



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 4, 2020

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:47 A.M. on Tuesday, February 4, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Alborno
Councilmember Evan Glass
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

Ms. Shairee Arora from Richard Montgomery High School, was recognized as student speaker.

PRESENTATIONS

- A. Proclamation was presented by Mr. Jawando recognizing Library Lovers Month.
- B. Proclamation was presented by Mr. Glass recognizing Transit Equity Day.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
 - (1) Ms. Paradise, Deputy Clerk of the Council, announced that the Council is seeking applicants for the Board of Appeals. This position can only be filled by a Republican, a voter who is unaffiliated with a party, or a voter who is a member of another party officially recognized by the Board of

Elections. This position cannot be filled by a Democrat. The deadline for applications is February 5, 2020, at 5:00 p.m. Also, an addendum to the agenda was announced adding Councilmember Hucker as lead sponsor and Councilmembers Glass and Jawando as co-sponsors of the resolution authorizing the creation of non-merit staff positions in individual Councilmember offices; introducing a supplemental appropriation to the County Government's FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP), Office of Agriculture - \$3,448,231 for Agricultural Land Preservation Easement; and introduction of a resolution condemning the recent Supreme Court of the United States (SCOTUS) decision on "public charge" immigration rule.

(2) B. **Acknowledgement - Receipt of Petitions**

No petitions were received this week.

C. **Approved** the minutes of January 14, 2020, and the closed session minutes of January 14, 2020, without objection. Mr. Glass and Mr. Rice were temporarily absent.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Riemer made the motion, which carried without objection. Mr. Rice was temporarily absent. Later in the meeting Mr. Rice stated that had he been present, he would have voted in the affirmative.

- A. **Introduced** a resolution to approve Transfer of Property known as the site of the former Silver Spring Intermediate School to the Maryland-National Capital Park and Planning Commission. A Planning, Housing and Economic Development (PHED) committee worksession is tentatively scheduled for February 24, 2020.
- B. **Introduced** a resolution authorizing the creation of non-merit staff positions in individual Councilmember offices, sponsored by Councilmember Hucker, and co-sponsored by Councilmembers Glass and Jawando. Action is tentatively scheduled for February 11, 2020.
- D. Adopted **Resolution 19-352**, confirming the County Executive's appointments to the Community Action Board: Lisette Engel, Tiffany Jones, Samuel Sharper.
- E. Adopted **Resolution 19-353**, confirming the County Executive's appointment to the Friendship Heights Transportation Management District Advisory Committee: Robert Banach.

- F. Adopted **Resolution 19-354**, confirming the County Executive's appointment to the Commission on People with Disabilities: Matthew Barkley.
- G. Adopted **Resolution 19-355**, confirming the County Executive's appointments to the Water Quality Advisory Group: Tracy Rouleau, Keith Brooks, Michael Carmel, Linda Silversmith.
- H. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget and amendment to the FY19-24 CIP, Office of Agriculture - \$3,448,231 for Agricultural Land Preservation Easement. A PHED committee worksession is tentatively scheduled for February 24, 2020. A public hearing is scheduled for February 25, 2020, at 1:30 P.M.
- I. **Introduced** a resolution condemning the recent SCOTUS decision on "public charge" immigration rule, sponsored by Councilmembers Albornoz and Navarro, and co-sponsored by Councilmembers Katz, Jawando, Rice, Glass, Hucker, Reimer, and Friedson. Action is tentatively scheduled for February 25, 2020.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #4**

(4) **Call of Bills for Final Reading**

- A. **Bill 35-19, Personnel - Collective Bargaining - Certified Representative - Duty of Fair Representation**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee's recommendation as contained in the staff report.

Enacted draft #2 of **Bill 35-19**, as introduced.

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

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Friedson, Hucker, Katz
ABSENT: Rice (temporarily). Later in the meeting Mr. Rice stated that had he been present, he would have voted in the affirmative.

(4.1) **Action - Spending Affordability Guidelines for the FY21 Capital Budget and other general CIP assumptions**

Participating in the discussion were Dr. Orlin, Senior Analyst; and Ms. Beck, Capital Budget Coordinator, Office of Management and Budget (OMB).

Ms. Navarro and Dr. Orlin reviewed the recommendations of the GO Committee, as contained in the staff report.

Adopted **Resolution 19-356**, approving spending affordability guidelines for the FY21 Capital Budget and FY19-26 CIP.

