



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, October 9, 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, October 9, 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 President Bradley Hugh Colton, Washington DC YSA Stake, The Church of Jesus Christ of Latter-Day Saints.

(1) GENERAL BUSINESS

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

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. The application deadline is October 10, 2018, at 5 P.M.

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

There were no petitions received this week.

C. **Approved** the minutes of September 25, 2018. Mr. Elrich was temporarily absent.

(3) **CONSENT CALENDAR**

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

- A. Adopted **Resolution 18-1260**, approving a supplemental appropriation to Montgomery County Public Schools' (MCPS) FY18 Operating Budget, Entrepreneurial Activities Fund - \$4,700,000 for School Bus Safety Camera Program.
- B. Adopted **Resolution 18-1261**, amending Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Montgomery County Collaboration Council for Children, Youth, and Families, Inc. and The National Center for Children and Families, Inc.
- C. **Introduced** an amendment to the County Government's FY19-24 Capital Improvements Program (CIP) and Special Appropriation to the FY19 Capital Budget, Department of Environmental Protection (DEP) - \$59,135 for Stormwater Management Retrofit: Countywide bridge replacement. A public hearing/action is tentatively scheduled for October 30, 2018, at 1:30 P.M.
- D. **Introduced** a special appropriation to the County Government's FY19 Operating Budget - \$225,000 for the Economic Development Fund. A public hearing/action is tentatively scheduled for October 23, 2018, at 1:30 P.M.
- E. **Introduced** a resolution to request a biennial report on the status of Farm Alcohol Production in Montgomery County by the Office of Agriculture. Action is tentatively scheduled for October 16, 2018. Councilmembers Riemer, Rice, Navarro, Katz, Elrich and Hucker requested to be added as co-sponsors.

(4) **DISTRICT COUNCIL SESSION**

- A. **Zoning Text Amendment 18-06, Moderately Priced Dwelling Unit (MPDU) - Bonus Density**

Participating in the discussion were Senior Legislative Analyst Zyontz, Ms. Govoni and Ms. Dunn, Planning Department staff; Mr. Snuggs, Director, and Ms. Killian, Department of Housing and Community Affairs (DHCA). Ms. Floreen, Chair of the Planning, Housing and Economic Development (PHED) Committee, reviewed the Committee's recommendation as contained in the analyst packet.

Councilmembers commented on the need to promote economic development, as well as affordable housing, in less-expensive areas of the County; the incentive structure used to promote affordable housing, and development impact taxes charged.

Ordinance 18-52 was enacted, approving ZTA 18-06.

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

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

The remaining District Council items and Legislative Session were postponed until the afternoon.

The Council recessed at 11:06 A.M. and reconvened at 11:16 A.M.

(6) **COMMEMORATION:** [Hispanic Heritage Month](#)

Welcomed the panel and viewed a video of interviews with local Hispanic residents on their experiences living and working in the County.

Received comments from panelists Dr. Maria Sprehn Malagón, author and Associate Professor of Anthropology at Montgomery College; Ms. Nelly Carrión, Director, Washington Hispanic; Mr. Julio Güity-Guevara, Afro-Latino Leader; and Mr. Miguel Lara, Chef and Owner, Chef Lara Spices.

Councilmembers acknowledged the panel's contributions to the County and expressed appreciation for their dedication to helping members of the Hispanic community.

Awards were presented to the panelists for their service to the community.

The Council recessed at 12:16 P.M. and reconvened at 1:35 P.M.

(7) **PUBLIC HEARING - [Bill 31-18, New Home Warranty and Builder Licensing - Amendments](#)**

The public hearing was conducted. Ms. Floreen was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 10, 2018. A Public Safety (PS) Committee worksession is tentatively scheduled for October 24, 2018.

(8) **PUBLIC HEARING - Bill 30 -18, Finance - Accessibility Features Supplement - Established**

The public hearing was conducted. Mr. Rice requested to be added as co-sponsor. Additional material for the Council's consideration should be submitted by the close of business on October 15, 2018. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for October 18, 2018.

