



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 28, 2020

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:35 A.M. on Tuesday, January 28, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Craig Rice

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Nancy Navarro
Councilmember Hans Riemer

ABSENT

Councilmember Will Jawando

The President in the Chair.

The invocation was given by Dr. Anthony Medley, Senior Pastor, Emmanuel/Brinklow Seventh Day Adventist Church.

PRESENTATIONS

- A. Proclamation was presented by Mr. Rice, Mr. Glass, Mr. Friedson, and Ms. Navarro recognizing I Voted Art Contest Finalist.
- B. Proclamation was presented by Mr. Katz and Mr. Rice recognizing Lunar New Year.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
 - (1) Ms. Singleton, Clerk of the Council, announced that [the Council is seeking applicants for a representative on the Board of Trustees for Employee Retirement Plans and the Consolidated Retiree Health Benefits Trust](#). The deadline has been extended to January 29, 2020, at 5:00 P.M.; and that

- (2) 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. This position cannot be filled by a Democrat. The deadline for applications is February 5, 2020, at 5:00 P.M.

Ms. Singleton also announced an addendum to the agenda, deleting the worksession on community grants, adding a proposed closed session to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(8). The topic was FCC litigation; and adding to the consent calendar introduction of supplemental appropriations to the County Government's FY20 Capital Budget, Department of Transportation (DOT) - \$405,000 for Fenton Street Cycletrack, \$100,000 for Bikeway Program Minor Projects, \$367,000 for Bicycle-Pedestrian Priority (BiPPA) Improvements - Wheaton Central Business District (CBD), and \$84,000 for BiPPA Improvements - Veirs Mill Road/Randolph Road.

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

No petitions were received this week.

- (4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Riemer made the motion, which carried without objection.

- A. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget, Department of Housing and Community Affairs (DHCA) - \$229,000 for Affordable Housing Acquisition and Preservation. A public hearing is scheduled for February 11, 2020, at 1:30 P.M.
- B. **Introduced** a special appropriation to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY20 Operating Budget, Planning Department - \$300,000 to expedite funding of consultant services for the I-270 Transit Corridor Plan. Public hearing and action are scheduled for February 11, 2020, at 1:30 P.M.
- C. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget and Amendment to the FY19-24 Capital Improvements Program (CIP), DOT - \$2,340,000 for Davis Mill Road Emergency Stabilization. A Transportation and Environment (T&E) Committee worksession is tentatively scheduled for February 6, 2020. Public hearing/action is scheduled for February 11, 2020, at 1:30 P.M.

- D. **Received and Released** the Office of Legislative Oversight (OLO) Report 2020-1: Business Regulations in Local Jurisdictions.
- E. Adopted **Resolution 19-346**, reappointing and confirming John Monahan, M. David Vaughn, and Lynn Sylvester as Chairpersons of the Disability Arbitration Board; and Adopted **Resolution 19-347**, reappointing Walter DeTreuX as Chairperson of the Police Disability Arbitration Board.
- G. Adopted **Resolution 19-348**, confirming the County Executive appointment to the Committee Against Hate Violence: Sharon Bland.
- H. Adopted **Resolution 19-349**, confirming the County Executive appointments to the Commission on Juvenile Justice: Stephen Miller, Carole Brown, Christopher Fogleman, Wendy Pulliam.
- I. Adopted **Resolution 19-350**, confirming the County Executive appointments to the Remembrance and Reconciliation Commission: Suzan Jenkins, Sherlene Lucas, Oyebisi Olatoye, Gboyinde Onijala, Jeannette Rojas.
- J. **Introduced** supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$405,000 for Fenton Street Cycletrack. Public hearing and action are scheduled for February 11, 2020, at 1:30 P.M.
- K. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$100,000 for Bikeway Program Minor Projects. Public hearing and action are scheduled for February 11, 2020, at 1:30 P.M.
- L. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$367,000 for BiPPA Improvements - Wheaton Central Business District (CBD). Public hearing and action are scheduled for February 11, 2020, at 1:30 P.M.
- M. **Introduced** a supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$84,000 for BiPPA Improvements - Veirs Mill Road/Randolph Road. Public hearing and action are scheduled for February 11, 2020, at 1:30 P.M.

(5) **WORKSESSION - Community Grants**

This item was postponed to February 4, 2020.

MOTION TO CLOSE

Agreed to meet in closed session to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(8). The topic was FCC litigation.

Ms. Navarro made the motion which carried without objection. Mr. Jawando was absent.

The Council adjourned the open session at 11:00 A.M. and reconvened in closed session at 11:04 A.M. in the Council Conference Room.

The Council recessed at 11:59 A.M. and reconvened in the Council Hearing Room at 1:35 P.M.

(6) **PUBLIC HEARING** - [Spending Affordability Guidelines for FY21 Operating Budget](#)

The public hearing was conducted. Mr. Jawando was absent and Ms. Navarro was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on January 31, 2020. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for February 6, 2020.

