



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, September 13, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 8:51 A.M. on Tuesday, September 13, 2022.

PRESENT

Councilmember Gabe Albornoz, President
Councilmember Andrew Friedson
Councilmember Sidney Katz
Councilmember Craig Rice

Councilmember Tom Hucker
Councilmember Will Jawando, *virtually*
Councilmember Nancy Navarro
Councilmember Hans Riemer

ABSENT

Councilmember Evan Glass, Vice President

The President in the Chair.

PRESENTATION

Proclamation presented by Mr. Friedson recognizing Infant Mortality Awareness Month.

GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced a correction to Consent Calendar Item 4N, Resolution to approve Montgomery County Planning Board Regulation 25-22 on Forest Conservation - Trees, that a Transportation and Environment (T&E) Committee meeting is tentatively scheduled for October 17, 2022, and action will be scheduled at a future date.

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

Acknowledged a petition received from residents of Montgomery County supporting **Bill 13-22**, Buildings - Comprehensive Building Decarbonization.

C. **Action** - Approval of Minutes: There are no minutes for approval this week.

(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 Mr. O'Donnell, Program Administrator, Public Health Emergency Preparedness and Response, Ms. Townsend, Senior Administrator for Communicable Disease and Epidemiology, and Dr. Crowel, Director, Department of Health and Human Services (DHHS); Mr. Stockton, Chief of Staff, Dr. Kapunan, School System Medical Officer, Ms. Iszard, Executive Assistant to the Medical Officer, Montgomery County Public Schools (MCPS); and Dr. Stoddard, Assistant Chief Administrative Officer.

Received an update on COVID-19 case metrics for the County noting that as of September 11, the County has a low transmission rate; information on the importance of booster vaccines and the availability of and eligibility for the bivalent booster; the level of pediatric vaccines administered (67,000 doses to 5 to 11-year olds; 13,000 doses to under 5-year olds); issues associated with long-COVID; monkeypox (MPX) case trends, and outbreak mitigation efforts and vaccination opportunities. Noted that DHHS is working to identify at-risk individuals.

Received an overview of the role of the new MCPS Medical Officer, the availability of COVID-19 testing and vaccination opportunities at school sites, updated testing and quarantine guidelines for staff and students, outbreak management strategies, and efforts to increase the number of vaccinated children; and the status of increased mental health supports for students and the expansion of health centers at schools.

Received information that the wastewater surveillance contract is in place and noted that information obtained would help prevent surges in the number of COVID-19 cases. Received information that DHHS is continuing to interview candidates for the County's Health Officer position.

(3) **PRESENTATION** - [Thrive 2050](#)

Participating in the discussion were Ms. Hicks, President, CHPlanning and Nspiregreen, and Mr. Exantus, Managing Associate, Nspiregreen.

Received an overview of the project and information on outreach efforts to obtain input on the Thrive 2050 Plan from targeted Black, Inidigenous, and People of Color (BIPOC) communities including the creation of focus groups, community forums, questionnaires, and community advisory groups. Noted that the need for more accessible and affordable housing was a recurring theme, and concerns were expressed by residents regarding jobs, housing, transportation, parks and public spaces, safety, and pollution issues.

Discussed racial equity and social justice issues and noted the need to improve engagement with underrepresented communities. A follow-up discussion will be scheduled for a future date.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz- made the motion, which carried without objection. Mr. Glass was absent.

- A. **Introduced** an Amendment to the FY23-28 Capital Improvements Program (CIP) and Special Appropriation to the County Government's FY23 Capital Budget, Montgomery County Department of Transportation - Bowie Mill Road Bikeway (No. 502108), \$2,245,000 (Source of Funds: State Aid and General Obligation Bonds). A public hearing is scheduled for October 4, 2022, at 1:30 p.m.
- B. **Introduced** a resolution to approve categorical transfers for MCPS' FY22 Operating Budget and FY22 Grants.
- C. **Introduced** a special appropriation to the MCPS' FY23 Operating Budget - \$8,631,072 for the Maryland Leads Grant Program (Source of Funds: State Funds). A public hearing is scheduled for September 20, 2022 at 1:30 p.m.
- D. **Adopted Resolution 19-1360, confirming the County Executive's appointment for the Board of Investment Trustees and Board of Trustees for the Consolidated Retiree Health Benefits Trust Board of Trustees: Lee Holland.**
- E. **Adopted Resolution 19-1361, confirming the County Executive's appointments for the Board of Trustees for the Consolidated Retiree Health Benefits Trust Board of Trustees: Phoebe Kuan, Dan Kelly.**

