



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, October 23, 2018

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:37 A.M. on Tuesday, October 23, 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 Dr. Laura Blauvelt, Potomac United Methodist Church.

#### (1) **GENERAL BUSINESS**

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

There were no announcements.

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

There were no petitions received this week.

Mr. Riemer stated that because a quorum was not present, a number of Councilmembers were late returning from an event in Poolesville, the Council would first take up the Washington Metropolitan Area Transit Authority (WMATA) briefing.

(2.5) **BRIEFING - WMATA General Manager Paul J. Wiedefeld**

Received a briefing from Mr. Wiedefeld, General Manager and Chief Executive Officer of WMATA, on the progress of several initiatives to improve Metrorail and Metrobus service in Montgomery County, including improved service reliability, station improvements, and restoring confidence in the Metro system.

Mr. Wiedefeld noted that the historic regional dedicated capital funding of \$500 million per year allows for investing in the replacement, rehabilitation, and maintenance of existing assets to ensure the safety and state of good repair of WMATA's infrastructure.

Received an update on the construction of a new stairway at the Shady Grove Station, ending of the Grosvenor turn-back in December 2018, completion of cell connections in tunnels, automatic train operations, and enabling of buses in 2019 for traffic signal priority.

Councilmembers raised several issues including station enhancements, restoring late-night service, lighting improvements in garages, development of WMATA owned land near Metro stations, taking an international look at transportation solutions, and urging WMATA's Board not to eliminate the Riders' Advisory Council.

Mr. Hucker requested information on the timeline for implementation of the Z2 Metrobus route from Briggs Chaney to Laurel, and the amount of funding required to extend the K9 bus route from the Federal Drug Administration (FDA) to the White Oak Transit Center.

Ms. Floreen requested that WMATA start adding planning money to its capital budget to enhance the Shady Grove Station, the heavily used last stop on the Red Line, and develop the land owned by WMATA around the station.

Mr. Leventhal requested that a new farecard reader be installed in the Takoma Park Station.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.  
Mr. Berliner made the motion, which passed unanimously.

- A. **Introduced** a resolution to approve Maryland Economic Development Assistance Authority and Fund (MEDAAF) Loan to assist Host Hotels & Resorts, Inc.'s and Host Hotels & Resorts, L.P.'s retention in Montgomery County (\$600,000). Action is tentatively scheduled for October 30, 2018.

- B. **Introduced** an amendment to the FY19-24 Capital Improvements Program (CIP) and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks, \$680,000 for Josiah Henson Historic Park. A public hearing is tentatively scheduled for October 30, 2018, at 1:30 P.M.
- C. Adopted **Resolution 18-1266**, approving a supplemental 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.
- D. Adopted **Resolution 18-1267**, approving colocation of public facilities study.  
*Mr. Riemer announced a correction to the date in the Resolution to October 16, 2018.*
- E. Adopted **Resolution 18-1268**, reappointment to Merit System Protection Board: Angela Franco.
- F. Adopted **Resolution 18-1269**, confirmation of County Executive's appointment to Housing Opportunities Commission: Frances Kelleher.
- G. Adopted **Resolution 18-1270**, Executive Regulation 11-18AM, Requirements and Procedures for Moderately Priced Dwelling Unit (MPDU) program.
- H. **Introduced** an amendment to the FY19-24 CIP and Special Appropriation to the County Government's FY19 Capital Budget, Department of Recreation - \$700,000 for Manna Food Center, Inc. and Sunflower Bakery, Inc.; and Resolution to amend Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Manna Food Center, Inc. and Sunflower Bakery, Inc. A public hearing is tentatively scheduled for October 30, 2018, at 1:30 P.M. An Health & Human Services (HHS) Committee worksession is tentatively scheduled for November 1, 2018.

(3) **INTRODUCTION/Suspension of Rules/Action - Resolution to approve FY19 MCFRS Savings Plan**

Introduced the subject resolution and approved without objection Ms. Floreen's motion to suspend the Rules of Procedure to allow its consideration.

Fire Chief Goldstein, Montgomery County Fire and Rescue Services (MCFRS); Ms. Silberman, Office of Management and Budget (OMB); and Legislative Analyst Farag participated in the discussion.

Mr. Elrich, Chair of the Public Safety (PS) Committee, stated that the Committee did not accept any of the reductions proposed by the County Executive, and noted

that the shortage of fire and rescue personnel makes the use of overtime unavoidable. Ms. Farag reviewed the proposed reductions, as contained in the analyst packet. Chief Goldstein discussed the use of overtime as a means of providing the level of staffing needed to meet expected service levels, and said that the proposed reductions would impact services.

