



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, April 18, 2023

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:05 a.m. on Tuesday, April 18, 2023.

### PRESENT

|                                     |   |
|-------------------------------------|---|
| Councilmember Evan Glass, President | Councilmember Andrew Friedson, Vice President |
| Councilmember Gabe Albornoz         | 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 was presented by Council President Glass recognizing Earth Day.
- B. Proclamation was presented by Council Vice President Friedson, Councilmember Katz, and Council President Glass recognizing Holocaust Remembrance Day.

### GENERAL BUSINESS

- A. Announcements

There were no agenda or calendar changes.

B. Approval of Minutes: There were no minutes for approval this week.

(1) **WORKSESSION** - Amendments to FY23-28 Capital Improvements Program (CIP): [Montgomery College](#)

Mr. Glass stated that this worksession is to consider the second round of reductions to the CIP transmitted by the County Executive to address affordability challenges.

Mr. Jawando, Chair of the Education and Culture (EC) Committee, reviewed projects included in the College's CIP request, said the additional reduction of \$2.9 million in GO Bonds targeted to the Student Services Building project was considered at the Committee's meeting of April 17. Dr. Williams, President, Montgomery College, participated in the discussion.

Approved the subject CIP Amendments, as recommended by the EC Committee.

(2) **WORKSESSION** - Amendments to FY23-28 CIP: Montgomery County Public Schools ([MCPS](#))

Participating in the discussion were Ms. Silvestre, President, Board of Education; Dr. McKnight, Superintendent of Schools; and Mr. Adams, Director, Department of Facilities Management, MCPS.

Mr. Jawando reviewed the EC Committee's recommendations, as contained in the staff report, noting that \$91 million is attributed to inflationary and construction cost increases, not new projects. He pointed out that the Committee did not accept the proposed reduction for the ADA Compliance project. Senior Legislative Analyst Levchenko further reviewed the Committee's recommendations and the fiscal impact of current and future cost increases, and next steps associated with recently approved State aid.

Ms. Silvestre and Dr. McKnight commented on the need for full funding for the schools to address infrastructure needs and MCPS' increasing enrollment.

Ms. Luedtke pointed out that Damascus High School has not had a refresh since 1978, and that the Council must consider geographic diversity as a part of analysis so that upcounty projects are not unreasonably delayed.

Mr. Adams explained the reasons for relocating Burtonsville Elementary School and the need for additional facilities for pre-K programs in the Burtonsville community and across the County.

Approved the subject CIP Amendments, as recommended by the EC Committee.

### **LEGISLATIVE SESSION - Day #13**

#### **Introduction of Bills:**

- (3) A. [Bill 22-23, Transient Lodging Facilities - Short-Term Residential Rental](#)

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 June 13, 2023, at 1:30 p.m.

- (4) **DISTRICT COUNCIL SESSION**

- A. Introduction - [Zoning Text Amendment \(ZTA\) 23-04, Residential Uses - Short-Term Residential Rental](#)

Introduced draft #1 of the subject ZTA, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for June 13, 2023, at 1:30 p.m.

- B. Action - [Resolution to approve Planning Board Regulation 25-22, Administrative Procedures for Development Review](#)

Legislative Attorney Ndou reviewed the purpose of Planning Board Regulation 25-22 and the recommendation of the Planning, Housing, and Parks (PHP) Committee, as contained in the staff report.

Adopted **Resolution 20-112**, approving Planning Board Regulation 25-22. The PHP Committee made the motion, which carried without objection.

- (5) **CONSENT CALENDAR**

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

- A. **Introduced** a [Special Appropriation to the County Government's FY23 Operating Budget, Department of Health and Human Services, Funding for The State Opioid Response \(SOR\) III, \\$1,319,629 \(Source of Funds: State Grant\)](#)

- B. Adopted **Resolution 20-113**, confirming the County Executive's appointments to the Human Trafficking Prevention Committee: Karalynn Davis.
- C. Adopted **Resolution 20-114**, confirming the County Executive's appointment to the Interagency Commission on Homelessness: Scott Bruton.
- D. Adopted **Resolution 20-115**, confirming the County Executive's appointments to the Library Board: Jess Bravin, Wilma Brier, Adaobi Ezeadam, Holly Fiery, Carla Vale, Candice Will.
- E. Adopted **Resolution 20-116**, confirming the County Executive's appointment to the Commission on People with Disabilities: Rebecca Grayson.
- F. Adopted **Resolution 20-117**, confirming the County Executive's appointments to the Department of Permitting Services Advisory Committee: Arquilla Ridgell, Debra Wylie, Sharon Wilder.
- G. Adopted **Resolution 20-118**, confirming the County Executive's appointment to the Pedestrian, Bicycle, and Traffic Safety Advisory Committee: Joseph Moges.
- H. Adopted **Resolution 20-119**, confirming the County Executive's appointment to the Water Quality Advisory Group: Amy Stevens.
- I. Adopted **Resolution 20-120**, reappointing the Labor Relations Administrator under the Fire and Rescue Collective Bargaining Law until October 3, 2025: Homer LaRue.
- J. Adopted **Resolution 20-121**, extending the appointment of Acting Deputy Director of Transportation Policy, Department of Transportation until May 22, 2023: Tim Cupples.
- K. Adopted **Resolution 20-122** to set a public hearing for the FY24 Constant Yield Tax Rate.

The Council recessed at 10:33 a.m. and reconvened at 1:18 p.m.

## **PRESENTATIONS**

- A. Proclamation presented by Councilmember Sayles recognizing Minority Health Month.

(6) **PUBLIC HEARING - Rustic Roads Functional Master Plan Update - Planning Board Draft**

The public hearing was conducted. Additional materials for the Council's consideration must be submitted by close of business April 25, 2023. A Transportation and Environment (TE) Committee worksession will be scheduled at a later date.

(7) **PUBLIC HEARING - Bill 18-23, Structure of County Government - Community Zoning and Land Use Resource Office**

The public hearing was conducted. A Planning, Housing, and Parks (PHP) Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business April 25, 2023

(8) **PUBLIC HEARING - Supplemental Appropriation to the County Government's FY23 Operating Budget, Leases Non-Departmental Account (NDA) - \$2,459,509 (Source of Funds: General Fund Undesignated Reserve)**

The public hearing was conducted. A Government Operations and Fiscal Policy (GO) committee worksession is scheduled for April 27, 2023. Additional materials for the Council's consideration must be submitted by close of business on April 20, 2023.

(9) **PUBLIC HEARING - Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Health and Human Services, DHHS COVID-19 Emergency Response - \$15,909,513 (Source of Funds: General Fund Undesignated Reserves)**

The public hearing was conducted. A Health and Human Services (HHS) Committee worksession is scheduled for April 17, 2023. The Council accepted additional materials for consideration through April 10, 2023.

(10) **PUBLIC HEARING - Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Transportation, Transit Services - \$14,409,927 (Source of Funds: Mass Transit Fund Undesignated Reserves)**

The public hearing was conducted. A Transportation and Environment (TE) Committee worksession is scheduled for April 20, 2023. The Council accepted additional materials for consideration through April 13, 2023.

- (11) **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Utilities Non-Departmental Account (NDA) - \$8,286,672 (Source of Funds: General Fund Undesignated Reserves)

The public hearing was conducted. A Transportation & Environment (TE) Committee worksession is scheduled for April 24, 2023. The Council accepted additional materials for consideration through April 17, 2023.

- (12) **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Non-Departmental Account Working Families Income Supplement - \$4,473,902 (Source of Funds: Federal Grant ARPA)

The public hearing was conducted. A Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business on April 25, 2023.

- (13) **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Office of Emergency Management and Homeland Security, COVID-19 FEMA Public Assistance Contract Support - \$465,000 (Source of Funds: General Funds Undesignated Reserves)

The public hearing was conducted. A Public Safety (PS) Committee worksession is scheduled for April 28, 2023. Additional materials for the Council's consideration must be submitted by close of business on April 21, 2023.

- (14) **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Montgomery County Fire and Rescue Service, General Personnel and Operating Costs - \$10,449,635 (Source of Funds: Undesignated Fire Fund Reserve)

The public hearing was conducted. A Public Safety (PS) Committee worksession is scheduled for April 21, 2023. The Council accepted additional materials for consideration through April 14, 2023.

- (15) **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Board of Elections General Fund - \$4,244,911 (Source of Funds: General Fund Undesignated Reserves)

The public hearing was conducted. A Government Operations & Fiscal Policy (GO) Committee worksession is scheduled for April 27, 2023. Additional

materials for the Council's consideration must be submitted by close of business on April 21, 2023.

(16) **PUBLIC HEARING - Resolution to establish Water Quality Protection Charge for FY24**

The public hearing was conducted. A Transportation & Environment (TE) Committee worksession is scheduled for May 4, 2023. Additional materials for the Council's consideration must be submitted by close of business on April 27, 2023.

(17) **PUBLIC HEARING - Resolution to establish FY24 Solid Waste Service Charges**

The public hearing was conducted. A Transportation & Environment (TE) Committee worksession is scheduled for May 4, 2023. Additional materials for the Council's consideration must be submitted by close of business on April 27, 2023.

(18) **PUBLIC HEARING - Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Health and Human Services, School-Based Health and Linkages to Learning Centers (No. 640400) for Greencastle ES LTL \$850,000 (Source of Funds: GO Funds)**

The public hearing was conducted. A joint Education & Culture/Health & Human Services (EC/HHS) Committee worksession is scheduled for April 24, 2023. The Council accepted additional materials for consideration through April 14, 2023.

(19) **PUBLIC HEARING - Special Appropriation to the County Government's FY23 Operating Budget, Department of Housing and Community Affairs, Homeowner Assistance Program - \$3,000,000 (Source of Funds: Federal Funds) and Amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Montgomery Homeownership Program and Montgomery County Homeownership Assistance Fund.**

The public hearing was conducted. A Planning, Housing, and Parks (PHP) Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business on April 21, 2023.

(20) **PUBLIC HEARING - Resolution to set FY24 Property Tax Credit for Income Tax Offset**

The public hearing was conducted. A Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business on April 25, 2023.

(21) **PUBLIC HEARING - Amendment to the FY23-28 Capital Improvements Program 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) - \$1,000,000 (Source of Funds: GO Bonds)**

The public hearing was conducted. A Public Safety (PS) Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business on April 25, 2023.

(22) **PUBLIC HEARING - Special Appropriation to the County Government's FY23 Operating Budget, Department of Housing and Community Affairs, Design for Life - \$1,500,000 (Source of Funds: Federal Funds) and Amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Habitat for Humanity Metro Maryland and Rebuilding Together Montgomery County.**

The public hearing was conducted. A Planning, Housing, and Parks (PHP) Committee worksession will be scheduled at a later date. Additional materials for the Council's consideration must be submitted by close of business on April 25, 2023.

(23) **PUBLIC HEARING - FY24 Transportation Fees, Charges, and Fares**

The public hearing was conducted. A Transportation & Environment (TE) Committee worksession is scheduled for April 20, 2023. The Council accepted additional materials for consideration through April 13, 2023.

(24) **PUBLIC HEARING/ACTION - Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Health and Human Services, Maryland School-Based Health Center Program Grant - \$1,525,975 (Source of Funds: State Funds).**



The public hearing was conducted and the record closed.

Adopted **Resolution 20-123**, approving the subject supplemental appropriation. Mr. Friedson made the motion which carried without objection.

- (25) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Health and Human Services, Maryland Department of Health, Local Health Department Health Disparities - \$489,572 (Source of Funds: State Grant).

The public hearing was conducted and the record closed.

Adopted **Resolution 20-124**, approving the subject supplemental appropriation. Mr. Alborno made the motion which carried without objection.

- (26) **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY23 Operating Budget, Children's Opportunity Fund Non-Departmental Account - \$200,000 (Source of Funds: General Fund Reserves); and Amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Children's Opportunity Alliance

The public hearing was conducted and the record closed.

Adopted **Resolution 20-125**, approving the subject supplemental appropriation. Mr. Alborno made the motion which carried without objection.

The meeting adjourned at 3:24 p.m.

This is a correct copy of Council action:

  
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Judy Rupp  
Clerk of the Council