



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, April 13, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:04 A.M. on Tuesday, April 13, 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. Glass and full Council celebrating 23 years of The Kojo Nnamdi Show.
- B. Proclamation was presented by Mr. Hucker recognizing Herman Taylor and the Minority Business Economic Council.
- C. Proclamation was presented by Mr. Katz recognizing Child Abuse Prevention Month.

### GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, correction the title of the proclamation recognizing Herman Taylor and the Minority Business Economic Council, and adding introduction of a resolution to set FY22 Property Tax Credit for Income Tax Offset.

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

No petitions were received this week.

C. **Action - Approval of Minutes**

Approved the minutes of December 15, 2020, and the closed session minutes of March 9 and 11, 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, and Dr. Bridgers, Deputy Health Officer, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles noted that the FDA paused use of the Johnson and Johnson (J&J) vaccine and that the CDC is scheduled to convene a meeting to assess any relation between the vaccine and the formation of blood clots in some individuals. He said appointments scheduled for the J&J vaccine would be rescheduled. Dr. Gayles reviewed current COVID-related statistics, noting that transmission levels in the County are still in the “high risk” category, with the level higher now than during last spring and summer, with hospitalizations and intensive care usage increasing. He noted that the County’s vaccine prioritization schedule follows the State’s schedule, with everyone over age 16 eligible to receive the vaccine. Efforts are underway to encourage preregistration across all demographics in the County. He cautioned that further reopening of the County could result in increased COVID cases, noting the increased percentage of variant strains of the virus within the County. Guidelines for graduations and other events would be finalized in the near future.

Dr. Stoddard reviewed the level of preregistration for the vaccine, vaccinations provided in correctional facilities, workshops being held for childcare providers and for local businesses. He noted that the census team is holding events to encourage residents to get the vaccine, that educational materials are translated into several languages, and that Spanish-speaking volunteers are needed to help at local events. He commented that the risk associated with getting the vaccine is quite low, while risks associated with COVID-19 are much higher.

B. **Introduced** resolution to adopt a Third Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

Mr. Drummer, Senior Legislative Attorney, explained that this regulation pertains to guidance for the operation of summer camps in the County.

and **Public Hearing** - Resolution to adopt a Third Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

The public hearing was held and the record closed.

C. **Action** - Resolution to adopt a Third Amended Board of Health Regulation to prevent the spread of COVID-19 in the County

Mr. Riemer indicated he has an amendment to allow out-of-state campers to attend County camps, but that he would postpone introducing it for the time being. Mr. Katz requested information on how many camps would be affected and what possible harm could arise from allowing out-of-state children to attend summer camps in the County. Mr. Rice commented on the need to note the broader implications of such an amendment as it should be equitably applied to other activities including sports, training camps, etc. He also noted that time is needed to figure out how schools will address “COVID slide” with summer school and activities being an option.

Adopted **Resolution 19-790**, approving the Third Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

Mr. Alborno made the motion and the Resolution was enacted by a roll call vote:

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

(3) **BRIEFING** - FY22 Budget Overview Program

Participating in the discussion were Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Madaleno, Chief Administrative Officer; Mr. Smith, Legislative Analyst; Ms. Olsson, Racial Equity and Social Justice Manager; and Ms. Bryant, Director, Office of Management and Budget (OMB).

In her opening remarks, Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, noted that the actions of previous Councils are a testament to the County’s current solid financial condition, even in a most difficult year facing the economic impacts of the pandemic. She stated the

County must stay on track, focusing on economic development and COVID relief and recovery, noting that racial justice and social equity is a guiding principle.

Council staff provided an overview of the Council's approach to the FY22 budget deliberations, estimated FY22 revenue and expenses and budget assumptions; anticipated federal and state funding, including Federal Emergency Management Agency (FEMA) reimbursements and American Rescue Plan Act (ARPA) distributions and the County Executive's recommended uses for these anticipated funds; reserve fund calculations and policy goals; and the PAYGO policy goal. In the fall, the Council committees will further review budgets for those Offices and Departments that were approved via consent. Noted that the Council is waiting for the County Executive to present his restructuring plan for County Government to streamline customer service and emphasize innovation.

Mr. Hucker noted the substantial number of new positions included in the County Executive's proposed budget for both County Government and for Montgomery County Public Schools (MCPS) and requested a breakdown of those positions. Mr. Madaleno noted that the vast majority of new positions are within MCPS, as a result of mandates arising from the Kirwan Commission's recommendations.

