

Approved:

Bridget Donnell Newton
Kathleen A. Conway

Approved Meeting Number and Date: 30-16; September 12, 2016

MINUTES
MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
June 6, 2016
Meeting No. 24-16
7:00 p.m.

- A. Convene in Open Session to vote on motion to go into Executive Session pursuant to Sections 3-305(b)(7) and 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation regarding Project Plan Application PJT2015-00005, Chestnut Lodge property.

Executive Session Meeting Summary

Prior to the June 6, 2016 General Meeting, the Mayor and Council convened in Open Session to vote on a motion to convene in Executive Session.

Upon motion by Councilmember Onley, seconded by Councilmember Pierzchala and unanimously passed, the Mayor and Council convened in Executive Session at 6:05 p.m. pursuant to Sections 3-305(b)(7) and 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation regarding Project Plan Application PJT2015-00005, Chestnut Lodge property.

Present at the Executive Session were Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia Onley, Councilmember Julie Palakovich Carr and Councilmember Mark Pierzchala. Also present were Acting City Manager Craig Simoneau, City Attorney Debra Daniel, City Clerk/Director of Council Operations Kathleen Conway, Director of Community Planning and Development Services Susan Swift and Chief of Zoning Jim Wasilak.

The topic of discussion was the modified application filed by the applicant of PJT2015,00005, Chestnut Lodge property.

No actions were taken during this Executive Session.

Action: to adjourn

The Executive Session adjourned at 6:25 p.m.

The General Meeting of the Mayor and Council convened at 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, City Attorney Debra Daniel and City Clerk/Director of Council Operations Kathleen Conway

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, June 6, 2016, in the Mayor and Council Chambers, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

The Mayor led the Pledge of Allegiance. Following the Pledge of Allegiance, the Mayor asked for a moment of silence for Doug Breisch. Doug retired from the City of Rockville after 23 years, most recently serving as Telecommunications Manager. Councilmember Feinberg asked for a remembrance of D-Day, June 6, 1944.

3. Agenda Review

City Clerk/Director of Council Operations Kathleen Conway reported that this evening's Executive Session was added to the agenda.

4. City Manager's Report

Acting City Manager Craig Simoneau presented the following information.

Hometown Holidays

Acting City Manager Craig Simoneau thanked the City departments that made Hometown Holidays such a success. Many staff from all City departments participated in manning City booths to provide information and outreach to our visitors. A special thank you was extended to Special Events Manager, Colleen McQuitty, Special Operations Supervisor Mike Coppersmith and Events Specialist Amanda Knox for their significant contribution to this event.

Other Community Events

The City hosted two other successful community events this spring. Twinbrook Community Day at the Twinbrook Community Center on May 16, celebrating the neighborhood and the Center. This year's event attracted more than 300 people of all ages and diverse cultures. The community enjoyed live music, arts and crafts, a petting zoo, demos of some of the classes offered at the center and information from several local organizations, including the City's Environment Division and the Police Department. The Human Rights Commission also hosted their annual Diversity Leadership Workshop for Rockville High School and Montgomery College students on April 16. Thirty-five students from various backgrounds participated in this workshop designed to give students the tools to eliminate isolation and stereotyping in their school communities. The participants will gather again later in the year to discuss other ways to promote diversity education and appreciation.

Solar Co-op

The Rockville Environment Commission is coordinating with MD SUN and Montgomery County to organize another solar co-op. By going solar together participants save up to 20 percent on the cost of a solar system and have the support of the group throughout the process. This is a unique opportunity to go solar, get a discount, and be part of the growing solar movement. For more information contact the City's Environmental Division at 240-314-8872.

International Day – Rockville Senior Center

International Day includes displays, costumes, tastings, music and demonstrations from various cultures represented by Rockville Seniors.

5. Proclamation Declaring June 14, 2016 as Flag Day in Rockville

Councilmember Feinberg proclaimed June 14, 2016 as Flag Day in Rockville.

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

Mr. Lyle Waldron received the Proclamation and invited everyone to the Elks Lodge Flag Day Ceremony.

6. Community Forum

Name	Remarks
Sam Shipkovitz	Zoning of Taylor property, prefers two story office building; prefers non-residential use
Agnes Saenz	Thank you from Community Ministries for Mayor and Council support. Congratulations and thank you for a wonderful Home Town Holidays
Jackie DiCarlo	Thank you from the Manna Food Center for Mayor and Council support. Expressed appreciation to the Mayor and Council for their support of the Caregivers' Coalition.
Patricia Woodward	Recycling and refuse billing change questions: Where do citizens go with billing questions? Are the savings to the City annual? Is this change for a certain time period?

7. Mayor and Council's Response to Community Forum and Announcements

Councilmember Pierzchala asked City staff to provide a response to Ms. Woodward's questions.

Councilmember Palakovich Carr stated that the recycling and refuse billing changes result in \$1.2 M savings over five years and there was no change to the billing amounts for water and sewer.

Councilmember Feinberg stated that recycling and refuse billing would occur two times per year. Councilmember Feinberg thanked Ms. DiCarlo and Ms. Saenz for all that they do, working

with the most vulnerable amongst us and indicated the Rockville Farmers' Market has a non-profit day to showcase services.

Councilmember Onley and Mayor Newton thanked everyone for participating in Community Forum.

8. Mayor and Council Reports

Councilmember Feinberg thanked staff for Hometown Holidays and the Memorial Day Parade; they were great events. All the preparation by staff makes the event seem seamless and the weekend and parade a huge success. Councilmember Feinberg thanked Erica Shingara for her efforts on the Solar Co-op celebration. Erica has been the voice and effort behind this.

Councilmember Palakovich Carr congratulated staff for Hometown Holidays and the Memorial Day Parade. Councilmember Palakovich attended the 2040 Master Plan Meeting and the Solar Co-op Celebration. Human Rights Commission has a number of vacancies; if anyone is interested, they should apply.

Councilmember Pierzchala congratulated staff for Home Town Holidays. Councilmember Pierzchala attended the Bike Advisory Committee meeting and the Solar Co-op celebration.

Councilmember Onley congratulated staff for Home Town Holidays.

Mayor Newton thanked the Wood Family, a Rockville family who started the Memorial Day Parade. She also thanked Doug Duncan, a prior Mayor of Rockville, for starting Hometown Holidays and thanked staff for a wonderful weekend.

9. Public Hearing for Project Plan Application PJT2016-00006, an amendment of the Tower Oaks Comprehensive Planned Development (CPD1985-00001, as amended), to allow for up to 375 residential units instead of 755,000 square feet of office development on the east side of Preserve Parkway; EYA Development LLC, applicant.

Brian Wilson, Principal Planner, presented a summary of the Project Plan Application PJT2016-00006, an amendment of the Tower Oaks Comprehensive Planned Development (CPD1985-00001, as amended), prior to the public hearing. Mayor Newton opened the Public Hearing at 7:32 p.m. The Mayor and Council heard testimony from the following speakers:

1. Aakash Thakkar
2. Alison Butler
3. Bob Harris
4. Sean Sullivan
5. Jeff Robertson
6. Ralph Bennett
7. Rose Krasnow
8. John Kyle
9. Sam Shipkovitz
10. Bill Kominers

The complete testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk/Director of Council Operation's office. There being no other

persons wishing to speak, Mayor Newton closed the Public Hearing at 8:33 p.m. Mayor Newton noted the record would remain open until June 20, 2016.

10. Discussion and Instructions on an ordinance to repeal and reenact with amendments, Chapter 9 of the Rockville City Code entitled "Fire Code", so as to adopt and incorporate by reference the State of Maryland Fire Prevention Code with amendments, as the Fire Prevention Code of the City of Rockville.

Tim Diehl, Rockville Fire Marshall, led the discussion on the Fire Code with the Mayor and Council.

Councilmember Palakovich Carr thanked Tim for answering questions over the weekend regarding the comparison of the code changes to the County for fire and rescue.

Mayor Newton indicated that there is a lot of discussion regarding these types of changes and that some underwriters are refusing to write policies with these changes implemented. Mayor Newton prefers the fire extinguisher requirement be kept in the code. Councilmember Pierzchala, Councilmember Onley and Councilmember Feinberg also prefer the fire extinguisher requirement be kept in the code. Staff will bring back changes as directed.

The meeting recessed at 8:44 p.m. and reconvened at 8:53 p.m.

11. Discussion and Instructions – Rockville Pike Neighborhood Plan

Cindy Kebba, Planner III, led the discussion on the Rockville Pike Neighborhood Plan. The Mayor and Council, along with staff, began with Councilmember Pierzchala's Rockville "Champion Projects" proposal. Discussion topics included access lanes on the Pike, land requirements for the access lanes, Rockville Pike width, current Rockville Pike service lanes, County BRT vision, building heights, mitigation options and using the Zoning Code to determine building heights.

Motion: to adopt in concept, the idea of Rockville "Champion Projects" in tandem with the "Transit Options Access Lanes", in the Rockville Pike Neighborhood Plan subject to amendments in concept.

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

Councilmember Palakovich Carr proposed an amendment to change the open space criteria from "requires up to 20% open space" to "requires more than 15% open space".

Motion: to amend in concept, to change the open space criteria from "requires up to 20% open space" to "requires more than 15% open space".

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley; approved 4 – 1 with Councilmember Feinberg opposing.

Councilmember Palakovich Carr proposed an amendment to change that two or more goals of the "Champion Project" must be met.

Motion: to amend in concept, to require that two or more goals be met.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg; motion failed 2 – 3, with Mayor Newton, Councilmember Onley and Councilmember Pierzchala opposing.

Councilmember Pierzchala proposed an amendment to delete the sub-bullets that accompany multi-family housing near Metro.

Motion: to amend in concept, to delete the sub-bullets that accompany multi-family housing near Metro.

Moved by Councilmember Pierzchala, seconded by Councilmember Palakovich Carr; motion failed 1 – 4 with Mayor Newton and Councilmembers Feinberg, Onley and Palakovich Carr opposing.

Councilmember Pierzchala proposed an amendment to change “access lanes would not be required...” to “access lanes for projects would be eliminated and existing access lane easements would be abandoned providing more horizontal space, subject to the preference of the developer”.

Motion: to amend in concept, to “access lanes for projects would be eliminated and existing access lane easements would be abandoned providing more horizontal space, subject to the preference of the developer”.

Moved by Councilmember Pierzchala, seconded by Councilmember Palakovich Carr and approved unanimously

Councilmember Palakovich Carr proposed that biennial review be changed to biannual review in the Transit Options document.

Motion: to amend in concept, that biennial review be changed to biannual review.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and approved unanimously

Councilmember Pierzchala proposed on the bottom of page I-1 regarding access lanes and existing easements, that “can” be changed to “will”.

Motion: to amend in concept, on the bottom of page I-1 regarding access lanes and existing easements, change “can” to “will”.

Moved by Councilmember Pierzchala, seconded by Councilmember Palakovich Carr and approved unanimously

Mayor Newton proposed that a bullet be added that we do not want to harm development along the Pike.

Councilmember Pierzchala proposed that bullets one and two are “and” for eligibility.

Motion: to amend in concept, page I-3 “Champion Projects” eligibility bullets are “and” for bullets one and two.

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

The Mayor and Council discussed the Draft Plan Land Use Plan and proposed Revised Land Use Plan (4-22). Topics included the corridor, E. Jefferson Street, potential zoning for Halpine and the neighborhood near Mt. Vernon Place.

Motion: to accept staff interpretation of Proposed Revised Land Use Plan

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

The Mayor and Council discussed building heights. Councilmember Pierzchala proposed to remove specific reference to building heights of seven or ten stories, minimums and maximums.

Motion: to take out specific reference to building heights of seven or ten stories, minimums and maximums

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

The Mayor and Council discussed Community Centers and other indoor spaces.

Motion: to count Community Centers and other indoor spaces as public use space

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

Motion: to strike "sensitive to club operations" and keep "sensitive to existing residences" on page 4-14

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala.

Councilmember Feinberg proposed to change the statement on page 4-14 to "sensitive to existing residences and take into account the impact to the Club".

Motion: to amend the motion to include "and take into account the impact to the Club"

Moved by Councilmember Feinberg, seconded by Councilmember Pierzchala and approved 4 – 1, with Councilmember Palakovich Carr opposing.

The Mayor and Council discussed the Affordable Housing section with Staff. Staff proposed a few places to add affordable housing requirements.

Motion: to add all four bullet points under Affordable Housing.

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

The Mayor and Council discussed the zoning of 5946 Halpine Road with staff. Staff provided information that the Twinbrook Neighborhood Plan recommends keeping this R-60, as single

family home or park land. Staff recommends this be studied, however not as part of the Rockville Pike Plan.

The Mayor and Council will continue the Rockville Pike Neighborhood Plan discussion with staff at the June 13, 2016 Mayor and Council meeting.

12. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

Mayor Newton asked City Attorney Debra Daniel about the King Farm Farmstead lease status. City Attorney Debra Daniel indicated the lease and rental application are drafted. The goal is to advertise by July 1st.

13. Review and Comment - Future Agendas

The Mayor and Council reviewed the Future Agendas.

The June 13, 2016 Agenda will change; item 17 will be deleted. This provides an additional hour for the Rockville Pike Neighborhood Plan. Staff concurs with starting the meeting earlier on June 13, 2016.

Councilmember Palakovich Carr suggested starting the meeting at 6:30 p.m. and all concurred.

14. Old/New Business

The letter from the Mayor and Council to Montgomery County Council was discussed and recommendation made to continue working on the letter prior to the next Mayor and Council Meeting.

15. Adjourn

Motion: to adjourn at 11:08 p.m.

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