



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 15, 2019

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, January 15, 2019.

PRESENT

Councilmember Nancy Navarro, President	Councilmember Sidney Katz, Vice President
Councilmember Gabe Albornoz	Councilmember Andrew Friedson
Councilmember Evan Glass	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

The Council held a moment of silence.

PRESENTATION

Proclamation was presented by Mr. Hucker commemorating the retirement of Dave Rodich, Executive Director, SEIU Local 500.

GENERAL BUSINESS

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

Ms. Paradise, Deputy Clerk of the Council, announced that a public hearing on the FY20 Capital Budget and amendments to FY19-24 Capital Improvements Program (CIP) for County Government, Montgomery County Public Schools (MCPS), Montgomery College, Maryland-National Capital Park and Planning Commission (M-NCPPC), Revenue Authority, and Housing Opportunities Commission, and Washington Suburban Sanitary Commission's (WSSC) FY20-25 CIP, is scheduled for February 5, 2019 at 7:30 p.m.

Ms. Paradise announced that the Council is seeking applicants for the Public Election Fund Committee

The application deadline is February 6, 2019, at 5 p.m.

B. Acknowledgement

(2) **Receipt of Petitions**

There were no petitions received this week.

Members of the Martin Luther King, Jr. Commemorative Planning Committee announced an invitation to the celebration scheduled for January 21, 2019, at 3:00 P.M. at Strathmore Hall.

C. Approved the minutes of December 4, 2018, without objection.

(3) **CONSENT CALENDAR**

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

- A. **Adopted Resolution 19-07**, appointments to Grants Advisory Group.
- B. **Introduced** a supplemental appropriation to the County Government's FY19 Capital Budget, Department of General Services (DGS) - \$20,990,000 for Rockville CORE. A public hearing/action is tentatively scheduled for Tuesday, January 29, 2019, at 1:30 P.M.
- C. **Introduced** the Spending Affordability Guidelines for FY20 Operating Budget. A public hearing/action is tentatively scheduled for Tuesday, January 29, 2019, at 1:30 P.M.
- D. **Introduced** the 2018 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan. A public hearing/action is tentatively scheduled for Tuesday, January 29, 2019, at 1:30 P.M.
- E. **Introduced** a resolution approving the 2018 Hazard Mitigation Plan. A Public Safety (PS) Committee worksession is tentatively scheduled for January 29, 2019, at 1:30 P.M.

- F. **Introduced** a supplemental appropriation to MCPS' FY19 Operating Budget, Teacher Induction, Retention, and Advancement (TIRA) Pilot Grant - \$500,183 to improve first-year teacher retention in Title I schools. A public hearing/action is tentatively scheduled for Tuesday, January 29, 2019, at 1:30 P.M.
- G. **Introduced** a supplemental appropriation to MCPS's FY19 Operating Budget, Comprehensive School Safety Initiative Grant - \$683,946 for study on combining the Positive Behavioral Interventions and Supports Program with Restorative Justice practices to improve school safety. A public hearing/action is tentatively scheduled for Tuesday, January 29, 2019, at 1:30 P.M.
- H. **Received and Released** the Office of Legislative Oversight (OLO) Report 2019-1, Economic Indicators for Montgomery County and Surrounding Jurisdictions.

(4) **DISTRICT COUNCIL SESSION**

- A. **Introduction - Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments**

Introduced draft #1 of ZTA 19-01, sponsored by Councilmember Riemer. A public hearing is scheduled for February 26, 2019, at 7:30 P.M.

- B. **Introduction - ZTA 19-02, Clinics - Limited Use**

Introduced draft #1 of ZTA 19-02, sponsored by Council President Navarro. A public hearing is scheduled of February 26, 2019, at 1:30 P.M.

Councilmember Rice requested to be added as a co-sponsor of the ZTA.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #2**

(5) **Introduction of Bills:**

- A. **Bill 1-19, Police - Officer Involved Death - Independent Investigation**

Introduced draft #4 of **Bill 1-19**. The Lead Sponsor is Councilmember Jawando, and co-sponsors are Councilmembers Rice, Riemer, Council President Navarro and Councilmember Albornoz. A public hearing is scheduled for March 5, 2019, at 7:30 P.M.

Councilmembers Katz, Friedson, Glass, and Hucker requested to be added as co-sponsors of the bill.

Motion to Close

The Council adjourned the open session at 10:26 A.M. and reconvened in closed session from 10:28 A.M. to 12:06 P.M. in the Council Conference Room. Mr. Katz made the motion, which carried unanimously.

Report of Closed Session of January 15, 2019

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, January 15, 2019. The Council convened in closed session at 10:28 A.M. in the 3rd floor Council Conference Room to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305 (b)(7). The topic was potential litigation.

The meeting was closed on a motion by Mr. Katz, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Friedson, Glass, Hucker, Jawando, Rice and Riemer; Confidential Aides Silverman, Mandel-Trupp, Gibson, Nurmi, Goldstein, Ikheloa, Carranza, and Thorne; Ms. Nunez, Aide to Councilmember Hucker; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Mr. Smith, Legislative Analyst; Mr. Hansen, County Attorney, and Mr. Markovs, Deputy County Attorney; Mr. Blansitt, Inspector General, and Mr. Morgan, Office of the Inspector General; Mr. Tibbitts, Office of the County Executive; and Ms. Brown, Deputy Clerk.

Action: None taken.

The Council resumed the open session at 1:30 P.M.

(6) **PUBLIC HEARING - [Zoning Text Amendment 18-12, Setback Exemptions - Fences](#)**

The public hearing was conducted. Mr. Glass and Mr. Jawando were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on January 22, 2019. A PHED Committee worksession is tentatively scheduled for January 28, 2019.

(7) **PUBLIC HEARING** - [Zoning Text Amendment 18-13, Regional Shopping Center Overlay Zone - Standards](#)

The public hearing was conducted. Mr. Glass and Mr. Jawando were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on January 22, 2019. A PHED Committee worksession is tentatively scheduled for January 28, 2019.

(8) **PUBLIC HEARING** - [Zoning Text Amendment 18-14, Farm Alcohol Production - Residential Zones](#)

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on January 29, 2019. A PHED Committee worksession is tentatively scheduled for February 4, 2019.

(9) **PUBLIC HEARING** - [Bill 40-18, Secondhand Personal Property - Dealers - License](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 23, 2019. A PS Committee worksession is tentatively scheduled for January 28, 2019.

Because the Council was ahead of schedule, a short recess was taken from 2:03 P.M until 2:30 P.M.

(10) **DISCUSSION** - [OIG Report #19-002, A Review of Management Control Deficiencies Contributing to the Misappropriation of Montgomery County Economic Development Funds](#)

Participating in the discussion were Mr. Blansitt, Inspector General (IG), and Mr. Morgan, Investigative Analyst, Office of the Inspector General; Mr. Kleine, Chief Administrative Officer; Mr. Espinosa, Director, Department of Finance; Mr. Madaleno, Director, Office of Management and Budget; Mr. Hansen, County Attorney, and Mr. Markovs, Deputy County Attorney; Mr. Broglie, Office of Internal Audit; and Ms. Michaelson, Council Executive Director.

Received a briefing from the IG on its investigation, as outlined in the subject report. Following the briefing, Councilmembers asked a number of questions related to steps that have been identified to prevent dishonesty in County programs and to strengthen financial controls and processes.

Noted that Council and Office of Legislative Oversight (OLO) staff will be assessing whether there is a need to strengthen the Council's oversight role and

that they plan to have recommendations completed before the Council's Audit Committee meets in March of 2019.

The meeting adjourned at 3:55 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council