



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, December 13, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:16 a.m. on Tuesday, December 13, 2022.

### 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 presented by Councilmember Jawando, Councilmember Stewart, and County Executive Elrich recognizing CCI Health Services' 50<sup>th</sup> Anniversary.

The Council recessed at 9:26 a.m. and reconvened at 9:31 a.m.

### GENERAL BUSINESS

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

Ms. Rupp, Clerk of the Council, announced the introduction of Supplemental Appropriation #23-26 to the County Government's FY23 Operating Budget, Department of Transportation, The Chesapeake Bay Trust - Urban Trees Grant Award - \$148,233.

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

No petitions were received this week.

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

(1.5) **PUBLIC HEARING** - [Expedited Bill 32-22, Department of Health and Human Services - Structure and Positions](#)

The public hearing was conducted. Additional materials for the Council's consideration should be submitted by the close of business on December 20, 2022. Action is tentatively scheduled for January 17, 2023.

(2) **UPDATE:** [Fiscal Plan](#)

Participating in the discussion were Ms. Michaelson, Council Executive Director; Mr. Howard, Council Deputy Director; Ms. Bryant, Director, Office of Management and Budget (OMB); Mr. Coveyou (virtually), Director, and Mr. Watters, Deputy Director, Department of Finance.

Ms. Michaelson provided a summary of the expected revisions to the County's revenues in FY23 based on actual collections to-date, assumed additional revenue that will be received in the coming months, and estimated annual expenditures based on Quarter 1 spending for the County Government.

Mr. Howard provided a summary of increases in tax revenue in FY23, but an overall reduction in expected revenue in FY24-28. Additionally, Mr. Howard noted that the County Government's FY23 expenditures will be \$19.4 million greater than the FY23 approved budget. This estimate is based on the County's actual expenditures through Quarter 1 of FY23 and are primarily due to expenditures in the Department of Health and Human Services, overtime in Fire and Rescue Services, and higher than anticipated participation in the Working Families Income Supplement. Mr. Coveyou also shared that most economists expect a mild recession in FY23 or FY24.

Ms. Stewart, Chair of the Government Operations and Fiscal Policy (GO) Committee, requested a memo outlining detailed information regarding the additional \$61.8 million in new expenses for this fiscal year and why these expenses were not included in the original budget to consider when finalizing the FY24 budget.

Mr. Friedson recommended proceeding cautiously with spending decisions as there may be a future economic slowdown and rising costs. He requested a report to be presented to the GO Committee or Council of income tax revenue

assumptions and compare that to the expected drop off due to an economic downturn to better forecast future income tax revenue. He also recommended that the Revenue Estimating Group meet regularly and meet with the GO Committee and Council. Mr. Friedson also requested a briefing on the status of the Federal Emergency Management Agency (FEMA) reimbursement assumptions made in the FY23 budget. Finally, Mr. Friedson noted the need for a change to the dates set for Revenue Estimating Group report deadlines to better align with other revenue and spending estimate timelines.

Ms. Sayles requested information on the spending plans for the excess revenue from FY22 and FY23 and plans to better fund underfunded programs. In response to Ms. Sayles' question, Ms. Bryant confirmed that the County Executive intends to continue funding the County's food distribution centers model in the future. Mr. Watters shared that the services provided are beginning to be reviewed, as the FY24 funding requests for each site are submitted. Ms. Sayles also requested an update on American Rescue Plan Act (ARPA) funds, specifically what funds have been distributed, what has been spent, and what funds are expected to be spent in the future.

Mr. Albornoz noted the expected increased construction costs and its impact to the Capital Improvement Program (CIP) Budget. Ms. Bryant stated that information is still being collected from partners and the State, so the inflationary increase is not yet known for FY24. Moreover, Ms. Michaelson noted that there is expected to be a decrease in the recordation tax, so may be a cause to apply any excess funding from FY23 to the CIP. Mr. Albornoz and Mr. Jawando highlighted the need to coordinate the timing of these decisions with the upcoming FY24 budget submission from the County Executive.

Mr. Coveyou provided an update that residential property sales have decreased, creating the expected revenue reduction from the recordation tax. Mr. Jawando requested information on tax revenue from commercial and residential property sales, and sales price information.

Ms. Balcombe requested when the Council considers supplemental appropriations, that the Council also receives a report of the impact on the reserves and what reserves spending has already been approved.

Mr. Katz requested data on the tax payments of the top 50 highest paying residents.

Noting an ongoing concern with procurement delivery delays and cost increases, Ms. Luedtke requested data on procurement activities starting in FY20 or FY21, illustrating the timeline of when a procurement decision was made and when the item/service was delivered/implemented, and if there was a cost increase if delivery/implementation was delayed.

At Ms. Sayles' request, Mr. Watters will provide Council with the Grant process timeline for FY23. Ms. Sayles noted that before budget decisions are made for FY24, there is a need for consideration to better fund current programs that are underfunded, such as the bike share program in East County.

(3) **DISTRICT COUNCIL SESSION**

A. **Introduction - [Zoning Text Amendment \(ZTA\) 22-11, Technical Corrections](#)**

Ms. Ndou, Legislative Attorney, participated in the discussion.

Mr. Friedson noted that this ZTA is required to make technical corrections to the zoning code in light of the increased number of Councilmembers.

