



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 26, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:03 A.M. on Tuesday, January 26, 2021.

PRESENT

Councilmember Tom Hucker, President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President
Councilmember Evan Glass
Councilmember Sidney Katz
Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Mr. Hucker Recognizing National Slavery and Human Trafficking Awareness Month.
- B. Proclamation was presented by Mr. Hucker and Mr. Glass Celebrating the Open Streets Coalition.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, reflecting that the public hearing on **Expedited Bill 3-21**, Special Taxing Area Laws - Silver Spring Business Improvement District - Established, originally scheduled for February 2, has been rescheduled for February 23, 2021, at 1:30 P.M.; noting a time change for the District Council Session; adding interview of the County Executive's appointee for Chief Labor Relations Officer - Jennifer Harling; and adding a proposed closed session to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and

to discuss, before a contract is awarded, a matter related to a negotiating strategy pursuant to Maryland Code, General Provisions Article §3-305(b)(14). The topic is a proposed Global Pandemic Prevention Center. Also announced was a public hearing on the FY22 Capital Budget and amendments to FY21-26 Capital Improvements Program (CIP) for County Government, Montgomery County Public Schools (MCPS), Montgomery College, Maryland-National Capital Park and Planning Commission (M-NCPPC), Revenue Authority, and Housing Opportunities Commission (HOC), and WSSC Water's FY22-27 CIP, scheduled for February 9, 2021, at 1:30 P.M. Persons wishing to sign-up to speak may do so beginning January 28, 2021.

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

Acknowledged receipt of petitions from residents of Montgomery County opposing Zoning Text Amendment (ZTA) 20-01, Solar Collection System - AR Zone Standards; and supporting funding for Educational Enrichment and Equity Hubs in Montgomery County.

C. **Action - Approval of Minutes**

Approved the minutes of October 30, 2020, without objection.

(2) **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, Dr. Crowel, Director, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reported that the number of cases has leveled off, the State has increased lab capacity to allow to test for the presence of variants of the virus, and the County has moved to priority group 1B, adults over age 75, while the State has moved to group 1C. While they are trying to be equitable and prioritize hardest hit zip codes for distribution of the vaccine, he noted that residents that have preregistered do not reflect the diversity in the County. They are taking steps to increase preregistrations among highly impacted communities and are working with MCPS and non-public schools to preregister and vaccinate teachers and educational staff. He said the County's future weekly allotment of doses from the

State is unknown but that last week 99.6 % of the doses received were utilized.

Dr. Crowel said they are working to provide unique identifiers for residents preregistering so that the link is not shared with people not yet eligible to receive the vaccine. A call center is being set up to assist people with preregistration as limited access to computers is part of the reason for disparities. Working within the Census framework and with community partners, they are increasing communications and outreach to highly impacted areas. Dr. Crowel reminded Councilmembers that it has only been one month since distribution of the vaccine began, and there would be an extended effort to identify access problems and equitably distribute the available doses.

Dr. Stoddard noted that until the State corrects its preregistration system, individual links are being shared inappropriately with people in non-priority groups, resulting in canceled appointments that must be refilled, which impedes progress. They requested that the Governor let the County know the minimum number of doses that would be received weekly so that clinics can be scheduled accordingly. A vaccination site is being readied at Holy Cross Hospital's professional building that will be able to distribute 1,500 doses daily when they are available.

Responding to questions and comments from Councilmembers, the panel indicated that corrections would be made to the website to allow the developmentally disabled (DD) community to preregister, that public defenders are included in group 1C, that there is no criteria for preregistration that involves immigration status but unlicensed childcare providers may hesitate to seek a vaccine even though they are essential workers; residents that received a first dose in Prince George's County would be eligible to receive their second dose there as well. Dr. Gayles said they are waiting for clarification from the State regarding whether doses held for educators can be used to vaccinate childcare workers.

Ms. Navarro asked if a team could be put in place to respond quickly to questions, noting that there is no centralized point of contact. She asked the panel to investigate the possibility of creating a navigation team to answer questions in real time. She also suggested that the Council discuss during State Legislation sessions the need for the State to create a central registration site and to make sure people are in the queue appropriately.

Mr. Riemer, noting that the State is shifting distribution of the vaccine from the County to private providers, asked the panel to provide a plan next week for distribution of the vaccine to educators, noting the importance of reopening schools as quickly as possible. He said it is confusing to residents that they can preregister at multiple sites.

Mr. Rice noted that the County has no control over whether private providers distribute the vaccine in an equitable manner. Dr. Stoddard indicated there would be more opportunities in the future to encourage hospitals and private providers to use an equity framework for distribution. Dr. Crowel said the Governor indicated he would look into the equity issue; Dr. Stoddard cautioned that if doses are set aside for a particular group and are not used, the State would reduce the County's weekly allotment.

Regarding restrictions on restaurant in-house dining, Mr. Albornoz pointed out that community transmission was reduced when the policies were put in place. Dr. Gayles said there was a 40 to 60 percent decrease in restaurant employees testing positive since restrictions were put in place, and that they would continue to monitor trends. He agreed that the number one priority is reopening schools, and that the transmission rate must drop before it can be done safely.

