

COUNCIL COMING ATTRACTIONS



Week of November 6, 2017

Minimum Wage, Human Trafficking, Services for East County, Performance Animals, White Flint 2 Sector Plan, and Grosvenor-Strathmore Metro Area Minor Master Plan



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> .

- 🌟 The Council meeting will begin at 10:35 a.m. on Nov. 6 with a proclamation presentation recognizing Sue Kirk, Bethesda Cares Executive Director, by Council President Berliner.

COUNCIL

- 🌟 **Resolution to Adopt Bill 26-12, Swimming Pools – Defibrillators as a Board of Health Regulation**

The Council is scheduled to introduce a resolution to implement Bill 26-12. Councilmember Leventhal is the lead sponsor of this regulation. A public hearing is scheduled for Dec. 5 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7211&meta_id=145362 .

In 2012, the Council enacted Bill 26-12, Swimming Pools – Defibrillators, which required public swimming pools to have an automated external defibrillator (AED) on the premises. Councilmember Leventhal was the lead sponsor. Council staff has advised the Council to adopt a companion Board of Health regulation for this bill.

 **Resolution to Adopt Bill 16-17, Swimming Pools – Lifeguards – Amendments as a Board of Health Regulation**

The Council is scheduled to introduce a resolution to implement Bill 16-17. Councilmember Katz is the lead sponsor of this regulation. A public hearing is scheduled for Dec. 5 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MapView.php?view_id=169&event_id=7211&meta_id=145364.

The Council enacted Expedited Bill 16-17, Swimming Pools – Lifeguards – Amendments, on Oct. 31. Councilmember Katz was the lead sponsor. Bill 16-17 exempts hotel pools from the requirement to have a lifeguard on duty when the pool is open for use, except from 11 a.m. to 7 p.m. on Saturdays and Sundays; requires exempted public pools to meet certain criteria, including posting certain warning signs; and require exempted pools to have an emergency alert system and a person certified in CPR on premises anytime that a pool is open without a lifeguard.

 **Greater Lyttonville Sector Plan Sectional Map Amendment (H-123)**

The Council is scheduled to vote on the sectional map amendment (SMA) for the Greater Lyttonville Sector Plan, which the Council approved in March. This SMA would implement the recommendations in the Sector Plan. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MapView.php?view_id=169&event_id=7211&meta_id=145366.

- Greater Lyttonville is located in western Silver Spring and includes the neighborhoods of Lyttonville and Rosemary Hills. The area is generally defined as follows: to the north, by the northern boundary of the U.S. Army Fort Detrick Forest Glen Annex; to the south, by East-West Highway and Grubb Road; to the east, by 16th Street and the CSX railroad tracks; and to the west, by the western boundary line of the Forest Glen Annex and Rock Creek.

 **Expedited Bill 31-17, Elections – Public Campaign Financing – Contributions – Amendments**

The Council is scheduled to vote on Expedited Bill 31-17. Councilmembers Navarro and Katz and Council Vice President Riemer are the lead sponsors. The Government Operations and Fiscal Policy (GO) Committee recommends enacting the bill as introduced. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MapView.php?view_id=169&event_id=7211&meta_id=145370.

Expedited Bill 31-17 would increase the amount of money a candidate who is not married can donate or loan the candidate's campaign to match the amount permitted for a candidate who is married.

- The Council enacted Bill 16-14, Elections – Public Campaign Financing in September 2014. Bill 16-14 established the first public campaign finance system for County elections in Maryland.
- Current law limits personal contributions or loans from the candidate or the candidate's spouse to no more than \$6,000 from each. The result is that a candidate who is married may combine with the candidate's spouse to contribute or loan the campaign up to \$12,000 while an unmarried candidate is limited to a personal contribution or loan of up to \$6,000.
- Bill 31-17 would level the field by permitting any candidate, married or unmarried, to contribute a maximum of \$12,000 to the candidate's campaign.

 **Bill 28-17, Human Rights and Civil Liberties – County Minimum Wage – Amount – Annual Adjustment**

The Council is scheduled to vote on Bill 28-17. The Health and Human Services (HHS) Committee recommends enactment with amendments. Councilmember Elrich is the lead sponsor. Councilmembers Leventhal, Riemer, Hucker, and Navarro are cosponsors. The HHS Committee recommends (2-1 with Councilmember Leventhal opposed) enactment with amendments. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7211&meta_id=145372.

