



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 9, 2021

The County Council for Montgomery County, Maryland convened via video conference at 10:02 A.M. on Tuesday, February 9, 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.

COUNCIL COMMEMORATION

Proclamation presentation and video Celebrating Black History Month by County Council.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, correcting the title for the Discussion with Maryland Department of Health: Vaccine Allocation, Distribution and Equity: State and County Responsibilities for Nursing Homes; and Coordination of COVID-19 Vaccinations for Nursing Homes and DDA Group Homes; noting a time change for the public hearing and correction in the title for a Resolution to approve Executive Order 19-21AM, COVID-19 - Local Order - Amending and Restating Order dated December 15, 2020; and correcting the Executive Order 19-21AM for action as the Board of Health and also as the County Council; noting a time change for action on the Spending Affordability Guidelines for the FY22 Operating Budget; adding Councilmembers Hucker, Navarro, Friedson, Albornoz, Rice and Riemer as co-sponsors for the introduction of a Resolution reaffirming Montgomery County's

commitment to combat hate and extremism; adding introduction of a 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; postponing the public hearing on **Bill 5-21**, Agricultural Land Preservation - Solar Collection System - Dedication of Business Personal Property Tax Revenue; correcting the year in the title of the public hearing for WSSC Water's FY22-27 CIP; and adding a proposed closed session to discuss collective bargaining negotiations or consider matters that relate to the negotiations, pursuant to Maryland Code, General Provisions Article §3-305(b)(9), and to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7); topic is ongoing negotiations.

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

No petitions were received this week.

C. **Action** - Approved the closed session minutes of January 22, 2021, without objection.

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

C. **Discussion** - [with Maryland Department of Health: Vaccine Allocation, Distribution, and Equity; State and County Responsibilities for Nursing Homes; and Coordination of COVID-19 Vaccinations for Nursing Homes and DDA Group Homes](#)

Participating in the discussion were Dr. Chan, Acting Deputy Secretary for Public Health Services, Dr. Martin, Deputy Director, Office of Minority Health and Health Disparities, and Ms. Shek, Deputy Director, Office of Governmental Affairs, Maryland Department of Health (MDH); Dr. Gayles, County Health Officer and Chief of Public Health Services, and Dr. Crowel, Director, Department of Health and Human Services (DHHS).

Dr. Gayles, noting inaccurate information circulating via Twitter concerning the availability of vaccines, stated that the County is distributing 99% of doses received weekly, with new strategies implemented this week to distribute doses. They are working with community partners to identify new sites to “meet people where they are,” and would continue to prioritize residents over age 75 to receive the vaccine. Dr. Gayles said the County has multiple locations that could be used as mass vaccination sites, and suggested that doses be set aside at the Six Flags site for Montgomery County residents. He indicated that not

knowing the number of doses the County is scheduled to receive weekly ahead of time makes it difficult to schedule appointments, clinic locations, and staffing.

Councilmembers commented on the need to work collaboratively with the State, to distribute the vaccine equitably and transparently, and for the County to receive a supply of doses based on the County's population. Councilmembers expressed the view that the County has a better understanding of how to reach its most highly impacted communities, and that a more centralized approach to preregistration is needed.

Dr. Chan said the State has ramped up its distribution of the vaccine and now there are over 2,000 sites, 79% of the available vaccine has been used, and that the vaccine is allocated by population to all providers including hospitals and pharmacies. She noted that the retail pharmacy program is expanding and that each chosen pharmacy has agreed to work within an equity framework, and the mass vaccination site at Six Flags in Prince George's county is open to everybody. She said local community sites are available to provide access to the vaccine in harder to reach communities, and pointed out that the State gets notification of its weekly allocation from the federal government about a week in advance. Because the vaccine is a federal resource, State governments are limited to providing guidance on residency requirements. Dr. Chan reviewed the State's response to outbreaks in nursing homes, noting they are working with National Guard teams, technical assistance teams, and congregate living teams to prevent outbreaks and assist with staffing needs.

Dr. Martin said as part of the State's GOVAX campaign, community outreach workgroups and an Equity Task Force were established to ensure cultural outreach and appropriateness, and to develop strategies to address hesitancy issues and provide information. Ms. Navarro requested that Montgomery County have a representative on the State's Equity Task Force.

Ms. Shek said over 22,000 vaccinations per day are being given, that they have asked people who have signed up on multiple wait lists to remove themselves from those lists after they receive an appointment. She pointed out that only four states have a centralized preregistration system, and that private providers prefer to use their own systems.

Mr. Alborno concluded the discussion by asking the State to provide a mass vaccination site in the County, consolidate the registration system, and ensure that more Montgomery County residents are part of State workgroups.

- A. **Public Hearing** - [Resolution to approve an Executive Order 19-21AM, COVID-19 Local Order - Amending and Restating Order dated December 15, 2020](#)

The public hearing was held and the record closed.

- (2.1) **ACTION** - [Board of Health Regulation to adopt an Executive Order 19-21AM, COVID-19 - Local Order - Amending and Restating Order dated December 15, 2020, as the County Council](#)

Mr. Hucker noted that the Council does not have the authority to amend an Executive Order, only to reject or approve it as submitted.

Mr. Jawando and Mr. Rice spoke in opposition to the Executive Order, agreeing with public health officials that indoor dining is an unsafe activity that would encourage transmission of the virus, and that to reopen schools, a top priority, transmission levels must be reduced.

Councilmembers expressing support for the Order acknowledged that the reopening of schools is a priority but there is a need to balance competing interests and that a unified regional strategy is needed to effectively combat transmission of the virus, but noted that residents would determine their own comfort level with respect to participating in indoor activities.

Adopted **Resolution 19-729**, approving the subject Board of Health Regulation as the County Council.

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

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

COUNCIL SITTING AS BOARD OF HEALTH *(continued)*

- (2) A. **Action** - [Board of Health Regulation to adopt an Executive Order 19-21AM, COVID-19 - Local Order - Amending and Restating Order dated December 15, 2020](#)

Adopted **Resolution 19-730**, approving the subject Board of Health Regulation.

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

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

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

Participating in the discussion were Dr. Gayles, Dr. Crowel, and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles stated they speak regularly with MDH and have voiced concerns regarding how doses are allocated and the lack of timely response as to how many doses would be received to allow for set up of local clinics. He noted that multiple possible mass vaccination sites have been presented as options for consideration by the State. Priority distribution of the vaccine is being given to residents over age 75, they are working to show on the website the breakdown of first and second doses given, and they have a strategy to get more doses out into communities highly impacted by the virus. While they are looking to expand support to independent living facilities, the State has reduced the number of doses provided to local health departments. They hope to receive clarity from the State whether more doses would be provided for those facilities. Dr. Gayles said a hearing on the Johnson and Johnson vaccine is scheduled for later this month.

Dr. Stoddard indicated he hopes to have the dashboard go live soon, which would provide information regarding distribution of the vaccine. They are looking at opportunities to provide mobile clinics, transportation to and from clinics, and strategies to reach housebound individuals. He noted that public safety personnel are receiving their second doses and would be available to help at other sites. Dr. Crowel commented that highly impacted areas have been identified to help target distribution of the vaccine in those areas.

Mr. Riemer suggested the preregistration form be made easy to understand and to translate it into other languages. He inquired about the surveillance of virus variants and trends. Dr. Gayles said there is limited capacity to sequence every sample and potentially some cases of the variant strain are missed. Dr. Stoddard added that it is likely variants would take over in the United States in six to eight weeks, stressing the importance of the vaccine to mitigate spread.

Dr. Gayles noted that they would continue to provide 100 doses weekly to childcare providers indefinitely, as the State has not provided information on plans to expand distribution, noting that childcare workers are in the 1C category. Public and non-public schools have been asked to devise a prioritization schedule for distribution of the vaccine to staff. Dr. Stoddard estimated that of 9,000 Montgomery County Public School (MCPS) employees, 7,500 will be vaccinated by March 15, either through the County or independently.

Mr. Katz asked that it be made clear on the website that second doses are not being cancelled. Dr. Stoddard said they make sure doses are available before scheduling appointments for people to receive their second dose.

Regarding inclement weather, Dr. Stoddard said it is not a reason to delay distribution. Mr. Rice requested the Council be kept informed of how many appointments are delayed when a site is closed due to weather concerns. Dr. Crowel added that they want to regionalize distribution so older residents don't have to travel too far to receive the vaccine.

The meeting recessed at 12:56 P.M. and reconvened at 1:33 P.M.

- (4) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, Department of Environmental Protection (DEP) - \$93,773 for Stormwater Management Retrofit: Countywide

The public hearing was conducted and the record closed.

Adopted **Resolution 19-731**, approving the subject supplemental appropriation, as submitted by the County Executive.

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

- (5) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, DEP - \$67,509 for Facility Planning: Stormwater Management

The public hearing was conducted and the record closed.

Adopted **Resolution 19-732**, approving the subject supplemental appropriation as submitted by the County Executive.

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

- (6) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, DEP - \$600,000 for Stormwater Management Facility Major Structural Repair

The public hearing was conducted and the record closed.

Adopted **Resolution 19-733**, approving the subject supplemental appropriation as submitted by the County Executive.

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

(7) **PUBLIC HEARING - [Subdivision Regulation Amendment \(SRA\) 20-02, Subdivision Ordinance - Revisions, Clarifications, and Corrections](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 16, 2021. A Planning, Housing and Economic Development (PHED) Committee worksession will be scheduled at a future date.

(8) **PUBLIC HEARING - [Bill 4-21, Weapons - Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 16, 2021. A Public Safety (PS) Committee worksession will be scheduled at a later date.

(9) **PUBLIC HEARING - [Bill 5-21, Agricultural Land Preservation - Solar Collection System - Dedication of Business Personal Property Tax Revenue](#)**

The public hearing was postponed.

(9.5) **PUBLIC HEARING - [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 FY22-26 CIP](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on February 12, 2021. Committee worksessions will be scheduled at a later date.

(10) **INTERVIEWS - [Board of Appeals Candidates](#)**

Interviewed Caryn Hines, Charles Kauffman, and Roberto Pinero, candidates for the Board of Appeals, to the fill the term vacated by Katherine Freeman, which expires in September 2021.

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

Interviewed Bernadette Garrett and Ruth Kirinda, candidates to fill a vacancy on the Charter Review Commission.

(12) **DISTRICT COUNCIL**

A. **Action** - [Zoning Text Amendment \(ZTA\) 20-04, Farming Defined - Accessory Mulching and Composting](#)

Mr. Riemer, Chair of the PHED Committee, and Mr. Glass, a lead sponsor of the ZTA, reviewed the purpose of the ZTA, to allow mulching and composting with more off-site material as an accessory farming use.

Enacted **Ordinance 19-13**, approving draft #2 of ZTA 20-04.

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

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

(2.5) **ACTION** - [Spending Affordability Guidelines for the FY22 Operating Budget](#)

Ms. Navarro, Chair of the GO Committee, reviewed the Committee's recommendations, as contained in the staff report. She noted that the GO Committee would conduct an in-depth review of the County's fiscal policy.

Adopted **Resolution 19-734**, approving the FY22 Spending Affordability Guidelines.

The GO Committee made the motion, which carried without objection.

(3) **CONSENT CALENDAR**

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

A. **Introduced** a resolution reaffirming Montgomery County's commitment to combat hate and extremism.

- B. **Introduced** a 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. A public hearing will be held February 23, 2021, at 1:30 P.M.
- C. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Office of the County Executive - \$1,500,0000 for Support for COVID-19 Response - Small Business Rental Assistance. A public hearing will be held February 23, 2021, at 1:30 P.M.
- D. **Introduced** a resolution to repeal and replace Resolution No. 16-1570 with respect to the White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List and related amendments to the FY21-26 Capital Improvements Program (CIP). A public hearing will be scheduled at a later date.
- E. **Adopted Resolution 19-735**, confirming the County Executive's appointments to the Human Trafficking Prevention Committee: Nadja Cabello, Sara Morningstar.
- F. **Adopted Resolution 19-736**, confirming the County Executive's appointment to the Solid Waste Advisory Committee: Robin Barr.
- G. **Introduced** a 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. A public hearing and action are scheduled for February 23, 2021, at 1:30 P.M.

(3.1) **ACTION** - Appointment to the Merit System Protection Board

Adopted **Resolution 19-737**, appointing Christopher Scott Maravilla to the Merit System Protection Board until December 31, 2021, or until a successor has qualified and has been appointed.

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

Motion to Close

The Council adjourned the open session at 3:26 P.M. and reconvened remotely via video conference in closed session from 3:32 P.M. to 5:32 P.M. Mr. Katz made the motion, which carried unanimously.

Report of Closed Session of February 9, 2021

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, February 9, 2021. The Council convened in closed session via video conference at 3:32 P.M. to discuss collective bargaining negotiations or consider matters that relate to the negotiations, pursuant to Maryland Code, General Provisions Article §3-305(b)(9), and to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7). Topic was ongoing negotiations. The meeting was closed on a motion by Mr. Katz, which carried without objection.

The following persons were present: Councilmembers Hucker, Albornoz, Friedson, Glass, Jawando, Katz, Navarro, Rice, and Riemer; Chiefs of Staff Carranza, Kunes, Gibson, Thorne, Silverman, Mandel-Trupp, Ikheloa, Ledner, and Nurmi; Ms. Cerzosimo, Aide to Councilmember Navarro; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Drummer, Senior Legislative Attorney; Mr. Hansen, County Attorney; Ms. Bryant, Director, Office of Management and Budget; Mr. Coveyou, Director, Department of Finance; Mr. Madaleno, Chief Administrative Officer; and Ms. Singleton, Clerk of the Council.

Action: None taken.

This is an accurate account of the meeting:



Selena Mendy Singleton, Esq.
Clerk of the Council