



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, July 9, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, July 9, 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 invocation was given by Rabbi Michael Safra, B'nai Israel Congregation.

**PRESENTATION** - Proclamation was presented by Mr. Friedson and Mr. Albornoz recognizing National Parks and Recreation Month.

### GENERAL BUSINESS

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

There were no agenda or calendar changes.

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

There were no petitions received this week.

C. **Approved** the minutes of June 11, 13 and 14, 2019, and the closed session minutes of June 11 and 14, 2019, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz made the motion, which carried unanimously.

- A. **Introduced** a resolution approving the FY20 schedule of revenue estimates and appropriations.
- B. Adopted **Resolution 19-157**, approving Executive Regulation 9-19, Position Description: Chief Digital Officer, Office of the County Executive.
- C. Adopted **Resolution 19-158**, approving Executive Regulation 7-19, Position Description: Chief Equity Officer, Office of the County Executive.
- D. Adopted **Resolution 19-159**, approving Executive Regulation 12-19, Position Description: Deputy Director for Results, Office of Management and Budget.
- E. Adopted **Resolution 19-160**, approving Executive Regulation 6-19, Position Description: Chief Broadband Officer, Department of Technology Services.
- F. Adopted **Resolution 19-161**, approving Executive Regulation 5-19, Position Description: Chief Data Officer, Department of Technology Services.
- G. **Introduced** an amendment to the FY19-24 Capital Improvements Program (CIP) and Supplemental Appropriation to the FY20 Capital Budget, Montgomery County Public Schools (MCPS), \$1,722,000 for School Security System.
- H. Adopted **Resolution 19-162**, petitioning the State for grants for the Montgomery College FY20 Capital Budget: \$35,621,000 for the construction of the Takoma Park/Silver Spring Math and Science Project.
- I. **Introduced** a resolution to amend the FY20 Operating Budget Resolution 19-128, Section G, Designation of Entities for Non-Competitive Contract Award Status: Jewish Council for Aging of Greater Washington, Inc.
- J. **Introduced** a supplemental appropriation to the FY20 Operating Budget for Montgomery County Government, Department of Transportation (DOT), \$50,000 for the Jewish Council for the Aging Mislser Adult Day Care Center. A Transportation and Environment (T&E) committee worksession is tentatively scheduled for July 25, 2019. A public hearing and action are tentatively scheduled for July 30, 2019 at 1:30 P.M.

- K. Adopted **Resolution 19-163**, amending Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: MoCo Kidsco, Inc. d/b/a KID Museum.
- L. Adopted **Resolution 19-164**, amending Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Interfaith Works, Inc.
- M. Adopted **Resolution 19-165**, amending Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Montgomery County Historical Society, Inc.
- N. Adopted **Resolution 19-166**, approving the extension until December 31, 2019, of the appointment of Acting Director, Department of Public Libraries: Anita Vassallo.
- O. Adopted **Resolution 19-167**, approving the Declaration of No Further Need: Disposition of the former Silver Spring Library site located at 8901 and 8907 Colesville Road in Silver Spring.
- P. **Introduced** an amendment to the FY19-24 CIP for Montgomery County Government, Department of Technology Services (DTS), Public Safety System Modernization project. A public hearing and action are tentatively scheduled for July 30, 2019 at 1:30 P.M.

(3) **DISTRICT COUNCIL SESSION**

- A. **Worksession - Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments** (*continued*)

Participating in the discussion were Ms. Dunn, Senior Legislative Analyst; Mr. Motazedi, Department of Permitting Services (DPS); Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Wright, Director, and Mr. Sartori, Planning Department.

Ms. Navarro stated that final action on the ZTA would be taken on July 23, 2019; and that an omnibus bill would be forthcoming to address issues not covered in the ZTA.

Ms. Dunn and Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee's recommendations, as contained in the staff report.

Approved, without objection, (Mr. Jawando and Mr. Hucker were temporarily absent) Mr. Friedson's motion to add language at the end line of line 162 regarding Detached Accessory Apartments to read:

- b. Any structure legally constructed before May 31, 2012 that is not increased in size or building height and does not have a new window on a wall nearest abutting property may be used for a Detached Accessory Apartment without regard to setbacks or floor area.

Approved, without objection, Mr. Albornoz's motion to require increased setbacks for accessory structures greater than 24 feet in length.

Approved, without objection, Mr. Riemer's motion to prohibit a second entrance on the front of the property. The entrance to the accessory dwelling unit (ADU) must be on the side or rear of the property.

Agreed that the owner of the property should be required to live on the site, either in the primary residence or the ADU.

