

# COUNCIL COMING ATTRACTIONS



## Week of March 7, 2022

*Moment of Silence Recognizing Montgomery County's two-year battle against COVID-19 by Council President Alborno; Proclamations Recognizing Linda McMillan for her years of service to the Montgomery County Council by Council President Alborno and the full Council; Recognizing National Social Work Month by honoring Jay Kenney, NASW Social Work Pioneer and Recognizing Multiple Sclerosis Week by Council President Alborno*

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 on **Tuesday, March 8 at 9 a.m.** The meeting will begin with Council President Alborno holding a moment of silence to recognize Montgomery County's two-year battle against COVID-19. Then Council President Alborno and the full Council will present a proclamation recognizing Linda McMillan for her years of service to the Montgomery County Council. Next, Council President Alborno will present proclamations recognizing National Social Work Month by honoring Jay Kenney, NASW Social Work Pioneer, and recognizing Multiple Sclerosis Week.

Next, the Council will conduct interview with applicants to serve on the Policing Advisory Commission. Then, the Council will meet to review Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County. Next, the Council is expected to introduce a more than \$2.1 million Special Appropriation to the County Government's FY22 Operating Budget for the Department of Health and Human Services' COVID Mass Vaccination CARES Grant.

Then, the Council is expected to vote on Executive Regulation 16-21, Sick Leave Amendments and vote on a resolution authorizing the certification of the Agency Safety plan mandated by the Federal Transit Administration. Next, lead sponsors Councilmembers Friedson and Navarro will introduce a resolution to create Biohealth Opportunity Zone Incentive Program grants to attract Biohealth Campuses to County Opportunity Zones.

In the afternoon, the Council will hold multiple public hearings. These include hearings on a more than \$7.8 million special appropriation for DHHS and the FEMA Emergency Protective Measures Grant, which is needed to support the administration of vaccinations; a \$224,956 special appropriation to provide funds for enhancements and assistance to newly arriving migrant and asylum-seeking children and their families in the Washington metropolitan region as they flee violence and poverty in their home countries; and a \$3 million special appropriation for the Housing Opportunities Commission (HOC).

The Council is expected to hold a public hearing and vote on a Declaration of No Further Need to transfer a 12.8-acre parcel of County property known as the Hollywood Branch Parcel located at 0 Laurie Drive in Silver Spring, Maryland 20904 to the Maryland-National Capital Park and Planning Commission (M-NCPPC). Then, the Council will hold a public hearing on Bill 4-22, which would require gender-inclusive restrooms in certain places of public accommodation and County owned buildings and generally amends the law regarding prohibited discrimination in public accommodations.

Next, the Council is expected to vote on Zoning Text Amendment (ZTA) 21-10, which would clarify the maximum footprint for accessory buildings on a lot in the agricultural, rural residential and residential detached zones. Before the meeting adjourns, the Council is expected to vote on Zoning Text Amendment (ZTA) 21-11 and the related Sectional Map Amendment (SMA) H-144.

# Useful Information - Week of March 7, 2022

*Tuesday's Council meeting will be held March 8 at 9 a.m.*

## Applicants to serve on the Policing Advisory Commission

**Interviews:** The Council will conduct interviews to fill one vacancy on the Policing Advisory Commission, which consists of 13 public members who have an interest or expertise in policing matters and reflect the diversity of Montgomery County. The Policing Advisory Commission deliberates on policy issues, using data and focuses on best practices.

Nine Policing Advisory Commission members are appointed by the Council and four members are appointed by the County Executive, with two of the Executive's appointments being youth members. The police chief, or a designee, and the president of the Fraternal Order of Police, or a designee, serve as ex-officio members.

Those expected to interview with the Council include Marc Brenman, Jaslynn Laurence, Laura Oberbroeckling, Simone Walton, Laurie Ekstrand, Mike Fletcher, Ty McKinney, Steven Soroka, Soren Ashmall, Peter Francis and Alana Stanley.

## Expedited Bill 49-21, Police Accountability Board – Administrative Charging Committee – Established

**Review:** The Council will continue its review of Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County. The goal of the bill is to help improve police accountability.

The Public Safety (PS) Committee held three meetings to review and amend the bill. The proposed amendments would increase the PAB membership to nine voting members with at least one member residing in a municipality covered by the PAB and permit the Executive to appoint one or more nonvoting members, clarify that all complaints from the public must be investigated and reported to the ACC, require funding for training of PAB and ACC members from the police and outside organizations and authorize the Council to remove a member for failure to complete required training.

The Council approved each of these PS Committee amendments at its first meeting to review Expedited bill 49-21. In addition, the Council removed reference to a violation of law, as one of the reasons for removal of a member. The Council also approved an amendment that replaces general language indicating that professional experience is required, with more detailed language requiring that the individual be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report and practice procedural fairness.

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the state. One of these laws, House Bill (HB) 670, created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a PAB and an ACC to handle complaints of

police misconduct from residents. HB 670 also gives the County PAB and the County ACC jurisdiction over police misconduct complaints against municipal police departments located in the County.

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

#### **Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \$2,109,404 for COVID Mass Vaccination CARES Grant**

**Introduction:** The Council is expected to introduce a more than \$2.1 million Special Appropriation to the County Government's FY22 Operating Budget for the Department of Health and Human Services' COVID Mass Vaccination CARES Grant. The grant is awarded to the County by the Maryland Department of Health's Prevention and Health Promotion Administration.

Montgomery County continues to support the vaccination of County residents against COVID-19 through clinics and special health initiatives. Ongoing funding is needed to continue to expand existing infrastructure and efforts to increase vaccinations, reduce hesitancy and reach minority residents with culturally and linguistically appropriate services to reduce disparities.

The lead sponsor is the Council President, at the request of the County Executive. A public hearing and vote are tentatively scheduled for March 22.

#### **Executive Regulation 16-21, Sick Leave Amendments**

**Vote expected:** The Council is expected to vote on Executive Regulation 16-21, Sick Leave Amendments, which would implement changes to the MCGEO Collective Bargaining Agreement that were accepted by the Council for FY22 under Resolution No. 19-818 and that were accounted for in the FY22 operating budget.

The regulation would entitle a County employee with at least ten years of service to the County, to receive \$5,000 if they are enrolled in the Retirement Savings Plan (RSP) or Guaranteed Retirement Investment Program (GRIP) and have a sick leave balance of at least 120 hours. In addition, an employee in the RSP or GRIP who leaves County service with at least 20 years of service and a sick leave balance of at least 240 hours would be entitled to receive \$10,000. The FY22 operating budget allocated \$110,000 for this purpose.

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

#### **Authorization to approve and certify the Agency Safety Plan for Montgomery County Department of Transportation, Division of Transit Services**

**Vote expected:** The Council is expected to vote on a resolution authorizing the certification of the Agency Safety plan mandated by the Federal Transit Administration. The United States Department of Transportation, Federal Transit Administration requires that operators of public transportation must develop Public Transportation Agency Safety Plans based on the Safety Management System approach and each transit agency must certify its compliance with the

federal requirements. Operators of public transportation systems will be required to implement the safety plans.

### **Resolution to create the Biohealth Opportunity Zone Incentive Program grants to attract Biohealth Campuses in County Opportunity Zones**

**Introduction:** Lead sponsors Councilmembers Friedson and Navarro will introduce a resolution to create Biohealth Opportunity Zone Incentive Program grants to attract Biohealth Campuses to County Opportunity Zones. All other Council members are cosponsors. The grant program would provide \$250,000 to any Biohealth Priority Campus, as defined in ZTA 21-09, that locates in a County Opportunity Zone upon its receipt of an occupancy permit.

A vote is tentatively scheduled for March 15.

### **Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$7,821,000 for FEMA Emergency Protective Measures Grant**

**Public Hearing:** The Council will hold a public hearing on a more than \$7.8 million special appropriation for DHHS and the FEMA Emergency Protective Measures Grant, which is needed to support the administration of vaccinations. The grant is provided to the County through the Maryland Department of Health.

The Feb. 23 DHHS Pulse Report says that as of Feb. 19, 2022, at least 95 percent of the total County population has received at least one dose of a COVID-19 vaccine; 85 percent of the total population has received at least two doses of vaccine; 52 percent of the fully vaccinated population has received a booster or an additional dose; and 75 percent of fully vaccinated residents aged 65 and older have received a booster and additional dose.

The lead sponsor is the Council President, at the request of the County Executive. A vote is tentatively scheduled for March 15.

### **Special Appropriation to the County Government's FY22 Operating Budget, DHHS - \$224,956 for Newcomers Enhancements and Assistance**

**Public Hearing:** The Council will hold a public hearing on a \$224,956 special appropriation to provide funds for enhancements and assistance to newly arriving migrant and asylum-seeking children and their families in the Washington metropolitan region as they flee violence and poverty in their home countries.

The Council appropriated funds in July 2022 to support this effort; however, DHHS found that additional funding is needed to address safety, human trafficking and emergency assistance needs. The Federal Office of Refugee Resettlement placed 1,231 unaccompanied children in federal fiscal year 2021 and 252 unaccompanied children during Oct. and Nov. of 2021 with sponsors in Montgomery County. DHHS, Montgomery County Public Schools and community partners are collaborating to provide a comprehensive system of supports.

The lead sponsor is the Council President, at the request of the County Executive. A vote is tentatively scheduled for March 15.

#### **Special Appropriation to the FY22 Operating Budget, Housing Opportunities Commission (HOC) Non-Departmental Account (NDA) - \$3,000,000**

**Public hearing:** The Council will hold a public hearing on a \$3 million special appropriation for the Housing Opportunities Commission (HOC). According to HOC, which is the County's public housing authority, the County has seen a significant loss of revenue as tenants are unable to pay rent and make up arrearages. This funding will assist in filling a portion of HOC's revenue shortfall. HOC and its tenants may also receive rental assistance through other federal and state programs.

The lead sponsor is the Council President, at the request of the County Executive. A PHED Committee meeting to review the special appropriation is scheduled for March 14.

#### **Declaration of No Further Need – Disposition of Hollywood Branch Parcel**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on a Declaration of No Further Need to transfer a 12.8-acre parcel of County property known as the Hollywood Branch Parcel located at 0 Laurie Drive in Silver Spring, Md. to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The parcel currently sits between two Commission-owned properties, which are located near the Paint Branch Stream Valley Park and are currently used as a conservation area.

County and Commission staff determined that the parcel was not included in a 1972 agreement that allows the Commission to manage County-owned properties as parklands. Given its current and future intended use as a conservation area, the County Executive is recommending a direct transfer at nominal value of the parcel to the Commission. The Commission intends to incorporate the parcel into its nearby Paint Branch Stream Valley Park and to continue its use as a conservation area.

#### **Bill 4-22, Human Rights and Civil Liberties – Public Accommodations – Gender Inclusive Restroom**

**Public hearing:** The Council will hold a public hearing on Bill 4-22, Human Rights and Civil Liberties – Public Accommodations – Gender Inclusive Restrooms, which requires gender-inclusive restrooms in certain places of public accommodation and County owned buildings and generally amends the law regarding prohibited discrimination in public accommodations. The lead sponsors of Bill 4-22 are Councilmember Katz and Council Vice President Glass. All other Councilmembers are cosponsors.

The purpose of Bill 4-22 is to increase accessibility for anyone to use a single-user restroom regardless of gender, gender identity or expression and benefit people with disabilities who have caregivers of different gender or parents with children of different gender who may require assistance using a public restroom. The goals of this bill include helping to decrease barriers, encourage full community inclusion and strengthen dignity and personal safety.

#### **Zoning Text Amendment (ZTA) 21-10, Accessory Structures – Use Standards**



**Vote expected:** The Council is expected to vote on Zoning Text Amendment (ZTA) 21-10, Accessory Structures – Use Standards, which would clarify the maximum footprint for accessory buildings on a lot in the agricultural, rural residential and residential detached zones. The PHED Committee recommends approval.

The ZTA makes it clear that the cumulative footprint of all accessory structures may not exceed 50 percent of the footprint of the principal building or 600 square feet, whichever is greater. The lead sponsors of the ZTA are Councilmembers Friedson and Jawando.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department; Victor Salazar, division chief, Zoning, Well & Septic and Code Compliance, DPS; and Patricia Wolford, zoning manager, Division of Zoning, Well & Septic and Code Compliance, DPS.

The staff report will be available on Monday.

#### **ZTA 21-11, Ashton Village Center Overlay Zone and Ashton Village Center Sectional Map Amendment (SMA) H-144**

**Vote expected:** The Council is expected to vote on Zoning Text Amendment (ZTA) 21-11, Sandy Spring/Ashton Rural Village Overlay Zone – Amendments, which amends the existing Sandy Spring Ashton Rural Village Overlay Zone (SSARVO) to make it consistent with the recommendations from the Ashton Village Center Sector Plan. This vote on ZTA 21-11 will be followed by an expected vote on the related Sectional Map Amendment (SMA) H-144. The PHED Committee recommends enactment.

The SSARVO was established in 1998 and the Zoning Ordinance was updated in 2014. The Sandy Spring Rural Village Plan was updated in 2015 and the Ashton Rural Village Sector Plan was updated in 2021. The new Zoning Ordinance and the updated master plans rezoned the C zones to the CRN and CRT Zones, which offered many of the land use controls that the overlay zone provided. The proposed amendments to the SSARVO would reduce those redundancies. The amended overlay zone will retain site plan requirements for all non-residential developments and allow certain existing non-conforming commercial uses to remain.

The lead sponsor of ZTA 21-11 is the Council President, at the request of the Planning Board.

SMA H-144 was filed on Nov. 10, 2021 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Ashton Village Center Sector Plan. The SMA application covers a plan area of approximately 127 acres in the eastern part of the County at the intersection of state routes MD 108 and MD 650 (New Hampshire Avenue). The District Council approved the Ashton Village Center Sector Plan in June 2021.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning

Department; Donnell Zeigler, supervisor, Upcounty Planning, Planning Department; Jamey Pratt, senior planner, Upcounty Planning, Planning Department; Roberto Duke, planner coordinator, Upcounty Planning, Planning Department; and Patrick Butler, division chief, Upcounty Planning, Planning Department

### *Monday, March 7*

The Planning, Housing and Economic Development (PHED) Committee will meet on **Monday, March 7, at 9:30 a.m.** to discuss the recommended FY23-28 Capital Improvements Program (CIP) for the Agricultural Land Preservation Easement Project, the County's Draft Economic Development Strategic Plan and the Silver Spring Downtown and Adjacent Communities Plan.

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

The Transportation and Environment (T&E) Committee will meet on at **1:30 p.m.** to discuss the recommended FY23-28 CIP for storm drains, stormwater management, and recycling and resource management.

The members of the T&E Committee include Chair Tom Hucker, Council Vice President Evan Glass and Councilmember Hans Riemer.

More detail on each agenda item is provided below.

#### **Agricultural Land Preservation Easement project Recommended FY23-28 CIP**

**Review:** The PHED Committee will review the recommended FY23-28 CIP for the Agricultural Land Preservation Easement project, which provides funds for the purchase of agricultural and conservation easements under County Agricultural Land Preservation legislation. The purchasing of easements restricts certain uses on a property to ensure that it is preserved for agricultural and rural uses for future generations.

The recommended FY23-28 CIP is slightly more than \$3.2 million in expenditures for the project during the next six years, which is a decrease of \$92,000 or 2.8 percent from the approved FY21-26 CIP. The decrease is due to changes in personnel costs included in the Project.

Those expected to attend and provide information include Jeremy Criss, director, Agricultural Services, Office of Agriculture (OAG); Mike Scheffel, Agriculture Preservation and Marketing, OAG; and Derrick Harrigan, Office of Management and Budget.

#### **Silver Spring Downtown and Adjacent Communities Plan**

**Review:** The PHED Committee will review the Planning Board Draft of the [Silver Spring Downtown and Adjacent Communities Plan](#). The plan makes recommendations within the Silver Spring Downtown and Adjacent Communities Plan area for land use and zoning, housing,



economic development, urban design, transportation, parks and public spaces, environmental resiliency, community facilities and historic resources.

Those expected to attend and provide information include Casey Anderson, chair, Planning Board; Gwen Wright, Director, Planning Department; Elza Hisel-McCoy, chief, DownCounty Planning Atara Margolies, Planner III, DownCounty Planning; Larissa Klevan, master plan supervisor, Down County Planning; and Atara Margolies, planner coordinator, Planning Department.

### **Storm Drains and Stormwater Management Recommended FY23-28 CIP**

**Review:** The T&E Committee will review the Recommended FY23-28 CIP for both storm drains and stormwater management. The Department of Transportation (DOT) Division of Transportation Engineering manages the County storm drains program. The Department of Environmental Protection (DEP) plans and implements the stormwater management CIP; however, stormwater management is a shared responsibility among several County departments and agencies.

For storm drains, the recommended FY23-28 CIP is \$33.9 million for four projects during the next six years. This amount is an increase of \$13.6 million or 66.2 percent from the approved FY21-26 CIP.

Properly functioning storm drains remove excess water from the roads, ensuring safer road conditions while also protecting roads from water damage. When properly functioning, storm drains also protect adjacent properties from water runoff damage. Work is identified through requests for assistance that come from property owners as well as from government agencies.

For stormwater management, the recommended FY23-28 CIP is more than \$118 million during the next six years, which is an increase of \$5.2 million or 4.6 percent from the FY21-26 CIP. DEP works with the DOT to address storm drain outfall repair issues and works with WSSC Water when infrastructure work is needed. The Department of Permitting Services (DPS) reviews, approves, inspects and enforces requirements for construction of privately-owned stormwater management facilities.

In addition, DEP inspects and provides structural maintenance for most Montgomery County Public Schools (MCPS) and County facilities on Maryland-National Capital Park and Planning Commission (M-NCPPC) land. M-NCPPC, in coordination with DEP, performs stream restoration work utilizing Water Quality Protection funding on park land which is credited under the County's MS-4 permit.

Those expected to attend and provide information on the Recommended FY23-28 CIP for storm drains include Dan Sheridan, design section chief, Division of Transportation Engineering, DOT; Tim Cupples, chief, Division of Transportation Engineering, DOT; Brady Goldsmith, chief, Management Services, DOT; Richard Dorsey, chief, Division of Highway Services, DOT; and Veronica Jaua, fiscal and policy analyst, Office of Management and Budget.

Those expected to attend and provide information on the Recommended FY23-28 CIP for stormwater management include Adrianna Hochberg, director, DEP; Patty Bubar, deputy director, DEP; Frank Dawson, chief, Watershed Restoration Division, DEP; Amy Stevens, Watershed Restoration Division, DEP; Pam Parker, Watershed Restoration Division, DEP;

Saeyin Oh, Watershed Restoration Division, DEP; Vicky Wan Chief, Strategic Services Division, DEP; and Rich Harris, Fiscal and Policy Analyst, Office of Management and Budget.

### **Recycling and Resource Management Recommended FY23-28 CIP**

**Review:** The T&E Committee will review the recommended FY23-28 CIP for Recycling and Resource Management (RRM). The recommended FY23-28 CIP for RRM is \$49.5 million during the next six years for three projects, which is a decrease of \$35.8 million or 41.9 percent from the Amended FY21-26 CIP. The three ongoing projects funded by the CIP include a full upgrade of the existing recycling center complex, the planning and construction of a toupee cap at the closed Gude Landfill and the design and construction of new transfer station fire detection and suppression system.

Those expected to attend and provide information include Adriana Hochberg, acting director, DEP; Patty Bubar, deputy director, DEP; Willie Wainer, chief, RRM, DEP; Anthony Skinner, chief, Business Operations, Deputy Director Office, RRM, DEP; Jeff Camera, chief, Resource Conversion Section, RRM, DEP; Jamie Foster, senior engineer, Resource Conversation Section, RRM, DEP; and Rich Harris, fiscal and policy analyst, Office of Management and Budget.

### ***Wednesday, March 9***

The Transportation and Environment (T&E) Committee will meet **Wednesday, March 9 at 1:30 p.m.** to review the recommended FY23-28 CIP for the Department of Transportation (DOT) and discuss the I-270 Corridor Forward Plan.

The members of the T&E Committee include Chair Tom Hucker, Council Vice President Evan Glass and Councilmember Hans Riemer.

### **I-270 Corridor Forward Plan**

**Review:** The T&E Committee will review and make recommendations to the Council on the Planning Board draft of the [Corridor Forward: The I-270 Transit Plan](#). The Committee held an initial [meeting to review the plan](#) on Feb. 28, 2022. The Maryland Department of Transportation (MDOT) has committed \$360 million of funds in support of one or more new transit lines in the I-270 Corridor and the Council's decision on the plan will inform the decision as to how the \$360 million will be used.

### **Transportation Recommended FY23-28 CIP**

**Review:** The T&E Committee will review the recommended FY23-28 CIP for the Department of Transportation.

### ***Thursday, March 10***

The Audit Committee will meet on **Thursday, March 10 at 9:30 a.m.** to receive a briefing on results from the FY21 External Audit and Review of SB & Company's Contract Renewal. SB &

Company has provided services to the Council to conduct the Fiscal Year 2021 audit. In April 2021, the Council renewed its contract with SB & Company for an additional term of one year from July 14, 2021 through July 13, 2022.

The members of the Audit Committee include Government Operations and Fiscal Policy Committee Chair Nancy Navarro, Council President Gabe Albornoz and Councilmembers Tom Hucker, Andrew Friedson and Sidney Katz.

The joint Education and Culture (E&C) and Health and Human Services (HHS) Committee will meet at **10:15 a.m.** to receive a briefing on implementation of the [Blueprint for Maryland's Future](#). The blueprint is state legislation passed in 2021, which includes comprehensive changes to early childhood and the public school system in Maryland to improve the overall quality of education.

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 President Gabe Albornoz, Council Vice President Evan Glass (Lead for Homelessness & Vulnerable Communities) and Councilmember Craig Rice.

The joint Planning, Housing and Economic Development (PHED) and Government Operations and Fiscal Policy (GO) Committee will meet at **1:30 p.m.** to discuss the recommended FY23-28 CIP for economic development projects.

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

The GO Committee will meet at **2:30 p.m.** to discuss the recommended FY23-28 CIP for County offices and other government projects.