



**Monday, April 12, 2021
MAYOR AND COUNCIL
MEETING NO. 14-21
ROCKVILLE, MARYLAND**

Approved: *Bridget Donnell Newton*
Attest: *Sara Taylor-Ferrell*
Approved Meeting No. 30-21;
July 19, 2021

THE HONORABLE MAYOR AND COUNCIL PRESIDING

| Attendee Name | Title | Status |
|------------------------|---------------|---------------|
| Bridget Donnell Newton | Mayor | Present |
| Monique Ashton | Councilmember | Present |
| Beryl L. Feinberg | Councilmember | Present |
| David Myles | Councilmember | Present |
| Mark Pierzchala | Councilmember | Present |

1. Convene

The Mayor and Council convened in a virtual Open Session at 7:05 p.m. on Monday, April 12, 2021, via Webex.

Staff Present: City Manager Rob DiSpirito, Acting City Attorney Cynthia Walters, and City Clerk/Director of Council Operations Sara Taylor-Ferrell.

2. Pledge of Allegiance

Mayor Bridget Donnell Newton led the Pledge of Allegiance.

Mayor Bridget Newton acknowledged the life and work of Ms. Nina Clark an educator, historian, and advocate for all.

Congratulations to City of Rockville Senior Program Manager Terri Hilton who was appointed as President of the Maryland State Recreation and Parks Board.

Mt. Calvary Baptist Church is now a COVID-19 vaccination site in partnership with Holy Cross Hospital. Thanks to Councilmembers Myles and Ashton for their advocacy for this project.

The celebration of Ramadan starts this evening April 12 and ends the evening of May 12. The City of Rockville celebrates with all during this special time.

3. Agenda Review

City Clerk/Director of Council Operations Sara Taylor-Ferrell reported a change to the Agenda.

4. City Manager's Report

City Manager Rob DiSpirito presented information on events and topics: Montgomery County Department of Health and Human Services awarded Rockville \$10,305 to purchase shelf food from Manna Food Center through June 30, 2021. The purchase will be part of the weekly food distribution to Rockville seniors. The American Red Cross held a blood drive. They stated that Rockville continues to have the largest number of donors in Montgomery County. A Public Service Announcement (PSA) encouraging residents to have a COVID-19 vaccine was taped by the Mayor and Council. Thanks to Rockville 11 Station Manager Kathy Dantzler and her staff for the outstanding production and scripting work. The Upper Watts Branch Stream Restoration was awarded 2nd place in the 2021 Best Urban Best Management Practice (BMP) in the Bay Award (BUBBA). BUBBA recognizes the best urban stormwater practices and programs in the Chesapeake Bay watershed. Congratulations to John Hollida and his team at the Public Works department for the great achievement. Thanks to Julia Wang “the vaccine hunter” for securing over 20 vaccination appointments for City staff.

5. COVID-19 Update

Emergency Manager Dr. Mark Landahl provided an update of the COVID-19 impact on the City, County, and State.

FURTHER DISCUSSION

April 12, 2021. Agenda Item 5.

http://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4321 video timestamp 08:04:00

6. Proclamation

A. Proclamation Declaring Parkinson's Awareness Month

Mayor Bridget Donnell Newton read the proclamation declaring April 2021 as Parkinson’s Awareness Month.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: Mark Pierzchala, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

B. Proclamation Declaring World Autism Awareness Month

Councilmember David Myles read the proclamation declaring April 2021 as Autism Awareness Month

RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Myles, Councilmember
SECONDER: Monique Ashton, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

C. Proclamation Declaring April 11-17, 2021 as National Public Safety Telecommunicators Week

Councilmember Monique Ashton read the proclamation declaring April 11-17, 2021 as National Public Safety Telecommunicators Week and presented the proclamation to Carl Nader and Police Communications Operator Monique Michael.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Monique Ashton Councilmember
SECONDER: Beryl L. Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

D. Proclamation Declaring April 18-24, 2021 as National Volunteer Week

Councilmember Beryl L. Feinberg read the proclamation declaring April 18-24, 2021 as National Volunteer Week and presented the proclamation to Senior Community Engagement Coordinator Hjarman Cordero.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: David Myles, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

E. Proclamation Declaring April 30, 2021 as Arbor Day

Councilmember Mark Pierzchala read the proclamation declaring April 30, 2021 as Arbor Day and presented the proclamation to the City of Rockville Forester Paula Perez.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Mark Pierzchala, Councilmember
SECONDER: David Myles, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

F. Proclamation Declaring Celebration of Israel's Independence Day

Councilmember Beryl L. Feinberg read the proclamation declaring celebration of Israel's Independence Day and presented the proclamation to Steven VanGrack.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: Mark Pierzchala, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg,
 Councilmember Myles, Councilmember Pierzchala

7. Community Forum

| Name | Topic |
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| Speaker by Computer and Written Comments Kathleen Moran NMC Board President | Testimony for New Mark Commons - 2021 Stormwater Fee Credit |
| Speaker by Computer and Written Comments Angus Chen | RSFC |

| Name | Topic |
|---|---|
| Speaker by Computer Janet Gallant | I-270 toll-lane project |
| Speaker by Computer David Hill | Maryland Historical Trust, Preservation Award given within the City |

8. Mayor and Council's Response to Community Forum

Mayor Bridget Newton thanked everyone who participated in Community Forum.

9. FY 2022 Budget Public Hearing

Deputy Director of Finance Stacey Webster presented the final budget public hearing for FY 2022. 524 online budget surveys have been received as of April 1. The following individual(s) presented testimony:

| Name |
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| Speaker by Computer Jackie DeCarlo Manna Food Center |
| Speaker by Computer Vincent "Chip" Boylan |
| Speaker by Computer Cheryl Shaw Montgomery County Coalition for the Homeless |
| Speaker by Computer Susie-Sinclair-Smith CEO Montgomery County Coalition for the Homeless |
| Speaker by Computer Jen Schiller Chief Programs Officer of Montgomery County Coalition for the Homeless |

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| Speaker by Computer Cynthia McMillian Montgomery County Coalition for the Homeless |
| Speaker by Computer Nancy Pickard Peerless Rockville |
| Speaker by Computer Dick Stoner Peerless Rockville |
| Speaker by Computer Richard Siarey Village Green condominiums |
| Speaker by Computer/Written Comments Dr. Wonhee Jang President of the Board of Directors Village Green condominium |
| Speaker by Computer Brian Shipley, President of the West End Citizens Association |
| Speaker by Computer Margaret Magner |
| Speaker by Computer Jack Kelly Financial Advisory Board |
| Speaker by Phone Alexandra Dace Denito, PhD President, Lincoln Park Civic Association |
| Speaker by Computer with Written Comments Angus Chen |
| Written Comments Lindsay Chapman |
| Written Comments Steve Maday |
| Written Comments Theresa Miles |

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| Written Comments Brigida Alvarez |
| Written Comments Liyang Zhang |
| Written Comments Charalampos Lyssikatos |

The complete testimony of this evening's speakers can be found in the official Public Hearing records in the City Clerk/Director of Council Operations offices. There being no further speakers testifying, the Public Hearing closed at 7:35 p.m. The record will remain open until April 16, 2021.

FURTHER DISCUSSION

April 12, 2021. Agenda Item 9.

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10. Rockville 2040 Comprehensive Plan Public Hearing

Comprehensive Planning Manager Andrea Gilles and Principal Planner Planning and Development Services Clark Larson provided an overview of the first public hearing, next steps in the process, and scheduling.

| Name |
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| Speaker by Computer and Written Comments Andrew McGeorge of Hines, Wire Gill |
| Speaker by Computer and Written Comments Chuck Woolery |
| Speaker by Computer and Written Comments Mike Stein, President Twinbrook Community Association |
| Speaker by Computer and Written Comments Randy Alton |

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| Speaker by Computer Patricia A. Harris, Esq. Pulte Homes (speaking on behalf of David DeMarco of Pulte Homes) |
| Speaker by Computer Patricia A. Harris, Esq. Federal Realty |
| Speaker by Computer Jim Policaro Lerner |
| Speaker by Computer Brian Shipley, President WECA |
| Speaker by Computer Patrick Woodward WECA |
| Speaker by Computer Noreen Bryan WECA |
| Speaker by Computer Lynda Honberg Rockville Bicycle Advisory Committee |
| Speaker by Computer Jake Jakube |
| Speaker by Computer <i>Deborah Landau, President of East Rockville Civic Association</i> |
| Speaker by Computer Eileen McGuckian Peerless Rockville |
| Speaker by Computer Martine Palmiter |
| Written Comments Jessica Meade |
| Written Comments Joe McClane President Cambridge Walk II Homeowners Association |

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| Written Comments Marc "Kap" Kapastin General Counsel Shellhorn Rockville LLC |
| Written Comments Monica Berger |
| Written Comments Pastor Bayles, Pastor Twinbrook Community Church |
| Written Comments Ethan Goffman |
| Written Comments Michael Dutka |
| Written Comments Jonathan Robinson |
| Written Comments Jane Lyons |
| Written Comments Patricia A. Harris, Esq. Lerner |
| Written Comments Patrick Reed |
| Written Comments Aleks Flaks |

The complete testimony of this evening's speakers can be found in the official Public Hearing records in the City Clerk/Director of Council Operations offices. There being no further speakers testifying, the Public Hearing closed at 8:55 p.m. The record will remain open until June 18, 2021.

FURTHER DISCUSSION

April 12, 2021. Agenda Item 9.
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THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 8:56 P.M. THE MAYOR AND COUNCIL WORKSESSION RECONVENED AT 9:05 P.M.

11. Consent

The Mayor and Council agreed to add a 4th Consent Item D, Draft Letter to Montgomery County Council – County Executive’s FY2022 Recommended Operating Budget, Municipal Tax Duplication.

A. Adoption of Resolution to Approve Amendments to the Sediment Control and Stormwater Management Regulations Revising the Stormwater Management Utility Fee Credit Eligibility Criteria

B. Adoption of Resolution to Establish Maximum Rate of Rent Increase, as Required Under Chapter 18 Section 18-194 of the Rockville City Code Entitled “Voluntary Rent Guidelines and Notice Requirements of Rent Increases.”

C. Eighth Amendment to Interim Management Agreement for Town Square, FY 2022

Councilmember Beryl L. Feinberg moved the Consent items A, B, C and to add item D to the Agenda.

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| MOVER: | RESULT: APPROVED [UNANIMOUS] Beryl L. Feinberg, Councilmember |
| SECONDER: | Monique Ashton, Councilmember |
| IN FAVOR: | Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala |

12. Discussion of Potential Annexation Agreement for 16200 Frederick Road (King Buick Property)

Director of Planning and Development Services Ricky Barker and Bob Youngentob, CEO and Jason Sereno of EYA, LLC presented a brief overview of the proposed annexation agreement of the King Buick property.

Staff recommends that the Mayor and Council hold a discussion and provide preliminary thoughts about the priorities and content of the annexation agreement.

Questions from the Mayor and Council were addressed by staff and guest speakers. The Mayor and Council provided their thoughts, comments, and direction.

FURTHER DISCUSSION

April 12, 2021. Agenda Item 12.

http://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4321 video timestamp 3:24:35

13. Adopt Planning Commission's Annexation Plan for Release for Mayor and Council Public Hearing Associated with Annexation Petition ANX2000-00146 (King Buick)

Principal Planner Manisha Tewari provided an update on the Annexation. It was approved by the Montgomery County Planning Board on March 4, 2021 and by the Montgomery County Council on April 20, 2021.

Staff recommend that the Mayor and Council Adopt the Planning Commission Annexation Plan. A public hearing will be scheduled for May 17, 2021 if approved by the Mayor and Council.

Councilmember Monique Ashton moved to schedule a Public Hearing on the Annexation Plan on May 17, 2021.

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| | RESULT: APPROVED [UNANIMOUS] |
| MOVER: | Monique Ashton, Councilmember |
| SECONDER: | Beryl Feinberg, Councilmember |
| IN FAVOR: | Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala |

Councilmember David Myles requests that Rockville Biking Advisory Committee (RBAC) also review the annexation plan.

Councilmember Mark Pierzchala noted that the adoption of this plan is subject to the May 17th public hearing. This is not a permanent adoption but procedural by State law.

FURTHER DISCUSSION

April 12, 2021. Agenda Item 13.

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14. Authorization to File Zoning Text Amendment to Modify the Requirements for Project Plans, Roadway Classifications in Mixed Use Zones, Minor and Major Site Plan Amendments, Development Approval Abandonment, HDC Review of Substantial Reconstruction, the Definition of Demolition, and the Research and Development Use

Chief of Zoning Jim Wasilak provided a brief overview of the proposed Text Amendment.

Staff recommends that the Mayor and Council discuss the proposed Text Amendment and authorize for filing. If authorized the Text Amendment would go before the public for a public hearing.

Councilmember Mark Pierzchala moved to authorize the filing of the Zoning Text Amendment.

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| | RESULT: APPROVED [UNANIMOUS] |
| MOVER: | Mark Pierzchala, Councilmember |
| SECONDER: | Beryl Feinberg, Councilmember |
| IN FAVOR: | Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala |

FURTHER DISCUSSION

April 12, 2021. Agenda Item 13.

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4:37:15

15. Authorization for the Acting City Attorney to Retain Outside Counsel for Legal Advice in Connection with The I-495/I-270 Managed Lanes Project

Acting City Attorney Cynthia Walter provided a brief overview and request for authorization to enter into a Contract with outside counsel.

Questions from the Mayor and Council were addressed and answered by staff.

Councilmember David Myles moved to authorize the Acting City Attorney to retain outside counsel with a contract not to exceed \$75,000, and provide monthly updates to the Mayor and Council.

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| | RESULT: APPROVED [UNANIMOUS] |
| MOVER: | David Myles, Councilmember |
| SECONDER: | Monique Ashton, Councilmember |
| IN FAVOR: | Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala |

FURTHER DISCUSSION

April 12, 2021. Agenda Item 15.

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16. Old/New Business

A. Draft Letters to the Montgomery County Council

This item was discussed under Consent agenda.

The Mayor and Council agreed to move the discussion of the draft letter to the Maryland Comptroller to the next meeting.

17. Adjournment

There being no further business, the meeting adjourned at 11:22 p.m.

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| | RESULT: APPROVED [UNANIMOUS] |
| MOVER: | Mark Pierzchala, Councilmember |
| SECONDER: | Monique Ashton, Councilmember |
| IN FAVOR: | Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala |