

COUNCIL COMING ATTRACTIONS



February 4, 2019

Spending Affordability Guidelines, Lead Limits on Drinking Water in Schools, New Home Warranty and Builder Licensing, Short-term Rentals, Estate Sales, Animal Boarding, Fences, Mall Height Limits, Capital Budget and Amendments to CIP, Outdoor Smoking, Food Security, Public Health, Farm Alcohol Production, Small-Scale Manufacturing, Maryland Electronic Courts

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> .

COUNCIL

-  **Spending Affordability Guidelines for the FY20 Capital Budget and other general CIP assumptions**
The Council is scheduled to vote on Spending Affordability Guidelines for the FY20 Capital Budget and other general CIP assumptions. The Council will receive an overview of the Amended FY19-24 CIP to confirm or amend the Spending Affordability Guidelines (SAGs) for the Amended CIP and to set the initial CIP revenue assumptions. February 5 is the deadline for the Council either to confirm or amend guidelines. After February 5 the Council can adopt an aggregate capital budget that has expenditures that exceed the guidelines, but only with seven or more affirmative votes. Those expected to attend the Council meeting include: Alex Espinosa, director, Department of Finance; Richard Madaleno, director, Office of Management and Budget (OMB); Rob Hagedoorn, David Platt and Dennis Hetman, Department of Finance; and Mary Beck, OMB. The Government Operations and Fiscal Policy (GO) Committee recommends approval as amended. The Council staff report can be viewed at:
https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_4.pdf
-  **2018 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan**

The Council is scheduled to vote on the 2018 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan. Council staff recommends approving this financial assurance plan. Maryland law requires that Montgomery County transmit a financial assurance plan every two years to the Maryland Department of the Environment (MDE) by the anniversary date of the County's NPDES-MS4 permit (by February 15, 2019). The plan must demonstrate:

- actions required to meet MS4 permit requirements;
- annual and projected five-year costs to meet the impervious surface restoration plan (ISRP) requirement, more commonly known as the 20 percent restoration requirement in the County's current permit;
- annual and projected five-year revenues or other funds that will be used toward meeting the 20 percent restoration requirement;
- any and all sources of funds used toward meeting MS4 permit requirements; and
- all specific actions and expenditures undertaken in the previous fiscal years to meet the 20 percent restoration requirement.

Amy Stevens, chief, Watershed Planning and Monitoring, Department of Environmental Protection (DEP); and Vicky Wan, manager, Water Quality Protection Charge and Technology Services, DEP, are expected to attend the Council meeting. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_5.pdf

Bill 2-19, Health – Lead in Drinking Water – Schools

The Council will introduce Bill 2-19, Health – Lead in Drinking Water – Schools. Councilmember Tom Hucker is the lead sponsor. Councilmember Hans Riemer, Council Vice President Sidney Katz and Councilmember Gabe Albornoz are cosponsors. Bill 2-19 would establish a County lead limit for drinking water that is stricter than the State of Maryland's water quality requirement for lead in drinking water in public schools. The bill also requires corrective action for water fountains and other water sources in public school buildings with lead concentration greater than the County lead limit. The goal of this legislation is to help ensure that students have safe drinking water at public schools. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_7A.pdf

Key search terms for this legislation on the Council's website include: lead, water, water fountains, schools and health. #SafeWater4Students is being used for this bill on social media.

Bill 31-18, New Home Warranty and Builder Licensing – Amendments

The Council is scheduled to vote on Bill 31-18, New Home Warranty and Builder Licensing – Amendments. Councilmember Craig Rice is the lead sponsor. Bill 31-18 would require new home builders and new home sellers to register with the Office of Consumer Protection, require new home builders and new home sellers to provide buyers with a new home warranty, and require the Office of Consumer Protection to administer and enforce County law related to new home builders and new home sellers. The goal of this bill is to bring the County into greater uniformity with the State of Maryland's builder registration law. The Public Safety (PS) Committee recommends enactment with amendments to:

- remove language regarding service of process/notice of administrative hearings; and
- require that as a condition of being registered, a home seller and a home builder must provide a warranty to the consumer.

The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_8A.pdf

Expedited Bill 37-18, Transient Housing – Short Term Rental License – Appeals

The Council is scheduled to vote on Expedited Bill 37-18, Transient Housing - Short Term Rental License – Appeals. Former Councilmember Nancy Floreen is the lead sponsor. The goal of Bill 37-18 is to allow a

more efficient appeal process for short-term rental issues. This legislation would amend the appeal process for short-term rental licenses. It would allow any person aggrieved by an approval, denial, revocation or suspension of a short-term rental license to appeal the decision to the Board of Appeals. In the absence of this provision, an aggrieved party must bear the time and cost of an appeal to the Circuit Court. The Planning, Housing and Economic Development (PHED) Committee recommends enactment with the following amendment: allow the Board of Appeals to schedule a hearing within 60 days of a notice of appeal instead of 30 days. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_8B.pdf

Bill 40-18, Secondhand Personal Property Dealers – License

The Council is scheduled to vote on Bill 40-18, Secondhand Personal Property Dealers – License. Councilmembers Andrew Friedson and Sidney Katz are the lead sponsors. Councilmember Gabe Albornoz, Council President Nancy Navarro and Councilmember Hans Riemer are cosponsors. Bill 40-18 would exclude certain personal property from the definition of secondhand personal property and provide that a secondhand personal property dealer license expires one year from the date of issuance. The goal of this bill is to provide that individuals and businesses that assist in coordination and marketing of estate sales are not considered secondhand personal property dealers. Its other goal is to avoid a high volume of license renewal applications at the same time each year, by providing that licenses issued under the law are valid for a period of one year. The PS Committee recommends enactment with amendments. A discussion of the recommended amendments can be found on pages 3-5 of the Council staff report. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_8C.pdf

Key search terms for Bill 40-18 on the Council’s website include: estate sales, secondhand property and Office of Consumer Protection. #EstateSales is being used for this item on social media.

Zoning Text Amendment (ZTA) 19-03, Commercial/Residential Zones – Animal Boarding and Care

The Council will introduce ZTA 19-03, Commercial/Residential Zones – Animal Boarding and Care. Council President Nancy Navarro is the lead sponsor, at the request of the County Executive. ZTA 19-03 would allow animal boarding and care as a limited use in commercial/residential (CR) zones. A public hearing is scheduled for March 12 at 1:30 p.m. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_9A.pdf

ZTA 18-12, Setback Exemptions – Fences

The Council is scheduled to vote on ZTA 18-12, Setback Exemptions – Fences. Councilmember Hans Riemer is the lead sponsor. ZTA 18-12 would allow a fence up to eight feet, if it is abutting a master planned right of way for a rail line or abutting any service roads that provides access to a master plan right of way for a rail line. The goal of this zoning proposal is to protect residents’ privacy, allowing them to shield their properties from rail line facilities including the Purple Line. The PHED Committee recommends approval. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_9B.pdf

Key search terms for ZTA 18-12 on the Council’s website include: light rail, Purple Line and right of way. #Fences is being used for this item on social media.

ZTA 18-13, Regional Shopping Center Overlay Zone – Standards

The Council is scheduled to vote on ZTA 18-13, Regional Shopping Center Overlay Zone – Standards. Councilmember Hans Riemer is the lead sponsor. ZTA 18-13 would amend the Regional Shopping Center Overlay Zone. It would allow for free standing buildings used for retail sales and service, structured parking, or health clubs at a maximum height of 90 feet. The Regional Shopping Center Overlay Zone applies to Westfield Montgomery and Westfield Wheaton Malls. The general building height limit in the zone is 45

feet. The overlay zone has exceptions to that height limit for a building that includes a theater complex (90 feet), a hotel or motel (150 feet), and an apartment building or a multi-use building with residential use (150 feet). This ZTA would add to those exceptions. The goal of this zoning proposal is to allow more flexibility to use allowable density in different configurations. The PHED Committee recommends approval. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190205/20190205_9C.pdf

Key search terms for ZTA 18-13 on the Council’s website include: height limits, regional shopping center, Montgomery Mall and Wheaton Mall. #WestfieldMallHeight is being used for this item on social media.

PUBLIC HEARINGS

FY20 Capital Budget and Amendments to FY19-24 Capital Improvements Program (CIP) for County Government: Montgomery County Public Schools, Montgomery College, Maryland-National Capital Park and Planning Commission, Revenue Authority, and Housing Opportunities Commission; and Washington Suburban Sanitary Commission’s FY20-25 CIP

At 7:30 p.m. the Council will hold a public hearing on the following items:

- the Fiscal Year 2020 Capital Budget and amendments to FY 2019-2024 Capital Improvements Program (CIP) for County Government: Montgomery County Public Schools, Montgomery College, Maryland-National Capital Park and Planning Commission, Revenue Authority, and Housing Opportunities Commission;
- the Washington Suburban Sanitary Commission’s FY 2020-2025 CIP

There is no Council staff report for this item.

COMMITTEES

Bill 35-18, Health and Sanitation – Smoking – Outdoor Service Areas

On February 4 at 9:30 a.m. the Health and Human Services (HHS) Committee will review Bill 35-18, Health and Sanitation – Smoking – Outdoor Service Areas. Council Vice President Sidney Katz is the lead sponsor. Councilmembers Craig Rice and Hans Riemer and former Councilmember Marc Elrich are cosponsors. Bill 35-18 and the Board of Health regulation would prohibit smoking in certain outdoor serving areas, such as patios, decks and porches, which are under the control of eating or drinking establishments. The goal of this bill is to protect the health of residents. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_HHS1-2.pdf

Resolution to adopt Bill 35-18, Health and Sanitation – Smoking – Outdoor Service Areas, as a Board of Health Regulation

The HHS Committee will review a resolution to adopt Bill 35-18 as a Board of Health regulation. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_HHS1-2.pdf

“A Food Secure Montgomery – A 5 Year Strategic Plan” and Foodstat

The HHS Committee will receive a briefing and update on the “A Food Secure Montgomery Plan,” which was completed in response to a bill passed by the Council. The plan describes the following as the components of food security and says that for an individual to be food secure, the conditions must all be respected simultaneously:

- availability of food in sufficient quantity and of an appropriate nature and quality;
- access to acquire food needed for a nutritionally adequate diet, including the ability to afford nutritious food;

- consumption of food uninhibited by health or hygiene problems (safe drinking water, sanitation or medical services, etc.); and
- stability of access to food, i.e. the assurance of access by people to food even in the face of natural or economic shocks.

Those expected to attend include the following: Dr. Travis Gayles, County Health Officer; Jackie DeCarlo, executive director of Manna Food Center; and Heather Bruskin, executive director of the Montgomery County Food Council. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_HHS3.pdf

Briefing from Dr. Travis Gayles, Public Health Officer

The HHS Committee will close out its meeting with a briefing from Dr. Travis Gayles, the County's Public Health Officer. Dr. Gayles will brief the Committee on the report, "Health in Montgomery County 2008-2016" and on the "Zip Code Ranking Project." The executive summary can be found in circle pages 2-7 of the Council staff report and provides summary data on demographics, birth rates, leading causes of death, maternal and infant health, chronic disease, infectious disease, behavioral health and injury. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_HHS4.pdf

ZTA 18-14, Farm Alcohol Production – Residential Zones

At 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will review ZTA 18-14, Farm Alcohol Production – Residential Zones. Councilmembers Hans Riemer and Craig Rice are lead sponsors. ZTA 18-14 would amend the recently approved provisions for farm alcohol production. ZTA 18-14 would allow tasting rooms in the RE-1 and RE-2 zones (residential estate zones, which consist of large lot residential uses) if: 1) the site is at least 25 acres in size; and 2) the site is in category six of the Ten-Year Water Supply and Comprehensive Sewerage Plan. Category six of the plan requires the use of a septic rather than a sewerage system. These conditions would be in addition to all other conditions applicable to accessory farm alcohol production. The goal of this zoning proposal is to expand opportunities in the agricultural and rural zones to have tasting rooms. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_PHED1.pdf

Small-Scale Manufacturing

The PHED Committee will close out its meeting with a discussion of small-scale manufacturing in the County. Ilana Preuss, founder and CEO of Recast City, LLC, and others will give a briefing on small-scale manufacturing in the County (see circle pages 1-13 of the Council staff report for more details). The information was produced at the request of Councilmember Hans Riemer to get a better understanding of the small-scale manufacturing sector and its needs in the County. Following the briefing, the committee will discuss ways to cultivate the sector's growth with Ms. Preuss and staff from multiple agencies. A full list of those expected to attend can be found on page 1 of the staff report. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_PHED2.pdf

Maryland Electronic Courts

At 2 p.m. the Public Safety (PS) Committee will receive an update on Maryland Electronic Courts (MDEC). The Circuit Court is in the process of converting, migrating, and testing vast amounts of case data to the new statewide Maryland Electronic Courts case management system. The process is complex, requires significant staff time above regular duties and requires additional contractual help. The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190204/20190204_PS1.pdf



Cable Television and Communications Plan

On February 7 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will review the cable television and communications plan. This preliminary plan identifies projected cable company revenues for the upcoming fiscal year and ongoing expenditures. In addition the chairs of the Public Education and Government (PEG) Channels Donna Keating, media services manager and executive producer for County Cable Montgomery, and Dick Lipsky, TV supervisor, Montgomery County Public Schools, will provide an update on a future model for PEG operations. The Council staff report will be available on February 5.



Implementing Charter Amendment related to Non-merit employees in Councilmember offices

The GO Committee will close out its meeting with a briefing on implementing charter amendments related to non-merit employees in Councilmember offices. In 2018 the voters passed Question C that would allow each Councilmember to hire more than one non-merit aide. The County's merit system provides a structured set of rules for county government employees that deals with human resources aspects such as hiring, salaries, employee classification, discipline and retirement. Non-merit employees are not subject to these rules and protections. The Council staff report will be available on February 5.



WSSC FY20-25 CIP

At 2 p.m. the Transportation and Environment (T&E) Committee will review the fiscal years 2020-2025 Capital Improvements program for the Washington Suburban Sanitary Commission. The Council staff report will be available on February 5.