

**PETER C. VAN HECKE**  
ATTORNEY AND COUNSELOR AT LAW  
P.O. BOX 1771  
ROCKVILLE, MARYLAND 20849-1771  
(301) 949-4714; FAX: (301) 949-4715  
Email: [petervanhecke@verizon.net](mailto:petervanhecke@verizon.net)

*Admitted to Practice in Maryland*

Street Address:  
3402 Nimitz Road, #8  
Kensington, Maryland 20895

November 10, 2020

Re: Submission for November 10, 2020 County Council Meeting to consider Board of Health Resolution to adopt Executive Order 122-20AM COVID-19 Local Order Amending and Restating Order dated September 29, 2020

Dear Council Members and Montgomery County citizens:

I urge the Council to remove "Take Out Only" restrictions on Malls in Montgomery County and grant Malls similar dine in rules as apply to Montgomery County restaurants. Unlike many national food chains and franchises that failed or refuse to re-open, my client operates one of the few local food court businesses, started more than forty (40) years ago in the Eatery at White Flint Mall. The return of tables and chairs (blocked off for future use) several weeks ago provided my client a glimmer of hope in advance of the holiday season. Those hopes were dashed as this latest Executive Order maintains its disproportionate treatment of Mall Food Courts businesses in the County. This has caused and will continue to cause substantial income losses to my client and other Mall Food Court businesses that chose to re-open. These losses, as well as the Mall's loss of employees who clean and service Mall Food Courts and related areas, translates into obvious and continued tax revenue losses to the County and State of Maryland.

Mall retail businesses typically do not offer space for employees to take meals. If Malls attract and serve more consumer traffic through the end of 2020, businesses will likely hire more employees and all employees and patrons must be able to eat meals inside Mall Food Courts. Dine in restaurants and bars have been allowed to block and use public sidewalks and streets in various parts of the County. Mall patrons and employees can eat outside in parking garages or their vehicle. This is not a popular option and may be less popular as cold weather settles into the area.

As Council Members should be aware, Mall Food Courts are typically quite large and airy. Tables and chairs can be arranged for proper social distancing. Mall security, which now patrols so patrons don't sit on fixed tables, can maintain COVID rules, something that is apparently not happening in some County restaurants and bars. Mall patrons and employees should be allowed to eat in Mall Food Courts just as patrons are allowed to eat inside Montgomery County restaurants.

I therefore respectfully ask the Council to Amend proposed Executive Order 122-20 to eliminate "Take Out Only" prohibition on Mall Food Courts and permit dining inside Mall Food Courts. Thank you for your courtesies and consideration of these matters.

Very truly yours,

*Peter C. Van Hecke*