

# COUNCIL COMING ATTRACTIONS



## Week of Dec. 2, 2019

**Economic Development Fund Assistance, Obstruction of Public Rights-of-Way, Local Small Business Preserve Program and Direct Purchase Investment Act, Inspector General Staff, Policing Advisory Commission, Transportation Demand Management, Bicycle Parking, Duty of Fair Representation, Housing Impact Fairness Act**

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 will meet on Tuesday, Dec. 3 at 9:30 a.m.

## COUNCIL

### **Bill 37-19, Economic Development Fund - Use of Fund and Remedies for Noncompliance**

On Tuesday, Dec. 3 at 10:30 a.m. the Council will introduce Bill 37-19, which would require recipients of Economic Development Fund assistance to agree to certain terms and conditions regarding the use and repayment of the assistance. Councilmember Evan Glass is the lead sponsor. Councilmember Hans Riemer is a cosponsor. Bill 37-19 also would do the following:

- alter eligibility requirements for the Small Business Innovation Research and Small Business Technology Transfer Matching Grants;
- require the repayment to the County of Small Business Innovation Research and Small Business Technology Transfer Matching Grants in certain circumstances;
- impose remedies related to the provision of false or fraudulent applications and the use of Fund assistance for unauthorized purposes; and
- generally amend the law related to the Economic Development Fund.

The goal of this legislation is to increase accountability in the use of grant funds and to expand eligibility for the Small Business Innovation Research and Small Business Technology transfer Matching Grant

Program. A public hearing is scheduled for Jan. 14, 2020 at 1:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_5A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_5A.pdf)

### **Bill 38-19, Streets and Roads - Permit to Obstruct Public Rights-of-Way – Amendments**

The Council will introduce Bill 38-19, which would require the County Executive to adopt certain regulations regarding permits to close curb lanes, sidewalks or shared use paths in the public rights-of-way. Councilmember Andrew Friedson is the lead sponsor. Councilmembers Evan Glass and Will Jawando are cosponsors. Bill 38-19 also would do the following:

- limit the circumstances in which the Department of Permitting Services may grant or extend a permit to close a curb lane, sidewalk or shared use path; and
- require the director of Permitting Services to publish certain information regarding permits to close curb lanes, sidewalks or shared use paths.

public hearing is scheduled for Jan. 14, 2020 at 1:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_5B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_5B.pdf)

### **Bill 39-19, Contracts and Procurement - Local Small Business Reserve Program (LSBRP) - Amendments**

The Council will introduce Bill 39-19, the Local Small Business Reserve Program and Direct Purchase Investment Act. Councilmember Will Jawando is the lead sponsor. Bill 39-19 would amend the Local Small Business Reserve Program to do the following:

- permit the participation of non-profit organizations in the program;
- increase the minimum percentage of contracts that must be awarded to small businesses;
- establish a goal to award certain direct purchases to local small businesses; and
- alter reporting requirements.

The goal of this legislation is to support the backbone of Montgomery County's economy, locally owned small businesses, by expanding opportunities and access to over one billion dollars in government contracts and purchases.

A public hearing is scheduled for Jan. 14, 2020 at 1:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_5C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_5C.pdf)

### **Expedited Bill 40-19, Inspector General - Staff – Amendments**

The Council will introduce Bill 40-19, which would authorize the inspector general to hire one or more deputies as a term merit employee and other staff as a merit employee. Council President Nancy Navarro, Councilmember Andrew Friedson and Council Vice President Sidney Katz are the lead sponsors. Under current law the inspector general must hire each staff member as a term merit employee with a maximum term that ends at the same time as the four-year term of the inspector general. This requires a new inspector general to begin a new term with no existing staff members or institutional experience. It also makes it more difficult to recruit staff when an inspector general is appointed to either a new term or to complete the term of an inspector general who leaves early. The goal of this legislation is to improve the operation of the Office of the Inspector General. A public hearing is scheduled for Jan. 14, 2020 at 1:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_5D.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_5D.pdf)

### **Bill 14-19, Police - Policing Advisory Commission – Established**

The Council is scheduled to vote on Bill 14-19, which would establish a 13-member Policing Advisory Commission. The lead sponsor is Councilmember Hans Riemer. Councilmembers Will Jawando, Tom Hucker and Evan Glass are cosponsors. The Policing Advisory Commission would advise the Council on policing matters; provide information on best practices in policing; recommend policies, programs, legislation or regulations; comment on matters referred to it by the Council and conduct at least one public forum each year for community input on policing matters and engage in public education. The group must

also provide an annual report to the Executive and Council by July 1. The 13-member commission would include nine appointed public members with an interest in policing matters, with each Councilmember nominating one member. Four members would be nominated by the Executive. Nonvoting, ex-officio members would include the police chief or a designee and a representative of an employee organization. Members will serve three-year terms. The goal of Bill 14-19 is to enhance trust and transparency between the police department and community members and to identify best practices in policing. The Public Safety (PS) Committee recommends enactment with the following amendments:

- remove language specifying that each Councilmember would nominate one member;
- clarify that the union representative should be the president of the union or the president's designee;
- add language to the bill regarding the Commission's diversity (see also amendment proposed by Councilmember Glass on circle page 145);
- allow the Commission to elect its chair and vice chair;
- require the Commission to accept correspondence and comments from members of the public;
- require the County to respond to Commission requests for information within 30 days after receiving the request; and
- require the Executive to nominate two youth members.

The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_6A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_6A.pdf)

### **Bill 36-18, Transportation Management - Transportation Demand Management Plan - Amendments**

The Council is scheduled to vote on Bill 36-18. Councilmember Hans Riemer is the lead sponsor, at the request of the County Executive. Expedited Bill 36-18 would do the following:

- expand transportation demand management to reduce traffic congestion and automobile emissions, support multi-modal transportation and non-automobile travel goals, enhance the efficient use of transportation infrastructure and promote the sustainability of existing and future development; and
- establish the requirements for a transportation demand management plan for development in certain areas of the County

The goal of this legislation is to reduce traffic congestion and automobile emissions and to support multi-modal transportation. The Transportation and Environment (T&E) Committee recommends enactment. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_6B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_6B.pdf)

## **PUBLIC HEARINGS**

All public hearings will be held on Tuesday, Dec. 3.

### **Zoning Text Amendment (ZTA) 19-08, Bicycle Parking - Requirements and Design Standards**

At 1:30 p.m. the Council will hold a public hearing on ZTA 19-08. This zoning measure would implement the recommendations of the 2018 Bicycle Master Plan, which was approved by the Council in November 2018. Council President Nancy Navarro is the lead sponsor, at the request of the Montgomery County Planning Board. The amendment would do the following:

- require smaller developments to provide bicycle parking facilities;
- define terms;
- provide dimensional and design standards;
- add provisions concerning location, access and security; and
- add requirements for repair stations and electric bicycles.

A Planning, Housing and Economic Development (PHED) Committee meeting is tentatively scheduled for Jan. 16, 2020. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_7.pdf)

### **Bill 35-19, Personnel - Collective Bargaining - Certified Representative - Duty of Fair Representation**

At 1:30 p.m. the Council will hold a public hearing on Bill 35-19, which would amend the duty of fair representation for a certified representative of County employees and authorize a certified representative to impose the reasonable costs of filing a grievance or pursuing arbitration on an employee who does not pay membership dues or the equivalent. Councilmember Tom Hucker is the lead sponsor. Bill 35-19 also would require a certified representative to file a grievance or pursue arbitration for an employee who does not pay membership dues or the equivalent only if the employee pays the reasonable costs imposed; and generally amend the duty of fair representation of a certified representative of County employees. The goal of this legislation is to permit a union to receive payment for filing grievances on behalf of an employee who chooses not to pay union dues. A Government Operations and Fiscal Policy Committee meeting is tentatively scheduled for Jan. 16, 2020. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_8.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_8.pdf)

### **Bill 34-19, Taxation - Development Impact Taxes - Affordable Housing - Housing Impact Fairness Act**

Bill 34-19, the Housing Impact Fairness Act. Councilmember Evan Glass is the lead sponsor. Councilmember Will Jawando is a cosponsor. Bill 34-19 would do the following:

- alter the applicability of the development impact tax for transportation improvements;
- alter the applicability of the development impact tax for public school improvements;
- establish an excise tax on certain demolitions and renovations of single-family homes;
- specify the use of certain tax revenues for affordable housing initiatives; and
- generally amend the law concerning taxation.

The goal of this legislation is to close a loophole so that all new residential construction in Montgomery County fairly contributes to the jurisdiction's infrastructure needs. Councilmember Glass estimates that this tax will raise \$100 million over four years. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203\\_10.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191203/20191203_10.pdf)

## **COMMITTEES**

### **Forest Glen/Montgomery Hills Sector Plan: Land Use and Zoning**

On Dec. 2 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will review the land use and zoning components of the Forest Glen/Montgomery Hills Sector Plan. This updated plan reevaluates land use and transportation strategies as part of long-term visioning process for the area, including an analysis of existing traffic conditions, which will help inform the community and Planning Department staff as they make recommendations to improve transportation conditions. To support the plan's vision, broad land use goals and recommendations are described on page 49 of the plan, which can be viewed here:

<https://montgomeryplanning.org/planning/communities/area-1/forest-glen-montgomery-hills-sector-plan/>

Casey Anderson, chair of the Planning Board; Gwen Wright, director of the Planning Department; and Mike Riley, director of Montgomery Parks, are among those expected to attend the meeting. Council staff recommendations can be viewed on pages two to 16 of the Council staff report, which can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED1AM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED1AM.pdf)

### **Capital Improvements Program (CIP) Amendment and Special Appropriation: WMATA Property Acquisition**

The PHED Committee also will review a CIP amendment and special appropriation to the Maryland-National Capital Parks and Planning Commission's (M-NCPPC) Fiscal Years 2019-2024 (FY19-24) CIP and a special appropriation to Montgomery Parks' FY20 Capital Budget. This amendment would facilitate the acquisition of a Washington Area Metropolitan Transit Authority (WMATA) property. The amendment would transfer \$6.8 million in Montgomery County GO Bond appropriation from Legacy Open Space to

Acquisition: Non-Local Parks. The board is also requesting an appropriation of \$1.96 million in GO Bond funds to the M-NCPPC Department of Parks FY20 Capital Budget for Acquisition: Non-Local Parks. Acquisition of the WMATA parcel would provide a rare opportunity to support two major public priorities with one project: expanded and improved affordable housing and the creation of a new urban recreational park. Casey Anderson, chair of the Planning Board; and Mike Riley, director of Montgomery Parks, are among those expected to attend the meeting.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED2AM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED2AM.pdf)

### **Senior Safety**

On Dec. 2 at 9:30 a.m. the Public Safety (PS) Committee will review senior safety initiatives provided by various County departments. Most such initiatives are proactive in nature and are meant to help prevent seniors from being victims of crime or fraud, or from being injured. County agencies work together to provide comprehensive safety services. Those expected to attend the meeting include the following: John McCarthy, State's Attorney; Chief Darryl McSwain, Park Police, Montgomery County Division; Chief Marcus Jones, Montgomery County Police Department (MCPD); Eric Friedman, director, Office of Consumer Protection; Chief Scott Goldstein, Montgomery County Fire and Rescue Service (MCFRS); Dr. Odile Brunetto, acting chief, Aging and Disability Services, Department of Health and Human Services; Jim Resnick, Community Outreach, MCFRS; and Beth Anne Nesselt, Community Outreach, MCFRS. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PS1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PS1.pdf)

### **Public Safety Employees: Mental Health Support Services**

The PS Committee also will review mental health support services for County public safety employees, including employees of MCFRS, MCPD, Park Police, the Sheriff's Office, the Office of Correction and Rehabilitation, and communications specialists. Those expected to brief the Committee include the following: Chief Darryl McSwain, Maryland-National Capital Park Police, Montgomery County Division; Chief Marcus Jones, Montgomery County Police Department; Angela Talley, director, Department of Correction and Rehabilitation; Chief Scott Goldstein, Montgomery County Fire and Rescue Service; and Sheriff Darren Popkin. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PS2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PS2.pdf)

### **Crime Statistics**

The PS Committee will close out its meeting with a briefing on crime statistics. This update will provide crime data comparing Montgomery County with neighboring jurisdictions including Frederick, Baltimore, Prince George's and Fairfax Counties. Total crime in Montgomery County is down 7.5 percent over the past three years. The most notable decrease has been in burglary, which has fallen 25 percent in that time span. Acting Assistant Chief Dinesh Patil of MCPD and other police staff are expected to brief the Committee. Comparative crime statistics can be found on circle pages two to six of the Council staff report, which can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PS3.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PS3.pdf)

### **Purple Line Corridor Housing Action Plan**

On Dec. 2 at 2 p.m. the PHED Committee will receive a briefing on the Purple Line Corridor Housing Action Plan. The Purple Line Corridor Coalition (PLCC) is a public-private community collaboration that is focused on the impacts of changes that will occur along the entire Purple Line Corridor, which runs from Bethesda to New Carrollton. General information about the PLCC and its activities can be found at: <http://purplelinecorridor.org/>. Regarding housing, the PLCC has stated the following goal and included strategies and action items in its draft plan: Housing opportunities should be available for people of all income levels in communities throughout the corridor, especially current low-income, middle-income and transit-dependent residents. Chris Gillis, director, Policy and Neighborhood Development, Montgomery

Housing Partnership; and Stephanie Prange Proestel, deputy director, Housing Initiative Partnership, are among those expected to attend the meeting. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED1PM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED1PM.pdf)

### **Bill 18-19, Landlord-Tenant Relations – Relocation Expenses**

The PHED Committee will review Bill 18-19, which would require a landlord to make a tenant relocation payment if the tenant's housing is condemned as unfit for human habitation and require a landlord to provide a tenant with a right of first refusal to re-occupy rental housing. Councilmember Will Jawando is the lead sponsor. Council Vice President Sidney Katz, Councilmember Tom Hucker, Council President Nancy Navarro and Councilmember Craig Rice are cosponsors. The goal of this bill is to help improve the health and safety of tenants and to provide financial assistance when a tenant is displaced because of unfit living conditions not caused by the tenant. The relocation payment would be the greater of three months fair market value rent for a unit of comparable size, as established by the most current federal Department of Housing and Urban Development schedule of fair market rents for the Washington-Arlington-Alexandria area, or three months of the tenant's rent at the time of relocation. The landlord must pay the relocation payment directly to the displaced tenant within 72 hours of posting the condemnation. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED2PM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED2PM.pdf)

### **Single Family Rental Licensing and Code Enforcement**

The PHED Committee will review single family rental licensing and code enforcement. Since 2015, the Council and the Department of Housing and Community Affairs (DHCA) have worked to improve code enforcement of rental housing through legislation, increased staffing, improvements in technology and education and tenant support services. These efforts have focused on multi-family rental housing and provided a focused inspection surge that is transitioning into a system of inspections with frequency that respond to the conditions found. This can range from a property being classified as a troubled property with a requirement for a remediation plan and frequent reinspection to triennial inspections for properties that have few or minor violations that were corrected once identified. Those expected to attend the meeting include the following: Aseem Nigam, director, DHCA; Frank Demarais, deputy director, DHCA; Chris Anderson, chief, Community Development Division, DHCA; Dan McHugh, manager, Code Enforcement Services, DHCA; Elaine Kao, Department of Environmental Protection; and Grayce Wiggins, housing and community development manager, City of Takoma Park. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED3PM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED3PM.pdf)

### **Troubled Properties**

The PHED Committee will close out its meeting with an update on troubled properties in the County. Under County law a troubled property is one that DHCA will inspect at least once a year for housing code violations. This increased inspection frequency is required due to the higher number of and/or the severity of the housing code violations observed during DHCA's most recent inspection of the property. In addition, a troubled property must develop a corrective action plan that describes in detail the specific actions that will be taken to correct all housing code violations by the deadline established by DHCA. A troubled property also must submit a quarterly log of its internal maintenance calls upon the request of DHCA. The Council staff report for this item will be available on Nov. 29.

### **Supplemental appropriation and CIP amendment -\$15,910,000 for White Flint West Workaround**

On Dec. 5 at 2 p.m. the Transportation and Environment (T&E) Committee will review a supplemental appropriation and CIP amendment of \$15,910,000 for the White Flint West Workaround. The supplemental appropriation and amendment are needed due to design changes for storm drain and utility conflicts, land

acquisitions, utility relocations and related construction costs. The Council staff report will be available on Dec. 2.

**Grant Application for the 2019 Enhanced Mobility Program**

The T&E Committee will review a grant application for the 2019 Enhanced Mobility Program. The Council staff report will be available on Dec. 2.