

# **COUNCIL COMING ATTRACTIONS**



## **Week of July 12, 2021**

Proclamations recognizing National Parks and Recreation Month by Councilmember Friedson and Council Vice President Albornoz; celebrating the 40th Anniversary of NARAL by Council President Hucker and Councilmembers Navarro and Friedson; and honoring Monica Escalante's 20 years of service to Montgomery Hospice by Councilmember Navarro

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 meet virtually on **Tuesday, July 13 at 9 a.m.** and the meeting will begin with multiple proclamation presentations. The first proclamation will recognize National Parks and Recreation Month and will be presented by Councilmember Friedson, Council Vice President Alborno and County Executive Elrich. The second celebrates NARAL's 40th Anniversary and will be presented by Council President Hucker and Councilmembers Navarro and Friedson. The third will honor Monica Escalante's 20 years of service to Montgomery Hospice and will be presented by Councilmember Navarro.

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 also receive an update and have a discussion on the County's COVID-19 recovery framework and a suggested approach and process for the Council to determine how to allocate remaining ARPA funding.

The Council will introduce a \$700,000 special appropriation to the County's FY22 Operating Budget for a disparity study for the County's Minority, Female and Disabled-Owned Business Program. Next the Council will introduce a resolution in support of Medicare for All and a resolution in support of completing the Capital Trails Network and the Capital Trails Coalition Top 40 Priority Projects.

Next, the Council is expected to vote on an authorization to file a grant application for the purpose of implementing the COVID-19 Vaccination Transportation Program. Then a vote is expected on approval to abandon two properties in Bethesda, the first is a portion of the Reed Street right-of-way in Bethesda and the second is a public alley in West Chevy Chase Heights. The Council is then expected to vote to confirm the County Executive's appointments to the Animal Matters Hearing Board and the Racial Equity and Social Justice Advisory Committee.

In the afternoon, the Council will hold multiple public hearing followed by votes. The first hearing will be on Expedited Bill 24-21 which would implement appropriations included in the FY22 Capital Improvements Program for certain stormwater management projects, followed by Bill 25-21 which is a resolution to consolidate previously authorized notes for sale and issuance as a single issue and Bill 27-21 which would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the County for space in the recently-constructed Wheaton Regional Headquarters.

Next, the council will hold a public hearing and vote on a declaration of no further need to dispose of County-owned properties located in Gaithersburg; continue review of ZTA 19-07, which would facilitate the deployment of next-generation wireless infrastructure; introduce Expedited Bill 29-21 to extend the County's minority owned business purchasing program; and introduce Bill 30-21 which would prohibit certain fees and rent increases for late rent payments during certain emergencies. The Council will also vote on Bill 36-19, which would increase transparency, accountability and efficiency in the County's grants processes by creating a central Office of Grants Management within the Executive branch.

*The Council session will be held July 13 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](#)

### [COVID Recovery](#)

**Update:** The Council is expected to receive an update and have a discussion on the County's COVID-19 recovery framework. The presentation will provide a recovery status update for the County overall and within key mission areas including government operations, economic revitalization, health and human services, housing, education, youth programs, childcare and early childhood education and food resilience.

### [American Rescue Plan Act \(ARPA\) Process](#)

**Update:** The Council will review and discuss a suggested approach and process for the Council to determine how to allocate remaining ARPA funding. President Biden signed ARPA into law on March 11, 2021 to support the country's recovery from the COVID-19 pandemic. Montgomery County Government was allocated \$204.1 million in two equal tranches – one tranche was received in June 2021 and the second tranche is expected in May or June 2022.

As part of the FY22 budget process, the Council supported and approved using \$127.69 million in ARPA funding in FY21 and FY22. The approved uses account for 63 percent of the total ARPA funding that the County will receive. The County has \$76.41 million in unallocated ARPA funding remaining, or about 37 percent of the total. The Council requested that Council staff, in collaboration with Executive staff, produce a suggested approach and process for the Council to determine how to allocate the remaining ARPA funding. Council staff's suggested approach includes three primary components: determining how much of the unallocated ARPA funding to set aside for FY23; considering ARPA funding opportunities at multiple points during the fiscal year; and developing a structured review process for proposed uses to ensure eligibility and alignment with Council priorities.

### [Special Appropriation to the County Government's FY22 Operating Budget, Office of the County Attorney - \\$700,000 for Minority, Female, and Disabled-Owned Business Program - Disparity Study](#)

**Introduction:** The Council will introduce a \$700,000 special appropriation to the County's FY22 Operating Budget for a disparity study for the County's Minority, Female and Disabled-Owned Business Program. The funds will be appropriated to the Office of the County Attorney to procure a consultant to complete the disparity study. The Council will also introduce

Expedited Bill 29-21, which is companion legislation, to extend the sunset date of the program until Dec. 31, 2023. A public hearing is scheduled for July 20 at 1:30 p.m.

### **[Resolution to Approve Completing the Capital Trails Network and Capital Trails Coalition Top 40 Priority Projects](#)**

**Introduction:** Lead sponsor Councilmember Friedson and cosponsors Council President Hucker and Councilmembers Alborno, Navarro, Katz, Riemer, Glass and Rice will introduce a resolution in support of completing the Capital Trails Network and the Capital Trails Coalition Top 40 Priority Projects. The [Capital Trails Coalition](#), which is made up of more than 60 bicyclist, environmentalist, business, and parks and recreation organizations from around the region, recently released [this report](#) detailing how completion of the nearly 900-mile Capital Trails Network would create 16,000 construction jobs, generate \$1 billion in economic activity a year, and provide carbon-free transportation and recreational infrastructure.

The Coalition has identified 40 priority projects to help complete the network and provide trail connections between jurisdictions. This resolution also endorses completing those priority projects by 2025 and working with the state and federal government to pursue and prioritize funding. The two Top 40 Priority Projects located in Montgomery County – the Purple Line Trail and Metropolitan Branch Trail – are already underway or partially constructed. Funding for completion of construction of both projects is programmed to continue in Fiscal Year 2022 and the projects are scheduled to be completed by 2025.

### **[Resolution Supporting Medicare for All](#)**

**Introduction:** The Council will introduce a resolution urging the U.S. Congress to enact legislation to provide universal, comprehensive health coverage with zero cost-sharing for patients during the COVID-19 pandemic, such as the Health Care Emergency Guarantee Act, and for a longer-term solution, to enact legislation, such as the Medicare for All Act of 2021. The resolution also encourages the Maryland General Assembly to explore every option to expand health care coverage in Maryland including the Healthy Maryland Act and the Maryland Commission on Universal Health Care Act.

Even with the gains from the Affordable Care Act, more than 32 million people in the U.S. under the age of 65 do not have health insurance. In Montgomery County, it is estimated that almost 74,000 adults are uninsured.

### **[Proposed Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests](#)**

**Introduction:** On July 6 the County Executive transmitted a package of three water and sewer category change requests including two sites at the intersection of Travilah Road and Glen Road—one for the proposed Old White House Country Inn at the location of an existing single-family home and the other for redevelopment of the existing Potomac Oak Center shopping center. The third is for property located at 13417 Valley Drive in Rockville for a single-family home and accessory dwelling unit. A public hearing is scheduled for Sept. 14 at 1:30 p.m.

**[Authorization to file grant application to Metropolitan Washington Council of Governments for the American Rescue Plan Act of 2021 \(ARP\) 5310 funds, COVID-19 Vaccination Transportation Program](#)**

**Vote expected:** The Council is expected to vote on a resolution authorizing the Chief of the Division of Transit Services for Montgomery County's Department of Transportation (MCDOT) to file a grant application to the Metropolitan Washington Council of Governments (MWCOG) requesting \$81,215.50 in American Rescue Plan Act of 2021 (ARP) 5310 funds for the purpose of implementing the COVID-19 Vaccination Transportation Program.

This program was established to eliminate the transportation barrier to accessing COVID-19 vaccine healthcare services by targeting and providing free, on-demand taxi transportation to vaccine clinics/sites for older adults and adults with disabilities. The lead sponsor is Council President Hucker at the request of the County Executive.

**[Abandonment of Portion of Reed Street, Miller's Second Addition to Bethesda Subdivision, Bethesda, 7th Election District](#)**

**Vote expected:** The Council is expected to vote on the petition and accompanying proposed resolution from the Executive recommending conditional approval to abandon an 18-foot wide, 3,303 square-foot portion of the Reed Street right-of-way (ROW) in the Miller's Second Addition to Bethesda Subdivision in Bethesda. The Executive's proposed resolution finds that the portion of the Reed Street ROW is no longer necessary for public use now or in the foreseeable future.

**[Abandonment of a Public Alley in Block 5 of the West, Chevy Chase Heights Subdivision near Wisconsin Avenue in Bethesda](#)**

**Vote expected:** The Council is expected to vote on the petition and proposed resolution from the Executive recommending conditional approval to abandon a public alley in Block 5 of the West Chevy Chase Heights Subdivision in Bethesda consisting of approximately 2,475 square feet. The Executive's proposed resolution finds the public alley is no longer necessary for public use now or in the foreseeable future.

**[Expedited Bill 24-21, Authorization Related to Special Limited Obligation Bonds Financed by the Water Quality Protection Charge](#)**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on Expedited Bill 24-21 which would implement the appropriations included in the FY22 Capital Improvements Program for certain stormwater management projects secured by the Water Quality Protection Charge. Expedited Bill 24-21 authorizes the County to issue up to \$34 million in special limited obligation bonds. The lead sponsor is Council President Hucker, at the request of the County Executive.

### **Expedited Bill 25-21, General Obligation Bond Authorization**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on Bill 25-21 and a resolution to consolidate previously authorized notes for sale and issuance as a single issue. Expedited Bill 25-21 increases the County's general obligation bond authorization by \$452,500,000 in certain public facility categories.

The subject resolution consolidates the previously approved bond authorizations and increases the total authorization by the amount approved in Expedited Bill 25-21. The resolution allows the consolidated bond authorization to be issued, sold and delivered from time to time as one or more series of bond anticipation notes. The lead sponsor is Council President Hucker, at the request of the County Executive.

### **Expedited Bill 27-21, Wheaton Regional Headquarters - Lease - Approval**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on Expedited Bill 27-21 which would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the County for space totaling 177,032 square feet which would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the County for space totaling 177,032 square feet in the recently-constructed Wheaton Regional Headquarters at 2425 Reddie Drive in Wheaton. The leased premises at the Wheaton Regional Headquarters will be used by various County departments. The Montgomery County Planning Board approved the lease by consent at its Feb. 25 meeting. The initial term of the lease is 40 years, with renewal terms of 10 years up to a total of 99 years. The rent is one dollar per year and a pro rata share of certain operating expenses.

The lead sponsor is Council President Hucker, at the request of M-NCPPC.

### **Declaration of No Further Need - Disposition of 5830 and 5834 Riggs Road, Gaithersburg**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on a declaration of no further need to dispose of County-owned properties located at 5830 and 5834 Riggs Road in Gaithersburg. Each parcel contains one single-family home.

The disposition is in the form of a long-term lease to the Montgomery County Coalition for the Homeless (MCCH) which has currently leased both sites since September 2019 and operates an office and homeless shelter. MCCH now seeks to continue its current operations through a long-term lease with an initial term of five years which would be renewable for an additional five years.

### **Zoning Text Amendment (ZTA) 19-07, Telecommunications Towers - Limited Use**

**Review:** The Council will continue its review of ZTA 19-07, which would facilitate the deployment of next-generation wireless infrastructure. The new wireless antennas on utility and light poles would offer faster speeds, enhanced reliability and greater capacity.

Councilmember Riemer is the lead sponsor of this ZTA, which would allow certain telecommunications towers as a limited or conditional use in certain residential zones; revise the standards for telecommunications towers allowed as a limited or conditional use; revise the conditional use findings required for the replacement of a pre-existing pole; and amend use requirements to address certain telecommunications towers. Council Vice President Albornoz and Councilmember Rice are cosponsors.

### [Expedited Bill 28-21, Technical Corrections](#)

**Introduction:** The Council will introduce Expedited Bill 28-21 which corrects technical, typographical, grammatical, reference, and codification errors and make clarifying and conforming amendments to various provisions in County law. The Council periodically enacts a technical corrections bill to fix typographical and stylistic errors in County law. A public hearing is scheduled for Sept. 14 at 1:30 p.m.

### [Expedited Bill 29-21, Contracts and Procurement - Minority Owned Businesses - Sunset Date Amendments](#)

**Introduction:** The Council will introduce Expedited Bill 29-21 to extend the County's minority owned business purchasing program until Dec. 31, 2023. The bill also extends the time for the director of the Office of Procurement to submit the required disparity study for the program to July 1, 2023. The County's Procurement Law authorizes a program to remedy the effects of discrimination against minority owned businesses; however, under existing law this program is scheduled to expire at the end of 2021. The Council is also introducing a special appropriation to fund a disparity study with the goal of continuing the program.

Montgomery County's Minority, Female and Disabled-Owned Business Program attracts and assists certified minority firms in gaining access to prime contractor and subcontractor opportunities in Montgomery County government agencies. The program also conducts outreach activities and workshops to provide a forum for businesses to explore individual and joint contracting opportunities.

A public hearing is scheduled for July 20 at 1:30 p.m.

### [Bill 30-21, Landlord-Tenant Relations - Restrictions During Emergencies - Extended Limitations Against Rent Increases and Late Fees](#)

**Introduction:** Lead sponsor Councilmember Jawando will introduce Bill 30-21 which would prohibit fees for late rent payments during certain emergencies; extend the time after an emergency when rent increases must not exceed certain guidelines; and amend the law regarding rents and fees for rental housing and landlord-tenant relations.

At the start of the COVID-19 pandemic, Councilmember Jawando introduced, and the Council enacted, Bill 18-20, Landlord-Tenant Relations-Rent Stabilizations During Emergencies, to protect renters in the County from destabilizing rent increases. This law is tied to Gov. Hogan's March 5, 2020 declaration of a state of emergency and will expire 90 days after the end of the

declaration. Bill 30-21 would prohibit a landlord from charging a fee for nonpayment or late payment of rent during an emergency or within one year after the expiration of the emergency. It would also prohibit rent adjustments during the emergency and within one year after the expiration of the emergency. A public hearing is scheduled for Sept. 14 at 1:30 p.m.

### **Bill 36-19, Contracts and Procurement - Office of Grants Management - Established**

**Vote expected:** Introduced by lead sponsor Councilmember Navarro the purpose of Bill 36-19 is to increase transparency, accountability and efficiency in the County's grants processes by creating a central Office of Grants Management within the Executive branch.

The Office of Grants Management would develop consistent countywide policies and procedures regarding grants management, maintain a grants database available to the public and serve as a central point of contact and coordinating agency regarding grants that the County applies, receives or awards.

The bill complements the work done in past years in partnership with the Office of Management and Budget (OMB), Council staff and other Executive departments to move non-departmental grants under the purview of related departments.

Council President Hucker, Council Vice President Albornoz and Councilmembers Rice, Katz and Riemer are cosponsors of the bill. The GO and HHS Committees recommend approval.

*Monday, July 12*

The Planning, Housing and Economic Development Committee will meet on **Monday July 12 at 9:30 a.m. and 1:30 p.m.**

In the morning the Committee will discuss programs for Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) and the Biotechnology Investor Incentive Program (BIIP).

In the afternoon the Committee will discuss proposed regulation regarding pricing of moderately priced dwelling units (MPDUs) and SRA 20-02 which would make revisions, clarifications and corrections to the subdivision ordinance.

### **SBIR/STTR Matching Grant Program and Biotechnology Investor Incentive Tax Credit Supplement**

**Review:** The Committee will review the Small Business Research Matching Grant Program, known as the SBIR/STTR Matching Grant Program, and the Biotechnology Investor Incentive Tax Credit Supplement (BIITCS).



The SBIR/STTR Matching Grant Program encourages small businesses to engage in research and development with the potential for commercialization. The program provides matching grants to businesses for early-stage County businesses that successfully received a federal SBIR/STTR Phase I or II grant to conduct research in medicine, biotechnology or life sciences.

In March 2021, through the adoption of Bill 37-19, the Council expanded the types of businesses eligible to receive this type of matching county supported research and development grants and strengthened the oversight of taxpayer dollars used to support these public investments. The bill was sponsored by Councilmember Glass and co-sponsored by Councilmembers Riemer and Jawando.

The BIITCS's intent is to incentivize investments in biotechnology businesses in the County. The County created the program as a companion to a state of Maryland's Biotechnology Investment Incentive Tax Credit. The state program provides a tax credit to qualified investors that make an investment in a qualified state biotechnology business. The County's program is a supplement to qualified investors who receive the state tax credit for making an investment in a biotechnology business headquartered in Montgomery County.

#### **Proposed temporary regulation regarding pricing of for-sale MPDUs**

**Briefing and Discussion:** The Committee will discuss a proposed temporary executive regulation from the County's Department of Housing and Community Affairs (DHCA) to adjust and increase the pricing structure for for-sale moderately priced dwelling units (MPDUs) in line with overall changes to the Consumer Price Index. The last adjustment to pricing was in 2016. Nothing in the proposed resolution would impact rental MPDU pricing or affordability. The regulation has not been formally transmitted to the Council for approval. A memorandum from Director Nigam with an overview of the issues and the temporary regulation can be found in the Council staff report starting at circle page one.

#### **SRA 20-02, Subdivision Ordinance - Revisions, Clarifications and Corrections**

**Review:** The Committee will review SRA 20-02 which would make revisions, clarifications and corrections to subdivision ordinance. Council President Hucker is the lead sponsor of SRA 20-02, at the request of the Planning Board.

While the majority of the changes proposed in SRA 20-02 are minor, substantive changes include: provisions for the approval of flag lots and lots without frontage; exemptions from platting requirements for utility and telecommunications structures; provisions for vacating an approved subdivision plan; a provision for extending the reservation of land for public use; a provision to specify an initiation date for the adequate public facilities validity period, similar to the existing initiation date provisions for plan validity; limitations on Planning Board-approved APF extensions to 12 years; provisions for administrative subdivision plans for approval procedures, required findings, plan certification amendments, validity period revocations, and canceling approvals; and a grandfathering provision for applications to be reviewed under that regulations in effect at the time of the application's filing.

### *Wednesday, July 14*

The Planning, Housing and Economic Development (PHED) Committee will meet on **July 14 at 9:30 a.m.** to review the Thrive Montgomery 2050 Draft Plan, which is a framework to guide planning for land use, housing, the economy, equity, transportation, parks and open space, the environment, historic resources, urban design, and arts and culture over the next three decades.

The recommendations will provide guidance for future master plans, county and state capital improvement processes and other public and private initiatives that influence land use and planning in Montgomery County.

### *Thursday, July 15*

The joint Health and Human Services (HHS) and Planning, Housing and Economic Development (PHED) Committee will meet on **July 15 at 9:30 a.m.** The Joint Committee will receive an update on COVID-19 rental assistance programs and evictions.

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando. The members of the HHS Committee include Chair and Council Vice President Gabe Albornoz and Councilmembers Evan Glass (Lead for Homelessness & Vulnerable Communities) and Craig Rice.

The HHS Committee will meet again at **11:15 a.m.** to review Bill 20-21, Swimming Pool – Lifeguard Requirements. The bill defines the term health club and exempts certain swimming pools at certain facilities from the requirement to have a lifeguard on duty and requires the posting of certain signage. Councilmembers Katz and Rice are the lead sponsors.

The Audit Committee will meet at **1 p.m.** to receive updates from the Office of the Inspector General and the Office of Internal Audit. 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.

The joint Government Operations and Fiscal Policy (GO) and PHED Committee is also scheduled to meet at **1:30 p.m.** to review Bill 3-21 - Special Taxing Area Laws – Silver Spring Business Improvement District Established.

Bill 3-21 would establish a business improvement district in Silver Spring with guidelines for the new district and authorize a district corporation to manage the new district. The bill also authorizes a tax on nonexempt property located in the district to finance operations and services. The lead sponsors are Councilmember Riemer and County President Hucker. Councilmembers Friedson, Katz, Navarro and Rice are cosponsors.

The members of the GO Committee include Chair Nancy Navarro and Councilmembers Andrew Friedson and Sidney Katz.