

COUNCIL COMING ATTRACTIONS



Week of September 20, 2021

Proclamation to recognize Peace Day in honor of Mattie J.T. Stepanek's life and legacy by Councilmember Katz and the eighth annual Hispanic Heritage Month Commemoration led 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, September 21 at 9a.m.** The meeting will begin with a proclamation to recognize Peace Day in honor of Mattie J.T. Stepanek's life and legacy to be presented by Councilmember Katz. Next, the Council will hold its eighth annual Hispanic Heritage Month Commemoration led by Councilmember Navarro. This year's commemoration will focus on the impact of the Latino Civic Project, which Councilmember Navarro implemented in 2012, to promote and strengthen civic participation among Latinos and immigrants in Montgomery County.

The Council will then interview Dr. Earl Stoddard, who is the County Executive's appointee for Assistant Chief Administrative Officer (CAO). Dr. Stoddard is currently serving as acting CAO. Next, the Council will review SRA 20-02 which would make revisions, clarifications and corrections to the subdivision ordinance. The Council will also review two Zoning Text Amendments (ZTAs). ZTA 21-02 would allow multiple building types for independent living facilities for seniors or persons with disabilities and amend the green area and setback requirements for independent living facilities for seniors or persons with disabilities. ZTA 21-03 would allow charitable and philanthropic institutions to have kitchens under certain circumstances. The Council will also review the Ten-Year Solid Waste Management Plan transmitted by the County Executive.

Next, the Council will introduce two resolutions. The first resolution would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Renovacion Media Group Corp. ("RMG") for property located at 9701 Sligo Creek Parkway, Silver Spring, Maryland to continue to be used to house a 240-foot-tall radio tower. The Second resolution would approve categorical transfers of \$67,700,000 for the Montgomery County Public Schools (MCPS) FY21 Operating Budget, and \$1,700,000 for the MCPS FY21 Grant Funds, Provision for Future Supported Projects. In addition, the Council will introduce a \$17,082,886 Supplemental Appropriation to Montgomery College's FY22 Operating Budget. The Council will then vote on 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). Before recess the council will vote to confirm the County Executive's appointments to the Commission on Aging, the Commission on Landlord-Tenant Affairs and appointments to the Mid-County Citizens Advisory Board.

In the afternoon, the Council will hold a public hearing on Spending Affordability Guidelines for the aggregate capital budget and then receive a briefing from executive branch staff and representatives from the County's Climate Action Plan (CAP) consultant AECOM on the CAP recommendations and the status of the County's climate planning and implementation work going forward. Before adjourning for the afternoon, the Council will also vote 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 meeting will be held Sept. 21 at 9 a.m.

Hispanic Heritage Month Commemoration

The Council will hold its eight annual Hispanic Heritage Month Commemoration led by Councilmember Navarro. This year's commemoration will focus on the impact of the Latino Civic Project, which Councilmember Navarro implemented in 2012, to promote and strengthen civic participation among Latinos and immigrants in Montgomery County. The commemoration will honor the work and members of the Latino Civic Project and includes a video documenting the success of the project.

County Executive's appointee for Assistant Chief Administrative Officer: Earl Stoddard

Interview: The Council is expected to interview Dr. Earl Stoddard, who is the County Executive's appointee for Assistant Chief Administrative Officer (CAO). Dr. Stoddard is currently serving as acting CAO and was the County's former director of the Office of Homeland Security and Emergency Management.

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.

ZTA 21-02, Independent Living Facility for Seniors or Persons with Disabilities - Residential Zone Standards

Vote Expected: The Council will review and is expected to vote on ZTA 21-02, which would allow multiple building types for independent living facilities for seniors or persons with disabilities and amend the green area and setback requirements for independent living facilities for seniors or persons with disabilities. The lead sponsors of the ZTA are Councilmembers Friedson and Katz. Council President Hucker and Councilmembers Navarro and Riemer are cosponsors. The PHED Committee recommends approval of the ZTA with amendments.

ZTA 21-03, Charitable, Philanthropic Institution -Kitchens

Vote Expected: The Council will also review and is expected to vote on ZTA 21-03, Charitable, Philanthropic Institution – Kitchens, which would allow charitable and philanthropic institutions to have kitchens under certain circumstances. The lead sponsor of the ZTA is Councilmember Friedson. Councilmembers Navarro, Albornoz, Glass, Jawando, Katz, Reimer, Rice and Council President Hucker are cosponsors.

Currently certain charitable and philanthropic institutions may provide shelter for people who are supporting a family member at a medical institution in an existing detached house or townhouse. This ZTA would expand this use by allowing these institutions to prepare food on the premises. The food may be distributed for off-site consumption if it's provided without payment. The PHED Committee recommends approval with amendments.

Ten-Year Solid Waste Management Plan

Review: The Council will meet to review the Ten-Year Solid Waste Management Plan transmitted by the County Executive. The plan includes information on the legal and regulatory environment for solid waste management and background on the County's solid waste programs and facilities. The T&E Committee recommends approval with amendments.

Those expected to attend and provide information include Adam Ortiz, director, Department of Environmental Protection (DEP); Patty Bubar, deputy director, DEP; Willie Wainer, chief, Recycling and Resource Management Division, DEP; and Rich Harris, management and budget specialist, Office of Management and Budget (OMB).

Resolution to Approve Lease of Property at Sligo Creek Golf Course to Renovacion Media Group Corp

Introduction: The Council is expected to introduce a resolution that would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and

Renovacion Media Group Corp. (“RMG”) for property located at 9701 Sligo Creek Parkway, Silver Spring, Maryland to continue to be used to house a 240-foot-tall radio tower.

The tower and its two adjoining transmitter buildings are owned by M-NCPPC and are used to broadcast WACA 1540 AM, a Spanish language radio station serving the greater Washington D.C. area. The initial lease term is for five years, with three additional five-year renewal terms, beginning July 1, 2021.

The current leaseholder, AC Acquisitions LLC has leased the site since January 2001. Because AC Acquisitions recently sold its assets to RMG, a new lease is necessary to renew the site’s current operation as a radio tower. Since January 2019, RMG has been operating the radio station under a license agreement with AC Acquisitions.

The lead sponsor is Council President at the request of the Maryland-National Capital Park and Planning Commission. A public hearing and vote are scheduled for October 5, 2021.

Resolution to Approve Categorical Transfers for MCPS’ FY21 Operating Budget

Introduction: The Council is expected to introduce a resolution to approve categorical transfers of \$67,700,000 for the Montgomery County Public Schools (MCPS) FY21 Operating Budget, and \$1,700,000 for the MCPS FY21 Grant Funds, Provision for Future Supported Projects.

The categorical transfer request would offset deficits in textbooks and instructional supplies, instructional costs and fixed charges by transferring a surplus from instructional salaries and student transportation. The Board of Education has also requested authorization to make an FY21 categorical transfer of grant funds to align budgeted appropriations with actual expenditures. The appropriate categories for grant expenditures must be anticipated in the budget, and transfers are necessary to reflect actual expenditure requirements of the grants projects when they differ from the budgeted projections.

The Board of Education approved the operating budget categorical transfers on August 24, 2021, and the grant fund categorical transfers on June 29, 2021. A public hearing and vote are scheduled for October 12, 2021. The resolution in the Council staff report includes a breakdown of each categorical transfer.

Supplemental Appropriation to Montgomery College’s FY22 Operating Budget - \$17,082,886 for the Federal, State, and Private Contract Fund

Introduction: The Council is expected to introduce a \$17,082,886 Supplemental Appropriation to Montgomery College’s FY22 Operating Budget for the federal, state and private contract fund. A public hearing and vote are scheduled for October 5, 2021.

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

Vote expected: The Council is expected to vote on 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 percent 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) and Somer Cross, program manager, Affordable Housing Programs Section.

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

Public hearing: The Council is expected to hold a public hearing on 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. The GO Committee meeting on the Spending Affordability Guidelines is scheduled for September 30.

[Climate Action Plan](#)

Briefing: The Council will receive a briefing from executive branch staff and representatives from the County's Climate Action Plan (CAP) consultant AECOM on the CAP recommendations and the status of the County's climate planning and implementation work going forward.

The County has been active for many years in studying the County's greenhouse gas emissions, developing goals and strategies and implementing numerous initiatives. The current planning effort stems from the December 2017, Council approval of Council Resolution 18-974, Emergency Climate Mobilization. This resolution supported an ambitious goal of reducing greenhouse gas emissions by 80 percent by 2027 and 100 percent by 2035, as well as initiating large scale efforts to remove excess carbon from the atmosphere.

The CAP development process began in 2019 with the creation of five technical workgroups to provide a broad range of expertise. These groups looked at clean energy, buildings, transportation, adaptation and sequestration, and public engagement.

Those expected to attend and provide information include Adriana Hochberg, climate change officer, Office of the County Executive; Adam Ortiz, Director of the Department of Environmental Protection (DEP); Patty Bubar, deputy director, DEP; Stan Edwards, chief, Energy, Climate, and Compliance Division, DEP; Lindsey Shaw, Manager of Energy and Sustainability Programs, DEP; Doug Weisburger, senior planning specialist, DEP; Mara Parker, grants coordinator, Office of Emergency Management and Homeland Security (OEMHS); Michael Boldosser, Emergency Management Specialist, OEMHS; Kristina Laboy, acting chief, Planning Division, OEMHS; Sandra Brecher, chief, Commuter Services Section, Department of Transportation; Ida Namur, vice president and director, Operations and Energy, AECOM; Vanessa Goh, sustainability planner, AECOM; and Emily Dhingra, coastal team lead, AECOM.

Expedited Bill 28-21, Technical Corrections

Vote expected: The Council is expected to vote 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.

Monday, Sept. 20

The Planning, Housing and Economic Development (PHED) Committee will meet virtually on **Monday, Sept. 20 at 9:30 a.m.** and **1:30 p.m.** The morning meeting is being conducted to review Bill 30-21 Landlord-Tenant Relations - Restrictions During Emergencies - Extended Limitations Against Rent Increases and Late Fees. At 1:30 p.m. the committee will begin its fourth meeting on the Thrive Montgomery 2050 Draft Plan and will focus on compact growth and complete communities. The PHED Committee will also discuss an executive regulation about new and existing building construction using criteria for energy efficiency, conservation and indoor environmental quality, in addition to other standards. The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

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The Public Safety Committee will meet at **1:30 p.m.** to review Expedited Bill 34-20, Police Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments. The members of the PS Committee include Chair Sidney Katz, Council Vice President Gabe Albornoz and Council President Tom Hucker.

Additional information about each meeting can be found below.

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

Review: The PHED Committee will meet to review 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 emergency declaration ended on Aug. 15. Therefore, under the current County law, the rent stabilization would expire on Nov. 15, 2021.

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.

Those expected to attend and provide information include Aseem Nigam, director, Department of Housing and Community Affairs (DHCA); Frank Demarais, deputy director, DHCA; Rosie McCray-Moody, manager, DHCA.

Thrive Montgomery 2050

Review: The PHED Committee will continue its review of the Planning Board's 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. At previous meetings, the Committee reviewed the introductory section of the Plan and received a briefing from the Planning Department on the Plan's vision. The committee meeting will focus on the first two chapters of the plan about compact growth and complete communities.

For additional background information on Thrive Montgomery 2050 visit [Montgomery Planning](#). The next PHED Committee meeting on the Thrive Montgomery 2050 Draft Plan is tentatively scheduled for September 27.

[Executive Regulation 12-20, Adoption of the 2018 International Green Construction Code](#)

Review: The PHED Committee will also review Executive Regulation 12-20, Adoption of the 2018 International Green Construction Code (IgCC). The IgCC includes measures that result in better indoor environments and a lower impact on natural resources.

The building sector comprises 50 percent of the County's community-wide greenhouse gas emissions. Improving the efficiency of new and existing buildings is a critical step that the County seeks to take to meet its emissions reduction goals. The 2018 IgCC applies to certain new buildings and additions to existing buildings of more than 5,000 square feet. It includes solar photovoltaic options, energy modeling options and building design improvements. Those expected to attend and provide information include Rick Merck, division chief, Commercial Building Construction, Department of Permitting Services (DPS) and Bryan Bomer, sustainability, energy, and mechanical manager, Commercial Building Construction, DPS.

[Expedited Bill 34-20, Police – Disciplinary Procedures – Police Labor Relations – Duty to Bargain – Amendments](#)

Review: The PS Committee will discuss Expedited Bill 34-20, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments, which would amend the disciplinary procedures for County police officers by requiring the use of a traditional hearing board under the Law Enforcement Officers Bill of Rights.

The bill would also require two additional voting public members on a hearing board in a case originating from a complaint alleging an excessive use of force and authorize the chief of police to issue a final order on employee discipline based on the recommendations of a hearing board. In addition, the bill would exclude collective bargaining over the composition of a police hearing board, the right of the chief of police to make a final decision on discipline and the right of the chief to issue a directive or administrative order implementing an employer right.

The lead sponsors of the bill are Councilmembers Riemer and Rice. Councilmembers Jawando and Navarro are cosponsors.

Those expected to attend and provide information include Willie Parker-Loan, assistant chief of police, Montgomery County Police Department (MCPD); Darren Francke, assistant chief of police, MCPD; Dr. Earl Stoddard, assistant chief administrative officer, Office of the County Executive; Ed Lattner, division chief, County Attorney's Office; Torrie Cooke, president, Fraternal Order of Police; and Lee Holland vice president, Fraternal Order of Police.

Thursday, Sept. 23

The joint Government Operations and Fiscal Policy (GO) and Transportation and Environment (T&E) Committee will meet on Thursday, Sept. 23 at 9:30 a.m. review Expedited Bill 31-21, Property Tax Credits – Energy Conservation Devices and Energy Efficient Buildings –

Amendments which would define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings.

The members of the GO Committee include Chair Nancy Navarro and Councilmembers Andrew Friedson and Sidney Katz. The members of the T&E Committee include Chair and Council President Tom Hucker and Councilmembers Evan Glass and Hans Riemer.

The joint Education & Culture (E&C) and Health & Human Services (HHS) Committee will meet at 1:30 p.m. to review diversity and cultural competency in the mental health professions.

The members of the E&C Committee include Chair Craig Rice and Councilmembers Will Jawando (Lead for Libraries) and Nancy Navarro. The members of the HHS Committee include Chair and Council Vice President Gabe Albornoz and Councilmembers Evan Glass (Lead for Homelessness & Vulnerable Communities) and Craig Rice.

Expedited Bill 31-21, Property Tax Credits - Energy Conservation Devices and Energy Efficient Buildings – Amendments

The joint GO and T&E Committee will meet to review 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, 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 Hucker, at the request of the County Executive.

Diversity and Cultural Competency in Mental Health Professionals

The joint E&C and HHS Committee will hold its second meeting to review diversity and cultural competency in the mental health profession. The joint committee will meet with key stakeholders to discuss current efforts and potential solutions to increase the language capabilities, racial and ethnic diversity and cultural competency of the County's mental health workforce.

In 2020, Councilmember Navarro proposed, and the full E&C Committee supported, a recommendation to hold these joint committee meetings to discuss diversity and cultural competency in the mental health field.