(7) **BRIEFING** – [Vision Zero \(VZ\) Plan on Pedestrian and Bicycle Safety](#)

Participating in the update on VZ and pedestrian safety were Mr. Smith, Acting State Highway Administrator, and Mr. Gunn, Assistant District Engineer for Traffic, State Highway Administration (SHA); Mr. Conklin, Director,

Mr. Holland, VZ Program Coordinator, and Mr. Paylor, Division Chief, Traffic Engineering and Operations, Montgomery County Department of Transportation (MCDOT); Mr. Sartori, Division Chief, Functional Planning and Policy, M-NCPPC; Captain Didone, Acting Chief, Field Services Division, Montgomery County Police Department (MCPD); Ms. Daphnis, Chair, Pedestrian, Bicycle, and Traffic Safety Advisory Committee; and Dr. Orlin, Council staff.

Received an update from Mr. Smith on SHA's context driven approach to pedestrian safety, including enhanced education and outreach, feedback, proactive road area treatments, and an ongoing evaluation of pedestrian fatalities.

Received an update from Mr. Holland on VZ activities and the 2020 workplan, including engineering that prioritizes safety; enforcement to encourage safe

behaviors; educating by engaging the public; traffic incident management; aligning laws, policies and advocacy to improve the way traffic safety is managed; and better branding of VZ.

Received a presentation from Mr. Sartori on the Planning Department's role in VZ, including its VZ workplan, including master plans, data analysis and community engagement; and predictive safety analysis to support VZ's 10-year action plan.

Ms. Daphnis commented on the Committee's recent activities, outreach, and suggested more collaboration by the Council with stakeholders to help achieve systemic change, and also requested that additional funding for safety be considered during the Council's upcoming budget deliberations.

The presentations were followed by questions from Councilmembers.

Mr. Riemer requested that Mr. Smith provide a date as to when SHA's Context Driven Guide will be finalized.

Mr. Hucker requested that Captain Didone share data on traffic enforcement.

(8) DISTRICT COUNCIL SESSION

A. Worksession: Forest Glen/Montgomery Hills Sector Plan

Staff Report - Part 1

Mr. Riemer, Chair, Planning, Housing and Economic Development (PHED) Committee, provided remarks on the Sector Plan. Straw votes were taken. Ms. Dunn, Senior Legislative Analyst, noted that the Sector Plan covers the Georgia Avenue corridor from the edge of downtown Silver Spring to just north of I-495 (Capital Beltway). She reviewed the Committee recommendations, as contained in the staff report, covering urban design, the environment, park and open space, and property-specific recommendations.

Regarding the Forest Glen Medical Center property (9818 and 9816 Woodland Drive, and 9907 Georgia Avenue) on pages 10-11 of the staff report: supported, without objection, Ms. Dunn's recommendation to remove language referencing Workforce Housing, citing that the definition of Workforce Housing in the County Code could change over time, and to replace it with language that 10% of units be affordable to households earning a minimum of 100% of Area Median Income (AMI).

Mr. Hucker made a motion to support the Planning Board, rather than the Committee, recommended zoning for 9909 Georgia Avenue and 9820 Woodland Drive, and the remaining block of homes bounded by Georgia Avenue, Tilton Drive, and Woodland Drive, on pages 11-12 of the staff report. The maker of the motion accepted Ms. Navarro's amendment to the motion to shift the boundaries of the area under consideration and only consider properties on Woodland Drive. The motion to remove the language regarding a future application for a CRN floating zone failed. Voted in support: Hucker, Navarro, Katz. Voted in opposition: Glass, Riemer, Friedson, Rice, Albornoz. Mr. Jawando was absent.

The Council will resume its worksession on the Sector Plan on Tuesday, February 4.

Staff Report - Part 2

Because of time constraints Part 2, on transportation elements, will be taken up on February 4, 2020.

B. Action - Corrective Map Amendment: H-130 for Takoma Park Master Plan

Ms. Dunn provided a summary of the subject Corrective Map Amendment, which was technical in nature.

Mr. Katz called for a roll call vote.

Adopted **Resolution 19-351**, approving Corrective Map Amendment H-130.

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

C. Introduction - Zoning Text Amendment (ZTA) 20-02, Accessory Structures - Standards

Introduced draft #1 of ZTA 20-02, sponsored by Councilmembers Friedson and Jawando. A public hearing is scheduled for March 3, 2020, at 1:30 P.M.

The meeting adjourned at 4:55 P.M.

SUBJECT: Report of Closed Session of January 28, 2020

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, January 28, 2020. The Council convened in closed session at 11:04 A.M. in the 3rd floor Council Conference Room to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(8). The topic was FCC litigation.

The meeting was closed on a motion by Ms. Navarro, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Friedson, Glass, Hucker, Rice, and Riemer; Confidential Aides Mandel-Trupp, Gibson, Carranza, Kunes, Silverman, Ikheloa, Nurmi, and Ledner; Ms. Lockett, Aide to Councilmember Jawando; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Ms. Mihill, Legislative Attorney; Mr. Zyontz, Senior Legislative Analyst; Dr. Toregas, Council IT Adviser; Mr. Hansen, County Attorney; Mr. Royalty, County Attorney's Office; Mr. Tibbitts, County Executive's Office; Mr. Catalano, Keller Heckman; Ms. Singleton, Clerk of the Council; and Ms. Paradise, Deputy Clerk.

Action: Provided guidance to Executive Branch staff.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council