

COUNCIL COMING ATTRACTIONS



Week of March 5, 2018

**County Capital Budget, Carbon Monoxide Detectors, Labor Peace Agreements,
County Communications Infrastructure in Roadways and Ten-Year
Water and Sewer Plan**



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 9:30 a.m. with two proclamation presentations.

-  Council Vice President Navarro and Councilmember Floreen will present a proclamation recognizing Women's History Month.
-  Councilmember Rice will present a proclamation recognizing Moira Johnson, Montgomery Blair High School student, as "Councilmember for a Day."

COUNCIL

Bill 4-18, Transient Housing – Carbon Monoxide Detector

On Tuesday, March 6 at 10 a.m. the Council is scheduled to introduce Expedited Bill 4-18, - Transient Housing – Carbon Monoxide Detector. Councilmember Nancy Floreen is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150022

Bill 4-18 would replace the requirement for a carbon dioxide detector in a short-term residential dwelling with a requirement for a carbon monoxide detector. Carbon monoxide (CO) and carbon dioxide (CO₂) are often confused. The names sound the same, they both are colorless and odorless gases, and at high concentrations, both can be deadly. The difference is that CO₂ is a common, naturally occurring gas required for all plant and animal life. Carbon monoxide gas is a poisonous gas. Exposure to more than 1,000 parts per million of the gas for just a few hours can cause death.

Bill 5-18, Special Taxing District -- White Flint – Amendments

The Council is scheduled to introduce Bill 5-18, Special Taxing District – White Flint – Amendments. Council President Hans Riemer is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150024

Bill 5-18 would modify the boundaries of the White Flint Special Taxing District and include certain exempt properties in the Special Taxing District if they redevelop.

- The Council, sitting as the District Council, adopted Resolution No. 18-979 approving, with amendments, the White Flint 2 Sector Plan. The Resolution recommended that the boundaries of the White Flint Special Taxing District be modified to correspond to the changes approved in the White Flint 2 Section Plan. The Council introduced an amendment to the 2016-2020 Subdivision Staging Policy on February 27 to amend the boundaries of the White Flint Metro Station Policy Area to correspond to the changes made to the White Flint 2 Sector Plan by Resolution No. 18-979.
- Expedited Bill 5-18 would modify the boundaries of the White Flint Special Taxing District to be consistent with the changes made by the District Council to the White Flint 2 Sector Plan. The bill also would include properties currently exempt from the special tax in the Special Taxing District if they redevelop through new construction or an addition to an existing building.

Bill 6-18, Contracts – Labor Peace Agreements – Displaced Service Workers – Amendments

The Council is scheduled to introduce Bill 6-18, Contracts – Labor Peace Agreements – Displaced Service Workers – Amendments. Councilmembers Marc Elrich and Tom Hucker are the lead sponsors.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150026

Bill 6-18 would amend the County procurement laws to: require certain County contractors to enter into a labor peace agreement with a labor organization; establish minimum requirements for a labor peace agreement; require certain County multi-term contracts to include a minimum price increase provision; and add certain workers performing services under a County residential solid waste collection contract to the County Displaced Service Workers Protection Act.

Bill 7-18, Streets and Roads – Installation of County Communications Infrastructure

The Council also is scheduled to introduce Bill 7-18, Streets and Roads - Installation of County Communications Infrastructure. Council President Hans Riemer is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150028

Bill 7-18 would do the following:

- require the Director of the Department of Technology Services to develop and periodically update a strategic plan to install County communications infrastructure throughout the County;

- require certain excavation projects to add the installation of County communications infrastructure at the County's expense;
- establish a dig-once policy for adding the installation of County communications infrastructure in the public right of way; and
- require any person who leases the County communications infrastructure to follow net neutrality.

Bill 3-18, Technical Corrections

The Council is scheduled to vote on Bill 3-18, Technical Corrections, which would correct technical, typographical, grammatical, reference and codification errors in, and make stylistic, clarifying and conforming amendments to, various provisions of County law. The Council is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150030

Fiscal Year 2019-24 Capital Improvements Program

Revenue Authority

The Council will review the FY19-24 Capital Improvements Program (CIP) for the Revenue Authority. Keith Miller, Chief Executive Officer of the Montgomery County Revenue Authority (MCRA); Michael Boone, Chief Financial Officer of the MCRA; and Jane Mukira, Fiscal and Policy Analyst, Office of Management and Budget (OMB) are expected to attend. On February 5, 2018, The PHED Committee recommends approval of the Revenue Authority CIP. This includes the approval of three new projects and the closure of seven projects.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150032

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 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.

Housing Opportunities Commission

The Council will review the FY19-24 CIP for the Housing Opportunities Commission (HOC). The PHED Committee recommends approval of the Executive's recommendations of the CIP and the addition of \$300,590 in FY19 Current Revenue to the Capital Needs for 236 Funded Elderly Properties project for heating and cooling system repairs at Town Center Apartments in Rockville.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150034

HOC was established to respond to the need for affordable housing in the County. HOC is authorized to acquire, own, lease, and operate housing; to provide for the construction or renovation of housing; obtain financial assistance from any public or private source to assist its housing activities; and arrange for social services, resident services and day care. HOC's mission is to provide affordable housing and supportive services that enhance the lives of low- and moderate-income families and individuals throughout the County.

Housing and Community Affairs

The Council will review the FY19-24 CIP for Housing and Community Affairs. Clarence Snuggs, Director of the Department of Housing and Community Affairs (DHCA), and others are expected to attend. The PHED Committee recommends approval of most of the Executive's recommendations, and

agreed to return and review the Affordable Housing Acquisition and Preservation Project with the operating recommendations for the Housing Initiative Fund. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150036

This project provides funding for facility planning studies that are not eligible for Community Development Block Grant funding. It is included in the CIP because the efforts generally take more than one year. As a part of the FY18 Savings Plan, the Council approved a \$125,000 reduction in the FY18 funds. As there is an unencumbered balance, DHCA explained that the reduction was not likely to significantly impact any planned studies.

Conservation of Natural Resources – Agricultural Land Preservation

The Council will review the FY19-24 CIP for Conservation of Natural Resources – Agricultural Land Preservation. Jeremy Criss, Director of the Office of Agriculture; Jane Mukira of the Office of Management and Budget (OMB); and Mary Beck, Capital Budget Manager of OMB are expected to attend. The PHED Committee recommends approval of the Project Description form on circle pages 1-4 in the staff report. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150038

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 proposal provides a modest increase to the funding available for purchasing easements.

General Government – Economic Development Projects

The Council will review the FY19-24 CIP for General Government – Economic Development Projects. Tina Benjamin, Special Projects Manager at the Office of the County Executive; Dee Metz, White Flint Implementation Coordinator, and others are expected to attend.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150040

There are seven ongoing projects and one project scheduled for close out in the Executive's recommended FY19-24 CIP for General Government - Economic Development Projects. The Long Branch Town Center Redevelopment Project will be discussed at a later date. The PHED Committee recommendations are as follows:

- Conference Center Garage: Approve (2-0)
- Life Sciences and Technology Center: Approve (2-0)
- Marriott International Headquarters and Hotel Project: Approve (2-0)
- White Flint Redevelopment Program: Approve (2-0)
- White Oak Science Gateway Redevelopment Project: Approve with amendments (2-0)
- Wheaton Redevelopment Program (GO and PHED): Approve with minor text amendment (5-0)
- Universities at Shady Grove Expansion Project: Recommend close out (2-0)

Libraries

The Council will review ongoing projects and one project scheduled to be closed out in the Executive's Recommended FY19-24 CIP for Montgomery County Public Libraries (MCPL). Anita Vassallo, Acting Director of Montgomery County Public Libraries (MCPL) and others are expected to attend. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150042

There are five ongoing projects and one project scheduled for close out in the Executive's recommended FY19-24 CIP for MCPL. The HHS Committee recommendations are as follows:

- 21st Century Library Enhancements Level of Effort: Approve (3-0)
- Library Refurbishment Level of Effort: Approve (3-0)
- Clarksburg Library: Approve (3-0)

- Noyes Library for Young Children Rehabilitation and Renovation: Approve (3-0)
- Silver Spring Library: Recommended for close out (3-0)

Solid Waste Management – Gude Landfill Remediation Project

The Council will review the FY19-24 CIP for Solid Waste Management – Gude Landfill Remediation Project. Patty Bubar, Acting Director of the Department of Environmental Protection (DEP) and others are expected to attend. The Transportation, Infrastructure, Energy, and Environment (T&E) Committee recommends approval of the County Executive’s recommendations. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150044

- The Gude Landfill site encompasses 162 acres, of which approximately 140 acres were used for waste disposal. The landfill operated from 1964 to 1982. Since its closure, DEP has worked on many post-closure activities. In 2008 the Maryland Department of the Environment (MDE) directed DEP to investigate groundwater contamination. The County and MDE entered into a consent order in May 2013 involving landfill assessment and remediation. The County has worked on studies related to site remediation. DEP’s initial Assessment of Corrective Measures report recommended bioremediation as DEP’s preferred approach. This remediation work would address widespread low level Volatile Organic Compound (VOC) contamination in groundwater, gas migration, and leachate seeps into surface water runoff. However, MDE encouraged DEP to consider a solution of capping the top of the landfill, which would substantially reduce rainwater infiltration and the generation of leachate and help reduce all types of contamination. DEP reviewed this approach and amended its ACM report to support a toupee cap solution. MDE approved the ACM report in July 2016.
- On June 28, 2017, the Executive forwarded comments received from the GLCC about potential future reuses for the site (see ©5-12). The GLCC’s recommendations support light and passive reuses such as: natural vegetation and habitat, community garden plots, a dog park, model airplane area, a hiker/biker trail system, play areas and fields (for light use), and a solar panel array.

Resolution to Approve the 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (Continued)

At 10:35 a.m. the Council will continue its review of the 2017-2026 Water Supply and Sewerage Systems Plan, which began on February 27. The discussion will address important issues including the procedures for adopting and amending the water and sewer plan. Stan Edwards, Chief of Environmental Policy and Compliance at the Department of Department of Environmental Protection (DEP) and other officials from DEP and Montgomery Planning are expected to attend the Council meeting. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150059

PUBLIC HEARINGS

Bill 1-18, Water Quality Protection Charge – Appeals

On Tuesday, March 6 at 1:30 p.m. the Council will hold a public hearing on Bill 1-18, Water Quality Protection Charge – Appeals. Council President Hans Riemer is the lead sponsor at the request of the Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150047

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

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

At 1:30 p.m. the Council will hold a public hearing on Bill 2-18, Ethics - Conflicts of Interest - Financial Disclosure - Lobbying – Amendments. Council President Hans Riemer is the lead sponsor, at the request of the Ethics Commission. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150049

Bill 2-18 would, among other things, 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, and prohibit a person serving as County Executive or Councilmember from certain lobbying for one year after leaving office.

 **Supplemental appropriation - MCFRS - \$319,036 for SAFER grant**

At 1:30 p.m. the Council will hold a public hearing on a supplemental appropriation to the MCFRS FY18 Operating Budget in the amount of \$319,036. The source of funds is a federal grant. The Public Safety Committee is tentatively scheduled to hold a meeting on the supplemental appropriation on March 19. The increase is needed because MCFRS was awarded a federal SAFER grant that provides for 75 percent of starting salaries and benefits for the first two years, and 35 percent in the third and final year. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150051

 **Supplemental appropriation - MCFRS - \$1,970,000 for FY18 Senator Amiss Fire, Rescue & Ambulance Fund grant**

At 1:30 p.m. the Council will hold a public hearing and vote on a supplemental appropriation to the Montgomery County Fire and Rescue Service (MCFRS) FY18 Operating Budget in the amount of \$1,970,000. The source of funds is a state grant. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7635&meta_id=150053

COMMITTEE

 **Amendment to FY18 Operating Budget, Designation of Entity for Non-Competitive Contract Award: Catholic Youth Organization: Strong Families Initiative**

On March 5 at 9:30 a.m. the Public Safety (PS) and Health and Human Services (HHS) Committees will meet jointly to discuss a special amendment to the FY18 operating budget that would authorize a non-competitive contract with Catholic Charities for family strengthening program.. JoAnn Barnes, Chief of Children, Youth and Family Services at the Department of Health and Human Services; Robin Riley, Acting Director of the Department of Recreation, and others are expected to attend. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7629&meta_id=149967

- On November 27 and December 11, 2017, the joint HHS and PS Committee met to discuss the status of gang prevention and intervention strategies. At the December session, the joint Committee heard from Executive staff that the Executive was interested in moving forward with establishing a new program with Catholic Charities that would promote family strengthening. Executive staff noted that Catholic Charities connects with at-risk families through the Legal Orientation Program for Custodians (LOPC), funded by the Department of Justice. Catholic Charities is an initial point of contact for recently arrived immigrant youth through LOPC and its other immigration legal services. LOPC provides information about legal requirements and support services to children detained by the Office of Refugee Resettlement and their parent or guardians. In addition, Executive staff says that experience shows a level of trust between Catholic Charities and the families they are serving and that families will often share their difficulties with Catholic Charities staff that they might not otherwise share with someone from a government program.
- This partnership with the faith community brings a new partnership into the County’s gang prevention strategies. The joint Committee asked for the Executive's recommendation. During the

discussion of the FY18 Savings Plan, the HHS Committee was informed the Executive retained \$50,000 in the DHHS FY18 budget to allow this program to begin. The HHS Committee was told that an amendment would be transmitted to allow such a non-competitive contract to the authorized.

Resolution to approve 2017 Emergency Operations Plan

At 10 a.m. the PS Committee will review a resolution to approve the 2017 Emergency Operations Plan. Earl Stoddard, Director of the Office of Emergency Management and Homeland Security (OEMHS), and other OEMHS representatives are expected to attend. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7629&meta_id=149969

The Montgomery County Emergency Operations Plan (EOP) is a multidiscipline, all-hazards plan that establishes a single, comprehensive framework for the management of major emergencies and disasters in the County. The plan is implemented when it becomes necessary to mobilize the resources of County departments and agencies as the Emergency Management Group (EMG) to save lives, and protect property and infrastructure. The plan assigns major roles and responsibilities to departments and agencies.

Automated Traffic Enforcement Initiatives (red light, speed, and school bus cameras)

The PS Committee also will receive an update on Automated Traffic Enforcement Initiatives (red light, speed, and school bus cameras). Assistant Chief Darryl McSwain, Montgomery County Police Department (MCPD), Field Services Bureau, and other MCPD and Office of Management and Budget officials are expected to attend. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7629&meta_id=149971

MCPD has several automated traffic enforcement programs, including the Safe Speed Program, the Red Light Enforcement Program, and its newest initiative, the School Bus Camera Program. The Red Light Enforcement Program has been in effect since 1997. The County implemented its Safe Speed Program in May 2007. In 2012, the Council passed legislation that enabled the County to implement a school bus safety camera program.

Capital Improvements Program: Wheaton Community Recreation Center and Library

The HHS and Planning, Housing, and Economic Development (PHED) Committees will meet jointly on Monday, March 5 at 2 p.m. to discuss the FY19-24 CIP and FY19 Capital Budget for the Wheaton Community Recreation Center and Library. Anita Vassallo, Director of the Department of Public Libraries (MCPL), and others MCPL and County officials are expected to attend.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7633&meta_id=149973

This project will provide a combined facility to include the new Wheaton Library, a used book store, and the Wheaton Community Recreation Center. Included in the scope is the development of a Program of Requirements (POR) and conceptual design followed by full design services and construction of the facility. The project is scheduled to be completed in mid-2018.

Bill 41-17, Economic Development Fund, Small Business Innovation Research and Small Business Technology Transfer Matching Grant Program - Established

The PHED Committee also will review Bill 41-17, Economic Development Fund- Small Business Innovation Research and Small Business Technology Transfer Matching Grant Program - Established. Councilmember George Leventhal is the lead sponsor. Council President Hans Riemer, Councilmembers Craig Rice, Marc Elrich, Roger Berliner, Sidney Katz, Council Vice President Nancy Navarro and Councilmembers Tom Hucker and Nancy Floreen are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7633&meta_id=149975

Bill 41-17 would establish a Small Business Innovation Research and Small Business Technology Transfer Matching Grant Program and define eligibility for the Program.

- The Small Business Innovation Research Grant (SBIR) and the Small Business Technology Transfer Grant (STTR) are two different congressionally-mandated grant programs for U.S. small businesses who engage in research and development that has a strong potential for commercialization. Bill 41-17 would establish a County matching grant for those County-based small businesses that receive either a Phase I or Phase II grant under either the SBIR or the STTR from the National Institutes of Health. The County grant would be limited to 25 percent of a Phase I grant up to \$25,000 or 25 percent of a Phase II grant up to \$75,000. A grantee would be limited to one County matching grant each year and a total of five County matching grants under this Program.
- The grant program would be administered by the Director of Finance out of the Economic Development Fund, subject to appropriation.

Bill 34-17, Housing, Moderately Priced Dwelling Units (MPDUs) – Amendments

The PHED Committee will close out its meeting with a review of Bill 34-17, Housing, Moderately Priced Dwelling Units (MPDUs) – Amendments. Councilmember Nancy Floreen is the lead sponsor. Councilmember Craig Rice is a cosponsor. Clarence Snuggs, Director of the Department of Housing and Community Affairs (DHCA); Casey Anderson, Chair of the Montgomery County Planning Board; Gwen Wright, Director of the Montgomery County Planning Department, and other representatives from the DHCA, Planning Board, and Planning Department are expected to attend. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7633&meta_id=149977

Bill 34-17 would add flexibility to the MPDU program to bring it in line with current needs. It would confirm the Council's authority to increase the required percentage of MPDUs, on a community by community basis, during each master plan review. Master plans guide development and land use in the County. The Council reviews, revises, and approves master plan recommendations made by the Planning Board. Currently County law requires at least 12.5 percent of housing developments to be MPDUs, but in some areas the Council has determined that 15 percent is a more appropriate minimum requirement. This bill would extend the requirement to contribute to our housing needs by requiring a payment to the Housing Initiative Fund for all new housing developments including those below the current threshold of 20 units. It also would broaden the authority of the Director of the Department of Housing and Community Affairs (DHCA) to accept Housing Initiative Fund payments in lieu of including MPDUs in a development.

Capital Improvements Program: Transportation (continued)

The Transportation, Infrastructure, Energy, and Environment (T&E) Committee will meet on March 8 at 9:30 a.m. to review the transportation element of the Executive's recommended FY19-24 CIP. Al Roshdieh, Director of the Department of Transportation (DOT) and other DOT and OMB officials are expected to attend. The staff report can be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/Resources/Files/PDF/20180308_TE1_CIP_TRAN.pdf

This meeting will include a review of road, pedestrian/bikeway, and mass transit projects. A third meeting is scheduled for March 15, should it be needed. Parking Lot District (PLD) capital projects will be reviewed in April with the PLD operating budgets.

Energy and Environmental Design Property Tax Credit

The T&E and GO Committees will meet jointly at 2 p.m. to review the Energy and Environmental Design Property Tax Credit. The staff report will be available on March 6. This tax credit, introduced as the Green Building tax credit, may be granted against the General County real property tax and special service area taxes, based upon a building achieving one of ten qualified ratings for energy efficient buildings.