The GO Committee made the motion, which carried without objection. Mr. Rice was temporarily absent.

(5) **DISTRICT COUNCIL SESSION**

A. **Action - Zoning Text Amendment (ZTA) 19-09, Prohibited Roof Signs - Exceptions**

Mr. Friedson, Lead Sponsor of the subject ZTA, reviewed the PHED Committee recommendation, as contained in the staff report.

Enacted **Ordinance 19-09**, approving draft #3 of ZTA 19-09 as introduced (with a technical correction for a typographical error).

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

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Friedson, Hucker, Katz
ABSENT: Rice (temporarily). Later in the meeting Mr. Rice stated that had he been present, he would have voted in the affirmative.

B. **Overview - Germantown Plan for the Town Sector Zone**

Participating in the discussion were Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Wright, Director, and Mr. Estes and Mr. Pratt, Planning Department.

Received an overview of the draft Germantown Plan for the Town Sector Zone, the purpose of which is to replace the existing Town Sector zoning with current zoning classifications for the Churchill Village community of Germantown.

(6) **WORKSESSION - [Community Grants](#)**

Participating in the discussion were Ms. Chen, Legislative Analyst; Mr. Watters, Budget Manager, and Mr. Murphy, Fiscal and Policy Analyst, OMB.

Received an update on the FY21 Community Grants process and application timeline. Noted that the grants application deadline closed last week and 556 applications were received.

Noted that a joint GO/Health and Human Services (HHS) Committee is scheduled for March 5, 2020, to consider **Bill 36-19**, Contracts and Procurement - Office of Grants Management - Established.

The Council recessed at 11:44 A.M. and reconvened in the Council Hearing Room at 1:31 P.M.

(7) **PUBLIC HEARING - [Bill 1-20, Bodywork Establishments - Licensing - Amendments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 19, 2020. A joint HHS and Public Safety (PS) Committee worksession is tentatively scheduled for February 25, 2020.

(8) **PUBLIC HEARING - [Resolution to adopt Bill 1-20, Bodywork Establishments - Licensing - Amendments, 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 February 19, 2020. A joint HHS/PS Committee worksession is tentatively scheduled for February 25, 2020.

(5B) **PUBLIC HEARING - [Germantown Plan for the Town Sector Zone](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 25, 2020.

(5) **DISTRICT COUNCIL SESSION** (*continued*)

C. **Worksession:** Forest Glen/Montgomery Hills Sector Plan

[Staff Report - Part 1](#) (*continued*)

Participating in the discussion were Chair Anderson, Montgomery County Planning Board; Ms. Wright, Director, Planning Department, Maryland-National Capital Park and Planning Commission (M-NCPPC); and Ms. Dunn, Senior Legislative Analyst.

Ms. Dunn continued the review from the January 28, 2020, session of the Planning, Housing and Economic Development (PHED) Committee recommendations of the subject Sector Plan starting with the Montgomery Hills District at the top of page 12 of the staff report. Straw votes were taken.

Discussed the pros and cons of adding language for the 3-acre site in the State Highway Administration (SHA) right-of-way at 16th Street and Georgia Avenue if the athletic field were not built, that use for the site would revert to housing. Agreed, without objection, to not add language and to support the Committee and Planning Board recommendations for an urban gateway recreational park containing an athletic field at this site. Mr. Riemer noted that the Plan should include language that recognizes the need for permanent supportive housing for the homeless, as a number of homeless individuals are currently living in the wooded area of the site.

Planning staff projected an image of the 2.6-acre Silver Spring Health and Human Services facility site to envision what the area might look like if the zoning were further increased to CRT-2.0 C-0.5 R-2.0 H-75 to allow for maximizing housing on the publicly-owned property. Agreed, without objection, to increase the zoning and to support Mr. Jawando's recommendation that 30 percent of housing units be provided as regulated affordable units, as stated in the staff report.

Supported the Committee recommendations, as amended.

[Staff Report - Part 2](#)

Dr. Orlin, Council staff, reviewed the transportation adequacy at buildout, transportation elements, and school adequacy at buildout of the subject Sector Plan, as recommended by the PHED Committee and contained in the staff report. Dr. Orlin also reviewed the Fiscal Impact Statement.

Supported, without objection, the Committee recommendations for transportation infrastructure and adequacy as well as school facility adequacy.

Final action on the Forest Glen/Montgomery Hills Sector Plan will be scheduled at a later date.

The meeting adjourned at 3:26 P.M.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council