



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 11, 2020

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, February 11, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Alborno
Councilmember Evan Glass
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Reverend Dr. Y. Louise Hicks, Allen Chapel AME, Silver Spring.

COUNCIL COMMEMORATION of Black History Month

Received welcoming remarks from Mr. Katz, followed by observations from Mr. Rice and Mr. Jawando on the significance of Black History Month. Viewed a video focusing on the historic African American communities of Emory Grove in Gaithersburg, Scotland in Potomac, and White Grounds in Boyds. Daniela Gonyoe, a ninth grade student at North West High School, recited her poem *My History*. This year's Black History Month awardees were Kay Freeman, Eddie Dove, Carolyn Taylor, Reverend Taylor, Claudia Golenda, and Roger Cartledge.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced that 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 has been extended to February 26, 2020, at 5:00 P.M. Also, an addendum to the agenda was announced adding to the consent calendar for introduction a supplemental appropriation to the County Government's FY20 Operating Budget, Department of Police - \$1,436,172 for School Safety FY20 School Resource Officer Grant, and amendments to Washington Suburban Sanitary Commission's (WSSC) Capital Improvements Program (CIP); a District Council Session was added to take up Zoning Text Amendment 20-02, Accessory Structures - Standards - Motion to Withdraw; and a Proposed Closed Session was also added to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic was interviews for the Council Deputy Director position.

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

No petitions were received this week.

C. **Approved** the minutes of January 21, 2020, without objection.

(2) **CONSENT CALENDAR**

Mr. Friedson requested that item 2C be removed from the consent calendar and considered separately.

Ms. Navarro requested that item 2B be removed from the consent calendar and considered separately.

Approved the following consent calendar items listed below.

Mr. Riemer made the motion, which carried unanimously.

- A. **Introduced a resolution in support of DC Statehood**, sponsored by Councilmember Glass, and co-sponsored by Councilmembers Katz, Albornoz, Rice, Jawando, Friedson, and Navarro. Action is tentatively scheduled for February 25, 2020. Councilmembers Hucker and Riemer requested to be added as co-sponsors.

- D. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Department of Police - \$1,436,172 for School Safety FY20 School Resource Officer Grant. Action is tentatively scheduled for February 25, 2020.
- E. **Introduced** amendments to Washington Suburban Sanitary Commission's (WSSC) FY20-25 Capital Improvements Program (CIP). A Public hearing is scheduled for March 3, 2020.

(2) **ITEMS REMOVED FROM THE CONSENT CALENDAR** and considered separately

- B. **Adopted Resolution 19-357, Spending Affordability Guidelines for FY21 Operating Budget.**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the recommendations, as contained in the staff report.

The GO Committee made the motion, which carried unanimously.

- C. **Approved** the appointment of special counsel to Montgomery County in connection with securing proprietary rights with the U.S. Patent and Trademark Office to a new name for the County's retail liquor stores: Sterne, Kessler, Goldstein and Fox.

Participating in the discussion were Mr. Kleine, Chief Administrative Officer; and Mr. Drummer, Senior Legislative Attorney.

Discussed different aspects of the County's retail liquor stores. Mr. Katz stated that the Public Safety (PS) Committee will schedule an update on operations of the Department of Alcohol Beverage Services and review its business plan.

Mr. Rice made the motion to approve the appointment of special counsel, as cited above. Mr. Jawando, Ms. Navarro, Mr. Albornoz, Mr. Rice, Mr. Hucker and Mr. Katz supported the motion. Mr. Glass, Mr. Riemer and Mr. Friedson were opposed. The motion passed 6 to 3.

(3) **ACTION - Resolution to authorize the creation of non-merit staff positions in individual Councilmember offices**

Mr. Drummer reviewed the recommendations, as contained in the staff report.

Discussed the pros and cons of the subject resolution. Mr. Katz stated that he was opposed, as he did not support Councilmembers' staff not being treated uniformly.

Adopted **Resolution 19-358**, authorizing the creation of non-merit staff positions in individual Councilmember offices.

Mr. Rice made the motion. Mr. Glass, Mr. Jawando, Ms. Navarro, Mr. Albornoz, Mr. Friedson, Mr. Rice, Mr. Hucker supported the motion. Mr. Katz was opposed. The motion passed 7 to 1. Mr. Riemer was temporarily absent.

(3.5) **DISTRICT COUNCIL SESSION**

A. **Zoning Text Amendment (ZTA) 20-02, Accessory Structures - Standards - Motion to Withdraw**

Supported, without objection, Mr. Friedson's motion to withdraw ZTA 20-02. The motion was seconded by Mr. Jawando. Mr. Friedson and Mr. Jawando were the lead sponsors of ZTA 20-02. Mr. Riemer was temporarily absent.

(4) **INTERVIEW - County Executive's appointment for Chief Equity Officer: Tiffany Ward**

Interviewed Ms. Tiffany Ward, the County Executive's appointee for the position of Chief Equity Officer. Confirmation is tentatively scheduled for February 25, 2020.

