



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, October 30, 2018

The County Council for Montgomery County, Maryland convened in the Council Conference Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:10 A.M on Tuesday, October 30, 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.

(1) **DISCUSSION** - [State Legislative Program](#)

Participating in the discussion were Ms. Wenger, Director, Ms. Boucher, Ms. Morningstar, Ms. Samman, Office of Intergovernmental Relations (OIR); and Ms. Frey, Department of Health and Human Services (DHHS).

Discussed the draft Montgomery County legislative priorities list for the 2019 session of the Maryland General Assembly, as contained in the analyst packet, including issues related to education, transportation, housing, health and human services, economic development, public safety, small cell antennas and local decision-making authority.

Noted that the legislative priorities will be finalized before the Joint House and Senate Priorities Hearing on November 14, 2018, which will be held in the 3rd floor Council Hearing Room.

Requested that the Vision Zero initiative be a transportation priority and emphasis on "State Highways as Complete Streets" be secondary. Requested language be added emphasizing the need for better collaboration between the State Highway Administration (SHA) and the County, to fast track identified safety issues on State roads, such as crosswalks and speed limits around bus stops, add eliminating the sunset provisions on the higher fine for drivers who illegally pass stopped school buses, and include language in the congestion relief plan requesting the

State work with the County to create more reversible lanes on State roads, such as Old Georgetown Road.

Regarding the I-495/I-270 Traffic Relief Plan priority, requested that the language be clarified for I-495 that improvements are for two, not four, reversible lanes within the existing right-of-way.

Mr. Snuggs, Director, Department of Housing and Community Affairs (DHCA) joined the discussion on affordable housing. Requested that figures, such as the percentage of the Maryland population that lives in Montgomery County and the number of low-income residents receiving tax credits compared to other counties, be added to the language on affordable housing.

Discussed the Make Office Vacancies Extinct (MOVE) priority. Mr. Rice offered to bring up the issue with the Maryland Association of Counties (MACo) to help get the word out on the MOVE program. Also, under economic development, requested language be added seeking support from the Governor to fund a program to assist small businesses that are disadvantaged by State construction projects, like the Purple Line.

Ms. Finkelstein joined the discussion on victims' rights. Mr. Rice requested that domestic violence be a separate line item.

Mr. Berliner requested that, under the Core Government Functions section, language be added increasing Maryland's renewable energy portfolio standard to 50 percent.

Discussed making the operator share the same for video lottery terminals and table games and how best to drum up interest in the General Assembly. Requested a breakdown on various financial arrangements at casinos in Maryland counties.

Under the Deployment of Small Cell Wireless Antennas item, Mr. Leventhal requested that the language be revised regarding the County's efforts to develop its own balanced solution.

Reviewed capital projects and noted that the major increase in steel costs due to new trade tariffs may call for adjustments to school construction projects.

The Council recessed at 10:27 A.M. and reconvened in the Council Hearing Room at 10:29 A.M.

REFLECTION - Lintaro Donovan, junior at Montgomery Blair High School

PRESENTATIONS

- A. The proclamation was presented by Mr. Katz recognizing Domestic Violence Prevention Awareness Month.
- B. The proclamation was presented by Mr. Rice recognizing Hughes Network Systems, LLC's Top Ten Ranking in Fortune Magazine's 2018 "Change the World" list.
- C. The proclamation was presented by Ms. Floreen recognizing National Women's Small Business Month.

(2) GENERAL BUSINESS

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

Ms. Limarzi, Clerk of the Council, announced an addendum to the agenda adding for introduction a special appropriation to the County Government's FY19 Operating Budget, Office of Emergency Management and Homeland Security - \$200,000 for Emergency Management Planning, Response and Recovery; deleting the District Council session and action on Zoning Text Amendment 18-11, Telecommunications Towers - Approval Standards, and a resolution to approve amendments to the Office of Zoning and Administrative Hearings (OZAH) Rules of Procedure governing zoning, conditional uses and Board of Appeals referral cases; and adding a closed session to consider matters that concern a proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, General Provisions Article §3-305(a)(4). Topic was the retention of a certain business in the County.

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

There were no petitions received this week.

- C. **Approved** the minutes of October 9 and 16, 2018, without objection.

(3) CONSENT CALENDAR

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

- A. **Introduced** a [resolution to approve FY20 Council Grants process](#). Action is tentatively scheduled for November 15, 2018.

