

Approved:

Bridget Donnell Newton

Attest:

Kathleen A. Conway

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

**MINUTES**  
MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
June 13, 2016  
Meeting No. 25-16  
6:30 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 13, 2016, in the Mayor and Council Chambers, 111 Maryland Avenue, Rockville, Maryland.

**2. Pledge of Allegiance**

Mayor Newton led the Pledge of Allegiance. Following the Pledge of Allegiance, the Mayor asked for a moment of silence for the Orlando, Florida families and victims.

**3. Agenda Review**

City Clerk/Director of Council Operations Kathleen Conway reported there was a change to the June 20 Future Agenda to correct the wording on the Chestnut Lodge agenda item.

**4. City Manager's Report**

Acting City Manager Craig Simoneau presented the following information.

**Rockville Public Safety Awards**

Seven members of the Rockville City Police Department were honored for their service at the 27<sup>th</sup> annual Rockville Public Safety Awards held on June 8 at Lakewood Country Club. Terrance Treschuk, Rockville's retired Police Chief who served the City for 27 years, was honored with a Lifetime Achievement Award. Congratulations were extended to the seven officers on their achievement and appreciation extended to all our police officers for their service to the Rockville community.

### **Rockville 2040 Meetings**

The Acting City Manager extended thanks to everyone who participated in the series of Citywide "Rockville 2040" forums. The input received has been invaluable in the development of a series of draft goals and policies.

### **Biking in Rockville**

The start of summer brings Tuesday evening bike rides. Routes are on shared-use paths, bike lanes and low-traffic residential streets, and are a great family activity. For more information visit [www.rockvillemd.gov/bicycling](http://www.rockvillemd.gov/bicycling).

### **5. Approval of an agreement between Rockville Economic Development, Inc. (REDI) and the Mayor and Council of Rockville**

Deputy City Manager Jenny Kimball presented the draft agreement for Mayor and Council comments and questions.

Councilmember Pierzchala asked if the Mayor and Council could negotiate changes for Year 2. Staff responded that changes in Year 2 could be negotiated.

Mayor Newton asked questions about the indemnification language and additional funding. The Mayor asked if there is a limit and/or does this require Mayor and Council approval. Staff responded that additional funds could be approved through the budget process. City Attorney Debra Daniel responded that indemnification language could be added. She would like to consult with Risk Management to determine if necessary.

Councilmember Feinberg indicated she would like an opinion from Risk Management.

The Mayor and Council asked that the Agreement be brought back June 20, 2016.

### **6. Proclamation Declaring June 13 – 19 as Men's Health Week**

Councilmember Feinberg proclaimed June 13 – 19 as Men's Health Week.

**Motion:** Moved by Councilmember Onley, seconded by Councilmember Pierzchala and approved unanimously.

Mark Charles, Chief of Environmental Management, received the Proclamation and thanked the City for putting this item forward.

### **7. Recognition of the 2016 Rockville Leadership Program Participants**

Senior Neighborhood Resources Coordinator Hjarmon Cordero distributed graduation certificates to the graduates of the 2016 Rockville Leadership Program. Nineteen people from different backgrounds and neighborhoods participated in this Program from April 7, 2016 to May 5, 2016. Hjarman provided an overview of the Program and thanked the graduates for their desire to learn about Rockville.

## 8. Community Forum

<i>Name</i>	<i>Topic</i>
Bob Dorsey	Appreciates Community Forum. Presented the Lion's Club cash gift to the City.
Larry Giammo	Chestnut Lodge
Nancy Pickard	Chestnut Lodge - how will the process go forward?

## 9. Mayor and Council's Response to Community Forum and Announcements

Councilmember Pierzchala thanked the Lion's Club for their contribution and for their organization's Public Safety Awards Luncheon. Councilmember Pierzchala informed that the June 20 Agenda includes an item on the process for Chestnut Lodge.

Councilmember Onley thanked Mr. Dorsey and Mr. Giammo for their comments.

Mayor Newton asked if we want to add something on Chestnut Lodge, do we make the request under Old/New Business tonight or wait until next week during the June 20 Agenda item. City Attorney informed that Old/New Business is the time to request. Mayor Newton asked if Peerless Rockville received notification. Nancy Pickard from Peerless Rockville, confirmed that email was received to change the agenda item. They have not received any new information from the applicant. Mayor Newton extended thanks to all for the clarification.

## 10. Mayor and Council Reports

Councilmember Feinberg attended the Public Safety Awards Luncheon, Financial Advisory Board meeting and a briefing on the Zika Virus.

Councilmember Onley attended the Public Safety Awards Luncheon, International Day at The Senior Center, Employee Picnic and the Lincoln Park Community meeting.

Councilmember Pierzchala attended the Public Safety Awards Luncheon, Cultural Arts Commission Meeting, Croydon Creek Tour, Employee Picnic, Montgomery County Charter Review Commission and the Rockville Express' first baseball game of the season.

Councilmember Palakovich Carr extended congratulations to the recipients of the Public Safety Awards.

Mayor Newton attended the Public Safety Awards Luncheon, International Day at The Senior Center, the Lincoln Park Community meeting, Dr. Jeni Stepanek's "83rd" Birthday Party, the Employee Picnic and the METRO Summit hosted by the Council of Governments and the Washington Board of Trade.

## 11. Public Hearing on 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

Erica Shingara, Sustainability Coordinator, presented a summary of the ordinance to amend Rockville City Code Section 1-8, Application of County Law, which will allow Montgomery

County Code Chapter 18A to apply in the City of Rockville. Mayor Newton opened the Public Hearing at 7:08 p.m. The Mayor and Council heard testimony from the following speaker(s):

1. Clark Reed

The complete testimony of the speaker(s) 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 7:16 p.m. The public comment period will remain open through 5:00 p.m. on Friday June 17, 2016.

## **12. Public Hearing on the Road Code Waiver Request for Proposed Streets as Part of the EYA Tower Oaks Development**

Senior Civil Engineer Greg Lyons, presented a summary of this request for proposed streets as part of the EYA Tower Oaks Development. Mayor Newton opened the Public Hearing at 7:23 p.m. The Mayor and Council heard testimony from the following speaker(s):

1. Aakash Thakkar

The complete testimony of the speaker(s) 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 7:30 p.m. The public comment period will remain open through 5:00 p.m. on Monday June 27, 2016.

## **13. Introduction, and Possible Adoption of a Bond Ordinance to Authorize the Competitive Sale of Tax-Exempt 2016A General Obligation Bonds in an Amount Not to Exceed \$6,385,000 for the Purpose of Financing the Construction of Capital Projects, Water, and Sewer Improvements as Reflected in the City's FY 2017 Capital Improvements Program (CIP) and Related Issuance Costs**

Deputy Finance Director Stacey Webster recommended the Mayor and Council authorize the sale of bonds, waive the layover period and adopt the ordinance.

Councilmember Pierzchala introduced the ordinance.

**Motion:** to waive the layover period

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

Mayor Newtown asked if we are within the debt/target ratio. Stacey confirmed that we are and that we are taking advantage of as many opportunities as possible.

**Motion:** to adopt the ordinance

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

## **14. Introduction, and Possible Adoption, of a Bond Ordinance to Authorize the Competitive Sale of Tax-exempt 2016B General Obligation Refunding Bonds in an**

**Amount Not To Exceed \$14,045,000 for the Purpose of Refunding Outstanding Debt Previously Issued in 2007 and 2008, and Related Issuance Costs**

Deputy Finance Director Stacey Webster recommended the Mayor and Council authorize the sale of bonds, waive the layover period and adopt the ordinance.

Councilmember Olney introduced the ordinance.

**Motion:** to waive the layover period

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

**Motion:** to adopt the ordinance

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

**15. Discussion and Instructions – Rockville Pike Neighborhood Plan**

The Mayor and Council, along with staff, continued discussion and instructions for the Rockville Pike Neighborhood Plan. Cindy Kebba, Planner III, led the discussion, working through edits suggested by Councilmember Palakovich Carr. Discussion topics included building heights, mixed use areas and changing market factors between residential and commercial over time, language to distinguish the urban portion of the Pike, consequences of current development patterns, sustainability, impact on climate change, green space, parks, best practices, urbanism and potential service level impact or increase in need for services, layback slopes, affordable housing and Vision Zero. An additional discussion topic included ways to support people moving around and leaving cars at home. The Mayor indicated that a circulator allows people to traverse within the area and get to the Metro; it does not replace Metro. The first and last mile are frequently why people get in their cars to go to Metro. The circulator or trolley system is the first and last mile. Councilmember Feinberg reminded everyone of last week's discussion that the first and last mile are needed. Councilmember Olney concurred with leaving in, however the money would still need to be found. Acting City Manager Craig Simoneau indicated that a future agenda item includes a circulator study discussion. Staff will recommend language and incorporate comments and intent of the Mayor and Council. The Mayor and Council decided to continue this Rockville Pike Neighborhood Plan discussion after Agenda Items 16 (Town Center Parking Work Session) and 17 (Presentation by Montgomery Country Planning Staff).

**16. Discussion and Instructions – Town Center Parking Work Session Follow Up**

Management Assistant Louise Atkins led the Town Center Parking Work Session. Comments and questions from the Mayor and Council follow.

Councilmember Feinberg suggested looking at the times and the length of times that metered parking is required.

Councilmember Pierzchala supports consultant action to improve directional signage and also suggested a review of the Sign Ordinance. Mayor Newton supports consultant action for directional signage and way-finding.

The Deputy City Manager indicated the City conducted a study on signage and parking. She suggested a consultant with more expertise would be helpful, someone with comprehensive experience and skills with way finding plans.

Mayor Newton supports staff's recommendation for a consultant and recommends a consultant also look at the times that meters are required, taking a holistic approach.

Councilmember Palakovich Carr supports consultant action for signage, suggests looking at the Sign Ordinance and other opportunities, e.g., a specified amount of free minutes, etc.

Councilmember Onley likes the idea of the first fifteen minutes free and suggests looking at the Sign Ordinance. Councilmember Onley would also like to have the big "P" for parking.

Councilmember Pierzchala suggested evaluating ideas that can be done without new equipment or costs, e.g., a 'yellow card' for certain parking rather than the expense of new meters. Councilmember Pierzchala would also like the parking "P".

Councilmember Onley likes the idea of no tickets to be issued unless past the time of the yellow card.

Councilmember Pierzchala believes some restaurants on Regal Row need more time than thirty minutes.

Mayor Newton offered that all of these ideas are great ideas. A consultant could look at all options, taking a holistic look. Holiday banners are also a great idea and would love to see them come back to help bring the City together. The Mayor asked for the cost of the banners, perhaps seasonal banners and brackets to hang them. The Mayor would also like to include concerts as a possible option and would like further conversations on the topic.

Councilmember Pierzchala asked for confirmation of a holistic look.

Mayor Newton defined holistic look as a broad, comprehensive approach, including things such as banners, Farmers Market, parking garages, parking hours to be paid vs. free, etc., but not limited to them. We want Town Center to be successful.

Councilmember Pierzchala commented that he is not interested in revisiting the Parking Garage deal with FRIT.

The Mayor asked how much the City was paid for Memorial Day parking in the garages. Acting City Manager Craig Simoneau will provide this information. Mayor Newton commented that parking on Memorial Day was \$5.00 for the day. If one left and came back, they were charged an additional \$5.00.

Councilmember Feinberg would like a conversation on the Farmers Market and banners. For the banners, what are the one-time and ongoing costs? For the Farmers Market, what are the options, the cost to staff, timing and how is outdoor participation encouraged? The Regal Row Farmers Market was wildly successful and would like a further conversation about this.

Mayor Newton commented that she agrees with Councilmember Feinberg and that it would be great to be able to encourage greater outdoor participation.

Councilmember Pierzchala asked if the Body wanted the consultant looking at hours that require paid parking. Jenny Kimball offered that under our current agreement with FRIT, they determine the parking rates. Parking meters are managed by the City. Louise Atkins offered that way finding and parking meters could be evaluated by the consultant.

Councilmember Feinberg asked for additional recommendations from staff, including pros, cons, fiscal impact and ideas to help the businesses. We have control of parking meters and way finding.

Mayor Newton supports a consultant.

Councilmember Feinberg would like a cost estimate for a study.

Councilmember Pierzchala would like to know the effect of our Sign Ordinance on our businesses.

Mayor Newton suggested that a consultant could look at our Sign Ordinance and make recommendations.

Councilmember Feinberg asked the businesses if they have any input. The following input was provided:

Mellow Mushroom: A consultant is a good idea; we can brainstorm together. Thirty minutes is not enough time, test it. Advertise in parking garages. Skating rink: build a dome and sell marketing on the pillars.

Giuseppe's: Lots of good ideas and this is very positive. The answer is complex due to the debt service the City has and there are many places with free parking. Free parking for carryout and yellow card would make a difference. Paying to park is a big issue.

Mayor Newton asked staff to make a recommendation and bring it back to Mayor and Council.

Councilmember Pierzchala indicated that it is hard to draw a conclusion between loss of sales and City budget.

California Tortilla comments: There is risk in doing nothing. The City needs to be business friendly.

Mellow Mushroom: Seconds that there is risk in doing nothing.

Councilmember Feinberg commented that word of mouth advertising can be best friend or worst enemy. We have to do something to curtail the negative word of mouth.

Giuseppe's: Thank you for taking this seriously.

Councilmember Pierzchala asked if an uptick in business has been seen with Upton coming in.

California Tortilla: We have not seen a difference. I am not sure if you understand how much we are struggling. We are stuck in these leases and the landlord does not care. We are appealing to you, to help us solve the problem. We appreciate you and are trusting you.

Councilmember Pierzchala indicated Regal Row and Town Square are two different situations. The environment is different. For Regal Row, we cannot create more parking spaces.

California Tortilla: You can adjust times to make them more customer friendly. The Court closes at 4 p.m. Why do the meters go until 10 p.m.?

Mayor Newton recommended going back to the original thought and conduct a study. Some questions posed: What percentage of Town Square apartments are rented to people? Regal Row landlord – what can they do? What about garages on the weekends after a certain time – are there any options?

Councilmember Pierzchala suggested asking FRIT what it would take to reduce the hours that they charge, etc. and made it clear that this would be FRIT's decision and not the City's decision.

Councilmember Palakovich Carr thinks it would be good to understand the numbers.

Councilmember Onley would also like to see the numbers and would also like to know the impact if the hours for street parking were shortened.

The discussion concluded; staff will return with information.

#### **17. Presentation by County Planning Staff Regarding their Proposed Changes to Subdivision Staging Policy for Transportation Requirements**

Eric Gray and Pam Dunn, from the Montgomery County Planning Department, provided a presentation on the Subdivision Staging Policy for Transportation Requirements.

Councilmember Pierzchala would like staff to develop recommendations for Mayor and Council response. Councilmember Feinberg asked for comments from staff, to understand if the plan would make Rockville and Gaithersburg less competitive for home buying.

Montgomery County Planning Staff recommended comments be provided before June 30, 2016. Staff will develop a letter for Mayor and Council.

#### **15. (Continued from earlier this evening) Discussion and Instructions – Rockville Pike Neighborhood Plan**

The Mayor and Council returned to Agenda Item 15, Rockville Pike Neighborhood Plan. The Mayor and Council discussed the Executive Summary with Staff. Staff will recommend language and incorporate comments and intent of the Mayor and Council.

#### **18. Review and Comment – Mayor and Council Action Report**

No comments.

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

No comments.

#### **20. Old/New Business**

a. Chestnut Lodge: The Mayor and Council discussed questions pertaining to the process for the Chestnut Lodge revised application received.

b. Letter to County Council President Floreen: The Mayor and Council provided comments to staff on the draft letter.

**Motion:** to direct staff to incorporate Mayor and Council comments in the letter to County Council President Floreen, and send to Mayor and Council for final review

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

## **21. Adjourn**

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

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