



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 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, February 7, 2023.

PRESENT

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

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Councilmembers Friedson, Alborno, Mink, and Stewart recognizing the 130th Anniversary of the Noyes Library.
- B. Proclamation was presented by Councilmember Katz and County Executive Elrich recognizing Animal Service Officer Dany Flores-Lopez.

GENERAL BUSINESS

- A. Announcements – Agenda and Calendar Changes

Ms. Rupp, Clerk of the Council, announced that the Transportation and Environment (TE) Committee worksession on **Bill 25-22**, Forest Conservation - Trees is scheduled for February 27, 2023.

- C. **Action** – Approval of Minutes

Approved the minutes of December 12, 2022, and January 17, 2023, without objection.

(1) **INTERVIEWS - [Montgomery County Planning Board](#)**

Interviewed Paul Gaiser, Brian O’Looney, Mitra Pedoeem, Donald Silverstein, and Leanne Tobias, candidates for appointment to the Montgomery County Planning Board.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Friedson made the motion, which carried without objection.

- A. **Introduced** FY22 National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (NPDES-MS4) Financial Assurance Plan. A Public Hearing is scheduled for February 28, 2023, at 1:30 p.m. A Transportation and Environment (TE) Committee worksession will be scheduled at a later date.
- B. **Introduced and Adopted Resolution 20-36**, an amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Jewish Council for the Aging of Montgomery County, Inc.
- C. **Adopted Resolution 20-37**, approving Executive Regulation 10-22, Transportation Services Improvement Fund.
- D. **Adopted Resolution 20-38**, extending the Deadline for the Declaration of No Further Need - Disposition via Transfer of certain properties in the White Flint area, located in North Bethesda, Maryland to March 31, 2023.

PRESENTATION

The full Council participated in the commemoration celebrating Black History Month, and included a video entitled “Black Resistance” which highlighted resistance efforts through faith, education, fraternities and sororities, and activism.

The Council recessed at 12:35 P.M. and reconvened at 1:16 p.m.

PRESENTATIONS

- A. Proclamation presented by Council President Glass recognizing Transit Equity Day.

(3) **PUBLIC HEARING - [Bill 25-22, Forest Conservation - Trees](#)**

The public hearing was conducted. Additional materials for the Council's consideration should be submitted by the close of business on February 14, 2023. A TE Committee worksession is scheduled for February 27, 2023.

(4) **PUBLIC HEARING - [Bill 1-23, Property Tax Credit - Elderly Individuals and Retired Military Services Members - Amendments](#)**

The public hearing was conducted. Additional materials for the Council's consideration should be submitted by the close of business on March 3, 2023. A Government Operations and Fiscal Policy (GO) Committee worksession is scheduled for March 9, 2023.

(5) **PUBLIC HEARING - [Expedited Bill 2-23, Board of Investment Trustees - Membership - Amendments](#)**

The public hearing was conducted. Additional materials for the Council's consideration should be submitted by the close of business on February 9, 2023. A Government Operations and Fiscal Policy (GO) Committee worksession is scheduled for February 16, 2023.

(6) **PUBLIC HEARING - [Spending Affordability Guidelines for the FY24 Operating Budget](#)**

The public hearing was conducted and the record closed. A Government Operations and Fiscal Policy (GO) Committee worksession is scheduled for February 9, 2023.

(7) **PUBLIC HEARING - [FY24 Capital Budget and supplemental appropriations to the FY23 Capital Budget and amendments to the FY23-28 Capital Improvements Program \(CIP\) for County Government, Montgomery County Public Schools \(MCPS\) Montgomery College, Maryland-National Capital Park and Planning Commission \(M-NCPPC\), Washington Suburban Transit Commission, Revenue Authority, HOC, and municipality and State projects and the FY24-29 CIP for WSSCWater](#)**

The public hearing was conducted.

(8) **DISTRICT COUNCIL SESSION**

A. Action - **Zoning Text Amendment (ZTA) 22-11, Technical Corrections**

Ms. Ndou, Legislative Attorney, participated in the discussion and provided a summary of the purpose of the subject ZTA.

Mr. Friedson, Chair of the Planning, Housing, and Parks (PH) Committee noted that the technical corrections are required to acknowledge the change in the number of Councilmembers and other necessary technical amendments to the Code.

Supported without objection Mr. Friedson's motion to add the word "a" to Section 3.4.2 of the Ordinance as follows:

i. The site fronts on and has direct access to a road built to Neighborhood Connector or higher standards. Access to a corner lot may be from a Neighborhood Connector street, if the Hearing Examiner finds this access to be appropriate and not detrimental to existing residential uses on that Neighborhood Connector street.

Enacted **Ordinance 20-01**, adopting draft # 2 of **ZTA 22-11**, as amended

The TE Committee made the motion which carried by a roll call vote:

YEAS: Luedtke, Mink, Sayles, Albornoz, Jawando, Katz, Stewart, Fani-González, Balcombe, Friedson, Glass.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #4**

(9) **Introduction of Bills:**

A. **Bill 7-23, Consumer Protection - Gasoline Station Signage**

Introduced draft #3 of **Bill 7-23**, sponsored by Councilmember Albornoz. A public hearing is scheduled for February 28, 2023, at 1:30 p.m.

(10) **ACTION** - [Overview of the Amended FY23-28 Capital Improvements Program \(CIP\) and Spending Affordability Guidelines for the FY24 Capital Budget and amended FY23-28 CIP](#)

Ms. Beck, Office of Management and Budget (OMB); Dr. Orlin, Senior Analyst, and Mr. Levchenko, Senior Legislative Analysts, participated in the discussion.

Ms. Stewart, Chair of the Government Operations and Fiscal Policy (GO) Committee, shared a summary of the Committee's decision points for this item, as contained in the staff report.

Supported Ms. Mink's amendment to retain the February 2022 guidelines of \$300 million in FY23 and \$290 million in FY24 and targets of \$280 million in FY25, and \$270 million annually in FY26-28, thus also retaining the six-year guideline of \$1.68 billion. Councilmembers Albornoz, Balcombe, Glass, Jawando, Mink, Sayles, and Stewart voted in favor of this amendment. Councilmembers Fani-González, Friedson, Katz, and Luedtke opposed this amendment.

Supported without objection the GO Committee's recommendation to retain the guidelines and targets for Park and Planning Bonds to \$8.0 million annually and \$48.0 million over the six-year CIP period, as contained in the staff report.

Supported without objection the GO Committee's recommendation to concur with the County Executive's recommended projections for inflation, PAYGO, capital reserve, impact and recordation tax revenues, State aid, and Current Revenue, acknowledging that each may be revised later during the development of the Amended FY23-28 CIP, as contained in the staff report.

Adopted **Resolution 20-39**, approving the Spending Affordability Guidelines for the FY24 Capital Budget and amended FY23-28 CIP. Mr. Katz made the motion which carried without objection.

(11) **WORKSESSION/ACTION** - [State Transportation Priorities Letter](#)

Participating in the discussion were Dr. Orlin and Mr. Conklin, Director, Department of Transportation (MCDOT).

Dr. Orlin reviewed the proposed changes to the joint letter, as submitted by the County Executive.

Supported without objection, the proposed changes to the Vision Zero segment of the letter, as submitted by the County Executive.

Mr. Conklin shared that the County Executive supports requesting the full funding amount for the 355 Corridor Bus Rapid Transit (BRT) project to maximize the funding provided by the State.

Supported the priorities in the Bus Rapid Transit (BRT) Implementation section, as submitted by the County Executive.

Supported without objection, the proposed changes to the Locally Operated Transit Support (LOTS) segment of the letter, as submitted by the County Executive.

In the Washington Metropolitan Area Transit Authority (WMATA) Investment section, supported without objection Mr. Friedson's amendment to remove the reference to a percentage. Mr. Conklin confirmed that this would not create a significant roadblock to the County Executive's approval of the letter. Supported the WMATA segment of the letter, as amended.

Supported without objection Mr. Friedson's amendment to include language to support mid-day hours and off-peak direction MARC rail service.

Supported without objection the State Highways section of the letter, as submitted by the County Executive.

Supported without objection the Interstate Program section of the letter, as submitted by the County Executive.

Supported without objection Mr. Friedson's motion to approve the Transportation Priorities Letter, as amended.

The Council recessed at 4:11 p.m. and reconvened at 7:00 p.m.

- (12) **PUBLIC HEARING** - [FY24 Capital Budget and supplemental appropriations to the FY23 Capital Budget and amendments to the FY23-28 CIP for County Government, MCPS, Montgomery College, M-NCPPC, Washington Suburban Transit Commission, Revenue Authority, HOC, and municipality and State projects and the FY24-29 CIP for WSSCWater](#)

The public hearing was conducted.

The meeting adjourned at 8:07 p.m.

This is a correct copy of Council action:



Judy Rupp
Clerk of the Council