The meeting recessed at 12:05 P.M. and reconvened at 1:05 P.M.

(5) **INTERVIEW - County Executive's appointments to Housing Opportunities Commission (HOC): Frances Kelleher and Roy Priest**

Interviewed Dr. Frances Kelleher and Mr. Roy Priest, the County Executive's candidates for re-appointment to HOC. Confirmation is tentatively scheduled for February 25, 2020.

(6) **PUBLIC HEARING - Bill 2-20, Bicycles - Registration - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 3, 2020. A PS Committee worksession is tentatively scheduled for March 9, 2020.

(7) **PUBLIC HEARING - Bill 3-20, Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends**

The public hearing was conducted. Mr. Hucker was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 19, 2020. A GO Committee worksession is tentatively scheduled for March 26, 2020.

(8) **PUBLIC HEARING - 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**

The public hearing was conducted. Mr. Friedson and Mr. Hucker were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on February 19, 2020. Action is tentatively scheduled for February 25, 2020.

(9) **PUBLIC HEARING - Resolution to Approve Declaration of No Further Need: Road Transfer Agreement with Town of Poolesville (Disposition of County property associated with segments of Hughes Road, Westerly Avenue, and West Willard Road)**

The public hearing was conducted. Mr. Friedson, Mr. Hucker and Ms. Navarro were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on February 19, 2020. Action is tentatively scheduled for February 25, 2020.

(10) **PUBLIC HEARING/ACTION - Special appropriation to the Maryland-National Capital Park and Planning Commission's FY20 Operating Budget, Planning Department - \$300,000 to expedite funding of consultant services for the I-270 Transit Corridor Plan**

The public hearing was held and the record closed.

Participating in the discussion were Mr. Anderson, Chair, Montgomery County Planning Board; Mr. Conklin, Director, Department of Transportation (DOT); Ms. Wright, Planning Director; and Dr. Orlin, Senior Analyst.

Noted Ms. Wright's comment that the special appropriation was needed as soon as possible so that work on the I-270 Transit Corridor Plan would not be delayed.

Supported Mr. Katz's suggestion to send this item to the Planning, Housing, and Economic Development (PHED) Committee for further review and to schedule Council action on February 25, 2020. Mr. Hucker was temporarily absent.

- (11) **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY20 Capital Budget and Amendment to the FY19-24 Capital Improvements Program, DOT - \$2,340,000 for Davis Mill Road Emergency Stabilization

The public hearing was held and the record closed.

Adopted **Resolution 19-359**, approving the subject supplemental appropriation. Ms. Navarro made the motion, which carried without objection. Mr. Hucker was temporarily absent.

- (12) **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$405,000 for Fenton Street Cycletrack

The public hearing was held and the record closed.

Adopted **Resolution 19-360**, approving the subject supplemental appropriation. Ms. Navarro made the motion, which carried without objection. Mr. Hucker and Mr. Riemer were temporarily absent.

- (13) **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$100,000 for Bikeway Program Minor Projects

The public hearing was held and the record closed.

Adopted **Resolution 19-361**, approving the subject supplemental appropriation. Mr. Jawando made the motion, which carried without objection. Mr. Hucker and Mr. Riemer were temporarily absent.

- (14) **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$367,000 for Bicycle-Pedestrian Priority (BiPPA) Improvements - Wheaton Central Business District (CBD)

The public hearing was held and the record closed.

Adopted **Resolution 19-362**, approving the subject supplemental appropriation. Ms. Navarro made the motion, which carried without objection. Mr. Hucker and Mr. Riemer were temporarily absent.

- (15) **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY20 Capital Budget, DOT - \$84,000 for BiPPA Improvements - Veirs Mill Road/Randolph Road

The public hearing was held and the record closed.

Adopted **Resolution 19-363**, approving the subject supplemental appropriation. Mr. Albornoz made the motion, which carried without objection. Mr. Hucker and Mr. Riemer were temporarily absent.

MOTION TO CLOSE

Agreed to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic was interviews for Council Deputy Director position.

Mr. Friedson made the motion which carried without objection. Mr. Hucker was temporarily absent.

The Council adjourned the open session at 3:26 P.M. and reconvened in closed session at 3:30 P.M. in the Council Conference Room.

The meeting adjourned at 4:20 P.M

SUBJECT: Report of Closed Session of February 11, 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, February 11, 2020. The Council convened in closed session at 3:30 P.M. in the 3rd floor Council Conference Room to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic was interviews for Council Deputy Director position.

The meeting was closed on a motion by Mr. Friedson, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Friedson, Glass, Jawando, and Rice; Confidential Aides Mandel-Trupp, Gibson, Kunes, Ikheloa, Nurmi, Thorne and Ledner; Mr. Heyboer, Aide to Councilmember Riemer; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; Dr. Orlin, Senior Analyst; and Ms. Singleton, Clerk of the Council.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council