



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 19, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:33 A.M. on Tuesday, March 19, 2019.

PRESENT

Councilmember Nancy Navarro, President
Councilmember Gabe Alborno
Councilmember Evan Glass
Councilmember Will Jawando

Councilmember Sidney Katz, Vice President
Councilmember Andrew Friedson
Councilmember Tom Hucker
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Imam Faizul Khan, Islamic Society of the Washington area.

GENERAL BUSINESS

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

Ms. Limarzi, Clerk of the Council, announced an addendum to the agenda, deleting a reflection from Ms. Emmet Khasay and adding an invocation from Imam Faizul Khan; adding introduction and action on a resolution to reaffirm the Council's solidarity with the Muslim Community and denouncing acts of terrorism, islamophobia, and hate; and correcting the title of Bill 8-19, Erosion, Sediment Control and Stormwater Management - High PAH Sealants.

(0.279) [Additional amendments to the FY19-24 Capital Improvements Program have been proposed. These amendments will be included in the operating budget public hearings on April 8, 9, and 10, 2019.](#)

- (1) B. **Acknowledgement - Receipt of Petitions**
There were no petitions received this week.
- C. **Approved** the minutes of March 4 and 5, 2019, without objection.

(1.5) **INTRODUCTION/SUSPENSION OF RULES/ACTION - Resolution to reaffirm the Council's solidarity with the Muslim Community and denouncing acts of terrorism, islamophobia, and hate, sponsored by the County Council**

Approved without objection Mr. Riemer's motion to introduce and suspend the rules to allow action on the subject resolution. Mr. Rice was temporarily absent.

Adopted **Resolution 19-55**, affirming the Council's solidarity with the Muslim Community and denouncing acts of terrorism, islamophobia, and hate. Mr. Katz made the motion, which carried unanimously.

(2) **CONSENT CALENDAR**

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

- A. **Received and Released** the Office of Legislative Oversight (OLO) Report 2019-3, Afterschool Bookings at Montgomery County Public School (MCPS) Elementary Schools. An Education & Culture (E&C) Committee worksession is tentatively scheduled for April 1, 2019.
- B. Adopted **Resolution 19-56**, renewing the Council contract for audit services.
- C. Adopted **Resolution 19-57**, amending Resolution 18-1144, Section G, FY19 Designation of Entities for Non-Competitive Award Status: Adult Day Health, Inc.; A-Plus Adult Medical Day Care Center Corporation; Chinese Culture and Community Service Center, Inc.; Easter Seals Serving DC/MD/Va, Inc.; Evergreen Adult Medical Daycare Center, Inc.; Holy Cross Health, Inc.; Jasmine Medical Daycare Center, Inc.; Jewish Council for the Aging of Greater Washington, Inc.; JSK Care Group, LLC; Loving Care, LLC; Montgomery Adult Day Care, Inc.; The Washington-McLaughlin Adult Day Care Center, Inc.; Winter Growth, Inc.; and Worldshine International, LLC.
- D. Adopted **Resolution 19-58**, amending Resolution 18-1144, Section G, Designation of Entities for Non-competitive Contract Award Status: Launch Workplace, LLC.

- E. **Introduced** a resolution to approve Declaration of No Further Need: Disposition of the former Silver Spring Library site located at 8901 and 8907 Colesville Road in Silver Spring. A public hearing is scheduled for April 10, 2019, at 1:30 P.M.
- F. Adopted **Resolution 19-59**, transferring right-of-way franchise to Dark Fiber and Infrastructure, LLC.

(3) **BRIEFING - Managed Lanes Study**

Participating in the discussion were Secretary Rahn, Maryland Department of Transportation (MDOT); and Mr. Slater, State Highway Administration (SHA).

Received a briefing on the status of the I-495 and I-270 Managed Lanes Study, which was undertaken by SHA to develop alternatives and options to reduce traffic congestion on those highways through the construction of additional lanes. Under a public-private partnership (P3) arrangement, the lanes would be designed, constructed, and operated by a concessionair; revenue would be derived by tolls on the additional lanes. Seven screened alternatives have been selected for further consideration, based on six objectives: engineering, homeland security, movement of goods and services, multi-modal connectivity, financial viability, and environmental impact.

Councilmembers commented on right-of-way issues and reminded Secretary Rahn of Governor Hogan's promise that no homes or businesses would be taken as a result of the project; environmental concerns; and the need for more community engagement, including meetings in the Germantown area as well as providing information in multiple languages.