- F. [Adopted Resolution 19-1362, confirming the County Executive's appointment for the Advisory Committee on Consumer Protection: Timothy Robinson.](#)
- G. [Adopted Resolution 19-1363, confirming the County Executive's appointments for the Department of Permitting Services Advisory Committee: Debra Wylie, Wayne Jacas, Elizabeth Kellar, Rexie Fernando, Sean Soboloski, Thomas Blanc, Kenneth Jones, Dean Packard.](#)
- I. [Adopted Resolution 19-1364, confirming the County Executive's appointments for the Historic Preservation Commission: Cristina Radu, Robert Sutton.](#)
- J. [Adopted Resolution 19-1365, confirming the County Executive's appointments for the Local Management Board for Children, Youth, and Families \(Collaboration Council\): Ebony Davis, Jaslynn Laurence, Nicholette Smith Bligen, Michelle Taylor, Sharon Cichy.](#)
- K. [Adopted Resolution 19-1366, an Abandonment of Right of Way adjacent to Walter Johnson Road in Germantown.](#)
- L. [Adopted Resolution 19-1367, approving Executive Regulation 21-21AM, Sales Prices of Moderately Priced Dwelling Units - Moderately Priced Housing.](#)
- M. Received and Released - [Office of Legislative Oversight Report 2022-10, K-12 Virtual Schools: Promising Practices.](#)
- N. [Introduced a resolution to approve Montgomery County Planning Board Regulation 25-22 on Forest Conservation - Trees.](#)

- (5) **PRESENTATION** - [Commemoration Celebrating African Heritage Month, by Council President Albornoz, Councilmember Jawando, Councilmember Rice, and the full Council](#)

The Council presented a proclamation celebrating African Heritage Month and viewed a video highlighting the African influence in Montgomery County and showcasing African art, dance, food, music, and traditional attire.

The Council recessed at 12:36 P.M. and reconvened at 1:32 P.M.

- (6) **PUBLIC HEARING** - [Amendment to the County Government's FY23-28 Capital Improvements Program and Supplemental Appropriation #23-13 to the FY23 Capital Budget, Department of Recreation, Cost Sharing: MCG \(No. 720601\), \\$5,000,000](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 20, 2022. A Committee worksession will be scheduled at a future date.

(7) **PUBLIC HEARING - [Zoning Text Amendment \(ZTA\) 22-01, Antenna on Existing Structure - Use Standards](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2022. A Planning, Housing, and Economic Development (PHED) Committee worksession is tentatively scheduled for September 19, 2022.

(8) **PUBLIC HEARING - [Zoning Text Amendment \(ZTA\) 22-08, Commercial/Residential Zones - MPDU](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2022. A PHED Committee worksession is tentatively scheduled for September 19, 2022.

(9) **PUBLIC HEARING - [Zoning Text Amendment \(ZTA\) 22-09, Accessory Structures - Use Standards](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 18, 2022. A PHED Committee worksession is tentatively scheduled for September 19, 2022.

(10) **PUBLIC HEARING/ACTION - [Supplemental Appropriation #23-6 to the County Government's FY23 Capital Budget, Department of General Services, Energy Conservation \(No. P507834\), \\$975,269 \(Source of Funds: Utility Incentives\)](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1368**, approving the subject supplemental appropriation. Mr. Riemer made the motion which carried without objection among those present. Ms. Navarro was temporarily absent.

(11) **PUBLIC HEARING/ACTION - [Supplemental Appropriation #23-7 to the County Government's FY23 Capital Budget, Department of General Services, Exelon-Pepco Merger Fund \(No. P362105\), \\$636,971 \(Source of Funds: Utility Incentives\)](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1369**, approving the subject supplemental appropriation. Mr. Friedson made the motion which carried without objection among those present. Ms. Navarro was temporarily absent.

(12) **DISTRICT COUNCIL SESSION**

A. **Action - [Resolution to extend time for Council Action on the Thrive Montgomery 2050 Plan from September 16, 2022, to close of business on November 15, 2022](#)**

Adopted **Resolution 19-1370**, approving the extension of time for Council action on the Thrive Montgomery 2050 Plan. Mr. Rice made the motion which carried without objection among those present. Ms. Navarro was temporarily absent.

LEGISLATIVE SESSION - DAY #25

(13) **Introduction of Bills:**

A. **[Bill 25-22, Forest Conservation - Trees](#)**

Introduced draft #1 of **Bill 25-22**. The lead sponsor of the Bill is the Council President at the request of the Planning Board. A public hearing is scheduled for October 4, 2022, at 1:30 P.M.

(14) **BRIEFING - [Purple Line](#)**

Participating in the discussion were Dr. Orlin, Council Senior Analyst; Mr. Pollack and Mr. Biggs, Maryland Transit Authority (MTA); Mr. Bosso, Purple Line Transit Partners; and Mr. Fontirroig, Maryland Transit Solutions.

Received an update of the Purple Line project overview, including the important benefits of the project; overview of the partnership structure; onboarding of a new design-builder; revised project timeline with the expectation that the line will open in Fall 2026; light rail vehicle production and delivery timeline; ongoing work on the Sleaford Underpass; construction in downtown Silver Spring, downtown Bethesda, Jones Mill Road, Rock Creek Bridge, Lyttonsville Place Bridge, Plymouth Tunnel; and overall construction efforts. Dr. Orlin noted that the fare structure for the Purple Line has not been established at this time.

Mr. Albornoz recommended that the team reach out to community-based organizations and the Regional Service Center Directors to amplify community outreach to build trust.

Mr. Hucker expressed continued concern with a lack of on-site staff and construction measures to ensure pedestrian safety and access in construction areas.

Mr. Friedson noted that originally a commitment was made to keep the Capital Crescent Trail open intermittently during the testing phase. Mr. Pollack shared that MTA cannot guarantee the safe access of the Trail during the testing phase so can no longer guarantee that original commitment. Mr. Friedson strongly urged the team to open the Trail as soon as possible to demonstrate a commitment to the community. Mr. Friedson also encouraged a community and business stakeholder event to communicate the long-term construction impact to vehicular, pedestrian and bicycle traffic in Bethesda and other areas.

Mr. Rice expressed support for exploring an accelerated timeline to reopen the Capital Crescent Trail. He also encouraged outreach and partnership with education institutions in Montgomery County to increase the talent pipeline and diversity of employees working on the project.

Mr. Riemer requested a cost estimate of nine additional vehicles to plan for the potential of six-minute train interval service, rather than eight-minute intervals as is currently planned.

Motion to Close

The Council adjourned the open session at 3:20 P.M. and reconvened in the Capital Crescent Trail Conference Room in closed session at 3:27 P.M. to 5:10 P.M. Mr. Katz made the motion, which carried unanimously among those present. Ms. Navarro was temporarily absent.

Report of Closed Session of September 13, 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 in the Capital Crescent Trail Conference Room at 3:27 P.M. pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). Topic was a personnel matter concerning one or more specific appointees, employees, or officials.

The following persons were present: Councilmembers Alborno, Friedson, Hucker, Jawando (*virtually*), Katz, Rice, Riemer; Chiefs of Staff Nurmi (*virtually*), Carraza (*virtually*), Gibson, Ikheloa, Ledner, Mandel-Trupp, Murillo, Silverman, and Thorne; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Wellons, Senior Attorney; Ms. Rupp, Clerk of the Council, Ms. Tenenbaum, Deputy Clerk of the Council; Ms. Chiang-Smith, Executive Director; Mr. Spencer, Corporate Human Resources Director; Ms. Borden, General Counsel; and Ms. Kenney, Inspector General, Maryland-National Capital Planning Commission (M-NCPPC).

Action: No action was taken. An additional meeting on this topic may be scheduled at a future date.

The meeting adjourned at 5:10 P.M.

This is an accurate account of the meeting:



Judy Rupp
Clerk of the Council