

COUNCIL COMING ATTRACTIONS



Week of September 13, 2021

Proclamations recognizing the community-led youth soccer organization MSI for its 50th anniversary in Montgomery County by Council Vice President Albornoz; recognizing Prostate Cancer Awareness Month by Councilmember Jawando; and recognizing National Recovery Month 2021 by Council Vice President Albornoz and Councilmembers Glass and Rice

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, September 14 at 9.am.** The meeting will begin with proclamations recognizing the community-led youth soccer organization MSI for its 50th anniversary in Montgomery County to be presented by Council Vice President Alborno. A proclamation recognizing Prostate Cancer Awareness Month will be presented by Councilmember Jawando and a proclamation recognizing National Recovery Month 2021 will be presented by Council Vice President Alborno and Councilmembers Glass and Rice

The Council will then receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts and receive a briefing from Montgomery County Public Schools (MCPS) regarding the quarantine guidelines and protocols for COVID-19 cases in schools. Next, the Council will review SRA 20-02 which would make revisions, clarifications and corrections to the subdivision ordinance.

The Council will also introduce spending affordability guidelines for the aggregate capital budget and introduce and vote on Resolution 19-872, Section G for the Department of Health and Human Services (DHHS) to establish four new non-competitive contract awards. The Council will also vote to reappoint the Council representative to the nominating committee for the Board of Trustees of Montgomery College and confirm County executive appointments to Fire and Emergency Services, the Commission on Landlord-Tenant Affairs and the Racial Equity and social Justice Advisory Committee.

In the afternoon, the Council will hold multiple public hearings. The first is on Expedited Bill 28-21 which corrects technical, typographical, grammatical, reference and codification errors and makes clarifying and conforming amendments to various provisions in County law. Then a public hearing will be held on 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. Public hearings will also be held will be on Expedited Bill 31-21, Property Tax Credits – Energy Conservation Devices and Energy Efficient Buildings – Amendments; Bill 32-21, Personnel – Employee Settlement Agreements with No-Rehire Clause – Prohibited; and Expedited Bill 33-21, Personnel - Employee's Retirement System - Group E – Amendments.

Next, the Council will hold two public hearings on Zoning Text Amendments (ZTAs). The first is ZTA 21-04, which supports the implementation of new zoning recommended by the Germantown Plan for the Town Sector Zone by offering protections to the existing development character of Churchill Village. The second is ZTA 21-05, which would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone.

Before adjourning for the afternoon, the Council will also hold public hearings on a resolution to approve amendments to the Comprehensive Water Supply and Sewerage Systems Plan and on a \$197,500 Special Appropriation to the Fiscal Year 2022 Operating Budget to enter into a contract with Hanlon Sculpture Studio LLC to produce a bronze sculpture in the image and likeness of three-time Olympian Dominique Dawes.

The Council meeting will be held Sept. 14 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. Raymond Crowel, director, Department of Health and Human Services (DHHS); James Bridgers, acting chief health officer, DHHS; and Dr. Earl Stoddard, acting assistant chief administrative officer, Office of Emergency Management and Homeland Security. Join the conversation with [#COVID-19](#)

MCPS Protocols for Vaccination and Quarantine Requirements

Briefing: The Council will receive a briefing from Montgomery County Public Schools (MCPS) regarding the quarantine guidelines and protocols for COVID-19 cases in schools.

Those expected to provide information include Dr. Monifa McKnight, interim superintendent of schools, Montgomery County Public Schools (MCPS); James D'Andrea, chief of staff, Office of the Superintendent of Schools, MCPS; Ruschelle Reuben, chief, Office of Teaching, Learning, and Schools, MCPS; Eugenia Dawson, chief, Office of Finance and Operations, MCPS; Heather Dublinske, coordinator, Office of Districtwide Supports and Services; Dr. Raymond Crowel, director, DHHS; Dr. James Bridgers, acting chief health officer, DHHS; and Dr. Earl Stoddard, acting assistant chief administrative officer, Office of Emergency Management and Homeland Security.

SRA 20-02, Subdivision Ordinance – Revisions, Clarifications, and Corrections

Review: The Council will review SRA 20-02 which would make revisions, clarifications and corrections to the subdivision ordinance. The goal of the SRA is to clarify language, correct mistakes, and add necessary provisions that are currently missing.

While most of the proposed changes are minor, several substantive changes are also proposed. The significant changes include:

- provisions for the approval of flag lots and lots without frontage;
- exemption from platting requirements for utility and telecommunications structures;
- provisions for vacating an approved subdivision plan;
- a provision for the extension of 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;
- a limitation on Planning Board-approved adequate public facilities (APF) extensions to a total of 12 years;

- provisions for administrative subdivision plans for approval procedures, required findings, plan certification, amendments, validity periods, revocations, and canceled approvals; and
- a grandfathering provision to allow applications to be reviewed under the regulations that were in effect at the time of the application's filing.

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

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Patrick Butler, chief, Up-County Planning Division, Planning Department; Christina Sorrento, chief, Intake and Regulatory Coordination (IRC) Division, Planning Department; Neil Braunstein, plats and intake supervisor, IRC, Planning Department; and Stephen Smith, planner coordinator, IRC, Planning Department.

[Spending Affordability Guidelines for the FY23 Capital Budget and the FY23-FY28 Capital Improvements Program](#)

Introduction: The Council is expected to introduce spending affordability guidelines for the aggregate capital budget. These guidelines limit certain types of debt that may be programmed for expenditures in the capital improvements program (CIP). These guidelines also set the Council's voting thresholds for the Capital Budget each year. By evaluating and setting appropriate debt levels every two years, the Council preserves the County's fiscal health and manages the amount of general funds required for debt service.

[Amend the FY22 Operating Budget for the Montgomery County Government, Resolution 19-872, Section G, Designation of Entities for Non-Competitive Contract Award Status: Corporation for Supportive Housing \(CSH\), YMCA of Metropolitan Washington, Montgomery County Collaboration Council for Children, Youth, and Families, and Family Services, Inc. \(FSI\)](#)

Introduction and vote expected: The Council is expected to introduce and vote on Resolution 19-872, Section G for the Department of Health and Human Services (DHHS) to establish four new non-competitive contract awards.

The contracts are with the Corporation for Supportive Housing, Inc. in the amount of \$80,000, to provide project evaluation, training and support to align with Housing First principles and best practices; the YMCA of Metropolitan Washington in the amount of \$300,000, to establish a family strengthening and intervention program in the Germantown and Wheaton/Silver Spring Area to address service gaps to families participating in the Street Outreach Network of Safe Space Program; Montgomery County Collaboration Council for Children, Youth and Families, Inc. in the amount of \$150,000, to implement The Basics program to build community partnerships to support families with young children, birth through age five; and Family Services, Inc. in the amount of \$33,169, to implement LENA Start, a program to increase language development for children birth to age three.

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

Public hearing: The Council will hold a public hearing on Expedited Bill 28-21 which corrects technical, typographical, grammatical, reference, and codification errors and makes 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.

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

Public hearing: The Council will hold a public hearing on 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. The lead sponsor of Bill 30-21 is Councilmember Jawando.

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 vote is tentatively scheduled for September 21, 2021.

[Expedited Bill 31-21, Property Tax Credits - Energy Conservation Devices and Energy Efficient Buildings – Amendments](#)

Public hearing: The Council will hold a public hearing on Expedited Bill 31-21, Property Tax Credits – Energy Conservation Devices and Energy Efficient Buildings – Amendments. The legislation would define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings; repeal a sunset clause affecting property tax credits for energy-efficient buildings; provide for certain application timelines related to property tax credits; and generally amend the law regarding property tax credits.

In September 2020, the Council passed Bill 10-20, which phased out the existing Energy and Environmental Design property tax credit, established a new Energy-Efficient Buildings property tax credit for commercial and residential buildings to encourage energy efficiency improvements in existing buildings and incentivize newly constructed buildings to exceed the current building code requirements.

The proposed amendments in Expedited Bill 31-21 would clarify the sunset provisions of the Energy and Environmental Design property tax credit program and make minor implementation

improvements to the new Energy Efficient Buildings property tax credits for existing and newly constructed buildings.

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

Bill 32-21 - Personnel - Employee Settlement Agreements with No-Rehire Clause - Prohibited

Public hearing: The Council will hold a public hearing on Bill 32-21, Personnel – Employee Settlement Agreements with No-Rehire Clause – Prohibited. The purpose of the bill is to prohibit “no-rehire” clauses from County employee settlement agreements.

When an employee files an employment dispute or claim against the County, and a settlement agreement is proffered, it currently contains a no-rehire clause that prevents the employee from seeking future employment opportunities with the County. This automatic bar places an undue burden on County employees who may have gained several years of knowledge, skills and abilities with no viable option to return to County employment, even after, the dispute has been settled.

The bill also provides an exemption to include a “no rehire” clause, if the County and the employee mutually agree or if the employee by the Chief Administrative Officer or agency head was terminated “for cause.” In addition, the bill provides the option for an aggrieved employee to file an appeal with the County’s Merit System Protection Board, if a decision was made to include the “no-rehire” clause in the settlement agreement.

The lead sponsor is Council President Hucker.

Expedited Bill 33-21, Personnel – Employee’s Retirement System – Group E – Amendments

Public hearing: The Council will hold a public hearing on Expedited Bill 33-21, Personnel - Employee’s Retirement System - Group E - Amendments, which would move resident supervisors in the Department of Correction and Rehabilitation from Group J to Group E. The bill would also permit resident supervisors to participate in the Deferred Retirement Option Plan for sworn deputy sheriffs and uniformed correctional officers, clarify the application of credited service for employees who move from the GRIP to Group E and generally amend the retirement laws.

Zoning Text Amendment (ZTA) 21-04, Overlay Zone Germantown-Churchill Village

Public hearing: The Council will hold a public hearing on ZTA 21-04, which supports the implementation of new zoning recommended by the Germantown Plan for the Town Sector Zone by offering protections to the existing development character of Churchill Village. The Council approved and adopted the Germantown Plan for the Town Sector Zone in July 2020.

ZTA 21-04 addresses irregularities between existing development and new zoning standards as a result of the rezoning, grandfathering existing by-right uses from the old Town Sector (T-S) Zone and protects quasi-public open spaces from future development.

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

ZTA 21-05 - Rural Village Center (RVC) Overlay Zone - Vehicle Repair

Public hearing: The Council will hold a public hearing on ZTA 21-05, which would allow vehicle repair and service in the Rural Village Center (RVC) Overlay zone. Under the current Zoning Ordinance, minor repair is a prohibited use in the RVC Overlay zone.

The lead sponsor of this ZTA is Councilmember Glass.

Resolution to approve Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

Public hearing: The Council will hold a public hearing on a resolution to approve amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests.

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.

Special Appropriation to County Government's FY22 Operating Budget, Community Grants Non-Departmental Account (NDA) - \$197,500 for Commission of Dominique Dawes Sculpture and Amendment to Fiscal Year 2022 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Hanlon Sculpture Studio LLC

Public hearing: The Council will hold a public hearing on a \$197,500 Special Appropriation to the Fiscal Year 2022 Operating Budget Montgomery County Government Community Grants NDA and Amendment to Fiscal Year 2022 Operating Budget to enter into a contract with Hanlon Sculpture Studio LLC to produce a bronze sculpture in the image and likeness of Dominique Dawes, who is a three-time Olympian. Dawes is the first African-American to win an individual gold medal in gymnastics at the 1996 Olympic Games, a 10-year member of the United States national gymnastics team and recipient of many other accolades, as well as a native of Silver Spring, Maryland and Montgomery County.

The sculpture is estimated to be approximately seven-feet tall and will include a relief panel containing a description of Ms. Dawes and her background and journey. The location of the sculpture will be in Silver Spring with an exact location is to be determined in the future. The

estimated cost of the producing the sculpture \$165,000. The addition of storage fees, moving, and installation, will bring total costs to an estimated \$197,500. The County seeks to award a non-competitive contract award due to the specialized skills necessary to fulfill the contract.

Monday, Sept. 13

The Planning, Housing & Economic Development (PHED) will meet on **Monday, Sept. 13 at 1:30 p.m.** to discuss Proposed Executive Regulation 9-21, which would adjust and increase the price of for-sale moderately priced dwelling units (MPDUs) in line with the Consumer Price Index (CPI).

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

[Proposed Executive Regulation 9-21, Sales Prices of Moderately Priced Dwelling Units \(MPDUs\)](#)

Review: The PHED Committee will discuss Proposed Executive Regulation 9-21, sales prices of moderately priced dwelling units (MPDUs), which would adjust and increase the pricing structure of for-sale MPDUs in line with overall changes to the Consumer Price Index (CPI).

The Department of Housing and Community Affairs' (DHCA) informed Council staff that it believes it is critical to make these pricing adjustments given increases in the cost of construction materials. The last pricing adjustment was in 2016. The proposed regulation provides a 6.5% increase to pricing standards to reflect the change in the CIP since 2016. Nothing in the proposed regulation would impact rental MPDU pricing or affordability.

Those expected to attend and provide information include Aseem Nigam, director, Department of Housing and Community Affairs (DHCA), Frank Demarais, deputy director, DHCA and Somer Cross, program manager, Affordable Housing Programs Section.