Mr. Friedson expressed concern that the proposed budget strays from the County's established fiscal policies, as it includes anticipated but not guaranteed funding from the Federal government. He stated efficiencies in County Government must be found to keep up the commitment to education.

Mr. Riemer requested staff provide a chart comparing hazard pay distribution for the State and other jurisdictions.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a resolution to renew Council contract for audit services.
- B. Adopted **Resolution 19-791**, FY20 National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan.
- C. Adopted **Resolution 19-792**, authorizing the issuance and sale of parking revenue bonds for the purpose of refunding certain outstanding parking revenue bonds, the proceeds of which financed and refinanced certain projects in the Bethesda Parking Lot District, and to provide for and determine various matters in connection with such bonds.

- D. [Adopted Resolution 19-793](#), confirming the County Executive's appointment for Special Projects Manager: Judith Costello.
- E. **Introduced** a resolution for authorization of [Optional Method for Condemnation of Land, Advance Taking for Oak Drive/MD 27 Sidewalk Project](#).
- F. **Introduced** a resolution to set [FY22 Property Tax Credit for Income Tax Offset](#). A public hearing is tentatively scheduled for May 4, 2021 at 1:30 P.M.

The meeting recessed at 1:06 P.M. and reconvened at 1:48 P.M.

(5) **PUBLIC HEARING - [Resolution to approve FY22 Transportation Fees, Charges, and Fares](#)**

The public hearing was conducted. Mr. Friedson and Mr. Jawando were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on April 20, 2021. A Transportation and Environment (T&E) committee worksession will be scheduled at a later date.

(6) **WORKSESSION – [FY22 Capital Budget and Amendments to Maryland-National Capital Park and Planning Commission's \(M-NCPPC\) FY21-26 Capital Improvements Program \(CIP\)](#)**

Participating in the discussion were Mr. Riley, Director, Parks Department, M-NCPPC; and Ms. Dunn, Senior Legislative Analyst.

Ms. Dunn reviewed the Planning, Housing and Economic Development (PHED) Committee recommendations for the subject budget, as contained in the staff report.

In a straw vote, the Council supported the PHED Committee recommendations for the FY22 Capital Budget and amendments to the M-NCPPC FY21-26 CIP. The PHED Committee made the motion, which carried unanimously.

(7) **SEMI-ANNUAL REPORT - [M-NCPPC Semi-Annual presentation to the Council](#)**

Participating in the discussion were Mr. Anderson, Chair, and Vice Chair Fani-Gonzalez, Montgomery County Planning Board; Mr. Riley, Director, Parks Department, and Ms. Wright, Director, Planning Department, Maryland-National Capital Park and Planning Commission (M-NCPPC).

Chair Anderson gave opening remarks, noting that during the pandemic no Planning Board meetings were missed, business continued to be conducted with no slowdown in development applications, and that real estate development has remained in process. He noted that a benefit of conducting meetings virtually has been an increase in community participation and also noted that e-newsletter subscribers have increased.

Received an update on the Parks Department's accomplishments and highlights of capital projects, as well as an update on what's open and what remains closed and programming changes the department has undertaken to adapt to ongoing circumstances from the pandemic such as Picnic in the Park days with fire pits during winter months and virtual programming. Highlights included the recent opening of the Josiah Henson Museum and Park and updates on Open Parkways, Park acquisitions, Program Access, stream restoration, Ken Gar Park improvements, Nolte Park community garden, athletic fields, trails, Parks Visitation project, Parks partnerships, increased donations to the Parks Foundation, and a move away from paper program guides to an all-digital guide that enables users to build their own guide.

Received an overview of the Planning Department's accomplishments and master plans and studies in progress, including Thrive Montgomery 2050 General Plan, noting robust virtual outreach and 166 community meetings so far. Received an update on their equity agenda and focus areas; regional transportation focus for I-270 and I-495; regulatory projects such as Urby Silver Spring, CentroNia – Martha Gudelsky Child Development Center, Long Branch Corner, and Creekside at Cabin Branch and Ashford Woods that notably will have 25% MPDU single-family homes; and proposed FY22 work program schedule.

Mr. Riemer suggested future exploration of strategies for available land in the County that might be used for solar projects, noting that the Town of Washington Grove is very interested in a community solar project. Mr. Katz stated that he hopes the conversation with Washington Grove on community solar will continue.

Ms. Navarro commented on the focus on equity and noted that it is critical that the Fairland and Briggs Chaney area be framed through an equity lens while access to opportunities, jobs and amenities must be incorporated through an equity lens as well to bring balance to that area of the County.

