



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, June 29, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:05 A.M. on Tuesday, June 29, 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 the Council and the County Executive, which was initiated by Mr. Glass commemorating Pride Month.
- B. Proclamation was presented by Council President Hucker and Vice President Albornoz remembering John McNamara.
- C. Proclamation was presented by Council President Hucker, Mr. Rice, Ms. Navarro, and the County Executive honoring retiring Regional Services Center Directors Catherine Matthews, Reemberto Rodriguez, and Luisa Montero.
- D. Proclamation was presented by Council President Hucker recognizing Suzie Ludlow.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
- (1) B. **Acknowledgement** – [Receipt of Petitions](#)

No petitions were received this week.

C. **Action – Approval of Minutes**

Approved the minutes of April 7, 8, 13, and 20, 2021, 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. Bridgers, Deputy County Health Officer, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Received an update from Dr. Gayles on current COVID-related statistics, noting that the transmission level remains low and that 97% of new cases are in the unvaccinated. Approximately 80% of the eligible population (those over age 12) have been vaccinated, leaving about 200,000 residents unvaccinated. Dr. Gayles noted that gaps by race and ethnicity are lessening. The mass vaccination site at Montgomery College will close this Friday and efforts will be targeted to those zip codes with the lowest rates of vaccination.

Dr. Bridgers stated that four of the six hospitals in the County have had no COVID patients in the past five days. DHHS is working to address hesitancy issues to encourage everyone to get the vaccine, and they are working with Prince George's County partners to provide mobile clinics in highly-impacted communities, including the Langley Park area.

Dr. Stoddard indicated that the Pfizer vaccine trial for children ages 5 to 12 is proceeding and results are anticipated in September. A study suggests that immunity from the vaccine lasts longer than anticipated and that a booster is not necessary unless the virus mutates. He pointed out that 97% of new cases, 89% of hospitalizations, and 89% of deaths are among the unvaccinated. Dr. Gayles added that there is no information at this time that suggests a booster vaccine is needed.

Mr. Albornoz said he did a ride-along last night with the Wheaton Fire and Rescue Station and was surprised that six hospitals were "code yellow" due to capacity issues, and at the large number of calls related to mental health issues. Dr. Gayles commented on the lack of meaningful outpatient services for those with mental health issues, and that mental health will continue to be a significant issue post-COVID. Dr. Stoddard added that the County's hospital bed capacity is well below what it should be given the population, particularly for mental health-related beds. Mr. Katz

suggested a joint Health and Human Services (HHS) and Public Safety (PS) Committee meeting be scheduled to discuss hospital capacity issues.

Mr. Riemer commented that he supports a supplemental appropriation to provide incentives to encourage residents to get the vaccine.

Mr. Jawando requested disaggregated data for residents aged 12 to 15 and 15 to 18. He suggested messaging be increased to encourage residents to get the vaccine.

(3) **INTERVIEWS** - [County Executive's appointees as Assistant Chief, Montgomery County Police Department \(MCPD\): Carmen Facciolo, Darren Francke, Marc Yamada](#)

Interviewed Carmen Facciolo, Darren Francke, and Marc Yamada, the County Executive's appointees as Assistant Chief, MCPD.

DISTRICT COUNCIL SESSION

(4) **WORKSESSION** - [Zoning Text Amendment \(ZTA\) 19-07, Telecommunications Towers - Limited Use](#)

This was postponed to the afternoon.

(5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Rice made the motion, which carried without objection.

- A. **Introduced** a resolution to consolidate previously authorized notes for sale and issuance as a single issue.
- B. **Introduced** authorization to file grant application to Metropolitan Washington Council of Governments for the American Rescue Plan Act of 2021 (ARPA) 5310 funds, COVID-19 Vaccination Transportation Program.
- C. **Acknowledged Receipt** - The Council acknowledged receipt of the following Inspector General reports: 1) Allegations of Wrongdoing by the Executive Director and a Commissioner of the Housing Opportunities Commission, OIG Publication #21-013; 2) Compliance Review of Bridge Contracting, Office of Procurement, OIG Publication #21-014.

