives for minimum parcel size, minimum area for on-site ingredients, event sizes, and the long-range plan concept.

Ms. Snyder, Mr. Boyce and Mr. Butz, who own farms, provided comments in support of not delaying action on the ZTA.

A majority of Councilmembers expressed support for working on refining the language of the ZTA before taking action.

Council action on ZTA 18-03 is tentatively scheduled for October 2, 2018.

(6) **DISCUSSION on WorkSource Montgomery**

Because of time limitations, this item was postponed.

The Council recessed at 12:01 P.M. and reconvened at 1:34 P.M.

(7) **PUBLIC HEARING - Bill 28-18, Boards, Committees, and Commissions Amendments**

The public hearing was conducted. Mr. Berliner, Ms. Floreen and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on September 19, 2018. A Government Operations Committee worksession is tentatively scheduled for September 24, 2018.

(8) **PUBLIC HEARING - ZTA 18-10, Townhouse Living - Accessibility TaxCredit**

The public hearing was conducted. Mr. Berliner and Ms. Floreen were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2018. A Planning, Housing & Economic Developmental Committee worksession is tentatively scheduled for September 20, 2018.

The meeting adjourned at 1:43 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council

Bill No. 10-18
 Concerning: Administration – Director of
County Climate Policy - Established
 Revised: 9/12/2018 Draft No. 4
 Introduced: March 20, 2018
 Enacted: September 18, 2018
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Leventhal
 Co-Sponsors: Councilmembers Berliner, Hucker and Council Vice President Navarro

AN ACT to:

- (1) require the County Executive to designate an employee as a Director of County Climate Policy;
- (2) define the duties of the Director of County Climate Policy; and
- (3) generally amend County laws related to administration and environmental sustainability.

By adding
 Chapter 2, Administration
 Section 2-25C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 2-25C is added as follows:

2-25C. Director of County Climate Policy.

The Executive must designate an employee as the Director of County Climate Policy. Among other duties, the Director must:

- (a) advise the Executive, the Council, the Office of Sustainability in the Department of Environmental Protection, the Office of Energy and Sustainability in the Department of General Services, the Department of Transportation, and any other appropriate government agency, on the best means to achieve climate goals as defined by the Director;
- (b) promote coordination between the Office of Sustainability, the Office of Energy and Sustainability, [[and]] the Department of Transportation, and the employee designated under Section 18A-10(a) to provide executive direction regarding energy policy and planning;
- (c) coordinate climate efforts with County agencies including the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission, Montgomery County Public Schools, and Montgomery Community College;
- (d) promote coordination of climate efforts between the County, County agencies, state and federal agencies, and appropriate non-governmental organizations;
- [[d]] (e) coordinate the development of public awareness programs to encourage residents, businesses, and other groups to participate in the County's climate goals, including the reduction of greenhouse gas emissions; and
- [[e]] (f) recommend legislation to the County Executive and County Council necessary to achieve climate goals[[; and
- (f) serve as a liaison with the Montgomery County Green Bank]]