

COUNCIL COMING ATTRACTIONS



Week of April 5, 2021

Proclamations recognizing Autism Awareness Month, commemorating Yom HaShoah - Holocaust Remembrance Day and recognizing Public Health Week

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>

Summary

Tuesday's Council session will begin with two proclamations. The first, recognizing Autism Awareness Month will be presented by Councilmember Rice, Councilmember Jawando, Council Vice President Albornoz and Councilmember Katz. The second proclamation commemorating Yom HaShoah - Holocaust Remembrance Day will be presented by Councilmember Katz, Councilmember Friedson and Councilmember Glass. Third, a proclamation Recognizing Public Health Week will be presented by Council Vice President Albornoz.

The meeting will continue with the Council sitting as the Board of Health and Dr. Travis Gayles, Dr. Earl Stoddard and Dr. Raymond Crowel will provide their weekly COVID-19 pulse report update to Councilmembers. The Council will then convene as the District Council to vote on the Shady Grove Sector Plan Minor Master Plan Amendment

Following the update, the Council will move on to the Consent Calendar portion of the meeting, which will include introductions to an excise tax on e-cigarettes and a resolution to refinance bonds supporting the Bethesda Parking Lot District. The Council will also vote to release reports from the Office of Legislative Oversight and confirm three county executive appointments.

The afternoon meeting consists of ten public hearings and an additional hearing scheduled for the evening. This will include the first testimony on the County Government's FY22 Operating Budget. Additional testimony will be received related to water quality and solid waste charges, zoning changes and grant funding for the fire and rescue service.

Early in the afternoon, the Council will interview a County Executive appointee and discuss police response to child elopement. The afternoon session will end with the Council's eighth legislative session of the year, where two bills will be called for final reading.

The Council session will be held April 6 at 9 a.m.

[Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)

Update: Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts.

Those expected to provide information include Dr. Travis Gayles, health officer and chief of the Department of Health and Human Services' (DHHS) Public Health Services; Dr. Earl Stoddard, director, Office of Emergency Management and Homeland Security; and Dr. Raymond Crowel, director, DHHS. Join the conversation with [#COVID-19](#)

[Shady Grove Sector Plan Minor Master Plan Amendment](#)

Vote expected: The Council is expected to vote on the Shady Grove Sector Plan Minor Master Plan Amendment, which makes recommendations for land use and zoning within the plan area, and recommendations intended to improve overall circulation, pedestrian connections and the network of bikeways for approximately 2,000 acres.

The sector plan amendment will create a future Shady Grove Metro Station area that is home to a mixed-use, pedestrian-oriented environment with attractive streetscapes, distinctive architecture and a sense of place that is complemented with public art, facilities and amenities and new mobility options.

Those expected to provide information include Casey Anderson, chair, Montgomery County Planning Board, Gwen Wright, director, Montgomery Planning Department, Carrie Sanders, chief, Mid-County Planning, Planning Department and other Planning Department staff.

[Excise Tax on Electronic Cigarettes - Tax Rate Increase](#)

Introduction: Lead sponsor Council President Hucker is expected to introduce a resolution to increase the tax rate for electronic cigarette products. The current tax rate on these products is 30 percent of the wholesale price, and the resolution would increase this tax rate to 60 percent.

This tax is part of ongoing efforts to reduce the public health impacts associated with e-cigarette products and vaping. The Council previously introduced regulations and legislation to limit the distribution of e-cigarettes particularly among young residents in Montgomery County. A public hearing is scheduled for April 27 at 1:30 p.m.

Join the conversation with [#EcigsCauseHarm](#)

Issuance and Sale of Parking Revenue Bonds

Introduction: At the request of the County Executive, the Council will introduce a resolution to refinance parking revenue bonds supported by the Bethesda Parking Lot District. Executive staff estimate that the County could save \$1.2 million over the next 12 years by refinancing.

The County typically refinances bond series in low interest rate environments or when savings are possible. The Department of Finance intends to refinance three bond series that are currently supported by parking fees and fines.