The three amendments are as follows:

- **Transition period (2-1, Councilmember Leventhal opposed):** amend the transition provisions to provide that:
 - a) larger employers are required to pay a minimum wage of \$15 per hour effective July 1, 2022 (see ©3, lines 48-53);
 - b) smaller employers, non-profits, and eligible service providers are required to pay a minimum wage of \$15 per hour effective July 1, 2024 (see ©4, lines 58-63 and ©2, line 10); and
 - c) the County minimum wage must be adjusted annual by the annual average increase in the CPI-W beginning July 1, 2025 (see ©2, line 13).
- **Small/large employer distinction (2-1, Councilmember Leventhal opposed):** amend the transition provisions to provide that:
 - a) larger employers, subject to the faster phase-in (\$15 per hour by 2020) are defined as those that employ 51 or more employees (see ©3, line 48); and
 - b) smaller employers, non-profits, and eligible service providers, subject to the slower phase-in (\$15 per hour by 2022) are defined as those that employ 50 or fewer employees (see ©4, line 54).
- **County opportunity wage (3-0):** amend the Bill to specifically provide for a County opportunity wage, allowing an employer to pay a wage equal to 85% of the County minimum wage to an employee under the age of 20 years for the first six months that the employee is employed (see ©3, lines 25-30).

As introduced Bill 28-17 would: increase the County minimum wage for many workers to \$15 per hour by 2020; require the Chief Administrative Officer to adjust the County minimum wage rate each year; and require the Office of Legislative Oversight to conduct an annual analysis of the impact of the County minimum wage. The current minimum wage in the County is \$11.50 per hour. There are no requirements in County law for further minimum wage increases.

- In January, by a vote of 5-4, the Council enacted Bill 12-16, which would have extended the incremental minimum wage increases in County law to \$15 by 2020 for many employees. The scheduled increases under Bill 12-16 were based on the size of the employer. Workers whose employers had 26 or more employees would reach \$15 per hour by 2020. Employers with 25 or fewer employees would reach \$15 by July 1, 2022. Bill 12-16 also would have required, beginning in 2023, annual adjustment to the minimum wage by the annual average increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the previous calendar year. The bill also included a “safety-valve” provision that would have allowed the Executive to pause the implementation of a scheduled increase under certain adverse economic conditions. On January 23, 2017, the Executive vetoed Bill 12-16.
- Bill 28-17 would replicate the changes that would have been implemented under Bill 12-16, with key differences.
 - Bill 28-17 provides that two additional classes of employers would be subject to a slower phase-in schedule for smaller employers (i.e., \$15.00/hour by 2022). This schedule would apply to employers who: (1) employ 25 or fewer employees; (2) have tax exempt status

under Section 501(c)(3) of the Internal Revenue Code; or (3) provide “home health services” or “home or community-based services,” as defined under federal Medicaid regulations, and receive at least 75 percent of gross revenues through state and federal medical programs. The third group (Medicaid funded employers) would have to be determined eligible by the Office of Human Rights.

- Bill 28-17 would retain the annual adjustment based on increases in the Consumer Price Index and the requirement that the Office of Legislative Oversight provide the Council with an annual analysis of the impact of the County minimum wage on the local economy. The Bill also includes the “safety-valve” provisions of Bill 12-16, which allows the Executive to temporarily suspend scheduled increases during the phase-in.

COMMITTEE

Human Trafficking

On Nov. 6 at 9:30 a.m. the Public Safety (PS) and Health and Human Services (HHS) Committees will receive a briefing on human trafficking. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7463&meta_id=145302.

The key issues to be discussed at the meeting include: identifying the scope of human trafficking in the County, the current process used to provide services, housing issues, and enhanced service recommendations. The following individuals are expected to participate in the meeting:

- Assistant Chief Laura Lanham, Montgomery County Police Department, Investigative Services;
- Assistant Chief Russ Hamill, MCPD, Management Services;
- Nadja Cabello, Director for Trauma Services, Department of Health and Human Services;
- Debbie Feinstein, Chief, Special Victims Division, State’s Attorney’s Office;
- Andrea Powell, Executive Director, FAIR Girls;
- Jodi Finkelstein, Executive Director, Commission for Women;
- Heidi Alvarez, M.A., Director of Social Services, SAFE Center; and
- Jessica Volz, BSN, RN, FNE A/P, Shady Grove Medical Center.

Justice Reinvestment Act

The Committees also will receive a briefing on the Justice Reinvestment Act (JRA), which was enacted by the Maryland General Assembly in 2016 (Senate Bill 1005, which can be viewed at

<http://mgaleg.maryland.gov/2016RS/bills/sb/sb1005e.pdf>). The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7463&meta_id=145350 .

JRA works to reduce prison spending in a variety of ways. Its primary focus is on funding and efforts to treat substance abuse and moving from incarceration to community-based supervision when possible. The law makes a variety of changes to minimum sentencing guidelines, expediting parole in certain circumstances, and other evidence-based initiatives that reduce incarceration time. The following individuals are expected to participate in the Committee meeting: Robert Green, Director, Department of Corrections and Rehabilitation; John McCarthy, State’s Attorney; and Dr. Raymond Crowel, Chief, Behavioral Health and Crisis Services.

White Flint 2 Sector Plan

On Nov. 6 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will continue its review of the White Flint 2 Sector Plan. The staff reports can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7464&meta_id=145307 and

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7464&meta_id=145346 .

The White Flint 2 Sector Plan complements the 2010 White Flint Sector Plan by recommending opportunities for infill and transitional development at key locations. This 460-acre sector plan

includes large commercial shopping centers, an office park, industrial and institutional properties, and established residential communities. Major roadways, including Rockville Pike (MD 355) and Montrose Parkway, bisect the plan area north to south and east to west, respectively. The CSX rail tracks divide the eastern part of the plan area from the western portion of the plan area. The plan's adjacency to the City of Rockville and two areas undergoing significant changes, White Flint and Twinbrook, contributes to the uniqueness of the area.

- Most of the plan area is included in the 1992 North Bethesda/Garrett Park Master Plan area, and a smaller portion (Nicholson Court) is in the 2010 White Flint Sector Plan area. The 1992 Master Plan identified several properties that are within the White Flint 2 Plan area: Montrose Crossing, Wilgus, Tri-Rock, Loehmann's Plaza, and light industrial zoned properties along Parklawn Drive. The Montrose Crossing Shopping Center was viewed as a significant opportunity to facilitate mixed-use development given the size of the property. The 1992 plan did not introduce any other mixed-use zoning to the plan area.
- The White Flint 2 Sector Plan recommends the retention of existing multi-family residential development to support the broad range of affordable housing options in the plan area.
- The retention of light industrial properties will continue to provide needed services for down-County residents and places for small businesses and entrepreneurs.
- New development in White Flint 2 will be compatible with existing residential neighborhoods, which will continue to have access to new public amenities and bikeway connections.
- White Flint 2 will provide mobility options via future Bus Rapid Transit (BRT), new bikeway linkages to adjacent areas, and new parks and open spaces for recreation and enjoyment. White Flint 2 will contribute to the future transformation of Rockville Pike (MD 355) into an urban boulevard with BRT and by providing linkages to the City of Rockville. New streets will provide enhanced pedestrian and bikeway connections throughout the Plan area, and Montrose Parkway East-Phase II will improve east-west connectivity.
- The plan recommends up to 5,700 new dwelling units primarily focused along Rockville Pike, a portion of the Executive Boulevard office park and limited areas east of the CSX rail tracks.



Grosvenor-Strathmore Metro Area Minor Master Plan

The Committee also will begin its review of the Grosvenor-Strathmore Metro Area Minor Master Plan. The Planning Board draft plan can be viewed at:

http://montgomeryplanning.org/wp-content/uploads/2016/09/GSMMPA_Master_Plan_Book_low-res.pdf.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7464&meta_id=145342.

The Grosvenor-Strathmore Metro Area Master Plan is an amendment to the 1992 North Bethesda/Garrett Park Master Plan. It builds on the recommendations of the 1992 Master Plan for the Grosvenor-Strathmore area and advances the County's goal of transit-oriented development at Metro stations to keep up with housing demand in a sustainable manner. The Plan area contains approximately 117 acres of land, including the Grosvenor-Strathmore Metro Station, Strathmore Hall, and the residential communities of Symphony Park, Strathmore Park Condominiums, Parkside Condominiums, Stoneybrook Townhouses, the Meridian at Grosvenor Station, and Avalon at Grosvenor Metro.

- The Plan area is close to natural areas; however, it lacks central gathering spaces, connectivity and active recreational amenities.
- The Metro site is the only parcel currently under consideration for redevelopment. It's also one of the few remaining undeveloped sites at a Metro station in the County.
- The Plan recommends increasing and concentrating future growth at the Metro site. The 1992 Master Plan recommended up to 1,403 units for the 45- acre Metro site, of which 545 units remain unbuilt.

- This Plan recommends rezoning the Metro site from Residential R-60 to Commercial Residential CR3.0, C-0.5, R-2.75, H-300, which would allow the unbuilt portion of the Washington Metropolitan Area Transit Authority (WMATA) land to generate more housing units. The Plan envisions the Metro site to have a small amount of retail for the surrounding communities and for Metro riders.
- The Plan recommends the creation of public open spaces that are currently lacking in the Plan area, and fills gaps in the network of existing parks and open spaces.
- It proposes creating a central Civic Green at the Metro site, exploring recreation facilities atop the Metro garage, developing a fitness loop, expanding the Arts Walk, and building a small retail plaza near the Metro station entrance. It also focuses on enhancing visibility and connectivity both to the Metro station and Strathmore Hall and creating a shared identity through public spaces and art. Enhanced pedestrian and bicycle connectivity is also a major goal of the Plan.

 **Resolution to approve the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan**

On Nov. 9 at 9:30 a.m. the Transportation, Infrastructure, Energy & Environment (T&E) Committee will continue its review of the Resolution to approve the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage System Plan. The staff report will be available on Nov. 7. In Maryland, the planning and coordination for an adequate, reliable, and fresh water supply and wastewater disposal is delegated from the State to the County through the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan. The delegation of planning from the State to the County requires that all growth and land use tools are consistent with the County's General Plan policies, goals, and objectives, and any adopted Sector Plan, functional plan or other sub areas plan. The following individuals from the Department of Environmental Protection are expected to participate in the meeting: Alan Soukup, Senior Planner; George Dizelos, Planner; and Dave Lake, Manager, Water and Wastewater Policy Group. The following individuals from the Montgomery Planning Department may also attend: Katherine Nelson, Fred Boyd, and Mark Symborski.

 **Executive Regulation 24-16, Residential Permit Parking Guidelines**

The Committee also will review Executive Regulation 24-16. The staff report will be available on Nov. 7. This regulation sets guidelines for the establishment of residential permit parking on County maintained roads where on-street parking generated by public facilities or commercial districts has adversely affected residents. These guidelines cover which areas can be designated, request procedures, and the permit process. The regulation also creates new types of permits. Executive Regulation 24-16 can be viewed at:

[https://www.montgomerycountymd.gov/exec/Resources/Files/24-16\(1\).pdf](https://www.montgomerycountymd.gov/exec/Resources/Files/24-16(1).pdf) .

 **Bill 23-17 Animal Control - Performance Animal - Violations**

On Nov. 9 at 11:30 a.m. the Public Safety (PS) Committee will review Bill 23-17. The lead sponsors are Councilmembers Rice and Leventhal. The staff report will be available on Nov. 7. Bill 23-17 would: define the term exhibit and performance animal; prohibit the exhibition of performance animals; authorize the Animal Control Division to take enforcement action for a prohibited act; and amend the provisions concerning animal cruelty. The sponsors of Bill 23-17 want to protect the welfare of wild animals by removing the financial incentives to exhibit such animals.

 **WorkSource Montgomery Pop-up Jobs Center in the East County**

On Nov. 9 at 2 p.m. the Health and Human Services (HHS) and the Planning, Housing and Economic Development (PHED) Committees will meet jointly to get an update on WorkSource Montgomery's Pop-Up Jobs Center in East County. The staff report will be available on Nov. 7.

WorkSource is a convener and coordinator for all workforce development related programs and resources in the County. It has focused on developing career pathways for job seekers and meeting the demand of job creators. The organization has successfully partnered with Montgomery County Public Libraries to start Pop-Up Job Centers at community libraries. In addition, the organization also provides career exposure for high school juniors and seniors through the Summer R.I.S.E. Program. More information is available at:

<http://worksourcemontgomery.com>.

 **Expansion of Teen Works in East County**

The Committees also will discuss the Expansion of Teen Works in East County for the summer of 2018. The staff report will be available on Nov. 7. TeenWorks is a year-round employment program for County teens and young adults, including high school students who are at least 15 years old and young adults 18 to 24 who have never been employed. Teens are employed by the Department of Recreation and placed in public sector and non-profit jobs throughout the County. Young people in this program earn the minimum wage and can work up to four hours each weekday or eight hours on weekend days during the school year. After successfully completing 300 hours of service, TeenWorks graduates receive a certificate of completion and a positive letter of reference.

 **Inside (not Outside) Initiative to End Chronic Homelessness**

The Committees will close out the meeting with an update on the Inside (not Outside) initiative to end chronic homelessness by 2017. The staff report will be available on Nov. 7. This County-wide effort is being led by the County's Interagency Commission on Homelessness (ICH). Chronic homelessness is defined as someone who has lived on the streets for one year or longer or has had at least four episodes of homelessness (totaling one year) in the last three years. Through the *Inside (not Outside)* initiative, 242 County residents who have been identified as currently or at risk of being chronically homeless will be permanently housed.