Approved unanimously the PS Committee recommendation to not accept any of the reductions proposed by the County Executive and for the Committee to revisit the issue in February to determine if current mitigation efforts have reduced the projected FY19 cost overruns.

(4) **DISTRICT COUNCIL SESSION**

A. **Action - Zoning Text Amendment (ZTA) 18-11, Telecommunications Towers - Approval Standards**

Participating in the discussion were Mr. Zyontz, Senior Legislative Analyst; Ms. Nurmi, Special Assistant to the County Executive; Ms. Herrera, Project Manager, ultraMontgomery; Mr. Royalty, County Attorney's Office; Mr. Russ, Planner Coordinator, Maryland-National Capital Park and Planning Commission (M-NCPPC); and Ms. Schwartz Jones, Director, Department of Permitting Services (DPS).

Deliberated Mr. Hucker's motion to amend ZTA 18-11 by requiring all new telecommunications towers in residential zones to be conditional, rather than limited, uses; and to retain the 60-foot setback standard but allow a setback down to 40 feet only if necessary to avoid a "denial of service" claim. Noted concerns raised from the panel that imposing a conditional use would require additional staffing in the Office of Zoning and Administrative Hearings (OZAH), DPS, and the Planning Department in order to meet the 90-day shot clock for the approval of a new pole, as required under the Federal Communications Commission (FCC) ruling.

The maker of the motion accepted Mr. Berliner's amendment to allow a setback down to 30 feet, if necessary, to avoid a "denial of service" claim.

Approved Mr. Hucker's motion, as amended. Ms. Floreen, Mr. Rice and Mr. Riemer were opposed.

Mr. Riemer announced that today's discussion was a worksession only and action would be taken at a later date. The additional proposed amendments contained in the analyst packet and in Mr. Hucker's memo were deferred until the next meeting.

The Council recessed at 12:55 P.M. and reconvened at 1:42 P.M.

- (5) **PUBLIC HEARING** - [Resolution to approve Declaration of No Further Need: Disposition of land adjacent to 5920 Massachusetts Avenue in Bethesda](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 24, 2018. A Public Safety/Government Operations and Fiscal Policy (PS/GO) Committee worksession is tentatively scheduled for October 29, 2018.

- (6) **PUBLIC HEARING** - [Bill 33-18, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Property Tax Surcharge](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 5, 2018. A Transportation, Infrastructure, Energy and Environment (T&E) Committee worksession is tentatively scheduled for November 8, 2018.

- (7) **PUBLIC HEARING** - [Bill 34-18, Human Rights and Civil Liberties - County Minimum Wage - Definitions - Employer](#)

The public hearing was conducted. Mr. Leventhal requested to be added as co-sponsor. Additional material for the Council's consideration should be submitted by the close of business on October 29, 2018. An HHS Committee worksession is tentatively scheduled for November 1, 2018.

- (8) **PUBLIC HEARING** - [Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 29, 2018. An HHS Committee worksession is tentatively scheduled for November 1, 2018.

- (9) **PUBLIC HEARING** - [Resolution to adopt Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas, as a Board of Health Regulation](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 29, 2018. An HHS Committee worksession is tentatively scheduled for November 1, 2018.

- (10) **PUBLIC HEARING** - [Special appropriation to the County Government's FY19 Operating Budget - \\$225,000 for the Economic Development Fund](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 25, 2018. Council worksession/action is tentatively scheduled for October 30, 2018.

- (11) **PUBLIC HEARING** - [Special appropriation to the County Government's FY19 Operating Budget - \\$200,000 for the Economic Development Fund, Small Business Assistance Program](#)

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 25, 2018. Council worksession/action is tentatively scheduled for October 30, 2018.

- (12) **PUBLIC HEARING** - [Special appropriation to the County Government's FY19 Operating Budget - Nondepartmental Account - \\$95,600 for Legislative Branch Communications Outreach](#)

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 24, 2018. A GO Committee worksession is tentatively scheduled for October 30, 2018.

- (13) **BRIEFING** - [Climate Mobilization Work Group Report](#)

Participating in the discussion were Ms. Bubar, Acting Director, and Mr. Edwards, Chief, Environmental Policy and Compliance, Department of Environmental Protection (DEP); and Mr. Dise, Director, Department of General Services (DGS).

Received a briefing on the report of the Climate Mobilization Work Group, including greenhouse gas inventory, current greenhouse gas reduction efforts and measures, priority areas for Council consideration, challenges, opportunities and co-benefits, outreach efforts, and next steps.

The meeting adjourned at 3:58 P.M.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

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Megan Davey Limarzi, Esq.  
Clerk of the Council