

Approved:

Bridget Donnelly Newton

Attest:

Kathleen A. Conway

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

MINUTES
MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
July 11, 2016
Meeting No. 27 - 16
7:00 p.m.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, July 11, 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, City Attorney Debra Daniel and City Clerk/Director of Council Operations, Kathleen Conway

2. Pledge of Allegiance

The Mayor asked for a moment of silence to pray for peace, understanding and tolerance, followed by the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Kathleen Conway reported there were no changes to the Agenda.

4. City Manager's Report

Acting City Manager Craig Simoneau presented the following information.

Rockville is a Great Place to Live

Liveability.com recently ranked Rockville No. 1 on its list of the 10 best cities for families in the United States, based on a study by the website that examined schools, crime rate, health care and economy, among other factors. The City was recognized for its diversity, walkability and number of parks. In June 2016, Apartment Advisor rated Rockville # 11 out of 23 best cities for young families, citing Rockville's home to several bio-med and technology companies,

Rockville's Town Square, the city's diversity and the abundance of parkland and community events.

Rockville Reports

Rockville Reports has been redesigned, starting with the July/August edition. The changes include more photos and graphics. A redesigned Mayor and Council page offers easy to find information on how to connect and engage with City elected officials. This redesign resulted from public and focus group input over the past year. The redesigned print edition complements a new online version of "Rockville Reports", available at rockvillereports.com. The online version includes all the news of the print edition, with regular updates throughout the month, and also includes video content from Channel 11. Our Community survey indicated that Rockville Reports is one of the most valued sources of information about the City. These new print and online versions of Rockville Reports provide a roundup of the most important City news in a more dynamic format.

Historic Walking Tours App

Enjoying Rockville's two historic downtown walking tours, The African-American Heritage and Lost Rockville walking tours, has become as easy as using smartphones or home computers. Congratulations to the staff in Community Planning and Development Services, especially Clark Larson and intern Ellie Darbandi, for creating this new opportunity for the community to experience Historic Rockville in a way that is more relevant to today's customers. To learn about these walking tours, go to: <https://youtu.be/CWh3orm7FZU>

5. Proclamation Declaring July 15, 2016, as Sister Cities International Day

Councilmember Feinberg proclaimed July 15, 2016 as Sister Cities International Day.

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

Brigitta Mullican, Rockville Sister Cities Corporation (RSSC) Vice-President, received the Proclamation and invited everyone to become involved in RSSC's 60th Anniversary Celebration in 2017.

6. Presentation of Environmental Excellence Award Posthumously to James Farrelly, to be Accepted by his Wife, Anne Goodman

Chief of Environmental Management Mark Charles presented the Environmental Excellence Award; Anne Goodman accepted it posthumously on behalf on her husband, James Farrelly. The Environment Commission members joined in the award presentation. In addition, Anne Goodman was presented with the Carl Henn Award.

The National Wildlife Federation presented the Certified Wildlife Habit designation to the City of Rockville.

7. Community Forum

Name	Topic
Brian Shahkarami	Issue with City Inspections and the new Green Building Form
Darlene Combs	Rockshire Site Development

Susan Whittan	Rockshire Site Development
Anand Merchant	Rockshire Site Development
Patricia Woodward	Kudos to Jenny Kimball and City Staff for responses to her questions. Additional questions: will this decision be reviewed in the future, in 5 years? How much is Montgomery County charging Rockville for this?
Joseph Jordan	Rockshire Site Development; thank you to the Environmental Commission for their recognition of Anne and Jim tonight
Larry Giammo	Chestnut Lodge Redevelopment Project Plan
Ellen Ryan	Thank you to the Mayor and Council for support of the Carver School Coalition
Carol Hannaford	Thank you for the words for Jim Farrelly. Carl Henn would also be pleased.
Rory Summerour	Invitation to Lincoln Park gathering on August 20.
Rob Gilroy	June 10 letter regarding issues on home under construction
(Unknown)	A developer at Community Forum stated that he has good experience working with the City and the City has been responsive. He also stated the paperwork is not good.

