



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 25, 2022

The County Council for Montgomery County, Maryland convened via video conference at 9:03 A.M. on Tuesday, January 25, 2022.

PRESENT

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

The President in the Chair.

Mr. Albornoz said the Council stands in support with the Magruder High School Community after the shooting that occurred on Friday.

PRESENTATION

- A. Proclamation was presented by Mr. Rice recognizing Radon Awareness Month.

The Council recessed at 9:12 A.M. and reconvened at 9:31 A.M.

GENERAL BUSINESS

- A. **Announcement**

Ms. Singleton, Clerk of the Council, announced that public hearings on the FY23 Capital Budget and the FY23-28 Capital Improvements Program will be held on Tuesday, February 8, 2022, at 1:30 P.M. and 7:30 P.M., and on Wednesday, February 9, 2022, at 1:30 P.M.

- (1) B. **Acknowledgement – [Receipt of Petitions](#)**
No petitions were received this week.

- C. **Action - Approval of Minutes**

There were no minutes for approval this week.

(2) **COUNCIL SITTING AS BOARD OF HEALTH**

- A. **Update - [Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)**

Participating in the discussion were Dr. Crowel, Director, Dr. Bridgers, Acting Public Health Officer, Mr. O'Donnell, Program Administrator, Public Health Emergency Preparedness and Response, Department of Health and Human Services (DHHS); Dr. Stoddard, Assistant Chief Administrative Officer; and Mr. D'Andrea, Chief of Staff, Office of the Superintendent, Montgomery County Public Schools (MCPS).

Dr. Bridgers noted a new variant of the virus has been detected in the United Kingdom, and DHHS will continue to evaluate the impact of variants on the community as the country moves from a pandemic to an endemic posture. A childcare Town Hall is scheduled on January 27 for questions and concerns from providers and parents and plans are being developed to provide vaccinations, when approved, for children aged 2 to 4 in conjunction with the Maryland Department of Health (MDH). He noted that Centers for Disease Control (CDC) metrics provide a guide for DHHS' recommendations to the Council, and that the County is still in a high transmission period.

Mr. O'Donnell reviewed the County's most recent COVID-related statistics, noting that the test positivity rate has declined significantly and that the total number of cases and hospital bed utilization is going down. 85% of the County's eligible population has received two doses of the vaccine, 46% of fully vaccinated residents have received a booster, and the number of pediatric vaccines administered has increased. A total of 792,294 rapid test kits have been distributed to date including 451,739 distributed at libraries; 245,726 masks also were distributed at libraries. Current quarantine guidance for exposed individuals mirrors State guidance, except that the County requires a negative test to shorten the quarantine period.

Dr. Stoddard said test kits and masks were distributed to 806 childcare centers and distribution will continue this week as more shipments of supplies arrive; various organizations have reached out to assist with

distribution. He noted that while the number of new cases is declining, the question is when the surge will be over with the test positivity rate still at 10%.

Regarding the appointment of a new County Health Officer, Dr. Crowel said they are continuing to identify candidates and trying to accelerate the process.

Mr. Riemer commented on the shooting at Magruder High School, expressing the view that more after school programming is needed to help kids build relationships with trusted adults. He noted that parents are concerned about extended quarantine periods and requested written communication on the most recent guidance be provided.

Mr. Huckler commented on his recent experience after learning his son was not tested for COVID while at school after being identified as a close contact and inquired how school administrators are notified of test results. He inquired why MCPS is not using an opt-out testing protocol, as is being done in Baltimore.

Ms. Navarro, commenting on the recent school shooting, thanked everyone who stepped up to respond quickly to the horrific incident. She expressed the view that updated protocols are needed to address the impact of the pandemic on students, and that a bold response is needed to provide stability to students and acknowledge the need for respect to all, and to address mental health and poverty issues.

B. **Public Hearing - [Resolution to adopt a Board of Health Regulation to prevent the spread of COVID-19 in the County - Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and Other Covered Establishments](#)**

The public hearing was conducted.

C. **Worksession - [Resolution to adopt a Board of Health Regulation to prevent the spread of COVID-19 in the County - Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and Other Covered Establishments](#)**

Councilmembers expressed concern about the efficacy of this proposal given that the vast majority of residents are fully vaccinated, the impact on businesses, and on implementation and staffing issues. Agreed that residents should still be strongly encouraged to get the vaccination and booster if they have not done so, but that this proposal is not necessary.