(9) **PUBLIC HEARING/ACTION - Special Appropriation to the FY19 Capital Budget and Amendment to the FY19-24 CIP , Montgomery County Government, Department of Transportation (DOT) - \$1,565,000 for Teachers Way Extended**

The public hearing was held and the record closed.

Adopted **Resolution 18-1262**, approving the subject special appropriation to the FY19 Capital Budget and amendment to the FY19-24 CIP.

The T&E Committee made the motion, which carried unanimously.

(10) **BRIEFING - Climate Mobilization Work Group Report**

Due to time constraints, this item was removed from the agenda.

(4) **DISTRICT COUNCIL SESSION (continued from morning)**

B. **ZTA 18-07, Accessory Residential Use - Accessory Apartments**

Ms. Floreen reviewed the PHED Committee's recommendations, as contained in the analyst packet.

Ordinance 18-53 was enacted, approving ZTA 18-07. The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

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

C. **Worksession - ZTA 18-11, Telecommunications Towers - Approval Standards**

Participating in the worksession were Ms. Herrera, Project Manager, ultraMontgomery; Ms. Schwartz Jones, Director, Department of Permitting Services (DPS); Ms. Nurmi, Special Assistant to the County Executive; and Mr. Zyontz, Senior Legislative Analyst.

Mr. Riemer announced that straw votes would not be taken today so Councilmembers could focus on reviewing the Committee recommendations and discussing possible amendments regarding the placement of small cell antennas in residential areas.

Ms. Floreen, Chair of the PHED Committee, presented background on the subject ZTA, and Mr. Zyontz summarized the Committee recommendations, as contained in the analyst packet.

Discussed efforts by the Maryland General Assembly and the federal government to preempt the authority of local government to manage the placement and size of telecommunications towers in the public rights-of-way, and the importance of being able to demonstrate that the County has a balanced local solution to next-generation wireless infrastructure.

Deliberated the importance of ensuring increased access to mobile broadband services while addressing concerns about pole placement in neighborhoods. A number of other issues were discussed including appropriate setback, "limited use" areas of the County, size, design requirements, co-location, public notification and input by citizens, deadline for removal of old equipment, citations and enforcement, ability to charge the wireless industry fees for pole placement in rights-of-way, and including porches and decks in the setback measurement.

Mr. Berliner requested that staff review the section in the County Code on Transmission Facility Coordinating Group to see what areas need updating.

Opposed Mr. Katz's motion to table ZTA 18-11 and have the next Council take it up in 2019. Mr. Katz, Mr. Hucker and Mr. Elrich were in support. Mr. Rice, Mr. Berliner, Mr. Leventhal, Ms. Floreen, Ms. Navarro and Mr. Riemer were opposed.

Councilmembers agreed to circulate proposed amendments to allow legislative and executive staff an opportunity to review. Final action is tentatively scheduled for October 23, 2018.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #23**

(5) **Call of Bills for Final Reading:**

A. [**Bill 26-18, Landlord-Tenant Relations - Accessory Apartment Licensing**](#)

Ms. Floreen reviewed the PHED Committee's recommendation, as contained in the analyst packet.

Enacted draft #3 of **Bill 26-18**, as introduced.

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

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

B. Expedited Bill 24-18, Forest Conservation - Amendments

Legislative Attorney Mihill reviewed the intent of the legislation and the T&E Committee's recommendation, as contained in the analyst packet.

Enacted draft #2 of **Expedited Bill 24-18**. The T&E Committee made the motion and the expedited bill was enacted by a roll call vote:

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

The Council recessed at 4:42 P.M. and reconvened at 7:31 P.M.

(11) **PUBLIC FORUM - Community Grants Process/ Office of Legislative Oversight Report 2018-9: Montgomery County Council Community Grants**

The public forum was held and the record closed. Mr. Berliner, Ms. Floreen and Mr. Hucker were temporarily absent.

The meeting adjourned at 9:00 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council