

Approved: 29-16

Attest: *Bridget Donnell Newton*

*Sara Taylor-Ferrell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND

May 16, 2016  
Meeting No. 21-16  
7:00 p.m.

**Present:**

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia Onley, Councilmember Julie Palakovich Carr, Councilmember Mark Pierzchala.

**Staff Present:**

Acting City Manager Craig Simoneau, Acting City Clerk Sara Taylor-Ferrell, City Attorney Debra Daniel and City Clerk/Director Council of Operations Kathleen Conway.

**1. Convene**

Convene in open session to vote on motion to go into executive session pursuant to Section 3-305(b)(3) of the General Provisions article of the Annotated Code of Maryland to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Motion: Convene in open session

Moved by Councilmember Onley, seconded by Councilmember Pierzchala and unanimously approved.

**2. Executive Session**

**3. Reconvene**

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday May 16, 2016. In the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

**4. Pledge of Allegiance**

Mayor led the Pledge of Allegiance.

**5. Agenda Review**

Acting City Clerk Sara Taylor-Ferrell noted changes to the agenda, adding Items #17A and #17B and revised mock and future agendas.

## **6. City Manager's Report**

Acting City Manager Craig Simoneau announced that a proclamation declaring the week of May 15-21 as National Public Works Week in the City of Rockville will be issued at tonight's meeting.

To learn more about Rockville's Department of Public Works and its celebration of National Public Works Week, visit [www.rockvillemd.gov/publicworks](http://www.rockvillemd.gov/publicworks) or call 240-314-8500.

Acting City Manager Craig Simoneau invited everyone to participate in Bike to Work Day on Friday May 20, from 6:30 – 9:30 am. There will be two City sponsored stops, one in front of Dawsons Market and in front of the Smoothie King lot in Falls Grove.

He noted that Rockville and Frederick are in a friendly competition with video promotions designed to get the word out about the benefits of biking. Visit [www.rockvillemd.gov](http://www.rockvillemd.gov) and check out the home page for the link to the videos and vote by 8 p.m. on May 19. The winner will be announced on the morning of May 20.

Acting City Manager Craig Simoneau mentioned the Rockville Chorus will perform their spring concert on Saturday, May 22 at 7:30 p.m. at the F. Scott Fitzgerald Theatre in Rockville Civic Center Park.

For more information call Betty Wisda at 240-314-8671.

## **7. Proclamation Declaring May 21, 2016, as Kid's Day in the Park.**

**Motion** declaring May 21, 2016 as Kid's Day in the Park

Moved by Councilmember Onley, seconded by Councilmember Pierzchala and unanimously approved.

Roline Milford, Chair and Chip Boyland, with the Rec and Parks Advisory Committee accepted the proclamation.

## **8. Proclamation Declaring May 16-19, 2016 as National Public Works Week.**

**Motion:** Declaring May 16-19, 2016 as National Public Works Week

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and unanimously approved.

Judy Ding, Erica Shingara and Ben Fisher accepted the proclamation.

**9. Proclamation recognizing the Month of May 2016 as Older Americans Month**

**Motion:** Recognizing the Month of May 2016 as Older Americans Month

Moved by Councilmember Onley, seconded by Councilmember Palakovich Carr and unanimously approved.

Jill Cornish, Ardelle Hill and Gail Sherman accepted the proclamation

**10. Community Forum**

Citizen	Issue
Tolulope Odunlami	Proposed Carver bus depot, WINX property in Lincoln Park
Alexandria Denito	opposes proposed Carver bus depot
Fran Hawkins	opposes proposed Westmore bus depot
Cindy Hall	opposes proposed MCPS bus depots at Carver and Westmore
Gladys Walker	opposes proposed Westmore bus depot
Anita Summerour	thanked Ms. Ferrell for her service, welcomed Ms. Conway, opposes proposed bus depots at Carver and Westmore
Wendy Whittaker	thanked Mayor and Council for attending the meeting in opposing
Michael Rose	Recycle/Landfill containers, Bus Huts, Speed Bumps, Lighting in Town Center
Nancy Pickard	thank you for consideration on historical preservation issues, support Chestnut Lodge development
Steve Orens	objects to Peerless using Community Forum to make statements outside of formal record, objects MC to take Chestnut Lodge to take public testimony outside of public process

**11. Mayor and Council's response to Community Forum and Announcements**

Mayor Newton read a statement for the record regarding community forum statements on the Chestnut Lodge development.

Councilmember Pierzchala noted he attended a meeting Wednesday regarding the proposed bus depots in College Gardens and asked each neighborhood to unite.

Councilmember Palakovich Carr said she was glad to see the Lincoln Park residents are mobilizing on the proposed Carver bus depot.

## **12. Mayor and Council Reports**

Councilmember Feinberg noted she attended the Lincoln Park Civic Association meeting; Chief Treschuk was honored for 27 Years of service and attended their meetings, 2040 Listening Sessions, Meet and Greet on Thursday with Rockville Sister City, thanked Drew Powell and staff for their support.

Councilmember Onley attended the MCPS bus depot meeting in College Gardens, fashion show at the Senior Center, RSCC meet and greet, new business ribbon cutting ceremony at SuperCuts, Senior Center Bazaar on Saturday, and the Lincoln Park Civic Association meeting, Stepping Stones Appreciation event.

Councilmember Palakovich Carr attended the Master Plan meeting, the MCPS bus depot meeting in College Gardens, and King Farm Bankshot.

Councilmember Pierzchala attended the MCPS bus depot meeting in College Gardens, new business ribbon cutting ceremony at SuperCuts, meeting with Sydney Katz about bus depots, RSCC meet and greet, the Lincoln Park Civic Association meeting.

Mayor Newton attended Ingleside work addition Tuesday, meeting with Sydney Katz on proposed bus depot with CMP, MML Mini Mayor contest winner on May 23 in Annapolis, Stepping Stones Volunteer event, Friday attended the Beall Read Aloud Day.

## **13. Consent Agenda A. Award of IFB #12-16, Dogwood Stream Restoration, to Environmental Quality Resources, Inc. in the Amount of \$968,106.20**

**Motion:** Approve the Consent Agenda

Moved by Councilmember Pierzchala, seconded by Councilmember Feinberg, and unanimously approved.

## **14. Public Hearing - Rockville's Pike Neighborhood**

The public hearing opened at 7:56 p.m. and the Mayor and Council heard from the following speakers:

Sigurd Neubuer  
Elizabeth Braverman  
Eric Siegel  
Connie Yeh  
Brian Barkley  
Ethan Goffman

David Greene  
Steven VanGrack  
Peter Tomao  
Mike Stein  
Noreen Bryan  
Andrew Sellman  
Nadia Azumi  
Susan Prince  
Jennifer Timmick  
Marian Hull  
Patricia Woodward  
Jacques Gelin  
Todd Pearson  
Larry Giammo  
Rob Crow  
Lynn Wagman  
Anita Summerour  
Soo Lee-Cho  
Sam Shpkovitz  
Jack Kelly  
Donald Masters  
Nancy Breen  
Richard Gottfired  
Brigitta Mullican

The complete testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk's office. There being no other person wishing to speak, the hearing ended at 10:11 p.m. On May 23 scheduled worksession, June 6, tentatively scheduled for Discussion and Instruction. Mayor and Council need to take action within 90 days, 60 day extension ends August 10.

The meeting recessed at 10:14 p.m. and reconvened at 10:25 p.m.

**15. Adoption of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2017**

**Motion:** to Adopt Amendment Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2017 in Attachment A

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and unanimously approved.

**16. Adoption of a Resolution to Declare the Official Intent of the Mayor and Council to Bond Finance Certain Projects Under U.S. Treasury Income Tax Regulation Section 1.150-2**

**Motion:** to Adopt a Resolution as modified in Attachment A to Declare the Official Intent of the Mayor and Council to Bond Finance Certain Projects Under U.S. Treasury Income Tax Regulation Section 1.150-2

Moved by Councilmember Feinberg, seconded by Councilmember Pierzchala and unanimously approved.

**17. Adoption of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts pursuant to Section 20-6 of the Rockville City Code**

**Item #17A – Adoption of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts pursuant to Section 20-6 of the Rockville City Code**

**Motion:** to amend the resolution in Attachment A

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and unanimously approved.

**Motion:** to adopt the resolution to establish the service charge rate for municipal refuse collection and to establish a charge for unreturned refuse and recycling carts pursuant to Section 20-6 of the Rockville City Code in Attachment A

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and unanimously approved.

**Item #17B – Adoption of a Resolution to establish that the service charge for municipal refuse collection shall be levied and collected in the same manner as property taxes**

**Motion:** to adopt the resolution to establish that the service charge for municipal refuse collection shall be levied and collected in the same manner as property taxes in Attachment A

Moved by Councilmember Pierzchala, seconded by Councilmember Onley and approved 3-2. Mayor Newton and Councilmember Feinberg opposed.

**18. Adoption of a Resolution to Close Completed Capital Improvements Program Project Accounts**

**Motion:** to adopt of resolution to close completed capital improvements program accounts

Moved by Councilmember Pierzchala, seconded by Councilmember Feinberg and unanimously approved.

**19. Introduction of an Ordinance to Amend Rockville City Code Section 1-8, Application of County Law, Which will Allow Montgomery County Code Chapter 18A, Environment Sustainability, Article 6, Building Energy Use Benchmarking, to Apply in the City of Rockville**

Erica Shingara, Sustainability Coordinator, made a brief presentation followed by comments, questions and discussion.

Councilmember Palakovich Carr introduced the Ordinance to Amend Rockville City Code Section 1-8, Application of County Law, Which will Allow Montgomery County Code Chapter 18A, Environment Sustainability, Article 6, Building Energy Use Benchmarking, to Apply in the City of Rockville

Mayor and Council agreed to change the public hearing date to June 13 and to close the public record later than June 10.

**20. Discussion and Instructions to Staff Regarding Project Plan PJT2015-00005, for the amendment of the Chestnut Lodge Planned Residential Unit (PRU2005-00022), to allow for seven (7) townhouse units instead of seven (7) multifamily units on the former Main Lodge property at 500 West Montgomery Avenue, and to allow for a maximum height of 51.5 feet where 40 feet is allowed in the equivalent zone of RMD-15; JNP Chestnut Lodge LLC, applicant**

Nicole Walters, Planner II presented the item for discussion, review and comment.

**Motion:** to deny Project Plan Application PJT2015-00005

Councilmember Pierzchala made the following motion, "I move to deny Project Plan Application PJT2015-00005 and instruct staff to bring back a resolution denying the application based on the following findings:

1. That the Project Plan Application is in conflict with the Master Plan
2. That the historical environment of the City and surrounding area would be adversely affected

Reasons for these findings to deny the application include:

1. The PRU redevelopment plan was a carefully crafted compromise by the community and the developer taking great care to preserve the character of this nationally recognized historic site

2. The Main Lodge was the centerpiece of the property both before and during the process that led to the PRU approval in 2006
3. The original approval of residential development was expressly conditioned on the preservation of the Main Lodge. The proposed residential development is 35% larger than the original approval. Any development on this site would need to be more consistent with the originally approved plan than what is proposed.

The motion was seconded by Councilmember Feinberg and approved 3-2. Councilmembers Onley and Palakovich Carr opposed.

## **21. Review and Comment - Mayor and Council Action Report**

There was no Action Report.

## **22. Review and Comment - Future Agendas**

The Mayor and Council went over the Future Agendas and made recommendations, comments and corrections.

## **23. Old/New Business**

Councilmember Pierzchala stated he is okay with approving the Bikeshare letters.

**Motion:** to approve to issue two letters of support for the City and County Bikeshare grant application

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and unanimously approved.

Mayor Newton suggested the body send a letter to MCPS, County opposing the proposed Westmore bus depot site similar to the letter sent regarding the proposed Carver site.

Councilmember Onley supports sending letter, and would be good to show their support to the citizens.

Councilmember Palakovich Carr suggested staff may be able to draft a letter and bring it back on the May 23 meeting.

Councilmember Feinberg suggested the letter include language that they don't want to pit the neighborhoods against each other.

## **24. Adjournment**

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley to adjourn the meeting at 11:44 pm.