

COUNCIL COMING ATTRACTIONS



Week of September 25, 2017

Brewing and Distilling, Short-term Rentals, Body Cameras, Purple Line Update and the Future of Transportation



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> .

- 🌸 On September 26, the Council session will begin at 9:30 a.m. The public hearing for Bill 28-17, Human Rights and Civil Liberties – County Minimum Wage – Amount – Annual Adjustment is scheduled for Tuesday evening at 7:30 p.m.

COUNCIL

- 🌸 **Bill 14-17, Motor Vehicles and Traffic – Off-Street Parking Regulations – Public Parking Facilities**

The Council is scheduled to vote on Bill 14-17. The Transportation, Infrastructure, Energy and Environment (T&E) Committee recommends enactment. Council President Berliner is the lead sponsor, at the request of the Executive. The staff can be viewed at:

http://montgomerycountymd.granicus.com/MapView.php?view_id=169&event_id=7205&meta_id=143300 .

Expedited Bill 14-17 would increase the amount of time that a person may continuously park a vehicle in an off-street public parking facility from 24 hours to 14 days.

Expedited Bill 30-17, Weapons – Discharge of Bows – Amendments

The Council is scheduled to vote on Expedited Bill 30-17. The Public Safety (PS) Committee recommendation will be available on Sept. 25. All nine Councilmembers are lead sponsors. The staff report will be available on September 25 at:

http://montgomerycountymd.granicus.com/GeneratedAgendaViewer.php?view_id=169&event_id=7205 .

Expedited Bill 30-17 would reduce the size of the safety zone for archery hunters in the County from 100 yards to 50 yards. Current County law prohibits bow hunting within 100 yards of a building designed for human occupancy. All Councilmembers are lead sponsors. Bill 30-17 would make the County law consistent with State law. During the last legislative session, the Maryland General Assembly prohibited bow hunting within 100 yards of a building designed for human occupancy without the owner's consent to within 50 yards of a building.

Zoning Text Amendment 17-07, Light Manufacturing and Production – Brewing and Distilling

The Council is scheduled to introduce Zoning Text Amendment 17-07. Council Vice President Riemer is the lead sponsor. Councilmembers Leventhal, Hucker, Katz, Rice and Navarro are cosponsors. A public hearing is scheduled for November 7 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7205&meta_id=143304 .

ZTA 17-07 would revise the definition and standards for light manufacturing and production. It would allow for the brewing and distilling of alcoholic beverages under certain circumstances that are more permissive. The ZTA would allow light manufacturing and production uses as a limited use in the Commercial/Residential zones.

- In 2013 the Night Time Economy Task Force, which included ex officio members Council Vice President Riemer and Councilmembers Elrich and Floreen, recommended a policy of self-distribution for breweries. These recommendations and subsequent State legislative changes resulted in a significant number of breweries establishing businesses in the County.
- The Department of Permitting Services interpretation of “Artisan Manufacturing” allows the annual production of up to 50,000 gallons of distilled liquor in certain Commercial/Residential mixed-use zones. For companies that grow or are at greater production levels, between 50,000 and 100,000 gallons of distilled liquor is allowed in Commercial/Residential and Employment Office zones. More than 100,000 gallons of distilled liquor is allowed in heavy manufacturing zones.
- ZTA 17-07 would codify what has been allowed by DPS interpretation. In addition, it would allow up to 22,500 barrels per year of brewing in the Commercial/Residential zones.

Future of Transportation

The Council is scheduled to hold a panel discussion about autonomous vehicles. The development of self-driving vehicles is a rapidly evolving technology. It is anticipated that the use of autonomous vehicles will be widespread in 10-15 years. The following individuals will participate in the panel discussion: Mark K. Dowd, Former Senior Advisor, White House Office of Management and Budget; John Bowis, President and CEO, Chevy Chase Cars; Chris Greer, Director of the Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology; and Emil Wolanin, Deputy Director/Chief Operating Officer, Montgomery County Department of Transportation. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7205&meta_id=143308 .