Councilmembers suggested that the American Legion Bridge and I-270 should be top priorities; that transit options, including Bus Rapid Transit (BRT), expansion of MARC rail service, and a monorail system should be considered along with transit connections to northern Virginia, and that the Purple Line should be linked to the project.

Mr. Friedson requested follow-up information on noise walls and noise abatement related to Carderock Elementary School.

Mr. Hucker requested that information on regional traffic studies be forwarded to the Council.

Ms. Navarro announced that the Legislation Session would be postponed to the afternoon session.

The meeting recessed at 12:08 P.M. and reconvened at 1:33 P.M.

(6) **PUBLIC HEARING - Corrective Map Amendment: H-130 for Takoma Park Master Plan**

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 March 20, 2019. A Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for March 25, 2019.

(7) **PUBLIC HEARING - Zoning Text Amendment (ZTA) 19-03, Commercial/Residential Zones - Animal Boarding and Care**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 26, 2019. A PHED Committee worksession is tentatively scheduled for April 1, 2019.

(8) **PUBLIC HEARING - Bill 2-19, Health - Lead in Drinking Water - Schools**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 28, 2019. A joint Health and Human Services (HHS) and Education and Culture (E&C) Committee worksession is tentatively scheduled for Tuesday, April 2, 2019.

(9) **PUBLIC HEARING - Resolution to adopt Bill 2-19, Health - Lead in Drinking Water – Schools, 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 March 20, 2019. A joint HHS/E&C Committee worksession is tentatively scheduled for Tuesday, April 2, 2019.

(10) **PUBLIC HEARING/ACTION - Special appropriation to MCPS FY19 Operating Budget - \$384,986 for Emergency Impact Aid grant**

The public hearing was held and the record closed.

Adopted **Resolution 19-60**, approving the subject special appropriation. Mr. Katz made the motion, which carried unanimously.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #7**

(4) **Introduction of Bills:**

- A. **Bill 8-19, Erosion, Sediment Control and Stormwater Management - High PAH Sealants**

Introduced draft #6 of the subject bill, sponsored by Councilmember Rice. A public hearing is scheduled for April 23, 2019, at 1:30 P.M.

Ms. Navarro requested to be added as a co-sponsor of the bill.

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

- A. **Expedited Bill 3-19, Administration - Executive Branch - Non-Merit Positions**

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 **Expedited Bill 3-19**, as shown at the end of these minutes.

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

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

(11) **DISCUSSION - Leveraging the County's assets for business attraction and retention**

Participating in the discussion was Mr. Petr, Chief Executive Officer and President, Montgomery County Economic Development Corporation (MCEDC). Noted that a number of MCEDC Boardmembers were in attendance.

Received a briefing from Mr. Riemer, Chair of the PHED Committee, and Mr. Smith, Legislative Analyst, on the County's economy, including data on private jobs by economic sectors, upshot of transferring the County's marketing and business development function from the Department of Economic

Development (DED) to MCEDC; and economic development strategies, as contained in the staff report. Mr. Petr provided an update on the marketing of the County's economic assets to grow businesses.

Discussed the downward trend in the County in most areas of private sector jobs as well as job growth in food services, healthcare and professional services sectors; MCEDC's strategic plan and marketing strategies to increase the recruitment pipeline; engaging businesses, assisting small businesses and growing local entrepreneurship; website content and social media; and marketing specific areas of the County, building public-private partnerships and raising private funds to support MCEDC.

Requested information from early 2016, when MCEDC became operational, to the present, a then and now comparison of job numbers, including number of new jobs created or retained (by economic sector, including biotech) and how many were from municipalities, and average salaries. Requested information on what additional functions MCEDC provides as a result of a budget that is almost 3.5 times greater than the former DED. Requested a comparison of economic development funding and job growth by similar neighboring jurisdictions; information on the number of businesses that have been connected to Angel Resource Institute, Maryland Tech Council, venture capitalists, etc.; and a breakdown of business sectors (small, medium and large) in the pipeline as well as closed projects in the pipeline.

Ms. Navarro noted that this is the beginning of an exciting conversation with a new County Executive, as well as new Councilmembers, to help take economic development to a higher level as the County moves forward with an innovative, inclusive and collaborative vision for economic development.

