

COUNCIL COMING ATTRACTIONS



Tuesday, July 12, 2016

Food Trucks in the Agricultural Reserve, Taxes in Local Jurisdictions and Artificial Turf



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/packet/index.html>.

Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf.

The Council Session is scheduled to begin at 10 a.m. with a proclamation presentation at 10:20 a.m.

- 🌐 Proclamation recognizing Design Excellence Award, by Council President Floreen.

Other Council Highlights

- 🌐 **ZTA 16-04, Agricultural Reserve (AR) Zone - Transitory Uses**

The Council is scheduled to vote on ZTA 16-04. The PHED Committee recommends approval. The lead sponsor is Councilmember Riemer. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4561&meta_id=124322.

The ZTA would amend the Agricultural Reserve zone by deleting transitory uses from the list of prohibited uses when transferable development rights (TDRs) are severed from a property.

- A transitory use is defined in the Zoning Code as a use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Operating a food truck is a transitory use.

- A transitory uses is allowed as a limited use in the AR zone (although currently prohibited when TDRs are created from the site).
- In the opinion of the sponsor, transitory uses should be allowed in the AR zone without regard to the TDR status of the property. The temporary use of land for food trucks will not foreclose agricultural production and may provide an additional source of income for farmers.

 **Expedited Bill 29-16, Fire Safety Code-Administration-Reorganization**

The Council is scheduled to introduce Bill 29-16. The lead sponsor is Council President Floreen, at the request of the County Executive. A public hearing is scheduled for Aug. 2 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4561&meta_id=124324 .

Bill 29-16 would:

- transfer the Fire Code Compliance Section to the Department of Permitting Services and provide that certain duties performed by the Fire Code Compliance Section must be performed by the Department of Permitting Services;
- transfer to the Department of Permitting Services responsibility to implement certain fire prevention and fire code compliance obligations imposed under Chapter 22, Fire Safety Code;
- identify the duties and responsibilities of the fire code inspectors;
- provide that the Montgomery County Fire and Rescue Service retains authority for fire and explosive investigations;
- identify who may become assistant State fire marshal, special assistant State fire marshal and deputy State fire marshal pursuant to State law; and
- generally amend the law related to the administration and enforcement of the Fire Safety Code.

 **Expedited Bill 30-16, Streets and Roads-Amendments**

The Council is scheduled to introduce Bill 30-16. The lead sponsor is Council President Floreen, at the request of the County Executive. A public hearing is scheduled for July 19 at 1:30 p.m. Bill 30-16 would clarify that a person may not exercise control over or otherwise occupy the public right-of-way and define certain terms in Chapter 49, which regulates County streets and roads. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4561&meta_id=124326 .

 **Bill 19-16, Health and Sanitation-Strategic Plan to End Food Insecurity**

The Council is scheduled to vote on Bill 19-16. The HHS and GO Committees recommend enactment with amendments. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=149&event_id=4561&meta_id=124328 .

Council Vice President Berliner is the lead sponsor. All other Councilmembers are co-sponsors. The bill would require the County's Chief Innovation Officer to propose and update a Strategic Plan to End Food Insecurity in the County.

- In developing the Strategic Plan, the CIO would be required to consult with many organizations inside and outside of County government.
- The strategic plan would include relevant demographic and geographic information on poverty and food insecurity and would include a five-year plan that strives to reduce food insecurity by at least ten percent each year.

 **OLO Report 2016-7, Individual and Business Tax Burdens in Local Jurisdictions**

The Council will discuss OLO Report 2016-7. The full report can be viewed at:

<http://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/Individual%20and%20Business%20Tax%20Burdens%20in%20Local%20Jurisdictions%202016-7.pdf> .

The report analyzes the tax burden for individuals and businesses in the County compared to five other local jurisdictions: Prince George's, Howard and Frederick counties in Maryland, Fairfax County in Virginia and the District of Columbia. Some highlights of the OLO report include:

- Among the local jurisdictions examined in the report, the County ranked third in projected fiscal year 2016 total revenue at \$5.1 billion, following the District (\$14.0 billion) and Fairfax County (\$7.5 billion).
- Among families in the six jurisdictions at five annual income levels ranging from \$25,000 to \$150,000, the County ranked third in annual tax burden at all income levels except for \$50,000. At the \$50,000 level, the tax burden in the County is lower than all but one of the jurisdictions examined.
- A September 2013 report created for the D.C. Tax Revision Commission found that in many scenarios, taxes are lower for businesses located in the County, compared to Prince George's County, Fairfax County and the District of Columbia.



Special Appropriation to the MCP's FY17 Capital Budget and Amendment to the FY17-22 Capital Improvements Program - \$488,802 for the Building Modification and Program Improvements for the Artificial Turf Field at Somerset Elementary School (Source: Contributions).

The Council is scheduled to have a public hearing and vote on this item. The ED Committee recommendation will be available on July 11. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=149&event_id=4561&meta_id=124340.

This appropriation is needed to fund construction and installation of an artificial turf playing field at Somerset Elementary School. The full cost of the project is estimated to be \$534,212. The Somerset Elementary School PTA and Somerset Elementary School Foundation, Inc., have raised enough funds to support the total anticipated cost of the project.

- On October 27, 2015, the Council approved a supplemental appropriation of \$45,410 to support engineering and design services related to the project (also funded through contributions raised by the Somerset ES PTA and Somerset ES Foundation, Inc.). That appropriation combined with the requested appropriation of \$488,802 funds the total anticipated cost of the project.