Measuring Climate Resilience - A Review of Select Critical Infrastructure Sectors in Montgomery County

Report: To better understand how well Montgomery County's critical infrastructure is designed to handle extreme weather conditions, the Council is expected to vote to release Office of Legislative Oversight (OLO) Report 2021-5.

The report examines six critical infrastructure sectors and identifies historical weather trends, the geographic impact of related events, and costs. The report will be available after the Council vote at montgomerycountymd.gov/olo.

Availability of County Government Vacancy and Lapse Data

Report: The Council will vote to release Office of Legislative Oversight OLO Memorandum Report 2021-6, which examines the availability of vacancy and lapse data.

The report includes the number of position vacancies by department, job classification and pay grade. It also covers the amount of time positions remain vacant and what contributes to extended vacancies. The report will be available after the Council vote at montgomerycountymd.gov/olo.

Receipt of Office of the Inspector General Reports

Report: The Council will acknowledge receipt of three reports from the Office of the Inspector General (OIG) and may schedule future meetings for review. These include:

- [Public Health Emergency Grant Program: Montgomery County Department of Finance, OIG Publication #21-008](#)
- [Lessons Learned from County COVID Loaner Laptop Program](#)
- [DHHS IT Purchase Card Allegations, OIG Publication #21-010](#)

Resolution to Amend FY21 Operating Budget: Latino Economic Development Corporation of Washington, D.C.

Introduction and vote expected: At the recommendation of the Chief Administrative Officer, the Council is expected to vote on an amendment to allow the Office of the County Executive to increase the value of an existing contract with the Latino Economic Development Center by \$10,000.

The increase would fund two webinars and two legal clinics for small businesses in the County. The amendment applies to Section G of Council Resolution 19-472, which authorizes non-competitive contract awards.

Resolution to Amend FY21 Operating Budget: National Lead for America, Inc.

Introduction and vote expected: At the recommendation of the Chief Administrative Officer, the Council is expected to vote on an amendment to allow the Office of the County Executive to increase the value and expand the purpose of an existing contract with National Lead for America, Inc. (LFA).

LFA is a paid fellowship for outstanding leaders ages 21-30 to work on challenges facing local governments. The amendment would raise the contract value by \$8,508, reflecting annual cost increases and allowing the County to work with more than one LFA Fellow.

The amendment applies to Section G of Council Resolution 19-472, which authorizes non-competitive contract awards.

Special Appropriation to the County Government's FY21 Operating Budget: Support for COVID-19 Response -Small Business Rental Assistance

Vote expected: The Council is expected to vote on a special appropriation introduced by Councilmember Jawando to provide small business rental assistance in response to COVID-19.

The fund would provide grants to small businesses to assist with back rent payments or current rent payments. Eligible businesses in the County that lost revenue due to the pandemic could receive up to \$10,000 or three months' rent.

Declaration of No Further Need - Disposition of Halpine View Real Property

Vote expected: The Council is expected to vote on a resolution to approve the disposition of the County-owned property located at 13001 Twinbrook Parkway, 5508 Dowgate Court, and 12813 Twinbrook Parkway in Rockville to construct new housing units including affordable housing.

The Halpine View property is in the Veirs Mill Corridor Master Plan which recommends maximizing residential development. The nearly two-acre property related to the Declaration of No Further Need was dedicated to the County for a roadway that was never constructed.

The County property cannot be abandoned but rather must be disposed of through the County's disposition process.

Resolution to set a public hearing for the FY22 Constant Yield Tax Rate

Vote expected: The Council is expected to set a public hearing for the FY22 Constant Yield Tax Rate (CYTR) for April 27 at 1:30 p.m. The CYTR is the property tax rate for the coming fiscal year that would generate the same amount of revenue that was generated during the current fiscal year.

Police Response to Child Elopement from School: Policy, Training, and Disciplinary Considerations

Discussion: The Council will receive a briefing and discuss the Montgomery County Police Department's interaction with a five-year-old MCPS student that occurred in January 2020 and the recent public release of body worn camera footage. Litigation is pending on the incident.

Links to official statements about the incident:

- [Council's official statement about the incident](#)
- [County Executive Elrich's statement](#)
- [Statement from Board President Brenda Wolff and Superintendent Dr. Jack Smith](#)

Those expected to provide information include Police Chief Marcus Jones and Montgomery County Police Department (MCPD), and representatives from Montgomery County Public Schools (MCPS).

Bill 4-21, Weapons - Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns

Final reading: The Council is expected to vote on Bill 4-21. The goal of this legislation is to prohibit the use and sale of ghost guns, which pose a significant threat to public safety. Council Vice President Alborno is the lead sponsor of the bill and all other Councilmembers are cosponsors.

Ghost guns or do-it-yourself guns are unserialized firearms built by unlicensed individuals. These guns currently evade many firearm regulations.

Bill 4-21 defines terms related to firearm laws and places restrictions on ghost guns, undetectable guns and certain other firearms with respect to minors. It also places restrictions on these types of firearms within 100 yards of places of public assembly.

Marcus C. Jones, chief, Montgomery County Police Department is expected to be available for the vote.

Bill 51-20, Landlord-Tenant Relations - Window Guards

Final reading: The Council is expected to vote on Bill 51-20 or the Window Safety Act, which would require landlords of a multifamily dwellings to install and maintain window guards in each window of a room if a child of age 10 or younger resides in the dwelling or by tenant

request. The Department of Housing and Community Affairs would be required to set minimum safety standards for the window guards and would enforce the law. Council President Hucker is the lead sponsor and Council Vice President Alborno and Councilmembers Navarro, Rice, Riemer, Katz and Jawando are cosponsors.

Bill 51-20 comes in response to several incidents of young children enduring serious injuries from window falls in Montgomery County. The purpose of the bill is to prevent future tragedies of this nature.

Those expected to provide information include Mitra Pedoeem, director, Department of Permitting Services (DPS), Rick Merck, division chief, Commercial Construction, DPS, Aseem Nigam, director, Department of Housing and Community Affairs (DHCA) and other DPS and DHCA staff.

Public Hearings on April 6 at 1:30 p.m.

[Additions to the Office of Zoning and Administrative Hearings' Comprehensive Fee Schedule](#)

Public hearing: The Council will receive public testimony regarding an amendment to the fee schedule to the recently adopted Zoning Text Amendment (ZTA) 20-1, which allows solar collection systems as a conditional use in the Agricultural Reserve (AR) Zone.

The proposed change adds an \$8,200 application fee for solar collection. The amendment was recommended by the Montgomery County Planning Department and is modeled after the existing application fee for agricultural processing.

[Resolution to establish FY22 Solid Waste Service Charges](#)

Public hearing: The Council will receive public testimony on a resolution to establish FY22 solid waste service charges. These charges are approved by the Council annually by resolution. The impact on customers would vary depending on the property and the services provided.

For single-family residential property owners, the charges could increase between five and eight percent. Multi-family property owners could see increases ranging from five to more than six percent. Non-residential customers could see increases of nearly six percent.

Tipping fees charged at the Shady Grove Transfer Station are recommended to remain unchanged from FY21 levels. The exception is an increase from \$70 to \$76 in tipping fees for construction and demolition material and waste material delivered in open top containers.

[Resolution to establish FY22 Water Quality Protection Charge](#)

The Council will receive public testimony on a resolution to establish the FY22 Water Quality Protection Charges. The Council first created the Water Quality Protection Charge in 2001 (Bill 28-00) and modified the charges in 2013 (Bill 34-12).

The Water Quality Protection Charge is a part of residents' property tax bills. It funds improvements to the water quality of streams and reduces the impacts of stormwater runoff. The Council is required to set rates each fiscal year by resolution.

[Expedited Bill 12-21, Personnel - Employees' Retirement System - Retirement Savings Plan - Group Trust - Amendments](#)

Public hearing: The Council will receive public testimony on Expedited Bill 12-21, which would update the employee retirement system savings plan based on recent changes to federal law.

In general, the expedited bill would increase the mandatory required distribution age, change the timing of distributions and clarify other aspects of the plan.

Council President Hucker is the lead sponsor, at the request of the County Executive.

[Expedited Bill 13-21, Streets and Roads - Permit to Obstruct Public Rights-of-Way and Franchising – Amendments](#)

Public hearing: The Council will receive public testimony on Expedited Bill 13-21, which would expand the Department of Permitting Services authority to approve permits for private property owners who need to install non-commercial structures that are accessory to a residential use.

These types of structure include electric vehicle (EV) charging devices, private storm drain pipes with access to the public sewer system, roof drains, and other non-standard accessories in the County's rights-of-way.

Council President Hucker is the lead sponsor, at the request of the County Executive.

[Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Health and Human Services - Emergency Homeless Shelter](#)

Public hearing: The Council will receive public testimony on a supplemental appropriation to provide \$13,647,000 to the Department of Health and Human Services for an Emergency Homeless Shelter. The project is scheduled to be completed by the end of 2021.

Existing County facilities supporting homeless sheltering and associated services are insufficient for the current population and future demand. Due to COVID-19, maximum occupancy at each County homeless shelter has decreased to allow for social distancing.

The appropriation will fund the acquisition of a facility and construction costs to retrofit the facility to include space for congregation, meal service, and medical and case management offices.

Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program, Department of Transportation - Master Leases: Transit Radio System Replacement

Public hearing: The Council will receive public testimony on a supplemental appropriation for \$1,017,000 to fund improvements necessary to incorporate the Division of Transit Services radio operations into the new state-of-the-art public safety radio system.

The County Executive is recommending this action to take advantage of favorable pricing on the purchase of radio consoles and to allow purchase orders to be placed in accordance with the project schedule.

Council President Huckler is the lead sponsor, at the request of the County Executive.

Zoning Text Amendment (ZTA) 21-01, Sign Ordinance - Bus Shelter Advertising

Public hearing: The Council will receive public testimony on ZTA 21-01, which would make bus shelter advertising included under a licensing agreement with the County exempt from the required permit.

Until 2019, the County was a party to a franchise agreement with a private firm that provided bus shelter advertising as well as bus shelter maintenance in exchange for a share of the advertising revenue.

The previous franchise agreement lapsed, and the County Executive now recommends entering a licensing agreement for advertising and separately contracting out maintenance.

Declaration of No Further Need: Disposition of County Parking Lot No. 41 for lease renewal, located at 4538 Middleton Lane, Bethesda

Public hearing: The Council will receive public testimony regarding a lease renewal for County parking lot No.41, located at 4538 Middleton Lane in Bethesda.

Previously, the Department of Transportation (DOT) entered into a one-year lease agreement with My King Apparel, LLC to allow it to continue its retail operations. The Division of Parking Management is now proposing to enter a five-year lease extension.

[Supplemental Appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service](#)

Public hearing and vote expected: This appropriation is needed to expend \$2,041,846 in proceeds of the FY21 State of Maryland Senator William H. Amoss Fire, Rescue, and Ambulance (State 508) Grant Fund.

The Amoss Fund was established to provide grants for fire, rescue, and ambulance services to promote high-quality service and the continued financial viability of volunteer fire, rescue, and ambulance companies.

This supplemental appropriation represents the priorities established by the County Executive and Fire Chief, in coordination with the Montgomery County Volunteer Fire and Rescue Association, for the renovation of stations and acquisition of fire and rescue equipment.

FY22 Operating Budget and additional Amendments to the FY21-26 Capital Improvements Program

The Council has four public hearings scheduled on the County's operating and capital budgets to get input about community budget priorities and issues. On April 6 these public hearing will take place at 1:30 and 7 p.m. On April 7 and April 8 these public hearings will take place at 7 p.m.

Committee Meetings on Monday, April 5

The Planning, Housing and Economic Development (PHED) Committee will meet on **Monday, April 5, at 9:30 a.m.** to review the planning and zoning issues listed below. The PHED Committee members include: Chair Hans Riemer, Councilmember Andrew Friedson (Lead for Parks) and Councilmember Will Jawando.

[Ashton Village Center Sector Plan](#)

Review: The Ashton Village Center Sector Plan is designed to transform Ashton into a viable and vibrant rural village center. The Committee will review recommendations for the plan area including land use, zoning, community design and transportation issues.

The plan area includes 127 acres around the intersection of MD 108, known as Olney Sandy Spring Road, and New Hampshire Ave. (MD 650). The plan envisions the Ashton Village Center as a compact, low-rise, walkable and bikeable rural village with a mix of land uses.

The plan provides zoning and design recommendations intended to allow the density and uses expected for a rural village, while ensuring that new development complements Ashton's existing commercial center and rural character.

Since two state highways (MD 108 and MD 650) form a crossroads at the core of the Ashton Village Center, this plan also provides transportation recommendations related to vehicle, pedestrian and bicycle mobility in the plan area.

Those expected to provide information include Planning Board Chair Casey Anderson, Planning Director Gwen Wright and Montgomery Planning Department staff.

Zoning Text Amendment (ZTA) 20-08, Residential Care Facility, Continuing Care Retirement Community

Review: ZTA 20-08 adds a definition for a continuing care retirement community to Montgomery County's Zoning Ordinance. Presently, independent living units and residential care facilities in a multi-unit building are approved as a conditional use.

Current law does not include a definition for a continuing care retirement community, and ZTA 20-08 would allow for greater flexibility in senior-living unit developments.

Those expected to provide information include Planning Board Chair Casey Anderson and Montgomery Planning Department staff.

Council President Hucker is the lead sponsor, at the request of the Planning Board.

Committee Meetings on Wednesday, April 7

The Education and Culture Committee (E&C) will meet on **Wednesday, April 7, at 9:30 a.m.** to discuss the Montgomery County Public Schools (MCPS) Capital Improvements Program (CIP) and the Audit Committee will meet at **1:30 p.m.** to receive a briefing from SB & Company.

The members of the E&C Committee include Chair Craig Rice and Councilmembers Will Jawando (Lead for Libraries) and Nancy Navarro.

The members of the Audit Committee include Government Operations and Fiscal Policy Committee Chair Nancy Navarro, Council President Tom Hucker, Vice President Gabe Albornoz, Councilmember Andrew Friedson and Councilmember Sidney Katz.

Montgomery County Public Schools (MCPS) Capital Improvements Program (CIP)

Discussion: The E&C Committee will discuss the FY21-26 amended CIP for MCPS. The discussion will cover a requested package of non-recommended reductions to proposed expenditures. State aid for school construction is also key element, as the State's actions each year can affect the degree of changes required in the CIP.

The Board's FY21-26 amendment request totals \$1.732 billion compared to the County Executives assumption of \$1.61 billion in six-year expenditures, \$117.3 million less than the

original Approved FY21-26 CIP and \$121 million less than the board request. \$68.4 million of the Executive's reduction is from large technical adjustments reflecting actual project expenditures.

Those expected to provide information include Brenda Wolff, president, Board of Education, Dr. Jack R. Smith, superintendent of schools, Dr. Monifa McKnight, deputy superintendent and other MCPS and Office of Management and Budget staff.

[Briefing from SB & Company, the County Government's independent auditor and discussion on company contract renewal](#)

Briefing: The Audit Committee will receive a briefing from SB & Company (SB) on the audit of the basic financial statements of the County Government and the findings of two reports summarizing the findings.

Discussion: The Committee will also review a contract amendment to extend SB & Company's contract for an additional year. The current contract expires on July 13, 2021 and the contractor's services are needed to conduct the Fiscal Year 2021 audit.

SB & Company also audited the financial statements of the Montgomery County Employee Retirement Plans, the financial statements of the Montgomery County Consolidated Retiree Health Benefits Trust, and other audit work.

Those expected to provide information include Graylin Smith, managing partner, SB & Company and company staff. Michael Coveyou, director, Montgomery County Department of Finance and Linda Herman, executive director, Montgomery County Employee Retirement Plans, will also be in attendance with staff from their respective departments.