



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

CORRECTED COPY

APPROVED

Tuesday, June 14, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville Maryland at 9:01 A.M. on Tuesday, June 14, 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.

PRESENTATIONS

- A. Presented proclamation recognizing Chesapeake Bay Awareness Day, by Councilmember Rice.
- B. Presented proclamation recognizing National Gun Violence Awareness Day, by Council President Albornoz.
- C. Presented proclamation recognizing the 50th Anniversary of Title IX, by Councilmember Riemer.

GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced the correction to the title of item 4B to include the 2022-2031 Ten Year Comprehensive Water

Supply and Sewerage Systems Plan and the correction to the order of items 4E and 4F on the agenda.

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

No petitions were received this week.

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

Approved the minutes of March 22, 2022, and April 19, 20, 21 and 26, 2022, without objection.

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

A. [Updates from County Government and Montgomery County Public Schools - Novel Coronavirus \(COVID-19\) and Health Planning](#)

Participating in the discussion were Dr. Bridgers, Acting Public Health Officer and Mr. O'Donnell, Manager, Public Health and Emergency Preparedness (PHEP), Department of Health and Human Services (DHHS); Dr. Stoddard, Assistant Chief Administrative Officer; Mr. D'Andrea, Chief of Staff, and Ms. Dublinske, Student Welfare and Compliance Coordinator, Montgomery County Public Schools (MCPS).

Received an update on the COVID-19 waste-water surveillance program, childcare guidance and best practices from The Centers for Disease Control (CDC), COVID-19 case positivity rates, vaccinated and unvaccinated case positivity rates, hospitalization rates, death rates, testing efforts, and data trends indicating a reduction in case positivity and vaccination rates. Mr. O'Donnell shared DHHS's timeline and strategies for delivery of the under five years of age vaccine and availability. Mr. O'Donnell confirmed that there are currently no cases of Monkeypox in Maryland or Montgomery County, but shared guidelines to report exposure.

Dr. Stoddard noted that approximately 18,700 COVID-19 rapid test kits were distributed to early childcare providers last week. He also stated that the iHealth test kits distributed by the County that expire on June 26, 2022, have been granted a three-month expiration extension by the Food and Drug Administration (FDA) and can be used through September 2022. Additionally, the County has approximately 550,000 test kits of various brands stockpiled.

Mr. D'Andrea noted that the start date for Dr. Kapunan, MCPS Medical Officer, is June 27, 2022, and she will be taking the lead on MCPS's

COVID-19 management, student health concerns, and will be the primary liaison to DHHS.

Received data on MCPS case positivity rates, noting a decline in overall cases, and the plans and preparations for summer programs related to COVID-19, including case positivity reporting, symptoms management response, mask guidelines, test kit distribution, and student vaccination efforts coupled with mental health supports.

Mr. Rice proposed a discussion with the Health and Human Services (HHS) Committee or full Council to discuss possible flexibility in the guidelines for the age requirements to obtain a booster dose of the COVID-19 vaccine.

Dr. Bridgers shared that DHHS is reviewing data and literature regarding long-COVID and planning for a booster campaign throughout the summer to help reduce a potential COVID-19 case positivity surge this winter. Mr. O'Donnell also discussed the expectation that guidance from the Centers for Disease Control and Prevention (CDC) will change.

Mr. Albornoz noted that there will be a joint Government Operations and Fiscal Policy (GO)/Health and Human Services (HHS) Committee meeting on June 30 to discuss the County Health Officer vacancy. Dr. Stoddard reiterated the County Executive's desire to have the flexibility to hire a Health Officer without the required medical license certification to increase the candidate pool, to be discussed at the joint committee meeting.

Mr. O'Donnell shared that the Maryland Department of Health will most likely initially distribute the majority of the under five years of age vaccine to pediatricians and private health care partners, with some being distributed to DHHS. County health clinics are expected to be operational in two weeks for administration of this vaccine. County clinics that initially administer the pediatric vaccine will be exclusive to this age group to ensure proper administration.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #15**

(3) Introduction of Bills:

- A. [Expedited Bill 9-22, Property Tax Credit - Elderly Individuals and Retired Military Services Members - Amendments](#)

Introduced draft #1 of the subject expedited bill, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 21, 2022, at 1:30 P.M.

B. [Bill 10-22, Personnel and Human Resources - Paid Parental Leave](#)

Introduced draft #1 of the subject bill sponsored by Councilmember Friedson. A public hearing is scheduled for July 12, 2022, at 1:30 P.M. Councilmembers Glass, Rice, Riemer, and Jawando requested to be added as co-sponsors.

C. [Bill 11-22, Buildings - Lactation Rooms in County Buildings -Required](#)

Introduced draft #2 of the subject bill sponsored by Councilmember Friedson. A public hearing is scheduled for July 12, 2022, at 1:30 P.M. Councilmembers Glass, Rice, Riemer, and Jawando requested to be added as co-sponsors.

D. [Bill 12-22, Electricity - Board of Electrical Examiners - Licenses - Permit Requirements](#)

Introduced draft #1 of the subject bill sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 12, 2022, at 1:30 P.M.

E. [Bill 13-22, Buildings - Comprehensive Building Decarbonization](#)

Introduced draft #1 of the subject bill sponsored by Councilmember Riemer. A public hearing is scheduled for July 26, 2022, at 1:30 P.M. Mr. Jawando requested to be added as a co-sponsor.

F. [Bill 14-22, Police - Private Security Camera Incentive Program - Established](#)

Introduced draft #1 of the subject bill sponsored by Councilmember Rice. A public hearing is scheduled for July 12, 2022, at 1:30 P.M. Councilmembers Jawando, Navarro and Hucker requested to be added as co-sponsors.

G. [Expedited Bill 15-22, Special Capital Improvements Project Legislation Authorization: Kennedy Shriver Aquatic Center Building Envelope Improvement \(P721503\)](#)

Introduced draft #1 of the subject expedited bill sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 21, 2022, at 1:30 P.M.

H. [**Expedited Bill 16-22, Special Capital Improvements Project - 6th District Police Station \(P470301\)**](#)

Introduced draft #1 of the subject expedited bill sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 21, 2022, at 1:30 P.M.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

A. [**Introduced** a resolution to approve the Tax Supported Fiscal Plan Summary for the FY23-28 Public Services Program.](#) Action is scheduled for June 21, 2022.

B. [**Introduced** the 2022 - 2031 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.](#) A public hearing is scheduled for July 12, 2022, at 1:30 P.M.

C. [**Introduced** Supplemental Appropriation #22-94 to the County Government's FY22 Operating Budget, Montgomery County Government Technology and Emergency Connectivity Fund Grants \\$15,975,170 \(Source of Funds: Federal Grant\).](#) A public hearing and action is scheduled for June 28, 2022, at 1:30 P.M.

D. [**Introduced** Supplemental Appropriation #22-92 to the County Government's FY22 Operating Budget, Montgomery County Government Department of Transportation Taxicab Accessibility Transportation Services Improvement Fund, \\$772,329 \(Source of Funds: Transportation Services Improvement Fund\).](#) A public hearing and action is scheduled for June 28, 2022, at 1:30 P.M.

E. [**Adopted Resolution 19-1300 \[1230\], approving the County Executive's appointments to the Remembrance and Reconciliation Commission: Sherlene Lucas, Tina Patterson, Treava Hopkins-Laboy, Stephanie Joseph, Robert McGarrah, Paul Walker.**](#)

F. [Introduced a resolution to extend time until December 30, 2022, for submission of the FY16-22 Montgomery County Fire & Rescue Service \(MCFRS\) Master Plan.](#) A public hearing and action is scheduled for June 28, 2022, at 1:30 P.M.

The Council recessed at 11:17 P.M. and reconvened at 1:33 P.M.

(5) **PUBLIC HEARING - [ZTA 22-03, Downtown Silver Spring Overlay Zone](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 21, 2022.

(6) **PUBLIC HEARING - [ZTA 22-02, Density and Height Limits, Parking - Biohealth](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 21, 2022.

(7) **PUBLIC HEARING/ACTION - [Supplemental Appropriation #22-90 to the County Government's FY22 Operating Budget, Montgomery County Fire and Rescue Service, Emergency Service Transporter Supplemental Payment Program - \\$2,170,850 \(Source of Funds: Emergency Service Transporter Supplemental Payment Program\)](#)**

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1301 [1231]**, approving the subject supplemental appropriation. Mr. Katz made the motion which carried without objection among those present. Mr. Hucker and Mr. Riemer were temporarily absent.

(8) **PUBLIC HEARING/ACTION - [Supplemental Appropriation to the County Government's FY22 Operating Budget, Montgomery County Fire and Rescue Service, Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664 - \\$26,965 for FY22 General Wage Adjustment \(Source of Funds: Undesignated Fire Fund Reserves\)](#)**

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1302 [1232]**, approving the subject supplemental appropriation. Mr. Katz made the motion which carried without objection among those present. Mr. Hucker and Mr. Riemer were temporarily absent.

(9) **PUBLIC HEARING/ACTION - [Supplemental Appropriation to the County Government's FY22 Capital Budget, and Amendment to the FY21-26 Capital Improvements Program \(CIP\), Montgomery County Fire and Rescue Service - \\$534,000 for Heart Monitor/Defibrillator Replacement \(Source of Funds: Current Revenue: Fire\)](#)**

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1303 [1233]**, approving the subject supplemental appropriation and CIP amendment. Mr. Katz made the motion which carried without objection among those present. Mr. Huckler and Mr. Riemer were temporarily absent.

- (10) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY22 Operating Budget, Montgomery County Public Schools, \\$1,452,023 for School Safety Grant Program \(Source of Funds: State Funds\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1304 [1234]**, approving the subject supplemental appropriation. Mr. Rice made the motion which carried without objection among those present. Mr. Huckler and Mr. Riemer were temporarily absent.

- (11) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY22 Operating Budget, Arts and Humanities Council of Montgomery County Non-Departmental Account, Business Assistance Program: Arts COVID-19 ARPA Relief Funds, \\$2,750,000 \(Source of Funds: Federal Funds\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1305 [1235]**, approving the subject special appropriation. Mr. Rice made the motion which carried without objection among those present. Mr. Huckler and Mr. Riemer were temporarily absent.

- (12) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation #22-88 to the County Government's FY22 Operating Budget, and Amendment to the FY21-26 Capital Improvements Program \(CIP\), Montgomery County Government, Montgomery County Fire and Rescue Service MCFRS Gude Drive Community Services Building \(No. 452202\), \\$500,000 \(Source of Funds: Current Revenue: Fire\)](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-1306 [1236]**, approving the subject supplemental appropriation and CIP amendment. Mr. Katz made the motion which carried without objection among those present. Mr. Huckler and Mr. Riemer were temporarily absent.

(13) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY22 Operating Budget, Department of Police COVID-19 ARPA Relief Funds, \\$731,125 \(Source of Funds: Federal Aid\)](#)

The public hearing was conducted, and the record closed.

Participating in the discussion were Dr. Stoddard and Chief Jones, Montgomery County Police Department (MCPD).

In addition to program funding in partnership with the Street Outreach Network and DHHS, Dr. Stoddard confirmed that the requested funding would be used for four contractor crime analysts to establish a Violent Crime Information Center (VCIC) to analyze crime data and two staff persons to provide additional support services to individuals impacted by violent crimes for one year, with no assumption that the funding would continue after the year. He stated that this is part of a holistic model to address crimes and youth harm and mental health needs.

Mr. Jawando noted that the intent of the use of American Rescue Plan Act (ARPA) funds are for programs that provide preventative programs, not crime investigation, and noted his preference that this funding be diverted to other agencies/programs.

Mr. Friedson suggested that it would have been more appropriate to fund programs in the operating budget rather than fund a pilot program through ARPA funds. If approved, he requested a report by July 31, 2022, to include a scope of the program, the proposed data that will be collected, and define metrics to evaluate the efficacy of the pilot program.

Defeated Mr. Jawando's motion to shift \$156,000 for the Gun Violence Intervention Initiative to DHHS. Mr. Albornoz, Mr. Hucker, Mr. Jawando, and Mr. Riemer voted in favor of this motion.

Adopted **Resolution 19-1307 [1237]**, approving the subject special appropriation. Mr. Katz made the motion which carried without objection.

(14) **DISTRICT COUNCIL SESSION**

A. **Oral Arguments** - [Local Map Amendment \(LMA\) H-143 regarding 4910/4920 Strathmore Avenue in North Bethesda](#)

Participating in the discussion were Ms. Robeson Hannan, Director/Hearing Examiner, Office of Zoning and Administrative

Hearings (OZAH); Mr. Burdin, Party of Record; and Ms. Girard, Esq., Miles & Stockbridge PC, represented applicant.

Received oral arguments regarding the Hearing Examiner's recommendation to approve Local Map Amendment (LMA) H-143.

Mr. Friedson noted that the recommendation complied with all requirements and therefore would vote in favor of approving this LMA.

Adopted **Resolution 19-1308 [1238]**, approving the subject LMA by a roll call vote:

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

- B. **Announcement** - [The public hearing for Zoning Text Amendment \(ZTA\) 22-01, Antenna on Existing Structure - Use Standards, will be rescheduled from July 12, 2022, to September 13, 2022 at 1:30 P.M.](#)

Council President Albornoz announced that the public hearing for ZTA 22-01, Antenna on Existing Structure - Use Standards, will be rescheduled from July 12, 2022, to September 13, 2022, at 1:30 P.M.

- C. **Introduction** - [ZTA 22-04, Commercial Uses - Light Vehicle Sales and Rental \(Indoor\)](#)

Introduced draft #1 of **ZTA 22-04**, Commercial Uses - Light Vehicle Sales and Rental (Indoor). A public hearing is scheduled for July 26, 2022, at 1:30 P.M.

- D. **Introduction** - [ZTA 22-05, Signs](#)

Introduced draft #1 of **ZTA 22-05**, Signs. A public hearing is scheduled for July 26, 2022, at 1:30 P.M.

- E. **Introduction** - [ZTA 22-06, Exemptions - Historic Resources - Allowed Uses](#)

Introduced draft #1 of **ZTA 22-06**, Exemptions - Historic Resources - Allowed Uses. A public hearing is scheduled for July 26, 2022, at 1:30 P.M.

- F. **Introduction** - [ZTA 22-07, Residential Multi-Use Low Density, R-30 - Optional Method Development](#)

Introduced draft #1 of **ZTA 22-07**, Residential Multi-Use Low Density, R-30 - Optional Method Development. A public hearing is scheduled for July 26, 2022, at 1:30 P.M.

Motion to Close

Agreed to meet in closed session to consult with counsel to obtain legal advice pursuant to Maryland Code, General Provisions Article §3-305(b)(7); and §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topic is all pending litigation involving the County. Mr. Glass made the motion, which carried unanimously.

The Council recessed at 3:29 P.M. and reconvened in closed session from 3:34 P.M. to 4:16 P.M.

The meeting adjourned at 4:16 P.M.

Report of Closed Session of June 14, 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, June 14, 2022. The Council convened in closed session in the 3rd floor Council Conference Room at 3:34 P.M. pursuant to Maryland Code, State Government 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 is all pending litigation involving the County.

The following persons were present: Councilmembers Albornoz, Glass, Friedson, Hucker, Jawando, Katz, Rice, and Navarro; Chiefs of Staff Carranza, Gibson, Ikheloa, Ledner, Mandel-Trump, Murillo, Nurmi, and Silverman; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Wellons, Senior Attorney; Ms. Rupp, Clerk of the Council; Ms. Tenenbaum, Deputy Clerk; Mr. Hartman, County Executive's Office; and Mr. Markovs, County Attorney.

Action: None.

This is an accurate account of the meeting:



Judy Rupp
Clerk of the Council