Supported the request from the City of Takoma Park to allow the City to have more liberal parking standards than set forth in the ZTA.

Supported Mr. Friedson's motion to approve the editorial changes recommended by Hearing Examiner Grossman, as shown on page 5 of the staff report.

Approved, without objection, Mr. Friedson's motion to amend the PHED Committee's recommendation regarding the maximum size of an ADU from 50% of the gross floor area to 50% of the footprint of the principal dwelling.

Defeated Mr. Albornoz's motion to limit the maximum size of a detached ADU to 800 square feet. Mr. Albornoz, Mr. Katz, and Mr. Glass voted in the affirmative. Mr. Katz's proposed amendment to limit the size of a detached ADU to 1000 square feet in R-90 zones did not receive a second.

The Council received illustrations from Planning staff showing how the increased setback would look for accessory structures with heights over 15 feet.

Considered Mr. Albornoz's motion to require a minimum 6-foot high fence for any newly-constructed detached ADU in the R-90 and R-60 zones, and Ms. Dunn's suggestion that a provision could be added to require a "privacy" fence. The Council agreed to come back to this issue and

Mr. Albornoz said he would work with Council staff to draft options for consideration, as well as look at how other jurisdictions have addressed the issue.

Defeated Mr. Albornoz's motion to limit the parking exemption to properties within ½ mile of a transit station. Mr. Albornoz and Mr. Katz voted in the affirmative. Mr. Albornoz suggested that the Council should reevaluate parking issues in one to two years.

Supported, without objection, Mr. Rice's motion to add MARC Rail stations to the parking exemption.

Mr. Friedson indicated that companion legislation would be introduced next week to address additional issues concerning licensing of ADUs.

Requested staff provide a written memo regarding the permitting process for the building of new ADUs.

The Council recessed at 12:09 P.M. and reconvened at 1:32 P.M.

(4) **PUBLIC HEARING - ZTA 19-05, Industrial Zones - Landscape Contractors**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on July 10, 2019. A PHED Committee worksession is tentatively scheduled for September 12, 2019.

(5) **PUBLIC HEARING - Expedited Bill 15-19, Contracts and Procurement - Minority Owned Businesses - Sunset Date - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 9, 2019. A GO Committee worksession is tentatively scheduled for September 12, 2019.

(6) **PUBLIC HEARING/ACTION - Special Appropriation to the FY20 Capital Budget and Amendments to the FY19-24 CIP, Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks for Planned Lifecycle Asset Replacement: Local Parks - Play Equipment, \$250,000; Urban Park Elements, \$200,000; Josiah Henson Historic Park, \$250,000; Ovid Hazen Wells Recreational Park, \$200,000; and Minor New Construction - Non-Local Parks, \$250,000**

The public hearing was held and the record closed.

Adopted **Resolution 19-168**, approving the subject special appropriation to the FY20 Capital Budget and amendments to the FY19-24 CIP for M-NCPPC.

Mr. Riemer made the motion, which carried unanimously.

(7) **BRIEFING - Two Year Budgeting**

Participating in the briefing were Mr. Kleine, Chief Administrative Officer (CAO); Mr. Madaleno, Director, and Ms. Bryant, Office of Management and Budget (OMB); Mr. Trombka and Mr. DeFazio, Senior Legislative Analysts, Office of Legislative Oversight (OLO).

Executive staff reviewed the potential benefits of moving to a biennial operating budget, including less time needed for budget development, improved long-term fiscal and strategic planning, and alignment with outcome-based budgeting practices to better allocate and prioritize resources.

Discussed difficulties involving revenue forecasting, agency budgets and outside agency funding, and unforeseen economic challenges.

Councilmembers were generally supportive of the outcome goals but expressed concerns that it appeared to be unrealistic that County Government would be ready to transition to a biennial operating budget next month, when the budget development process will begin for FY21. Noted that the process for moving to and implementing a biennial operating budget needs to be developed with input from the Legislative Branch. Suggested an incremental approach, such as starting, for example, with a two-year operating budgeting pilot for Community Grants and/or a department, such as Recreation.

(8) **INTERVIEW - County Executive's appointee, OMB, Deputy Director for Results: Jennifer Bryant**

Interviewed Ms. Jennifer Bryant, the County Executive's appointee for the position of Deputy Director for Results, OMB.

The meeting recessed at 4:09 P.M. and reconvened at 7:32 P.M.

(9) **PUBLIC HEARING - Bill 14-19, Police - Policing Advisory Commission - Established**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 4, 2019.

The meeting adjourned at 9:20 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