

# Montgomery

# County Council

##### *For Immediate Release* *Oct. 1, 2018*

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## Council to introduce bills to ban smoking in outdoor dining areas and requiring individuals who employ one or more persons to pay the County minimum wage

## on Oct. 2

### Also on Oct. 2: Vote on bills including labor peace agreements, carbon monoxide alarms in homes; vote on zoning measures including farm alcohol production and a tax credit for accessible developments

The Council will meet on **Tuesday, Oct. 2 at 9:30 a.m.** Individuals interested in attending a Council meeting should confirm the information on the day of the meeting by [visiting the Council’s web page](https://tinyurl.com/CountyCouncilMeetings) or by calling the Council’s Legislative Information Office at 240-777-7832. All meetings are held in the Council Office Building (100 Maryland Ave., Rockville, Md) in the third floor hearing room, unless otherwise noted.

The Council is scheduled to introduce the following bills:

* **Bill 35-18, Health and Sanitation - Smoking- Outdoor Serving Areas** would prohibit smoking in certain outdoor serving areas such as patios, decks or porches. The goal of this bill is to protect the health of residents. Councilmember Sidney Katz is the lead sponsor. Council President Hans Riemer and Councilmembers Marc Elrich and Craig Rice are cosponsors. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. [View the Council staff report for Bill 35-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4C-6A.pdf)
* **Bill 34-18, Human Rights and Civil Liberties - County Minimum Wage - Definitions - Employer** would modify the definition of “employer” in the County’s minimum wage law, so that an individual who employs one person must pay the County’s minimum wage, which is $12 per hour for employers with 50 employees or less and $12.25 per hour for those with 51 or more employees. The bill does not change the rate of the minimum wage, nor does it change any of the scheduled increases under the existing law. The goal of the bill is to require payment of the County minimum wage to workers who are the sole employee of their employers and make the applicability of the County minimum wage consistent with the County Sick and Safe Leave law. Council President Hans Riemer is the lead sponsor. Councilmember Tom Hucker is a cosponsor. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. [View the Council staff report for Bill 34-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4B.pdf)
* **Bill 33-18, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Property Tax Surcharge** would require the County to add the property tax surcharge to the property tax bill within a certain timeframe. The goal of this legislation is to require the County to add the surcharge to the property tax bill on July 1 following the date of the clean energy loan financing agreement. Councilmember Roger Berliner is the lead sponsor. Councilmembers Sidney Katz and Marc Elrich are cosponsors. A public hearing is tentatively scheduled for October 23 at 1:30 p.m. [View the Council staff report for Bill 33-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4A.pdf)

The council will vote on the following bills:

#### Bill 23-18, Fire Safety – Carbon Monoxide Alarm

The Council is scheduled to vote on Bill 23-18, Fire Safety – Carbon Monoxide Alarm. Bill 23-18 would require the owners of a single-unit, two-unit, and townhouse dwelling unit to install and maintain a carbon monoxide alarm. The goal of the bill is to improve public health and safety. The lead sponsor is Councilmember Craig Rice. Councilmember Marc Elrich is a cosponsor.

[View the Council staff report for Bill 23-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5C.pdf)

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

The Council is scheduled to vote on Bill 6-18, Contracts – Labor Peace Agreements – Displaced Service Workers – Amendments. Councilmembers Marc Elrich and Tom Hucker are the lead sponsors. Councilmember Craig Rice and Council Vice President Nancy Navarro are cosponsors. The goal of this bill is to prevent potential interruptions of services for residents provided by County contractors. These services include security, janitorial, building maintenance, food preparation and some non-professional healthcare services. 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.

[View the Council staff report for Bill 6-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5A.pdf)

#### Bill 28-18, Boards, Committees, and Commissions – Amendments

The Council is scheduled to vote on Bill 28-18, Boards, Committees, and Commissions – Amendments. Council President Hans Riemer is the lead sponsor, at the request of the County Executive. The goal of Bill 28-18 is to better align certain boards, committees and commissions with their core mission. The bill would reduce the membership of the Cable and Communications Advisory Committee from 15 members to nine members, increase the number of veteran representatives on the Commission on Veterans Affairs and remove the director of the Department of Economic Development from the Commission and change the name of the Committee on Hate/Violence to the Committee Against Hate Violence.

[View the Council staff report for Bill 28-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5B.pdf)

#### Expedited Bill 27-18, Taxation – Development Impact Tax for Transportation Improvements – Refunds – Credits – Amendments

The Council is scheduled to vote on Expedited Bill 27-18, Taxation – Development Impact Tax for Transportation Improvements – Refunds – Credits – Amendments. The lead sponsor is Council President Hans Riemer, at the request of the County Executive. Expedited Bill 27-18 would allow owners to receive credit against their impact tax liability to the extent of their financial investment at locations listed and improved in a Local Area Transportation Improvement Program (LATIP) or Unified Mobility Program (UMP) if the amount of investment exceeds their LATIP or UMP fees. The goal of Expedited Bill 27-18 is to increase the incentive for owners to implement transportation improvements concurrent with development activity instead of paying fees to the County for public implementation of the improvements.

[View the Council staff report for Expedited Bill 27-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_5D.pdf)

The council also will vote on the following resolutions:

#### Resolution to approve 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

The Council is scheduled to vote on a resolution to the approve 2017-2026 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan. The Council reviewed the plan on February 27, March 6, March 20, April 17, and September 11, 2018. Council staff has worked with County Executive staff to finalize the Water and Sewerage Plan language to implement the policy recommendations preliminarily supported by the Council at its prior meetings and to clarify text (where possible, consistent with the Council’s policy guidance) to address concerns raised in comments from Councilmembers and testimony received from the public. Council staff recommends revising the years in the title of the Ten-Year Plan to “2018-2027,” consistent with the Council approval occurring in 2018.

[View the Council staff report on the Water and Sewerage plan resolution here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_7.pdf)

**Resolution to extend expiration date until June 30, 2019 for Bill 10-17, Recordation Tax - Rates – Amendments**

The Council is scheduled to vote on a resolution to extend the expiration date until June 30, 2019 for Bill 10-17, Recordation Tax – Rates – Amendments. Councilmember Marc Elrich is the lead sponsor of Bill 10-17. Councilmember George Leventhal is a cosponsor. Bill 10-17 would modify the recordation tax rates levied under state law for certain transactions. The goal of this bill is to lower the premium rate for transactions that are less than $1 million.

[View the Council staff report for the resolution for the date extension of Bill 10-17 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_4-5A.pdf)

Lastly, the council will vote on the following zoning measures:

#### ZTA 18-03, Farm Alcohol Production – Standards

The Council is scheduled to vote on ZTA 18-03, Farm Alcohol Production – Standards. Council President Hans Riemer and Councilmember Craig Rice are the lead sponsors. Councilmembers George Leventhal, Sidney Katz and Nancy Floreen are cosponsors. The goal of ZTA 18-03 is to allow breweries, cideries and distilleries located in the County’s Agricultural Reserve to supplement their income by allowing additional sales activities. As introduced, 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. Council staff recommends deferring action on ZTA 18-03 until receipt of the Planning Board study of agricultural tourism. The study was approved by the Council in the Department’s work program. The Planning Department has not completed this work and the recommendations are expected by January 2019.

[View the Council staff report for ZTA 18-03 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8D.pdf)

#### Zoning Text Amendment (ZTA) 18-08, Site Plan Amendment – Solar Collection Systems

The Council is scheduled to vote on ZTA 18-08, Site Plan Amendment – Solar Collection Systems. Councilmember Tom Hucker is the lead sponsor. Councilmember George Leventhal is a cosponsor. Under ZTA 18-08, a solar collection system on any pre-existing impervious surface would be allowed without amending a previously-approved site plan. As an accessory use, solar collection systems also could be allowed on sites with non-residential uses without a site plan amendment. In such circumstances, any minimum open space requirements must be retained, excluding the area used for the solar collection system.

[View the Council staff report for ZTA 18-08 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8A.pdf)

#### ZTA 18-09, Landscape Contractors – Rural Cluster Zone

The Council is scheduled to vote on ZTA 18-09, Landscape Contractors – Rural Cluster Zone. ZTA 18-09 would amend the definition of landscape contractors. Councilmembers Tom Hucker and Nancy Floreen are the lead sponsors. ZTA 18-09 also would allow landscape contractors existing before October 31, 2014 in the Rural Cluster Zone to be a permitted use under certain circumstances.

[View the Council staff report for ZTA 18-09 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8B.pdf)

#### ZTA 18-10, Townhouse Living - Accessibility Tax Credit

The Council is scheduled to vote on ZTA 18-10, Townhouse Living – Accessibility Tax Credit. Councilmember Craig Rice is the lead sponsor. ZTA 18-10 would allow a tax credit under Section 52-107 for a townhouse unit approved as a conditional use; and generally, amend the standards for townhouses approved as a conditional use. The goal of ZTA 18-10 is to help make accessibility improvements more affordable.

[View the Council staff report for ZTA 18-10 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_8C.pdf)

The Council will also hold several public hearings starting at 1:30 p.m.

* **Amendment to the fiscal year (FY) 2019-24 Capital Improvements Program (CIP) - Goldsboro Road Sidewalk and Bikeway**

[View the Council staff report here for the Goldsboro Road sidewalk and bikeway project here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_9.pdf)

* **Special appropriation to the County Government’s FY19 Operating Budget, Department of Health and Human Services - $70,799 for Behavioral Health and Crisis Services for Adult Drug Court.**

[View the Council staff report for the special appropriation here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_10.pdf)

* **Fiscal Year 2020 Washington Suburban Sanitary Commission (WSSC) spending control limits**

[View the Council staff report for the FY20 WSSSC spending control limits here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_11.pdf)

* **Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes**

[View the Council staff report for the ten-year water and sewerage plan here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_12-red.pdf)

* **Supplemental appropriation to the County Government’s FY19 Operating Budget, Circuit Court - $200,000 for Maryland Electronic Courts (MDEC) Data Migration and Testing**

[View the Council staff report for the supplemental appropriation here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_13.pdf)

* **Expedited Bill 29-18, Bond Authorization**

[View the Council staff report for Expedited Bill 29-18 here.](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181002/20181002_14-15.pdf)

The Council meeting will be televised live by County Cable Montgomery (CCM). The channel can be viewed on Cable Channels 996 (high definition) and 6 (standard definition) on Comcast; Channels 1056 (HD) and 6 (SD) on RCN; and Channel 30 on Verizon.

The Council meeting also will be available live via streaming through the Council web site at: http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html.

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