The meeting adjourned at 4:03 P.M.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Megan Davey Limarzi, Esq.
Clerk of the Council

Expedited Bill No. 3-19
 Concerning: Administration – Executive Branch – Non-Merit Positions
 Revised: 3/15/2019 Draft No. 2
 Introduced: February 12, 2019
 Enacted: March 19, 2019
 Executive: [date signed]
 Effective: [date takes effect]
 Sunset Date: None
 Ch. , Laws of Mont. Co.

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) designate certain positions in the Executive Branch as non-merit positions; and
- (2) generally amend the laws governing non-merit positions in the Executive Branch.

By amending

Montgomery County Code
 Chapter 1A, Structure of County Government
 Sections 1A-203

Montgomery County Code
 Chapter 2, Administration

Boldface	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

Sections 2-26, 2-27, 2-30, 2-56, 2-58D, and 2-64K.

The County Council for Montgomery County, Maryland, approves the following act:

Sec 1. Sections 1A-203, 2-26, 2-27, 2-30, 2-56, 2-58D, and 2-64K are amended as follows:

1A-203. Establishing other offices.

- (a) *Executive Branch.* These are the offices of the Executive Branch that are not part of a department or principal office:

* * *

Office of Community Use of Public Facilities ([section 44-4] 2-64M)

* * *

2-26. Non-merit positions.

The following positions in the Office of the County Executive are non-merit positions:

- (a) 5 Directors of the Regional Services Centers;
- (b) Director, Office of Community Partnerships;
- (c) Director, Criminal Justice Coordinating Commission;
- (d) 4 Assistant Chief Administrative Officers; [and]
- (e) Special Projects Manager; [.]
- (f) Chief Labor Relations Officer;
- (g) Chief Digital Officer; and
- (h) Chief Equity Officer.

2-27. Functions and organization.

- (a) Generally. The Department of Housing and Community Affairs has the following functions:

* * *

- (b) Non-merit position. The position of Deputy Director is a non-merit position.

2-30. Department of General Services — Functions.

[The Department of General Services must:]

- (a) Generally. The Department of General Services must:

- [(a)] (1) acquire and dispose of real property, except real property used (or intended to be used) for right-of-way governed under Chapter 49, including roads, streets, highways, bridges, culverts, storm drainage systems, pedestrian and bicycle pathways and walkway systems;
- [(b)] (2) design and build County buildings, including public parking facilities under Chapter 60;
- [(c)] (3) maintain County vehicles, including heavy and light equipment and transit equipment;
- [(d)] (4) remodel and renovate County buildings, except public parking facilities under Chapter 60, which remain open during the remodeling or renovation;
- [(e)] (5) repair and maintain County buildings, except public parking facilities under Chapter 60;
- [(f)] (6) manage County property and identify and acquire real property needed for the operation of County government;
- [(g)] (7) plan and implement the use of space in County buildings; and
- [(h)] (8) operate mail, printing, duplication, and archiving services.

- (b) Non-merit position. The position of Deputy Director is a non-merit position.

2-56. Non-merit positions.

The positions of Deputy Director of Operations and Transportation Policy Officer [of the Department of Transportation is a] are non-merit positions.

2-58D. Functions.

* * *

(e) *Non-merit positions.* The positions of Chief Technology Officer, Chief Broadband Officer, and Chief Data Officer [is a] are non-merit positions.

2-64K. Functions.

(a) *Generally.* The [office of management and budget shall have] Office of Management and Budget has the following functions:

[(a)] (1) [Preparation] preparation and administration of the annual operating budget, six-year public services program and related matters[.];

[(b)] (2) [Preparation] preparation and administration of the annual capital budget, six-year capital improvements program and related matters[.];

[(c)] (3) [Planning] planning for county facilities[.];

[(d)] (4) [Program] program evaluation[.];

[(e)] (5) [Coordination] coordination of productivity improvement activities, including management, organization and systems analyses and projects[.];
and

[(f)] (6) [Other] other management functions as assigned by the chief administrative officer.

(b) *Non-merit position.* The position of Deputy Director for Results is a non-merit position.

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Sec. 3 Transition - Certain Incumbents.

(a) If, on the effective date of this Act, an employee who [(1) has obtained merit system status and (2) is not in a promotional probationary period,] occupies a position that this Act converts to a non-merit position:

[(a)] (1) that employee retains all merit system rights; and

[(b)] (2) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

(b) An employee who, on the effective date of this Act, is in a probationary period for a position that this Act converts to a non-merit position:

(1) that employee retains all merit system rights upon successful completion of the probationary period; and

(2) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.