

COUNCIL COMING ATTRACTIONS



Week of Feb. 22, 2021

COVID-19 Vaccine and Public Health Update, New Snow Removal Act, Shady Grove Sector Plan Minor Master Plan Amendment, Board of Appeals and Charter Review Commission Appointments, Resolution Condemning Hate and Extremism

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

The council will begin its session on Tuesday with two proclamations. First, Councilmember Craig Rice will recognize the more than 100 Board of Elections workers for their service and dedication during last year's election, followed by a proclamation recognizing Teen Dating Violence Prevention Month by Councilmember Katz and County Executive Elrich.

The morning's business will kick off with the Council sitting as the Board of Health as Dr. Travis Gayles and Dr. Earl Stoddard will provide their weekly COVID-19 update to Councilmembers. Discussion this week is expected to focus on vaccine availability and distribution, as well as the decrease in the number of cases in the county and what that means as we move into spring.

Following the update, the Council will move to District Council Session as it receives a staff briefing on the Shady Grove Sector Plan Minor Master Plan Amendment. Since the Plan's approval twelve years ago, there have been several changes to the County's land use planning policies and practices, including the adoption of a new Zoning Ordinance in 2014, an update to the County's Subdivision Staging Policy in 2016 and new data-driven approaches to transportation planning. For these reasons, the time is right to revisit

some of the transportation implementation recommendations in the 2006 Shady Grove Sector Plan. The public hearing for this amendment will be held later in the afternoon.

As part of the Consent Calendar, the Council will receive the Office of Legislative Oversight report on Workforce Development Systems and Performance Measures as well as action on a special appropriation to Montgomery County Public Schools' FY21 Operating Budget - \$750,000 for Restorative Justice Training for School Staff. The Council will also vote on a resolution introduced by Councilmember Evan Glass to reaffirm Montgomery County's commitment to combat hate and extremism.

The afternoon session consists of seven public hearings. The final hearing will include action on a special appropriation of \$31,405,652 for rental and utility assistance. The source of these funds is a grant from the U.S. Department of Treasury.

The Council will end its day with the introduction of two new bills. The first is a request from the County Executive to rename the Department of Technology Services. The second measure, introduced by Councilmember Evan Glass, deals with requirements for sidewalk snow removal. The Council will vote on a bill to rename the Subdivision Staging Policy to the Growth and Infrastructure Policy. It will close out its meeting by introducing a resolution to approve a \$3.7 million supplemental appropriation for FY21 pay adjustments. The Council will hold a public hearing on this funding on March 9, 2021.

COUNCIL

The Council session will be held on Feb. 23 at 9 a.m.

Novel Coronavirus (COVID-19) and County Public Health Planning

The Council will sit as the Board of Health to receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. The Council will be joined by Dr. Travis Gayles, County 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. Montgomery County is dependent on the State of Maryland for their supply of the COVID-19 vaccines. DHHS is generally notified each Saturday about the quantity of the vaccine doses it will receive for the following week. County leaders continue to advocate for additional vaccine supply as quickly as possible. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/2021023_3A.pdf

Shady Grove Sector Plan Minor Master Plan Amendment

The Council will receive a briefing on the Planning Board Draft of the Shady Grove Sector Plan Minor Master Plan Amendment. The Plan makes recommendations for land use and zoning within the area, as well as recommendations intended to improve overall circulation, pedestrian connections, and the network of bikeways for approximately 2,000 acres. The Council will hold a public hearing on the draft plan in the afternoon. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_4A.pdf

Appointment to the Board of Appeals

The Council will announce their selection for the new member to the County Board of Appeals (BOA) to fill a partial term resulting from the resignation of its previous member. Three applicants were interviewed by the Council on February 9, 2021. The Board of Appeals hears and decides cases involving certain land use issues, including modifications of special exceptions and variances from development standards or other requirements in the County's Zoning Ordinance. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_5.pdf

Appointment to the Charter Review Commission

The Council will announce their selection of the new member for the Charter Review Commission (CRC) to fill a partial term. Two applicants were interviewed by the Council on February 9, 2021. The County Charter is the constitutional framework for County Government, and the Council appoints an 11 member, bi-partisan, Charter Review Commission to study the Charter. The commission must report to the Council in May of every even-numbered year with recommendations for possible Charter revisions. These recommendations may lead to proposed Charter amendments that are voted on by the electorate.

