



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, October 18, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:00 A.M. on Tuesday, October 18, 2022.

PRESENT

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

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented recognizing the 25th Anniversary of the Office of the Inspector General, by Councilmember Friedson
- B. Proclamation was presented recognizing National Disability Employment Awareness Month, by Council President Alborno and the County Executive

The Council recessed at 9:27 A.M. and reconvened at 9:31 A.M.

GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced the following:

[The County Council will be filling temporary Montgomery County Planning Board positions. Qualified parties must apply to the Council no](#)

[later than Oct.18 at 5 p.m. The Council is scheduled to interview the temporary members on October 25, 2022.](#)

Added to the consent calendar is introduction of Authorization of Optional Method for Condemnation of Land Clarksburg Road at Snowden Farm Parkway, CIP Project No. 508000.

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

No petitions were received this week.

C. **Action** - Approval of Minutes

There were no minutes for approval this week.

(2) **WORKSESSION** - [2022-2031 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan](#)

Mr. Levchenko, Senior Legislative Analyst, reviewed the recommendations of the Transportation and Environment (T&E) Committee, as contained in the staff report.

Supported all the recommendations of the T&E Committee as shown in the staff report, without objection. Final action on the Plan is scheduled for October 25, 2022.

The Council recessed at 9:53 A.M. and reconvened at 10:30 A.M.

(3) **INTERVIEWS** - [Merit System Protection Board](#)

Interviewed Dr. Chiles and Ms. Koppel, candidates for the Merit System Protection Board.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #29**

(4) **Introduction of Bills:**

A. [Bill 28-22, Common Ownership Communities - Duties, Requirements and Procedures](#)

Introduced draft #1 of **Bill 28-22**, sponsored by the Council President at the request of the County Executive. A public hearing will be scheduled at a future date.

(5) **INTERVIEW:** [County Attorney](#)

Interviewed Mr. John Markovs, Esquire, candidate for County Attorney.

(6) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Rice made the motion, which carried without objection.

- A. Adopted **Resolution 19-1408**, confirming the County Executive's appointments to the Commission on Landlord-Tenant Affairs: Alison Graham, Sherry Glazer, Destiny Igiebor, David Moskowitz, Nurith Berstein-Rosales.
- B. Adopted **Resolution 19-1409**, confirming the County Executive's appointments to the Commission for Women: Jodi Danis, Elizabeth Richards, LaDonna King, Ijeoma Enendu, Janet Lavalley, Leah Wade, Helene Meister.
- C. Adopted **Resolution 19-1410**, confirming the County Executive's appointments to the Western Montgomery County Citizens Advisory Board: Mark Rittenberg, Kristen Nelson.
- D. Adopted **Resolution 19-1411**, Abandonment - Portions of the Old Georgetown Road and Executive Boulevard rights-of-way in the White Flint District.
- E. **Acknowledged Receipt** - the Council acknowledges receipt of the following Inspector General Reports: 1) Cross Cutting Trends from FY21 and FY22 OIG Engagements; 2) Memorandum of Investigation: Disposal of Surplus Property Utilizing GovDeals.com; and 3) Performance Audit of Purchasing Card Usage - Office of Management and Budget, OIG Publication #23-004.
- F. Introduced an authorization of Optional Method for Condemnation of Land Clarksburg Road at Snowden Farm Parkway, CIP Project No. 508000.

The Council recessed at 11:35 A.M. and reconvened at 1:03 P.M.

PRESENTATION

- A. Proclamation was presented by Council President Alborno and the County Executive recognizing Energy Efficiency Day and Energy Action Month.

The Council recessed at 1:12 P.M. and reconvened at 1:31 P.M.

(7) **PUBLIC HEARING - [WSSC Water's FY24 Spending Control Limits](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by close of business on October 19, 2022. A T&E Committee worksession is tentatively scheduled for October 24, 2022.

(8) **PUBLIC HEARING - [Bill 26-22, Landlord-Tenant Relations - Radon Testing and Mitigation - Required](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by close of business on October 19, 2022. A Planning, Housing, and Economic Development (PHED) Committee worksession is tentatively scheduled for October 24, 2022.

(9) **DISTRICT COUNCIL SESSION**

- A. **Worksession - [Zoning Text Amendment \(ZTA\) 22-01, Antenna on Existing Structure - Use Standards](#)**

Ms. Ndou, Legislative Attorney, participated in the discussion.

Mr. Riemer, Chair of the PHED Committee, summarized the purpose of the ZTA and compared it to nearby jurisdiction's efforts to allow antennas on existing structures.

Supported without objection, Mr. Riemer's motion to revise the language to change "dwelling" to "building intended for human occupation". Due to a conflict of interest, Mr. Hucker recused himself from the vote.

Mr. Friedson noted the clerical correction required to change the language in the ZTA from allowing a setback "located at 90 feet" to "90 feet or less from a dwelling".

Ms. Ndou confirmed that the ZTA would apply to Rural Residential, Residential, and Planned Unit Development zones.

The Council is scheduled to vote on this ZTA on October 25, 2022.

B. **Worksession/Action - [Zoning Text Amendment \(ZTA\) 22-03, Downtown Silver Spring Overlay Zone](#)**

Mr. Riemer summarized that the purpose of the ZTA is to implement the overlay zones for the Downtown Silver Spring Overlay Zone.

Ms. Ndou provided a summary of the actions taken by the PHED Committee and the Planning Department to amend this ZTA.

Enacted **Ordinance 19-38**, adopting draft #2 of **ZTA 22-03**. The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Katz, Jawando, Riemer, Hucker, Navarro, Rice, Friedson, Glass
Albornoz

C. **Worksession/Action - [Sectional Map Amendment \(SMA\) H-146 to implement the Approved and Adopted Silver Spring Downtown and Adjacent Communities Plan](#)**

Ms. Dunn, Senior Legislative Analyst, participated in the discussion.

Adopted **Resolution 19-1412**, approving **SMA H-146** to implement the Approved and Adopted Silver Spring Downtown and Adjacent Communities Plan. Mr. Jawando made the motion which carried without objection.

Motion to Close

Agreed to meet in closed session to consult with counsel to obtain legal advice pursuant to Maryland Code, General Provisions Article §3-305(b)(7); and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topic was pending litigation involving the County.

Mr. Glass made the motion, which carried without objection.

The Council adjourned the open session at 2:20 P.M. and reconvened in the Capital Crescent Trail Conference Room in closed session at 2:28 P.M.

The meeting adjourned at 3:44 P.M.

Report of Closed Session of October 11, 2022

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 October 18, 2022. The Council convened in closed session at 2:28 p.m. in the Capital Crescent Trail Conference Room pursuant to Maryland Code, General Provisions Article §3-305(b)(7); and §3-305(b)(8); to consult with staff, consultants, or other individuals about pending or potential litigation. The topic was pending litigation involving the County.

The following persons were present: Councilmembers Albornoz, Friedson, Glass, Huckler, Jawando, Katz, Navarro, and Rice; Chiefs of Staff Nurmi, Gibson, Ikheloa, Ledner, Mandel-Trupp (virtually), Silverman (virtually); and Thorne; Ms. Shuman, Aide to Councilmember Albornoz; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Wellons, Senior Legislative Attorney; Ms. Sokoni, Legislative Attorney; Ms. Ndou, Legislative Attorney; Mr. Markovs, Acting County Attorney; Mr. Hartman, Office of the County Executive; Ms. Rupp, Clerk of the Council, and Ms. Paradise, Deputy Clerk.

Action: None.

The meeting adjourned at 3:44 P.M.

This is an accurate account of the meeting:



Judy Rupp
Clerk of the Council