

COUNCIL COMING ATTRACTIONS



Week of May 14, 2018

County's Operating Budget, Human Trafficking Prevention, Solar Collection Systems, Telecommunications Towers, Farm Alcohol Production and Use Standards and Regulatory Approvals for Signature Business Headquarters



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 is scheduled to meet each day during the week of May 14, except for Friday, May 18. All meetings will begin at 9:30 a.m., unless otherwise noted. The Council is scheduled to present several proclamations on Monday and Tuesday.

Proclamations, Monday, May 14

-  Council President Hans Riemer will present a proclamation recognizing National Salvation Army Week.
-  Councilmembers Roger Berliner and Craig Rice will present a proclamation recognizing Walt Whitman High School Principal Dr. Alan Goodwin.

- Councilmembers Roger Berliner and Craig Rice will present a proclamation recognizing Churchill High School Principal Dr. Joan Benz.

COUNCIL, Monday, May 14

Capital Improvements Program (CIP): General Government

On Monday, May 14 at 9:40 a.m. the Council will review the County's Capital Improvements Program for General Government. The Executive recommends \$2,125,000 for Life Safety Systems and \$3,176,000 for Heavy Equipment Replacement. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157236

The Government Operations & Fiscal Policy (GO) Committee made the following recommendations:

- Concurred with the Executive's amendments to Life Safety Systems: MCG, which shifts \$1.5 million from FY19 to FY20.
- Concurred with the Executive's recommendation to shift heavy equipment replacement costs from the Division of Fleet Management Services' operating budget to the Heavy Equipment Replacement CIP project using long-term financing.

FY19 Operating Budget: Transportation and Related Non-Departmental Accounts

The Council will review the operating budget for transportation and related non-departmental accounts. The Department of Transportation's (DOT) Recommended FY19 budget is \$217,259,352, which is a 1.7 percent decrease from FY18. The Transportation, Infrastructure, Energy and Environment (T&E) Committee's recommendations can be found on pages 7-13 of the staff report. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157238

Capital Improvements Program (CIP): Transportation-related Projects

The Council will review the County's Capital Improvements Program for transportation-related projects. The twelve FY19-24 CIP projects under review include the Gold Mine Road Bridge, Metropolitan Branch Trail, Seminary Road Intersection improvement, Snouffer School Road, Street Tree Preservation, Goshen Road South, funding switches, streetlighting, Goldsborough Road Sidewalk/Bikeway, facility planning, rapid transit system and Ride On Bus Fleet. The T&E Committee's recommendations can be found on pages 1-6 of the staff report. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157240

FY19 Operating Budget: Parking Lot District Funds and Associated CIP Amendments

The Council will review Parking Lot District funds and associated CIP amendments. The Executive recommends \$27,829,266 for the Parking District Services budget, which is an increase of \$51,360 or 0.2 percent from FY18. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157242

The T&E Committee made the following recommendations:

- Approve the Executive's FY19 recommended operating budget of \$27,829,266 for the Parking District Services.
- Approve the Executive's recommended FY19-24 CIP for Parking projects.
- Transfer \$19,500 from the Bethesda Parking Lot District (PLD) to the Bethesda Urban District for general operating expenses.
- Transfer \$300,000 from the Silver Spring PLD to the Silver Spring Urban District for sidewalk/streetscape maintenance and landscaping.

CIP: Conservation of Natural Resources - Stormwater Management

The Council will review the CIP for the conservation of natural resources - stormwater management. The Executive recommended CIP totals \$102.5 million, which is a decrease of \$243 million (-70.3 percent). Stormwater management is a shared responsibility among several County departments and agencies. DEP plans and implements the stormwater management CIP program. The Department of Permitting Services reviews, approves, inspects and enforces requirements for construction of privately-owned stormwater management facilities. DEP works with the County's Department of Transportation (DOT) to address storm drain outfall repair issues, as well as with the Washington Suburban Sanitary Commission (WSSC) when WSSC infrastructure work is needed. DEP also inspects and provides structural maintenance for most Montgomery County Public Schools (MCPS) and the M-NCPPC land. M-NCPPC also performs stream restoration and stormwater management work on parkland and coordinates with DEP on shared projects. The federal government regulates everything that goes through storm drain systems through a permit process called the Municipal Separate Storm Sewer System Permit Program (also known as the MS4 Permit Program). The County has an MS4 Permit that mandates the County to meet certain water quality standards.

- County Executive Leggett proposed that the County hire one firm to design, build and maintain stormwater management projects for areas that require MS4 permits. The County currently hires separate firms to design, build and maintain the projects. The Transportation, Infrastructure, Energy and Environment (T&E) Committee (2-1) recommended against moving ahead with the Executive's proposal, noting that changes should wait for a new Executive and Council. Councilmember Floreen disagreed with the Committee's recommendation.

Additional Committee recommendations and more details on the proposal can be viewed in the staff report at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7753&meta_id=157244

FY19 Operating Budget: Urban Districts

The Council will review the operating budget for urban districts. The Executive recommends \$8,836,905 for the Urban Districts, which is an increase of \$146,856 or 1.7 percent from FY18. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7753&meta_id=157246

The T&E Committee recommends transfers from two Parking Lot Districts (PLD) in FY19:

- \$19,500 from the Bethesda PLD to the Bethesda Urban District for Bethesda Urban Partnership (BUP); and
- \$300,000 from the Silver Spring PLD to the Silver Spring Urban District for streetscape/sidewalk maintenance and landscaping.

FY19 Operating Budget: Montgomery College

The Council will review the operating budget for Montgomery College. The Executive recommends a total of \$313 million for the College in FY19, which is a decrease of \$1 million or 0.3 percent from the FY18 approved level. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7753&meta_id=157248

The Education (ED) Committee reviewed Montgomery College's FY19 Operating Budget request and unanimously made the following recommendations:

- Place \$1,860,515 on the Reconciliation List to support the College's requested FY19 County contribution in two increments: one for \$1 million and one for \$860,515. These amounts represent the gap between the College's request and the Executive's recommendation.
- Support the budgets requested by the College and recommended by the Executive for the non-tax supported funds, with a revision requested by the College to increase the Grants Fund by \$2,291,000 to reflect additional grant awards.

- Support the Executive’s recommendation to transfer \$459,485 in fund balance from the Workforce Development and Continuing Education Fund to the Current Fund as a one-time action.

 **CIP: Montgomery College Information Technology Projects**

The Council will review the Capital Improvements Program for Montgomery College information technology projects. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157250

The ED Committee reviewed the Executive’s recommended CIP adjustments on April 20 and unanimously made the following recommendations:

- To meet the Executive’s recommended \$1.523 million cut in FY19 current revenue, approve additional non-recommended reductions of \$723,000 in the Information Technology project, \$400,000 in the Network Infrastructure and Server Operations project and \$400,000 in the Student Learning Support Systems project.
- Endorse the College’s revised priority restoration order for the College’s non-recommended CIP cuts.

 **FY19 Operating Budget: Montgomery County Public Schools**

The Council will review the operating budget for Montgomery County Public Schools (MCPS). The Executive recommends fully funding the Board of Education’s request of \$2,592,240,711. The Executive recommends a County contribution of \$1.707 billion, which is the same as the Board’s request and \$17.7 million above the required MOE funding level for FY19 when including the mid-year Head Start supplemental. The Executive recommends the same carryover fund balance as the Board of \$25 million for a total local contribution of \$1.732 billion. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157265

The Education Committee reviewed MCPS’ FY19 Operating Budget request on April 25 and April 30 and unanimously made the following recommendations:

- Approve the FY19 tax-supported funding for MCPS’ Current Fund as requested by the Board of Education and recommended by the Executive. This includes a local contribution of \$1.707 billion.
- Approve the FY19 non-tax supported funding for MCPS’ Grant Fund, Enterprise Funds, and Special Revenue Funds as requested by the Board of Education and recommended by the County Executive. Proposed adjustments to the non-tax supported funds related to school safety and security funding are discussed on pages 13-15.

 **CIP: Montgomery County Public Schools**

The Council will review the Capital Improvements Program for MCPS. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7753&meta_id=157267

The ED Committee reviewed the Executive’s recommended CIP adjustments on April 25 and April 30 and unanimously made the following recommendation:

- Approve as “non-recommended” reductions the Executive’s March 15 CIP adjustments that reduce FY19 current revenue funding for the MCPS Technology Modernization project. This action reduces the FY19 MCPS Technology Modernization project funding to \$21.406 million, which is \$3.622 million below the Board’s request.

COUNCIL, Tuesday, May 15

 **Expedited Bill 18-18, Human Rights and Civil Liberties - Human Trafficking Prevention**

On Tuesday, May 15 at 1:15 p.m. the Council will introduce Expedited Bill 18-18, Human Rights and Civil Liberties – Human Trafficking Prevention. Councilmember Tom Hucker is the lead sponsor.

Councilmember Craig Rice is a cosponsor. A public hearing is tentatively scheduled for June 12 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157306

Expedited Bill 18-18 would modify the membership of the Human Trafficking Prevention Committee by removing the requirement that each voting member be a resident of the County and adding two voting members from the community.

- Bill 27-17, enacted by the Council on October 10, 2017, established the Human Trafficking Prevention Committee with 15 voting members. The Committee is a permanent part of the County government charged with recommending best practices to combat human trafficking to the Executive and the Council. Expedited Bill 18-18 would add two voting members. Each of the new voting members would be a public member with a direct interest in the prevention of human trafficking. The current law requires each voting member to be a County resident. The Bill would modify this requirement by requiring that nine of the 17 voting members be either a resident of the County or a County employee.

Expedited Bill 19-18, Technical Corrections

The Council will introduce Expedited Bill 19-18, Technical Corrections. The full Council is the lead sponsor. A public hearing and vote is scheduled for June 19. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157308

Bill 19-18 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 (ZTA) 18-01, Solar Collection System – Standards

The Council is scheduled to vote on Zoning Text Amendment 18-01, Solar Collection System – Standards. Councilmembers Tom Hucker and George Leventhal are the lead sponsors. Council Vice President Nancy Navarro and Councilmembers Roger Berliner, Marc Elrich, and Sidney Katz are cosponsors. The Planning, Housing and Economic Development (PHED) Committee recommends approval of the bill as introduced. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157310

ZTA 18-01 would provide more opportunities for “community solar” facilities. Community solar offers the benefit of solar to those who cannot, or prefer not to, install solar panels on their homes. These projects enable individuals, businesses, or organizations to purchase or lease a share in a community solar project.

- Maryland has a statewide goal to reach 25 percent renewable energy sources by 2020 with at least 2.5 percent of the goal coming from solar energy. On average, Maryland gets over 213 days of the sunshine.
- The sponsors of ZTA 18-01 believe it is in the public interest to expand the opportunities for solar production in areas where development is anticipated. The ZTA would retain the current limits on solar collection systems in the Agricultural Preservation Zone. The ZTA includes standards to prevent glare and to buffer the facility from surrounding land uses.

Zoning Text Amendment (ZTA) 18-02, Telecommunications Towers – Limited Use

The Council is scheduled to vote on Zoning Text Amendment 18-02, Telecommunications Towers – Limited Use. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. 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=7754&meta_id=157312

ZTA 18-02 proposes new zoning changes for small cell antennas. The proposed changes are more limited than the previous zoning changes proposed and are mostly focused on non-residential areas of the County. As introduced, the ZTA would revise the use standards for antennas; revise the standards for antennas on existing structures; allow telecommunications towers as a limited use in certain zones;

and amend telecommunications tower and cellular antenna provisions. The PHED Committee recommends the following amendments:

- Retain all the current setback and building height standards for antennas on existing facilities in residential zones and adding provisions that will require compatible antenna enclosures where antennas are allowed. The ZTA would allow more permissive standards for antennas where they are currently allowed as a limited in Commercial/Residential, Industrial and Employment zones. The Committee also recommended several editorial changes.
- A majority of the Committee recommended lowering the maximum allowable tower heights for new towers that require conditional use approval (2-1, Councilmember Leventhal would have deferred this item; he favored a separate ZTA concerning residential zones).

 **FY19 Operating Budget: NDA: Community Grants: County Council**

The Council will review the community grants non-departmental account. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157322

The Council Grants Advisory Group and Council staff recommends approval of 113 community grants totaling \$2,860,024. For FY19 the Executive's Recommended Budget includes \$3.59 million in the Community Grants: County Council NDA. Thus, Council staff recommended grants are not included on the Council's Reconciliation List.

 **FY19 Operating Budget: NDA: Community Grants: County Executive**

The Council will review the Executive's community grants non-departmental account. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157324

The Council will consider approval of 232 discretionary community grants recommended by the Executive totaling \$8,747,930, and approval of 12 Community Service Grants (CSG) recommended by the County Executive totaling \$63,574.

PUBLIC HEARINGS

Unless otherwise noted the public hearings below will be held on Tuesday, May 15 at 1:30 p.m.

 **Declaration of No Further Need: Disposition of 8530 Cameron Street, Silver Spring, Maryland**

The Council will hold a public hearing on a Declaration of No Further Need: Disposition of 8530 Cameron Street in Silver Spring. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157314

 **Bill 15-18, Economic Development - Workforce Development - Green Jobs Apprenticeship Program**

The Council will hold a public hearing on Bill 15-18, Economic Development - Workforce Development - Green Jobs Apprenticeship Program. The lead sponsor is Councilmember Tom Hucker. Council Vice President Nancy Navarro and Councilmembers Roger Berliner, Marc Elrich, Sidney Katz, George Leventhal, and Craig Rice are cosponsors. The PHED Committee is scheduled to review Bill 15-18 on June 11. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7754&meta_id=157316

Bill 15-18 would provide that the County's Workforce Development Corporation must administer a clean energy industry pre-apprenticeship job training program and establish certain criteria for the operation of the pre-apprenticeship job training program.

 **Zoning Text Amendment 18-03, Farm Alcohol Production - Standards**

The Council will hold a public hearing on Zoning Text Amendment 18-03, Farm Alcohol Production - Standards. Council President Hans Riemer and Councilmember Craig Rice are the lead sponsors. Councilmembers Sidney Katz, George Leventhal and Nancy Floreen are cosponsors. The PHED Committee is scheduled to review ZTA 18-03 on June 11. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7754&meta_id=157318

Currently, wineries are specifically allowed in Agricultural and Rural Residential Zones. ZTA 18-03 would incorporate many of the standards that were applicable to wineries and apply those standards and others to breweries, cideries and distilleries. In addition to the manufacture of alcoholic beverages, ZTA 18-03 would allow tasting rooms, the sale of food (to the extent allowed by the state manufacturing license) and up to nine events a year with 300 or more people. A larger number of events would be allowed only if the use is approved as a conditional use.

 **Zoning Text Amendment 18-04, Exemptions - Agricultural Zone**

The Council will hold a public hearing on Zoning Text Amendment 18-04, Exemptions - Agricultural Zone. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7754&meta_id=157320

ZTA 18-04 would allow the expansion of uses in the Agricultural Zone that were legal before October 30, 2014 but were subsequently made non-conforming. The Executive's transmittal letter includes the following statement: In light of the fact that there continues to be legitimate concerns about protecting farmland and agriculture, we need to restrict uses in those zones. For that reason this proposed amendment to the zoning text is proposed to apply only to those uses and structures that were existing and legal at the time the 2014 zoning text went into effect. ZTA 18-04 would expand, not restrict, the potential for nonfarm uses in the Agricultural Zone. The ZTA, as proposed, would not limit the expansion of uses that were made non-conforming by the 2014 Zoning Rewrite.

 **ZTA 18-05, Uses, Use Standards and Regulatory Approvals - Signature Business Headquarters**

At 7 p.m. the Council will hold a public hearing on ZTA 18-05, Uses, Use Standards and Regulatory Approvals - Signature Business Headquarters. The District Council is the lead sponsor, at the request of the County Executive. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7754&meta_id=157326

ZTA 18-05 would expedite the review process for a headquarters or a primary place of business of a single commercial or industrial organization that will locate at least 25,000 employees in a single metro policy area. ZTA 18-05 would reduce the regulatory review period from 120 to 60 days.

 **SRA 18-02, Administrative Subdivision - Signature Business Headquarters**

At 7 p.m. the Council will hold a public hearing on SRA 18-02, Administrative Subdivision – Signature Business Headquarters. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=7754&meta_id=157328

SRA 18-02 would create a new land use category called a “signature business headquarters.” An applicant may file an administrative subdivision plan in place of a preliminary plan for this type of project.

COUNCIL, Wednesday, May 16

 On May 16 at 9:30 a.m. the Council is scheduled to take straw votes on the budget resolutions listed below. The staff reports will be available on May 14.

- Resolution to approve FY19 Transportation Fees, Charges, and Fares
- Resolution to establish FY19 Solid Waste Service Charges
- Resolution to establish FY19 Water Quality Protection Charge

- Resolution to approve the Enterprise Fund Stabilization Factor
- Resolution to approve WSSC System Development Charge
- Executive Regulation 3-17, System Benefit Charges - Residential Waste Estimates

 **Property Tax Options: Amount, Rate, and Income Tax Offset Credit**

On May 16 at 10 a.m. the Council will review property tax options, including the amount and rate of property taxes and the Income Tax Offset Credit. The staff report will be available on May 14.

COUNCIL, Thursday, May 17

-  On May 17 the Council is scheduled to reach agreement on the fiscal year 2019 operating budget and the County’s six-year capital budget. Materials, including the Council’s Reconciliation List, which will be distributed at the meeting. A final vote on the budget is scheduled for May 24.

COMMITTEE

 **ZTA 18-05, Uses, Use Standards and Regulatory Approvals - Signature Business Headquarters**

On May 17 at 1 p.m. the Planning, Housing and Economic Development (PHED) Committee will review ZTA 18-05, Uses, Use Standards and Regulatory Approvals - Signature Business Headquarters. See page 6 for further information.

 **SRA 18-02, Administrative Subdivision - Signature Business Headquarters**

The PHED Committee also will review SRA 18-02, Administrative Subdivision – Signature Business Headquarters. See page 6 for further information.