The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_6.pdf

Adoption of the Comprehensive Solid Waste Management Plan 2020-2029

The Council will introduce the Comprehensive Solid Waste Management Plan 2020 – 2029 at the request of the County Executive. Pursuant to Sections 9-503 and 9-515 of the Environment Article of the Annotated Code of Maryland, the governing body of each County is required to adopt and submit to the Maryland Department of the Environment (MDE) a ten-year plan dealing with solid waste disposal systems, solid waste acceptance facilities, and the systematic collection and disposal of solid waste. The Environment Article further requires each County to review its solid waste management plan at least every three years. The current plan (2012 – 2023) was approved by the Council in March 2015. A public hearing is scheduled for March 16, 2021 at 1:30 pm. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7A.pdf

#SolidWaste is being used for this topic on social media.

FY20 National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan

The Council will introduce the Financial Assurance Plan (FAP) to meet the Requirements of the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. On February 11, 2021 the County Executive transmitted his recommended FY20 plan. Each NPDES Phase I MS4 jurisdiction must submit a FAP to the Maryland Department of the Environment (MDE) every two years. The County submitted its FY18 FAP in February 2019. The Montgomery County Department of Environmental Protection completed the FY20 FAP based on the Approved FY21 Operating Budget and the Approved and Amended FY21-26 Capital Improvements Program. A public hearing is scheduled for March 9, 2021 at 1:30 p.m. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7B.pdf

#NPDESPermit is being used for this topic on social media.

Proposed Revisions to Bethesda Urban Partnership (BUP) Bylaws

The Council will introduce a resolution proposing the enactment of the amendments to Bethesda Urban Partnership's (BUP) bylaws. The amendments to the bylaws cover a range of issues including BUP's adherence to the State Open Meetings Act, processes and procedures of board meetings, the procedures for the removal of board members, as well as BUP's ethics and procurement practices. All of the amendments are in conformance with the County Code. The PHED Committee reviewed and voted 2-0 (with one committee member not in attendance) to approve the amendments to BUP's bylaws. A public hearing for action is scheduled for March 2, 2021 at 1:30 p.m. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7C.pdf

#BUP and #UrbanDistricts are being used for this topic on social media.

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

The Council will introduce a Declaration of No Further Need for the Halpine View Real Property, located along Twinbrook Parkway in Rockville, Maryland. The County Executive has proposed to transfer the County-owned property (originally acquired in 1964) totaling 1.99 acres along Twinbrook Parkway in Rockville (known as the “Aspen Hill Extension” and also referred to as the “Halpine View Real Property”) to a private developer, Halpine Park LLC, for the purposes of constructing housing, including affordable housing. A joint GO/PHED Committee worksession is tentatively scheduled for March 25, 2021. A public hearing is scheduled for March 16, 2021. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7D.pdf

Introduction - Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program, Montgomery County Public Schools (MCPS) - \$3,182,226 to MCPS Local Unliquidated Surplus Account

The Council will introduce an amendment to the MCPS FY21-26 CIP Current Revitalization/Expansion project and a related transfer within the FY21 Capital Budget to the MCPS Local Unliquidated Surplus Account. A public hearing is scheduled for March 16, 2021 at 1:30 p.m. The staff report for this item will be made available on Monday, Feb. 22.

Introduction - Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendments to the FY21-16 CIP, MCPS - \$3,182,226 to Gaithersburg Cluster Elementary School #8

The Council will introduce an amendment to the MCPS FY21-26 CIP Gaithersburg Cluster Elementary School #8 project and a related transfer within the FY21 Capital Budget from the MCPS Local Unliquidated Surplus Account. A public hearing is scheduled for March 16, 2021 at 1:30 p.m. The staff report for this item will be made available on Monday, Feb. 22.

