



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 31, 2023

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:03 a.m. on Tuesday, January 31, 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

- B. Proclamation was presented by Councilmember Jawando and the County Executive recognizing National Mentoring Month.
- A. Proclamation was presented by Councilmember Katz, Councilmember Jawando, and Councilmember Sayles recognizing Aubrey's Make-A-Wish.

GENERAL BUSINESS

- A. Announcements – There were no agenda or calendar changes announced.
- (1) B. **Acknowledgement** – [Receipt of Petitions](#)
No petitions were received this week.

C. **Action** – Approval of Minutes

There were no minutes for approval.

(2) **INTERVIEWS - Montgomery County Planning Board**

Mr. Glass commented that interviews would be held in the coming weeks for Democratic and Unaffiliated candidates for the Montgomery County Planning Board.

Interviewed Mr. Shawn Bartley and Mr. David Winstead, Republican candidates for the Montgomery County Planning Board.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** the 2023-2029 Montgomery County Fire and Rescue Service Master Plan. A public hearing is scheduled for February 14, 2023, at 1:30 p.m.
- B. **Introduced** a Resolution to approve Executive Regulation No. 24-22, Special Projects Manager Class Specification. A public hearing is scheduled for February 14, 2023, at 1:30 p.m.
- C. **Introduced** an Amendment to the FY23-28 Capital Improvements Program (CIP) and Supplemental Appropriation to the FY23 Capital Budget, Housing Opportunities Commission (HOC), Elizabeth House Demolition (092302) \$1,500,000 (Source of Funds: Current Revenue General). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- D. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the FY23 Capital Budget, HOC, WSSC Sewer and Storm Line Improvements at Elizabeth Square (P092301), \$520,000 (Source of Funds: Current Revenue General). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- E. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of General Services (DGS), Lactation Rooms in County Buildings (No. 0362310), \$412,000 (Source of Funds: Current Revenue

General and GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.

- F. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, DGS, EOB HVAC Renovation (No. 361103), \$3,972,000 (Source of Funds: GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- G. **Introduced** Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, DGS, HVAC/Elec Replacement: MCG (No. 0508941), \$9,737,000 (Source of Funds: GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- H. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, DGS, Resurfacing Parking Lots: MCG (No. 5019914), \$125,200 (Source of Funds: GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- I. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Police, 6th District Police Station (No. 470301), \$5,941,000 (Source of Funds: GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7 p.m.
- J. **Introduced** 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, Electronical Distribution and HVAC Upgrade (No. 472102), \$4,804,000 (Source of Funds: GO Bonds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- K. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Transportation, Streetlighting (No. 507055), \$250,000 (Source of Funds: State Aid). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- L. **Introduced** an Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Recreation, Wheaton Arts and Cultural Center (No. 0722106), \$75,000 (Source of Funds: Current

Revenue General). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.

- M. **Introduced** Amendments to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Office of Agriculture, Ag Land Preservation Easements (No. 0788911) \$2,641,208 (Source of Funds: State Aid and Ag Transfer Tax). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- N. **Introduced** an Amendment to the FY23-28 CIP and Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Housing and Community Affairs, Preservation of Naturally Occurring Affordable Housing Fund (No. P762201), \$30,200,000 (Source of Funds: Load Repayment Proceeds). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- O. **Introduced** 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). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- P. **Introduced** a Supplemental Appropriation to the County Government's FY23 Capital Budget, Department of Transportation, North Bethesda Metro Station Area Redevelopment Infrastructure (No. 502315), \$1,900,000 (Source of Funds: State Aid). Public hearings are scheduled for February 7, 2023, at 1:30 p.m. and 7:00 p.m. and February 9, 2023, at 7:00 p.m.
- Q. Adopted **Resolution 20-29**, confirming the County Executive's appointment of the Director, Department of Permitting Services.
- R. Adopted **Resolution 20-30**, confirming the County Executive's appointments to the Citizens Review Panel for Children: Tinuade Akinshola, Kenneth Beale, Stacey McNeely, Elizabeth Simon, Laura Brown.
- S. Adopted **Resolution 20-31**, confirming the County Executive's appointment to the Climate, Energy, and Air Quality Advisory Committee: Drake Starling.
- T. Adopted **Resolution 20-32**, confirming the County Executive's appointment to the Racial Equity and Social Justice Advisory Committee: Khalid Afzal.

- U. [Approved the County Attorney’s Request to employ DiCello Levitt LLC as special counsel under Charter Section 213.](#)
- V. [Introduced and adopted **Resolution 20-33**, an Amendment to the County Government’s FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Food Council, Inc.](#)
- W. [Introduced and adopted **Resolution 20-34**, an Amendment to the County Government’s FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: Manna Food Center, Inc.](#)

The Council recessed at 11:05 a.m. and reconvened at 1:31 p.m.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #3**

(4) **Introduction of Bills:**

- A. [Bill 3-23, Environmental Sustainability - Montgomery County Green Bank](#)

Introduced draft #1 of **Bill 3-23**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for February 14, 2023, at 1:30 p.m.

- B. [Expedited Bill 4-23, Administration - Non-Merit Positions - Special Projects Manager](#)

Ms. Luedtke requested clarifying information from the County Executive to justify an expedited process for this Bill.

Introduced draft #1 of **Bill 4-23**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for February 14, 2023, at 1:30 p.m.

- C. [Expedited Bill 5-23, Personnel and Human Resources - Prospective Employees - Health Care Privacy](#)

Introduced draft #2 of **Bill 5-23**, sponsored by Councilmember Luedtke and co-sponsored by Councilmembers Alborno, Balcombe, Friedson,

Sayles, and Stewart. Councilmembers Glass, Jawando, Katz, Mink, and Fani-González requested to be added as co-sponsors. A public hearing is scheduled for February 14, 2023, at 1:30 p.m.

D. **Bill 6-23, Housing - Sharing Economy Rental**

Introduced draft #1 of **Bill 6-23**, sponsored by Councilmember Jawando. Councilmembers Luedtke, Sayles, and Mink requested to be added as co-sponsors. A public hearing is scheduled for March 7, 2023, at 1:30 p.m.

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

A. **Bill 33-22, Capital Improvements Program - Affordable Housing Feasibility Study - Required**

Mr. Friedson, Chair of the Planning, Housing, and Parks (PH) Committee provided a summary of the purpose of the Bill and the work effort that went into creating this Bill.

Mrs. McCartney-Green, Legislative Attorney, noted that the effective date of this Bill will be July 1, 2023.

Mr. Glass requested to be added as a co-sponsor.

Enacted draft #6 of **Bill 33-22**, as shown at the end of these minutes. The Planning, Housing, and Parks (PH) Committee made the motion which carried by a roll call vote:

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

(6) **DISTRICT COUNCIL SESSION**

A. Introduction - **Zoning Text Amendment (ZTA) 23-01, Accessory Residential Uses - Sharing Economy Rental**

Introduced draft #1 of **ZTA 23-01**, sponsored by Councilmember Jawando. Councilmembers Mink, Luedtke, and Sayles requested to be added as co-sponsors. A public hearing is scheduled for March 7, 2023, at 1:30 p.m.

(7) **ACTION - Resolution to amend Council Rules of Procedure**

Supported without objection the technical correction to Rule 3(b)(2) to require four affirmative votes from Councilmembers to support an interview for a Board, Committee, or Commission candidate.

Supported without objection, the staff recommendation to add the following language to the Resolution:

The amendments to Rules 6(f) and 7(f) apply only to bills or resolutions introduced on or after January 31, 2023.

Supported Councilmember Mink's proposed changes to Rule 1 as shown below:

(g) Election of Council officers; determination of committee structure and membership.

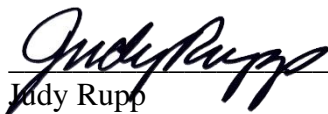
(1) The Council elects a Council President, a Council Vice-President, and other officers as the Council desires at the first Council meeting each December.

(2) At the first or second meeting of a new Council term, the Council approves, by majority vote, the structure and membership of Council committees. At the direction of the Council Vice-President, at least 4 days prior to the [[vote]] first meeting of the term the Clerk must post on the Council's website a proposed committee structure and membership. Councilmembers Luedtke and Friedson opposed this change.

Adopted **Resolution 20-35**, approving the Rules of Procedures as amended. Mr. Katz made the motion which carried without objection.

The meeting adjourned at 2:11 p.m.

This is a correct copy of Council action:



Judy Rupp
Clerk of the Council

Bill No. 33-22
Concerning: Capital Improvements
Program – Affordable Housing
Feasibility Study – Required
Revised: 1/23/2023 Draft No. 6
Introduced: November 15, 2022
Enacted: January 31, 2023
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Friedson
Co-Sponsors: Councilmembers Katz, Albornoz, Fani-González, Stewart, Balcombe, Mink, Sayles, Jawando, and
Glass, and former Councilmembers Navarro, Riemer and Rice

AN ACT to:

- (1) require the [[County Executive]] Department of General Services to submit an affordable housing feasibility study to the Council for certain capital projects;
- (2) establish a review process for the Council to determine project feasibility for colocation of affordable housing; and
- (3) generally amend County law regarding the analysis of capital projects.

By amending

Montgomery County Code
Chapter 25B, Housing Policy
Section 25B-7

Boldface	<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:

1 **Sec. 1. Section 25B-7 is amended as follows:**

2 **25B-7. Affordable housing feasibility study and assessment.**

3 (a) Definitions. As used in this Section:

4 Affordable housing feasibility study means an analysis of [any] applicable
5 capital project that includes an evaluation of affordable housing at a
6 library, recreation center, police station, fire station, or any other general
7 services building.

8 Applicable capital project means any proposed building project
9 administered by the Department of General Services or the Parking
10 Management Division of the Department of Transportation.

11 Department means the Department of General Services.

12 (b) Affordable housing feasibility study. For [[any]] an applicable capital
13 project, prior to the completion of facility planning, [[development of]]
14 the program of requirements, site selection, or land acquisition, the
15 [[County Executive]] Department must prepare and submit an affordable
16 housing feasibility study to the Council.

17 (c) Contents of the feasibility study. The study must include [[, but is not
18 limited to,]] the following:

- 19 (1) a description of the proposed capital project;
- 20 (2) outreach efforts and stakeholder input;
- 21 (3) proposed [[development of the]] program of requirements, if
22 [[any]] available;
- 23 (4) [[potential]] site and environmental constraints;
- 24 (5) programmatic elements or efficiencies associated with [[for]]
25 colocation [[projects]];
- 26 (6) the projected total cost for construction, including, if [any]
27 available, costs of colocation of affordable housing;

- 28 (7) a statement of whether colocation is feasible and potential impacts
29 to the proposed capital project; and
- 30 (8) any other related components used for consideration to determine
31 project feasibility.
- 32 (d) County Council review.
- 33 (1) Within 30 days after the Council receives the affordable housing
34 feasibility study under subsection (b), the Council must:
- 35 (A) review the feasibility study; and
- 36 (B) determine by a vote whether to approve or disapprove the
37 analysis provided in the feasibility study.
- 38 (2) An analysis approved by the Council under subparagraph (1)(B)
39 permits the project to proceed in its normal course of planning,
40 design, and construction.
- 41 (3) Capital project plan. If the Council disapproves of the analysis
42 under subparagraph (1)(B) and determines that colocation of
43 affordable housing is feasible, the [[County Executive]]
44 Department must, within a reasonable timeframe, develop and
45 transmit to the Council a plan where the capital project identified
46 in the study includes colocation of affordable housing.
- 47 (e) Review of the [[Executive's]] capital project plan. Before appropriation
48 in the Capital Improvements Program, the Council must review and
49 approve the capital project plan submitted by the [[Executive]]
50 Department under subsection (d)(3). A plan that does not include
51 colocation must contain a written explanation describing the
52 circumstances as to why the requirements for colocation could not be
53 fulfilled and the reasons for a waiver.

54 (f) Waiver. The Council may waive any requirement under this Section if the
55 Council determines the project would:

- 56 (1) result in a loss of a site;
- 57 (2) require emergency appropriation; or
- 58 (3) may experience further delay not in the best interest of the public.

59 [(a)] (g) Affordable housing assessment. For each applicable capital project in
60 the Capital Improvements Program during facility planning, the Office
61 of Management and Budget must include in or transmit with the CIP an
62 evaluation of:

- 63 (1) the feasibility of including a significant amount of affordable
64 housing in the project;
- 65 (2) the effect of the project on the supply of affordable housing in the
66 immediate area;
- 67 (3) what capital or operating modifications, if any, would promote and
68 maximize affordable housing in the project and the immediate
69 area; and
- 70 (4) what operating budget modifications, if any, would be needed to
71 build and maintain affordable housing in the project.

72 [(b)] (h) * * *

73 [(c)] As used in this section, applicable capital project means any proposed
74 building project administered by the Department of General Services or the
75 Parking Management Division of the Department of Transportation.]

76 [(d)] (i) * * *

77 [(e)] (j) * * *

78 **Sec. 2. Effective Date; Transition.** The amendments in Section 1 take effect
79 on July 1, 2023.

Approved:

/s/ 2/1/2023
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