- D. Adopted **Resolution 19-919**, approving a supplemental appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service (MCFRS), Montgomery County Volunteer Fire and Rescue Association (MCFVRA), \$1,746,190.
- E. Adopted **Resolution 19-920-**, Housing and Metrorail Stations Act - WMATA PILOT - Executive Regulation 6-21.
- F. Adopted **Resolution 19-921**, confirming the County Executive's appointments to the Board of Trustees for the Montgomery County Employee Retirement Plans, and the Board of Trustees for the Consolidated Retiree Health Benefits Trust (BIT): Christine Kelleher, Deborah Snead.
- G. Adopted **Resolution 19-922**, confirming the County Executive's appointments to the Montgomery County Economic Development Corporation Board: Robert G. Brewer, Jr., Carmen Larson, Ola Sage, Tien Wong.
- H. Adopted **Resolution 19-923**, confirming the County Executive appointment to the Early Childhood Coordinating Council: Cassandra Malik.
- I. Adopted **Resolution 19-924**, confirming the County Executive's appointments to the Racial Equity and Social Justice Advisory Committee: Partap Verma, James Stowe, Pat Grant, Shane Lloyd.
- J. Adopted **Resolution 19-925**, confirming the County Executive's appointments to the Silver Spring Urban District Advisory Committee: Maggie Gessner, Jane Redicker.
- K. **Introduced** Declaration of No Further Need - Disposition of 5830 and 5834 Riggs Road, Gaithersburg. A public hearing and action are scheduled for July 13, 2021, at 1:30 P.M.

The Council recessed at 12:56 P.M. and reconvened at 1:20 P.M.

PRESENTATION - Proclamation was presented by Council Vice President Albornoz commemorating Cancer Survivorship Month.

The Council recessed at 1:29 P.M. and reconvened at 1:34 P.M.

(6) **PUBLIC HEARING - Expedited Bill 22-21 - Eating and Drinking Establishments - Itinerant Food Service Facilities - Amendments**

The public hearing was conducted and the record closed. Mr. Jawando was temporarily absent. Action is scheduled for later in the meeting.

- (7) **PUBLIC HEARING - Expedited Bill 23-21, Special Capital Improvements Project - Full Upgrade of Existing Recycling Center Complex**

The public hearing was conducted and the record closed. Mr. Jawando was temporarily absent. Action is scheduled for later in the meeting.

- (8) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY21 Operating Budget - \$91,950,000 for American Rescue Plan Act Non-Departmental Account (NDA)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-926**, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (9) **PUBLIC HEARING/ACTION - Special Appropriation to Montgomery County Public Schools' (MCPS) FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Project (CIP) - \$1,815,267 for the Technology Modernization Project**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-927**, approving the subject special appropriation and amendment to the FY21-26 CIP.

Mr. Rice made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (10) **PUBLIC HEARING/ACTION - Resolution to Grant a Franchise to New Cingular Wireless PCS, LLC to Use Public Right-of-Way**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-928**, granting a franchise to New Cingular Wireless PCS, LLC to use the public right-of way.

Mr. Rice made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (11) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Finance, Economic Development Fund - \$500,000 for the Fox Television Stations, LLC

The public hearing was conducted and the record closed.

Adopted **Resolution 19-929**, approving the subject supplemental appropriation.

Mr. Riemer made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (12) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP - \$81,622 for Facility Planning: Storm Drains (River Falls Neighborhood Storm Drain Assessment)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-930**, approving the subject supplemental appropriation and amendment to the FY21-26 CIP.

Mr. Friedson made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (13) **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY21 Operating Budget - \$1,473,388 for COVID-19 Human Services and Community Assistance NDA; Por Nuestra Salud y Bienestar (For Our Health and Wellbeing)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-931**, approving the subject special appropriation.

Mr. Riemer made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (14) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA - \\$1,783,000 for COVID-19 Response: Montgomery County Food Security Fund](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-932**, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection. Mr. Jawando was temporarily absent.

Mr. Jawando stated later in the meeting, that had he been present he would have voted in the affirmative.

- (15) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Transportation - \\$554,821 \(Source of Funds: Federal: Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant\) and \\$138,705 \(Source of Funds: Transportation Services Improvement Fund\)](#)

The public hearing was conducted and the record closed.