Receipt and Release OLO Report 2021-3, Workforce Development Systems and Performance Measures

This Office of Legislative Oversight (OLO) report summarizes research on workforce development systems and provides examples of the types of indicators and outcome frameworks used to track outcomes for supply side and demand driven workforce development systems. It also summarizes research for sector partnership programs. The research finds the most successful programs are employer-led; they embed career pathways; and their career advancement efforts offer long term training and extensive supports. OLO Report 2021-3 will be available online at <http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html> after the Council votes to release the report on February 23, 2021. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7G.pdf

Resolution to extend time until December 31, 2021, for Council action on Bill 37-19, Economic Development Fund - Use of Fund and Remedies for Noncompliance, the “Oversight and Small Business Investment Act”

The Council is scheduled to review and vote on an extension request of Bill 37-19 by its lead sponsor, Councilmember Glass, who asks to extend the expiration date from June 3, 2021 to December 31, 2021.

The bill's cosponsors are Councilmembers Riemer and Jawando. Bill 37-19 requires recipients of Economic Development Fund (EDF) assistance to agree to certain terms and conditions regarding the use and repayment of the assistance. The bill also does the following:

- alters eligibility requirements for the Small Business Innovation Research and Small Business Technology Transfer Matching Grants;
- requires the repayment to the County of Small Business Innovation Research and Small Business Technology Transfer Matching Grants in certain circumstances;
- imposes remedies related to the provision of false or fraudulent applications and the use of Fund assistance for unauthorized purposes; and
- generally amends 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

The EDF assists private employers who are located, plan to locate, or substantially expand operations in the County. Each program under the EDF is administered by the Department of Finance. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7H.pdf

#EconomicDevelopmentAssistance is being used for this bill on social media.

Special appropriation to MCPS' FY21 Operating Budget - \$750,000 for Restorative Justice Training for School Staff (Source of Funds: General Fund Reserves)

The Council is scheduled to vote on a resolution to the FY21 Operating Budget for Montgomery County Public Schools for \$750,000 to provide restorative justice training to school staff. Councilmembers Jawando and Riemer are lead sponsors and initiated the special appropriation as part of a package of appropriations and legislation to invest in student supports and restorative justice while prohibiting the Montgomery County Police Department from placing School Resource Officers (SROs) in school buildings. Each legislative item is being reviewed by the Council separately. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7K.pdf

Resolution reaffirming Montgomery County's commitment to combat hate and extremism

The Council will vote on a resolution sponsored by Councilmember Glass and co-sponsored by all Councilmembers, which would reaffirm the County's commitment to combat hate and extremism. Montgomery County recognizes the value of cultivating an inclusive, safe and just society and culture. The events of January 6, 2021 shocked the nation, and with this proclamation, Montgomery County reaffirms its commitment to root out hatred, political exploitation and mistruths in all political and civil institutions. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_7M.pdf

PUBLIC HEARINGS

All Council public hearings will be held on Feb. 23 at 1:30 p.m. unless otherwise specified

Shady Grove Sector Plan Minor Master Plan Amendment

The Council will receive public testimony on the Planning Board Draft of the Shady Grove Sector Plan Minor Master Plan Amendment. PHED Committee worksessions are tentatively scheduled for March 1 and March 15, 2021. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_4A.pdf

Bill 3-21, Special Taxing Area Laws - Silver Spring Business Improvement District – Established

The Council will receive public testimony on Bill 3-21, which would establish a business improvement district in Silver Spring, establish guidelines for the District and authorize a district corporation to manage the District, and authorize a tax on nonexempt property located in the District to finance the operations of the district corporation. Councilmember Riemer and Council President Hucker are lead sponsors, and Councilmembers Friedson, Katz, Navarro and Rice are cosponsors. A GO/PHED Committee worksession is tentatively scheduled for March 25, 2021. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_8.pdf

#SilverSpringBID is being used for this bill on social media.