Ms. Fani-Gonzalez stated that she would follow-up with Mr. Rice on his comments about taking next steps and exploring more programming and sports that can be utilized by communities of color and those less affluent.

Mr. Hucker requested that the PowerPoint slides that were used in today's presentation be sent to Councilmembers. He also requested information on work being coordinated with municipalities to address equity emphasis areas for parks and green space.

(8) **WORKSESSION - [WSSC Water's FY22-27 CIP](#)**

Participating in the discussion were Ms. Reid, General Manager/CEO, Ms. Colihan, Chief Financial Officer, Mr. Price, Deputy General Manager for Operations, Ms. Marquina, Government Relations Manager, Ms. Knight-Lee, Director of Customer Service, WSSC Water; and Mr. Levchenko, Senior Legislative Analyst.

Mr. Levchenko reviewed the Committee recommendations, as contained in the staff report, and noted that the Committee supported WSSC Water's proposed budget.

Discussed the status of the suspended Advanced Metering Infrastructure (AMI) project, large number of complaints about excessively high bills and laborious process for residents to resolve, and problem of retaining meter readers. Requested follow-up on Mr. Rice's recommendation that WSSC Water work with Workforce Development Montgomery on a program to train and hire newly released ex-offenders to be meter readers.

(9) **WORKSESSION - [Amendments to Montgomery College's FY21-26 CIP](#)**

Participating in the discussion were Dr. Pollard, President of Montgomery College; and Ms. Rodriguez-Hernandez, Legislative Analyst.

Mr. Rice, Chair of the Education and Culture (E&C) Committee, provided comments on the great partnership the Council has with Montgomery College. Ms. Rodriguez-Hernandez reviewed the Committee recommendations, as contained in the staff report.

In a straw vote, the Council supported the E&C Committee recommendations for amendments to the College's FY21-26 CIP. The E&C Committee made the motion, which carried unanimously.

**DISTRICT COUNCIL SESSION**

(10) **WORKSESSION - [City of Rockville Annexation Request \(ANX 2020-00146\), 16160 and 16200 Frederick Road \(MD 355\)](#)**

Ms. Ndou, Legislative Attorney, pointed out an addendum correcting page 4 of the staff report showing the staff recommendation of the parcel is to be rezoned as MXCD, and provided background information on the annexation request.

Several Councilmembers expressed support for the annexation. Council action is scheduled for April 20, 2021.

(11) **WORKSESSION - [Department of Health and Human Services \(DHHS\) CIP amendments](#)**

Mr. Alborno, Chair of the Health and Human Services (HHS) Committee, reviewed the joint HHS and E&C Committee recommendations, as contained in the staff report.

In a straw vote, the Council supported the joint Committee recommendations for the amendments to the FY21-26 CIP for DHHS. The joint Committee made the motion, which carried unanimously.

**Motion to Close**

The Council adjourned the open session at 4:20 P.M. and reconvened remotely via video conference in closed session from 4:20 P.M. to 6:14 P.M. Mr. Friedson made the motion, which carried without objection.

The meeting adjourned at 6:14 P.M.

**Report of Closed Session of April 13, 2021**

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, April 13, 2021. The Council convened in closed session at 4:20 P.M. via video conference to consult with counsel to obtain legal advice pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to consult with staff, consultants, or other individuals about pending or potential litigation pursuant to Maryland Code, General Provisions Article §3-305(b)(8). The topic was a pending lawsuit arising out of a police complaint.

The following persons were present: Councilmembers Hucker, Alborno, Friedson, Glass, Katz, Jawando, Navarro, Rice, and Riemer; Chiefs of Staff Mandel-Trupp, Ikheloa, Thorne, Silverman, Nurmi, Ledner, and Gibson; Ms. Cerzosimo, Aide to Councilmember Navarro; Ms. Lora, Aide to Councilmember Glass; Ms. Wolf and Ms. Ortman-Fouse, Aides to Councilmember Hucker; Ms. Bolourian, Aide to Councilmember Jawando; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Mr. Drummer, Senior Legislative Attorney; Ms. Farag, Legislative Analyst; Mr. Hansen, County Attorney, and Ms. Kane and Mr. Markovs, Office of the County Attorney; Mr. Madaleno, Chief Administrative Officer; Chief Jones, Montgomery County Police Department; Dr. McKnight, Deputy Superintendent, and Ms. Williams, General Counsel, Montgomery County Public Schools; Ms. McBride, Miller, Miller & Canby; and Ms. Singleton, Council Clerk.



Action: None.

This is a correct copy of Council action.

  
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Selena Mendy Singleton, Esq.  
Clerk of the Council