COMMITTEE

Park Police Body Camera Program

On September 25 at 9:30 a.m. the Public Safety (PS) Committee will receive an update on the Park Police body camera program. Chief Antonio B. DeVaul, Montgomery County Park Police; Assistant Chief George Coleman, Park Police; and IT Systems Manager Alan Felsen will discuss their body camera program. All sworn officers, including the Chief, have been issued body cameras. The total number of cameras issued is 93. The total cost for equipment is \$110,886. Data storage was procured and installed by the Parks Information Technology and Innovation Division, and cost \$30,000. The annual maintenance contract cost for the cameras is \$2,693. The staff report can be found at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7409&meta_id=143207 .

Sheriff Body Camera Pilot Program

The Committee also will receive an update from the Sheriff on the body camera pilot program and plans for further testing. Sheriff Darrin Popkin; Chief Deputy Sheriff Mark Bonanno; and Mary Lou Wirdzek, Sheriff's Office, are expected to brief the Committee. The Sheriff's Office recently partnered with Axon to conduct a small pilot program with its body cameras, which occurred for three months last spring. In addition, Axon is offering body cameras and related supporting equipment/services for one year, free of charge. The Montgomery County Police Department (MCPD) currently contracts with Axon for its body cameras and related equipment/services. The Sheriff's Office will implement that free program, beginning November 1, 2017. The staff report can be found at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7409&meta_id=143209 .

Expedited Bill 30-17, Weapons – Discharge of Bows – Amendments

The Committee will close out its meeting with a review of Expedited Bill 30-17, which would reduce the size of the safety zone for archery hunters in the County from 100 yards to 50 yards. The staff report can be found at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7409&meta_id=143211 .

ZTA 17-03, Accessory Residential Uses – Short-term Rentals

On September 25 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review ZTA 17-03, which would make a bed and breakfast a limited use in most residential and mixed-used zones. It would limit short-term residential occupancy through services like Airbnb, FlipKey, and HomeAway to 90 days when the owner is not present and residing at the property. It would also establish limitations on the number of adult overnight guests per unit and per bedroom, and require that one off-street parking space be provided for each rental contract. The staff report can be found at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7410&meta_id=143213 .

Bill 2-16, Transient Housing – Licensing and Registration

The Committee will also review Bill 2-16. Council Vice President Riemer is the lead sponsor and Councilmember Rice is a cosponsor. Bill 2-16 anticipates (but does not require) the approval of ZTA 17-03. It would revise Chapter 54 of the County Code to update the provisions for hotels, delete forms of transient housing no longer allowed by the County's Zoning Code, establish a less burdensome method of licensing for bed and breakfast establishments, and assign responsibilities for licensing between Executive departments. The staff report can be found at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7410&meta_id=143215 .

 **ZTA 17-05, Ripley/Silver Spring South Overlay Zone – Standards**

The Committee will close out its meeting by reviewing ZTA 17-05. Councilmember Hucker is the lead sponsor. ZTA 17-05 would add building height flexibility in exchange for significant public benefits. According to the sponsor, the ZTA would create incentives for major public facilities and retail opportunities in the Ripley/Silver Spring South Overlay Zone area. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7410&meta_id=143217 .

 **Purple Line Transit Partners and Maryland Transit Authority**

On September 28 at 10:30 a.m. the Transportation, Infrastructure, Energy & Environment (T&E) Committee will receive a briefing from the Maryland Transit Administration (MTA) and the Purple Line Transit Partners (PLTP) to answer questions about construction activity and the schedule for the Purple Line. Council staff has collected many questions from civic groups and residents who live along the Purple Line right-of-way.

- The Purple Line is a 16-mile light rail line that will extend from Bethesda to New Carrollton. It will provide a direct connection to the Metrorail Red, Green and Orange Lines at Bethesda, Silver Spring, College Park and New Carrollton.
- Twenty-one Purple Line stations are planned. The Purple Line will also connect to MARC, Amtrak and local bus services. The staff report will be available on September 26.

 **FY16 Montgomery County Union Employees Deferred Compensation Plan Audit Status**

On September 28 at 2 p.m. the Audit Committee will receive a status report on the audit of the FY16 Montgomery County Union Employees Deferred Compensation Plan. Traditionally this audit is issued in June or July but it has been delayed because CliftonLarsonAllen (CLA) found a significant deficiency in which “the general ledger accounts were not analyzed and reconciled with subsidiary information on a monthly or even quarterly basis.” CLA has finished the audit and it is currently being reviewed by Walter Bader, Chair of the Montgomery County Union Employees Deferred Compensation Plan (MCUEDCP). After Mr. Bader’s response, CLA will issue the audit and OLO will forward the findings to the Audit Committee with an explanatory cover memo. The staff report will be available on September 26.

 **Inspector General**

The Committee also will receive an update from Inspector General Edward L. Blansitt III. The Inspector General’s Work Plan and published reports are found on the Office of Inspector General’s (OIG’s) website, at:

<http://www.montgomerycountymd.gov/OIG/igproduct.html> .

The OIG issued eight reports and three preliminary inquiry memorandums in FY17 and is currently working on 20 cases, including outstanding referrals. In FY18 OIG will complete reviews of the County Disability Retirement Program, reviews related to the Department of Correction and Rehabilitation, and a review of cash handling procedures. In the next four years, the OIG will focus on two broad areas: effectiveness of governance structure and resulting internal control systems, and information technology security. The staff report will be available on September 26.

 **Office of Internal Audit**

The Committee will close out its meeting with an update on the Office of Internal Audit (OIA). Fariba Kassiri, Assistant Chief Administrative Officer, and William Broglie, Manager, Office of Internal Audit, are expected to attend the Audit Committee meeting. Published reports for the OIA can be found at:

http://www.montgomerycountymd.gov/exec/internal_audit.html .

No reports have been released since OIA was last before the Audit Committee in June 2016. In FY18 OIA will continue to work on the two ongoing reviews from FY17 (DLC Store Operations and Fleet Maintenance Inventory Management). For these two reviews, the fieldwork is complete and the report of findings and recommendations is under development. Other reviews for FY18 will be determined based on the remaining 32 high-risk areas identified in the 2016 County-wide risk assessment. The staff report will be available on September 26.

 **Expedited Bill 29-17, Domestic Partner Survivor Benefits – LOSAP – Employees’ Retirement System – Eligibility**

On September 28 at 2:30 p.m. the Government Operations and Fiscal Policy (GO) Committee will review Expedited Bill 29-17. Councilmembers Navarro and Katz and Council Vice President Riemer are the lead sponsors. The staff report will be available on Sept. 26.

Expedited Bill 29-17 would clarify the definition of a domestic partner to receive County survivor benefits; limit County survivor benefits for a domestic partner of a local fire and rescue department volunteer to a domestic partner registered with the County on or before June 27, 2016; and limit County survivor benefits for a domestic partner of a County employee under the County retirement systems to a domestic partner registered with the County on or before June 27, 2016.

- In 2016 the Council enacted Bill 16-16, which, repealed the law providing domestic partner benefits for County employees. The law included a grandfather clause that permitted a County employee receiving domestic partner benefits on June 27, 2016 to retain those benefits.
- Although Bill 16-16 generally repealed the County law authorizing domestic partner benefits, the Bill did not remove references to domestic partner survivor benefits for volunteer firefighters under the Length of Service Awards Program and County employee survivor benefits under the County retirement laws.
- Expedited Bill 29-17 would limit domestic partner survivor benefits to a person who registered a domestic partnership with the County on or before June 27, 2016, making these survivor benefits consistent with the general repeal of domestic partner benefits in Bill 16-16.

 **Resolution on Spending Affordability Guidelines for FY19 Capital Budget and FY19-23 Capital Improvements Program**

The Committee will close out its meeting by reviewing the resolution on Spending Affordability Guidelines for the FY19 Capital Budget and the FY19-23 CIP. Section 305 of the Charter requires the Council to set spending affordability guidelines for the capital budget each year and requires the Council to establish by law the process and criteria. Subsequent law requires the Council to set the guidelines for capital budgets by resolution biennially no later than the first Tuesday in October in odd-numbered years. This year the deadline is October 3, 2017. The guidelines are related to how much the Council believes the County can afford. The staff report will be available on Sept. 26.