D. **Introduced a resolution to adopt a Second Amended Board of Health Regulation to prevent the spread of COVID-19, and indoor mask guidance in Montgomery County.**

Senior Legislative Attorney Drummer reviewed the purpose of the resolution, which would extend the current January 31 termination date of the mask mandate until when the Health Officers notifies the Board of Health that the CDC lists the following three indicators as both below high levels and trending down for seven consecutive days: the number of cases per 100,000 residents, the test positivity rate; and the COVID-related hospital bed utilization rate; or until February 28, 2022, at 11:59 P.M. Mr. Drummer said the Council has a commitment to review weekly current metrics associated with conditions to maintain a mask mandate.

Public Hearing - Resolution to adopt a Second Amended Board of Health Regulation to prevent the spread of COVID-19, and indoor mask guidance in Montgomery County

The public hearing was conducted.

E. **Action - Resolution to adopt a Second Amended Board of Health Regulation to prevent the spread of COVID-19, and indoor mask guidance in Montgomery County**

Approved without objection Mr. Friedson's motion to change the Regulation's termination date to February 21, 2022, at 11:59 P.M. and to remove the metrics from the order.

Adopted **Resolution 19-1139**, approving the Seconded Amended Board of Health Regulation to prevent the spread of COVID-19, and indoor mask guidance in Montgomery County, as amended.

Mr. Rice made the motion and the Resolution was adopted by a roll call vote:

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

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Received and Released** the Office of Legislative Oversight (OLO) Report 2022-2, The Montgomery County Airpark: Regulatory Framework and Community Impacts.
- B. **Introduced** an amendment to the FY21-26 Capital Improvements Program (CIP) Montgomery County Government Department of Transportation Storm Drain General. A public hearing/action is scheduled for February 8, 2022 at 1:30 P.M.
- C. **Introduced** an amendment to the FY21-26 CIP, Montgomery County Department of Transportation Storm Drain Culvert Replacement). A public hearing is scheduled for February 8, 2022 at 1:30 P.M.
- D. **Introduced** a supplemental appropriation to the County Government's FY22 Capital Budget and amendment to the FY21-26 CIP, Office of Agriculture - \$3,675,816 for Agriculture Land Preservation Easements (Source of Funds: State Aid). A public hearing is scheduled for February 8, 2022 at 1:30 P.M.
- E. **Introduced** a supplemental appropriation to the County Government's FY22 Capital Budget and amendment to the FY21-26 CIP, Department of Housing and Community Affairs (DHCA) - \$14,749,992 for Affordable Housing Acquisition and Preservation (Source of Funds: Loan Repayment Proceeds. A public hearing is scheduled for February 8, 2022 at 1:30 P.M.
- F. **Introduced** an amendment to the FY21-26 CIP, County Offices and other Improvements, Dickerson Radio Tower. A public hearing is scheduled for February 8, 2022 at 1:30 P.M.
- G. **Introduced** a supplemental appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 CIP, Office of the County Executive - \$400,000 for Business Advancement Team Life Sciences and Technology Centers (Source of Funds: Current Revenue, General). A public hearing is scheduled for February 8, 2022 at 1:30 P.M.
- H. **Introduced** a supplemental appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 CIP, Department of Health and Human Services (DHHS) - \$100,000 for Affordable Living Quarters (Source of Funds: Federal Funds). A public hearing is scheduled for February 8, 2022 at 1:30 P.M.

- I. Adopted **Resolution 19-1140**, approving 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).
- J. Adopted **Resolution 19-1141**, confirming the County Executive's appointments to the Citizens Review Panel for Children: Laura Coyle, Ronald Whalen.
- K. Adopted **Resolution 19-1142**, confirming the County Executive's appointments to Community Action Board: Valerie Chatfield-Smith, Myriam Paul, Zelda Wafer-Alonge, Elaine Carballo, Denise Fredericks, Jeffrey Johnson, Eneshal Miller, Claudia Simmons.
- L. Adopted **Resolution 19-1143**, confirming the County Executive's appointments to the Board of Social Services: Kendell Battle, Brandon Bragg, Swapnika Madhavaram.
- M. Adopted **Resolution 19-1144**, confirming the County Executive's appointments to the Victim Services Advisory Board: Brian Koosed, Kathryn Pontzer, Leah Schwartz, Ashley Mack, Juantia Rogers, Reem Sharaf, Heather Thompson
- N. Adopted **Resolution 19-1145**, a supplemental appropriation to develop a crowd-sourcing system for Ride On, \$720,300.
- O. Adopted **Resolution 19-1146**, Taxicab fees resolution
- P. Adopted **Resolution 19-1147**, a supplemental appropriation to the County Government's FY22 Operating Budget, Department of Transportation (DOT) - \$193,483 for Streets and Roads - Roadside Trees - Protection.

The Council recessed at 12:48 P.M. and reconvened at 2:30 P.M.

(4) **PUBLIC HEARING** - [Spending Affordability Guidelines for the FY23 Operating Budget](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 18, 2022. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for February 3, 2022.

(5) **PUBLIC HEARING** - [Supplemental appropriation to the County Government's FY22 Operating Budget, \\$954,266 for Incubator Programs Non-Departmental Account \(NDA\) \(Source of Funds: General Fund Reserves\)](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on January 18, 2022. A Planning, Housing and Economic Development (PHED) Committee worksession will be scheduled at a later date.

(7) **DISTRICT COUNCIL SESSION**

A. **Worksession/Action** - [Rules of Procedure for Conditional Uses and Waives for Certain Telecommunications Towers and Objections to Applications for Waivers for Certain Telecommunications Towers before the Office of Zoning and Administrative Hearings \(OZAH\)](#)

Mr. Riemer summarized the regulation, explaining that this is a necessary process for OZAH to implement and enforce ZTA 19-07, enacted in 2021.

Ms. Ndou summarized that ZTA 19-07 modified some of OZAH's rules and procedures, so the rules lay out how the objections and application submission should be handled.

Mr. Katz noted his opposition to ZTA 19-07 and his intention to vote against this regulation. He also noted that this regulation only impacts cell towers in areas that are outside of municipalities that have zoning authority.

Mr. Hucker shared his view that Council was limited in its options given the Federal Communications Commission's policy on cell towers when ZTA 19-07 was enacted and that he does not intend to vote in favor of this regulation.

Adopted **Resolution 19-1148**, approving the subject Rules of Procedure.
Mr. Riemer made the motion, which carried by a vote of 7 to 2.

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

B. **Worksession/Action** - [Additions to OZAH's Fee Schedule](#)

Ms. Ndou summarized the resolution and noted that the proposed fees in the regulation are necessary to implement ZTA 19-07 and summarized the fee basis and rationale.

Adopted **Resolution 19-1149**, approving the subject OZAH Fee Schedule additions. Ms. Navarro made the motion, which carried by a vote of 7 to 2.

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

(6) **INTERVIEWS - [Charter Review Commission](#)**

Interviewed Mr. Arthur, Ms. Attaran, Ms. Cox, and Mr. Smith, applicants for the Charter Review Commission.

(7) **Motion to Close**

The Council adjourned the open session at 3:33 P.M. and reconvened remotely via video conference in closed session from 3:38 P.M. to 4:12 P.M. Mr. Katz made the motion, which carried unanimously.

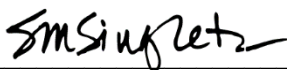
Report of Closed Session of January 25, 2022

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, January 25, 2022. The Council convened in closed session via video conference at 3:38 P.M. pursuant to Maryland Code, General Provisions Article §3-305(b)(7) to consult with counsel to obtain legal advice; and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topic was all pending litigation involving the County.

The following persons were present: Councilmembers Albornoz, Glass, Friedson, Hucker, Jawando, Katz, Riemer, Navarro and Rice; Chiefs of Staff Carranza, Gibson, Ikheloe, Ledner, Mandel-Trupp, Murillo, Nurmi, Silverman, and Thorne; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Drummer, Senior Legislative Attorney; Ms. Wellons, Legislative Attorney; Ms. Singleton, Clerk of the Council; Mr. Hartman, Office of Strategic Partnerships; Mr. Hansen, County Attorney; and Mr. Markos, Deputy County Attorney.

The meeting adjourned at 4:12 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council