- C. Adopted **Resolution 18-1271**, approving the Maryland Economic Development Assistance Authority and Fund Loan to assist Host Hotels & Resorts, Inc.'s and Host Hotels & Resorts, L.P.'s retention in Montgomery County (\$600,000).
- D. **Introduced** an amendment to the FY19-24 Capital Improvements Program (CIP) and Special Appropriation to the FY19 Capital Budget, Department of General Services (DGS) - \$3,267,000 for Salt Storage Facility. A public hearing/action is tentatively scheduled for November 27, 2018, at 1:30 P.M.
- E. **Introduced** a supplemental appropriation to Montgomery County Public Schools' (MCPS) FY19 Capital Budget and amendment to the FY19-24 CIP, Planned Life Cycle Asset Replacement - \$602,651 to fund eligible projects through the Aging Schools program. A public hearing/action is tentatively scheduled for November 27, 2018, at 1:30 P.M.
- F. **Introduced** a special appropriation to the County Government's FY19 Operating Budget, Office of Emergency Management and Homeland Security - \$200,000 for Emergency Management Planning, Response and Recovery. A public hearing/action is tentatively scheduled for November 27, 2018, at 1:30 P.M.

(3.1) **ACTION** - Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes

Mr. Levchenko, Senior Legislative Analyst; Ms. Neslon, Planning staff; and Mr. Soukup, Department of Environmental Protection (DEP), participated in the discussion.

Mr. Berliner, Chair of the Transportation, Infrastructure, Energy and Environment (T&E) Committee, reviewed the recommendations of the Committee, as contained in the analyst packet, noting that there was not a majority recommendation on the application from Sami and Siham Ainane, 17-TRV-10A, which requested that the existing S-1 designation on an existing lot currently served by septic be transferred to an adjacent outlot. He noted that the parcel was approved for a single sewer connection through the abutting mains policy and that the outlot is not eligible for sewer service under this policy.

Defeated Mr. Rice's motion to approve the Ainane application, with language developed by staff to address the unique circumstances associated with the property and to require the applicant to submit a concept plan for development of the property: Councilmembers Leventhal, Rice and Floreen voted in the affirmative.

Resolution 18-1272 was adopted, approving the amendments to the Ten-Year Water Supply and Sewerage Systems Plan: water and sewer category changes, as amended. The T&E Committee and Mr. Berliner made the motion, which carried unanimously.

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

Mr. Elrich, Chair of the Public Safety (PS) Committee, reviewed the recommendation of the joint PS/Government Operations and Fiscal Policy (GO) Committee, as contained in the analyst packet.

Resolution 18-1273 was adopted, approving the subject Declaration of No Further Need. The PS/GO Committee made the motion, which carried unanimously.

- (5) **WORKSESSION/ACTION** - [Special appropriation to the County Government's FY19 Operating Budget - \\$225,000 for the Economic Development Fund](#)

Legislative Analyst Smith reviewed the purpose of the subject special appropriation, as contained in the analyst packet.

Resolution 18-1274 was adopted, approving the subject special appropriation. Mr. Leventhal made the motion, which carried unanimously.

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

Mr. Smith reviewed the purpose of the special appropriation, as contained in the analyst packet.

Resolution 18-1275 was adopted, approving the subject special appropriation. Mr. Elrich made the motion, which carried unanimously.

- (7) **WORKSESSION/ACTION** - [Resolution to approve Rules of Procedure for Agency Referral and Accessory Apartment cases heard by the OZAH](#)

Hearing Examiner Gross reviewed the purpose of the subject resolution, as contained in the analyst packet.

Resolution 18-1276 was adopted, approving the subject Rules of Procedure. Ms. Floreen made the motion, which carried unanimously.

- (8) **UPDATE** - [Early childcare and education](#)

Participating in the discussion were Ms. Ahluwalia, Director, and Ms. Barnes, Chief, Children, Youth, and Families, Department of Health and Human Services (DHHS); Dr. Navarro, Chief Academic Officer, and Dr. Collins, Director,

Division of Title I and Early Childhood Programs and Services, Montgomery County Public Schools (MCPS); and Ms. Yao, Legislative Analyst.

Received an update on childcare and early education in the County, including the status of publicly-funded preK programming currently being implemented and new programming and services for FY19, the Kirwan Commission, changes to the State Childcare Subsidy and County Working Parents Assistance (WPA) programs, and findings of the Montgomery County Child Care Cost Model Report.

Recommended scheduling a follow up discussion on early care and education programs with the new 19th County Council in early 2019 after the Kirwan Commission recommendations are released and while the Maryland General Assembly is reviewing State programming and funding. This timeframe would also permit policy direction from the new County Executive and guidance for the FY20 operating budget.

Mr. Elrich requested that future figures on school readiness reflect the number of children who are not ready to learn in school, rather than those who are ready. Mr. Elrich also requested information on the number of children that are not receiving early childcare services from public schools and community-based providers, which children are receiving childcare subsidies, and an estimate of the children in informal care settings.

Mr. Riemer requested figures for providing full-day preK services to children in families at 185% of the federal poverty level. He noted that the cost of providing full-day preK to all remaining four-year-olds under 300% of the federal poverty level to be approximately \$32-\$38 million.

Mr. Elrich requested information about the certification and educational requirements and compensation rates of childcare center teachers and staff that were taken into consideration in developing cost estimates for the quality of childcare cost study.

Mr. Rice noted that the Kirwan Commission is considering major changes to preK, such as free or subsidized full-day preK for low-income children, and that the Commission's report is due to be completed by the end of December 2018.

Requested that the 2019 legislative priorities for the County be reviewed to include early care and education and address barriers to the delivery of quality childcare services.

The Council recessed at 12:52 P.M. and reconvened at 1:47 P.M.

- (9) **PUBLIC HEARING** - Amendment to the FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, Maryland-National Capital Park and Planning Commission (M-NCPPC) , Department of Parks - \$1,000,000 for Small Grant/Donor-Assisted Capital Improvements

The public hearing was conducted. Mr. Huckler and Mr. Leventhal were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on November 8, 2018. Council worksession/action is tentatively scheduled for November 13, 2018.

- (10) **PUBLIC HEARING** - Amendment to the FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, M-NCPPC, Department of Parks - \$116,562 for Acquisition: Local Parks

The public hearing was conducted. Mr. Huckler and Mr. Leventhal were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on November 8, 2018. Council worksession/action is tentatively scheduled for November 13, 2018.

- (11) **PUBLIC HEARING** - Amendment to the FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, M-NCPPC - \$99,500 for ADA Compliance: Non-Local Parks

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 November 8, 2018. Council worksession/action is tentatively scheduled for November 13, 2018.

- (12) **PUBLIC HEARING** - Amendment to the FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, M-NCPPC, Department of Parks - \$180,000 for Minor New Construction - Non-Local Parks

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 8, 2018. Council worksession/action is tentatively scheduled for November 13, 2018.

- (13) **PUBLIC HEARING** - Amendment to the FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, M-NCPPC, Parks Department, \$680,000 for Josiah Henson Historic Park

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on November 8, 2018. Council worksession/action is tentatively scheduled for November 13, 2018.

- (14) **PUBLIC HEARING** - 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.

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 30, 2018. An HHS Committee worksession is tentatively scheduled for November 1, 2018.

- (15) **PUBLIC HEARING/ACTION** - Amendment to the County Government's FY19-24 CIP and Special Appropriation to the FY19 Capital Budget, Department of Environmental Protection (DEP) - \$59,135 for Stormwater Management Retrofit: Countywide bridge replacement

The public hearing was held and the record closed.

Adopted **Resolution 18-1277**, approving the subject special appropriation and CIP amendment.

Mr. Berliner made the motion, which carried unanimously.

Motion to Close

The Council adjourned the open session at 2:36 P.M. and reconvened in closed session from 2:38 P.M. to 3:49 P.M. in the 3rd floor Council Conference Room. Mr. Katz made the motion, which carried unanimously.

Report of Closed Session of October 30, 2018

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, October 30, 2018. The Council convened in closed session at 2:38 P.M. in the 3rd floor Council Conference Room to consider matters that concern the proposal for a business or industrial organization to locate, expand, or remain in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4). Topic was retention and expansion of a certain business in the County.

The meeting was closed on a motion by Mr. Katz, which carried without objection. The following persons were present: Councilmembers Leventhal, Floreen, Berliner, Elrich, Katz, Hucker, Navarro, Rice and Riemer; Confidential Aides Jablow, Mandel-Trupp, Gibson, Goldstein, Kunes, Silverman, Tibbitts, and Wilson; Ms. Ledner, Aide to Councilmember Rice; Mr. Smith, Legislative Analyst; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Ms. Benjamin, Ms. Kirkland and Ms. Nurmi, Office of the County Executive; Ms. Miller, Montgomery County Economic Development Corporation; Ms. Boyer and Mr. McGinnity, Department of Finance; Ms. Limarzi, Clerk; and Ms. Paradise, Deputy Clerk.

Action: Provided guidance to Executive Branch staff.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council