Mr. Friedson, noting the varying rules in place for different providers, suggested listing on the website where the State distributed the weekly allotment of doses and where residents could preregister.

(3) **INTERVIEW - [County Executive's appointee for Director, Office of Management and Budget: Jennifer Bryant](#)**

Interviewed Ms. Jennifer Bryant, the County Executive's appointee for Director, Office of Management and Budget.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Children's Opportunity Fund Non-Departmental Account (NDA) - \$3,600,000 for COVID-19 Educational Enrichment and Equity Hubs and Amendment to FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Greater Washington Community Foundation. A public hearing and action are scheduled for February 2, 2021, at 1:30 P.M.

- B. **Introduced** a supplemental appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Technology Services (DTS) - \$1,434,000 for County Radio Replacement and Related Equipment. A public hearing is scheduled for February 2, 2021, at 1:30 P.M.
- C. **Introduced** a supplemental appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of General Services (DGS) - \$92,000 for Council Office Building Renovations. A public hearing and action are scheduled for February 23, 2021, at 1:30 P.M.
- D. **Received and Released** the Office of Legislative Oversight (OLO) Report 2021-2, *Economic Indicators for Montgomery County and Surrounding Jurisdictions: January 2021 Update*.
- E. Adopted **Resolution 19-710**, confirming the County Executive's appointment for Deputy Director, Department of Transportation, Hannah Henn.
- F. Adopted **Resolution 19-711**, confirming the County Executive's appointments to the Collaboration Council - Local Management Board for Children, Youth, and Families: Donte' Brown, Melanie Goldstein, Ms. Carol Walsh.
- G. Adopted **Resolution 19-712**, confirming the County Executive's appointment to the County-Wide Recreation and Parks Advisory Board: Myriam Paul.
- H. Adopted **Resolution 19-713**, confirming the County Executive's appointments to the Criminal Justice Coordinating Commission: Wendy Stickle, Robin Stimson.
- I. Adopted **Resolution 19-714**, confirming the County Executive's appointments to the Water Quality Advisory Group: El Hadji Fall, Tim Stemann, Allison Wright, Kenneth Bawer, Andrew Der.
- J. Adopted **Resolution 19-715**, confirming the County Executive's appointment to the Wheaton Urban District Advisory Committee: Pedro Matamoros.
- K. Adopted **Resolution 19-716**, appointing members of the Commission on Redistricting.

The meeting recessed at 12:50 P.M. and reconvened at 1:38 P.M.

(5) **PUBLIC HEARING** - [Spending Affordability Guidelines for FY22 Operating Budget](#)

The public hearing was conducted. Mr. Jawando and Mr. Riemer were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on January 26, 2021. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for February 1, 2021.

(6) **PUBLIC HEARING** - [Expedited Bill 50-20, Landlord-Tenant Relations - Fire Safety - Removal of Mercury Service Regulators](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 2, 2021. A Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for February 8, 2021.

(7) **PUBLIC HEARING** - [Special appropriation to the FY21 Operating Budget, Office of the County Executive - \\$500,000 for Connected DMV Contract, Global Pandemic Prevention Center](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 26, 2021. A joint PHED/Health and Human Services (HHS) Committee worksession is tentatively scheduled for January 28, 2021.

(8) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY21 Operating Budget, Montgomery County Economic Development Corporation \(MCEDC\) NDA - \\$4,938,298 for Restaurant Relief Grant Program; and amendment to FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Economic Development Corporation](#)

The public hearing was conducted and the record closed.

Supported, without objection, Mr. Friedson's amendment increasing the financial award from \$10,000 to up to \$15,000 and including a provision for previous awardees.

Adopted **Resolution 19-717**, approving the subject special appropriation and amendment to FY21 Operating Budget Resolution 19-472, as amended. Mr. Friedson made the motion, which carried unanimously.

- (8.5) **PUBLIC HEARING/ACTION** - [Special appropriation to the FY21 Operating Budget, Office of the County Executive, Support for COVID-19 Response - \\$6,232,666 for Hotel Relief Grant Program](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-718**, approving the subject special appropriation. Mr. Friedson made the motion, which carried unanimously.

(9) **DISTRICT COUNCIL SESSION**

- A. **Introduction** - [Subdivision Regulation Amendment \(SRA\) 21-01, Exemptions - Alcohol Production and Agritourism](#)

Introduced SRA 21-01, Exemptions - Alcohol Production and Agritourism. A public hearing is scheduled for March 2, 2021, at 1:30 P.M.

- B. **Announcement** - [Public Hearing on the Ashton Village Sector Plan is scheduled for March 2, 2021, at 1:30 pm](#)

Announced that a public hearing on the Ashton Village Sector Plan is scheduled for March 2, 2021, at 1:30 P.M.

- C. **Worksession [Action]** - [Zoning Text Amendment \(ZTA\) 20-01, Solar Collection System - AR Zone Standards](#)

Participating in the discussion were Mr. McGovern and Mr. Kronenberg, M-NCPPC; Ms. Elder, Stakeholder Co-Chair; Ms. Lynn Robeson Hannan, Director/Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH); Mr. Anderson, Chair, Montgomery County Planning Board; and Mr. Zyontz, Senior Legislative Analyst.

Mr. Riemer, Chair of the PHED Committee, announced that a worksession would be held today on ZTA 20-01 and that action would be postponed to allow more time for questions and discussion. He noted that the joint PHED/Transportation and Environment (T&E) Committee made a number of amendments recommended by the Stakeholder Workgroup.

Mr. Zyontz reviewed the Committee recommendations, as contained in the staff report.

Supported, by a vote of 5 to 4, Mr. Friedson's amendment for prohibition of the use on Soil Classification II soils (in addition to Soil Classification I soils

as recommended by the joint Committee). Several Councilmembers commented that the amendment was too restrictive.

Supported: Friedson, Katz, Albornoz, Rice, Navarro

Opposed: Glass, Riemer, Jawando, Hucker.

Discussed the Conditional Use process. Mr. Rice made a motion for a Conditional Use approval requirement for solar facilities larger than 200% of on-site use.

Mr. Riemer made a motion offering a friendly amendment that the Hearing Examiner may not consider the visual impact of a solar collection system in determining whether the use is harmonious with the surrounding community or whether the use will alter the character of the surrounding community. After discussion, Mr. Riemer withdrew his motion.

Mr. Friedson made a motion offering a friendly amendment, which was accepted by Mr. Rice who was the maker of the original motion, to add language “smaller than 2 megawatts.”

Supported, by a vote of 6 to 3, Mr. Rice’s amendment, as amended by Mr. Friedson, to make solar larger than 200% of onsite use but smaller than 2 megawatts a conditional use and not a site plan approval use with all of the standards and reviews that are currently listed in the site plan elements.

Supported: Friedson, Katz, Jawando Albornoz, Rice, Navarro

Opposed: Riemer, Glass, Hucker.

Mr. Jawando noted that he was not planning to offer a staging amendment as it was no longer necessary but that he wanted to offer an amendment for an impact report.

Supported, unanimously, Mr. Jawando’s amendment as contained below:

The Planning Department must prepare an impact report no later than December 31, 2023, with input from the Office of Agriculture as well as community stakeholders. The report must cover topics such as:

- assessment of different agricultural practices on land beneath panels;
- impact from installations on forests, streams, wetlands;
- impact on the ability of diverse communities to access farming or remain in farming;
- how the availability of solar has measurably impacted agriculture generally, including any measurable impacts on operations of lease or tenant farmers, including land prices;
- any measurable impact on “local food” production;
- any measurable impacts of solar provision on carbon emissions in Montgomery County and the electricity grid generally.

The impact report must recommend to the County Council whether the solar ZTA program should be continued, expanded, or discontinued based directly on any measurable and substantive impacts discovered in the report.

Noted that Mr. Zyontz will draft revised language for ZTA 20-01, based on the intent expressed today, and the Council will schedule final action next month.

(9.1) **INTERVIEW - County Executive's appointee for Chief Labor Relations Officer: Jennifer Harling**

Interviewed Ms. Jennifer Harling, the County Executive's appointee for Chief Labor Relations Officer.

Motion to Close

Agreed to meet in closed session to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and to discuss, before a contract is awarded, a matter related to a negotiating strategy pursuant to Maryland Code, General Provisions Article §3-305(b)(14). The topic was proposed global pandemic prevention center.

Mr. Riemer made the motion which carried without objection.

The Council adjourned the open session at 4:29 P.M. and reconvened in closed session at 4:38 P.M. via video conference call.

Report of Closed Session of January 26, 2021

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, January 26, 2021. The Council convened in closed session at 4:38 P.M. via video conference call to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and to discuss, before a contract is awarded, a matter related to a negotiating strategy pursuant to Maryland Code, General Provisions Article §3-305(b)(14).

The meeting was closed on a motion by Mr. Riemer, which carried without objection. The following persons were present: Councilmembers Hucker, Alborno, Friedson, Glass, Katz, Jawando, Navarro, Rice, and Riemer; Chiefs of Staff Mandel-Trupp, Carranza, Gibson, Ikheloa, Kunes, Ledner, Nurmi, Silverman and Thorne; Ms. Cerzosimo, Aide to Councilmember Navarro; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director;

Mr. Drummer, Senior Legislative Attorney; Ms. Wellons, Legislative Attorney; Ms. McMillan, Senior Legislative Analyst; Mr. Elrich, County Executive; Mr. Madaleno, Chief Administrative Officer; Mr. Tibbitts, Special Assistant to the County Executive; Ms. Salem, Office of Management and Budget; Mr. Coveyou, Director, and Ms. Hawkins, Department of Finance; Mr. Ashbarry and Mr. Markovs, County Attorney's Office; and Ms. Singleton, Council Clerk.

Action: None.

The meeting adjourned at 5:56 P.M

This is an accurate account of the meeting:



Selena Mendy Singleton, Esq.
Clerk of the Council