

# COUNCIL COMING ATTRACTIONS



## **Week of July 9, 2018**

**Montgomery College RISE Zone, Charter Review Commission, Carbon Monoxide Alarms, Bicycle Master Plan, Labor Peace Agreements, Police Internal Affairs Investigation Process and More**



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 1 p.m. on Tuesday, July 10

## **COUNCIL**



**Resolution to approve application to the State of Maryland for the designation of a Regional Institution Strategic Enterprise (RISE) Zone for the Germantown Campus of Montgomery College**

On July 10 at 2 p.m. the Council will review and vote on a resolution to approve an application to the State of Maryland requesting that the Germantown Campus of Montgomery College be designated as a Regional Institution Strategic Enterprise (RISE) Zone. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159391](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159391) .

A RISE Zone is a geographic area that has a strong connection with a qualified institution and is targeted for increased economic and community development. Qualified institutions include institutions of higher education, regional higher education centers or non-profits affiliated with a federal agency. The purpose of the RISE Zone program is to access institutional assets that have a strong and demonstrated history of commitment to economic development and revitalization in the communities where they are located.

## **PUBLIC HEARINGS**

**Public hearings will take place on July 10 at 1:30 p.m., unless otherwise indicated.**



### **Proposed Charter amendments and recommendations by the Charter Review Commission**

The Council will hold a public hearing on proposed County Charter amendments by the Charter Review Commission. A Council vote is tentatively scheduled for July 17. The staff report can be viewed at: [http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159375](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159375) .

The County Charter is the constitutional framework for County Government. The Council appoints an eleven-member, bi-partisan, Charter Review Commission to study the County Charter. The Commission must report to the Council in May of every even-numbered year with recommendations for possible County Charter revisions. These recommendations may lead to proposed County Charter amendments that are voted on by the electorate. The 2018 Charter Review Commission Report can be viewed [here](#) .



### **Technical Update to the Master Plan of Highways and Transitways**

The Council will hold a public hearing on a technical update to the Master Plan of Highways and Transitways. A Transportation, Infrastructure, Energy and Environment (T&E) Committee meeting is tentatively scheduled for July 19. The staff report can be viewed at: [http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159377](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159377) .

The County's Master Plan of Highways and Transitways classifies each County road in the transportation network. The plan will update the road network with current classifications, incorporate road changes and align these changes with the County Road Code, which was comprehensively updated in 2008 and 2014. The update will consolidate all roadway amendments that have been approved as part of master plans and limited functional Master Plan of Highways amendments. The new plan will also include transitways, rail stations and other transit centers.



### **Special appropriation to the County Government's FY19 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP), Conservation of Natural Resources: Stormwater Management Design/Build/Maintain Contract**

The Council will hold a public hearing on a special appropriation to the County Government's FY19 Capital Budget and an amendment to the FY19-24 Capital Improvements Program (CIP), Conservation of Natural Resources: Stormwater Management Design/Build/Maintain Contract. The source of the funds is long-term financing. A Council vote is tentatively scheduled for July 17. The staff report can be viewed at: [http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159379](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159379) .



### **Amendments to the FY19-24 CIP, Conservation of Natural Resources: Miscellaneous Stream Valley Improvements, Stormwater Management Retrofit: Roads; and Stormwater Management Retrofit: Countywide to Stormwater Management Design/Build/Maintain Contract**

The Council will hold a public hearing on amendments to the FY19-24 CIP, Conservation of Natural Resources: Miscellaneous Stream Valley Improvements, Stormwater Management Retrofit: Roads and Stormwater Management Retrofit: Countywide Stormwater Management Design/Build/Maintain Contract. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159381](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159381) .

**Bill 23-18, Fire Safety – Carbon Monoxide Alarm**

The Council will hold a public hearing on Bill 23-18, Fire Safety – Carbon Monoxide Alarm. Councilmember Craig Rice is the lead sponsor. Councilmember Marc Elrich is a cosponsor. A Public Safety (PS) Committee meeting is tentatively scheduled for September 24. The goal of this bill is to improve public health and safety by requiring carbon monoxide alarms in homes located in the County. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159383](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159383) .

**Expedited Bill 24-18, Forest Conservation – Amendments**

The Council will hold a public hearing on Expedited Bill 24-18, Forest Conservation – Amendments. Council President Hans Riemer is the lead sponsor, at the request of the Planning Board. A Transportation, Infrastructure, Energy and Environment (T&E) Committee meeting is tentatively scheduled for September 27. The purpose of this bill is to update the current law for consistency, protect an individual’s financial information and remove a burden on activities that are environmentally beneficial. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159385](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159385) .

**Expedited Bill 25-18, Health and Sanitation – Special Needs Housing - Renaming**

The Council will hold a public hearing on Expedited Bill 25-18, Health and Sanitation – Special Needs Housing – Renaming. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. A Council vote is tentatively scheduled for July 17. The purpose of this bill is to modernize the County Code and clarify the names of the programs that the County provides to end and prevent homelessness. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159387](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159387) .

**Declaration of No Further Need: Disposition of a portion of 100 Edison Park Drive, Gaithersburg**

The Council will hold a public hearing on a declaration of no further need in the disposition of a portion of 100 Edison Park Drive in Gaithersburg. A Government Operations and Fiscal Policy (GO) Committee meeting is tentatively scheduled for July 19. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159389](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159389) .

**Bicycle Master Plan**

At 7:30 p.m. the Council will hold a public hearing on the Bicycle Master Plan. The Bicycle Master Plan aims to help the County become a world-class bicycling community, to promote access to a comfortable, safe and connected bicycle network, and to make bicycling a viable transportation option that improves the County’s quality of life. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8009&meta\\_id=159393](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8009&meta_id=159393) .

**COMMITTEE****Bill 7-18, Streets and Roads - Installation of County Communications Infrastructure**

On July 9 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will review Bill 7-18, Streets and Roads - Installation of County Communications Infrastructure. Council President Hans Riemer is the lead sponsor. Councilmembers Roger Berliner, Marc Elrich, Craig Rice and Tom Hucker are cosponsors. The goal of this bill is to help extend County communications infrastructure in a cost-effective and efficient manner. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8007&meta\\_id=159321](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8007&meta_id=159321) .

Bill 7-18 would do the following:

- require the Director of the Department of Technology Services to develop and periodically update a strategic plan to install County communications infrastructure throughout the County;

- require certain excavation projects to add the installation of County communications infrastructure at the County's expense;
- establish a dig-once policy for adding the installation of County communications infrastructure in the public right-of-way; and
- require any person who leases the County's communications infrastructure to follow net neutrality.



### **Bill 6-18, Contracts - Labor Peace Agreements - Displaced Service Workers – Amendments**

The GO Committee also will review Bill 6-18, Contracts - Labor Peace Agreements - Displaced Service Workers – Amendments. Councilmembers Marc Elrich and Tom Hucker are the lead sponsors. Councilmember Craig Rice and Council Vice President Nancy Navarro are cosponsors. The goal of this bill is to prevent potential interruptions of services for residents provided by County contractors. These services include security, janitorial, building maintenance, food preparation and some non-professional healthcare services. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8007&meta\\_id=159323](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8007&meta_id=159323) .

Bill 6-18 would amend the County procurement laws to:

- require certain County contractors to enter in to a labor peace agreement with a labor organization;
- establish minimum requirements for a labor peace agreement;
- require certain County multi-term contracts to include a minimum price increase provision; and
- add certain workers performing services under a County residential solid waste collection contract to the County Displaced Service Workers Protection Act.



### **Expedited Bill 16-18, Taxation - Transportation Mitigation Payment – Credit**

The GO Committee will review Expedited Bill 16-18, Taxation - Transportation Mitigation Payment – Credit. Councilmember Nancy Floreen is the lead sponsor. Councilmembers Sidney Katz, Craig Rice and Council Vice President Nancy Navarro are cosponsors. The goal of this bill is to enable the Director of Finance to refund a transportation mitigation payment made under the circumstances described below. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8007&meta\\_id=159325](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8007&meta_id=159325) .

Expedited Bill 16-18 would authorize the Director of Finance to refund a transportation mitigation payment or give the property owner a credit against the development impact tax for transportation due for the development in the amount of any transportation mitigation payment made for the same development prior to March 1, 2017. Transportation mitigation payments are used to fund transportation improvements.



### **OLO Report 2018-4, Reverse Auction Purchasing**

The GO Committee will close out its meeting with a review of OLO Report 2018-4, Reverse Auction Purchasing. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8007&meta\\_id=159327](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8007&meta_id=159327) .

In 2017 the Council directed the Office of Legislative Oversight (OLO) to prepare a report that describes the use of reverse auctions in public sector purchasing, identifies the benefits and drawbacks and discusses potential future use by the Montgomery County Government. The report made the following findings:

- State and local government procurement officers who have managed reverse auctions believe that reverse auctions can produce significant cost savings.
- It is difficult to precisely calculate the direct effect of reverse auctions on contract price.
- Only certain types of goods and services are well suited for purchase via reverse auction.
- Reverse auctions are not appropriate for small dollar value purchases in which the cost savings do not offset additional costs.
- Pre-qualification of vendors is essential when using price as the final determinant for contract award.

The full OLO report can be viewed at:

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/ReverseAuctionPurchasing2018-4.pdf> . OLO's recommendations can be found on pages 38-39.

### **Executive Regulation 3-18, Repair and Deduct**

On July 19 at 1:30 p.m. the Planning, Housing and Economic Development (PHED) Committee will meet to review Executive Regulation 3-18, Repair and Deduct. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8008&meta\\_id=159329](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8008&meta_id=159329) .

This regulation sets forth additional guidance and procedures related to implementing the repair and deduct remedy available to tenants of rental housing under Chapter 29 (landlord-tenant relations) of the County Code, in cases where a landlord fails to correct a violation identified under Chapter 26 (housing and building maintenance standards) of the County Code.

### **Amendments to MCEDC bylaws**

The PHED Committee also will review amendments to the bylaws of the Montgomery County Economic Development Corporation (MCEDC). The mission of MCEDC is to connect businesses with the resources and knowledge needed to succeed in the County. MCEDC helps businesses invest in the County and connects them with potential partners and talent that matches their needs.

The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8008&meta\\_id=159331](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8008&meta_id=159331) .

### **ZTA 18-04, Exemptions - Agricultural Zone**

The PHED Committee also will review ZTA 18-04, Exemptions - Agricultural Zone. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8008&meta\\_id=159333](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8008&meta_id=159333) .

ZTA 18-04 would allow the expansion of uses in the Agricultural Zone that were legal before October 30, 2014 but were subsequently made non-conforming. The Executive's transmittal letter includes the following statement: "In light of the fact that there continues to be legitimate concerns about protecting farmland and agriculture, we need to restrict uses in those zones. For that reason this proposed amendment to the zoning text is proposed to apply only to those uses and structures that were existing and legal at the time the 2014 zoning text went into effect." ZTA 18-04 would expand, not restrict, the potential for nonfarm uses in the Agricultural Zone. The ZTA, as proposed, would not limit the expansion of uses that were made non-conforming by the 2014 Zoning Rewrite.

### **ZTA 18-03, Farm Alcohol Production - Standards**

The PHED Committee will close out its meeting with a review of ZTA 18-03, Farm Alcohol Production – Standards. Council President Hans Riemer and Councilmember Craig Rice are the lead sponsors. Councilmembers George Leventhal, Sidney Katz and Nancy Floreen are cosponsors. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8008&meta\\_id=159335](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8008&meta_id=159335) .

Currently, wineries are specifically allowed in Agricultural and Rural Residential Zones. ZTA 18-03 would incorporate many of the standards that were applicable to wineries and apply those standards and others to breweries, cideries and distilleries. In addition to the manufacture of alcoholic beverages, ZTA 18-03 would allow tasting rooms, the sale of food (to the extent allowed by the state manufacturing license) and up to nine events a year with 300 or more people. A larger number of events would be allowed only if the use is approved as a conditional use.

### **Executive Regulation 6-18, Police Leadership Service**

On July 9 at 2:15 p.m. the Public Safety (PS) Committee will meet to review Executive Regulation 6-18, Police Leadership Service. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8015&meta\\_id=159337](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8015&meta_id=159337) .

The Police Leadership Service (PLS) is a program for merit system employees in high-level positions who are responsible for managing County public safety programs and services or developing and promoting public policy for major programs and management functions. This regulation amends the County Code to create a new PLS salary schedule to include in the sworn police managers schedule. It would align salary increases with performance.

 **Montgomery County Police Department: Internal Affairs Investigation Process**

The PS Committee also will receive a briefing on internal affairs investigations conducted by the Montgomery County Police Department. The following representatives from MCPD will attend the meeting: Captain Willie Parker-Loan, Director of Internal Affairs Division, Detective Sergeant Mark Sullivan and Detective Sergeant Harley Schwarz. Councilmembers and residents posed several questions to MCPD on their internal affairs processes and protocols and requirements for de-escalation training after the officer-involved shooting of Robert Lawrence White in Silver Spring. Requests were also made to view the body camera footage of the shooting. MCPD representatives will discuss internal affairs policies and procedures and answer questions from Councilmembers. The specifics of the ongoing investigation of Mr. White's shooting will not be discussed. The staff report can be viewed at:

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&event\\_id=8015&meta\\_id=159339](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=8015&meta_id=159339) .

 **Bill 12-18, Real Property - New Home Sales Contracts - Solar Panel Systems**

On July 12 at 9:30 a.m. the Transportation, Infrastructure, Energy and Environment (T&E) Committee will review Bill 12-18, Real Property – New Home Sales Contracts – Solar Panel Systems. Councilmember Marc Elrich is the lead sponsor. Councilmember Tom Hucker is a cosponsor. The staff report will be available on July 10. Bill 12-18 would require the seller of a new single-family home to give the buyer an option to install a solar panel. It also would require the seller to disclose the benefits of a solar panel system and provide an estimate of the cost to install the system. The purpose of the bill is to encourage and increase the use of renewable energy in the County.

 **Bill 10-18, Administration - Director of County Climate Policy - Established**

The T&E Committee also will review Bill 10-18, Administration - Director of County Climate Policy – Established. Councilmember George Leventhal is the lead sponsor. Council Vice President Nancy Navarro and Councilmembers Roger Berliner and Tom Hucker are cosponsors. The goal of this bill is to take a more holistic approach to the County's climate policy. The staff report will be available on July 10. Bill 10-18 would require the County Executive to designate an employee as Director of County Climate Policy. The Director's duties would include: advising the Executive, Council and other departments and agencies on the best means to achieve climate goals; promoting inter-agency coordination; coordinating climate efforts with County agencies and developing public awareness programs; and recommending legislation necessary to achieve climate goals.

 **Bill 11-18, Buildings - Environmental Roof Design - Non-residential and Multi-family Buildings**

The T&E Committee also will review Bill 11-18, Buildings - Environmental Roof Design - Non-residential and Multi-family Buildings. Councilmember Marc Elrich is the lead sponsor. The goal of this bill is to increase the number of rooftops being used to collect clean energy and displace greenhouse gas. The staff report will be available on July 10. Bill 11-18 would require an environmentally sustainable roof on certain new and extensively modified non-residential buildings. It also would authorize the Director of the Department of Planning Services to approve a full or partial waiver.

 **Strategic Plan to Advance Composting, Compost Use and Food Scraps Diversion**

The T&E Committee will close out its meeting with a review of the County's Strategic Plan to Advance Composting, Compost Use and Food Scraps Diversion. The staff report will be available on July 10.

The plan, introduced in April 2018, identifies ways to reduce food waste to the greatest extent possible, encourages the donation of food to those in need and identifies strategies to achieve these outcomes. The plan can be viewed [here](#).

 **Update from the Office of the Inspector General and Office of Internal Audit**

On July 12 at 2 p.m. the Audit Committee will receive an update from the Office of the Inspector General and the Office of Internal Audit. The Audit Committee includes the GO Committee and the Council President and Council Vice President as ex-officio voting members. The staff report will be available on July 10.

 **CliftonLarsonAllen audit contract amendment**

The Audit Committee also will review the CliftonLarsonAllen audit contract amendment. The staff report will be available on July 10. CliftonLarsonAllen is the law firm contracted by the County to audit the County Government's financial statements and related items.

 **Council appointment to WSSC Inspector General Appointment Committee - Interviews**

At 2:30 p.m. the Audit Committee will conduct interviews for the Council appointment to the Washington Suburban Sanitary Commission (WSSC) Inspector General Appointment Committee. The staff report will be available on July 10.