Introduced draft #1 of **ZTA 22-11**, sponsored by Councilmember Friedson. A public hearing is scheduled on January 17, 2023, at 1:30 p.m.

B. **Introduction - [Zoning Text Amendment \(ZTA\) 22-12, Overlay Zones - Clarksburg East & West Environmental Overlay - Exemptions](#)**

Ms. Ndou participated in the discussion and provided a summary of the purpose of the Bill.

Introduced draft #1 of **ZTA 22-12**, sponsored by Council President Glass at the request of the Planning Board. A public hearing is scheduled on January 17, 2023, at 1:30 p.m.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #35**

(4) **Call of Bills for Final Reading:**

A. **[Expedited Bill 34-22, Streets and Roads - Classification of Roads](#)**

Participating in the discussion were Dr. Orlin, Senior Analyst; and Mr. Sartori, Chief, Countywide Planning and Policy Division, Planning Department.

Dr. Orlin noted that the purpose of this Bill is to correct mistakes regarding the names of the town centers in the recently enacted "complete streets" legislation, **Bill 24-22**, Streets and Roads.

Enacted draft #1 of **Expedited Bill 34-22**, as amended and shown at the end of these minutes. Ms. Luedtke made the motion and the Expedited Bill was enacted by a roll call vote:

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

(5) **ACTION** - [Appointment to the Board of Appeals](#)

Adopted **Resolution 20-06**, appointing Richard Melnick, and **Resolution 20-07**, appointing Alan Sternstein to the Board of Appeals. Ms. Luedtke made the motion which carried without objection.

(6) **CONSENT CALENDAR**

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

- A. **Introduced** supplemental appropriation #23-58 to the County Government's FY23 Operating Budget, Department of Environmental Protection - Tree Canopy Conservation, in the amount of \$750,000 (Source of Funds: Tree Canopy [Conversation] Conservation Fund). Lead Sponsor: Council President at the request of the County Executive. A Public Hearing/Action is scheduled for January 17, 2023, at 1:30 p.m.
- B. **Introduced** supplemental appropriation #23-59 to the County Government's FY23 Operating Budget, Department of Health and Human Services -988 Lifeline Call Center, \$720,038 (Source of Funds: State Grant) and \$257,219 (Source of Funds: Federal Grant); and Amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: EveryMind, Inc. A Public Hearing/Action is scheduled for January 17, 2023, at 1:30 p.m.
- C. Adopted **Resolution 20-08**, approving an abandonment of Portions of Sleaford Road Right of Way, Chevy Chase, 7th Election District.
- D. Adopted **Resolution 20-09**, to approve end-of-year transfers for the County Government's FY22 Operating Budget.
- E. Adopted **Resolution 20-10**, an amendment to the FY23-28 Capital Improvements Program and Special Appropriation #23-60 to the County Government's FY23 Capital Budget, Department of Technology and Enterprise Business Solutions - Business Continuity Phase II (No. 342303), \$7,469,000 (Source of Funds: Current Revenue and Short-Term Financing).

- F. Adopted **Resolution 20-11**, extending the deadline for the Declaration of No Further Need - Disposition via Transfer of a portion of Burtonsville Park and Ride Lot, located in Burtonsville, Maryland to February 28, 2023.
- G. Adopted **Resolution 20-12**, 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 February 28, 2023.
- H. Adopted **Resolution 20-13**, confirming the County Executive's appointments to the Commission on Common Ownership Communities: Terry Anderson, Maureen Freeman, Richard Zmuda, Ida Hayes, Susan Mezey, John Smith.
- I. Adopted **Resolution 20-14**, confirming the County Executive's appointments to the Silver Spring Citizens Advisory Board: Sofia Bushen, Jacob Feit, Brandi Hill, Greg Holmes, Michael McCam, Debra Wylie.
- J. Adopted **Resolution 20-15**, confirming the County Executive's appointment of the Deputy Director, Department of Housing and Community Affairs: Scott Bruton.
- K. **Introduced** Supplemental Appropriation #23-26 to the County Government's FY23 Operating Budget, Department of Transportation, The Chesapeake Bay Trust - Urban Trees Grant award \$148,233 (Source of Funds: The Chesapeake Bay Trust Fund Urban Trees Grant). A Public Hearing/Action is scheduled for January 17, 2023, at 1:30 p.m.
- L. **Introduced** a Resolution to approve Executive Regulation 18-22, Performance-Based Pay.

The meeting adjourned at 10:44 a.m.

This is a correct copy of Council action:



---

Judy Rupp  
Clerk of the Council

Expedited Bill No. 34-22  
Concerning: Streets and Roads –  
Classification of Roads  
Revised: 12/13/2022 Draft No. 2  
Introduced: November 15, 2022  
Enacted: December 13, 2022  
Executive: \_\_\_\_\_  
Effective: February 7, 2023  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. [year]

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Council President

---

**AN EXPEDITED ACT** to:

- (1) correct the identification of town centers; and
- (2) generally amend the law concerning the classification of roads.

By amending

Montgomery County Code  
Chapter 49, Streets and Roads  
Section 49-31

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*







*Approved:*

/s/ \_\_\_\_\_ 12/16/2022

\_\_\_\_\_  
Evan Glass, President, County Council

Date

*Approved:*

\_\_\_\_\_  
Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Judy Rupp, Clerk of the Council

Date