



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, March 23, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:04 A.M. on Tuesday, March 23, 2021.

### PRESENT

Councilmember Tom Hucker, President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President  
Councilmember Evan Glass  
Councilmember Sidney Katz  
Councilmember Craig Rice  
Councilmember Hans Riemer

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Friedson recognizing Red Cross Month.
- B. Proclamation was presented by Mr. Rice, Mr. Friedson and Ms. Navarro celebrating National Agriculture Day.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
  - (.5) [Recommended and potential amendments to the FY21-26 Capital Improvements Program and FY22 Capital Budget have been proposed. These amendments will be included in the operating budget public hearings on April 6, 7, and 8, 2021.](#) Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding introduction of a resolution to adopt a Board of Health Regulation concerning the equitable distribution of COVID-19 vaccines; noting that for Property Disposition - Lease of Space on Lot 41, public hearing and action are scheduled for April 6, 2021, at 1:30 P.M.; and adding introduction and action on

Amendment to the FY21 Operating Budget Resolution 19-472, Section G,  
FY21 Designation of Entities for Non-Competitive Contract Award  
Status: Homeless Persons Representation Project, Inc.

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

Acknowledged receipt of a petition from residents of Montgomery County opposing restrictions placed on high school football games in Montgomery County.

C. **Action** – **Approval of Minutes**

Approved the minutes of December 1, 2, 3, and 8, 2020, without objection. Mr. Jawando and Mr. Riemer were temporarily absent.

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

A. [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, Dr. Crowel, Director, 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 case and preregistration statistics, noting that the test positivity rate is approximately three percent and that approximately 13 percent of the County population is now fully vaccinated with continued improvements in the over 65 age range. New cases of the variant strains of the virus are in the County, and outbreaks in congregate settings are being monitored. He discussed the Governor's order announced yesterday that requires all jurisdictions to follow the State's prioritization vaccine schedule, with the next phase opening for those aged 16 to 64 with a medical condition. The County's allotment of vaccine doses has increased to 8,000, but no information is available for when the next Johnson and Johnson allotment would be received. Dr. Gayles noted outbreaks related to sports at Whitman and Churchill High Schools.

Dr. Crowel noted that the rate of vaccination is increasing, and progress is being made in terms of equitable distribution, and highly impacted areas are being targeted. Minority Health Initiatives are expanding vaccination opportunities, increasing messaging, and addressing hesitancy issues. Dr. Stoddard indicated that all public school staff have been offered an opportunity to receive the vaccine.

Councilmembers commented on the need to improve messaging as eligibility for the vaccine moves to Stage 2, efforts to vaccinate childcare providers and homebound residents, the need for mental health resources as schools reopen, and the need for plans to reach deeper into the population to encourage getting the vaccination.

B. [Coronavirus Relief Fund](#)

Participating in the discussion was Mr. Madaleno, Chief Administrative Officer; and Mr. Gottesman, Manager, CountyStat; and Dr. Stoddard.

Received an update on COVID-related expenditures, noting that most of the appropriations have been spent with the exception of some remaining funds for the rental assistance program, most of which should be distributed by the end of the week. Noted that more funding is anticipated from the State for restaurant assistance and for retailers. Executive Branch staff continues to work with the Federal Emergency Management Agency (FEMA) to get the County's reimbursement submissions in order and noted the changing rules for submission. Mr. Madaleno reviewed the assumptions for FEMA reimbursement and for American Rescue Plan Act (ARPA) funding, noting that they are being cautious and conservative, with anticipating that \$84.4 million in FEMA reimbursements would be used in FY21.

C. **Introduction - [Resolution to adopt a Board of Health Regulation concerning the equitable distribution of COVID-19 vaccines](#)**

Mr. Jawando explained that in light of the Governor's action yesterday which limits the authority of individual jurisdictions to determine their vaccination schedule, he must withdraw the Resolution to adopt a Board of Health Regulation concerning the equitable distribution of COVID-19 vaccines.

Councilmembers noted that the withdrawal of the Board of Health Regulation does not change the Council's commitment to targeting highly impacted areas for distribution of the vaccine.

Approved Mr. Jawando's motion to withdraw the subject Board of Health Regulation, without objection.

(3) **CONSENT CALENDAR**

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

- A. **Introduced** a supplemental appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), Department of Transportation (DOT)- \$1,017,000 for Master Leases: Transit Radio System Replacement. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.
- B. **Introduced** a supplemental appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Health and Human Services (DHHS) - \$13,647,000 for Emergency Homeless Shelter. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.
- C. **Introduced** Property Disposition - Lease of Space on Lot 41. A public hearing and action are scheduled for April 6, 2021, at 1:30 P.M.
- D. **Introduced** a resolution to establish FY22 Solid Waste Service Charges. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.
- E. **Introduced** a resolution to establish FY22 Water Quality Protection Charge. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.
- F. Adopted **Resolution 19-769**, confirming the County Executive's appointment to the Alcoholic Beverages Advisory Board: Jason Hubbarth.
- G. Adopted **Resolution 19-770**, confirming the County Executive's appointment to the Early Childhood Coordinating Council: Cindy Chichester-Ollivierre.
- H. Adopted **Resolution 19-771**, confirming the County Executive's appointment to the Interagency Coordinating Board for Community Use of Public Facilities: Laurence Pitsenberger.
- I. Adopted **Resolution 19-772**, confirming the County Executive's appointment to the White Flint Downtown Advisory Committee: Brian Downie.
- J. **Introduced** a resolution to approve FY22 Transportation Fees, Charges, and Fares. A public hearing is scheduled for April 13, 2021, at 1:30 P.M.

- K. **Introduced/Adopted Resolution 19-773**, amendment to FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Homeless Persons Representation Project, Inc.

The meeting recessed at 11:53 A.M. and reconvened at 1:30 P.M.

- (4) **PUBLIC HEARING - Bill 10-21**, Economic Development - Economic Development Strategic Plan - Economic Development Corporation - Duties

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 6, 2021. A Planning, Housing and Economic Development (PHED) Committee worksession will be scheduled for a future date.

- (5) **PUBLIC HEARING - Bill 11-21**, Montgomery County Economic Development Corporation - Bylaws - Live Video Streaming of Open Meetings

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 6, 2021. A PHED Committee worksession will be scheduled for a future date.

- (6) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY21 Operating Budget, Department of Housing and Community Affairs (DHCA) - \$500,000 for Montgomery Housing Initiative (Housing Initiative Fund) Housing Opportunities Commission (HOC) Housing Production Fund \$500,000**

The public hearing was conducted and the record closed.

Mr. Riemer, Chair of the PHED Committee, and Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the recommendations of the joint Committee worksession, noting the importance of creating affordable housing in the County.

Adopted **Resolution 19-774**, approving the subject special appropriation.

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

(7) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, DHHS - \\$508,853 for Medication Assisted Treatment Program](#)

The public hearing was conducted and the record closed.

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee, reviewed the recommendation of the joint Public Safety(PS) and HHS Committee, as contained in the staff report.

Adopted **Resolution 19-775**, approving the subject supplemental appropriation.

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

(8) **PUBLIC HEARING/ACTION** - [Special Appropriation to Montgomery County Public Schools' \(MCPS\) FY21 Capital Budget and Amendment to the FY21-26 CIP - \\$216,204 for Planned Life Cycle Asset Replacement: MCPS](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-776**, approving the subject special appropriation.

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

(9) **PUBLIC HEARING/ACTION** - [Special Appropriation to MCPS' FY21 Capital Budget - \\$5,000,000 for Relocatable Classrooms](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-777**, approving the subject special appropriation.

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

(10) **WORKSESSION** - [Amendments to the FY21-26 CIP - Transportation](#)

Participating in the discussion were Ms. Beck, Office of Management and Budget; Mr. Conklin, DOT; and Dr. Orlin, Senior Analyst.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, provided opening comments on the amendments to the FY21-26 CIP transportation projects. Dr. Orlin reviewed each of the Committee recommendations, as contained in the staff report.

Supported, without objection, the Committee recommendation in support of the County Executive's amendments for the following projects: Advance Reforestation, Bethesda Bikeway and Pedestrian Facilities, Bradley Boulevard (MD 191) Improvements, Bridge Renovation, Century Boulevard, Pedestrian Safety Program, Traffic Signal System Modernization, Sidewalk and Curb Replacement, Permanent Patching: Residential/Rural Roads, Resurfacing: Primary/Arterial, and Resurfacing: Residential/Rural Roads.

Supported, without objection, the Committee recommendation in support of the County Executive's amendments for Great Seneca Science Corridor Transit Improvements.

Supported, without objection, the Committee recommendation to revise the County Executive's amendment for the US 29 Managed Lane Project as follows: change the name of the project to "Bus Rapid Transit: US 29 – Phase 2"; change the subcategory from "Roads" to "Mass Transit," recognizing that first and foremost the purpose will be to provide a next-stage BRT in the corridor; program the \$250,000 to complete the US 29 Mobility and Reliability Study in FY22 and because the study will take at least six months to complete, spread the \$6 million for the subsequent preliminary engineering study over the 24 months starting in mid-FY22: \$1.5 million in FY22, \$3 million in FY23, and \$1.5 million in FY24; at this time only appropriate the \$250,000 needed to complete the current study; and, as recommended by OMB, change the funding source from G.O. bonds to Impact Tax.

Supported, without objection, the Committee recommendation for the Purple Line and Capital Crescent Trail to not amend the expenditure schedule for the trail tunnel at this time.

Supported, without objection, the Committee recommendation concurring with the County Executive's recommendation for the White Flint Metro Station Northern Entrance, the Franklin Avenue Sidewalk, and the Advanced Transportation Management System.

Supported, without objection, the Committee recommendation for the Forest Glen Passageway to defer the project by one year, not two, from the schedule in the Approved CIP, with design to occur in FY22-23 and construction in FY24-26, increase project cost by \$22,080,000.

Supported, without objection, the Committee recommendation for the Burtonsville Access Road to not delay the project one year.

Supported, without objection, the Committee recommendation for Observation Drive Extended to not support the Executive's amendment to delay the start of design by three more years.

Supported, without objection, the Committee recommendation to not amend the CIP now to including funding for Summit Avenue Extended or Tuckerman Lane sidewalk.

## **DISTRICT COUNCIL SESSION**

A District Council Session was added.

### **(11) WORKSESSION - [Shady Grove Sector Plan Minor Master Plan Amendment](#)**

Participating in the discussion were Mr. Anderson, Chair of the Montgomery County Planning Board; Ms. Dunn, Senior Legislative Analyst; and Dr. Orlin.

Mr. Riemer, Chair of the PHED Committee, reviewed the goals of the Shady Grove Sector Plan Minor Master Plan Amendment to enhance the pedestrian-oriented environment around the Shady Grove Metro Station, including a revised vision for transportation, walkability and bikeability as well as creating a sense of place.

Chair Anderson provided brief comments on the Minor Master Plan Amendment.

Ms. Dunn reviewed the Committee recommendations, as contained in the staff report. Approved, without objection, the Committee recommendation for areawide Urban Design, concurring with the Planning Board's recommendations.

Approved, without objection, the Committee recommendations for Supported Land Use Zoning for Shady Grove Metro Neighborhoods: Metro West, Metro South, Old Derwood, Metro North-WMATA, Shady Grove Station - Westside, and Jeremiah Park.

Ms. Navarro and Mr. Katz commented on the MCPS bus depot relocation project. Staff noted that more details may be known in 3 weeks and that Mr. Dise, Director of the Department of General Services, will provide a briefing soon.

Approved, without objection, the Committee recommendations for The Grove shopping center properties and properties in the Shady Grove Crossing area, including that text be revised regarding the vacant park property in the Town of Washington Grove to allow for the possibility of a future solar facility use.

Approved, without objection, the Committee recommendations for the properties in Shady Grove Road Corridor: Shady Grove Plaza, including the revised zoning for the King Buick and Mitsubishi property as requested by EYA; the vacant Casey property; and in the southeastern quadrant of Shady Grove Road and MD 355, the U.S. Postal Service Center, CarMax, and vacant property.



Approved, without objection, the Committee recommendations for Upper Mill Creek, Planned Development-Zoned properties, and Industrial Area properties, concurring with the Planning Board's recommendations.

Approved, without objection, the Committee recommendations for housing, including changes to Moderately Priced Dwelling Units (MPDUs) requirements.

Approved, without objection, the Committee recommendations for parks, trails and open spaces; sustainability, including forest and tree cover and impervious surfaces, water quality, greenhouse gas modeling, air quality and carbon emissions, and noise; historic resources; and community facilities.

Dr. Orlin reviewed the Committee recommendations for transportation infrastructure and adequacy, as contained in the staff report.

Approved, without objection, the Committee recommendation for-traffic operational changes, including mention of operational changes at Shady Grove Road/MD 355 as some of the possible future actions to mitigate congestion, but not have them be explicit directives.

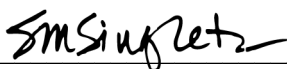
Approved, without objection, the Committee recommendation for strategies for the Gude Drive interchange, including not to loosen the congestion standard at the Gude Drive/MD 355 intersection from 63 seconds/vehicle to 100 seconds/vehicle, and concurred with the Final Draft and the City of Rockville that this master-planned interchange should no longer be a staging requirement in the Sector Plan.

Approved, without objection, the Committee recommendations for non-auto-driver mode share (NADMS), target speeds, Midcounty Highway, alignment of proposed streets near the Metro Station, parking at the Metro Station, MARC improvements, Montgomery College Metro Station, pedestrian grade separation at MD 355, Crabbs Branch Way/Amity Drive connector, sidewalk and bike connections from Washington Grove, technical updates to bikeway recommendations, and fiscal impact analysis.

Noted that straw votes were taken today in support of the Committee recommendations and that final action will be scheduled in early April 2021.

The meeting adjourned at 3:27 P.M.

This is a correct copy of Council action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council