

COUNCIL COMING ATTRACTIONS



Week of Jan. 25, 2021

COVID-19 Vaccine and Public Health Update, Educational Enrichment and Equity Hubs, Solar Collection Systems, Mercury Service Regulators, Spending Affordability Guidelines, Global Pandemic Prevention Center, Restaurant and Hotel Relief Grant Programs

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 hold a virtual meeting on Tuesday, Jan. 26 at 9:30 a.m.

COUNCIL

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

On Jan. 26 at 9:30 a.m. 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. As of Jan. 19, the County has administered more than 30,000 doses of the vaccine. 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/2021/20210126/20210126_2A.pdf

Special Appropriation to the County Government’s FY21 Operating Budget, Children's Opportunity Fund Non-Departmental Account (NDA) - \$3,600,000 for COVID-19 Educational Enrichment and Equity Hubs and Amendment to FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Greater Washington Community Foundation

The Council will introduce a special appropriation of \$3.6 million for the continued operation of Educational Equity and Enrichment (EEE) Hubs through March 2021, while Montgomery County Public Schools (MCPS) remains in a distance learning mode. The EEE Hubs offer before, during and after school child care services to low-income students while MCPS is meeting virtually. The EEE Hub services provide supervision and support for children as they navigate online learning. Councilmember Craig Rice and Council Vice President Gabe Albornoz are the lead sponsors of this appropriation. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_4A.pdf

Supplemental Appropriation to the County Government’s FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Technology Services - \$1,434,000 for County Radio Replacement and Related Equipment

The Council will introduce a supplemental appropriation of \$1,434,000 to replace radios and related equipment for the County’s Department of Transportation and the Department of Correction and Rehabilitation, to ensure compliance with the County’s new 800 MHz radio system. A public hearing on this supplemental appropriation is scheduled for Feb. 2 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_4B.pdf

Supplemental Appropriation to the FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program, Department of General Services, Council Office Building Renovations (No. P010100), \$92,000

The Council will introduce a supplemental appropriation of \$92,000 for Council Office Building renovations to accommodate two additional Councilmembers, following the recent amendment of the County Charter as approved by County voters in the 2020 general election. The two additional Councilmembers will begin their term in Dec. 2022. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_4C.pdf

Office of Legislative Oversight Report 2021-2, Economic Indicators for Montgomery County and Surrounding Jurisdictions: January 2021 Update

The Council will receive and release Office of Legislative Oversight (OLO) Report 2021-2. Bill 28-17, enacted in Nov. 2017, phases in increases to the County’s minimum wage so that by 2024 the minimum wage for all businesses operating in the County will be \$15 an hour. Subsequently, the law requires the County’s chief administrative officer to adjust the wage to keep pace with inflation, subject to certain economic conditions determined by the Director of Finance. Bill 28-17 also requires that OLO prepare a report to the Council by Jan. 31 of each year “related to implementation of the County minimum wage and the local economy.” The Council wanted a way to monitor how Montgomery County businesses and the County’s economy as a whole may be impacted by the minimum wage increases. The Council envisioned an annual report that could provide an early warning to the Council about any adverse economic changes. Accordingly, in 2019 OLO identified 17 high-level economic indicators that could be used to monitor the County’s economic performance and compare it with the economic performance of nine other area jurisdictions. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_4D.pdf

Subdivision Regulation Amendment (SRA) 21-01, Exemptions - Alcohol Production and Agritourism

The Council will introduce SRA 21-01, which would add an exemption from the requirements to subdivide agricultural land and record a plat before the Department of Permitting Services can issue a building permit to construct a building used for Alcohol Production and Agritourism. Under current law, before the Department of Permitting Services can issue a commercial building permit, the building must be on a lot shown on a record plat or be on property that is exempt from the subdivision of land process. It is the experience of the Office of Agriculture that the subdivision process is cost-prohibitive for most agritourism businesses looking to diversify operations. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_9A.pdf

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

The Council is scheduled to vote on ZTA 20-01, which would revise the solar collection system use standards to allow larger facilities in the Agricultural Resource (AR) zone. The goal of this legislation is to increase the ability to produce solar energy in the County. Councilmember Hans Riemer and Council President Tom Hucker are the lead sponsors. Councilmember Craig Rice is a cosponsor. The total amount of collection systems on all parcels would be limited to 1,800 acres. Any collector system constructed under the proposed amendment must be designated pollinator-friendly under the Maryland Pollinator-Friendly Designation Program. The joint PHED and Transportation and Environment (T&E) Committee recommends approval with amendments. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201013/20201013_10.pdf

PUBLIC HEARINGS

All Council public hearings will be held on Tuesday, Jan. 26 at 1:30 p.m.

Spending Affordability Guidelines for FY22 Operating Budget

The Council will receive public testimony on the Spending Affordability Guidelines for the County's Fiscal Year 2022 (FY22) Operating Budget. The Council must adopt guidelines for the next operating budget by the second Tuesday in February. The spending affordability guidelines that must be adopted are:

- a ceiling on the funding from ad valorem real property tax revenues;
- a ceiling on the aggregate operating budget; and
- separate budget allocations for all agencies and certain non-agency uses.

A Government Operations and Fiscal Policy (GO) Committee meeting is tentatively scheduled for Feb. 1. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_5.pdf

Expedited Bill 50-20, Landlord-Tenant Relations - Fire Safety - Removal of Mercury Service Regulators

The Council will receive public testimony on Expedited Bill 50-20, which would require landlords to schedule the immediate replacement of indoor mercury service regulators and to provide certain notices to tenants. Council President Tom Hucker is the lead sponsor. Councilmember Hans Riemer, Council Vice President Gabe Albornoz and Councilmembers Nancy Navarro, Sidney Katz, Craig Rice and Will Jawando are cosponsors. The purpose of this expedited bill is to facilitate the immediate replacement of indoor mercury service regulators with safer, more modern regulators. Indoor mercury service regulators have contributed to fatal building fires. Therefore, their replacement would improve fire safety. A Planning, Housing and Economic Development (PHED) Committee meeting is tentatively scheduled for Feb. 8. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_6.pdf

#GetTheMercuryOut and #MercuryRemovalMD are being used for this bill on social media.

Special Appropriation to the FY21 Operating Budget, Office of the County Executive - \$500,000 for Connected DMV Contract, Global Pandemic Prevention Center

The Council will receive public testimony on a special appropriation of \$500,000 to help develop and advocate for a new global Pandemic Prevention Center in the County. Councilmember Hans Riemer initiated this special appropriation, which would support a contract with ConnectedDMV, a regional non-profit. A joint PHED and Health and Human Services (HHS) Committee meeting is tentatively scheduled for Jan. 28. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_7.pdf

Special Appropriation to the County Government's FY21 Operating Budget, Montgomery County Economic Development Corporation NDA - \$4,938,298 for Restaurant Relief Grant Program; and amendment to FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Economic Development Corporation

The Council will receive public testimony on a special appropriation of more than \$4.9 million for the Restaurant Relief Grant Program. The County Executive requests approval of the subject resolution to implement a second round of funding for the program, which is fully funded through a state grant. The Montgomery County Economic Development Corporation (MCEDC) will implement the program for the County, as it did during the first grant period. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_8.pdf

Special Appropriation to the FY21 Operating Budget, Office of the County Executive, Support for COVID-19 Response - \$6,232,666 for Hotel Relief Grant Program

The Council will receive public testimony on a special appropriation of \$6.2 million for the Hotel Relief Grant Program. The County Executive requests approval of the subject resolution to implement the Hotel Relief Grant Program. This program is fully funded through a state grant and is part of the Governor's additional \$50 million in economic relief. The County will administer the program in coordination with the Conference and Visitors Bureau. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210126/20210126_9.pdf

COMMITTEES

ZTA 20-03, Townhouse Living - Conditional Use Standards

On Monday, Jan. 25 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will review ZTA 20-03, which would amend the standards for allowing townhouse dwelling units as a conditional use. Townhouses are allowed as a conditional use in the RE-1 (rural estate) and R200, R-90 and R-40 residential zones. Councilmember Hans Riemer is the lead sponsor. Conditional use approval allows a density of up to 15.7 townhouses per acre for developments, where all structures meet livability standards for accommodating disabled residents, including where all parking spaces are designed to have eight-foot access aisles. ZTA 20-03 would eliminate the requirement for public bus service abutting the site; increase allowed distance from recreation facilities to 1,500 feet; clarify that the distance to a Metro station is measured as a radius; and require an access aisle for one of every four parking spaces. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210125/20210125_PHED1.pdf

ZTA 20-04 - Farming Defined - Accessory Mulching and Composting

The PHED Committee also will review ZTA 20-04, which would allow an increase in the percentage of off-site material that can be used in accessory composting and mulching uses from 20 to 50 percent. Currently, mulching and composting are allowed as accessory uses to farming, if material trucked from off-site locations is limited to 20 percent. The County generates a tremendous amount of yard and food waste. Recycling that material is preferable to generating waste. The goal of this zoning change is to allow the agricultural industry to use more yard and food waste. Councilmembers Evan Glass, Andrew Friedson,

Nancy Navarro and Craig Rice are the lead sponsors of ZTA 20-04. Councilmembers Hans Riemer, Will Jawando, Sidney Katz and Council Vice President Gabe Albornoz and Council President Tom Hucker are cosponsors. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210125/20210125_PHED2.pdf

Review of the County's COVID-19 Business Assistance Programs

The PHED Committee will close out its meeting with a review of the County's COVID-19 business assistance programs. The COVID-19 pandemic has created an uneven recession with certain industry sectors more impacted than others. Hospitality, leisure, restaurants, and retail businesses have seen the largest decline in economic activity. Much of this decline is due to the State and County health orders that restrict gathering size to limit the spread of the virus. While there was some expectation that the health orders and restrictions would be short-term measures, the reality is the pandemic has required that these orders remain in place for many months. The Council created many new business assistance programs for the impacted industry sectors to respond to this uneven recession. These new programs were funded and administered by the County or its partners. The Council has appropriated more than \$60.5 million for these programs, and as of the latest Jan. 2021 report, this funding has reached 5,281 awardees.

The Council staff report contains a summary for each program implemented and can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210125/20210125_PHED3.pdf

Bill 47-20, Ethics, Ethics Commission - Conflicts of Interest - Financial Disclosure - Amendments

On Weds., Jan. 27 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will review Bill 47-20, which would do the following: require employees to attend a public ethics training course; amend the law governing appeals of a decision by the Ethics Commission; amend the law governing the Ethics Commission's resolution of complaints; modify the restrictions on a public employee's participation in certain matters; repeal an exception to the restrictions on outside employment for an elected official; clarify an exception to soliciting or accepting certain small gifts; and modify the procedures for administering the financial disclosure process. The goal of this legislation is to increase transparency and ethical behavior among County employees. Councilmember Sidney Katz, who was serving as Council president during the time of the bill's introduction, is the lead sponsor, at the request of the County Ethics Commission. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210127/20210127_GO1.pdf

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

Spending Affordability Guidelines for the FY22 Capital Budget and Other General CIP Assumptions

The GO Committee also will review Spending Affordability Guidelines for the FY22 Capital Budget and other general Capital Improvements Program (CIP) assumptions. The GO Committee will review current economic conditions and affordability indicators and recommend to the Council the Spending Affordability Guidelines (SAG) for the amended FY21-26 CIP. The committee also will review the other CIP assumptions recommended by the County Executive. The Council will consider the GO Committee's recommendations on Feb. 2, 2021. The following individuals are expected to participate in the meeting: Mary Beck, Office of Management and Budget (OMB); Veronica Jaua, OMB; Anita Aryeetey, OMB; David Platt, Department of Finance; Mike Riley, director, Montgomery Parks; and Carl Morgan, Montgomery Parks. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210127/20210127_GO2.pdf

US 29 Mobility and Reliability Study and amendment to the FY21-26 Capital Improvements Program, US 29 Managed Lane Project

On Jan. 27 at 1:30 p.m. the Transportation and Environment (T&E) Committee will review the US 29 Mobility and Reliability Study and an amendment to the US 29 managed lane project in the FY21-26 CIP.

In May 2017, the Council approved construction funding for the US 29 FLASH Bus Rapid Transit (BRT) service that had recently begun operations. At that time, the Council also reviewed a longer-term proposal by Sean Emerson and Sebastian Smoot to reconstruct the portion of US 29 between Silver Spring and Burtonsville with an exclusive lane for BRT. The Council requested that the Montgomery County Department of Transportation (MCDOT) study this option. MCDOT responded that, in addition to studying the Emerson-Smoot concept, it would also evaluate a managed lane option (express buses sharing a lane with carpools) and means for optimizing all travel modes along this section of US 29, including for motor vehicles, bicycling and pedestrians. The following individuals are expected to participate in the meeting: Christopher Conklin, director, MCDOT; Joana Conklin, rapid transit system development manager, Department of General Services; Corey Pitts, planning section manager, Division of Transportation Engineering, MCDOT; Casey Anderson, chair, Montgomery County Planning Board; David Anspacher, supervisor, Countywide Planning; and Jesse Cohn, planner coordinator, Countywide Planning. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210127/20210127_TE1.pdf

Facility Planning Review of Amherst Avenue Bikeway Study

The T&E Committee also will review facility planning for a new Amherst Avenue bikeway in Wheaton. MCDOT has completed the first phase of facility planning for a new bikeway that would run for 1.1 miles between Arcola Avenue and Windham Lane. The study is funded as part of the Bicycle-Pedestrian Priority Areas (BPPA) Improvements – Wheaton CBD project in the CIP. The Planning Board reviewed the study date at a meeting on Dec. 3, 2020. The following individuals are expected to participate in the meeting: Dan Sheridan, chief, Planning and Design Section, Division of Transportation Engineering, MCDOT; Corey Pitts, planning section manager, Division of Transportation Engineering, MCDOT; Angel Cheng, senior planner, Division of Transportation Engineering, MCDOT; Casey Anderson, chair, Montgomery County Planning Board; David Anspacher, supervisor, Countywide Planning; and Eli Glazier, planner/coordinator, Countywide Planning. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210127/20210127_TE2.pdf