

COUNCIL COMING ATTRACTIONS



Week of Jan. 17, 2022

Proclamations recognizing the anniversary of Roe v. Wade. by Councilmember Jawando and recognizing County Attorney Marc Hansen for his years of service to Montgomery County by Council President Albornoz and the whole Council

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

Summary

The Council will meet on Tuesday, Jan. 18 at 9 a.m. The virtual meeting will begin with two proclamations. Councilmember Jawando will present a proclamation recognizing the anniversary of Roe v. Wade. Next, Council President Alborno and the full Council will present a proclamation recognizing County Attorney Marc Hansen for his years of service to Montgomery County.

Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. Next, the Council will review and hold a public hearing on a Board of Health regulation to require restaurants, bars, fitness centers and other establishments and facilities to require patrons to provide proof of vaccination against COVID-19. Then, the Council will vote on an extension of time to consider Expedited Bill 39-20, which would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and would establish a partial exemption from the recordation tax for a first-time home buyer. Next, the Council is expected to vote on a resolution which would grant Celco Partnership d/b/a Verizon Wireless a franchise to use the public right-of-way under certain conditions.

In the afternoon, the Council will hold a public hearing on the rules of procedure for conditional uses and waivers for certain new telecommunication towers and objections to applications for waivers and a hearing on additions to the Office of Zoning and Administrative Hearings's (OZAH) fee schedule. In addition, the Council will hold a public hearing on Zoning Text Amendment (ZTA) 21-10, which would clarify the maximum footprint for accessory buildings on a lot in the agricultural, rural residential and residential detached zones; Zoning Text Amendment (ZTA) 21-11, which amends the existing Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) to make it consistent with the recommendations from the Ashton Village Center Sector Plan; and on SMA H-144, which would implement the specific zoning recommendations of the Ashton Village Center Sector Plan.

The Council will hold a public hearing on Bill 48-21, which would officially designate the black tupelo as the County tree. Next, the Council will hold a public hearing and vote on a special appropriation to continue funding for the National Capital Area Law Enforcement Information Sharing Program and a resolution expressing ongoing support to establish a fourteenth early voting center in Montgomery County at the Bauer Drive Community Recreation Center.

Next, the Council will review and vote on Executive Regulation 15-20, which adopts minimum standard requirements and conditions for work zone usage within the County's public right-of-way; ZTA 21-06, which would establish a new residential lot exemption for properties containing a historic resource that is protected from development by a density transfer; and ZTA 21-07 would allow a greater residential density in certain housing development projects by permitting a floor area ratio (FAR) of up to 2.5 if 100 percent of the units are income-restricted for at least 30 years. The Council will receive an update from the Montgomery County Police Department (MCPD) on crime statistics including violent crime trends. At 7:30 p.m. the Council will hold a public hearing on Bill 49-21, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County.

The Council meeting will be held Tuesday, Jan. 18 at 9 a.m.

Novel Coronavirus (COVID-19) and County Public Health Planning

Update: Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. The discussion will focus on the impacts of the current COVID-19 conditions on Montgomery County Public Schools (MCPS) operations and the collaboration between MCPS and the Department of Health and Human Services' (DHHS) public health leadership team to support COVID-19 planning and response in the schools.

Those expected to provide information include Brenda Wolff, president, Montgomery County Board of Education; Dr. Monifa McKnight, interim superintendent, MCPS; James D'Andrea, chief of staff, Office of the Superintendent, MCPS; Dr. Raymond Crowel, director, DHHS; Dr. James Bridgers, acting chief health officer, DHHS; Dr. Earl Stoddard, assistant chief administrative officer, Montgomery County Government; and Sean O'Donnell, program administrator, Public Health Emergency Preparedness and Response, DHHS.

Resolution to adopt a Board of Health Regulation to prevent the spread of COVID-19 in the County - Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and Other Covered Establishments

Review and public hearing: The Council will review and hold a public hearing on a resolution to help prevent the spread of COVID-19 in the County. The proposed resolution would implement a Board of Health regulation to require restaurants, bars, fitness centers and other establishments and facilities to require customers to provide proof of vaccination against COVID-19 before entering indoor areas.

In addition, the resolution would exempt certain establishments and facilities from the requirement, including those providing essential government services and social services. It also would exempt certain individuals from the requirement, including individuals who enter the facility for a quick and limited purpose and individuals who are entitled to medical or religious accommodations.

Under the proposed regulation, the vaccination requirement would be phased-in according to the following schedule: effective Jan. 22, 2022, proof of one dose of the vaccine would be required for patrons 12 years and older; effective Feb. 15, proof of all doses (excluding boosters) would be required for patrons 12 years and older; and effective March 1 proof of all doses (excluding boosters) would be required for patrons five years-and-one month and older.

This proposed Board of Health regulation does not impact Montgomery County's existing Board of Health guidance on face coverings under Resolution 19-1120, which was adopted on Jan. 4, 2022.

The lead sponsor is Council President Alborno at the request of County Executive Elrich. The Council is tentatively scheduled to vote on the resolution on Jan. 25.

Those expected to attend and provide information include Dr. James Bridgers, acting chief health officer, Department of Health and Human Services (DHHS); Dr. Earl Stoddard, assistant chief administrative officer, Montgomery County Government; Dr. Raymond Crowel, director, DHHS; Silvia Kinch, Office of the County Attorney and representatives from the Chambers of Commerce in Montgomery County.

Extension of time until December 31, 2022 for Council consideration of Expedited Bill 39-20, Taxation - Recordation Tax - Amendments

Vote expected: The Council will vote on an extension of time to consider Expedited Bill 39-20, which would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and would establish a partial exemption from the recordation tax for a first-time home buyer. Moreover, Bill 39-20 would amend the allocation of revenue received from the recordation tax to capital improvements for schools and to the Montgomery Housing Initiative Fund.

The lead sponsor of the extension request is Councilmember Jawando.

Resolution to Approve franchise to Cellco d/b/a Verizon Wireless, to use the public right-of-way

Vote expected: The Council is expected to vote on a resolution which would grant Cellco Partnership d/b/a Verizon Wireless a franchise to use the public right-of-way under certain conditions. The proposed franchise is for a fifteen-and requires Cellco Partnership to pay the safe harbor annual right-of-way fee of \$270 permitted by the Federal Communications Commission (FCC).

The lead sponsor is Council President Alborno, at the request of the County Executive.

Rules of Procedure for Conditional Uses and Waivers for Certain Telecommunications Towers and Objections to Applications for Waivers for Certain Telecommunications Towers before the Office of Zoning and Administrative Hearings (OZAH)

Public Hearing: The Council is expected to hold a public hearing on the rules of procedure for conditional uses and waivers for certain new telecommunication towers and objections to applications for waivers for certain telecommunications towers before the Office of Zoning and Administrative Hearings (OZAH).

In July of 2021, the Council enacted ZTA 19-07, which established new procedures for conditional use and waiver applications and objections to waiver applications for telecommunications towers before OZAH. The procedures established were not in OZAH's current Land Use Rules of Procedure and these new rules are necessary to process applications efficiently, timely and fairly.

Lynn Robeson Hannan, director and hearing examiner, OZAH is scheduled to attend and provide information. A vote on this issue is tentatively scheduled for Jan. 25.

Additions to the Office of Zoning and Administrative Hearings' Fee Schedule

Public hearing: The Council will hold a public hearing on additions to OZAH's fee schedule. In July of 2021, the Council enacted ZTA 19-07, which established new procedures for conditional use and waiver applications and objections to waiver applications for telecommunications towers before OZAH. The procedures established were not part of OZAH's Local Map Amendment, Development Plan Amendment, Schematic Development Plan Amendment and Floating Zone Plan Amendment Fee Schedule. The established fees are necessary to process applications efficiently, timely and fairly.

Lynn Robeson Hannan, director and hearing examiner, OZAH is scheduled to attend and provide information. A vote on this issue is tentatively scheduled for Jan. 25.

Zoning Text Amendment (ZTA) 21-10 - Accessory Structures - Use Standards

Public hearing: The Council will hold a public hearing on Zoning Text Amendment (ZTA) 21-10, Accessory Structures – Use Standards, which would clarify the maximum footprint for accessory buildings on a lot in the agricultural, rural residential and residential detached zones.

The ZTA makes it clear that the cumulative footprint of all accessory structures may not exceed 50 percent of the footprint of the principal building or 600 square feet, whichever is greater. The lead sponsors of the ZTA are Councilmembers Friedson and Jawando.

Zoning Text Amendment (ZTA) 21-11 - Sandy Spring-Ashton Rural Village Overlay Zone

Public hearing: The Council will hold a public hearing on Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village Overlay Zone – Amendments, which amends the existing Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) to make it consistent with the recommendations from the Ashton Village Center Sector Plan. ZTA 21-11 will be reviewed in conjunction with Sectional Map Amendment (SMA) H-144.

The SSARVO was established in 1998 and the Zoning Ordinance was updated in 2014. The Sandy Spring Rural Village Plan was updated in 2015 and the Ashton Rural Village Sector Plan was updated in 2021. The new Zoning Ordinance and the updated master plans rezoned the C zones to the CRN and CRT Zones, which offered many of the land use controls that the overlay zone provided. The proposed amendments to the SSARVO would reduce those redundancies. The amended overlay zone will retain site plan requirements for all non-residential developments and allow certain existing non-conforming commercial uses to remain.

The lead sponsor is Council President Albornoz, at the request of the Planning Board.

Sectional Map Amendment H-144 to implement the zoning recommendations of the Approved and Adopted Ashton Village Center Sector Plan

Public hearing: The Council will hold a public hearing on SMA H-144, which was filed on Nov. 10, 2021, by the Montgomery County Planning Board to implement the specific zoning recommendations of the Ashton Village Center Sector Plan.

The SMA application covers a plan area of approximately 127 acres in the eastern part of the County at the intersection of state routes MD 108 and MD 650 (New Hampshire Avenue).

The District Council approved the Ashton Village Center Sector Plan in June 2021.

Bill 48-21, General Provision - County Symbols - County Tree - Established

Public hearing: The Council will hold a public hearing on Bill 48-21, which would officially designate the black tupelo (*Nyssa sylvatica*) as the County tree. *Nyssa sylvatica* is also known as blackgum, sourgum, pepperidge, tupelo and tupelo-gum.

The lead sponsor is Council President Alborno at the request of the County Executive.

Special Appropriation to the County Government's FY22 Operating Budget, Office of Emergency Management and Homeland Security - \$586,500 for Metropolitan Washington Council of Government Funding

Public hearing and vote: The Council will hold a public hearing and vote on a \$586,500 special appropriation to continue funding for the National Capital Area Law Enforcement Information Sharing Program (NCR LInX). The proposed appropriation will fund contractors to run the program and maintain and support the server system.

For several years, the Montgomery County Police Department has run the NCR LInX program and the Office of Emergency Management and Homeland Security has managed the finances through a grant provided by the federal Department of Homeland Security (DHS). DHS is no longer providing grant funding for this program, and the Metropolitan Washington Council of Governments will now provide the funding.

Resolution Supporting the Establishment of an Additional Early Voting Center in Montgomery County

Public hearing and vote: The Council will hold a public hearing and vote on a resolution expressing their ongoing support to establish a fourteenth early voting center in Montgomery County at the Bauer Drive Community Recreation Center. The additional early voting site is needed to increase access for residents and is consistent with the changed demographic landscape that shows significant growth in this part of the County.

The site will improve access for residents living near Earle B. Wood Middle School on Bauer Drive and expanded opportunities for residents in surrounding communities to vote in the coming elections. The review of the Bauer Drive site shows that it is a prime location with access to public transit and is spacious enough to allow the implementation of any necessary COVID-19 related protocols.

On April 9, 2021, the State of Maryland enacted House Bill 745 requiring Montgomery County to establish 13 early voting centers, based on the number of registered voters in the County. The legislation also allows for the establishment of an additional early voting center if the local board and the governing body of the county agree to establish an additional early voting center and the State Board approves the establishment.

On Sept. 14, 2021, the Council and the Executive sent a letter to the Montgomery County Board of Elections expressing their support for the establishment of an early voting center at the Bauer Drive Community Recreation Center to act as the County's fourteenth early voting center. Councilmembers Navarro and Katz spearheaded this effort.

On Sept. 20, 2021, the Montgomery County Board of Elections voted to recommend the use of 13 early voting centers and the use of the Bauer Drive Community Recreation Center as an additional fourteenth early voting center, subject to County approval.

On Dec. 16, 2021, the Maryland State Board of Elections approved the County's proposed early voting centers but deferred approval of the establishment of an optional fourteenth early voting center until the County formally agreed with the Montgomery County Board of Election's recommendation. The State Board signaled their intention to revisit this issue at their next board meeting on Jan. 27, 2022.

Resolution to approve Executive Regulation 15-20, Public Space Usage in Work Zones

Review and vote: The Council will vote on Executive Regulation 15-20, which adopts minimum standard requirements and conditions for work zone usage within the County's public right-of-way. This regulation is a requirement of a change to Chapter 49 after the enactment of Bill 38-19, Streets and Roads – Permit to Obstruct Public Rights-of-Way – Amendments. The lead sponsor of Bill 38-19 was Councilmember Friedson, and the purpose of the law is to increase pedestrian safety by assuring that public sidewalks and walkways are closed for only the minimum time periods necessary.

The proposed regulation provides standards for the Department of Permitting Services to issue a permit to temporarily close a public sidewalk, walkway, bicycle facility or road lane related to repair or construction activity. The intent of the proposed regulation is to minimize public inconvenience, maximize consistency with use of the right of way and promote public safety.

The lead sponsor of the regulation is Council President Albornoz, at the request of the County Executive.

ZTA 21-06, Exemptions - Density Transfer and Historic Resources

Review and vote: The Council is scheduled to vote on ZTA 21-06, Exemptions – Density Transfer and Historic Resources, which would establish a new residential lot exemption for properties containing a historic resource that is protected from development by a density transfer.

The proposed exemption would permit a limited list of commercial uses on the site containing the historic resource. It would require a recommendation of approval from the Historic Preservation Commission (HPC) and site plan approval by the Planning Board. During the approval process, the HPC and the Planning Board would have three new findings to make, which is intended to ensure that the proposed commercial uses protect, rather than detract from, the historic resource.

The lead sponsor is the Council President Albornoz, at the request of the Planning Board.

Those expected to attend and provide information include Casey Anderson, chair, Planning Board; Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; and Rebecca Ballo, historic preservation supervisor, Planning Department.

ZTA 21-07, Density and Height Allocation - Development with Moderately Priced Dwelling Units

Review and vote: The Council is scheduled to vote on Zoning Text Amendment (ZTA) 21-07, Density and Height Allocation - Development with Moderately Priced Dwelling Units. ZTA 21-07 would allow a greater residential density in certain housing development projects by permitting a floor area ratio (FAR) of up to 2.5 if 100 percent of the units are income-restricted for at least 30 years. This exemption would only apply if the underlying zone is CR or CRT and will not apply in the TDR overlay zones.

Councilmembers Huckler and Riemer are lead sponsors of the ZTA.

Those expected to attend and provide information include Casey Anderson, chair, Planning Board; Lisa Govoni, planner coordinator, Countywide Planning and Policy, Planning Department; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; Somer Cross, program manager, Affordable Housing, Department of Housing and Community Affairs (DHCA); Frank Demarais, deputy director, Affordable Housing, DHCA; Jeremy Criss, director, Office of Agriculture; Linda McMillan, senior legislative analyst, Montgomery County Government.

Crime Statistics and Violent Crime Trends

Briefing: The Council will receive an update from the Montgomery County Police Department (MCPD) on crime statistics including violent crime trends. The briefing will include information on the increase in violent crime, crimes with firearms including homicides, contact shootings, firearm discharges and firearm recoveries, carjackings, domestic violence, drug arrests and overdoses and non-violent crime trends. MCPD will also provide updates on the various efforts the department has undertaken to address violent crime.

Those expected to attend and provide information include Marcus Jones, chief, MCPD; Willie Parker-Loan, assistant chief, Patrol Services Bureau, MCPD; Dinesh Patil, assistant Chief, Investigative Services Bureau, MCPD.

Expedited Bill 49-21, Police Accountability Board - Administrative Charging Committee – Established

Public hearing: At 7:30 p.m. the Council will hold a public hearing on Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County.

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the state. One of these laws, House Bill (HB) 670, created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a PAB and an ACC to handle complaints of police misconduct from a member of the public in the County. HB 670 also gives the County PAB and the County ACC jurisdiction over police misconduct complaints against municipal police departments located in the County.

The goal of the bill is to help improve police accountability. The lead sponsor is the Council President, at the request of the County Executive. A Public Safety Committee meeting on this bill is scheduled for Jan. 24.

Wednesday, Jan. 19

The full Council will hold a meeting with U.S. Senator Chris Van Hollen on **Wednesday, Jan. 19 at 4 p.m.**

The Transportation and Environment (T&E) Committee will meet at **9:30 a.m.** to review a supplemental appropriation to develop a crowd-sourcing system for Ride On, a resolution to reduce and simplify taxicab fees and a supplemental appropriation to fund the replacement of roadside trees.

Supplemental appropriation to develop a crowd-sourcing system for Ride-On, \$720,300

Review: The T&E Committee will review a \$720,300 supplemental appropriation which would fund a contractor to develop Ride On crowd sourcing system software and a smartphone mobile application. The crowd sourcing software would be deployed to a subset of transit routes and would receive passenger loading information from automatic passenger counters.

The lead sponsor is the Council President, at the request of the County Executive.

Resolution to Reduce and Simplify Certain Taxicab Fees

Review: The T&E Committee will hold a public hearing on a resolution to reduce and simplify certain fees that fleet operators, passenger vehicle license holders and drivers pay to the County to operate a taxicab. The purpose of the resolution is to renew interest in the taxicab industry as a profession, increase driver retention and eliminate substantial barriers to entry. Due to the

pandemic and increased competition from transportation network companies such as Lyft and Uber, the Montgomery County Department of Transportation estimates that there are approximately 15 percent fewer drivers in the taxicab industry now than before the start of the pandemic.

Changes recommended by the County Executive for inclusion in the resolution include eliminating the \$20 application fee for the taxi operator identification card; reducing the two-year taxicab operator identification fee renewal from \$150 to \$100; eliminating the \$20 test fee; reducing the individual application fee for a new passenger vehicle license (PVL) from \$500 to \$100; lowering the annual renewal fee of a PVL from \$495 to \$250; and implementing a flat \$50 inspection fee

Supplemental Appropriation to the County Government's FY22 Operating Budget, Department of Transportation - \$193,483 for Streets and Roads - Roadside Trees - Protection

Review: The T&E Committee will review a \$193,483 supplemental appropriation to the Department of Transportation to be used for the replacement of roadside trees as required by Bill 41-12 – Streets and Roads – Roadside Trees – Protection. The Tree Planting Fund collected \$268,483 in fiscal year 2021, which is \$193,483 more than had been estimated. The appropriation is needed to authorize the expenditure of the excess funds received and can be used only for this purpose.

The lead sponsor is Council President Alborno, at the request of the County Executive

Thursday, Jan. 20

The joint Health and Human Services (HHS) and Education and Culture (E&C) Committee will meet on **Thursday, Jan. 20 at 9:30 a.m.** to review Bill 42-21, Child Care - Early Care and Education Coordinating Entity -Established

Bill 42-21, Child Care - Early Care and Education Coordinating Entity Established

Review: The joint HHS and E&C Committee will review Bill 42-21, Child Care – Early Care and Education Coordinating Entity – Established, which would designate a nonprofit corporation focused on access, equity and inclusion in early care and education programs while helping the sector recover from challenges caused by the pandemic. The County's early care and education coordinating entity will also improve the availability of affordable quality early care and education in the County. High quality and affordable early child care and education is an essential service for the well-being and future of children and families, as well as employers.

The lead sponsors are Council Vice President Alborno and Councilmembers Navarro and Rice. All other Councilmembers are cosponsors.