Deferred action until later in the meeting.

- (16) **BRIEFING** - [Vision Zero](#)

Participating in the briefing were Mr. Baker and Mr. Moges, State Highway Administration (SHA); Mr. Holland, Vision Zero Coordinator; Mr. Anderson, Chair, Montgomery County Planning Board; Ms. McGowan, Planning Department, Maryland-National Capital Park and Planning Commission (M-NCPPC); Ms. Daphnis, Chair of the Pedestrian, Bicycle, and Traffic Safety Advisory Committee; Ms. Henn, Deputy Director, and Mr. Paylor, Chief, Division of Traffic Engineering and Operations, Department of Transportation (DOT); Lt. Ruane, Traffic Division, Montgomery County Police Department (MCPD); and Dr. Orlin, Senior Analyst.

Received a comprehensive update on Vision Zero, the first since January 28, 2020, as requested by Mr. Glass, to eliminate traffic-related fatalities and serious injuries on County roads. Vision Zero activities include targeted enforcement of aggressive and distracted driving, educational campaigns to increase driver awareness of pedestrians and bicyclists, and work on roadway design to enhance safety.

SHA staff presented a briefing on their Vision Zero initiative, stemming from the federal Strategic Highway Safety Plan, including the framework and context driven components of the Pedestrian Safety Action Plan and guide for benchmarking and data, goals and case studies of tracking and lessons learned, and education and outreach.

Received a briefing from Mr. Holland on the County Vision Zero's Plan, including recent project and campaign highlights; grants for safety projects; updates on installed signals and beacons; corridor safety projects for bikeways under construction or starting by the fall, high-injury network corridor projects, and speed management; Safe Routes to School program; and safety for people with disabilities along with an update on concerns raised by the Commission on People with Disabilities about bus stop access when crossing a bike lane. Mr. Holland also provided a review of the Draft Vision Zero 2030 Action Plan, now in Phase III for community review, and the FY22-23 Work Program. Discussed community priorities, refresh points in the Plan tied to the budget schedule, pillars and action areas of the Plan, traffic safety enforcement, and crash statistics for 2020 and 2021 year-to-date. The draft Plan is expected to be finalized in July 2021.

Received a briefing from Mr. Anderson and Ms. McGowan on efforts by the Planning and Parks Departments for a holistic approach to the Vision Zero 2030 Action Plan. Mr. Anderson reviewed the June 8 memo to the County Executive noting that the Planning Board made the following recommendations: elevate "S-11: Improved Lighting" to a priority action item; include measures that tie in the goals and objectives of recent and ongoing planning efforts, incorporate equity into the plan's metrics, and calculate and publish the Plan's metrics as part of each two-year work plan. Also reviewed the Vision Zero Community Toolkit for proven strategies to encourage safer roadway design, Interactive Web Map for tools to understand crash trends, and Predictive Safety Analysis for a proactive approach to identifying safety challenges and solutions.

Ms. Daphnis raised several points as a guide for best implementing Vision Zero: cost and budgeting infrastructure; the approach to prioritizing projects and improvements; continued process streamlining and improvements, and citizen engagement and communication; and enhanced collaboration to help spur innovation and progress.

Councilmembers followed the presentations by highlighting areas of importance in which to quickly move forward with to eliminate collisions and fatalities, such

as installing more HAWK signals, the need for MCPS to strengthen its partnership with the County to make sure students get to school safely, and the need to schedule an official presentation of a heat map showing safe as well as unsafe routes to schools.

Mr. Friedson requested that DOT share with Councilmembers the comments that DOT submitted regarding needed safety changes resulting from the 2019 accident involving a Walter Johnson High School student who was crossing the street to board his school bus.

Ms. Navarro alerted SHA staff that she is still waiting for a response to her May 7, 2021, letter to Secretary Slater regarding what can be done to prevent another fatality at Georgia Avenue and Rippling Brook Drive. She also requested to be notified of activities in her district, such as the Shared Street Pilot at University Boulevard and Arcola Drive, so her office will be ready to respond to constituent inquiries.

Other issues that were raised were greater deployment of automated enforcement as a way of reducing traffic violations; the ability to temporarily bus students or add a crossing guard in areas that are currently unsafe due to a lack of sidewalks or a safe route to school; reducing speed limits; importance of the creation of a Centralized Traffic Unit; improving the availability for the public to find out the status of a sidewalk request; improving walkability in the walkshed; translation of the Plan in additional languages; and besides through MC311, how best to collect recommendations made by constituents, even if anecdotal.

DISTRICT COUNCIL SESSION

(4) **WORKSESSION - [Zoning Text Amendment \(ZTA\) 19-07, Telecommunications Towers - Limited Use](#)**

Mr. Hucker announced that there would be a worksession on ZTA 19-07 today and on July 13, and that no straw votes would be taken today.

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, stated that today's worksession would allow Councilmembers to express their views and to set expectations for how best to proceed. Mr. Riemer also stated that claims about adverse health effects from radio frequency waves from 5G have been proven to be false and that this issue has been studied extensively by the scientific community. He also noted that it is important for Montgomery County to embrace technology and to have 5G wireless networks in order to catch up with and to be competitive with surrounding jurisdictions, which have far less restrictions on 5G than what is being proposed in Montgomery County.

Councilmembers noted that the 5G issue had been debated by the previous Council and spoke in support of the need for 5G to address digital inequities as well as the ability to keep up with new technological advances. Mr. Katz stated that he is still concerned about the placement of the poles in residential areas.

Ms. Ndou provided a summary and reviewed the intent of ZTA 19-07, and reviewed the PHED Committee recommendations, as contained in the staff report.

Councilmembers noted that they had not had a chance to review the memo that the County Executive sent over today citing concerns regarding ZTA 19-07. The County Executive's memo as well as amendments proposed by Councilmembers will be taken up during the next worksession.

Mr. Jawando requested that staff report on the status of pending legal cases.

- (15) **ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, DOT - \\$554,821 \(Source of Funds: Federal: Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant\) and \\$138,705 \(Source of Funds: Transportation Services Improvement Fund\)](#)

Dr. Orlin clarified that funding is available to provide for a 20% match from the Mass Transit Fund to allow being able to proceed with the subject supplemental appropriation of \$138,705 without using the Transportation Services Improvement Fund.

Supported, without objection, Mr. Friedson's motion to change the source of funding from the Transportation Services Improvement Fund to the Mass Transit Fund to fund the \$138,705 County match.

Noted that a full review with DOT of the Transportation Services Improvement Fund needs to be scheduled to address issues raised during the public hearing by the Commission on People with Disabilities.

Unanimously adopted **Resolution 19-933**, as amended, approving the subject supplemental appropriation.

- (17) **ACTION** - [Confirmation of County Executive's appointees as Assistant Chief, Montgomery County Police Department \(MCPD\): Carmen Facciolo, Darren Francke, Marc Yamada](#)

Adopted **Resolution 19-934**, confirming the County Executive's appointment of Carmen Facciolo; adopted **Resolution 19-935**, confirming the County Executive's appointment of Darren Francke; and adopted **Resolution 19-936**, confirming the County Executive's appointment of Marc Yamada, as Assistant Chiefs, MCPD.

Supported, unanimously, Mr. Katz's motion to adopt the resolutions en bloc.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #16**

(18) Introduction of Bills:

A. [Expedited Bill 24-21, Bond Authorization - Stormwater management](#)

Introduced draft #1 of **Expedited Bill 24-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 13, 2021, at 1:30 P.M.

B. [Expedited Bill 25-21, Bond Authorization](#)

Introduced draft #1 of **Expedited Bill 25-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 13, 2021, at 1:30 P.M.

C. [Bill 26-21, Taxation - Payments in Lieu of Taxes - Affordable Housing Amendments](#)

Introduced draft #2 of **Bill 26-21**, sponsored by Mr. Riemer and Mr. Friedson. A public hearing is scheduled for July 20, 2021, at 1:30 P.M.

D. [Expedited Bill 27-21, Wheaton Regional Headquarters - Lease - Approval](#)

Introduced draft #1 of **Expedited Bill 27-21**, sponsored by the Council President at the request of the Maryland-National Capital Park and Planning Commission. A public hearing is scheduled for July 13, 2021, at 1:30 P.M.

(19) Call of Bills for Final Reading:

A. [Expedited Bill 12-21, Personnel - Employees' Retirement System - Retirement Savings Plan-Group Trust - Amendments](#)

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee recommendation, as contained in the staff report.

Enacted draft #3 of **Expedited Bill 12-21**, as introduced.

The GO Committee made the motion and the expedited bill was enacted by a roll call vote:

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

B. [**Expedited Bill 13-21 - Streets and Roads - Permit to Obstruct Public Rights-of-Way and Franchising - Amendments**](#)

Ms. McCartney-Green, Legislative Attorney, reviewed the purpose of the subject legislation, as contained in the staff report.

Enacted draft #2 of **Expedited Bill 13-21**, as introduced.

The Transportation and Environment (T&E) Committee made the motion and the expedited bill was enacted by a roll call vote:

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

C. [**Expedited Bill 22-21 - Eating and Drinking Establishments - Itinerant Food Service Facilities - Amendments**](#)

Mr. Katz, the lead sponsor of the subject legislation, reviewed the proposed amendment, as contained in the staff report, to change the term “itinerant” to “temporary” to read “temporary food service facility.”

Enacted draft #2 of **Expedited Bill 22-21**, as amended and shown at the end of these minutes.

Mr. Katz made the motion to enact the expedited bill as amended and the expedited bill was enacted by a roll call vote:

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

D. [**Expedited Bill 23-21, Special Capital Improvements Project - Full Upgrade of Existing Recycling Center Complex**](#)

Mr. Levchenko, Senior Legislative Analyst, reviewed the background and the staff recommendation on the subject legislation, as contained in the staff report.

Enacted draft #2 of **Expedited Bill 23-21**, as shown at the end of these minutes.

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

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

E. [Expedited Bill 50-20, Landlord-Tenant Relations - Fire Safety - Removal of Mercury Service Regulators](#)

Mr. Huckler, Lead Sponsor of the subject legislation, cited the importance of the subject legislation and noted that it is almost the 5th anniversary of the explosion at the Flower Branch Apartments in Silver Spring.

Mr. Riemer, Chair of the PHED Committee, reviewed the background on the subject legislation and Ms. Wellons, Legislative Attorney, gave an overview of the Committee recommendations and amendments, as contained in the staff report.

Enacted draft #6 of **Expedited Bill 50-20**, as shown at the end of these minutes.

The PHED Committee made the motion and the expedited bill was enacted by a roll call vote:

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

The Council recessed at 5:00 P.M. and reconvened at 7:03 P.M.

(20) **PUBLIC HEARING - [Thrive Montgomery 2050 Planning Board Draft](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on July 9, 2021.

The meeting adjourned at 9:05 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council

Expedited Bill No. 22-21
 Concerning: Eating and Drinking
Establishments - Itinerant Food Service
Facilities - Amendments
 Revised: 6/24/2021 Draft No. 2
 Introduced: June 15, 2021
 Enacted: June 29, 2021
 Executive: _____
 Effective: _____
 Sunset Date: _____
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Katz

AN EXPEDITED ACT to:

- (1) allow an itinerant food service facility to operate for a temporary period not to exceed 30 days; and
- (2) generally amend the definition of an itinerant food service facility.

By amending

Montgomery County Code
 Chapter 15, Eating and Drinking Establishments
 Section 15-1
Section 15-8
Section 15-10
 Chapter 47, Vendors
Section 47-1

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 15-1 is amended as follows:

15-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:

* * *

(i) [[Itinerant]] Temporary food service facility:

(1) A food service facility operating for a temporary period at a fixed location, not exceeding [14] 30 days, at a fair, carnival, public exhibition, construction project, recreational facility or similar gathering; or

(2) Any other food service facility which travels from place to place.

Each [[itinerant]] temporary food service facility belongs to one of 4 classes:

Class I: A food service facility operating from a fixed location or a mobile unit which handles, serves, or sells only sealed and prewrapped or prepackaged food or drink in the original sealed container or wrapping, and which does not prepare, wrap, or package any food or drink on the premises or within the mobile unit.

Class II: A food service facility operating from a fixed location, which handles, serves, or sells any food or drink, other than in sealed containers or wrappings, or which prepares, packages, or wraps any food or drink on the premises.

Class III: A food service facility operating from a mobile unit which handles or sells any food or drink other than in sealed containers or wrappings, or which prepares, packages, or wraps any food or drink within the mobile unit.

Class IV: A food service facility operating from a mobile unit which handles or sells sealed, prewrapped, or prepackaged food or drink in the original sealed container or wrapping, and does not prepare, wrap, or package any food or drink within the mobile unit except coffee or tea.

(j) License: A document authorizing a food service facility or [[an itinerant]] a temporary food service facility to operate in the County.

* * *

Sec. 2. Section 15-8 is amended as follows:

15-8. License required; [[exceptions]] exemptions; certified manager required.

(a) A person must not operate a food service facility or [[an itinerant]] a temporary food service facility without a valid license from the director. A separate license is required for each food service facility or itinerant food service facility.

(b) (1) After January 15, 1989, a licensee must not operate a food service facility unless at least one employee is a certified food service manager, or is taking a course that will train the employee to be a certified food service manager.

(2) After July 15, 1989, a licensee must not operate a food service facility unless the facility is under the immediate control of a certified food service manager.

(3) This requirement does not apply to:

(A) A food service facility where no unwrapped food is handled; or

(B) A seasonal food service facility in which little or no potentially hazardous food is prepared, handled or served.

(4) This requirement may be applied to [[an itinerant]] a temporary food service facility at the discretion of the director.

(5) The director may postpone or waive this requirement if in unusual circumstances its application to a particular licensee would result in undue hardship.

* * *

Sec. 3. Section 15-10 is amended as follows:

15-10. Application.

Any person desiring to operate a food service facility or [[itinerant]] temporary food service facility must apply to the director for a license to operate the facility. Each application must be in the form prescribed by the director.

* * *

Sec. 4. Section 47-1 is amended as follows:

47-1. Definitions.

In this Chapter, the following words have the meanings indicated:

* * *

Food service truck means [[an itinerant]] a temporary food service facility, licensed under Chapter 15,

57 operating from a self-propelled motorized vehicle that is parked or temporarily located where food items
58 are sold from the truck to the general public.

59 * * *

60 **Sec. [[2]] 5. Expedited Effective Date.**

61 The Council declares that this legislation is necessary for the immediate protection of the public interest.

62 This Act takes effect on the date on which it becomes law.

Expedited Bill No. 23-21
 Concerning: Full Upgrade of Existing
Recycling Center Complex
 Revised: 6/21/2021 Draft No. 2
 Introduced: June 15, 2021
 Enacted: June 29, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to authorize the planning, design, and construction of the Full Upgrade of Existing Recycling Center Complex (P802201) project in the Rockville area.

By adding to the laws of Montgomery County 2021

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1.** The laws of Montgomery County, Maryland are amended to read as follows:
2 Montgomery County, Maryland is authorized to construct the Full Upgrade of Existing Recycling Center
3 Complex Project No. 802201 in the Rockville area.

4 **Sec. 2. Expedited Effective Date.**

5 The Council declares that this legislation is necessary for the immediate protection of the public interest.
6 This Act takes effect on the date on which it becomes law.

CORRECTED COPY

Clerk's Note: Corrected a typographical error by changing "(c)" to "(d)" in line 78.

Expedited Bill No. 50-20
 Concerning: Landlord-Tenant Relations –
Fire Safety – ~~[[Removal]] Replacement~~
of Mercury Service Regulators
 Revised: 6/22/2021 Draft No. 6
 Introduced: December 8, 2020
 Enacted: June 29, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Hucker
 Co-Sponsors: Councilmember Riemer, Council Vice President Alborno, Councilmembers Navarro, Katz, Rice and
 Jawando

AN ACT to:

- (1) require landlords to provide certain notices to tenants;
- (2) require landlords to schedule the replacement of indoor mercury service regulators; and
- (3) generally amend the law regarding landlord obligations and landlord-tenant relations.

By amending

Montgomery County Code
 Chapter 29, Landlord-Tenant Relations
 Sections 29-29 and 29-30

By adding

Montgomery County Code
 Chapter 29, Landlord-Tenant Relations
 Section 29-35C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