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

Councilmember Onley asked staff to provide information and a response to Ms. Woodward and to provide the Mayor and Council with information on the savings/costs over five years.

Councilmember Palakovich Carr would also like to know the costs.

Mayor Newton asked staff to look at those below the threshold for the homestead rebate and confirm how they will pay.

Councilmember Feinberg asked how the storm water management portion of the charge will be managed if a resident receives the homestead tax credit. There are no clear instructions.

9. Mayor and Council Reports

Councilmember Feinberg attended the June 23, 2016 Community Ministries Graduation, the June 30 Villages Planning Meeting and the City's July 4th celebration. Councilmember Feinberg gave a huge shout out to the staff and community for making the City's July 4th celebration successful.

Councilmember Onley attended the Maryland Municipal League (MML) Conference, the installation luncheon for the Senior Club, the City's July 4th celebration, the Lincoln Park Monthly Meeting, the American Legion Post 86 Installation of Officers and visited the Potomac Valley Nursing Home. Councilmember Onley also stated that Fran Hawkins sent a letter of thanks to the Mayor and Council for their Westmore support.

Councilmember Palakovich Carr attended the Turkish Alliance's Iftar Dinner, Community Fun Day at the Senior Center, the Traffic and Transportation Commission Meeting, the City's July 4th celebration and the 2016 Community Ministries graduation.

Councilmember Pierzchala attended the City's July 4th celebration and the Turkish Alliance's Iftar Dinner.

The Mayor attended the Turkish Alliance's Iftar Dinner, the Community Ministries graduation and the Maryland Municipal League (MML) Conference. The Mayor commented on MML's inspiring keynote speaker, Jason Roberts, who spoke about transforming communities. The Mayor noted that she swore in two new police officers this evening prior to the Council Meeting.

10. Consent Agenda

- A. Award of NJPA Rider Contract #022014-AMI for One High Pressure Jet Sewer Cleaner, to Atlantic Machinery, Inc., in the Amount of \$229,509.00
- B. Approval to increase Contract #08-11 - Senior Center Improvements project (1D67)

Motion: to approve the Consent Agenda

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

11. Discussion, and Possible Adoption, of 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

Sustainability Coordinator Erica Shingara led the discussion. Michelle Vigen and Lindsay Shaw attended from Montgomery County.

Councilmember Pierzchala thanked City and County staff for their work on this and supports adopting the County program.

Councilmember Feinberg supports adopting the County program.

Mayor Newton supports adopting the County program. Mayor Newton asked about residential and if the County has goals to include them. The County does not currently include residential.

Motion: to adopt 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

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

12. Presentation on Small Cell Antennas and Proposed Zoning Ordinance Changes

Chief of Zoning Jim Wasilak presented the Small Cell Antennas and Proposed Zoning Ordinance Changes and led the discussion (Mr. Wasilak was standing in for Deane Melander on the Verizon Wireless Text Amendment). The Text Amendment is under review by the Planning Commission prior to their recommendation to the Mayor and Council. Staff has asked

for recommendations from the Planning Commission regarding standards for equipment, location, number, size, etc. Comments and questions from the Mayor and Council:

Mayor Newton reminded everyone that the Public Hearing on this topic will occur September 19, 2016.

Councilmember Palakovich Carr asked if the approving authority will be staff, and if staff will be able to work with the applicant regarding placement standards. Mr. Wasilak indicated "yes" to both of these questions. Councilmember Palakovich Carr asked about health concerns and Federal law. City Attorney indicated that our laws are pre-empted by Federal laws. If standards meet FTC standards, those issues are settled.

Councilmember Feinberg asked if waivers would be allowed for architectural compatibility. Mr. Wasilak indicated that staff does not recommend size waivers and the Planning Commission agrees. Other waivers may be in the Text Amendment.

NOTE: Agenda Item 13 with discussion follows Agenda Item 14 in these minutes. Councilmember Feinberg asked that Agenda Item 14 be discussed prior to the discussion on Agenda Item 13. The minutes below reflect this change in sequence during the meeting.

14. Discussion and Instruction and Possible Adoption of a Resolution to approve a Road Code Waiver Request for EYA Tower Oaks Development

NOTE: Agenda Item 13 and discussion follows Agenda Item 14 and discussion in these minutes.

Senior Transportation Engineer Greg Lyons led the discussion. Discussion points follow:

Councilmember Feinberg indicated the concept drawings are beautiful. She commented that this is not a transit oriented community, is not near any Metro stops, is not within walking distance of a Metro stop and with a loss of 41 spaces, parking can become an issue for residents during community gatherings and holidays.

Councilmember Pierzchala asked for EYA to comment on Councilmember Feinberg's observations.

Mr. Thakkar from EYA indicated they would try and secure Ride-On and if unsuccessful, will fund a private shuttle as an alternative. EYA believes the number of spaces will be adequate.

Councilmember Feinberg asked if EYA would sustain the private shuttle, who will pay for it, will it be part of the HOA. She also commented that the negative impact with the townhomes where the issue will be neighbor against neighbor.

Mr. Thakkar indicated that EYA would seed the private shuttle for the first 4 – 5 years. At that time, the residents would decide if they need it. The fee would be reasonable and wrapped into the HOA fee if residents decide they want to keep the private shuttle.

Mayor Newton indicated that the King Farm Shuttle is a partnership with King Farm businesses and perhaps there are other ways to fund if needed.

Mr. Thakkar indicated that EYA is exploring further options.

Councilmember Feinberg asked about MPDUs and impact on subsidizing the shuttle.

Councilmember Pierzchala asked how a denial of the waiver would impact the project.

Mr. Thakkar indicated that the project would be difficult to move forward. Addressing storm water management would be of concern. They need to balance complimentary and competing interests to make the project work.

Councilmember Pierzchala commented on the need to weigh one public good against the other. He asked what Staff thinks about the parking spaces.

Acting City Attorney Craig Simoneau indicated that the zoning ordinance addresses what is required on site, but not on the street. The requirement of the zoning ordinance is met. There is no formula that will address the question.

Mr. Thakkar indicated that on the occasion of overflow parking needed on holidays, parking is available in the garages within the surrounding community.

Councilmember Feinberg asked who makes the determination of office building parking availability.

Mr. Thakkar indicated that residents would need to pay for the office building parking.

Councilmember Feinberg asked about MPDUs, which are required and part of City Code. Could this development go forward with some other "puts and takes" if the road code waiver is not approved?

Director of Community Planning and Development Services Susan Swift indicated it would be difficult to make up the numbers of spaces if the road code waiver is not approved.

Councilmember Feinberg indicated that insufficient visitor parking is the issue and not holiday parking.

Councilmember Pierzchala stated that he appreciates Councilmember Feinberg bringing this to the Mayor and Council's attention and raising this discussion and that he also understands the developer's balancing act. Councilmember Pierzchala indicated he is ready to approve the waiver.

Councilmember Onley indicated that she understands that parking can be an issue, but one knows that when they move in. Councilmember Onley indicated she is ready to approve the waiver.

Councilmember Palakovich Carr indicated she is ready to approve the waiver.

Mayor Newton thanked everyone for the compromise.

Motion: to approve a Road Code Waiver Request for EYA Tower Oaks Development

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

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

NOTE: Agenda Item 13 with discussion follows Agenda Item 14 in these minutes. Councilmember Feinberg asked that Agenda Item 14 be discussed prior to the discussion on Agenda Item 13. The minutes below reflect this change in sequence.

13. Discussion and Instructions to Staff on 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

Principal Planner Brian Wilson led the discussion. Discussion points follow.

Councilmember Pierzchala indicated that the project has been extremely and thoroughly reviewed, the project addresses a need and it is a good use of land originally expected to be more dense. Councilmember Pierzchala would like to move forward with asking staff to come back with a resolution for approval after appropriate discussion.

Mayor Newton asked about the testimony from the adjacent building owner regarding concerns.

Mr. Thakkar indicated the adjacent property owner across the stream valley does not have a conflict after further research. Mr. Thakkar also put forth that Asmara did a great job and deserves credit for pushing forward more MPDUs early in the project. EYA recognizes that the Planning Commission and Mayor and Council prefer more MPDUs. EYA will provide MPDUs of 13.5% rather than 12.5%.

Mayor Newton expressed appreciation to Asmara and EYA for the increase in MPDUs.

Councilmember Palakovich Carr asked if this development could take part in the Storm Water Management Programs of the City. Acting City Manager indicated this is not done for a private development, but rather the City ensures they keep storm water management current by inspecting it.

Councilmember Palakovich Carr indicated that EYA has done a great job with this project. With adding the bike connection, shuttle, etc., this is a very thoughtful project. In spite of her earlier skepticism about the project, Councilmember Palakovich Carr would like to see this project move forward.

Motion: to instruct staff to come back with a resolution to approve the project

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

15. Presentation – Housing Programs Overview

Chief of Housing Programs Asmara Habte presented the Housing Programs Overview and led the discussion. Discussion points follow.

Mayor Newton expressed appreciation for Asmara's work in describing and presenting the

information for the Housing Programs in the City and asked that Asmara's presentation be added to our website.

Councilmember Onley asked why the King Farm properties are going off line and what is being done for those affected. Ms. Habte informed that thirty-two units are affected. Due to current legal action, additional information is not available at this time. Director of Community Planning and Development Services Susan Swift added that when current residents sell their units, they can sell at market price.

Councilmember Palakovich Carr thanked Ms. Habte for the presentation and asked for confirmation that most categories are losing program funding. Ms. Habte stated that MPDUs are the only ones coming on line right now. Councilmember Palakovich Carr asked if finding qualified buyers for MPDU owned unit is an issue. Ms. Habte stated that units become available randomly. We do have people looking and they stay in touch with the City.

Councilmember Pierzchala asked if the tax credit program is an IRS program. Ms. Habte confirmed it is. Councilmember Pierzchala indicated that as a liaison to Rockville Housing Enterprises (RHE), housing is on his radar.

Councilmember Feinberg stated the report is great. Councilmember Feinberg asked if the study could include housing for those with disabilities and those on limited senior incomes. Ms. Habte indicated the study will look at special groups and populations.

Councilmember Pierzchala asked that young adults also be included.

16. Approval of Moderately Priced Dwelling Unit (MPDU) Monthly Rents for FY2017

Chief of Housing Programs Asmara Habte led the discussion. Discussion points follow.

Councilmember Palakovich Carr indicated that it would be ideal to keep the income threshold the same and reduce rent.

Mayor Newton asked if our maximums are lower than the County maximums and if our rents are higher. Ms. Habte responded that we have one rent schedule. The County sets rates based on types of units and areas.

Councilmember Pierzchala indicated that there is always an issue with who qualifies and who does not and also what is valued more – keeping people in the Program or allowing others to join the Program. Councilmember Pierzchala asked who receives the tenants' rent. Ms. Habte stated that the tenant pays rent to the property manager, in the amount agreed to by the City.

Acting City Manager Craig Simoneau stated that the certificates are for two years.

Councilmember Pierzchala stated that he is not willing to go with adjustments. Councilmember Pierzchala would rather an accumulation of AMI (Area Median Income) over a couple of years or more, and not make a change based on one year's worth of data.

Motion: to move that we leave the MPDU rent as it is

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

17. Review and Comment – Mayor and Council Action Report

Councilmember Feinberg asked for more definitive dates for the September items and also asked when the Caregiver Report Update would occur.

18. Review and Comment – Future Agendas

The Mayor and Council discussed future agenda topics with staff.

Councilmember Palakovich Carr would like to add a presentation by MD National Park and Planning on Bike Gap Analysis and discuss where we need bike infrastructure.

Mayor Newton and Councilmember Pierzchala support Councilmember Palakovich Carr's idea for the Bike Gap Analysis agenda item.

19. Old/New Business

Councilmember Pierzchala is a frequent user of the GIS tool on the City's website. He noted that the system has undergone some very nice significant upgrades and asked that his comments be passed along to staff.

20. Adjourn

Motion: to adjourn at 10:38 p.m.

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