

COUNCIL COMING ATTRACTIONS



Week of October 17, 2016

Property Tax Credit for Seniors and Veterans, Fair Housing, Sick & Safe Leave & Food Allergy Awareness Training



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/packet/index.html>.

Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf.

The Oct. 18 Council meeting will begin at 10:30 a.m. with two proclamations.

- ❖ Council President Floreen will present a proclamation recognizing Breast Cancer Awareness Month.
- ❖ Councilmember Leventhal will present a proclamation recognizing October as National Disability Awareness Month.

The Council's public hearings for the Bethesda Downtown Sector Plan are scheduled for Oct. 18, 19 & 20 at 7 p.m. Residents who are interested in testifying should call 240-777-7803.

The Planning Board's July 2016 Draft Plan can be viewed at:

http://www.montgomeryplanning.org/community/bethesda_downtown/documents/BDDPPlanningBoardDraft_lowres.pdf.

Other Council and Committee highlights are listed below.



Bill 42-16, Taxation-Property Tax Credit-Elderly Individuals and Veterans

The Council is scheduled to introduce Bill 42-16. Council President Floreen is the lead sponsor. Councilmembers Navarro and Rice are cosponsors. A public hearing is scheduled for Nov. 15 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4994&meta_id=126944.

Bill 42-16 would create a new property tax credit for residents who are at least 65 years old and who have lived in the same home, with an assessed value of \$500,000 or less, for at least 40 years. Retired members of the U.S. armed forces who are at least 65 years old are also eligible for the tax credit if their home has an assessed value of \$500,000 or less. Residents who qualify would be eligible to receive a 20 percent credit for the property tax imposed on their homes. The credit would be granted annually for up to five years subject to application requirements.



Expedited Bill 43-16, Retirement-Membership Groups-Group J-Established

The Council is scheduled to introduce Expedited Bill 43-16. Council President Floreen is the lead sponsor, at the request of the County Executive. A public hearing is scheduled for Nov. 15 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4994&meta_id=126946.

Expedited Bill 43-16 would establish Group J in the Employees' Retirement System (ERS) and transfer employees in Group E, who are not deputy sheriffs or correctional officers, to Group J as of the effective date of this legislation. The County Code currently has group designations for all uniformed employees who participate in the ERS. There are employees currently participating in Group E, which is designated for deputy sheriffs and correctional officers, who are non-uniformed employees. Moving these non-uniformed employees into their own group would provide better information for each retirement group. Expedited Bill 43-16 would not change the retirement benefits for these employees.



Fair Housing in Montgomery County

The Council will hold a briefing on fair housing issues in the County. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=4994&meta_id=126948.

Clarence Snuggs, Director, Department of Housing and Community Affairs; Stacy Spann, Executive Director, Housing Opportunities Commission; and Amy Glassman, Partner, Ballard Spahr, will present information and answer questions about fair housing issues. Some of the topics that will be discussed include:

- revisions to HUD's rules and requirements;
- a review of the relationship between fair housing and local zoning and land use;
- the work taking place in the County to ensure compliance with HUD's rules; and
- information about how HUD's rules impact the County's efforts to provide affordable housing at different income levels.

More information can be found in the Analysis of Impediments to Fair Housing Choice at:

http://www.montgomerycountymd.gov/DHCA/Resources/Files/community/fair_housing/2015_Analysis_of_Impediments_to_Fair_Housing_Choice.pdf.



Bethesda Downtown Sector Plan

The Council will receive an overview of the Bethesda Downtown Sector Plan. The staff report will be available on Oct. 17.

The Planning Board's July 2016 Draft Plan can be viewed at:

http://www.montgomeryplanning.org/community/bethesda_downtown/documents/BDPPlanningBoardDraft_lowres.pdf.

A summary of the Planning Board's July 2016 Draft Plan presentation can be viewed at:

http://www.montgomeryplanning.org/community/bethesda_downtown/documents/BDP_PlanningBoardDraftPresentation_091416.pdf

Downtown Bethesda is located along Wisconsin Ave. between Friendship Heights and the Capital Beltway, centered on the intersection of Wisconsin Ave., Old Georgetown Rd. and East-West Hwy. The Bethesda Downtown Plan retains the Plan Area boundary of the 1994 Bethesda Central Business District (CBD) Sector Plan, including the areas covered by both the 2006

Woodmont Triangle Amendment and the 2014 Planning Board Draft Bethesda Purple Line Station Minor Master Plan Amendment. The area covers approximately 451 acres and is bounded by the National Institutes of Health campus on the north; Tilbury St., Sleaford Rd., Cheltenham Rd., Capital Crescent Trail, 46th St. and West Ave. on the east; Norwood Park and Nottingham Dr. on the south; and Arlington Rd. and Old Georgetown Rd. on the west. Some of the goals of the Plan include:

- Coordinating and aligning the Central Business District (CBD), Urban District (UD) and Parking Lot District (PLD) boundaries.
- Preserving and enhancing the community's existing affordable housing throughout the Sector Plan area by leveraging proximity to transit stations and supporting flexible zoning and density incentives and expanded economic programs.
- Making the increased provision for moderately priced dwelling units (MPDUs) from 12.5 percent to 15 percent a priority amenity in all optional method projects.
- Consolidating retail in appropriate places within the Sector Plan area through designated retail centers or nodes.
- Strengthening the centers of activity through economic, social and environmental aspects of sustainability.
- Encouraging mixed-use development to allow development to adapt to market conditions.
- Creating new civic gathering spaces in the expanded centers of activity.

COMMITTEE



Office of Consumer Protection

On Oct. 17 at 9:30 a.m. the PS Committee will receive an update from the Office of Consumer Protection. The staff report can be viewed at:

http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2016/161017/20161017_PS1.pdf .

Eric Friedman, Director, Office of Consumer Protection, and Ivan Galic, Division Chief, Department of Technology Services, will brief the Committee on the new case management database and discuss the workload changes the office has experienced since the Commission on Common Ownership Communities was transferred to the Department of Housing and Community Affairs. New consumer protection complaints will also be discussed.



Bill 32-16, Human Rights and Civil Liberties-Earned Sick and Safe Leave-Use of Earned Sick and Safe Leave-Parental Leave

On Oct. 17 at 10 a.m. the HHS Committee will review Bill 32-16. The staff report can be viewed:

http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2016/161017/20161017_HHS1.pdf .

Councilmember Hucker is the lead sponsor. Council Vice President Berliner and Councilmembers Katz, Navarro and Elrich are cosponsors. Bill 32-16 would add related purposes for which the use of sick and safe leave will be permitted. The bill would permit the use of sick and safe leave:

- for the birth of a child;
- for the placement of a child with the employee for adoption or foster care; or
- for the care of a newborn, newly adopted or newly placed child within one year of birth, adoption or placement.



Bill 33-16, Eating and Drinking Establishments-Food Allergen Awareness Training and resolution to adopt Bill 33-16 as a Board of Health Regulation

The Committee will also review Bill 33-16. Councilmember Riemer is the lead sponsor.

Councilmembers Leventhal, Katz and Rice are cosponsors. The staff report can be viewed at:

http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2016/161017/20161017_HHS2.pdf .

Bill 33-16 would require certain employees of eating and drinking establishments to complete a food allergen awareness training course and pass a test. The bill also would require the Department of Health and Human Services to provide a list of approved online and in person

food allergen awareness training courses. A companion Board of Health regulation is being considered simultaneously with Bill 33-16.

 **Subdivision Staging Policy**

On Oct. 17 and Oct. 18 at 2 p.m. the PHED Committee will continue their review of the Subdivision Staging Policy (SSP). The staff report will be available on Oct. 17.

The latest version of Montgomery County's Subdivision Staging Policy, formerly called "Growth Policy," is being updated. The PHED Committee is scheduled to make recommendations to the Council for review and approval by Nov. 15, 2016. The goal of the SSP is to ensure that there is adequate public facilities infrastructure, schools and roads associated with new development and growth. This SSP update is an opportunity to revise the rules for how the County grows over the next four years.

 **HHS Boards and Commissions**

On Oct. 19 at 8:30 a.m. the HHS Committee will hold its annual meeting with HHS Boards and Commissions. The Committee will discuss priorities and establish a work plan for next year. The staff report will be available on Oct. 17.

 **Bill 37-16, Taxation-Development Impact Tax-Transportation and Public School Improvements-Amendments**

On Oct. 20 at 9:30 a.m. the GO Committee will continue their review of Bill 37-16. Council President Floreen is the lead sponsor, at the request of the Planning Board. The County Code requires the Planning Board to submit a recommended Subdivision Staging Policy (SSP) to the Council that must include guidelines for the administration of laws and regulations which affect the adequacy and timing of public facilities needed to support growth and development. The staff report will be available on Oct. 18.

- The Planning Board submitted a recommended 2016 SSP on July 27, 2016. The Planning Board recommended changes to the County law concerning the development impact tax for transportation and public school projects. Bill 37-16 would implement the Planning Board's recommended amendments to the impact tax laws. The Bill would:
 - ✓ modify the method of calculating the transportation and public school impact tax;
 - ✓ create new transportation tax districts associated with policy area categories;
 - ✓ adjust the transportation impact tax for residential uses based on non-auto driver mode share (NADMS) associated with each tax district;
 - ✓ adjust the transportation impact tax for non-residential uses based on vehicle miles of travel (VMT) associated with each tax district;
 - ✓ authorize an adjustment to the transportation impact tax for providing parking below the minimum required under Chapter 59; and
 - ✓ modify the public school impact tax payable for property located in a former enterprise zone.

 **Resolution to Establish Development Impact Tax Rates for Transportation and Public School Improvements**

The Committee also will review a resolution to establish development impact tax rates. This resolution contains the impact tax rates proposed by the Planning Board that were in Bill 37-16 as introduced. A public hearing on this resolution is scheduled for October 18 at 1:30 p.m. Any testimony that was submitted concerning the proposed impact tax rates for the September 13 public hearing on Bill 37-16 will be considered by the Council when deliberating on the impact tax rates in this resolution. The staff report will be available on Oct. 18.

- The Council may increase or decrease the rates proposed in the resolution.
- Bill 37-16 includes revised impact tax rate tables proposed by the Planning Board as part of the Subdivision Staging Plan. At the September 22 worksession on Bill 37-16, the GO

Committee recommended removing the impact tax tables from the Bill and approving the impact tax rates by resolution.

- Currently the impact tax tables are adopted in the law and then are revised by resolution every two years. After the first revision of the tax rates by resolution, the tax tables contained in the law are no longer accurate.

 **Method for Determining Use of Water Quality Protection Charge**

On Oct. 20 at 2 p.m. the T&E and PHED Committees will meet jointly to discuss the method for determining the use of the Water Quality Protection Charge (WQPC). The staff report will be available on Oct. 18. The WQPC funds many of the County's clean water initiatives including but not limited to: restoring polluted and eroded streams, stream monitoring, storm drain cleaning and maintenance, inspection of stormwater management practices, and protecting water quality and wildlife habitat. All County property owners pay the WQPC as part of their property tax bill. According to DEP, most residential properties will pay \$95.00 or less. Single-family property owners can participate in the WQPC Credit Program and receive a reduction of up to 80 percent of their charge by installing stormwater management practices (e.g. rain gardens, dry wells and conservation landscaping).

 **Agricultural Land Preservation Funding**

The Committees also will discuss funding for agricultural land preservation. The staff report will be available on Oct. 18. The success of the County's farmland preservation programs depend on many factors including the amount of funding available, the economy and the real estate market. Agricultural Transfer Taxes received from FY11-15 totaled \$818,128 or an average of \$163,625 per fiscal year. This funding equates to the acquisition of agricultural easements on 23 acres annually at an average of \$7,000 per acre easement value. According to the County's Farmland Preservation Phase II Report, the agricultural transfer tax fund balance remaining for easement acquisitions for FY16 was \$13,691. The Committees are expected to discuss alternative funding sources, policy changes, regulatory relief and the expansion of both private and public sector investments that may be required to enhance the County's farmland preservation efforts.