



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, March 7, 2023

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, March 7, 2023.

### PRESENT

Councilmember Evan Glass, President	Councilmember Andrew Friedson, Vice President
Councilmember Gabe Alborno	Councilmember Natali Fani-González
Councilmember Marilyn Balcombe	Councilmember Sidney Katz
Councilmember Laurie-Anne Sayles	Councilmember Kristin Mink
Councilmember Dawn Luedtke	Councilmember Kate Stewart
Councilmember Will Jawando	

The President in the Chair.

### PRESENTATIONS

- A. Proclamation recognizing Developmental Disability Awareness Month was presented by Councilmember Alborno and County Executive Elrich.
- B. Proclamation recognizing the Retirement of Jane Redicker, was presented by Councilmember Balcombe and Councilmember Stewart.

### GENERAL BUSINESS

- A. Announcements - Agenda and Calendar Changes  
Ms. Rupp, Clerk of the Council, announced that the Council has extended the deadline to receive testimony on **Expedited Bill 13-23**, Montgomery County Urban Districts - Friendship Heights Urban District, until 5 p.m. on March 17, 2023.
- B. **Action** - Approval of Minutes

There were no minutes for approval.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #8**

(1) **Introduction of Bills:**

A. **Bill 15-23, Landlord-Tenant Relations - Anti-Rent Gouging Protections**

Introduced draft #4 of the subject bill, sponsored by Councilmember Fani-González, Council Vice President Friedson, and Councilmembers Albornoz, Balcombe, Katz, and Luedtke. Public hearings are scheduled for March 28, 2023, at 1:30 p.m. and 7:00 p.m.

B. **Bill 16-23, Landlord-Tenant Relations - Rent Stabilization (The Home Act)**

Introduced draft #5 of the subject bill, sponsored by Councilmembers Jawando and Mink. Public hearings are scheduled for March 28, 2023, at 1:30 p.m. and 7:00 p.m.

(2) **Worksession:**

A. **Bill 18-22, Noise Control - Leaf Removal Equipment - Amendments**

Participating in the discussion were Ms. Hochberg, Director, and Mr. Edwards, Chief, Division of Energy, Climate, and Compliance, and Mr. Martin, Environmental Health Specialist, Department of Environmental Protection (DEP).

Mr. Glass, Chair of the Transportation and Environment (TE) Committee, reviewed the background and purpose of the “gas leaf blower ban”, and the recommendations of the TE Committee, as contained in the staff packet.

Mr. Albornoz reviewed costs associated with electric leaf blowers, including the battery packs, which are significantly greater than those with gas-powered equipment; and unintended consequences including the loss of jobs.

Approved without objection the motion from Mr. Albornoz to exempt agricultural producers throughout the County, not just in the Agricultural Reserve.

Discussed Mr. Albornoz's motion to establish a two-year rebate period before the ban on gas-powered leaf blowers goes into effect, noting that it would take DEP staff time to develop the Method 2 regulations. Councilmembers acknowledged that the replacement of gas-powered equipment with electric models could be cost prohibitive for smaller businesses and a rebate would need to be substantially higher than the proposed \$100 to mitigate the impacts on small businesses, and that substantial outreach would be necessary to ensure eligible businesses are aware of the rebate program. Mr. Albornoz accepted as an amendment to his motion the suggestion from Ms. Mink to ban sales of gas-powered equipment before a ban on their use goes into effect.

Noted that DEP will develop regulations and an associated rebate program to be equitably administered to businesses in the County and that a robust communication strategy is needed. Mr. Glass noted that the TE committee already recommended banning the sale of gas-powered leaf blowers 6 months after the Bill goes into effect, and while the rebate program is being developed. Ms. Sayles noted the need to address the use of gas-powered equipment holistically and for a substantial rebate program to support local businesses.

Mr. Katz requested DEP staff provide a cost comparison for replacement of gas-powered equipment with electric models. Mr. Jawando expressed concern over a ban on gas-powered equipment before a rebate program for purchase of electric models is established.

Defeated Mr. Albornoz's motion, as amended, to ban the sale of gas-powered leaf blowers until after Method 2 regulations are approved by the Council (July 30, 2024,) and to establish a ban on their use effective July 1, 2026:

YEAS: Luedtke, Albornoz, Katz, Balcombe, Friedson

NAYS: Mink, Sayles, Jawando, Stewart, Fani-González, Glass.

Defeated Mr. Albornoz's motion to exempt properties consisting of one acre or more of land:

YEAS: Luedtke, Albornoz, Katz, Balcombe, Friedson

NAYS: Mink, Sayles, Jawando, Stewart, Fani-González, Glass.

Considered the motion made by Ms. Fani-González to provide a rebate of \$1000 for businesses with fewer than 10 employees and to establish a loan program to assist small businesses with the purchase of electric-powered equipment. She later withdrew the motion after Councilmembers commented on the need for additional data and research on possible options to assist businesses.

Mr. Jawando made a motion to tie the ban on sales of gas-powered leaf blowers to the passage of the Method 2 regulations (anticipated in summer 2024), with the ban on use of gas-powered leaf blowers to take effect six months following the passage of the Method 2 regulation. Council staff noted that the Council has 60 days to approve or disapprove a Method 2 regulation; without action, the Method 2 regulation becomes effective. Mr. Jawando agreed with Mr. Glass's suggestion that he work with staff to draft wording on his amendment for consideration at the next worksession, and to request DEP staff recommend a timeline to establish a window of time where a rebate program is available when the ban takes effect.

Ms. Balcombe commented that the County should move forward with its use of electric-powered leaf blowers, noting that it would be a budget consideration.

Mr. Katz requested Council staff review how to strengthen the notice provisions for consumers that purchase gas-powered leaf blowers before the ban goes into effect.

Ms. Stewart suggested outreach be done to businesses that sell the equipment to make them aware of the potential ban on gas-powered leaf blowers.

Mr. Alborno indicated he would work with staff on additional amendments pertaining to larger properties, and indicated his support for Method 1, rather than Method 2, regulations in order for the Council to have more control, and requested DEP staff provide information on plans for outreach to businesses and also how citations would be handled.

The Council will continue discussion of the bill at a future date to be determined.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a Resolution to extend the expiration date until May 2, 2024, for Council action on Bill 40-21, Individual Water Supply and Sewage Disposal Systems - Amendments.
- B. **Introduced** a Resolution to adopt Montgomery County Planning Board Regulations 25-22, Administrative Procedures for Development Review. A Planning, Housing, and Parks (PHP) Committee meeting will be scheduled at a later date.

- C. **Introduced** a Supplemental Appropriation to the FY23 Capital Budget, Montgomery County Public Schools, HVAC (Mechanical Systems) Replacement: MCPS (No. 816633), \$25,000,000 (Source of Funds: GO Bonds and State Aid). A public hearing and action is scheduled for March 21, 2023 at 1:30 p.m.
- D. Introduced and adopted **Resolution 20-63**, an amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Moco Kidsco, Inc. dba Kid Museum, Inc.
- E. Adopted **Resolution 20-64**, Calling on the Governor and the Maryland General Assembly to allocate \$175 Million in FY24 to help an estimated 17,000 Maryland families avoid eviction.
- F. Adopted **Resolution 20-65**, an amendment to the FY23-28 Capital Improvements Program (CIP) and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Police, 6<sup>th</sup> District Police Station (No. 470301), \$5,941,000 (Source of Funds: GO Bonds).
- G. Adopted **Resolution 20-66**, an amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Police, Public Safety Communications Center, Phase II, Electrical Distribution and HVAC Upgrade (No. 472102), \$4,804,000 (Source of Funds: GO Bonds).
- H. Adopted **Resolution 20-67**, a Supplemental Appropriation to the County Government's FY23 Capital Budget, Montgomery County Fire and Rescue Service, Apparatus Replacement Program (No. 451504), \$4,234,000 (Source of Funds: Short-Term Financing).
- I. Adopted **Resolution 20-68**, confirming the County Executive's appointments to the Mental Health Advisory Committee: Joshua Lemere, Dr. Marissa Leslie.
- J. Adopted **Resolution 20-69**, confirming the County Executive's appointment to the Commission on Common Ownership Communities: MaShawn Hall.
- K. Adopted **Resolution 20-70**, confirming the County Executive's appointments to the Criminal Justice Coordinating Commission: Florence Jewell, Stefan LoBuglio, Eric Schneider.

- L. Adopted **Resolution 20-71**, confirming the County Executive's appointments to the Committee Against Hate/Violence: Rachel Breslin, Kristin Mink.
- M. Adopted **Resolution 20-72**, confirming the County Executive's appointment to the Interagency Commission on Homelessness: Beth Shuman.
- N. Adopted **Resolution 20-73**, confirming the County Executive's appointments to the Local Management Board for Children, Youth and Families Collaboration Council: Kristin Mink.
- O. Adopted **Resolution 20-74**, confirming the County Executive's appointment to the Pedestrian, Bicycle, and Traffic Safety Advisory Committee: Natali Fani-González.
- P. Adopted **Resolution 20-75**, confirming the County Executive's appointment to the Board of Social Services: Dawn Luedtke.
- Q. Adopted **Resolution 20-76**, confirming the County Executive's appointment to the Taxicab Services Commission: Evan Glass.
- R. Adopted **Resolution 20-77**, confirming the County Executive's appointments to the Economic Development Corporation Board of Directors: Anne Khademian, Matthew Lee, Silvana Nani, Devang Shah.
- S. Adopted **Resolution 20-78**, confirming the appointment to the Nominating Committee for the Montgomery College Board of Trustees.
- T. **Introduced** an Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation to the FY23 Capital Budget, Montgomery County Public Schools (MCPS) Relocatable Classrooms (No. 846540), \$7,500,000 (Source of Funds: Current Revenue General). A public hearing and action is scheduled for March 21, 2023, at 1:30 p.m.

The Council recessed at 12:06 p.m. and reconvened at 1:17 p.m.

## **PRESENTATIONS**

- A. Presented proclamation by Councilmember Balcombe, Fani-González, Luedtke, Mink, Sayles and Stewart recognizing International Women's Day.

(4) **PUBLIC HEARING - [Bill 6-23, Housing - Sharing Economy Rental](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 16, 2023. A joint Planning, Housing and Parks (PHP), Health and Human Services (HHS), and Economic Development (ECON) Committee worksession is scheduled for March 27, 2023.

(5) **PUBLIC HEARING - [Zoning Text Amendment 23-01, Accessory Residential Uses - Sharing Economy Rental](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 16, 2023. A joint Planning, Housing and Parks (PHP), Health and Human Services (HHS), and Economic Development (ECON) Committee worksession is scheduled for March 27, 2023.

(6) **PUBLIC HEARING - [Bill 10-23, Health - Intellectual and Developmental Disabilities Commission - Established](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 16, 2023. A Health and Human Services (HHS) Committee worksession is scheduled for March 9, 2023.

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

Participating in the discussion were Mr. Zyontz, Interim Chair, Montgomery County Planning Board; Ms. Stern, Acting Director, Ms. McCarthy, Ms. Sorrento, and Mr. Kronenberg, Planning Department; Mr. Riley, Director, Ms. Figueredo, and Mr. Hisel-McCoy, Parks Department; and Ms. Dunn, Senior Legislative Analyst.

Mr. Jawando was absent.

Mr. Zyontz provided a summary of the Planning Board Plan Review process and activities from November 1, 2022, through March 1, 2022.

Ms. Stern provided a summary of the implementation efforts of the Thrive 2050 Plan; updates to the Complete Communities program; Equity in Planning Agenda, data from the Equity Focus Areas tool and the application of the data collected from the tool; the GIS Story Map tool to review trends in racial and ethnic

diversity in the County; information on the Equity Peer Review Group; equitable engagement actions; a summary of Master Plans and other projects under review and in progress; recent activity to improve the development review process; a review of plans approved by Planning Divisions; an update on special projects, such as Reforest Montgomery and the Placemaking Initiative; and notice that the Design Excellence Awards will be hosted at the Wheaton Headquarters on October 19, 2023.

Received the Spring 2023 semi-annual presentation from Mr. Riley. Parks staff provided information on awards of \$15 million in Federal and State grants to improve local parks, many of which are in Equity Focus Areas and Equity Focus Areas Serving areas; an update on the 2022 Parks, Recreation and Open Space Plans (PROS); an update on the Wheaton Regional Park Master Plan, including the Adventure Sports Park; recent and upcoming park activation and events; notification of the Color and Kite Festival at Black Hills Regional Park on April 23, 2022 and the announcement of the 2023 program on April 23; a progress report on parks, trails, renovation, and refresher projects; upcoming park refresher projects; the Long Branch Parks Initiative Outreach to review the Park's trails, amenities, and programming to determine improvements from the community; parks visitation data and trends; Parks and Montgomery County Public Schools (MCPS) athletic field renovation progress; an update on the Trail Ambassador program; a review of the Fairland Bike Park Grand Opening in October 2022; a summary of Park programming that caters to the aging population and sensory-friendly events; information on the expected Spotted Lanternfly infestation; information on the continued commitment to sustainability and agriculture efforts; volunteer efforts; FY22 data related to Montgomery Park's Enterprise Fund, including earning \$12.5 million in revenue, \$11.8 million cash balance, and 1.9 million visitors; and an overview of Parks' FY24 Proposed Operating Budget.

Mr. Glass praised the Planning Board's decision to hear and open to the public all items before the Board, rather than listing items on a consent calendar as was the past practice. He requested that this practice continue for future Boards. Mr. Glass requested data on the electric equipment used and best practices learned from their use of electric equipment.

Mr. Friedson noted the preference to have Plan Reviews take place in the communities which they impact. He also discussed the upcoming Council of Governments (COG) housing targets and how that will impact planning area development plans.

Mr. Alborno requested that the Planning Department highlight affordable housing projects under review and development to help bridge the affordable housing gap. He also advocated for an ice rink to be installed at Ridge Road Recreational Park. Mr. Riley will provide an update on the progress of this amenity. Mr. Alborno also conveyed his desire for more access for drop-in play on lighted fields.



Ms. Luedtke requested the addition of bocce courts to Parks properties. Ms. Stewart echoed this request. Ms. Figueredo confirmed that the first bocce court will be installed at the South Silver Spring Urban Recreation Park.

In response to Ms. Sayles' question, Ms. Stern noted that the Thrive 2050 Plan includes metrics to evaluate the implementation and the Planning Department is developing additional metrics to track the progress of the initiative. She also requested information on vacant buildings that may be repurposed for other use. Ms. Sayles also requested additional information on the Americans with Disabilities Act (ADA) accessibility compliance efforts for Parks facilities. Mr. Riley stated his willingness to partner with MCPS to provide programming and events at school facilities.

Ms. Fani-González requested that the Planning and Parks Departments make efforts to reach out to the disability community to seek input on facilities. She also requested a map of facilities that notes development plans to better coordinate among government entities. Ms. Fani-González shared her idea for promotion of economic development along with Parks facilities.

Ms. Stewart requested a map of the Parks Refresher program locations. Ms. Figueredo shared that Parks has plans to install disk golf amenities and will provide additional details on the locations and project timelines.

Ms. Balcombe requested outreach to different communities regarding feedback on the Clarksburg Master Plan. She requested a timeline for the Parks' department to fully transition to electric-powered maintenance equipment.

In response to Ms. Mink's question about restroom access in Parks that are not staffed, Mr. Riley stated that he will focus on this issue and work towards a solution.

Mr. Katz shared his thanks to the Park Police force for their continued service.

Ms. Stern announced a public hearing for the Pedestrian Master Plan on March 23, 2023, at 6:00 p.m.

The meeting adjourned at 4:29 p.m.

This is a correct copy of Council action:

A handwritten signature in black ink, appearing to read "Judy Rupp", written over a horizontal line.

Judy Rupp  
Clerk of the Council