

COUNCIL COMING ATTRACTIONS



Week of February 5, 2018

County Capital Budget, Water Quality Protection Charge, Financial Disclosure & Lobbying, Development Impact Taxes, Public Takings & White Flint 2 Parklawn Overlay Zone



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting will begin at 11 a.m.

COUNCIL



Bill 1-18, Water Quality Protection Charge – Appeals

On Tuesday, February 6 at 10 a.m. the Council will introduce Bill 1-18, Water Quality Protection Charge – Appeals. Council President Hans Riemer is the lead sponsor at the request of the County Executive. A public hearing is tentatively scheduled for March 6 at 1:30 p.m. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148537

Bill 1-18 would allow a property owner to obtain review by the Director of Finance of certain decisions by the Director of Environmental Protection involving the Water Quality Protection Charge (WQPC). The

bill would also allow a final WQPC decision by the Director of Finance to be appealed to the Maryland Tax Court.

Bill 2-18, Ethics – Conflict of Interest – Financial Disclosure – Lobbying – Amendments

The Council also will introduce Bill 2-18, Ethics – Conflicts of Interest – Financial Disclosure – Lobbying – Amendments. Council President Riemer is the lead sponsor, at the request of the Ethics Commission. A public hearing is tentatively scheduled for March 6. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148539

Bill 2-18 would do the following:

- limit the participation of a public employee in any matter affecting a party who the employee was hired to lobby for in the prior year;
- prohibit a person serving as County Executive or Councilmember from certain lobbying for one year after leaving office;
- require the Ethics Commission to redact the home address of a public employee from a financial disclosure statement made available for inspection or copying;
- require a public employee to disclose income from certain lobbying on a financial disclosure statement;
- repeal the requirement for a regulated lobbyist to submit an authorization to lobby from the individual or organization hiring the lobbyist; and
- modify the financial disclosure requirements for officers and employees of the Arts and Humanities Council and a community media organization.

Bill 3-18, Technical Corrections

The Council also will introduce Bill 3-18, Technical Corrections. The Council is the sponsor of this bill. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148541

Bill 3-18 would correct technical, typographical, grammatical, reference and codification errors in, and make stylistic, clarifying and conforming amendments to, various provisions of County law.

Zoning Text Amendment 17-13, Exemptions – Public Taking

The Council is scheduled to vote on Zoning Text Amendment 17-13, Exemptions – Public Taking. Councilmember Nancy Floreen is the lead sponsor. The Planning, Housing, and Economic Development (PHED) Committee recommended approval of ZTA 17-13 with revisions to allow the expansion of structures that are made non-conforming due to public acquisition and to add provisions for parking lots. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148555

- ZTA 17-13 would address structures located on a lot whose total area has been reduced by public acquisition. It would make such structures legal and allow them to be repaired, altered, or reconstructed under certain circumstances, but not enlarged.
- The Committee recommended that the new provision would read as follows: “A lawful structure or surface parking lot located on a lot reduced in area by a public acquisition that would render the structure or parking lot nonconforming is legal and the structure or parking lot may be repaired, altered, or reconstructed.”

Zoning Text Amendment 17-10, White Flint 2 Parklawn – Overlay Zone

The Council is scheduled to vote on ZTA 17-10, White Flint 2 Parklawn – Overlay Zone. Council President Hans Riemer is the lead sponsor at the request of the County Executive. The PHED Committee recommended approval with revisions by a 2-1 vote, with Councilmember George Leventhal opposed. A table of the revisions can be found on page 1 of the staff report, which can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148557

ZTA 17-10 would establish the White Flint 2-Parklawn Overlay zone with development and land use standards, and procedures for development approvals. Staff revised ZTA 17-10 to implement the Council's Sector Plan objectives.

Expedited Bill 36-17, Taxation – Development Impact Tax – Exemptions – Amendments

The Council is scheduled to review Expedited Bill 36-17, Taxation – Development Impact Tax – Exemptions – Amendments. Councilmember Floreen is the lead sponsor. The PHED Committee recommends approval with amendments. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148543

As introduced Bill 36-17 would reduce the tax burden on development projects that provide at least 25% affordable housing. The bill would allow a development that increases the number of dwelling units previously approved to take advantage of the development tax exemption for projects with 25% affordable housing.

Recommended amendments are as follows:

- Replace the phrase "If an approved development is amended to include additional dwellings" to read "If development approved before October 22, 2015 is amended any time thereafter to include additional units." (Lines 10-11)
- Add an additional provision as follows: If the relevant preliminary subdivision plan was approved before January 1, 2008, Sections 52-41(g)(5) and 52-54(c) apply to building permit applications for the unbuilt portion of the development. (Lines 16-18)
- Replace "this Act took effect" in subsection (a) with "October 22, 2015," which was the date the Act took effect.

Expedited Bill 32-17, Taxation – Development Impact Tax for Transportation and Public School Improvements – Definitions – Senior Residentials; and Companion Resolution

The Council also is scheduled to vote on Expedited Bill 32-17, Taxation – Development Impact Tax for Transportation and Public School Improvements – Definitions – Senior Residentials. Councilmember Floreen is the lead sponsor. Councilmembers Roger Berliner, Sidney Katz, and Craig Rice are cosponsors. The Government Operations and Fiscal Policy (GO) Committee recommended approval of the bill and resolution as introduced. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148545

Bill 32-17 would replace the multi-family-senior residential category used to impose the development impact tax for transportation and public school improvements with a senior residential category.

PUBLIC HEARINGS

Amendment to the County Government's FY17-22 Capital Improvements Program, Office of the County Executive – Long Branch Town Center Redevelopment

On Tuesday, February 6 at 1:30 p.m. the Council will hold a public hearing about the Executive's recommended amendments to the FY17-22 Capital Improvements Program for the Long Branch Town Center Redevelopment. The proposed amendment will shift funding to assist Long Branch businesses impacted by the Purple Line construction. The PHED Committee is tentatively scheduled to discuss this item on March 5. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148559

 **Resolution to Approve a Franchise Agreement: Bethesda Avenue LLC (Ourisman Honda)**

On Tuesday, February 6 at 1:30 p.m. the Council will hold a public hearing on a resolution to approve a franchise agreement for Bethesda Avenue LLC (doing business as Ourisman Honda). At the request of the County Executive, the Council President introduced a resolution on January 16 that would grant a franchise agreement to Bethesda Avenue, LLC within a joint access easement area of the Georgetown Branch right-of-way. The request for a franchise results from a stop work order issued by the County Department of Permitting Services, which prohibits Ourisman Honda from further construction on a garage addition that is located within the existing joint access easement. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148561

 **FY19 Capital Budget and FY19-24 Capital Improvements Program (CIP)**

On Tuesday, February 6 at 7:30 p.m. and Wednesday, February 7 at 1:30 p.m. and 7:30 p.m. the Council will hold public hearings on the fiscal year 2019 Capital Budget and the FY19-24 Capital Improvements Program. The County Executive's Recommended Capital Budget and Capital Improvements Program (CIP), submitted to the Council every two years, contains a comprehensive picture of the Executive's recommendations for the capital budget, including new and existing projects. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7224&meta_id=148561

COMMITTEE

 **Quarterly Report – National Philharmonic Grant**

On February 5 at 9:30 a.m. the Health and Human Services (HHS) Committee will meet to receive an update on the National Philharmonic grant. Since FY16 the Council has approved a total of \$550,000 for the National Philharmonic. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7592&meta_id=148474

A joint HHS and GO Committee met in May 2016 to discuss an FY16 \$250,000 Supplemental Appropriation and an additional \$150,000 in FY17 for the National Philharmonic. The Council approved an earmark of \$150,000 for the National Philharmonic in FY18. The Council agreed that the National Philharmonic needed to take the following steps to ensure the ongoing financial health of the organization: improve relationships with the Strathmore, hire a consultant to develop a strategic plan, coordinate with the Arts and Humanities Council of Montgomery County (AHCMC), restructure their operations to grow new and diverse audiences, raise artistic quality, and balance their budget. The HHS and GO Committees requested that the National Philharmonic provide quarterly updates in FY17, which have continued into FY18 in the HHS Committee.

 **Capital Improvements Program: Revenue Authority**

On February 5 at 2 p.m. the PHED Committee will discuss the Revenue Authority's recommended CIP request, which updates one ongoing project approved in the FY17 22 CIP, adds two Airpark Land Acquisitions, and closes eight previously approved projects. The Council will hold public hearings on new adjustments on February 7 and 8. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7575&meta_id=148476

Staff recommends approval of the Revenue Authority's recommended CIP.

- The Revenue Authority was created in 1957 to construct and operate a variety of self-supporting projects. It is a self-supporting, public corporation that operates somewhat independently of County Government. The corporation owns and operates self-sustaining projects that support the County's economic development, recreation, and transportation needs, and assists in financing County Government projects by issuing bonds or other debt. The Revenue Authority operates under the County Code, and the County Executive and County Council must review and approve

any project greater than \$50,000. Unlike other agencies and departments, the County “authorizes” the Revenue Authority’s CIP. The Council does not appropriate funds.

- The Revenue Authority operates nine golf courses and the Airpark. Projects financed by the Revenue Authority are listed in the appropriate department or agency’s CIP request. The Revenue Authority is listed as a source of financing only. As an independent authority, the County does not exercise the same budgetary controls it does with other department and agencies.

Capital Improvements Program: Conservation of Natural Resources – Agricultural Land Preservation

On February 5 at 2 p.m. the PHED Committee will meet to review the County Executive’s proposed Agricultural Land Preservation Easements project as part of the FY19-24 recommended Capitals Improvement Program. This project provides funds for the purchase of agricultural and conservation easements under the County Agricultural Land Preservation law. Purchasing easements restricts certain uses on a property to ensure that it is preserved for agricultural or rural uses for future generations. The Executive’s proposal provides a modest increase to the funding available for purchasing easements.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7575&meta_id=148478

Capital Improvements Program Education Overview and MCPS Enrollment and Demographics

On February 5 at 2 p.m. the Education (ED) Committee will receive a presentation from Montgomery County Public Schools (MCPS) staff on enrollment and demographics at County schools and an overview of the Board of Education’s Proposed FY19-24 Capital Improvements Program. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7593&meta_id=148480

Council Staff will provide summary information on the Subdivision Staging Policy Test for FY18 (last year’s test results) and FY19 (this year’s test) based on the Board of Education’s Proposed CIP. Council Staff will also discuss the "solution" projects in the Approved CIP and how the Board’s Proposed CIP deals with these. Council Staff also will provide a fiscal summary of the Board’s Proposed FY19-24 CIP and the Executive’s recommendations. The ED Committee also will review individual school projects and Countywide projects and discuss the review process going forward with MCPS.

Employee Wellness Program

On February 8 at 9:30 a.m. the Health and Human Services (HHS) and Government Operations and Fiscal Policy (GO) Committees will meet jointly to receive an update from the Office of Human Resources on the Employee Wellness Program. This program, now in its third year, has the goal of creating a culture of wellness for employees and their families. Issues to be discussed will include health insurance data analysis and trends, the Virgin Pulse Live Well Program, Employee Assistance Program, and other wellness program initiatives and activities. The staff report will be available on February 6.

Capital Improvements Program Health and Human Services Overview

On February 8 at 10:15 a.m. the HHS Committee will receive an overview of the Capital Improvements Program, including a review of the Avery Road Treatment Center project and updates on improvements to other Department of Health and Human Services facilities, including 8818 Georgia Ave and 1301 Piccard Drive. The staff report will be available on February 6.

Ethics Commission Regulation 22-16AM, Ethics Regulations

On February 8 at 10:15 a.m. the GO Committee will meet to review Ethics Commission Regulation 22-16 AM, Ethics Regulation. The regulation establishes Commission policies and procedures for addressing violations of the Public Ethics law; administrative policies and procedures for outside employment requests; guidance concerning misuse of prestige of office and improper influence; guidance on gift acceptance; and,

ranges of value for financial disclosure by elected officials. The staff report will be available on February 6.

 **Executive Regulation 4-17, Police Outside Employment**

The GO Committee also will review Executive Regulation 4-17, Police Outside Employment. This regulation establishes rules for police officers in the Montgomery County Police Department (MCPD) who have secondary employment. The staff report will be available on February 6.

 **Preliminary Review – Cable Television and Communications Plan**

On February 5 at 2 p.m. the PHED Committee will review the Executive's estimates for 2019 franchise cable revenue levels, which are expected to produce just over \$29 million. The Committee will look at the proposed distribution of these funds through the Cable Plan and provide guidance as to priorities within the communications arena that should be considered for funding in the final Cable Plan that the Executive will submit as part of his proposed Operating Budget on March 15. Montgomery County is unique among major counties in requiring that all franchise and related telecommunication fees be spent through a thoughtful and planned effort that supports important telecommunications priorities and matches these non-tax revenues to vital programs. The staff report will be available on February 6.