



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 23, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:01 A.M. on Tuesday, February 23, 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.

Mr. Hucker noted the passing of former State Delegate Hank Heller.

The Council held a moment of silence for the 500,000 lives lost nationally and 1,350 in Montgomery County due to COVID-19.

PRESENTATIONS

- A. Proclamation was presented by Mr. Rice recognizing the Montgomery County Board of Elections and its Workers.
- B. Proclamation was presented by Mr. Katz and County Executive Marc Elrich recognizing Teen Dating Violence Prevention Month.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, noting a correction to the title for introduction of Resolution to approve amendments to Bethesda Urban Partnership (BUP); correcting the title for the public hearing on a Special Appropriation to the County Government's FY21 Operating Budget, Office of the County Executive -

\$1,500,000 for Support for COVID-19 Response - Small Business Rental Assistance; correcting the title for introduction of **Bill 9-21**, Streets and Roads - Sidewalk Snow Removal - Amendments, and adding Councilmembers Riemer, Katz, Hucker, and Navarro as co-sponsors.

(1) [The Council is seeking applicants for a partial term on the Public Election Fund Committee. The deadline to apply is March 10, 2021, at 5:00 P.M.](#)

(2) B. **Acknowledgement – Receipt of Petitions**

No petitions were received this week.

(3) **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 acknowledged the over 500,000 lives lost and the tremendous impact on families, and the economic impact of steps taken to reduce transmission of the virus. He noted improvements in transmission rates but cautioned there was a long way to go and that variant strains of the virus are cause for concern. The return of children to schools is a priority goal and the Department is working to ensure educators receive at least one dose of the vaccine before schools reopen and to increase points of access. He thanked staff involved in the vaccine clinic process, and noted appointments cancelled due to weather were rescheduled. Dr. Gayles said 60 percent of residents over age 75 have been vaccinated and the age group is still being prioritized. He reported that African American and Latino residents continue to be vaccinated at a lesser rate than the White population in the County.

Dr. Stoddard reported that both Pfizer and Moderna are increasing the number of doses provided to the federal government in the coming weeks, and the Johnson and Johnson vaccine is getting emergency use authorization. He provided an update on vaccination of public and non-public school staff, noting that about 6,000 of 9,000 workers would be vaccinated by the March 15 reopening timeline. Vaccination of childcare providers continues to be a priority.

Responding to questions from Councilmembers, Dr. Gayles said employees of the Montgomery County Detention Center have been vaccinated and

they are waiting for State guidance on the vaccination of inmates. Montgomery County Public Schools (MCPS) and private schools were asked to prioritize staff returning to classrooms, and the County would continue to prioritize groups and move forward while promoting an equity framework and would continue to advocate to receive more doses. All doses would be administered this week after the weather-related delays. No feedback has been received yet from the State regarding a mass vaccination site in the County but there are three pre-planned sites elsewhere in the State. The Department is in constant communication with Latino and African American Health Initiative staff and hopes to do a pop-up clinic to determine response. Dr. Gayles indicated he is open to discussing capturing information in surveillance reports concerning the impact of COVID on the LGBTQ community, especially Black and Brown members. Dr. Gayles said the Governor is likely to announce a new registration system, and that translation issues would be addressed.

Dr. Stoddard said notification alerts would be sent to residents over age 65 but cautioned that it would take many weeks to vaccinate the estimated 90,000 people in that group. He said someone who is vaccinated could be a carrier of the virus, but may be less likely to transmit it, and that studies are ongoing.

Councilmembers expressed the view that the County should definitely have a mass vaccination site, given the large population and highly impacted communities.

Mr. Jawando requested information on the numbers of cases that may be attributable to the reopening of restaurants on Valentine's Day.

(4) **DISTRICT COUNCIL**

A. **Briefing - [Shady Grove Sector Plan Minor Master Plan Amendment](#)**

Participating in the discussion were Mr. Anderson, Chair, Montgomery County Planning Board; Mr. Yearwood and Mr. Reed, Planner Coordinators, Mid-County, Planning Department.

Received opening remarks from Mr. Anderson regarding the Plan and an overview of the areas included in the Shady Grove Sector Plan Minor Master Plan Amendment.

Councilmembers commented on the need to resolve the relocation of the MCPS bus depot as quickly as possible, to keep the adjacent municipalities directly involved with open communication as they have zoning authority, the need for place-making and transit-oriented development, and to include heavily impacted communities in

development opportunities. Noted that if solar development is not included in the master plan, it does not mean it is precluded from future discussion; and that the development of monorail is one of six final options included in the I-270 Transit Plan (“Corridor Forward”).

The Council recessed at 11:48 A.M. and reconvened at 11:54 A.M.

(5) **ACTION** - [Appointment to the Board of Appeals](#)

Adopted **Resolution 19-738**, appointing Caryn Hines to fill a partial term on the Board of Appeals.

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

(6) **ACTION** - [Appointment to the Charter Review Commission](#)

Adopted **Resolution 19-739**, appointing Ruth Kirinda to fill a partial term on the Charter Review Commission.

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

(7) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** adoption of the [Comprehensive Solid Waste Management Plan 2020-2029](#). A public hearing is scheduled for March 16, 2021, at 1:30 P.M.
- B. **Introduced** [FY20 National Pollution Discharge Elimination System \(NPDES\) Municipal Separate Storm Sewer System \(MS4\) Permit Financial Assurance Plan](#). A public hearing is scheduled for March 9, 2021, at 1:30 P.M.
- C. **Introduced** [resolution to approve amendments to Bethesda Urban Partnership \(BUP\) Bylaws](#). A public hearing/action is scheduled for March 2, 2021, at 1:30 P.M.
- D. **Introduced** [Declaration of No Further Need - Disposition of Halpine View Real Property](#). A public hearing is scheduled for March 16, 2021, at 1:30 P.M.

- E. **Introduced** Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), MCPS - \$3,182,226 to MCPS Local Unliquidated Surplus Account. A public hearing is scheduled for March 16, 2021, at 1:30 P.M.
- F. **Introduced** Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendments to the FY21-16 CIP, MCPS - \$3,182,226 to Gaithersburg Cluster Elementary School #8. A public hearing is scheduled for March 16, 2021, at 1:30 P.M.
- G. **Received and Released** the Office of Legislative Oversight (OLO) Report 2021-3, Workforce Development Systems and Performance Measures.
- H. Adopted **Resolution 19-740**, resolution to extend time until December 31, 2021, for Council action on **Bill 37-19**, Economic Development Fund - Use of Fund and Remedies for Noncompliance, the "Oversight and Small Business Investment Act."
- I. **Approved** Appointment of Special Counsel, Littler Mendelson PC to (1) represent Montgomery County and the members of the County's Self-Insurance Fund (and their employees) on an as-needed basis in employment litigation; and (2) conduct investigations and provide legal advice in connection with implementation of Section 5, Equal Employment Opportunity, of the Montgomery County Personnel Regulations.
- J. Adopted **Resolution 19-741**, appointment of Labor Relations Administrator, David Clark, to preside over *In the Matter of Karen and Horace Mason AND Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994, AFL-CIO*, and proceedings necessarily emanating therefrom.
- K. Adopted **Resolution 19-742**, special appropriation to MCPS' FY21 Operating Budget - \$750,000 for Restorative Justice Training for School Staff.
- L. Adopted **Resolution 19-743**, confirming the County Executive's appointment to the Human Trafficking Prevention Committee: Cara Grant.
- M. Adopted **Resolution 19-744**, resolution reaffirming Montgomery County's commitment to combat hate and extremism.

The meeting recessed at 11:56 A.M. and reconvened at 1:31 P.M.

(4A) **PUBLIC HEARING - [Shady Grove Sector Plan Minor Master Plan Amendment](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 26, 2021. The Planning, Housing and Economic Development (PHED) Committee worksessions are tentatively scheduled for March 1 and 15, 2021.

(8) **PUBLIC HEARING - [Bill 3-21, Special Taxing Area Laws - Silver Spring Business Improvement District - Established](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 19, 2021. A joint Government and Operations (GO) and PHED Committee worksession is tentatively scheduled for March 25, 2021.

(9) **PUBLIC HEARING - [Bill 6-21, Finance - Revenue Estimating Group - Established](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 2, 2021. A GO Committee worksession is tentatively scheduled for March 8, 2021.

(10) **PUBLIC HEARING - [Special Appropriation to the County Government's FY21 Operating Budget, Office of the County Executive - \\$1,500,000 for Support for COVID-19 Response - Small Business Rental Assistance](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 2, 2021. A PHED Committee worksession will be scheduled at a future date.

(11) **PUBLIC HEARING/ACTION - [Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Transportation \(DOT\) - \\$30,167,124 for Maryland Department of Transportation \(MDOT\) Transportation Assistance Grants](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-745**, approving the subject special appropriation.

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

- (12) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's Capital Budget and Amendment to the FY21-26 CIP, Department of General Services (DGS) - \$92,000 for Council Office Building Renovations

The public hearing was postponed to March 2, 2021 at 1:30 P.M.

- (13) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services \(DHHS\) - \\$31,405,652 for rental and utility assistance](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-746**, approving the subject special appropriation as submitted by the County Executive.

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

- (14) **WORKSESSION** - [Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Six Category Change Requests](#)

Mr. Soukup, Department of Environmental Protection (DEP), participated in the discussion. Straw votes were taken today on the proposed amendments with final action scheduled for March 2, 2021.

Considered application WSSCR 20-TRV-03A (Arora), and noted that the abutting mains policy, which allows qualifying properties which are outside the sewer envelope to get a single connection to public sewer, does not address an extension of the main. Noted that DEP is expected to transmit an update to the Water and Sewer Plan later this year, which includes the abutting mains policy. Supported deferring the applicant's request for a sewer extension.

Regarding application WSSCR 20-TRV-05A (Kapoor), supported deferring the request pending consideration of the abutting mains policy.

Considered application WSSCR 20-TRV-09A (Ainane), noted that it has not been determined if the existing outlot is buildable, and that transfer of an abutting main approval from Lot 2 to the outlot is not explicit in the Abutting Mains policy. Noted that determination of whether a lot is buildable is a separate process which can be done at any time. Mr. Albornoz made a motion to grant conditional approval to the application, which failed by a vote of 2 to 7. Mr. Riemer and Mr. Albornoz voted in support of the motion.

In a straw vote, the Council supported, unanimously, the recommendations of the Transportation and Environment (T&E) Committee for the six category change requests, as contained in the staff report.

(4) **DISTRICT COUNCIL** (*continued from morning session*)

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

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, spoke to the need to urgently address climate change by switching to clean energy sources for the provision of electricity. He later made a motion, seconded by Mr. Glass, to amend the ZTA to reduce the total acreage from 1,800 acres to 600 acres (of the approximately 100,000 acres of land zoned AR), utilize the conditional use process, and to only apply the prohibition on solar facilities to Class I soils. The motion failed by a vote of 4 to 5.

Support: Glass, Riemer, Jawando, Hucker

Opposed: Katz, Rice, Albornoz, Friedson, Navarro.

Mr. Albornoz noted that at the January 26, 2021, meeting the Council voted to support Mr. Jawando's motion requiring the Planning Department to prepare an impact report no later than December 31, 2023. Ms. Dunn noted that omission of the language was an oversight and should have been included in the draft ZTA being reviewed today and will make sure the amended language is included in the final ZTA.

Councilmembers spoke to the importance of taking incremental steps to move the County forward in the use of clean energy, and that this ZTA provides for the opportunity for solar to move forward in the Agricultural Reserve.

Mr. Glass indicated he would support the ZTA, but said this is a starting point, with much more to be done to advance the use of solar in the County.

Mr. Hucker stated that he could not support this ZTA as written, expressing the view that it undercuts the County's climate goals.

Enacted **Ordinance 19-14**, approving ZTA 20-01.

The joint PHED/T&E Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Glass, Jawando, Navarro, Rice, Friedson, Katz, Albornoz

NAYS: Riemer, Hucker.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #6**

(15) **Introduction of Bills**

A. [Expedited Bill 8-21, Administration - Department of Technology Services - Renamed](#)

Introduced draft #2 of **Expedited Bill 8-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for March 16, 2021, at 1:30 P.M.

B. [Bill 9-21, Streets and Roads - Sidewalk Snow Removal - Amendments](#)

Introduced draft #4 of **Bill 9-21**, sponsored by Councilmembers Glass, and co-sponsored by Councilmembers Riemer, Katz, Hucker, and Navarro. A public hearing is scheduled for March 16, 2021, at 1:30 P.M.

(16) **Call of Bills for Final Reading:**

A. [Expedited Bill 1-21, Growth and Infrastructure Policy - Renamed -Expedited Development Approval Excise Tax - Repealed](#)

Enacted draft #6 of **Expedited Bill 1-21**.

Mr. Riemer made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Rice, Friedson, Katz, Albornoz, Hucker.

(17) **INTRODUCTION - [Resolution to approve Supplemental Appropriation to the FY21 Operating Budget Montgomery County Government Non-Departmental Account Compensation and Employee Benefit Adjustments, \\$3,752,889](#)**

Introduced the subject supplemental appropriation, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for March 9, 2021, at 1:30 P.M.

The meeting adjourned at 3:45 P.M.

This is an accurate account of the meeting:



Selena Mendy Singleton, Esq.
Clerk of the Council