



Commission on People with Disabilities
September 9th, 2020

****MEETING WAS HELD VIA ZOOM ****

Welcome and Approval of July 2020 Meeting Summary Minutes:

Seth, Chair, convened the meeting. A motion was made to approve the July 2020 Meeting Summary Minutes. The motion was seconded. A vote was taken and the July 2020 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Update – The Honorable Gabe Albornoz, Chair, HHS Committee, Montgomery County Council

Councilmember Gabe Albornoz acknowledged three Commission members for their extraordinary work throughout the pandemic. The County Council recently had the opportunity to nominate Jenn Lynn for the newly formed Police Advisory Commission. This Commission will advise the County Council and the County Executive on policing matters, provide information regarding best practices, recommend policies, and engage in public education and other programs. Councilmember Albornoz congratulated Jenn Lynn for her appointment to be a member on this Commission and said her level of depth and expertise with the work she has done in Autism is a national model.

Councilmember Albornoz recognized and thanked Commissioner Michael Greenberg for his dedication and guidance during this pandemic to the Council, community organizations and families.

Councilmember Albornoz also recognized Commissioner Eric Cole for providing a tour on a sidewalk project he is working on in Kensington. He is very impressed with the development and model of this sidewalk approach and it could provide accessibility in both densely populated areas and suburban areas.

Councilmember Albornoz recognized his staffperson Beth Shuman who has been working very closely with several Commissioners on issues in the developmental disability community.

The County continues to work diligently to continue its response to the COVID-19 pandemic and is in a much better position than it was at the beginning of the pandemic. There was a significant setback several weeks ago when AdvaGenix, one of the three labs the County has contracted with to provide tests, was being investigated by the Centers of Disease Control (CDC) and by the Maryland Department of Health (MDH). The County made a decision to not continue that particular contract as AdvaGenix was not in a position to move forward and time is of the essence with testing. The County has been working with MDH and the University of Maryland to provide testing. The County is on pace to provide 30,000 tests per week by October. The County is exploring a number of other options with labs that have entered the testing phase.

The County has worked diligently to develop hubs which is a model that provides a one-stop shop to families directly in communities and zip codes that have been disproportionately impacted by the virus. These hubs were initially developed as a place for people to get food and care packages but have now expanded to provide wrap around services including case management and access to different providers of care. As these hubs have increased so have the number of pop-up COVID-19 tests, especially within the disability community. Councilmember Albornoz said there has been frustration that tests have not be provided closer to or provided within facilities that serve persons with disabilities and there have been challenges for direct service providers that do not have access to PPE (personal protective equipment) or tests. The County Council has continued to work aggressively in partnership with the Executive Branch to make funds available that were given to the County through the federal CARES Act. At this time, all funding has been designated for use and the County hopes more funding will become available from the federal government. The County is starting to see the evidence of the

challenges on our overall tax revenue as the County has over 150,000 residents filing for unemployment. He noted that Montgomery County-based business Marriott announced this morning they were laying off 17% of their corporate headquarters staff.

Councilmember Alborno is sensing tremendous fatigue in the community from the pandemic. The County is bracing itself for what to expect in the fall and winter. He appreciated that the Commission was having an organic discussion about flu shots prior to the start of the meeting. Dr. Travis Gayles, County Health Officer and Chief of Public Health Services, and Dr. Earl Stoddard, Director, Office of Emergency Management and Homeland Security, are the two decision makers in the County who have been collaborating with the State and also with our neighboring counties, the District of Columbia, and Northern Virginia. Councilmember Alborno anticipates the County will not enter phase 3 yet because the community spread is not at a level that makes them feel confident and comfortable. The County will be seeing what transpires over Labor Day weekend before making any decisions on reopening any businesses or taking the next phase approach.

Councilmember Alborno encouraged Commissioners to vote in the upcoming election. He discussed several ballot measures at the local level. Six questions will be put before Montgomery County voters in the 2020 General Election; four questions (A – D) pertain to County matters and will appear on the ballots of Montgomery County voters only, and two questions (1 & 2) pertain to statewide matters and will appear on the ballots of all Maryland voters: <https://mcdcc.org/ballotquestions/>. Councilmember Alborno encouraged Commissioners to educate themselves on these issues. He is presenting to all Boards, Committees, and Commissions on the following and indicated that all comments on the following ballot measures were from his own perspective:

- **Question A – Charter Amendment by Act of County Council, Property Tax Limit – Limit Tax Rate Increase**

Amend Section 305 of the County Charter to prohibit the County Council from adopting a tax rate on real property that exceeds the tax rate on real property approved for the previous year, unless all current Councilmembers vote affirmatively for the increase. This amendment would replace the current property tax limit, which requires an affirmative vote of all current Councilmembers to levy a tax on real property that would produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus any increase in the Consumer Price Index. The current property tax limit exempts real property tax revenue derived from: (1) newly constructed property; (2) newly rezoned property; (3) certain property assessed differently under State law; (4) property that has undergone a change in use; and (5) property in a development tax district to provide funding for capital improvements.

Councilmember Alborno explained Montgomery County's tax revenue is capped and set at the rate on inflation while other neighboring jurisdictions do not have a cap. To counter Question B, the County Council placed Question A on the ballot which would also eliminate the cap, but give the County the ability and more flexibility to raise revenue by not tying the cap to the rate of inflation, which is similar to what other jurisdictions including Northern Virginia are doing. The County has maintained its AAA bond rating longer than any other jurisdiction in the country and it is a testament to the County's being fiscally responsible as well as meeting the needs of our community.

- **Question B – Charter Amendment by Petition, Property Tax Limit – Prohibit Override**

Amend Section 305 of the County Charter to prohibit the County Council from levying an ad valorem tax on real property that would produce total revenue (not including property tax revenue from certain enumerated sources) that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index. Section 305 currently permits the County Council to exceed the limit on real property tax revenue only upon the affirmative vote of all current Councilmembers.

Councilmember Alborno said because of the cap, particularly in the development and business community, the County leaves a lot of revenue on the table each year. This revenue is precious for the development of programs and services and the support of the school system, parks and so many critical services to our

communities. While the County has been able to work in spite of the cap, from time to time the County Council has had to take a unanimous vote to go beyond the cap, which is tied to the rate of inflation. Question B would eliminate the County's ability to go over the cap under any circumstances, even with a unanimous vote. This is significant because although the County currently has the resources now to be able to address the needs of the pandemic, if the federal government is not able to provide additional support to the state and counties, the County will not be able to raise sufficient revenue to meet those needs. Question B would eliminate the revenue cap but give the County more flexibility to secure that revenue from the private business sector as development grows. Councilmember Alborno noted former County Executive Isiah Leggett, former Congresswoman Connie Morella, non-profit leader David Blair, and Latina tech business owner Carmen Ortiz Larsen formed the "No On Questions B & D Committee" to speak out against ballot questions B and D and urge a "NO" vote on both. The County Council and County Executive Marc Elrich are unanimously concerned about and are not supportive of Question B. The County has maintained its AAA bond rating longer than any other jurisdiction in the country and it is a testament to the County's being fiscally responsible as well as meeting the needs of our community. Councilmember Alborno said if Question B passes he thinks there will be a direct impact on service delivery moving forward and the County will not be able to address the growing needs of our community.

- **Question C – Charter Amendment by Act of County Council, County Council – Increase to 11 Councilmembers**

Amend the County Charter to expand the County Council to consist of 11, rather than the current 9, Councilmembers; increase from 5 to 7 the number of Council districts; and elect 7 Councilmembers by district and 4 Councilmembers at large.

The County Council supports Question C which would add two districts. One argument for this change is the Council has not changed its structure in size in over 30 years and the County has increased in size and population by 50% since then. The ballot measure would still give residents the opportunity to vote for five councilmembers instead of one.

- **Question D - Charter Amendment by Petition, County Council – Alter Council Composition to 9 Districts**

Amend Sections 102 and 103 of the County Charter to divide the County into 9, rather than the current 5, Council districts; elect all Councilmembers by district, rather than the current 5 by district and 4 at large; and reduce from 5 to 1 the number of Councilmembers each voter can vote for.

This ballot measure would effectively eliminate the four at-large seats in favor of nine specific districts. Councilmember Alborno said it is his opinion that having an exclusive district model will potentially lead to parochial decision-making that is not in anyone's best interest. Under the current model, any resident of Montgomery County that is a registered voter can vote for five councilmembers. Under the proposed Question D, residents could only vote for one councilmember. Question D comes from understandable frustrations, particularly from residents in the northern part of the County who feel underrepresented.

Councilmember Alborno said Question A and B do not cancel each other out. If they are both passed they would both go into effect. Question A would give the County the ability to secure some additional revenue, but the County would still be capped at the rate of inflation. If ballot measures C and D both pass, they cancel each other out and the County has to wait until after the Census is reviewed next year per the charter to see how the districts would be adjusted. The Washington Post published an editorial this past weekend opposing all of the ballot measures effectively arguing that the current status of the Council is better than any of the four proposals being put forward on the ballot.

Seth thanked Councilmember Alborno and Beth for working with this Commission and for being advocates on our behalf within the County Council. Betsy Luecking, Staff, agreed and said Beth has been a terrific advocate particularly in meetings with the Montgomery County Department of Transportation (MCDOT).

Councilmember Albornoz thanked the Commission for all their hard work and he looks forward to our continued partnership.

Bethesda Downtown Plan Streetscape Standards – Leslye Howerton, Master Planning Supervisor, Downtown Planning Division, Montgomery County Planning Department, Robert Kronenberg, Deputy Planning Director, and Elza Hisel-McCoy, Division Chief of Downcounty Planning

Website: <http://montgomeryplanning.org/planning/communities/area-1/bethesda-downtown-plan/>

Handout: www.montgomerycountymd.gov/HHS-Program/Resources/Files/A&D%20Docs/CPWD/BethesdaStreetscapeStandards.pdf

The Bethesda Downtown Plan Streetscape Standards (BDPSS) were last updated in 1992. Once approved by the Montgomery Planning Board, these new standards will replace the 1992 standards and will be a companion document to the Bethesda Downtown Sector Plan and the Urban Design Guidelines which were both approved in 2017. Montgomery County Planning Department (MCPD) worked with County partners including MCDOT and Bethesda Urban Partnership (BUP) to conduct an existing conditions inventory in 2016. MCPD also spent the following year researching local and national best practices for ADA standards and other design standards that are used throughout the country. BDSS is expected to be a living document that will be updated when necessary.

Robert Kronenberg, Deputy Planning Director, MCPD, noted that county and state regulations forced changes in the streetscapes over the years. Most changes come from storm water management and best management practices for stormwater. This was not part of the 1992 plans for Bethesda or Silver Spring.

Leslye Howerton, Master Planning Supervisor, Downtown Planning Division, MPCD, said environmental standards are now incorporated into all streetscape standards as well as other areas. The goals and objectives of the BDPSS is to build upon existing character and identity as well as the legacy of the existing 1992 standards and to expand on those standards to reflect best practices of multi-modal streetscape design and to reinforce plan objectives from the sector plan and design guidelines. Since 1992, there has been an approved Bethesda Master Plan as well as additional planting design and detailed standards. The new standards will continue a uniform and consistent streetscape with treatment of traditional Bethesda materials documented in the 1992 plan that have been used throughout downtown Bethesda as a hierarchy for the streets.

The BDPSS covers streetscape elements, streetscape best management practices, planting design, detail standards, and specifications including standard brick paving, streetscape plantings, and streetscape furnishings. Streetscape elements applies to the pedestrian through zone, the planting and furnishing zone, and a frontage zone. The environmental site design goals and objectives include swales, planter boxes, bioretention cells as well as planting design with specific street trees and types of trees based on the street hierarchy whether they are major, minor or residential streets. Design also includes soil volumes for healthy trees and providing space to have canopy trees as well as understory trees. Understory plantings include container plantings and bioretention plants which details sizing of tree well pits and planting pits based on the street hierarchy.

The BDPSS provides detailed standards and specifications for pavings, ADA curb ramps, and furnishings such as benches and bicycle racks. There are several different street types which have different dimensions from base of curb to the building face depending on the hierarchy of the street. For example, whether it is an urban boulevard such as Wisconsin Avenue, Old Georgetown Road or East-West Highway, or a downtown mixed use street like Woodmont Avenue, Montgomery Avenue, or Norfolk Avenue, or a residential street such as Battery Lane and the edge streets around the neighborhood at the edges of the downtown boundaries in Chevy Chase. Some streets including Arlington Road have proposed road diets in the sector plan.

Specific dimensions for pedestrian through zones are dictated by the street hierarchy and the previous standard. Sidewalk dimensions in the pedestrian through zone vary from very wide streets of 10 to 20 feet on urban

boulevards to 6 to 10 feet on local residential streets. The planting and furnishing zone also includes lighting and discusses best location for utilities to keep items such as grates out of the pedestrian through zones.

One of the standards that the BDPSS retained from the 1992 plan is the paving material, which is a traditional, uniform Bethesda brick. BDPSS has additional details and standards on installation of the brick to avoid unlevel surfaces. The section on street trees features focuses on native species and includes one species per block for consistency and uniformity as well as maintaining a minimum spacing of 30 feet to maintain a continuous canopy.

The floor was opened to questions.

Betsy asked how the design standards ensure a clear path of travel and how these new standards will make travel more accessible. Leslye said the standards outline visually with diagrams the location of the pedestrian through zone, the location of the frontage zone, and the location of the planting and furnishing zone. Each street type in the document tells the developer, property owner or planning staff what dimensions must be followed. Each street type describes the location and preferred zones for elements within those zones. For example, the planting and furnishing zone discusses preferred locations for lighting and utilities and for those items to be out of the way of the pedestrian through zone. There are specific design guidelines for property owners where furnishings should or should not be placed within the pedestrian through zone, the planting and furnishing zone, and the frontage zone.

Betsy asked how design guidelines will be enforced. Leslye said BUP maintains the streetscapes for downtown Bethesda. MCPD has also worked with MCDOT on the specific issue of restaurants and café seating guidelines. BUP and MCDOT are working together to enforce these measures as it is under their jurisdiction.

Robert said MCPD has worked with the Department of Permitting Services (DPS) to adopt a minimum width of 6 feet for the pedestrian through zone. Outdoor seating guidelines were adopted by DPS in partnership with the BDPSS to help establish minimums for pedestrian through zones and planting and furnishing zones to focus on accessibility. Enforcement can be through BUP, but primarily should be through DPS. Complaints for restaurants that are not in compliance with the minimum requirements should be referred to DPS. Robert noted that some streets such as Woodmont Avenue and Bethesda Avenue where existing conditions for placement of tables and chairs creates a tight area for walking have been permitted to have these conditions for quite some time

Betsy asked for Leslye's opinion on scooters in downtown urban areas and the issue of scooters being left in the middle of sidewalks. Leslye said the BDPSS does not address those concerns. Robert noted that the scooters and bicycles were part of a pilot program and too many were being allowed in downtown areas. It is his understanding that the numbers have been scaled back significantly. Scooters are more of an issue than bicycles because they are being used on the sidewalk and not necessarily in the bicycle zone. MCPD has been working with MCDOT to ensure there are parking areas for scooters and create spaces for them to ride in a safe manner.

David Rice, Commissioner, commented that the BDPSS shows good representation of persons with disabilities in the mock-up diagrams. In terms of scooters and obstructions from café seating, he suggested more proactive education about concerns for persons with disabilities and the community at large. David has found within his role at the National Institutes of Health in the Office of Equity, Diversity, and Inclusion that providing a perspective from the person with a disability viewpoint helps the individual to understand the rules, regulation and the situation better. Leslye said MCPD is always trying to reinforce ADA guidelines when talking to property owners, working with other County agencies, and discussing streetscape guidelines. She agreed that further education for property owners about obstacles on sidewalks should be made available. There are no specific initiatives other than the Pedestrian Master Plan which looks at level of comfort, accessibility, and safety county-wide. BUP is responsible for maintaining streetscapes specifically in downtown Bethesda. In other areas, the Regional Service Centers are responsible.

Elza said café seating is an ongoing struggle and a chair may be obstructing the right-of-way one afternoon and not the next day. BUP and the Silver Spring Red Shirts do a good job working with restaurants on a daily basis

and are out enforcing more than DPS. New developments have specific requirements where items can be placed and DPS can enforce those regulations, but existing developments require daily attention from BUP and the Silver Spring Red Shirts.

Patrick Sheehan, President, National Capital Area Chapter of the American Council of the Blind of Maryland, said he has issues navigating the streetscapes as he uses a cane. He finds it to be very intimidating and a challenge as it changes from day to day. Charlie Crawford, former Vice-Chair of this Commission and former Executive Director, American Council of the Blind, has previously said his service animal often gets confused trying to navigate through tables, chairs, pedestrians, and other obstacles. It is also an issue for individuals who use wheelchairs.

Larry Bram, Commissioner, said bumpy surfacing from the brick pavers can be very painful for many people who use wheelchairs. It is important to ensure the surfacing remains flat over time as a one-inch crack can make it completely un navigable.

Trish Gallalee, Vice-Chair, said some cafes place their outdoor seating across from the restaurant on the edge of the sidewalk so wait staff must cross through the pedestrian path of travel in order to reach the restaurant patrons. Trish uses a wheelchair and has had many near misses with servers who do not see her or her service animal. She noted this is an issue for everyone and adding planters and other items just makes the sidewalk impossible to navigate. Trish also said she had an issue this past weekend in Bethesda trying to exit a street that had been closed off for pedestrian use. The only way she could exit was to go around a barrier and cross into traffic where vehicles were parking for curbside pick-up. Trish suggested adding a ramp to the curb or another accommodation so that individuals can safely exit onto the street.

Leslye asked Commissioners to review the BDPSS and to comment on major issues they encounter repeatedly on sidewalks as well as other obstacles such as paving surfaces or café seating. MCPD wants feedback from this Commission before revising and finalizing the document before it is sent to the Montgomery County Planning Board for review and approval. Betsy asked Commissioners to send their questions and comments directly to her so she can send Leslye a coordinated list.

Bike Lane and Floating Bus Stop Pedestrian Safety Letter from Advocates to County Officials – Patrick Sheehan, President, National Capital Area Chapter of the American Council of the Blind of Maryland

Letter: www.montgomerycountymd.gov/HHS-Program/Resources/Files/A&D%20Docs/CPWD/SheehanMCPedestrianSafetyLtr.pdf

Patrick said he is speaking on behalf of Charlie and Sue Crawford who are the ones who helped draft this letter and spearhead the action to make sure the letter stated focused arguments. He has worked with Charlie for years on pedestrian safety issues. The American Council of the Blind of Maryland and the Centers for Independent Living have co-signed this letter. The letter was sent to Council President Sidney Katz, Council Vice-President Tom Hucker, County Executive Marc Elrich, and Wade Holland, Vision Zero Coordinator. Patrick is asking for a meeting by September 16th with these individuals to discuss the following issues.

Floating bus stops are located within the first lane of traffic. This creates a safety issue for individuals who are visually impaired or blind as there is no way for them to locate the floating bus stop as it is in the middle of the street. Second, the individual must cross a bicycle lane in order to reach it and the individual who is visually impaired or blind does not know if a bicycle or scooter is in that lane while crossing. Individuals with all disability types have concerns about floating bus stops. The letter has asked the County Council to stop new construction of floating bus stops and to remove existing floating bus stops. The letter also asks what problem the floating bus stop is attempting to solve. Bus stops located on the sidewalk did not present problems in boarding and they do not block access to the sidewalk for paratransit vehicles, Ubers or Lyfts to load or unload passengers. A

dedicated bicycle lane has been installed in between the sidewalk and the first lane of traffic. The letter has asked that these lanes be eliminated as they are viewed as a safety hazard.

Patrick said as a person who is blind and uses a cane he does not know when stepping off the sidewalk if he is going to cross to reach the floating bus stop or if he is walking into the second lane of traffic. He also cannot see if there are bicyclists or scooters in the bicycle lane. Patrick noted that Charlie and his service animal were almost hit by a bicyclist. Service animals are trained to cross at crosswalks and intersections. To have the service animal guide their user into the middle of the street undermines their entire training. This could potentially lead to the service animal trying to cross in the middle of the street at other times and endangering themselves and their user.

It is Patrick's understanding that the floating bus stop design that is currently implemented was reviewed and approved by sighted Orientation and Mobility instructors at Columbia Lighthouse of the Blind. In the letter, he has asked for more consultation with various disability groups including this Commission and with ADA Managers in other jurisdictions that have floating bus stops such as Baltimore City and Prince George's County.

Charlie said floating bus stops violate two through six of the Vision Zero principles. Patrick has reviewed the proposed Complete Streets Design Guide and found many of the proposed guidelines conflict with Vision Zero. He said there appear to be five to six plans including the Complete Streets Design Guide, the Bicycle Master Plan, the Pedestrian Master Plan, and Safe Routes to School that do not coordinate designs or recommendations and seem to contradict each other. Patrick is asking the County Council to stop design implementation until a plan that protects everyone – pedestrians, bicyclists, scooters – is developed and everyone's needs are considered.

The floor was opened to questions and comments.

Seth thanked Patrick, Charlie and Sue for their hardwork on this extremely eloquent letter. The Commission has been having discussions and sending letters on these issues for several years. He would be very interested in participating in the meeting with the Council and others when it is scheduled.

Eric said Councilmember Alborno recently came to his neighborhood to meet with other neighbors and to walk through the residential streets. Safe Routes to School gives all pedestrians a safe option to travel instead of walking in traffic or between parked vehicles. Installation of sidewalks is an emotional issue for residents who view the easement as belonging to their front yard. Yet nothing makes a community safer than sidewalks and the issues regarding installation of sidewalks needs to be reviewed. Betsy would like to see sidewalks included in the main arteries that lead to elementary schools. She said the installation of sidewalks should be a priority over installation of bicycle lanes. Eric said bicycle lanes also put the bicyclists at risk of hitting a pedestrian crossing over the bicycle lane to get to and from the floating bus stop. There may be an unfair assumption that everyone is able to quickly get out of the way of an oncoming bicycle or scooter. Patrick noted he served on the Maryland Bicycle and Pedestrian Advisory Committee for 15 years and bicylists have concerns about being run over by cars.

Patrick noted there are additional questions not included in the letter such as snow removal at floating bus stops. Due to the design, a plow would not be able to remove snow from the bicycle lane or the crosswalk to enter or exit the floating bus stop.

Seth said another issue is floating bus stops make it impossible for a paratransit vehicle to deploy a ramp at the sidewalk in order to load or unload passengers. Streetscapes cannot be designed to provide more access to one population over another or endanger pedestrians, older adults, or persons with disabilities. He has heard that the Pedestrian Master Plan, which is set to become adopted in January 2021, will supercede other plans.

Trish said the issue also extends to parents with small children. For example, if the parent has parked their car on the street and must be in the lane of traffic when trying to take their child out of the car. Another example is if the child accidentally walks or runs into the bicycle lane and gets hit by a bicyclist. Trish also has concerns regarding

field of vision. If vehicles are parked along the street and are blocking the view of the bicycle lane, this could cause problems if a vehicle needs to turn right and does not see a bicyclist in the bicycle lane. She noted that shrubbery and signage have been added to some medians and islands which block view of pedestrians who are trying to cross the street.

Beth reported she will make sure that Councilmember Alborno is involved in the meeting. She will check in with Seth and Betsy and will do whatever she can to be helpful.

Elza asked if he and Leslye could receive a copy of the letter.

Patrick thanked the Commission and Charlie and Sue Crawford for their leadership on these issues. He is prepared to move forward on these issues with the Maryland Department of Transportation and Maryland General Assembly.

Status of Programs Serving People with Developmental Disabilities – John Whittle, Commissioner

Tabled due to time.

Chair and Vice-Chair Report: Tabled due to time.

Ex-Officio Member Reports: Tabled due to time.

Announcements: Tabled due to time.

**Montgomery County Commission on People with Disabilities
October 2020 Meeting and Events Calendar**

Developmental Disability Advisory Committee - Monday, October 12th

4pm to 5:30pm to be held via Zoom – link to be announced

Full Commission Meeting - Wednesday, October 14th

6pm to 7:30pm to be held via Zoom – link to be announced

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager