



**Monday, March 19, 2018  
MAYOR AND COUNCIL  
MEETING NO. 08-18  
ROCKVILLE, MARYLAND**

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**THE HONORABLE MAYOR AND COUNCIL PRESIDING**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Bridget Donnell Newton	Mayor	Present
Beryl L. Feinberg	Councilmember	Present
Virginia D. Onley	Councilmember	Present
Julie Palakovich Carr	Councilmember	Present
Mark Pierzchala	Councilmember	Present

Staff Present: City Clerk/Director of Council Operations, Kathleen Conway, City Manager Robert DiSpirito and City Attorney Debra Daniel

- 1. Convene in Open Session to vote on a motion to go into Closed Session pursuant to Sections 3-305(b)(3), 3-305(b)(4), and 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to 1) consult with counsel to obtain legal advice and to consult with staff regarding potential litigation; 2) to consider a matter that concerns the proposal for a business to locate, expand, or remain in the City; and 3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.**

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Virginia D. Onley, Councilmember
<b>SECONDER:</b>	Beryl L. Feinberg, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

- 2. Closed Session**

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Closed Session Summary

Prior to the March 19, 2018 Open Session, the Mayor and Council convened in Closed Session at 6:03 p.m. in the Diamondback Terrapin Conference Room, Rockville City Hall, 111 Maryland Avenue, Rockville, MD to 1) consult with counsel to obtain legal advice and to consult with staff regarding potential litigation; 2) to consider a matter that concerns the proposal for a business to locate, expand, or remain in the City; and 3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

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

**Staff Present Part 1:** City Clerk/Director of Council Operations Kathleen Conway, City Manager Rob DiSpirito, Deputy City Manager Jenny Kimball, City Attorney Debra Daniel, Assistant City Attorney Eliot Schaefer, Chief of Inspection Services Rabbiah Sabbakhan, Acting Director of Community Planning and Development Services Jim Wasilak and Director of Finance Gavin Cohen

The Mayor and Council met with counsel and staff to consult with staff regarding potential litigation.

**Staff Present Part 2:** City Clerk/Director of Council Operations Kathleen Conway, City Manager Rob DiSpirito, Deputy City Manager Jenny Kimball, City Attorney Debra Daniel and Assistant City Attorney Eliot Schaefer

The Mayor and Council met with counsel to obtain legal advise.

**Staff Present Part 3:** City Clerk/Director of Council Operations Kathleen Conway, City Manager Rob DiSpirito, Deputy City Manager Jenny Kimball, City Attorney Debra Daniel, Assistant City Attorney Eliot Schaefer, Director of Recreation and Parks Tim Chesnutt

**Also Present:** Montgomery County Department of General Services Director David Dise

The Mayor and Council discussed a proposal for a business to locate, expand or remain in the City, and matters directly related to the acquisition of real property for a public purpose.

**Motion:** to adjourn at 7:40 p.m.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mark Pierzchala, Councilmember
<b>SECONDER:</b>	Beryl L. Feinberg, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

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### 3. Reconvene into Open Session

The Mayor and Council reconvened in Open Session at 7:50 p.m. on Monday March 19, 2018 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

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### 4. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

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### 5. Agenda Review

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Due to the late start of this evening's meeting after the Closed Session, the following changes to the Agenda were made:

- Agenda Item 8.C, Proclamation Declaring March 24, 2018, 8:30 p.m. as Earth Hour in Rockville, the month of April as Earth Month and April 22, 2018 as Earth Day will become the first item this evening, followed by Agenda Item 9, the presentation of Environmental Excellence Awards.
- Items 12 (Mayor and Council Announcements) was removed.
- Item 16 (Senior Citizens Commission update), will be rescheduled.
- Item 20 (Second Quarter FY2018 Financial Report) was removed.
- Item 22 (Briefing on Project Plan PJT2018-00009, an amendment to remove parcels A, B, and I from the Chestnut Lodge Planned Development (PD) to allow for rezoning to the Park Zone will be rescheduled.

### **8.C Proclamation Declaring the March 24, 2018, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2018 as Earth Day**

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Councilmember Feinberg proclaimed March 24, 2018 from 8:30-9:30 p.m. as Earth Hour, the Month of April as Earth Month, and April 22, 2018 as Earth Day in Rockville and presented the Proclamation to Environment Commission Chair John Becker. Mr. Becker thanked the Mayor and Council for the Proclamation and the Mayor and Council's support for the Environment Commission.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Beryl L. Feinberg, Councilmember
<b>SECONDER:</b>	Virginia D. Onley, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

## **9. Presentation**

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### **A. Presentation of Environmental Excellence Awards**

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The Environmental Excellence Award was presented to NextGen LED, LLC for outstanding achievement in green building technology in recognition of their work helping local buildings achieve savings in energy, costs, and greenhouse gas emissions.

The Environmental Excellence Award was presented to Melissa Jordan for outstanding environmental education in recognition of her leadership in early childhood environmental education that teaches preschool students an appreciation of our natural world and the importance of life-long environmental stewardship.

*(Please see Agenda Item 5 above for Agenda changes this evening.)*

## 6. City Manager's Report

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City Manager Rob DiSpirito presented information on the following topics: International Night on March 23<sup>rd</sup>; Rockville Community Police Academy; Rockville City Police course highlighting safety and education for the 60-plus population; Terrific Bikes Program; Rockville's "Organizing Communities and Neighborhoods" Matching Grant Program; and Niche.com's ranking of Rockville as number 8 on the "Best Places to Live in Maryland 2018" list, out of 251 communities.

## 7. Recognition

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### A. Recognition of Pinneberg Exchange Students Lena Ousvatova and Milena Koch

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The Mayor and Council presented Certificates of Recognition to Lena Ousvatova and Milena Koch, exchange students in Rockville from Pinneberg, Germany and Quickborn, Germany. Ms. Ousvatova is completing her Master's Degree in Public Administration and spending the month of March in Rockville to shadow municipal administration and also learn about county and state government. Ms. Koch is an exchange student attending Richard Montgomery High School for the semester.

## 8. Proclamation

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### A. Arbor Day Proclamation

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Councilmember Palakovich Carr proclaimed April 25, 2018 as Arbor Day in Rockville and presented the Proclamation to City Forrester Wayne Noll. Mr. Noll thanked the Mayor and Council for the Proclamation and provided information on Rockville's Arbor Day activities.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Julie Palakovich Carr, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

### B. Proclamation Declaring National Public Safety Telecommunicators Week - April 8-14, 2018

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Councilmember Pierzchala proclaimed April 8 through 14, 2018 as National Public Safety Telecommunications Week and presented the Proclamation to Rockville Police Communications Operators Monique Michael and Karl Nadler.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mark Pierzchala, Councilmember
<b>SECONDER:</b>	Virginia D. Onley, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

**10. Community Forum**

<b>Name</b>	<b>Topic</b>
Neeva Kleiman	Balance, Equality, Fairness, Social Justice & Human Rights
Rev. Maynard Moore	Balance, Equality, Fairness, Social Justice & Human Rights
Larry Sherman	Balance, Equality, Fairness, Social Justice & Human Rights
Richard Schimel	Balance, Equality, Fairness, Social Justice & Human Rights
Dr. Reeve Brenner	Balance, Equality, Fairness, Social Justice & Human Rights
Mark Rose	Balance, Equality, Fairness, Social Justice & Human Rights
David Brenner	Police State Chapter 7
Jay Jaren	MPDU Program
Agnes Saenz	Community Ministries Gala Community Invitation
Brigitta Mullican	Community Forum process - thank you
Mike Rose	Compliments to Rockville

**11. Mayor and Council's Response to Community Forum**

The Mayor and Council thanked everyone for their participation in Community Forum.

**12. Mayor and Council Announcements**

Due to the late start of this evening's meeting after the Closed Session, this item was removed from the Agenda.

**13. Consent Agenda**

**A. Rejection of All Bids for RFP 38-17, Water Utility Billing Software**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Beryl L. Feinberg, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

**B. Award of IFB #24-18, Hungerford Stoneridge Construction, to DeAngelo Brothers, LLC in the Amount of \$939,125.00**

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Beryl L. Feinberg, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

**C. Approval of Minutes**

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<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Beryl L. Feinberg, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

**14. 1959: Public Hearing on a Request to Amend Resolution of Approval to Permit Up to 65 Townhouses on the F7 and F8 Office Sites in King Farm; King Farm Associates, Applicant**

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Principal Planner Brian Wilson presented an overview of this request to amend the Resolution of Approval to permit up to 65 townhouses on the F7 and F8 office sites in King Farm.

The Public Hearing opened at 9:03 p.m. The following individual(s) presented testimony:

Attorney Barbara Sears, Linowes and Blocher

The Public Hearing closed at 9:07 p.m.

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 Operations Office.

The next step of discussion and instructions, with possible adoption, is scheduled for April 9, 2018.

**15. FY 2019 Budget Public Hearing**

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The Public Hearing opened at 9:09 p.m. The following individual(s) presented testimony:

1. Roberta Hinitz
2. Joseph Chang

3. Judith Clark, Women Who Care Ministries
4. Marissa Valeri
5. Lou Callis
6. Agnes Saenz, Rockville Caregivers' Coalition
7. Odeth Berlin, Rockville Emergency Assistance Program of Community Ministries
8. Patricia Schaefer, Kaseman Health Clinic
9. Cecilia Rojas, Language Outreach Program, Community Ministries
10. Laurie Gira, Housing Program, Community Ministries
11. Shane Rock, Interfaith Works
12. Christine Hong, Interfaith Works
13. Michele McGuirl
14. Annie Chu
15. Nancy Breen, Rockville Bike Advisory Committee
16. Deirdre Johnson, Federal Realty

The Public Hearing closed at 10:02 p.m.

The record will remain open until April 13, 2018. 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 Operations.

The Mayor and Council recessed for break at 10:03 p.m. and returned from break at 10:13 p.m.

#### **16. Senior Citizens Commission Update**

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Due to the late start of this evening's meeting after the Closed Session, this Agenda Item will be rescheduled.

#### **17. Discussion, Instructions, and Possible Adoption of Resolution to Authorize Rockville Housing Enterprises (RHE) to Refinance the Existing Loans on Fireside Park Apartments and Undertake Related Actions Necessary to Complete the Refinance and Obtain Additional Financing, Including Borrowing and Accepting Money, Entering into a Mortgage, and Establishing a Not-For-Profit Single Purpose Entity to Own Fireside Park Apartments**

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Chief of Housing Asmara Habte led the discussion regarding the refinancing of the Fireside Park Apartment existing loans with the Mayor and Council. Discussion topics included the impact of 10% and 15% vacancy rates on property cash flows; debt coverage ratio scenarios; operating reserves; managing the funding of emergencies; and management fee expense.

The Mayor and Council asked the City's Finance Staff to review the pro-formas and requested a new appraisal for the Fireside Park Apartments.

**Motion:** to adopt the Resolution to authorize Rockville Housing Enterprises (RHE) to refinance the existing loans on Fireside Park Apartments and undertake related actions necessary to complete the refinance and obtain additional financing, including borrowing and accepting money, entering into a mortgage, and establishing a not-for-profit single purpose entity to own Fireside Park Apartments

<b>RESULT:</b>	<b>APPROVED [4 TO 1]</b>
<b>MOVER:</b>	Mark Pierzchala, Councilmember
<b>SECONDER:</b>	Julie Palakovich Carr, Councilmember
<b>IN FAVOR:</b>	Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
<b>OPPOSED:</b>	Mayor Newton

**18. Discussion, Instructions, and Possible Adoption of a Resolution to Authorize Financial Support in the Form of a Grant in the Amount of \$500,000 to Rockville Housing Enterprises for the Modernization of Fireside Park Apartments for the Preservation of Mixed-Income, Affordable Housing in the City of Rockville OR Discussion, Instructions, and Possible Adoption of Resolution to Authorize Financial Support in the Form of a Loan in the Amount of \$500,000 to Rockville Housing Enterprises for the Modernization of Fireside Park Apartments for the Preservation of Mixed-Income, Affordable Housing in the City of Rockville**

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Chief of Housing Asmara Habte led the discussion of this Agenda Item with the Mayor and Council. Discussion topics included loan and grant options; possibility of additional living spaces to increase revenues and the possibility of adding sprinklers as part of the modernization of Fireside Apartments.

**Motion:** to adopt the Resolution to authorize financial support in the form of a grant in the amount of \$500,000 to Rockville Housing Enterprises for the modernization of Fireside Park Apartments for the preservation of mixed-income, affordable housing in the City of Rockville

<b>RESULT:</b>	<b>APPROVED [3 TO 2]</b>
<b>MOVER:</b>	Mark Pierzchala, Councilmember
<b>SECONDER:</b>	Virginia D. Onley, Councilmember
<b>IN FAVOR:</b>	Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
<b>OPPOSED:</b>	Mayor Newton, Councilmember Feinberg

**19. Discussion and Instructions on Modifications to the Moderately Priced Dwelling Unit (MPDU) Regulations**

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Chief of Housing Programs Asmara Habte provided an overview of proposed modifications to the MPDU regulations. Discussion topics included: market rent rate analysis; self-sufficiency dollar amount to live in Montgomery County; MPDU certification process including timing and



managing changes in income; and an addition of reporting requirements when income increases to a specified amount.

The Mayor and Council requested an expansion of the income limits to 120% of AMI (Area Median Income) and recommended adding a reporting requirement to the City for renters of MPDU units if their income increases.

Staff will provide a Mayor and Council Work Session topic this summer to discuss affordable housing from the perspective of home ownership.

#### **20. Second Quarter FY 2018 Financial Report**

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Due to the late start of this evening's meeting after the Closed Session, this item was removed from the Agenda.

#### **21. Discussion and Instructions to Staff on Zoning Text Amendment TXT2018-00248 - Amendment of Retail Floor Area Limitation for Single Retail Tenants in Champion Projects; Mayor and Council of Rockville, Applicant**

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Planning Supervisor Deanne Melander provided an overview of this Agenda Item to the Mayor and Council. This proposed text amendment application will allow a retail tenant to occupy up to 100,000 square feet of floor area on each floor, if approved by the Mayor and Council as part of a Champion Project. Champion Projects are detailed project applications that are only permitted in the South Rockville Pike area and must meet the criteria for Champion Projects set forth in the definition contained in Article 3 of the Zoning Ordinance.

The Mayor and Council asked Staff to return on April 9, 2018 with a draft Ordinance for introduction and possible adoption.

#### **22. Briefing on Project Plan PJT2018-00009, an Amendment to Remove Parcels A, B, and I from the Chestnut Lodge Planned Development (PD) to Allow for Rezoning to the Park Zone; Mayor and Council of Rockville, Applicant**

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Due to the late start of this evening's meeting after the Closed Session, this Agenda Item was rescheduled to April 30, 2018.

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

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The Mayor and Council reviewed the Action Report.

Councilmember Pierzchala requested the following:

- Add the next steps for the King Farm Farmstead to the Action Report
- Offer the King Farm Farmstead tour to Peerless Rockville (tour that was offered to the Mayor and Council)
- Update on the request to remove shooting galleries as a permitted use in the Zoning

Ordinance

- Update on the Sign Ordinance review and the project plan to update the Sign Ordinance

Councilmember Feinberg requested the following:

- Update on the meeting date for the internal operational audit discussion
- Add an Agenda Item for a discussion about the Fraud Hotline

Mayor Newton requested the following:

- Update on the Utility Billing System
- Add the upgrade schedule for the Utility Billing System to the Action Report

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

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The Mayor and Council reviewed future agendas.

#### **25. Old/New Business**

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The Mayor and Council discussed new business.

1. House Bill 1461, entitled "Criminal Procedure - Immigration - Supporting All Families Everywhere (SAFE Act)

The Mayor and Council discussed the content of their letter regarding House Bill 1461, provided feedback to Staff and requested the letter regarding f HB 1461 be sent to the Chair of the House Judiciary Committee and Committee members.

2. Proposed Bond Financing for The Village at Rockville, Inc.

The Mayor and Council authorized the City Manager to sign the letter of intent on behalf of the City, whereby the City makes a commitment to National Lutheran to participate in a tax-exempt financing of up to \$90,000,000. A Public Hearing and the Ordinance will be brought forward at a later date.

3. Letter to Senators Cardin and Van Hollen, and Congressman Raskin regarding the President's FY19 Budget request to delete funding for AMTRAK long distance line

The Mayor and Council asked that the letter reviewed this evening requesting restoration of full funding for AMTRAK rail lines be sent.

#### **26. Adjournment**

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The meeting adjourned at 12:31 a.m.

**RESULT:**               **APPROVED [UNANIMOUS]**  
**MOVER:**               Virginia D. Onley, Councilmember  
**SECONDER:**         Beryl L. Feinberg, Councilmember  
**IN FAVOR:**         Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember  
                              Palakovich Carr, Councilmember Pierzchala

Minutes Approved: May 7, 2018

Attest:

