



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, September 15, 2020

The County Council for Montgomery County, Maryland convened via video conference at 8:41 A.M. on Tuesday, September 15, 2020.

### PRESENT

Councilmember Sidney Katz, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Craig Rice  
Councilmember Hans Riemer

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Katz and Mr. Rice celebrating Constitution Week.
- B. Proclamation was presented by Mr. Katz and Mr. Albornoz, and County Executive Elrich recognizing World Suicide Prevention Day.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, postponing the public hearing on **Expedited Bill 34-20**, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments, until September 22, 2020, at 1:30 P.M.; and adding Councilmembers Rice, Albornoz and Katz as co-sponsors of **Expedited Bill 40-20**, Uniform Trader's License Fee.

(1) B. **Acknowledgement - [Receipt of Petitions](#)**

Acknowledged receipt of a petition from Montgomery County residents opposing Zoning Text Amendment (ZTA) 20-01, Solar Collection System - AR Zone Standards.

C. **Action - Approval of Minutes**

Approved the minutes of May 5, 2020, without objection.

(2) **BRIEFING - [Purple Line](#)**

Participating in the discussion were Mr. Quinn, Administrator, and Mr. Pollack, Purple Line Project Director, Maryland Transit Administration (MTA), Maryland Department of Transportation (MDOT); and Mr. Conklin, Director, Montgomery County Department of Transportation (DOT).

Mr. Quinn and Mr. Pollack updated the Council on efforts being taken to keep the Purple Line project moving forward despite the demobilization of the concessionaire, Purple Line Transit Partners (PLTP), including design completion, utility relocation, and wall completion. Administrative staff is being put in place to manage the over 100 contracts included in the project. They indicated that more would be known in 30 days regarding what work would be continuing in the near term, that there is no requirement for a new concessionaire to hire employees from PLTP, and that PLTP has submitted a draft transition plan. Mr. Pollack agreed to be a point of contact for any constituent concerns.

Councilmembers commented on the need for the Governor to state his support for the project and indicate who will pay for this project, and on the importance of communication with impacted communities, particularly concerning pedestrian access and safety.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Rice made the motion, which carried without objection.

- A. **Introduced** a supplemental appropriation to the Montgomery County Public Schools' (MCPS) FY20 Operating Budget - \$1,074,972 for MCPS Safe Schools Grant. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.

- B. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, DOT - \$70,574 for Streets and Roads - Roadside Trees - Protection. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- C. **Introduced** a resolution approving the disposition of 4010 Randolph Road (Parcel 1) and Bushey Drive (Parcel 2), Silver Spring.
- D. **Introduced** a resolution approving the 2020-2024 Subdivision Staging Policy. A public hearing is scheduled for later in the evening.
- E. **Introduced** a supplemental appropriation to MCPS' FY21 Operating Budget - \$1,117,512 for the Broadband for Unserved Students Grant. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- F. **Introduced** a supplemental appropriation to MCPS' FY21 Operating Budget - \$13,241,438 for the Tutoring Program Grant. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- G. **Introduced** a supplemental appropriation to MCPS' FY21 Operating Budget - \$18,344,404 for the Technology Program Grant. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- H. **Introduced** a supplemental appropriation to MCPS' FY21 Operating Budget - \$1,748,276 for the Governor's Emergency Education Relief (GEER) Fund Grant. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- I. **Introduced** a resolution to approve Categorical Transfers of \$7,927,000 for MCPS 'FY20 Operating Budget, and Categorical Transfers of \$1,617,000 for FY20 Grant Funds in the Provision for Future Supported Projects
- J. Adopted **Resolution 19-586**, approving an amendment to FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: YMCA of Metropolitan Washington, Inc.
- K. Adopted **Resolution 19-587**, confirming the County Executive's appointment to the Commission on Common Ownership Communities: Staci Gelfound.

(4) **COUNCIL SITTING AS BOARD OF HEALTH**

A. **Update - [Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)**

Participating in the discussion were Dr. Gayles, County Health Officer and Chief of Public Health Services, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reviewed current information included on the COVID-19 data dashboard, noting the number of new cases has increased slightly, as well as the test positivity rate, which is now at approximately three percent. He noted that the majority of new cases are among those aged 0 to 30, which is different from earlier in the year, with less severity of illness and decreased hospitalizations, and said there is an uptick in rate of transmission. He stated that the County has not yet met the State criteria to reopen schools, that 12 non-public schools have reported cases among teachers and students, and that seven other schools are in quarantine due to reported COVID-like illness.

Testing trailers provided by the CDC are in place at Lakeforest Mall and at the Randolph Road Recreation Department Administration Building. New laboratories are being brought online to process tests, and 250,000 rapid test kits from the State are slated for nursing homes and assisted living facilities. They are working with State partners on contact tracing, and Dr. Gayles noted that large family gatherings have been tied to exposures. A regional vaccine dissemination plan is being developed and hopefully a vaccine will become available early in 2021.

Mr. Albornoz encouraged everyone to get a flu shot. Dr. Gayles said flu symptoms are similar to COVID symptoms. He mentioned that flu shots provide protection, and plans for pop-up flu shot clinics would be provided soon.

Dr. Stoddard said they would work with the faith community to provide additional accommodations for the upcoming holidays. Regarding live performances, guidelines for outdoor performances will be provided later this week, but it will take longer for indoor performances given the need to balance the risk. Regarding Halloween events, Dr. Gayles indicated language would be available in the next week, but he recommended against house-to-house trick-or-treating.

Dr. Stoddard stated that as of September 15, FEMA is no longer covering personal protective equipment (PPEs) for use as a preventative measure (but will continue to cover for first responders), and that the County has procured a significant supply of PPEs should a resurgence of the virus occur. They are working to establish long-term housing sustainability. The department is

working with Department of Recreation and the Board of Elections to address in-person voting safety concerns and is urging residents to vote by mail-in ballots.

Mr. Rice commented that it would be helpful to know which local companies are involved in the development of vaccines for COVID-19, and that people of color should be encouraged to participate in vaccine trials.

The meeting recessed at 11:53 A.M. and reconvened at 1:35 P.M.

(5) **PUBLIC HEARING - [Bill 31-20, Public Campaign Financing - Amendments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 23, 2020. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for September 30, 2020.

Council President Katz reopened the public hearing at 2:06 P.M. to allow for an additional speaker to provide testimony remotely. The public hearing was closed at 2:07 P.M.

(6) **PUBLIC HEARING - [Bill 32-20, Solid Waste \(Trash\) - Waste Reduction/Source Reduction and Single-Use straws - Requirements](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 6, 2020. A Transportation and Environment (T&E) Committee worksession is tentatively scheduled for October 12, 2020.

(7) **PUBLIC HEARING - [Bill 33-20, Solid Waste \(Trash\) - Food Service Products Packaging Materials - Requirements](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on October 6, 2020. A T&E Committee worksession is tentatively scheduled for October 12, 2020.

Council President Katz reopened the public hearing at 2:20 P.M. to allow for an additional speaker to provide testimony remotely. The public hearing was closed at 2:21 P.M.

- (8) **PUBLIC HEARING - Expedited Bill 34-20**, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments

The public hearing was postponed to September 22, 2020 at 1:30 P.M.

- (9) **PUBLIC HEARING - Bill 35-20**, Human Rights and Civil Liberties - Fair Criminal Record Screening Standards - Amendments

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 17, 2020. A joint Public Safety (PS) Committee and Health and Human Services (HHS) Committee worksession is tentatively scheduled for September 23, 2020.

- (10) **PUBLIC HEARING/ACTION - County Executive Recommended FY21 Savings Plan - Amendments to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY21-26 Capital Improvements Program (CIP)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-588**, approving the FY21 Savings Plan - Amendments to the M-NCPPC FY21-26 CIP.

Mr. Friedson made the motion, which carried without objection.

- (11) **PUBLIC HEARING/ACTION Special Appropriation to the County Government's FY21 Operating Budget, Department of Recreation - \$500,000 for Countywide Program - Youth Sports Initiative; and Office of Community Use of Public Facilities (CUPF) - \$500,000 for Facility Fee Assistance Program - Youth Sports Initiative**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-589**, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection.

- (12) **PUBLIC HEARING/ACTION** Special Appropriation to the County Government's FY21 Operating Budget COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) Support for COVID-19 Response - Youth Sports Initiative \$550,000 and Amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families

The public hearing was conducted and the record closed.

Adopted **Resolution 19-590**, approving the subject special appropriation and amendment to the Designation of Entities for Non-Competitive Award Status: Montgomery County Collaboration Council for Children, Youth, and Families.

Mr. Albornoz made the motion, which carried without objection.

- (13) **PUBLIC HEARING/ACTION-** Special Appropriation to the County Government's FY21 Operating Budget Early Care and Education (ECE) Non-Departmental Account (NDA) - \$75,000 for Montgomery Moving Forward - ECE Coordinating Entity Plan and Amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Nonprofit Montgomery

The public hearing was conducted and the record closed.

Councilmembers spoke to the importance of providing high-quality childcare and early education to allow parents to participate in the workforce, which is critical to the County's economic recovery.

Adopted **Resolution 19-591**, approving the subject special appropriation and amendment to the FY21 Designation of Entities for Non-Competitive Award Status: Nonprofit Montgomery.

Ms. Navarro made the motion, which carried without objection.

- (14) **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP Department of Recreation - \$218,000 for Public Arts Trust

The public hearing was conducted and the record closed.

Adopted **Resolution 19-592**, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection.

- (15) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, Department of Recreation - \\$250,000 for Cost Sharing](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-593**, approving the subject special appropriation.

Mr. Friedson made the motion, which carried without objection.

- (16) **OVERVIEW** - [2020-2024 Subdivision Staging Policy \(SSP\) and proposed changes to Development Impact Taxes and the Recordation Tax](#)

Participating in the discussion were Mr. Anderson, Chair, Montgomery County Planning Board; and Mr. Sartori, Chief, Countywide Planning Division, Planning Department.

Received opening remarks from Mr. Anderson, who stated that the County is not producing enough housing, that every decade fewer housing permits are issued, and that impact fees in Montgomery County are among the highest in the region. Planning staff have developed a way to eliminate moratoria and increase affordable housing in the County for the Council's consideration.

Received from Mr. Sartori an overview of the draft SSP, which is the set of policy tools that administer the Adequate Public Facilities Ordinance (APFO) to serve existing and future development. He noted that school-based moratoria continue to this day and expressed the view that it is ineffective and prohibits the Planning Board from approving new housing developments, which in turn negatively impacts the County's economic development, and doesn't solve school overcrowding. He reviewed the scope of the SSP, recommendations for impact and recordation taxes for various housing types, student generation rates, the inclusion of Vision Zero safety objectives into the transportation review process, the impact of new development versus turnover. Data shows that development in Greenfield areas, such as Clarksburg, generate the most students, and that the Planning Board recommends moratoria only be applied in Greenfield impact areas. An index of all recommendations is included in the draft SSP, which can be accessed online.

Councilmembers expressed appreciation to Planning staff for their hard work in developing the draft SSP, noting that there would be many committee meetings in the coming weeks to discuss in detail the many recommendations.

Ms. Navarro noted that the recommendations fit in with the Economic Development Platform adopted by the Council last year.



Mr. Jawando noted that student generation data raises many questions, and suggested a broader view should be taken when considering the extent to which high-rise buildings and studio and one-bedroom units should be incentivized, since they generate the fewest number of students.

Mr. Katz requested staff to provide information on how counties with no moratoriums on development address school capacity issues.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #27**

(17) **Introduction of Bills**

B. [Expedited Bill 40-20, Uniform Trader's License Fee](#)

Introduced draft #1 of **Expedited Bill 40-20**, sponsored by Councilmembers Glass, Friedson, Navarro, and Rice. A public hearing is scheduled for September 22, 2020 at 1:30 P.M.

Mr. Riemer requested to be added as a co-sponsor of the expedited bill.

(17.5) **DISTRICT COUNCIL SESSION**

**Announcement** - [The public hearing on the Planning Board Draft Amendment for the Mesrobian House: Amendment to the Master Plan for Historic Preservation is scheduled for October 20, 2020, at 1:30 pm.](#)

**Motion to Close**

Agreed to meet in closed session to consider matters that concern a proposal for a business or industrial organization to locate in the State, pursuant to Maryland Code, General Provisions Article §3-305 (b)(4). Topic was location of a business in the County.

Mr. Riemer made the motion, which carried unanimously.

The Council adjourned the open session at 4:31 P.M. and reconvened in closed session via video conference at 4:35 P.M.

The closed session recessed at 4:50 P.M. and the Council reconvened in open session at 7:36 P.M.

- (3D) **PUBLIC HEARING** - 2020-2024 Subdivision Staging Policy  
and
- (18) **PUBLIC HEARING** - **Bill 37-20**, Subdivision - Preliminary Plan - Adequate Public Facilities - Amendment, Validity Period Extension  
and
- (19) **PUBLIC HEARING** - **Bill 38-20**, Taxation - Development Impact Taxes for Transportation and Public School Improvements - Amendments  
and
- (20) **PUBLIC HEARING** - **Expedited Bill 39-20**, Taxation - Recordation Tax - Amendments

The public hearings were conducted. Additional material for the Council's consideration should be submitted by the close of business on September 16, 2020. The first of several PHED and GO Committee worksessions is tentatively scheduled for Wednesday, September 23, 2020.

The meeting adjourned at 8:46 P.M.

### **Report of Closed Session of September 15, 2020**

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, September 15, 2020. The Council convened in closed session at 4:35 P.M. via video conference call to consider matters that concern a proposal for a business or industrial organization to locate in the State pursuant to Maryland Code, General Provisions Article §3-305(b)(4). The topic was location of a business in the County.

The meeting was closed on a motion by Mr. Riemer, which carried without objection.

The following persons were present: Councilmembers Katz, Hucker, Albornoz, Friedson, Glass, Jawando, Navarro, Rice and Riemer; Chiefs of Staff Mandel-Trupp, Carranza, Gibson, Ikheloa, Kunes, Ledner, Nurmi, Silverman and Thorne; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Drummer, Senior Legislative Attorney; Mr. Smith, Legislative Analyst; Ms. Benjamin, Office of the County Executive; Mr. McGinnity, Department of Finance; Ms. Salem, Office of Management and Budget; Ms. Benzion and Mr. Stewart, Montgomery County Economic Development Corporation; and Ms. Singleton, Clerk.

**Action:** Supported the County Executive's recommendation.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.  
Clerk of the Council