

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 20, 2016
Meeting No. 26-16
7:00 p.m.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, June 20, 2016, in the Mayor and Council Chambers, 111 Maryland Avenue, Rockville, Maryland.

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, Deputy City Attorney Cindy Walters and City Clerk/Director of Council Operations, Kathleen Conway

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Kathleen Conway reported that Agenda Item 18 - Attachment D, was revised to correct the elevation in the diagram.

4. City Manager's Report

Acting City Manager Craig Simoneau presented the following information.

Suds and Soles 5K Race

The new Suds and Soles 5K Race produced in partnership with the City of Rockville and Montgomery County Road Runners Club (MCRRC) occurred Saturday, June 25 in Rockville Town Center. Proceeds benefit the Rockville Recreation Fund, which provides financial assistance for low income families to participate in recreation programs and MCRRC's Youth and Beginning Running Programs.

Burgers and Blues

James Mabry and friends sang the blues in Israel Park (just behind Lincoln Park Community Center) on Friday June 24.

July 4 Celebration

Everyone was invited to join Rockville's Independence Day Celebration on July 4. The celebration returned for the second year to Mattie Stepanek Park, 1800 Piccard Drive, in King Farm. The Mattie Stepanek Peace Gathering was held from 5 to 8 p.m. at the park.

Independence Day

City offices and many City facilities close on Monday, July 4, in observance of Independence Day. For more information on holiday closures visit www.rockvillemd.gov or call 240-314-5000.

5. Proclamation Declaring July 4, 2016 as Mattie J.T. Stepanek Day in Rockville

Mayor Newton proclaimed July 4, 2016 as Mattie J.T. Stepanek Day in Rockville.

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

Dr. Jeni Stepanek, Mattie's mother, accepted the Proclamation and expressed her thanks. Jennie commented that Mattie's writings teach that peace is not about agreeing with others but about being with others in kindness. Peace grows when we are united in hope. Mattie's message is a blueprint for peace.

6. Proclamation Declaring July 2016 as Park and Recreation Month in Rockville

Councilmember Palakovich Carr proclaimed July 2016 as Parks and Recreation Month in Rockville.

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

Rolene Milford accepted the Proclamation and introduced Board members present. Chip Boylan recognized the Mayor and Council, the dedicated professional City staff who manage Rockville's parks and events and the Recreation and Parks Foundation which conducts fundraising for the City. Chip presented awards to Torrence Dawkins; Jeff Eng and Clyde's Tower Oaks Lodge; and Adventist Health Care.

7. Proclamation Declaring June 20, 2016 as World Refugee Day in Rockville

Councilmember Pierzchala proclaimed June 20, 2016 as World Refugee Day in Rockville.

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

Ken Sandin accepted the Proclamation.

8. Community Forum

<i>Name</i>	<i>Topic</i>
Daavi Zain	Traffic and Speed Bumps
Jill Cornish	Co-chair of Senior Citizens Commission; Legislative priorities do not include elder focus initiatives
Steve Orens	Chestnut Lodge process
Ruth Hanessian	Sign Review Board is available to discuss signage issues. Commend Mayor and Council for actions on school bus depots sites
Bob Wright	Rockshire Center
Mike Rose	Refugee questions

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

Councilmember Pierzchala thanked everyone for participating and asked staff how to proceed with the traffic issues on Aster Boulevard.

Councilmember Onley thanked everyone for participating. Councilmember Onley thanked Ms. Cornish for her comments and asked for a copy of her presentation.

Councilmember Feinberg thank everyone for participating, thanked Ms. Hanessian for the expertise of the Sign Review Board and also noted that Ms. Cornish brought an important item and was on point with her comments on senior initiatives. Councilmember Feinberg also noted that Mr. Rose raised good points for people to prepare for citizenship and other programs, offering that the Library has programs to assist and the County's Department of Health and Human Services also has programs to assist.

Councilmember Palakovich Carr thanked everyone for participating and thanked Mr. Zain for bringing the traffic and speed bump issue back. Councilmember Palakovich Carr thanked Ms. Hanessian for the Sign Review Board expertise and also stated how important our Boards and Commissions are to Rockville.

Mayor Newton indicated support for everything stated by Councilmembers and thanked everyone for participating. Mayor Newton also reminded everyone that the Mayor and Council would not be meeting June 27 (MML Conference) and July 4 (Independence Day).

10. Mayor and Council Reports

Councilmember Palakovich Carr attended the Jewish Community Relations Gala and attended the Montgomery County Bike Summit.

Councilmember Pierzchala attended the Retirement Board Meeting (full day) and attended the College Gardens Elementary School's Fifth Grade "Moving On Celebration".

Councilmember Feinberg attended the Human Services Advisory and Rockville Sister Cities Corporation (RSSC) meetings. RSSC sold 356 mugs at Home Town Holidays, earning \$1,356.82 through their booth volunteer efforts. She also attended graduation for Community Ministries of Rockville Language Outreach Program. This program is for young adults with disabilities.

Councilmember Onley attended the Montgomery County Planning Commission meeting regarding Westmore Avenue and attended the installation of offices at the American Legion.

Mayor Newton attended a Metro Transportation meeting and a Vision 2040 meeting. She also attended the National Capital Planning Board meeting on the Westmore site. Mayor Newton stated the big bombshell was that the County had already signed a contract to buy the land for \$12M. Mayor Newton presented a copy of the contract which the Montgomery County Planning Board and Planning Staff had not seen. Mayor Newton also attended the Women's Executive Forum at the Congressional Country Club and attended the Flag Day Ceremony at the Elks Lodge.

11. Appointment/Reappointments and Announcements of Boards and Commissions

Motion: to appoint Melissa Jackowski to the Board of Supervisors of Elections until October 1, 2019.

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

Motion: to appoint Derrick Douglass and George McHugh to the Cultural Arts Commission until June 1, 2019.

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

Motion: to reappoint Liliane Blom and Howard Faulkner to the Cultural Arts Commission until March 1, 2019.

Moved by Councilmember Feinberg, seconded by Councilmember Pierzchala

Motion: to reappoint Kris Dighe and Jaime Espinoza to the Ethics Commission until June 1, 2019.

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

Motion: to reappoint Kavita Dawson to the Financial Advisory Board until June 1, 2019.

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

Motion: to appoint Courtney Proctor to the Human Rights Commission until June 1, 2019

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

Motion: to appoint Nancy Sushinsky as a Caregiver Representative to the Human Services Advisory Commission until June 1, 2019.

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

Motion: to reappoint Arlene Lipman to the Human Services Advisory Commission until June 1, 2019

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

Motion: to appoint Joseph Tirrell to the Landlord Tenant Affairs Commission until June 1, 2019

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

Motion: to appoint Robert Harriman to the Recreation and Parks Advisory Board until June 1, 2019

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

Motion: to reappointment Vincent "Chip" Boylan and Robert Taylor to the Recreation and Parks Advisory Board until March 1, 2019

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

Motion: to reappoint Steven Marr to Rockville Housing Enterprises until February 1, 2019

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

Motion: to appoint Steven VanGrack to the Rockville Sister Cities Corporation (RSSC) until June 1, 2019.

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

Motion: to reappoint Bruce Abram to the Senior Citizens Commission until February 1, 2019.

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

Motion: to reappoint Ruth Hanessian to the Sign Review Board until March 1, 2019 and reappoint Jay Feinstein to the Sign Review Board until January 1, 2019.

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

The Mayor announced the current list of Boards and Commissions vacancies.

12. Consent Agenda

- A. Award of IFB #31-16 Rockville Civic Center Park F. Scott Fitzgerald Theatre ADA Parking Lot to Manuel Luis Construction Company, Inc. in the Amount of \$557,958.53
- B. Award of IFB #25-16, King Farm - Watkins Pond Stormwater Management Facility Retrofit, to Avon Corporation in the Amount Not to Exceed \$1,198,014.98
- C. Award of IFB #13-16, First Street Bridge Replacement, to Concrete General, Inc. in the Amount Not to Exceed \$1,730,470
- D. Authorization to Release and Extinguish an existing tree conservation easement and declaration of covenants for 1900 Chapman Avenue
- E. Award of IFB #32-16, Street Light Maintenance, to Lighting Maintenance, Inc. in the Amount Not to Exceed \$116,081.62 per fiscal year, with the option to renew for four (4) additional one year terms
- F. Award of Contract for General Liability, Property, Auto, Excess Liability, Professional Liability and Associated Insurances
- G. Award of Contract to National Union Fire Insurance Company of Pittsburgh, PA and its affiliates, AIG, for Workers' Compensation Insurance Program

Motion: to approve the Consent Agenda

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

13. Adoption of a Resolution to Support the Mobile Medical Care, Inc. Application for Participation in the Community Investment Tax Credit Program through the Maryland Department of Housing and Community Development

Motion: to adopt the resolution

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

14. Authorize the Acting City Manager to Execute an Agreement between Rockville Economic Development, Inc. (REDI) and the Mayor and Council of Rockville

The City Manager's office followed up on Mayor Newton's recommendation for indemnification language to be included in the REDI Agreement. REDI, our City Attorney and Risk Management indicated it would be helpful to include language regarding indemnification; staff is drafting language to add to the agreement.

Motion: to authorize the Acting City Manager to execute an Agreement between Rockville Economic Development, Inc. (REDI) and the Mayor and Council of Rockville

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

15. Presentation – Planning Commission Annual Report for 2015

Planning Commission Chair Charles Littlefield presented the Planning Commission Annual Report for 2015.

Comments from the Mayor and Council:

Councilmember Pierzchala supports the metrics recommendation in the report.

Councilmember Palakovich Carr commended the Planning Commission on the amount of public outreach conducted for the master plan update and commented it is good to have such robust discussion.

Councilmember Feinberg thanked Chair Littlefield and the Commissioners for their service, both preparation time and time in meetings over the year.

Mayor Newton echoed the comments of her colleagues and commented that the increased interaction with the community is appreciated.

16. Adoption of 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 Code of the City of Rockville

Motion: to adopt the ordinance

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

17. Adoption of 2017 State Legislative Priorities

Assistant to the City Manager Linda Moran led the discussion and presented staff recommendations for the 2017 State Legislative Priorities. Mayor and Council comments and questions follow.

Councilmember Pierzchala supports the recommendations, stressed the importance to advocate for school construction funding, and asked how much is needed to close the gap. He commented that until 2008, the County was making progress on removing portables and stated that since then two things have happened – all-day kindergarten and the recession and no recovery from this has occurred. Councilmember Pierzchala asked how do we get to a reasonable standard.

Mayor Newton agrees with Councilmember Pierzchala. She also commented that tax duplication was not mentioned in the priorities and also that we need an MOU for the Police.

Ms. Moran indicated that tax duplication has been a County priority and could be moved to the State if the City preferred.

Councilmember Pierzchala agrees that tax duplication needs to be strengthened at the State level. He also stated that there is a fiction in the County that they are a full service Police Force.

Councilmember Palakovich Carr commented that staff has brought forward a great list. She asked that staff keep an eye out for Vision Zero and the actions at the State level.

Councilmember Feinberg asked that staff reflect on Ms. Cornish's comments during Community Forum and would like consideration for more senior care services and support at the State level.

Ms. Moran indicated that Staff would review initiatives.

Councilmember Pierzchala informed that Senator Kagan has sponsored the Carl Henn Bill. He asked that we monitor and support this bill. Councilmember Feinberg and Mayor Newton concurred with this suggestion.

The meeting recessed at 8:58 p.m. and reconvened at 9:10 p.m.

18. Discussion Regarding the Review Process for the Applicant's Modification Filed on June 1, 2016 to Project Plan PJT2015-00005, an Amendment of the Chestnut Lodge Planned Residential Unit (PRU2005-00022), to Allow for Six (6) Townhouse Units Instead of Seven (7) Multi Family 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

Chief of Zoning Jim Wasilak, led the presentation and discussion regarding the review process for Modifications to Project Plan PJT2015-00005, JNP Chestnut Lodge, Applicant. Mayor and Council comments and questions follow.

Councilmember Pierzchala recommended a process to include notification to the Community, an area meeting, input from the Historic District Commission and the Planning Commission, followed by input from the Mayor and Council. Councilmember Pierzchala would like this to go back to the Historic District Commission for a courtesy review on the merits, specific to Rockville, State Law and Historic Preservation. He also does not want to circumvent the Planning Commission as much discussion has previously occurred. With this process, people will have a chance to hear all arguments, review what has been said, and have a chance to inform what is permissible and what is not permissible.

Councilmember Feinberg thanked Councilmember Pierzchala for his proposal and she also recommends including a Public Hearing with the Mayor and Council.

Councilmember Pierzchala agreed on a Public Hearing with the Mayor and Council.

Mayor Newton supports starting the process over and recommends describing the process clearly and fully.

Councilmember Pierzchala concurred it is "starting over" and asked what role City Staff would play in the process.

Mr. Wasilak indicated that a lot of the review was completed previously. With the change, they will take it back to all reviewers to study the impact of the changes.

Mayor Newton asked how this project is respective of the PRU that is on the property.

Councilmember Palakovich Carr indicated that the process is robust and will be a good way to move forward.

Councilmember Pierzchala wants the Historic District Commission to know that if they need to review other aspects based on their knowledge of the law, that they are free to do so as part of their courtesy review.

Mayor Newton asked that the Mayor and Council be copied on the email to the Historic District Commission.

Councilmember Feinberg stated that she had an ex parte communication regarding this application. She received a phone call from a resident asking about the process for Chestnut Lodge. Councilmember Feinberg stated the entire conversation was in regards to the process.

19. Review and Comment – Mayor and Council Action Report

No comments.

20. Review and Comment – Future Agendas

The Mayor noted that the Mayor and Council will not meet on June 27, 2016 (MML Conference) or July 4, 2016 (Independence Day).

21. Old/New Business

Councilmember Pierzchala disclosed an ex parte communication. He stated that while riding his bike, a resident asked to talk with him; the topic was the Rockshire Giant development. Councilmember Pierzchala stated that he did not share any information that has not been previously communicated.

Subdivision Staging Policy: The Mayor and Council discussed staff's recommendation for the letter. Staff will prepare the letter for review and signature by the Mayor and Council.

Boards and Commissions Annual Presentations to the Mayor and Council: Councilmember Palakovich Carr recommended that all boards and commissions be invited to share an annual update with the Mayor and Council. The City Clerk/Director of Council Operations (CC/DCO) has the action item to work with the Boards and Commissions to schedule these on an annual basis.

Councilmember Pierzchala stated that the Cultural Arts Commission would like to present a report to the Mayor and Council.

22. Adjournment

Motion: to adjourn at 9:42 p.m.

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