



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, June 18, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:34 A.M. on Tuesday, June 18, 2019.

### PRESENT

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

The President in the Chair.

The Council held a moment of silence.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Katz recognizing the Chesapeake K-9 fund and the contributions they have made to the Montgomery County Fire and Rescue Service (MCFRS).
- B. Proclamation was presented by Mr. Jawando recognizing Sonia Pruitt as the first African American woman to achieve the rank of Captain with the Montgomery County Police Department.

### GENERAL BUSINESS

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

Ms. Paradise, Deputy Clerk of the Council, announced an addendum to the agenda adding a proposed closed session to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation,

removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b)(1)(i). The topic was Planning Board appointments.

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

Acknowledged a petition from residents of Montgomery County supporting Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments.

C. Approved the minutes of May 9, 13, 14, 15, 16 and 20, 2019, without objection.

(2) **CONSENT CALENDAR**

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

- A. **Introduced** a resolution approving the **Tax Supported Fiscal Plan Summary for the FY20-25 Public Services Program**. A Government Operations and Fiscal Policy (GO) committee worksession is tentatively scheduled for June 20, 2019.
- B. Adopted **Resolution 19-144**, approving Executive Regulation 10-19, Position Description: Deputy Director of Operations, Department of Transportation (DOT).
- C. Adopted **Resolution 19-145**, approving Executive Regulation 4-19, Position Description: Transportation Policy Officer, DOT.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #13**

(3) **Introduction of Bills:**

A. **Bill 14-19, Police - Policing Advisory Commission - Established**

Introduced draft #6 of **Bill 14-19**, sponsored by Councilmembers Riemer and Jawando. A public hearing is scheduled for July 9, 2019, at 7:30 P.M.

Councilmembers Huckler and Glass requested to be added as co-sponsors of the bill.

B. **Expedited Bill 15-19, Contracts and Procurement - Minority Owned Businesses - Sunset Date - Amendments**

Introduced draft #1 of **Expedited Bill 15-19**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 9, 2019, at 1:30 P.M.

C. **Expedited Bill 16-19, Special Capital Improvements Project - Gude Landfill Remediation**

Introduced draft #1 of **Expedited Bill 16-19**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 25, 2019, at 1:30 P.M.

D. **Expedited Bill 17-19, Bond Authorization - Stormwater Management**

Introduced draft #1 of **Expedited Bill 17-19**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 25, 2019, at 1:30 P.M.

E. **Bill 18-19, Landlord Tenant Relations - Relocation Expenses**

Introduced draft #1 of **Bill 18-19**, sponsored by Councilmember Jawando. A public hearing is scheduled for July 16, 2019, at 1:30 P.M.

Councilmembers Katz, Huckler, Navarro and Rice requested to be added as co-sponsors of the bill.

F. **Expedited Bill 19-19, Economic Development - Workforce Development - Amendments**

Introduced draft #2 of **Expedited Bill 19-19**, sponsored by Council President Navarro and Councilmember Jawando. A public hearing is scheduled for July 16, 2019, at 1:30 P.M.

(4) **DISTRICT COUNCIL SESSION**

A. **Worksession - ZTA 19-01, Accessory Residential Uses - Accessory Apartments**

Participating in the discussion were Mr. Motazed, Division Chief, Zoning and Site Plan Enforcement, Department of Permitting Services (DPS);

Ms. Govoni, Housing Specialist, Montgomery County Planning Department; Mr. Zyontz and Ms. Dunn, Senior Legislative Analysts.

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, opened the discussion by noting that a great deal of misinformation is circulating regarding the ZTA, stating that the goal of the ZTA is to create new housing opportunities in the County, and noting that the creation of accessory dwelling units (ADUs) would have minimal impact in terms of the number of housing units created.

Mr. Riemer said that today's session is a worksession and no votes would be taken and that action on the ZTA is anticipated on July 9, 2019.

Mr. Riemer, Mr. Zyontz and Ms. Dunn reviewed the Committee's recommendations, as contained in the staff report.

Considered whether detached ADUs should be allowed in smaller lot zones, including possible limits on unit size and height, and enforcement issues. Expressing concern about potential disruption to neighborhoods, Mr. Albornoz requested additional analysis on fence requirements, and requested staff provide visual examples of detached ADUs to show the size and scope of allowable homes. He also requested additional analysis on stormwater management issues, which would be covered in a later bill.

Discussed whether the distance requirement between ADUs (currently 500 feet in large lot zones and 300 feet in smaller lot zones) should be deleted, noting that the impact of ADUs on school enrollment would be modest. Councilmembers spoke to the need for an evaluation of the ADU program at regular intervals to determine if overconcentration of ADUs was a concern.

Reviewed current parking requirements for ADUs and the PHED Committee's recommendation to retain the current parking requirements for dwellings located more than one mile from Metrorail and Purple Line stations and having no additional on-site parking requirements for ADUs within a one-mile radius of rail stations. Mr. Albornoz and Mr. Katz supported the current parking requirements within a one-half mile radius of rail stations; Mr. Friedson and Mr. Jawando supported the Committee's recommendation.

Mr. Glass requested staff provide data on the number of vehicle registrations within a one-half mile radius of rail stations and information on any current nighttime parking programs. Mr. Rice suggested that proximity to MARC rail stations also be included in the parking requirements. Mr. Friedson requested additional information on current residential parking programs in the County.

Discussed whether the requirement that the ADU be in a structure at least five years old be deleted, and if ADUs should be allowed in new construction. Noted that the landowner must live on the property which would prevent developers from constructing two new rental units.

The Council is scheduled to continue discussion of ZTA 19-01 on July 9, 2019.

The meeting recessed at 12:32 P.M. and reconvened at 1:34 P.M.

(9) **PUBLIC HEARING - [Bill 12-19, Human Rights and Civil Liberties - Building Maintenance Worker - Minimum Work Week](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 19, 2019. A Health and Human Services (HHS) Committee worksession is tentatively scheduled for June 24, 2019.

(10) **PUBLIC HEARING - [Bill 13-19, County Property - Disposition - Reuse Analysis](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 24, 2019. A GO Committee worksession is tentatively scheduled for July 15, 2019.

**MOTION TO CLOSE**

Agreed to meet in closed session to discuss appointment, employment assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b) (1)(i). Topic was Planning Board appointments.

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

The Council adjourned the open session at 2:02 P.M. and convened in closed session at 2:08 P.M. in the Council Conference Room. The meeting adjourned at 2:46 P.M.

**Report of Closed Session of June 18, 2019**

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, June 18,

2019. The Council convened in closed session at 2:08 P.M. in the 3<sup>rd</sup> floor Council Conference Room to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b)(1)(i). The topic was Planning Board appointments.

The meeting was closed on a motion by Mr. Riemer, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Alborno, Friedson, Glass, Jawando, Hucker, Rice and Riemer; Confidential Aides Mandel-Trupp, Gibson, Kunes, Silverman, Ikheloa, Thorne, Nurmi, Carranza and Ledner; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Ms. Mihill, Legislative Attorney; and Ms. Brown, Deputy Clerk.

**Action:** None.

The meeting adjourned at 2:46 P.M.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

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Megan Davey Limarzi, Esq.  
Clerk of the Council