



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, November 30, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:36 A.M. on Tuesday, November 30, 2021.

PRESENT

Councilmember Tom Hucker, President	Councilmember Gabe Albornoz, Vice President
Councilmember Andrew Friedson	Councilmember Evan Glass
Councilmember Will Jawando	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

GENERAL BUSINESS

A. Announcements –

- (1) [The Council is seeking applicants for the Board of Appeals](#)
[The application deadline is December 3, 2021, at 5:00 P.M.](#)
- (1.5) The Council will hold a public hearing on a Special Appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), Department of General Services - \$3,600,000 for Council Office Building Renovations on December 7, 2021, at 1:30 pm.

(2) B. **Acknowledgement** – [Receipt of Petitions](#)

No petitions were received this week.

- C. **Action** – Approval of Minutes
There were no minutes for approval this week.

(3) **DISCUSSION** - [Economic Development Panels](#)

In his opening remarks, Mr. Hucker stated that in 2019, the Council adopted Resolution 19-300, which established an Economic Development Platform for the County with four desired outcomes 1) a thriving and diversified economy; 2) racial equity and social justice; 3) greater innovation; and 4) environmental sustainability. He said the County has not yet met these goals, and today the Council will hear from consumers of the County's services, business owners and business advocates; and from County representatives on efforts taken to create a robust economy.

At the invitation of the Council President, two panels participated in the discussion on economic development in the County. Panel #1 included Ms. Branson, National Association for the Advancement of Colored People (NAACP); Ms. Davis, ElevateHER; Ms. Luis, MLuis Construction; Mr. Martin, O'Connell and Lawrence; Mr. Solis, Toros Taxes; and Mr. Taylor, Minority Business Economic Council.

The panel discussed challenges faced by small businesses face to grow and operate in the County, and graded the County on its efforts providing assistance to business owners. Councilmembers commented on actions and appropriations the County has implemented in support of local businesses but acknowledged more needs to be done to provide assistance to undo systemic disparities that have existed regarding small, minority-owned businesses. Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, indicated that they are working on recommendations in support of small businesses.

Panel #2 included Ms. Godwin, Montgomery County Chamber of Commerce, Mr. Koroma, Business Liaison Officer, and Mr. Madaleno, Chief Administrative Officer, Montgomery County Government; Mr. Anderson, Chair, Montgomery County Planning Board; Mr. Wu and Mr. Tompkins, Montgomery County Economic Development Corporation; Mr. Sesker, Harpswell Strategies; Ms. Pedoeem, Department of Permitting Services; and Ms. Denno, Office of Procurement.

Noted that 82.6% of the Chamber of Commerce's membership are small business owners, and training opportunities are provided. The panel noted increasing business competition both regionally and nationally, that infrastructure improvements are needed to encourage development of real estate and to attract tenants offering high-paying jobs, transportation and public safety issues must be addressed as well other steps taken to maintain the high quality of life in the County; several panelists noted that further steps must be taken to change the perception that the County is not business friendly, and one panelist expressed the view that drastic action is needed, including a significant incentive program, to reposition the County for success.

- (3.5) **INTRODUCTION** - Revised Supplemental Appropriation to the Montgomery County FY22 Operating Budget, Merit System Protection Board Grievances, Montgomery County Fire and Rescue Service, \$602,159 (Source of Funds: Undesignated Fire Fund Reserves), Montgomery County Sheriff's Office, \$223,757, (Source of Funds: General Fund Undesignated Reserves); Montgomery County Police Department, \$626,039 (Source of Funds: Source of Funds: General Fund Undesignated Reserves)

This item was postponed to later in the afternoon.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

Councilmembers Alborno, Jawando, and Rice were temporarily absent. Later in the meeting, Mr. Rice indicated had he been present, he would have voted in the affirmative.

- A. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Office of the County Executive - \$231,000 for Purple Line Light Rail Project Business Grant Program (Source of Funds: State Aid). A public hearing/action is scheduled for December 14, 2021, at 1:30 P.M.
- B. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$34,486,514 for United States Department of Treasury Emergency Rental Assistance Program 2 (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.
- C. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - \$3,163,910 for African American Health Program COVID Response (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.
- D. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - \$4,437,390 for Por Nuestra Salud y Bienestar (For Our Health and Wellbeing) (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.
- E. **Introduced/Adopted Resolution 19-1060**, amending FY22 Operating Budget Resolution 19-872, Section G, and the FY22 Designation of Entities for Non-Competitive Contract Award Status: The Primary Care Coalition of Montgomery County, Maryland, Inc. and Non-Profit Montgomery, Inc.

- F. **Introduced** a supplemental appropriation to Montgomery County Public Schools' (MCPS) FY22 Operating Budget - \$2,721,577 for the Summer School Grant (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.
- G. **Introduced** a supplemental appropriation to MCPS' FY22 Operating Budget - \$1,205,690 for the School Reopening Grant (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.
- H. **Introduced** a supplemental appropriation to MCPS' FY22 Operating Budget - \$251,233 for the Early Childhood High-Quality Inclusion Policies and Practices Grant (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.
- I. **Introduced** a supplemental appropriation to the County Government's FY22 Operating Budget, DHHS - \$1,016,026 to Increase Somatic and Mental Health Services at Montgomery County Public Schools (Source of Funds: Maryland State Department of Education). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.
- J. **Introduced** a special appropriation to Montgomery College's FY22 Operating Budget - \$22,320,815 for the Federal, State, and Private Grants and Contract Fund (Source of Funds: Federal Funds). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.
- K. **Introduced** a special appropriation to the FY22 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), Department of Technology and Enterprise Business Solutions (TEBS) - \$7,200,000 for FiberNet (Source of Funds: Current Revenue, General Fund) A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.
- L. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Office of the County Executive - \$250,000; and Amendment to the FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Effective Law Enforcement for All, Inc. (ELE4A) (Source of Funds: General Fund Undesignated Reserves). A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.
- M. **Introduced** a resolution to approve Optional Procedure for Condemnation of Land Advance Taking CIP Project No. 508000. Action will be scheduled at a later date.

- N. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - \$6,919,000 for COVID-19 Response - Montgomery County Food Security Fund (Source of Funds: \$6,250,000 General Fund Undesignated Reserves and \$669,000 American Rescue Plan Act Funds). A public hearing/action is scheduled for December 7, 2021, at 1:30 P.M.

- O. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS), Behavioral Health and Crisis Prevention - \$350,000 for Crisis Prevention and Intervention Services - Montgomery County Hotline; and Amendment to the FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: EveryMind (Source of Funds: General Fund Reserves). A public hearing/action is scheduled for December 14, 2021, at 9:30 A.M.

- P. **Introduced** a resolution to approve the Office of Legislative Oversight's FY22 Workplan Program Supplement.
Action is scheduled for December 7, 2021.

- Q. **Approved** letter sent to County Executive on Council nominees to the Bethesda Urban Partnership Board of Directors.

- R. **Adopted Resolution 19-1061**, approving Executive Regulation 11-21, Landlord Tenant Relations - Obligations of Landlord - Window Guards.

- S. **Action** - Special Appropriation to the County Government's FY22 Operating Budget, Guaranteed Income Non-Departmental Account (NDA) - \$1,992,832 for Guaranteed Income Pilot Program (Source of Funds: General Fund Reserves).

This item was postponed.

- T. **Adopted Resolution 19-1062**, confirming the County Executive's appointments to the Bethesda Urban Partnership, Inc. Board of Directors: Susan E. Lennon, Christopher J. Smith.

- U. **Adopted Resolution 19-1063**, confirming the County Executive's appointment to the Commission on Children and Youth: Kirsten Andersen.

- V. **Adopted Resolution 19-1064**, confirming the County Executive's appointment to the County-Wide Recreation and Parks Advisory Board: Kendell Matthews.

W. Introduction - Revised Supplemental Appropriation to the Montgomery County FY22 Operating Budget, Merit System Protection Board Grievances, Montgomery County Fire and Rescue Service, \$602,159 (Source of Funds: Undesignated Fire Fund Reserves), Montgomery County Sheriff's Office, \$223,757, (Source of Funds: General Fund Undesignated Reserves); Montgomery County Police Department, \$626,039 (Source of Funds: Source of Funds: General Fund Undesignated Reserves)

This item was removed from consent calendar to be considered separately as item 3.5 later in the meeting.

The Council recessed at 12:25 P.M. and reconvened at 12:33 P.M.

PRESENTATION - Presentation Recognizing Remembrance & Reconciliation Month by Councilmember Riemer

The Council recessed at 1:06 P.M. and reconvened at 1:34 P.M.

- (5) **PUBLIC HEARING - Zoning Text Amendment (ZTA) 21-08**, Landscape Contractor Use

This item was deleted from the agenda.

- (6) **PUBLIC HEARING - [ZTA 21-09, Office and Professional - Biohealth Priority Campus](#)**

The public hearing was conducted. Mr. Jawando and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 10, 2021. A Planning, Housing and Economic Development (PHED) Committee worksession will be scheduled at a later date.

- (7) **PUBLIC HEARING - [Subdivision Regulation Amendment \(SRA\) 21-02, Administrative Subdivision - Biohealth Priority Campus](#)**

The public hearing was conducted. Mr. Jawando, Mr. Rice and Mr. Riemer were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 10, 2021. A PHED Committee worksession will be scheduled at a later date.

(8) **PUBLIC HEARING - [Bill 40-21, Individual Water Supply and Sewerage Disposal Systems - Amendments](#)**

The public hearing was conducted. Mr. Jawando, Mr. Rice and Mr. Riemer were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021. A Transportation and Environment (T&E) Committee worksession will be scheduled at a later date.

(9) **PUBLIC HEARING - [Bill 42-21, Child Care - Early Care and Education Coordinating Entity - Established](#)**

The public hearing was conducted. Mr. Jawando, Mr. Rice and Mr. Riemer were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021. A joint Education and Culture (E&C) and PHED Committee worksession will be scheduled at a later date.

(10) **PUBLIC HEARING - [Expedited Bill 43-21, Health - Advisory Board for Montgomery Cares Program - Amendments](#)**

The public hearing was conducted. Mr. Jawando and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021.

(11) **PUBLIC HEARING - [Resolution to Reduce and Simplify Certain Taxicab Fees](#)**

The public hearing was conducted. Mr. Jawando and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021. A T&E Committee worksession will be scheduled at a later date.

(12) **PUBLIC HEARING - [Special Appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 CIP, Department of General Services \(DGS\) - \\$3,600,000 for Acquisition of 260 East Jefferson Street \(Source of Funds: General Obligation Bonds\)](#)**

The public hearing was conducted. Mr. Alborno, Mr. Jawando, Ms. Navarro and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021. A Government Operations and Fiscal Policy (GO) Committee worksession will be scheduled at a later date.

- (13) **PUBLIC HEARING** - [Declaration of No Further Need - Disposition of a portion of Warner Circle Special Park](#)

The public hearing was conducted. Mr. Albornoz, Mr. Jawando, Ms. Navarro and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 7, 2021. A joint GO/PHED Committee worksession will be scheduled at a later date.

- (14) **PUBLIC HEARING/ACTION** - [Declaration of No Further Need - Disposition of the Brookeville Communications Tower at 4301 Brookeville Road](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1065**, approving the disposition of the Brookeville Communications Tower. Mr. Riemer made the motion, which carried unanimously among those present. Mr. Jawando was temporarily absent and indicated later in the meeting that he would have voted in the affirmative.

- (15) **PUBLIC HEARING/ACTION** - [Declaration of No Further Need - Disposition of 14900 Broschart Road](#)

The public hearing was conducted and the record closed.

Adopted Resolution **19-1066**, approving the disposition of 14900 Broschart Road.

Mr. Katz made the motion, which carried unanimously among those present. Mr. Jawando was temporarily absent but indicated later in the meeting that he would have voted in the affirmative.

- (16) **PUBLIC HEARING/ACTION** - [Amendment to the FY21-26 Capital Improvements Program and Special Appropriation to the FY22 Capital Budget; Montgomery County Government; Department of Health and Human Services for Emergency Homeless Shelter - \\$2,455,000 \(Source of Funds: General Obligation Bonds\)](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1067**, approving the subject amendment to the FY21-26 Capital Improvements Program and special appropriation to the FY22 Capital Budget.

Mr. Alborno made the motion, which carried unanimously among those present. Mr. Riemer was temporarily absent but indicated later in the meeting that he would have voted in the affirmative.

- (17) **PUBLIC HEARING/ACTION** - [Special Appropriation to Montgomery County Public School's \(MCPS\) FY22 Operating Budget - \\$252,242,245 for the Elementary and Secondary School Emergency Relief Fund III \(Source of Funds: Federal Relief Grant - American Rescue Plan Act of 2021\)](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1068**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (18) **PUBLIC HEARING/ACTION** - [Special Appropriation to Montgomery County Public School's FY22 Operating Budget-\\$1,205,690 for the Trauma and Behavioral Health Grant \(Source of Funds: Federal Relief Grant - American Rescue Plan Act of 2021 Supplemental Aid Grant\)](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1069**, approving the subject special appropriation.

Mr. Alborno made the motion, which carried unanimously.

- (19) **INTERVIEW** - [County Executive's appointment for Labor Relations Administrator: Sara Espinosa](#)

Interviewed Sara Espinosa in consideration for the County Executive's appointment as Labor Relations Administrator.

- (3.5) **INTRODUCTION** - [Revised Supplemental Appropriation to the Montgomery County FY22 Operating Budget, Merit System Protection Board Grievances, Montgomery County Fire and Rescue Service, \\$602,159 \(Source of Funds: Undesignated Fire Fund Reserves\), Montgomery County Sheriff's Office, \\$223,757, \(Source of Funds: General Fund Undesignated Reserves\); Montgomery County Police Department, \\$626,039 \(Source of Funds: Source of Funds: General Fund Undesignated Reserves\)](#)

Introduced the subject supplemental appropriations, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for December 7, 2021, at 1:30 P.M.

- (20) **ACTION** - [Resolution to amend FY22 Transportation Fees, Charges, and Fares based on Fare Equity Study](#)

Adopted **Resolution 19-1070**, amending the FY22 Transportation Fees, Charges, and Fares based on the Fare Equity Study.

The Transportation and Environment (T&E) Committee made the motion, and the resolution was adopted by a roll call vote:

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

ABSENT: Jawando (temporarily).

- (21) **DISTRICT COUNCIL SESSION**

- A. **Introduction** - [Rules of Procedure for Conditional Uses and Waivers for Certain Telecommunication Towers and Objections to Applications for Waivers for Certain Telecommunications Towers before the Office of Zoning and Administrative Hearings](#)

Introduced resolution to amend to the Office of Zoning and Administrative Hearing's Land Use Rules of Procedure, sponsored by the District Council at the request of the Hearing Examiner. A public hearing is scheduled for January 18, 2022, at 1:30 P.M.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #33**

- (22) **WORKSESSION** - [Redistricting, Expedited Bill 41-21, Elections Council Districts -Boundaries](#)

Participating in the discussion was Ms. Dunn, Senior Legislative Analyst.

Reviewed community boundaries and proposed changes to the boundaries based on community feedback. It was noted that small changes to the districts may be possible, but major changes are not possible at this point given the deadline to complete this project.

All Councilmembers supported making an adjustment to district boundaries for the Kemp Mill neighborhood.

Mr. Katz requested a shift to the District 2 or District 3 boundary to include the entire Willows of Potomac/Traville Gardens community within the same district, impacting approximately 500 people.

Mr. Rice suggested that the Aurora Hills/Cedar Grove neighborhood should be included in the Clarksburg area. This would move one precinct from District 7 to District 2.

Mr. Friedson expressed his disappointment in the proposed boundaries for the North Bethesda district but acknowledged that making a major change to these boundaries was not possible. Mr. Alborno also noted the current awkward alignment of the North Bethesda and Poolesville boundaries but confirmed that voters have been well represented in this district.

Mr. Friedson requested the precincts west of I-270, currently part of the Potomac community be shifted from District 4 to District 1, and the precincts just outside the Beltway and below the I-270 spur be moved back to District 1, although he recognized the difficulty of shifting that many residents from one district to another.

On behalf of Mr. Jawando, who was temporarily absent, Ms. Dunn shared Mr. Jawando's concerns regarding the Four Corners/Hillandale area and his preference to have the community within the beltway be aligned with District 4.

Ms. Dunn will provide new map proposals for review at the December 7, 2021 Council meeting.

(23) **Introduction of Bills:**

A. **Bill 46-21, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Amendments**

Introduced draft #1 of **Bill 46-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for January 11, 2022, at 1:30 P.M.

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

A. **Bill 5-21, Agricultural Land Preservation - Solar Collection System - Dedication of Business Personal Property Tax Revenue**

Ms. Navarro, Chair of the GO Committee, shared the background of the bill and summarized the GO/PHED Committee's discussion.

Mr. Friedson explained that the purpose of the bill is to collect

personal property tax proceeds from solar power collected in the agriculture reserve to help replenish the Agriculture Land Preservation fund. Tax revenue typically collected when a farm property outside of the Agriculture Preserve is transferred or sold is diminishing so this mechanism is necessary to help fund this.

Mr. Riemer expressed concern with this bill and would prefer that funding collected from this bill to be applied to agriculture preservation and innovative farming solutions, without constraint on how the funds are used.

Enacted draft #3 of **Bill 5-21**, as introduced.

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

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

NAYS: Riemer

ABSENT: Jawando (temporarily).

(25) Miscellaneous Business:

A. Action - [Withdrawal of Bill 11-21, Montgomery County Economic Development Corporation \(MCEDC\) - Bylaws - Live Video Streaming of Open Meetings](#)

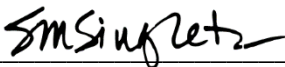
Mr. Glass explained that MCEDC has adjusted their Bylaws to require compliance with the Open Meeting Act, so the Bill was no longer necessary.

Withdrew **Bill 11-21**.

Mr. Glass made the motion which carried unanimously among those present. Mr. Jawando was temporarily absent.

The meeting adjourned at 5:41 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council