Bill 6-21, Finance - Revenue Estimating Group – Established

The Council will receive public testimony on Bill 6-21, which would establish a Revenue Estimating Group to review and forecast County revenues and provide for membership and duties of the Group.

The objective of this measure is to increase the accuracy and usefulness of revenue projections. Councilmember Andrew Friedson is the lead sponsor and Councilmembers Navarro and Katz are cosponsors. The GO Committee worksession is tentatively scheduled for March 8, 2021. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_9.pdf

#ConsensusRevenues and #BetterForecasting are being used for this bill on social media

Supplemental Appropriation to the County Government’s FY21 Operating Budget, Office of the County Executive - \$1,500,000 for Support for COVID-19 Response - Small Business Rental Assistance (Source of Funds: Undesignated Reserves)

The Council will receive public testimony on this appropriation meant to support small businesses impacted by COVID-19, and specifically to assist with back rent payments or current rent payments. Through this grant, eligible businesses may receive up to \$10,000 or three months rent. Councilmember Jawando is the lead sponsor of this bill, and supports priority considerations for minority- and women-owned, and to businesses that lease space in zip codes that have experienced the greatest impact from the pandemic based on number of cases. A PHED Committee worksession will be scheduled at a later date. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_10.pdf

Supplemental Appropriation to the County Government’s FY21 Operating Budget, Department of Transportation (DOT) - \$30,167,124 for Maryland Department of Transportation (MDOT) Transportation Assistance Grants - (Source of Funds: Federal Aid)

The Council will receive public testimony and vote on this supplemental appropriation, which is needed to authorize the expenditure of federal funds received through the CARES Act. The goal of this appropriation is to provide funds to pay for operating costs of Ride On related to the prevention, preparation for, and response to COVID-19. Federal aid is the source of funding for this appropriation. The Council staff report can be viewed

here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_11.pdf

#transit is being used for this bill on social media.

Special Appropriation to the County Government’s FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$31,405,652 for rental and utility assistance (Source of Funds: United States Department of Treasury Grant)

The Council will receive public testimony and is scheduled to vote on this supplemental appropriation, which was recommended by the County Executive to aid residents who have faced a loss of income due to the pandemic, and who are in need of assistance in paying rent and utilities. This funding would be made available through a U.S. Treasury Grant. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_13.pdf

#PreventEviction is being used for this bill on social media.

Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Six Category Change Requests

The Council will hold a worksession to discuss and take straw votes on each of the six water and sewer category change requests sent by the County Executive. In reviewing these requests, the Council can approve, conditionally approve, defer, or deny the requests. The recommendations for each change request can be found in the Council staff report at: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_14.pdf

#WaterandSewerPlan is being used for this bill on social media.

DISTRICT COUNCIL

Zoning Text Amendment (ZTA) 20-01, Solar Collection System - AR Zone Standards

The Council is scheduled to vote on ZTA 20-01, sponsored by Councilmember Riemer and Council President Hucker and co-sponsored by Councilmember Rice. As introduced, the bill would revise the Solar Collection System use standards to allow larger facilities in the Agricultural Reserve (AR) zone. Solar panels are currently only allowed in the AR zone as an accessory use; the Zoning Ordinance defines that as a facility that produces no more than 120% of on-site electrical needs. At the Council’s Jan. 26 worksession, by a straw vote of 6-3, amendments were made to the zoning text amendment to do the following: prohibit the use on Soil Classification II soils (in addition to Soil classification I soils as recommended by the joint committee); require conditional use approval (including the use-specific standards required for site plan approval); and require that the Planning Department produce an impact report no later than Dec. 31, 2023. These amendments reduce the land area that can be used for solar panels from the original zoning measure.

The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_4B.pdf

#solar collection, #solar panels, and #AR zone are being used for this bill on social media.

LEGISLATIVE SESSION

The session will begin on Feb. 23 at 2:50 p.m. unless otherwise specified

Expedited Bill 8-21, Administration - Department of Technology Services - Renamed

Council President Hucker, at the request of the County Executive, will introduce Bill 8-21, which would change the name of the Department of Technology Services to the Department of Technology and Enterprise Business Solutions. A public hearing is tentatively scheduled for March 16, 2021 at 1:30 p.m. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_15A.pdf

Bill 9-21, Streets and Roads - Sidewalk Snow Removal - Requirements

Lead sponsor Councilmember Glass will introduce Bill 9-21, which would define certain terms relating to sidewalks, establish an exception to the requirements for removal of snow and ice on private property and require removal of snow and ice by the County from certain sidewalks and paths. The bill is cosponsored by Councilmembers Reimer, Katz, Council President Hucker and Councilmember Navarro. A public hearing is tentatively scheduled for March 16, 2021 at 1:30 p.m. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_15B.pdf

#snowremoval is being used for this bill on social media.

Expedited Bill 1-21, Growth and Infrastructure Policy - Renamed -Expedited Development Approval Excise Tax – Repealed

The Council is scheduled to vote on Expedited Bill 1-21 which would rename the Subdivision Staging Policy the Growth and Infrastructure Policy; repeal the Expedited Development Approval Excise Tax; and generally amend the law governing the County Growth and Infrastructure Policy. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_16A.pdf

#GrowthPolicy2020 is being used for this bill on social media.

Resolution to approve Supplemental Appropriation to the FY21 Operating Budget Montgomery County Government Non-Departmental Account Compensation and Employee Benefit Adjustments, \$3,752,889 (Source of Funds: General Fund Undesignated Reserves)

Council President Hucker, at the request of the County Executive, will introduce a supplemental appropriation to fund agreements for FY21 pay adjustments with the County's three employee bargaining units and non-represented employees. The Council is scheduled to hold a public hearing and consider voting on this supplemental appropriation on March 9, 2021 at 1:30p.m. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210223/20210223_17.pdf

COMMITTEES

The following committee meetings will take place on Feb. 22

FY21 Savings Plan

On Feb. 22 at 9:30 a.m., the Government Operations & Fiscal Policy (GO) Committee, led by Chair Navarro, will review the County's FY21 Savings Plan. The Committee will consider the Executive's recommended savings for seven departments at a reduction of \$1,818,000. Most of the recommended reductions for operating expenses are accrued through the County's remote work policies, and most of the recommended reductions for personnel costs are accrued through lapse and turnover savings. The Council staff recommend the approval of all reductions *except* for a \$40,002 reduction for contractual services in the Office of Intergovernmental Relations, consistent with the Council's previous decision on this issue.

The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210222/20210222_GO1.pdf

Reserves and Select Fiscal Policies

The GO Committee, led by Chair Navarro, will review and make recommendations to the Council to update Resolution 17-312 – reserves and select fiscal policies. The Committee will review this resolution to determine the current best practices for reserves and identify the general updates that may be needed to make it more comprehensive. Continuing to refine this resolution will strengthen the County’s fiscal policies, aid in retention of its AAA bond rating, and aid in the County’s response to current and future emergencies. Montgomery County is one of the few counties that has a AAA bond rating from all three rating agencies. The County has held this honor since 1973 through its rigorous standards and strong financial management. The County continues working to enhance its rating by seeking opportunities for economic development to grow its tax base and drive the regional economy.

The staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210222/20210222_GO2.pdf

Briefing: Climate Action Plan

On Feb. 22 at 1:30 p.m. the Transportation & Environment (T&E) Committee, led by Council President Hucker, will receive a briefing on the County’s Draft Climate Action Plan. This is the strategic plan aimed to cut greenhouse gas emissions 80% by 2027 and 100% by 2035 and to reduce climate-related risks. It also identifies the county’s largest and growing climate hazards and 87 other prioritized actions. Adriana Hochberg, the County’s Director of County Climate Policy along with DEP staff will lead the briefing. Representatives from the consultants (AECOM and Nspiregreen) will be available as well. The staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210222/20210222_TE1.pdf