



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, May 3, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville Maryland at 9:00 A.M. on Tuesday, May 3, 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 ( <i>virtually</i> )
Councilmember Hans Riemer	

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Councilmember Jawando recognizing National PE and Sports Week May 1-7, 2022.

The Council recessed at 9:10 A.M. and reconvened at 9:14 A.M.

- B. Commemoration was conducted celebrating Asian American and Pacific Islander Month, by Council President Albornoz and the full Council.

### GENERAL BUSINESS

- A. Announcements – Agenda and Calendar

Ms. Rupp, Clerk of the Council, announced an addendum to the agenda, adding introduction/suspension of rules/ action on Extension of Appointment - Acting Director, Department of Environmental Protection, Adriana Hochberg, until October 31, 2022.

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

There were no petitions received this week.

C. **Action** – Approval of Minutes

Approved the closed session minutes of April 5, 2022, without objection. Mr. Friedson and Ms. Navarro were temporarily absent.

(2) **WORKSESSION** - [Silver Spring Downtown and Adjacent Communities Plan](#)

Participating in the discussion were Ms. Dunn, Senior Legislative Analyst; Dr. Orlin, Senior Analyst; Ms. Ndou, Legislative Attorney; Ms. Henn, Deputy Director for Transportation Policy, Department of Transportation (DOT); Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Wright, Director, Planning Department; and Ms. Wellington, County Executive's Office.

Ms. Dunn stated that today the Council would be taking straw votes on the Planning, Housing, and Economic Development (PHED) Committee recommendations and on items not yet reviewed.

Dr. Orlin reviewed transportation items included in the report. Mr. Riemer commented we are all excited by Newell Street and the Committee's recommendation to continue its use as a public space. Mr. Hucker requested that staff reach out to residents and the tenant association of the Newell Street area to ensure their concerns are addressed.

Requested language be added to the Plan regarding Public Garage 4 to clarify that the guidance is included should the site redevelop with removal of the existing parking garage.

Approved without objection the recommendations for transportation items included on pages 2-11 of the staff report, as amended.

Concurred with the PHED Committee's finding that there are future options available to provide sufficient public school capacity to serve the 11,000 additional multi-family high-rise units anticipated in the Plan.

Supported without objection Mr. Hucker's motion regarding Urban Heat Islands and Tree Canopy, to change the word "Encourage" to "Require" a minimum of 35 percent green cover; and adding language to indicate the setting of an overall goal, throughout the Plan, to reach a 45 percent tree canopy over the 20-25 years of the Plan, on public and private property.

Supported without objection the PHED Committee's recommendations for the "Resilient Downtown" section of the Plan, as amended.

Supported the PHED Committee's recommendations for Plan-wide Community Facilities: Safety and Security. Ms. Ndou noted that language concerning noise reduction was inadvertently omitted from the staff report and would be included in the Safety and Security section.

Supported without objection the PHED Committee's recommendations for Plan-wide Historic Resource: Master Plan for Historic Preservation goals. Noted that the owner of Perpetual Bank building requested not to receive honorific historic designation.

Supported Mr. Hucker's motion to include the Structured Parking category in the Implementation section of the Plan. Mr. Jawando, Mr. Riemer and Mr. Glass were opposed.

Supported without objection the PHED Committee's recommendation for the Implementation section, as amended.

Supported the PHED Committee's recommendations for specific property requests for Fenton Village, Metro Center, 8600 Georgia Avenue, Ripley District, 8230 Georgia Avenue, South Silver Spring District, Downtown North District, and Adjacent Communities, as contained in the staff report.

In straw votes, supported the PHED Committee recommendations for the Ellsworth District, Fenton Village District, Metro Center, Ripley District, South Silver Spring District, Downtown North District, Falklands District, and Adjacent Communities, as shown in the May 2, 2022, addendum to the staff report.

Supported the Plan-wide recommendations for Land Use and Zoning, Economic Growth, Housing, Urban Design, and Parks, Trails, and Public Spaces, as shown in the May 2, 2022, addendum. Mr. Rice was temporarily absent.

Mr. Albornoz requested staff follow-up with the Montgomery Housing Alliance to obtain its input on the Land Use and Zoning aspect of the Plan.

Council staff will prepare resolutions for final action at the Council's May 26, 2022, meeting.

- (3) **WORKSESSION/ACTION** - [Special Appropriation to the FY22 Operating Budget Montgomery County Government, Incubator Programs - Economic Development Partnership Non-Departmental Account, \\$789,000 \(Source of Funds: General Fund Reserves\)](#)

Mr. Riemer reviewed the PHED Committee's recommendation, as contained in the staff report.

Approved Mr. Riemer's motion to amend the resolution as recommended by the County Attorney's Office and the Council Attorney, and shown on pages 4 to 6 of the staff report, without objection. Ms. Navarro was temporarily absent.

Adopted **Resolution 19-1233**, approving the subject Special Appropriation, as amended.

The PHED Committee made the motion, which carried without objection. Ms. Navarro was temporarily absent.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Release and Receipt - [OLO Report 2022-6: Inventory of Services to Victims of Power Based Violence in Montgomery County.](#)**
- B. **[Adopted Resolution 19-1234 in support of financial assistance to Aronson, LLC through the Maryland Economic Development Authority Administration Fund, \\$50,000.](#)**
- C. **[Adopted Resolution 19-1235, an amendment to the FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Food Council.](#)**
- D. **[Adopted Resolution 19-1236, an amendment to FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Asian American Health Initiative.](#)**
- E. **[Adopted Resolution 19-1237, confirming the County Executive's appointment to the Early Childhood Coordinating Council: Dira Treadvance.](#)**
- F. **[Adopted Resolution 19-1238, confirming the County Executive's appointments to the Solid Waste Advisory Committee: Jasim Ahmed, Carol Jones, Heidi Lovett, Amy Maron, Chaz Miller, Candy Schimming, Adam Diamond, Troy Cavell, Shaun Kiviat.](#)**
- G. **[Adopted Resolution 19-1239 confirming the County Executive's appointment to the Workforce Development Board: Diego Uriburu.](#)**

- H. **Introduced a Special Appropriation to the County Government's FY22 Operating Budget, Department of Recreation, Youth Development - \$250,000 for After School Youth Support and Engagement Hubs (Source of Funds: Federal Grant); and Amendment to FY22 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth and Families.** A public hearing and action is scheduled for May 17, 2022, at 1:30 pm.
- I. **Introduced a Special Appropriation to the County Government's FY22 Operating Budget, Office of Community Use of Public Facilities, Facility Fee Assistance Program - \$125,000 for Youth Out-of-School Time Initiative (Source of Funds: Federal Grant).** A public hearing and action is scheduled for May 17, 2022, at 1:30 pm.
- J. **Introduction/Suspension of Rules/Action - Extension of Appointment - Acting Director, Department of Environmental Protection, Adriana Hochberg, until October 31,2022.**

This item was reconsidered in the afternoon.

The Council recessed at 12:33 P.M. and reconvened at 1:48 P.M.

(4) **CONSENT CALENDAR** (*continued*)

- J. **Introduction/Suspension of Rules/Action - Extension of Appointment - Acting Director, Department of Environmental Protection, Adriana Hochberg, until October 31,2022.**

Approved the Suspension of Rules. Mr. Jawando made the motion, which carried without objection. Mr. Hucker and Mr. Rice were temporarily absent.

Approved **Resolution 19-1240**, approving the extension of the appointment of Acting Director, Department of Environmental Protection, Adriana Hochberg.

Mr. Friedson made the motion, which carried without objection. Mr. Hucker and Mr. Rice were temporarily absent.

- (5) **PUBLIC HEARING/ACTION - Supplemental Appropriation #22- 82 to the FY22 Operating Budget, Montgomery County Government, Department of Transportation, Transportation Services Improvement Fund Fuel Relief Disbursement, \$75,000 (Source of Funds: Transportation Services Improvement Fund).**

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1241**, approving the subject supplemental appropriation. Mr. Hucker and Mr. Rice were temporarily absent. Mr. Hucker noted later in the meeting that he would have voted in the affirmative.

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

- (6) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation #22-75 to the FY22 Operating Budget, Montgomery County Public Schools \(MCPS\), ARPA Individuals with Disabilities Act Comprehensive Coordinated Early Intervening Services Plan Grant, \\$1,370,888 \(Source of Funds: Federal Funds\).](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1242**, approving the subject supplemental appropriation.

Ms. Navarro made the motion, which carried without objection.

- (7) **PUBLIC HEARING/ACTION** - [Supplemental appropriation #22-76 to the FY22 Operating Budget, MCPS, ARPA Transitional Supplemental Instruction, \\$2,378,575 \(Source of Funds: Federal Funds\).](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1243**, approving the subject supplemental appropriation.

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

- (8) **PUBLIC HEARING/ACTION** - [Supplemental appropriation #22-77 to the FY22 Operating Budget, MCPS, ARPA Individuals with Disabilities Act Part B Grant, \\$6,985,349 \(source of Funds: Federal Funds\).](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1244**, approving the subject supplemental appropriation.

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

- (9) **PUBLIC HEARING/ACTION** - [Supplemental appropriation #22-78 to the FY22 Operating Budget, MCPS, ARPA Individuals with Disabilities Part B Preschool Grant, \\$623,924 \(Source of Funds: Federal Funds\).](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1245**, approving the subject supplemental appropriation.

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

- (10) **PUBLIC HEARING/ACTION** - [Special Appropriation to the FY22 Operating Budget; Montgomery County Government; Department of Health and Human Services; Adult Medical Day Care COVID Assistance; \\$1,200,000 \(Source of Funds: Federal Grant \(American Rescue Plan Act\)\).](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1246**, approving the subject Special Appropriation.

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

- (11) **PUBLIC HEARING/ACTION** - [Special Appropriation to the FY22 Operating Budget; Montgomery County Government; Department of Recreation, \\$112,500 for Out-of-School-Time Systems Building \(Source of Funds: General Fund Undesignated Reserves\) and Amendment to FY22 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth and Families.](#)

The public hearing was conducted and the record was closed.

Adopted **Resolution 19-1247**, approving the subject Special Appropriation and the subject amendment to the FY22 Operating budget.

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

- (12) **DISTRICT COUNCIL SESSION**

A. **Announcement:** [The public hearing on Zoning Text Amendment \(ZTA\) 22-03, Downtown Silver Spring Overlay Zone will be rescheduled from May 24, 2022, to June 14, 2022.](#)

Mr. Alborno announced that the public hearing for ZTA 22-03 has been rescheduled from May 24, 2022, to June 14, 2022, at 1:30 P.M.

**Motion to Close**

The Council adjourned the open session at 1:54 P.M. and reconvened in the 4<sup>th</sup> floor Conference Room in closed session at 2:04 P.M to 2:13 P.M. Mr. Hucker made the motion, which carried unanimously.

**Report of Closed Session of May 3, 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, May 3, 2022. The Council convened in closed session in the 4<sup>th</sup> floor Council Conference Room at 2:04 P.M. pursuant Maryland Code, State Government Article, §3-305(b)(1)(i). Topic was interview for Hearing Examiner.

The following persons were present: Councilmembers Alborno, Glass, Friedson, Hucker, Katz, Rice (virtually), Riemer, Navarro; Chiefs of Staff Nurmi (virtually), Gibson, Ikheloa, Ledner (virtually), Mandel-Trupp, Murillo, and Silverman (virtually); Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Rupp, Clerk of the Council; Ms. Tenenbaum, Deputy Clerk of the Council; Ms. Hannan, Director, Office of Zoning and Administrative Hearings; and Ms. Byrne, applicant.

**Action:** Interviewed applicant for Hearing Examiner.

The meeting adjourned at 2:13 P.M.

This is an accurate account of the meeting:



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Judy Rupp  
Clerk of the Council