MAYOR AND COUNCIL

MEETING NO. 17-20
Monday, June 1, 2020 – 7:00 PM

AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

Rockville City Hall is closed due to the state directives for slowing down the spread of the coronavirus COVID-19 and social distancing.

Viewing Mayor and Council Meetings

To support social distancing, the Mayor and Council are conducting meetings virtually. The virtual meetings can be viewed on Rockville 11, channel 11 on county cable, livestreamed at www.rockvillemd.gov/rockville11, and available a day after each meeting at www.rockvillemd.gov/videoondemand.

Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to mayorandcouncil@rockvillemd.gov by no later than 2:00 p.m. on the date of the meeting.
- All comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website.

If you wish to participate virtually in Community Forum during the live Mayor and Council meeting:

1. Plan to join the meeting no later than 6:40 p.m. (approximately 20 minutes before the actual meeting start time).
2. Read "Public Meetings on Webex.pdf" for meeting tips and instructions on joining a Webex meeting (either by computer or phone).
3. If joining by computer, **Conduct a WebEx test**: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.
4. Join (by phone or computer) the optional Webex Orientation Question and Answer Session at 3 p.m. the day of the meeting, for an overview of the Webex tool, or to ask general process questions for what to expect.
5. Send your **Name**, **Phone number**, **Topic** and **Expected Method of Joining the Meeting (computer or dial-in)** to mayorandcouncil@rockvillemd.gov no later than 9:00 am on the day of the meeting.
6. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) M&C Community Forum Meeting Invitation.

Participating in Mayor and Council Drop-In (Mayor Newton and Councilmember Ashton)

Drop-In Sessions will be held by phone on Monday, June 1 from 5:30-6:30 p.m. Please sign up by 2 p.m. on the meeting day using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

7:00 PM **1. Convene**

2. Pledge of Allegiance

3. Agenda Review

7:05 PM **4. City Manager's Report**

7:15 PM **5. COVID-19 Update**

7:45 PM **6. Proclamation**

A. Proclamation Declaring June as LGBTQ+ Pride Month (Feinberg)

B. Proclamation Recognizing COVID-19 Frontline Heroes (Myles)

C. Proclamation Declaring June 20 as World Refugee Day (Ashton)

8:00 PM **7. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

8. Mayor and Council's Response to Community Forum

8:20 PM **9. Public Hearing**

A. Public Hearing on Scope of Review of the Rockville City Charter by the Charter Review Commission

8:50 PM **10. Extension of Agreement Between REDI and the Rockville Mayor and Council**

9:00 PM **11. Presentation on I-495 and I-270 Managed Lanes Project Update**

9:30 PM **12. FRIT Request for Town Square On-Street Parking Spaces for Pickup; Discussion and Possible Approval of Street Closures for Outdoor Dining to Assist Businesses**

9:50 PM **13. Food Delivery Fees Imposed on Restaurants During the COVID-19 Emergency**

10:05 PM **14. Alternative Location for Pilot Deer Culling Operation**

10:20 PM **15. Introduction and Possible Adoption of an Ordinance to Amend Chapter 13 of the Rockville City Code, Entitled "Miscellaneous Provisions and Offenses" to Add a New Section 13-71 to Regulate the Discharge of Bows Within the City and to Require a Bow Hunter to Report the Failure to Recover a Wounded Deer to City Police.**

10:35 PM **16. Introduction and Possible Adoption of an Ordinance to Amend Chapter 14 of the Rockville City Code, Entitled "Parks and Recreation" So as to Amend the Animals; Malicious Mischief, Damage, Etc; Operating Hours; and Traffic Regulations Sections Contained in Article III to Allow for the Establishment of a City Managed Deer Culling Program on City Park Property.**

10:50 PM **17. Review and Comment - Mayor and Council Action Report**

A. Action Report

18. Review and Comment - Future Agendas

A. Future Agendas

19. Old/New Business

11:20 PM **20. Adjournment**

Additional Information

Proclamation Declaring June 2020 as National Gun Violence Awareness Month (Wear Orange)- Mayor Newton

A. Community Forum Speakers' List/Comments - June 1, 2020

B. Public Hearing Speakers' List - Charter Review Commission

C. Agenda Item #12 PowerPoint Presentation for Curbside Pickup Parking and Outdoor Seating

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Proclamation
Department: CMO - Public Information and Community Engagement
Responsible Staff: Janet Kelly

Subject

Proclamation Declaring June as LGBTQ+ Pride Month

Recommendation

Staff recommends that Mayor and Council read and issue proclamation.

Discussion

In recognition of the many courageous lesbian, gay, bisexual and transgender individuals who fought against the brutal police attacks on the LGBT community during the Stonewall Riots of June 1969, the City of Rockville issued its first LGBTQ+ Pride Month proclamation in June 2017.

This year, the City wholeheartedly honors these individuals as we celebrate the anniversary of the Stonewall Riots, thanking once again bisexual activist Brenda Howard, who a month after the riots organized a liberation day march to commemorate the event and laid the groundwork for Pride Month.

Throughout the year, the City continues efforts to make sure that their programs and services are inclusive for all, including the LGBTQ+ community. Each year these services reflect its commitment to making Rockville a welcoming community that embraces all, denounces bullying, and makes sure that the sacrifices made by the individuals in June 1969 were not in vain.

Mayor and Council History

The Mayor and Council issue a proclamation annually.

Attachments

Attachment 6.A.a: 2020 Pride Proclamation (PDF)

Rob DiSpirito, City Manager 5/27/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, the riots at the Stonewall Inn (Manhattan, New York) in June of 1969 are recognized as the beginning of the modern-day Lesbian, Gay, Bisexual, Transgender and Queer+(LGBTQ+) civil rights movement; and

WHEREAS, Rockville recognizes the challenges that have occurred through history as equality has been pursued, and that equal opportunity and freedom from discrimination are rights for everyone and essential for the well-being and for a well- functioning society; and

WHEREAS, The City of Rockville remains committed to the goal of ensuring equal treatment for Lesbian Bisexual, Gay and Transgender and Queer+ employees, residents and people that work and visit Rockville, by continuing to look at and update policies, programs and contracts, and by providing staff training to meet that goal; and

WHEREAS during Lesbian, Gay, Bisexual, Transgender and Queer+ Pride Month, throughout the nation, there are parades, demonstrations, and forums to show that we believe in equality and justice for all,

NOW THEREFORE, the Mayor and Council proclaim June 2020 as Lesbian, Gay, Bisexual, Transgender and Queer+ Pride Month and call on all residents to respect and protect the rights and liberties of the LGBTQ+ people and their families.

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton
Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

June 1, 2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Proclamation and Recognition
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Proclamation Recognizing COVID-19 Frontline Heroes

Recommendation

Staff recommend Mayor and Council read and approve the proclamation.

Discussion

Mayor and Council want to express gratitude to the critical frontline personnel, medical professionals, community service providers and police and fire fighters who are rallying to meet the needs of our community members during this incredibly challenging time.

Our frontline workers have made countless sacrifices by being the essential personnel during the COVID-19 pandemic. They willingly put themselves in the path of this insidious virus to protect the health and welfare of our community. Each one of them have risen to this public health crisis to make sure that our community is receiving outstanding quality of health and wellbeing.

Mayor and Council History

This is the first time this agenda item has been before the Mayor and Council.

Attachments

Attachment 6.B.a: 2020 Frontline Heroes Proclamation (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 5/27/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, during the COVID-19 pandemic, our Frontline workers, including our police and firefighters, childcare providers, grocery store workers, healthcare, postal sanitation, transit, and municipal staff have proven themselves to be not just essential workers, but frontline heroes; and

WHEREAS, we commend the brave men and women of our law enforcement community for continually summoning the courage to fulfill their solemn oath to protect and serve, including the heroes we have lost during this COVID-19 pandemic; and

WHEREAS, throughout history, law enforcement officials have never wavered in the face of crisis or tragedy. During uncertain times, law enforcement officers bravely face challenges and continue to protect the people of our community. They steadfastly ensure the safety of our community, providing a much needed sense of security for our citizens, and our community is extremely grateful for their efforts; and

WHEREAS, the challenges our frontline workers and law enforcement officers face, often while having to isolate themselves from their families and loved ones, is immense and unprecedented; and

WHEREAS, we are proud of our frontline heroes, police officers and countless others whose have taken urgent action during the COVID-19 pandemic to ensure our residents are taken care of in the workplace and at home.

NOW, THEREFORE, the Mayor and Council of Rockville do hereby recognize in the City of Rockville, and encourage the Rockville community to, recognize, and appreciate the many contributions made by Frontline Heroes throughout this region.

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Monique Ashton
Monique Ashton, Councilmember

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

David E. Myles
David Myles, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

June 1, 2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Proclamation
Department: CMO - Public Information and Community Engagement
Responsible Staff: Janet Kelly

Subject

Proclamation Declaring June 20 as World Refugee Day

Recommendation

Staff recommends that the Mayor and Council read and issue the proclamation.

Discussion

According to the United Nations, there are more than 50 million people displaced by war and violence. In December 2000, the United Nations https://www.wincalendar.com/UnitedNations-Day General Assembly designated that World Refugee Day be celebrated every June 20th, to coincide with Africa's previously-celebrated Refugee Day.

Whether one is a refugee, an asylum seeker, an internally-displaced person, a stateless person or a returnee, each of these people needs assistance. Each year on June 20, various organization and governmental agencies raise public awareness and pay homage to the numerous men, women and children who have had to courageously leave their native homes due to heinous acts of violence and war.

In 2015 the Rockville Human Rights Commission called upon the City to affirm a policy that Rockville supports welcoming Syrian refugees fleeing from the civil war and the City continues to provide a comforting environment to those who come to the city in need of assistance.

Attachments

Attachment 6.C.a: 2020 World Refugee Day (PDF)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, the United Nations General Assembly unanimously adopted, on December 4, 2000, a resolution naming the 20th of June as World Refugee Day, to extend encouragement, support and respect; and

WHEREAS, World Refugee Day is dedicated to providing refugees with opportunities to rebuild and enjoy their lives in a safe environment with dignity; and

WHEREAS, on Monday, December 7, 2015 the Mayor and Council voted unanimously to endorse Montgomery County's support for refugees, including those from Syria and around the world, making Rockville a welcoming and inclusive community; and

WHEREAS, refugee families contribute to our country's rich diversity and bring great enthusiasm forward in their education and new lives in the United States; and

NOW THEREFORE, the Mayor and Council of Rockville proclaim **June 20, 2020 as World Refugee Day** and call on all residents of Rockville to continue to ensure every refugee child receives education, is treated equally, and every refugee family has somewhere safe to live and can work or learn new skills to make a positive contribution to their community.

Bridget Donnell Newton

Bridget Donnell Newton, Mayor

Monique Ashton

Monique Ashton, Councilmember

Beryl L. Feinberg

Beryl L. Feinberg, Councilmember

David E. Myles

David Myles, Councilmember

Mark Pierzchala

Mark Pierzchala, Councilmember

June 1, 2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Public Hearing
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Public Hearing on Scope of Review of the Rockville City Charter by the Charter Review Commission

Recommendation

Hold public hearing.

Discussion

The Mayor and Council is in the process of determining the scope of review for the Charter Review Commission and are seeking applicants for the Commission.
The Mayor and Council is seeking input from the public on what elements of the City's Charter the Charter Review Commission should review and make recommendations.
The Charter is a legal document similar to a constitution. It establishes the City's corporate limits and outlines how the City is organized and conducts business, such as holding elections, levying taxes, adopting ordinances, and providing services.
You can review the Mayor and Council's discussion about the Charter review process on the Jan. 13 Mayor and Council agenda at www.rockvillemd.gov/AgendaCenter
The City's Charter can be found at
https://library.municode.com/md/rockville/codes/code_of_ordinances?nodeId=CH

Mayor and Council History

At the Mayor and Council's meeting on January 13, 2020, the Mayor and Council established a commission to review the City's Charter.

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 5/27/2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Discussion, Instructions and Possible Adoption
Department: City Manager's Office
Responsible Staff: David Levy

Subject

Extension of Agreement Between REDI and the Rockville Mayor and Council

Recommendation

Staff recommends that the Mayor and Council authorize the City Manager to execute the Fifth Amendment to the existing July 1, 2016 Agreement between the City of Rockville and Rockville Economic Development, Inc., as previously amended, in a form approved by the City Attorney.

Discussion

On June 13, 2016, the Mayor and Council approved an agreement with Rockville Economic Development, Inc. (REDI) for the period July 1, 2016 through June 30, 2019. Through the agreement, the City made a commitment to "use its reasonable best efforts to support REDI", including with financial resources; and REDI committed to using the funds for the purposes of economic development in Rockville, as detailed in the agreement. The signed agreement is Attachment A.

The agreement has been amended four times since that date. The First Amendment (Attachment B), which the Mayor and Council approved on August 1, 2018, provided funds for REDI to conduct a recruitment process for its new Executive Director. The Second Amendment (Attachment C), which the Mayor and Council approved on November 13, 2018, provided funds for REDI to launch the new Rockville Small Business Impact Fund. The Third Amendment (Attachment D), which the Mayor and Council approved on May 20, 2019, extended the Agreement until September 30, 2019. The Fourth Agreement (Attachment E), which the Mayor and Council approved on July 15, 2019, extended the Agreement through June 30, 2020.

The existing agreement, as amended, expires at the end of this fiscal year. City staff and REDI have held multiple discussions regarding potential changes to be brought into a new agreement. The next step in this process was to schedule a work session between the Mayor and Council and the REDI Board in advance of the end of FY 2020, to review and discuss together REDI's goals and the contents of the prospective new agreement. The work session would be followed by the Mayor and Council reviewing and approving a new agreement.

The COVID-19 emergency has made holding such a work session logistically very difficult to achieve, creating an obstacle to reaching approval of a new agreement. As a result, an extension of the current agreement is necessary for REDI to continue its operations after June 30, 2020.

Therefore, staff recommends, for Mayor and Council consideration, an extension of the current agreement, which would become the fifth amendment to the agreement. This extension would provide enough time for a work session to be held, either in person or virtually (if that approach proves necessary); and to finalize the new agreement. Due to the current unusual circumstances, staff recommends that the extension be through June 30, 2021.

If the Mayor and Council and REDI Board reach an understanding regarding a new agreement earlier than June 30, 2021, the Mayor and Council would, if it chose to do so, be able to replace the amended 2016 agreement with the new one at any point during the fiscal year. Nonetheless, staff recommends the extension of a full year with this action to provide the Mayor and Council, as well as REDI, enough flexibility. REDI staff has informed City staff that working under the amended 2016 agreement will permit REDI to function fully.

Mayor and Council History

The current agreement was approved by the Mayor and Council on June 13, 2016. Amendments were approved on August 1, 2018, November 13, 2018, May 20, 2019 and July 15, 2019.

Fiscal Impact

If this extension is approved, REDI will continue to operate under the existing agreement through June 30, 2021. Beginning on July 1, 2020, City funding for REDI will be as approved by the Mayor and Council on May 11, 2020 for the FY 2021 budget. The FY 2021 budget consists of the following:

Budget Item	Amount
Operating Expenses	$744,860
Small Business Impact Fund	$450,000
Women's Business Center	$35,000
REDI Incentives Funds (MOVE and Business Expansion)	$50,000
TOTAL	**$1,279,860**

Next Steps

Staff will continue to work with REDI to finalize a proposed new Agreement, to bring to the Mayor and Council for a work session with the REDI Board, discussion and potential approval by no later than June 30, 2021.

Attachments

Attachment 10.a: Executed 2016 MC-REDI Agreement (PDF)
Attachment 10.b: Executed MC-REDI First Amendment 2016 Agmt (PDF)
Attachment 10.c: Executed MC-REDI Second Amendment w Attachment 2016 Agmt (PDF)
Attachment 10.d: Executed MC-REDI Third Amendment 2016 Agmt (PDF)
Attachment 10.e: Executed MC-REDI Fourth Amendment 2016 Agmt (PDF)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

AGREEMENT BY AND BETWEEN ROCKVILLE ECONOMIC DEVELOPMENT, INC. AND THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE, MARYLAND

July 1, 2016

AGREEMENT

This AGREEMENT, made this 15th day of July, 2016, by and between the MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE, MARYLAND, hereinafter referred to as the "City," and ROCKVILLE ECONOMIC DEVELOPMENT, INC., a Maryland non-stock corporation, hereinafter referred to as "REDI."

WHEREAS, REDI has been organized by the City for the purposes set forth in REDI's Articles of Incorporation; and

WHEREAS, the City is the sole member of REDI; and

WHEREAS, the City has determined to fund the operations of REDI, upon the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties and agreements contained herein, and intending to be legally bound hereby, the parties agree as follows:

ARTICLE I
TERM, FUNDS, AND PAYMENTS

1.1 Term

The term of the Agreement will commence on the date hereof, and will expire three years from the date hereof.

1.2 Funds and Payments

Subject to the terms and conditions of this Agreement and funding by the Mayor and Council, the City will pay the sum of $556,770 to REDI for work to be completed pursuant to this Agreement during FY 2017. The City will pay amounts subject to available appropriations for FY 2018 and FY 2019.

REDI will submit a request for payment and the City will pay REDI in two equal semi-annual installments in July and January of each fiscal year. The administrator of the Agreement will forward REDI's requests approved for payment to the Department of Finance. The Department of Finance will pay REDI by City check within 20 business days of receipt of each request for payment.

By December 15 of each year, REDI will submit a budget request and spending plan identifying how REDI plans to spend the City funds designated in this Agreement during the following fiscal year. The budget request shall be submitted on forms and according to instructions provided by the City.

Attachment 10.a: Executed 2016 MC-REDI Agreement (3021 : Extension of Agreement Between REDI and the Rockville Mayor and Council)

ARTICLE II
REPRESENTATIONS AND WARRANTIES OF ROCKVILLE ECONOMIC DEVELOPMENT, INC.

REDI hereby represents and warrants to the City as follows, it being understood that such representations and warranties are being relied upon by the City as a material inducement to enter into and perform this Agreement. REDI is a non-stock corporation organized, validly existing and in good standing with the State of Maryland. REDI has no authorized capital stock. The sole member of REDI is the City. REDI has full corporate power and authority to execute and deliver this Agreement and to perform its obligations contemplated hereby.

The execution and delivery of this Agreement has been duly and validly approved by the Board of Directors of REDI and no other corporate proceedings on the part of REDI are necessary to approve this Agreement. This Agreement has been duly and validly executed and delivered by REDI and (assuming due authorization, execution and delivery by the City) will constitute valid and binding obligations of REDI, enforceable against REDI in accordance with its terms, except as enforcement may be limited by general principals of equity whether applied in a court of law or a court of equity and by bankruptcy, insolvency and similar laws affecting creditors' rights and remedies generally.

ARTICLE III
REPRESENTATIONS AND WARRANTIES OF THE CITY OF ROCKVILLE, MARYLAND

The City hereby represents and warrants to REDI as follows, it being understood that such representations and warranties are being relied upon by REDI as a material inducement to enter into and perform this Agreement. The City has full power and authority to execute and deliver this Agreement. This Agreement has been duly and validly approved by the Mayor and Council of the City, and no other approvals or proceedings by or on behalf of the City are necessary for the City to perform its obligations under this Agreement. This Agreement has been duly and validly executed and delivered by the City and (assuming due authorization, execution and delivery by REDI) will constitute valid and binding obligations of the City, enforceable against the City in accordance with its terms, except as enforcement may be limited by general principals of equity whether applied in a court of law or a court of equity and by bankruptcy, insolvency and similar law affecting creditors' rights and remedies generally.

ARTICLE IV
COVENANTS RELATING TO CONDUCT OF BUSINESS

4.1 Covenants of REDI

During the term of this Agreement, and for so long as the City makes the payments contemplated by Section 1.2 hereof, REDI agrees to use the Funds exclusively to further REDI's efforts to accomplish its goals and mission, including to:

(a) Seek to establish the City as a leading center for economic development while sustaining an equitable balance between commercial and residential segments of the City;

(b) Promote the retention and expansion of existing businesses in the City, including Fiscal Year 2017 implementation of the Business Expansion Fund;

(c) Encourage the formation of new business enterprises in the City and attract new businesses to the City, including Fiscal Year 2017 implementation of the Rockville MOVE Program and business attraction goals included in the Mayor and Council's 2016-2019 priority initiatives;

(d) Create, retain and attract jobs within the City;

(e) Foster education and communication between the City's business community and the general public;

(f) Assemble, maintain and disseminate information on the City's business community, workforce and economic climate;

(g) Promote work force development and a positive business climate within the City;

(h) Provide economic development, marketing and organizational assistance for redevelopment of strategic business areas within the City, including the Town Center and the Rockville Pike corridor and including supporting the Mayor and Council's priority initiative to explore mechanisms to encourage neighborhood shopping center revitalization;

(i) Engage in such other activities within the power and authority of REDI as the Board of Directors of REDI reasonably deems necessary to carry out the goals and mission of REDI, as determined from time to time.

(k) Assignments requested by the Mayor and Council that regularly fulfill the functions of Economic Development, such as participating with the City to develop monetary and non-monetary incentives to be used in coordinated efforts with Montgomery County and the State of Maryland to attract and retain businesses.

(l) REDI agrees to submit the following to the administrator of this Agreement:

(i) A Strategic Initiatives and Work Plan submitted annually during the first quarter of the City's fiscal year which begins on July 1. The document will include goals, strategies, and actions for the current fiscal year. The Strategic Initiatives and Work Plan will also designate measures associated

with each goal that REDI will use to assess success in completing the organization's strategic initiatives and work plan;

(ii) A written report summarizing the operations and activities of REDI during the previous fiscal year submitted by August 30 of each year. The report will include data for the measures of performance defined in REDI's Strategic Initiatives and Work Plan;

(iii) An annual financial statement submitted by August 30 of each year; and

(iv) A copy of REDI's annual audit.

(m) In addition to the foregoing, REDI agrees to:

(i) Summarize the Strategic Initiatives and Work Plan in a presentation to the Mayor and Council annually during the first quarter of the fiscal year; and

(ii) Grant the City the right to examine REDI's financial records and books at the City's request.

4.2 Covenants of the City

During the term of this Agreement, the City agrees to use its reasonable best efforts to support REDI, including, but not limited to, taking such actions as the sole member of REDI as may be necessary for the efficient operations of REDI, and providing such City resources as may reasonably be required or advisable, in the City's sole discretion, for REDI to accomplish its goals and missions.

The administrator of this Agreement is:
Craig Simoneau, Acting City Manager
111 Maryland Avenue, Rockville, MD 20850
240-314-8102

The administrator of the Agreement will receive, and upon completion of a satisfactory review, forward requests for payment to the Department of Finance, participate in budget discussions, and approve and distribute the documents described in Section 4.1 of this Agreement. The administrator, or his designee, will serve as a member of the REDI Board of Directors and shall attend Board of Directors' meetings on behalf of the City. The Mayor and Council shall also appoint one of its members to serve as liaison to REDI and as a member of the REDI Board of Directors.

ARTICLE V
TERMINATION AND AMENDMENT

5.1 Termination

Attachment 10.a: Executed 2016 MC-REDI Agreement (3021 : Extension of Agreement Between REDI and the Rockville Mayor and Council)

This Agreement may be terminated with sixty days notice:

(a) By mutual consent of the City and REDI;
(b) By the City at any time upon written notice to REDI; or
(c) By REDI if the City does not make any payment contemplated by Section 1.2.

5.2 Amendment

Subject to compliance with applicable law, this Agreement may be amended by the parties hereto, by action taken or authorized, as to the City, by the Mayor and Council, and as to REDI, by its Board of Directors. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VI
GENERAL PROVISIONS

6.1 Expenses

All costs and expenses incurred in connection with this Agreement shall be paid by the party incurring such expense.

6.2 Indemnification

REDI agrees to indemnify and hold harmless, the City, its agents, successor, and assigns, from any and all claims, demands, actions, causes of action, damages, expenses, liabilities, and attorney's fees, arising in any way from REDI's activities and the actions or inaction of REDI's agents or employees. Within the limits of the City's scope of insurance coverage, and the limitations and immunities provided by law, including but not limited to the Local Government Tort Claims Act, Section 5-303 (a), Courts & Judicial Proceedings Article, Annotated Code of Maryland, the City shall be responsible for claims of liability, loss, or damage arising from its direct negligence or willful misconduct , excepting however such claims or damages as may be attributable in whole or in part to the negligence of REDI, its agents, employees, servants, or contractors. Nothing in this Agreement shall be construed as a promise or agreement by the City to indemnify REDI for any claims of liability, loss or damage arising from negligence or willful misconduct by REDI, or its agents.

6.3 Insurance

Prior to the execution of the contract by the City, REDI must obtain at their own cost and expense and keep in force and effect during the term of the contract including all extensions, the following insurance with an insurance company/companies licensed to do business in the State of Maryland evidenced by a certificate of insurance and/or copies of the insurance policies. REDI's insurance shall be primary.

Attachment 10.a: Executed 2016 MC-REDI Agreement (3021 : Extension of Agreement Between REDI and the Rockville Mayor and Council)

REDI must submit to the administrator, 111 Maryland Avenue, Rockville, MD 20850 a certificate of insurance prior to the start of any work. In no event may the insurance coverage be less than shown below.

MANDATORY REQUIREMENTS FOR INSURANCE

REDI's insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, consultants, agents and employees and any insurance or self-insurance maintained by the City, shall be excess of the REDI's insurance and shall not be called upon to contribute with it.

Type of Insurance	Amounts of Insurance	Endorsements and Provisions
Workers' Compensation	Bodily Injury by Accident: $100,000 each accident Bodily Injury by Disease: $500,000 policy limits Bodily Injury by Disease: $100,000 each employee	Waiver of Subrogation: WC 00 03 13 Waiver of Our Rights to Recover From Others Endorsement – signed and dated.
Commercial General Liability Bodily Injury Property Damage Contractual Liability Premise/Operations Independent Contractors Products/Completed Operations Personal Injury	Each Occurrence: $1,000,000 Aggregate: $2,000,000	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage. CG 20 37 07 04 and CG 20 10 07 04 forms to be both signed and dated.

Attachment 10.a: Executed 2016 MC-REDI Agreement (3021 : Extension of Agreement Between REDI and the Rockville Mayor and Council)

Alternative and/or additional insurance requirements, when outlined under the special provisions of this contract, shall take precedence over the above requirements in part or in full as described therein.

POLICY CANCELLATION

No change, cancellation or non-renewed shall be made in any insurance coverage without a thirty (30) day written notice to the administrator. REDI shall furnish a new certificate prior to any change or cancellation date. The failure of REDI to deliver a new and valid certificate will result in suspension of all payments and cessation of work activities until a new certificate is furnished.

ADDITIONAL INSURED

The Mayor and Council of Rockville, which include its elected and appointed officials, officers, consultants, agents and employees must be named as an additional insured on REDI's Commercial General Liability Insurance for liability arising out of REDI's products, goods, and services provided under this contract. Additionally, The Mayor and Council of Rockville must be named as additional insured on REDI's General Liability Policies. Endorsements reflecting the Mayor and Council of Rockville as an additional insured are required to be submitted with the insurance certificate.

SUBCONTRACTORS

All subcontractors shall meet the requirements of this Section before commencing work. In addition, subcontractors shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

CERTIFICATE HOLDER

The Mayor and Council of Rockville
111 Maryland Avenue
Rockville, MD 20850

6.4 Notices

All notices and other communications hereunder shall be in writing and shall be deemed given if delivered personally, telecopied (with confirmation), mailed by registered or certified mail (return receipt requested) or delivered by an express courier (with confirmation) to the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

(a) If to REDI:

Rockville Economic Development, Inc.
51 Monroe Street PE-20
Rockville, MD 20850
Attn: Chairperson

(b) If to the City: City of

Rockville
111 Maryland Avenue
Rockville, MD 20850
Attn: Mayor

6.5 Entire Agreement; Governing Law; Venue

This constitutes the entire Agreement with respect to the subject matter hereof. This Agreement shall be governed and construed in accordance with the laws of the State of Maryland, without regard to any applicable conflicts of law. Venue for any litigation related to this Agreement shall be in courts of competent jurisdiction located in Montgomery County, Maryland.

6.6 Assignment; Limitation of Benefits

Neither this Agreement nor any of the rights, interests or obligation hereunder shall be assigned by any of the parties hereto (whether by operation of law or otherwise) without the prior written consent of the other parties.

IN WITNESS WHEREOF, the parties hereto set their hands and seals the day and year first written above.

ATTEST:

Kathleen Conway
City Clerk/Director of
Council Operations
City of Rockville

THE MAYOR AND COUNCIL OF ROCKVILLE

Craig Simoneau
Acting City Manager
City of Rockville

ATTEST:

Laurie Boyer
Executive Director
REDI

ROCKVILLE ECONOMIC DEVELOPMENT INC

Ray Whalen
Chairperson
REDI Board of Directors

Attachment 10.a: Executed 2016 MC-REDI Agreement (3021 : Extension of Agreement Between REDI and the Rockville Mayor and Council)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 07/06/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Business Insurance Solutions, Inc.
13501 Wagon Way
Silver Spring, MD. 20906

CONTACT NAME: Judy Roberson / Steve Roberson / Estuardo Cuque
PHONE (A/C, No, Ext): (301) 962-0130 FAX (A/C, No): (301) 962-6524
E-MAIL ADDRESS: steve@tbisi.com / judy@tbisi.com/ estuardo@tbisi.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : ACE Fire Underwriters Insurance Company	
INSURER B : The Hartford	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Rockville Economic Development, Inc.
95 Monroe St
Rockville, MD. 20850

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	COMMERCIAL GENERAL LIABILITY X CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	x		42 SBA BU7814	07/01/2016	07/01/2017	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $300,000 $10,000 $1,000,000 $2,000,000 $2,000,000 $
B	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X HIRED AUTOS SCHEDULED AUTOS X NON-OWNED AUTOS	x		42 SBA BU7814	7/01/2016	7/01/2017	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$1,000,000 $ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		42 WEG IO6766	7/01/2016	7/01/2017	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $100,000 $100,000 $500,000
A	EPLI Directors & Officers (D&O)			NFPMDG280760102	02/05/2016	02/05/2017	EPLI Limit D&O Limit	1,000,000 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Mayor and Council of the City of Rockville
111 Maryland Avenue

Rockville, MD 20850

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE <SR>

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FIRST AMENDMENT TO AGREEMENT BETWEEN ROCKVILLE ECONOMIC DEVELOPMENT, INC., AND THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE

This First Amendment is entered into this 10 day of September, 2018, by and between Rockville Economic Development, Inc., hereinafter referred to as "REDI," and the Mayor and Council of the City of Rockville, a municipal corporation of the State of Maryland hereinafter referred to as "the City", and

WITNESSETH:

WHEREAS, the City and REDI entered into an agreement dated July 1, 2016, hereinafter referred to as "the Agreement," whereby the City funded the operations of REDI for fiscal years, 2017, 2018 and 2019 in accordance with the terms of the Agreement, in the amount of $556,770.00 for each fiscal year, subject to appropriation by the City; and

WHEREAS, the purpose of this First Amendment is to increase the agreement amount for fiscal year 2019 by up to $25,000.00 to assist with expenses in the recruitment of a new Executive Director.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The Agreement amount is hereby increased by up to $25,000, from $556,770.00 to $581,770.00 for fiscal year 2019. Payment of the additional funds shall be made as follows:

    a. Upon execution of this First Amendment to Agreement, the City will transfer $22,050 to REDI for the cost of a recruiting firm.
    b. Following candidate interviews and upon submittal by REDI to the City of documentation on eligible travel expenses for those candidates, the City will transfer up to $2,950.00 to cover the travel expenses.

2. Except as otherwise set forth in this First Amendment, all terms and conditions of the original Agreement dated July 1, 2016, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on the date written above.

ATTEST:

~~Kathleen Conway, City Clerk/~~
~~Director of Council Operations~~
Sara Taylor-Ferrell Deputy City Clerk

WITNESS:

(Seal)

THE MAYOR AND COUNCIL OF ROCKVILLE

By: _____
Robert DiSpirito City Manager

ROCKVILLE ECONOMIC DEVELOPMENT, INC.

By: _____
Paul Newman, Chairperson

SECOND AMENDMENT TO AGREEMENT BETWEEN ROCKVILLE ECONOMIC DEVELOPMENT, INC., AND THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE

This Second Amendment to the Agreement Between Rockville Economic Development Inc. and the Mayor and Council of the City of Rockville (the "Second Agreement") is entered into this 28th day of November, 2018, by and between Rockville Economic Development, Inc., hereinafter referred to as "REDI," and the Mayor and Council of the City of Rockville, a municipal corporation of the State of Maryland, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, the City and REDI entered into an agreement dated July 1, 2016, hereinafter referred to as the "Agreement," whereby the City funded the operations of REDI for fiscal years, 2017, 2018 and 2019 in accordance with the terms of the Agreement, in the amount of $556,770.00 for each fiscal year, subject to appropriation by the City; and

WHEREAS, the Mayor and Council of the City of Rockville approved the First Amendment to the Agreement to increase the agreement amount for fiscal year 2019 by up to $25,000.00, from $556,770 to $581,770, to assist with expenses in the recruitment of a new Executive Director; and

WHEREAS, the purpose of this Second Amendment is to increase the Agreement amount for fiscal year 2019 by an additional $430,000.00 for the purpose of funding REDI's Rockville Small Business Impact Fund pilot program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The Agreement amount is hereby increased by $430,000.00 (the "Additional Funding") from $581,770.00 to $1,011,770.00 for fiscal year 2019. The City will transfer payment of the Additional Funding upon execution of this Second Amendment.

2. The Additional Funding must be used solely for the Rockville Small Business Impact Fund pilot program. The Rockville Small Business Fund pilot program must be administered in general conformance with the Pilot Program Draft Guidelines (the "Draft Guidelines"). The Draft Guidelines are attached to this Second Amendment as Exhibit A and are made a part hereof.

3. Except as otherwise set forth in the First Amendment and this Second Amendment, all terms and conditions of the original Agreement dated July 1, 2016, shall remain in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on the date written above.

ATTEST:

Sara Taylor-Ferrell, City Clerk/
Director of Council Operations

THE MAYOR AND COUNCIL OF THE CITY OF THE ROCKVILLE, PROPERLY KNOWN AS THE MAYOR AND COUNCIL OF ROCKVILLE

By:
Robert DiSpirito, City Manager

WITNESS:

(Seal)

ROCKVILLE ECONOMIC DEVELOPMENT, INC.

By:
Paul Newman, Chairperson

Rockville
Economic Development, Inc.

Rockville Small Business Impact Fund

Pilot Program Draft Guidelines

November 7, 2018

Program Goals

The Rockville Small Business Impact Fund ("Impact Fund") is designed to promote inclusive economic development of existing and new businesses in the Performance Districts of the City of Rockville. The first year "Pilot Program" will support private-sector solutions to community challenges through a combination of grants and loans.

During the pilot year, the Impact Fund will focus on stabilizing the Town Center Performance District. The Impact Fund may be expanded to the Twinbrook Metro Performance District, the Stonestreet Corridor, and other areas within the city in the future.

The Impact Fund is part of the strategy to foster economic vitality in and around the Rockville town center, retaining and creating new jobs, retaining and expanding key business uses and services, encouraging positive social impact, and supporting business-to-community engagement that aligns with the strategic goals of the City for the Town Center Performance District.

Program Funding

The Impact Fund will be initially funded by the City of Rockville with a first-year appropriation of up to $430,000. During the Pilot Program, REDI will adopt procedures related to the administration, application, processing, and terms and conditions of program grant and loan requests. REDI will track and report on its investments and program administration costs, and make programming and financing recommendations to the Mayor and Council in its requests for appropriations in subsequent years. REDI may accept additional outside funding to supplement initial capital provided by the City.

Eligibility and Investment Criteria

1. Area Criteria (Pilot Program)

During the pilot year, projects must be located within the boundaries of the Town Center Performance District in the City of Rockville.

2. Type of Business

A qualifying small business is defined as one with fewer than 100 employees and annual receipts of less than $10M with a physical location within the Town Center Performance

District. Eligible businesses are for-profit enterprises with employees and are defined to include retail and wholesale trades, service enterprises, commercial and industrial businesses, advanced technology concerns, and manufacturing firms.

Applicants must satisfy the conflict of interest and any other requirements established by REDI and the funding sources.

Applicants, including the business entity and its principals, must not be delinquent or in default on federal, state or local taxes, or any existing private or publicly financed loan.

3. Investment Criteria

In addition to the threshold size, geographic and eligibility requirements, the Impact Fund will only support a for-profit enterprise if it also:

A. Implements a triple-bottom line approach to its business model; or
B. Is a certified B-corporation; or
C. Commits to strengthening the local supply chain; or
D. Commits to hiring hard-to-place Rockville residents; or
E. Presents a compelling or strategic economic reason to receive a public investment.

During the pilot year, grants and loans shall be performance based with claw-back provisions.

4. Eligible Uses of Funds
   A. Working capital for sales growth, including primarily accounts receivable, inventory, rent, job training, and marketing.
   B. Business counseling and analysis.
   C. Machinery and equipment, including acquisition, delivery and installation, limited to items directly related to the operation of the business.
   D. Leasehold improvements, including sign and façade renovations.

Proceeds may not be used for: start-up capital, refinancing of existing debts (including leveraged buy-outs); purchasing real estate; or distributions or payment to the owners, partners, shareholders, or beneficiaries of the applicant and members of their families.

Evaluation Criteria

A. Business Evaluation
The historical performance of the business, if applicable, and the proposed owners will be evaluated to assess the ability to achieve the performance criteria for grants and performance loans and the ability to repay the loan for revolving loans. REDI evaluates criteria utilizing standard commercial credit: cash flow, capital, collateral, character and credit.

Specifically, the evaluation will include:
1. Financial performance of the business.

2. Financial performance of the owners.
3. Market performance.
4. Management Ability.
5. Business and personal credit.
6. Public records review.

B. Project Evaluation

The merits of the proposed use of funds will be assessed. Specifically, this evaluation will include:

1. Project Income and Expenses.
2. Projected Financial Statements
3. Value of Assets and Collateral
4. Changes in Market Strategy and/or Management Strategy

C. Public Benefit Evaluation

Applications will be evaluated based on additional criteria measuring public benefits. Including specifically:

1. Feasibility.
2. Nature of jobs created and/or retained.
3. Percentage of jobs going to hard-to-place Rockville residents.
4. Projected tax revenues
5. Community engagement and support.
6. Impact on the neighborhood and quality of life.
7. Support of locally-made products and local food chain.

Awards

Awards will be selected at the sole discretion of REDI. REDI will create an Impact Fund Selection Committee with representation from the REDI staff and Board of Directors, and alternates from the lending establishment and business community.

Further Study

As part of the Pilot Year, REDI will also evaluate the operating resources necessary to offer loans as part of the Impact Fund. REDI will also seek input on alternative metrics to evaluate the efficacy of the Impact Fund and appropriate funding levels.

THIRD AMENDMENT TO AGREEMENT BETWEEN ROCKVILLE ECONOMIC DEVELOPMENT, INC., AND THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE

This Third Amendment to the Agreement Between Rockville Economic Development Inc. and the Mayor and Council of the City of Rockville (the "Third Amendment") is entered into this 23 day of September, 2019, by and between Rockville Economic Development, Inc., hereinafter referred to as "REDI," and the Mayor and Council of the City of Rockville, a municipal corporation of the State of Maryland, hereinafter referred to as "the City."

WITNESSETH:

WHEREAS, the City and REDI entered into an agreement dated July 1, 2016, hereinafter referred to as "the Agreement," whereby the City funded the operations of REDI for fiscal years, 2017, 2018 and 2019 in accordance with the terms of the Agreement, in the amount of $556,770.00 for each fiscal year, subject to appropriation by the City; and

WHEREAS, the Mayor and Council of the City of Rockville approved the First Amendment to the Agreement to increase the agreement amount for fiscal year 2019 by up to $25,000.00, from $556,770.00 to $581,770.00, to assist with expenses in the recruitment of a new Executive Director; and

WHEREAS, the Mayor and Council of the City of Rockville approved the Second Amendment to the Agreement to increase the Agreement amount for fiscal year 2019 by $430,000.00, from $581,770.00 to $1,011,770.00, for the purpose of funding REDI's Rockville Small Business Impact Fund pilot program; and

WHEREAS, the purpose of this Third Amendment is to extend the term of the current Agreement from June 30, 2019 to September 30, 2019.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The term of the Agreement is hereby extended to September 30, 2019.

2. Except as otherwise set forth in the First Amendment, Second Amendment and this Third Amendment, all terms and conditions of the original Agreement dated July 1, 2016, shall remain in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on the date written above.

ATTEST:

Sara Taylor-Ferrell, City Clerk/
Director of Council Operations

THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE, PROPERLY KNOWN AS THE MAYOR AND COUNCIL OF ROCKVILLE

By:_____
Robert DiSpirito, City Manager

WITNESS:

_____
(Seal)

ROCKVILLE ECONOMIC DEVELOPMENT, INC.

By:_____
Paul Newman, Chairperson

FOURTH AMENDMENT TO AGREEMENT BETWEEN ROCKVILLE ECONOMIC DEVELOPMENT, INC., AND THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE

This Fourth Amendment to the Agreement Between Rockville Economic Development, Inc. and the Mayor and Council of the City of Rockville (the "Fourth Amendment") is entered into this 23 day of September, 2019, by and between Rockville Economic Development, Inc., hereinafter referred to as "REDI," and the Mayor and Council of the City of Rockville, a municipal corporation of the State of Maryland, hereinafter referred to as "the City."

WITNESSETH:

WHEREAS, the City and REDI entered into an agreement dated July 1, 2016, hereinafter referred to as "the Agreement," whereby the City funded the operations of REDI for fiscal years, 2017, 2018 and 2019 in accordance with the terms of the Agreement, in the amount of $556,770.00 for each fiscal year, subject to appropriation by the City; and

WHEREAS, the Mayor and Council of the City of Rockville approved the First Amendment to the Agreement to increase the agreement amount for fiscal year 2019 by up to $25,000.00, from $556,770.00 to $581,770.00, to assist with expenses in the recruitment of a new Executive Director; and

WHEREAS, the Mayor and Council of the City of Rockville approved the Second Amendment to the Agreement to increase the Agreement amount for fiscal year 2019 by $430,000.00, from $581,770.00 to $1,011,770.00, for the purpose of funding REDI's Rockville Small Business Impact Fund pilot program; and

WHEREAS, the Mayor and Council of the City of Rockville approved the Third Amendment to the Agreement to extend the term of the Agreement from June 30, 2019 to September 30, 2019; and

WHEREAS, the purpose of this Fourth Amendment is to extend the term of the Agreement from September 30, 2019 to June 30, 2020; and

WHEREAS, the FY20 Adopted Budget includes $1,119,860 to fund REDI operations through June 30, 2020.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The term of the Agreement is hereby extended to June 30, 2020.

2. Except as otherwise set forth in the First Amendment, Second Amendment, Third Amendment and this Fourth Amendment, all terms and conditions of the original Agreement dated July 1, 2016, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on the date written above.

[signature page follows]

ATTEST:

Sara Taylor-Ferrell, City Clerk/
Director of Council Operations

THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE, PROPERLY KNOWN AS THE MAYOR AND COUNCIL OF ROCKVILLE

By: _____
Robert DiSpirito, City Manager

WITNESS:

_____
(Seal)

ROCKVILLE ECONOMIC DEVELOPMENT, INC.

By: _____
Paul Newman, Chairperson

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Presentation
Department: PW - Traffic & Transportation
Responsible Staff: Emad Elshafei

Subject

Presentation on I-495 and I-270 Managed Lanes Project Update

Recommendation

Staff recommends that the Mayor and Council receive the presentation and provide feedback on the I-495 and I-270 Managed Lanes Project Update

Discussion

In an effort to reduce congestion for Maryland drivers on both I-495 and I-270, the Maryland Department of Transportation (MDOT) announced in 2018 the Traffic Relief Plan under the name of the "I-495 & I-270 Public-Private Partnership (P3) Program." The program incorporates many projects around the state by providing a "system of systems" for users including improvements to highways and transit. The program considers transformative solutions to address congestion along these highways in Montgomery, Prince George's, and Frederick Counties.
The program suggested fifteen (15) different alternatives in 2018 and were reduced to six (6) alternatives – including a no-build alternative - by early 2019. Each alternative proposes a different combination of priced-managed (toll) lanes and High-Occupancy (HOV) lanes for both I-495 and I-270.

On January 8, 2020, the Maryland Board of Public Works (BPW) voted to proceed with a competitive solicitation process. The BPW set a condition that the solicitation start with Phase 1 on I-495 from the vicinity of the George Washington Memorial Parkway in Virginia north to I-270 in Maryland, and on I-270 from I-495 to north of I-70. Within this first phase, the George Washington Memorial Parkway to I-370 will be delivered first (see map below).

This approval by the BPW allows the solicitation of a Phase Developer to assist the Maryland Department of Transportation (MDOT) with preliminary development and design activities allowable under federal regulations. The BPW approval does not authorize other activities, such as final design and construction. An environmental decision document under the National Environmental Policy Act (NEPA) must be approved before final design and construction commences on any portion of Phase 1. This is in addition to any necessary future BPW approvals.

Phase 1 Developer Solicitation

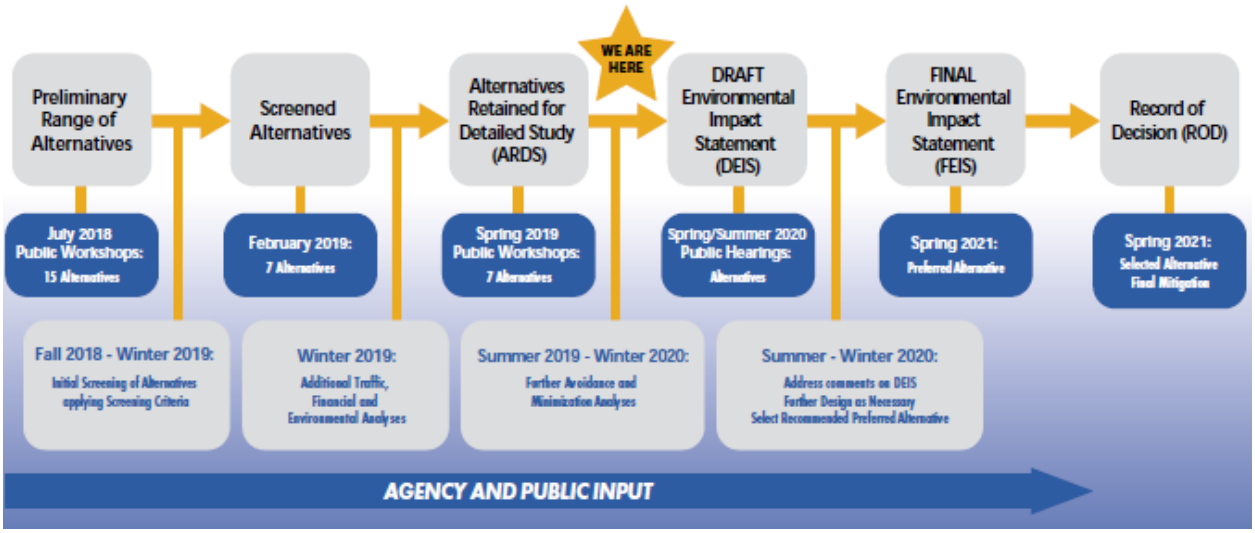
On February 7, 2020, MDOT issued a Request for Qualifications (RFQ) to identify the most highly qualified teams seeking to be shortlisted as potential Phase Developers. Only these shortlisted teams will be eligible to respond to a Request for Proposals (RFP) later this year, which will lead to selection of a Phase Developer for Phase 1 of the P3 Program.

The Phase Developer's initial tasks will involve performing preliminary development and design activities, such as supporting MDOT in community outreach and engagement; further minimizing impacts to property, communities and environmental resources; developing detailed cost estimates and traffic and revenue studies; creating financing arrangements; and incorporating the regional transit service that will be included in memoranda of understanding with affected counties.

The I-495 & I-270 Managed Lanes Study continues to analyze potential environmental impacts associated with the Alternatives Retained for Detailed Study (ARDS) along the entire 48 miles of the study corridor. The results of the analysis will be available in the Draft Environmental Impact Statement (DEIS), which includes detailed traffic, engineering, financial and

environmental analyses for the six retained alternatives. The DEIS is anticipated to be published for public review and comment in spring/summer 2020.

Following the publication of the DEIS, a series of public hearings will be held to give the public additional opportunity to provide comments on the alternatives and the associated environmental impacts of the I-495 & I-270 Managed Lanes Study. Below is a timeline chart prepared by MDOT:



MDOT is seeking to sign an agreement with the City to establish the parameters of responsibilities and coordination between the two agencies throughout this process. City staff met with MDOT staff and their consultant on February 14, 2020, to begin coordination on a potential agreement. State staff provided preliminary findings related to the potential impacts of different alternatives on traffic, parks, bridges, utilities, and storm water facilities. More information will be needed to develop the parameters to be used for negotiating an agreement between the City and MDOT.

Mayor and Council History

The Mayor and Council has sent several letters to MDOT expressing concerns of any widening and impacts on adjacent properties (letters attached).

Public Notification and Engagement

MDOT plans to publish the Draft Environmental Impact Statement (DEIS), which includes detailed traffic, engineering, financial and environmental analyses for the six retained alternatives in spring/summer 2020. A series of public hearings will be held in fall 2020 to give the public additional opportunity to provide comments on the alternatives and the associated environmental impacts of the project.

Next Steps

There has been no impact to the project schedule due to COVID-19 pandemic. Below is the current program's schedule:

Request for Qualifications to industry	February 2020
Shortlist of qualified teams announced	July 2020
Draft Request for Proposals	July 2020
DEIS Public Hearings	Fall 2020
Final Request for Proposals	December 2020
Selection of preferred offeror	March 2021
Seek BPW approval of Phase 1 of the P3 Agreement	May 2021

Attachments

Attachment 11.a: 5-14-18 letter (PDF)
Attachment 11.b: 08-23-2018 letter (PDF)
Attachment 11.c: 3-22-2019 letter (PDF)
Attachment 11.d: 1-6-20 letter (PDF)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

May 14, 2018

Maryland Department of Transportation
Lisa B. Choplin, DBIA
707 North Calvert Street, Mail Stop P-601
Baltimore, Maryland 21202

Dear Ms. Choplin,

On behalf of the City of Rockville, I am taking this opportunity to provide comments on the I-495 & I-270 Managed Lanes Study. We urge the State to not include any options in its feasibility study that would widen the physical footprint of I-270, or that would result in eminent domain of private property adjacent to the highway.

As the Maryland Department of Transportation (MDOT) gathers community input on congestion relief options for I-270 and I-495, we urge MDOT to pursue mass transit, which is the only viable solution to lasting traffic congestion. Mass transit is environmentally sustainable, and aligns with Rockville's multi-modal approach to transportation.

The Mayor and Council are very concerned about residences and businesses with private property located along I-270 in the City of Rockville. We want to ensure that the proposed project does not include multi-parcel takings to add lanes or widen I-270 north or south. These options will increase noise and pollution, invite more traffic, and create new levels of congestion.

Rockville was recently named by Money Magazine as the best place to live in Maryland. Our thriving community has 67,000 residents and 77,500 jobs. The Mayor and Council do not want any of our residents or businesses to be displaced. All land that abuts I-270 in Rockville is developed. There are several Rockville neighborhoods that abut I-270: West End, Woodley Gardens, Regents Square, Rose Hill Falls, Rockshire and Fallsmead. Community institutions, including Rockville Christian Church, First Baptist Church, Rockville Nursing Home, Inc. as well as many businesses are adjacent to I-270.

We are also concerned about the potential loss of City property. The Rockville Senior Center borders I-270. This facility provides critical services and programs to our senior population.

The Mayor and Council plan to stay actively engaged in the public input process to ensure that our residents and businesses are protected from negative impacts. When MDOT releases alternatives to the public, the City of Rockville will evaluate them and provide additional commentary. We urge you to make every effort to take our comments into consideration.

Sincerely,

Bridget

Bridget Donnell Newton
Mayor of Rockville

cc: Rockville City Council

MAYOR
Bridget Donnell Newton

COUNCIL
Beryl L. Feinberg
Virginia D. Onley
Julie Palakovich Carr
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK
DIRECTOR OF COUNCIL OPERATIONS
Kathleen Conway

CITY ATTORNEY
Debra Yerg Daniel

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

August 23, 2018

Maryland Department of Transportation
Lisa B. Choplin, DBIA
707 North Calvert Street, Mail Stop P-601
Baltimore, Maryland 21202

Dear Ms. Choplin,

In response to the Maryland Department of Transportation (MDOT) public release of alternatives for the I-495 & I-270 Managed Lanes Study, I am following up on the Mayor and Council approved letter dated May 14, 2018. As promised, City staff evaluated the alternatives, and on behalf of the City of Rockville, I am taking this opportunity to provide additional comments.

I would like to start by thanking the project team for conducting recent public workshops including one for the Regent's Square community, a neighborhood immediately abutting I-270. Many Rockville communities are concerned about this project, and we appreciate your efforts to engage us throughout the process.

As we stated in our prior letter, the City still supports transit as a means of addressing traffic congestion. The City of Rockville is also open to considering highway alternatives such as modified, reversible or contraflow lanes and/or reconfiguring the local lanes as long as these lanes would be completely within the current I-270 right of way.

Specifically, we strongly oppose any alternatives that would result in the taking of residences, businesses, or City infrastructure. Additionally, we oppose any multi-parcel taking, elimination of sound walls, or any potential loss of City property to add lanes or widen I-270 in either direction through Rockville. Ten City of Rockville neighborhoods directly abut I-270, as does Julius West Middle School and the Rockville Senior Center. In a worst-case scenario, hundreds of homes and many businesses could be taken, causing major financial and environmental damage to property owners and the city.

The Mayor and Council will continue to stay actively engaged in the public input process to ensure that our residents and businesses share their ideas for solutions, and are protected from negative impacts. We ask that you give every possible consideration to our comments and concerns.

Sincerely,

Robert DiSpirito
City Manager

cc: Rockville City Mayor and Council
District 17 Delegation
Pete Rahn, Secretary of Transportation
Greg Slater, Administrator of MDOT State Highway Administration

MAYOR
Bridget Donnell Newton

COUNCIL
Beryl L. Feinberg
Virginia D. Onley
Julie Palakovich Carr
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK
DIRECTOR OF COUNCIL OPERATIONS
Kathleen Conway

CITY ATTORNEY
Debra Yerg Daniel

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

March 22, 2019

The Honorable Larry Hogan, Governor
100 State Circle
Annapolis, Maryland 21401

Pete Rahn, Secretary of Transportation
Greg Slater, MDOT/SHA Administrator
7201 Corporate Center Drive
Hanover, Maryland 21076

Dear Governor Hogan, Secretary Rahn, and Administrator Slater,

The Mayor and Council continue to be very concerned about the potential impact of the I-495 & I-270 Managed Lanes Study to nine Rockville neighborhoods that abut I-270. Councilmembers Onley and Pierzchala attended the "standing room-only" DontWiden270.org meeting on March 9, 2019, and heard anxious residents speak about the uncertainty surrounding their homes, neighborhood, and community.

Mayor Newton attended Secretary Rahn's recent briefing to the County Council. We are disappointed that neither the Secretary nor the Administrator would confirm that the project will stay within the current right-of-way. It is imperative that MDOT/SHA follows through on the Governor's statement that no homes will be taken. The City remains strongly opposed to any alternative that will take residences, businesses or infrastructure, or include multi-parcel takings, or any potential loss of city property to add lanes or widen I-270 in either direction through Rockville.

Option ten from the list of preliminary screened alternatives proposes an increase in the number of lanes from twelve to sixteen. Without dimensions, the public is unable to determine if this option stays within the existing right of way, adding further uncertainty to an already tense situation. We urge you to reinstate transit options, include a noise analysis in the study, and commit to construct all sound walls necessary for this project, including the West End Park Noise Barrier.

Finally, it is essential that the State understands that leaving a home untouched, while potentially taking a portion of a yard, playground, park, or other amenity would dismantle our community. Let's work together to identify the best solution that achieves our mutual goals of reducing traffic congestion and protecting our resident's quality of life.

Sincerely,

Bridget Donnell Newton
Bridget Donnell Newton, Mayor

Beryl L. Feinberg
Beryl L. Feinberg, Councilmember

Virginia D. Onley
Virginia D. Onley, Councilmember

Mark Pierzchala
Mark Pierzchala, Councilmember

Mayor and Council of Rockville

cc: District 17 Delegation

MAYOR
Bridget Donnell Newton

COUNCIL
Beryl L. Feinberg
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CITY MANAGER
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January 6, 2020

To: Board of Public Works – Governor Hogan, Comptroller Franchot, Nancy Kopp

From: Rockville City Mayor Bridget Donnell Newton, Councilmembers Monique Ashton, Beryl Feinberg, David Myles and Mark Pierzchala

Re: January 8, 2020 vote on the I-495 and I-270 P3 Program.

On behalf of the City of Rockville, we ask that this agenda item be removed from discussion and vote at the meeting on January 8, 2020.

Late Friday afternoon (01.04.2020), Rockville's Mayor and Council were stunned to learn from the Press that a BPW meeting was scheduled for Wednesday January 8th to confirm an agreement between Governor Hogan and Comptroller Franchot which would approve a P3 for I-495 and I-270. This plan is dramatically different from the previous plan and no one has had time to study the impacts these changes will have. We request that adequate time be allotted for public review, as well as discussion with the City of Rockville.

The City of Rockville will be the most critically affected municipality as the 12 lanes of I-270 directly abut homes on both the north and south sides, Julius West Middle School, the Rockville Senior Center, Rockville Baptist Church, Rockville Christian Church, and the Rockville Nursing Home. When the road was widened to 12 lanes in the 1980's, many homes lost much of their back yards – yet any relief from that widening was short-lived, perhaps as little as 5 years. The noise pollution our community suffers from the 24 hour traffic prohibits normal conversation at homes even ¼ mile away, and City staff and community members have been trying to get a much needed sound wall installed for over 2 decades.

The City of Rockville owns 2 of the 3 bridges spanning I-270 in Rockville - Wootton Parkway and Gude Drive. To reconstruct these bridges to accommodate a wider highway will not just be expensive and unnecessary – it will cripple the traffic on our already congested roadways. Traffic from east and west flows over these bridges making their way across the County. Have you studied the impact both the construction of the additional lanes and the closing of the bridges for reconstruction will have on our roads? We would like to receive an analysis of this impact as well as discuss the long- term maintenance that will be needed as a result of additional traffic.

Today's Washington Post has a very disturbing article regarding Climate Change in Antarctica. Why are we continuing to see cars as the only answer to congestion and not taking seriously the dangerous changes in our environment? Studies have shown that transit investments return 400% on the dollar – let's put transit options first – not last.

Finally, and no less importantly, where is the transparency and open dialogue? Why the rush to a vote less than a week after the plan is announced? There are a

MAYOR
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David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Debra Yerg Daniel

Attachment 11.d: 1-6-20 letter (3128 : Presentation on I-495 and I-270 Managed Lanes Project Update)

great many facts still to be determined surrounding this project. We stand ready to work together to create a plan that moves Montgomery County and the State of Maryland into the 21st Century. Please remove this item from your January 8 meeting and give all of us time to understand its implications.

Sincerely,

Bridget

Bridget Donnell Newton
Mayor

cc: District 17 Delegation
Mark Elrich, County Executive
Sidney Katz, President of the County Council
Montgomery County Council
Gaithersburg Mayor and City Council

Attachment 11.d: 1-6-20 letter (3128 : Presentation on I-495 and I-270 Managed Lanes Project Update)

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Discussion and Possible Approval
Department: PDS - Management & Support
Responsible Staff: David Levy

Subject

FRIT Request for Town Square On-Street Parking Spaces for Pickup; Discussion and Possible Approval of Street Closures for Outdoor Dining to Assist Businesses

Recommendation

Staff recommends that the Mayor and Council review and discuss the proposal from Federal Realty that ten spaces in Rockville Town Square be designated for curbside pickup.

Discussion

Federal Realty Investment Trust (Federal Realty), the owner of the retail space in Rockville Town Square and at other locations in Rockville and Montgomery County, has approached City staff with a proposal for certain on-street parking spaces in Town Square during the multi-phase process of re-opening the economy. Their request is that, of the approximately 40 on-street parking spaces in City right-of-way in Town Square, five (5) spaces along Gibbs Street and five (5) along the Town Square portion of Maryland Avenue temporarily be designated as locations for curbside pickup of carryout food and retail goods. Federal Retail has further requested that the spaces be numbered, and called “The Pick Up” so that Town Square can be part of a broader campaign for all of its locations to communicate that carryout service is available and to encourage its own tenants to participate in the program.

Current On-Street Parking Conditions During COVID-19 Emergency

Rockville has already taken a significant step to support Rockville businesses during the COVID-19 economic and health emergency. In March, when the Governor’s order to shut down was promulgated, City Manager Rob DiSpirito, on a request from Federal Realty and after consulting with others, directed that certain parking meters be converted to 15-minute spaces, to give businesses that remained open more convenience in conducting their carryout service. City Parking Enforcement Officers placed signs to indicate this treatment for all of the Town Square on-street parking spaces, other than those already designated for other reasons. Mr. DiSpirito then expanded the order to all parking spaces in Town Center where there are parking meters adjacent to restaurants and other carryout services, and to the locations near restaurants along Fisher’s Lane, just east of the Twinbrook Metro Station.

The 15-minute spaces are not limited to restaurant/retail uses; they are open to anyone, including residents and others; and the City has generally limited enforcement to the most egregious cases, such as when a vehicle is parked for hours in a 15-minute space. The City's action was coupled with Federal Realty agreeing to open the gates of the Town Square garages for free parking, daily from 10am to 4pm, so that longer-term parkers would have a place to go and not have an incentive to use the free 15-minute spaces for long-term parking.

Montgomery County took a similar action in March, designating certain spaces for 15-minute curbside pickup. They did so in areas similar to Rockville Town Center, where the restaurants and retail faced public streets without frontage surface parking lots. The following link shows a March 22nd press release from the Montgomery County Department of Transportation, with a relevant photo.
https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=24026&Dept=50.

These measures were taken by both the City and County when places where people had been congregating were shutting down and the demand for parking at street meters for one hour or longer was greatly diminished. With no eat-in service or shopping at non-essential businesses, and most other client-oriented businesses closed, there was, all of a sudden, very little demand for street parking for anything other than for curbside pickup and for the delivery vehicles that use those spaces to bring prepared food from restaurants to people's homes.

"The Pick Up" Proposal

As part of a strategy for re-opening, Federal Realty is now proposing that 10 of the approximately 40 spaces in Town Square (5 on Gibbs, 5 on Maryland) be designated as "The Pick Up" locations and be given space numbers. Attachment A shows a Town Square site plan, with Federal Realty's proposed locations for designated spaces.

Federal Realty's original proposal, which can be seen in Attachment B, was to demarcate the parking spaces in two ways: 1) place signs mounted on portable sign posts, next to each space, with a space number for each; and 2) attach an adhesive decal matching the signage color scheme to the street surface at each parking space. This approach was described and shown in a picture in the May 18, 2020 Bethesda Magazine article, at
https://bethesdamagazine.com/bethesda-beat/business/federal-realty-launches-curbside-pickup-program-in-response-to-coronavirus-crisis/.

Through multiple conversations with Dan Corwin, a Federal Realty Director of Asset Management who oversees Town Square retail, he explained that Federal Realty is bringing forward their new proposal for the following three reasons:

Reason 1 – Facilitating the Transaction

Federal Realty believes that designating certain spaces, with numbers, makes transactions easier between restaurants/retailers and customers. Under this scenario, a customer can make an order by phone or through the Internet, drive to a numbered space, call the

restaurant and tell them that s/he is parked in (for example) space #2. Then, an employee can bring out the food directly to that vehicle and place it in the trunk or back seat in a no-contact manner. Under the current system in Town Square, where all spaces are for 15 minutes but not designated with numbers, staff has heard that the carryout service is not working as well as it might. Some employees spend extra time looking for vehicles, and many customers find it necessary to get out of the car to get the food. The lack of a system discourages use of carryout services.

Further, this service would offer an easier way for customers to shop at multiple vendors with one visit. In Town Square, for example, a customer could order dinner from one restaurant and dessert from another, and have both orders brought directly and rapidly to the vehicle.

Over the past three weeks, Federal Realty has instituted this approach in the shopping centers where they control the parking, even where parking is free, including at Courthouse Center in Town Center (for such tenants as Miei Amici, Woodside Deli, East Dumpling House and Subway) and at Congressional Plaza. As indicated in the Bethesda Magazine article, they have received approval from Montgomery County to designate certain spaces for "The Pick Up" on public streets in downtown Bethesda and at Pike & Rose, and have implemented it.

Giant has a similar system at some of its grocery stores. Attachments C, D and E are photos of the Hungerford Drive Giant pickup area on the south side of the building. Despite Giant's having a large frontage parking lot with free parking, they have found that designating five spaces for pickup makes the transaction much easier and therefore much more likely to be used by customers. An order is placed through Peapod, and pickup occurs at one of the five designated spaces.

Reason 2 – Managing the Reopening Process
Federal Realty is seeking to institute strategies to manage the process of re-opening, to provide their tenants as much opportunity as possible to survive this difficult period. They believe that a significant portion of the public will be slow to embrace congregating inside of restaurants, and that carryout service will remain an important part of business for restaurants for the foreseeable future. As other businesses and employers begin to open again, and demand for other uses of on-street parking spaces grows, Federal Realty is concerned that the need to support carryout services not be lost.

Federal Realty is not, at least at present, proposing that the pickup spots be kept in place beyond the phased re-opening of the economy. However, they have indicated that they are likely to want to discuss this approach as a long-term way to strengthen the businesses in Town Square.

Reason 3 – Marketability
Federal Realty has indicated appreciation for the City's quick action to establish the 15-minute spaces on a temporary basis. However, they believe that a packaged program, such

as they are proposing with "The Pick Up", is much more marketable to both customers and merchants. Having a formal and endorsed program, with consistent color schemes, and with a reasonable amount of assurance that the program will be in place for some time, would allow them to market the service and convince their tenants to develop systems for the program.

In discussing the proposal with Federal Realty, City staff requested that they think through how this proposal would interact with the other Town Square on-street meters and the Town Square garages, during the re-opening phases. The response from FRIT is summarized as follows:

Phase 1 – Begins after Mayor and Council approval and a Department of Public Works permit is issued.

- Allow Federal Realty to install ten (10) "The Pick Up" portable signs (5 each on Maryland and Gibbs).
- The other Town Square on-street parking spaces would remain for 15-minute pick-up/drop-off.
- The Town Square parking garages would remain open for free parking daily between 10am and 4pm.

Phase 2 – As the State and County move toward the next phase of reopening.

- Keep the 10 designated spaces in place.
- Some or all of the other on-street spaces revert back to normal service (this change would depend on on-the-ground realities)
- Some or all of the Town Square garages would revert back to normal (this change would also depend on circumstances)

Phase 3 – Full reopening

- All parking reverts to conditions prior to COVID-19 emergency declaration.

As mentioned previously, Federal Realty has indicated that they will want to discuss whether this program, either as implemented or in an amended form, would be appropriate for the longer term, even after the COVID-19 emergency has dissipated.

<u>Staff Analysis</u>

While staff makes no recommendation in this report, other than that the Mayor and Council consider and discuss the proposal, staff has discussed the proposal internally and with Federal Realty. Staff sees potential benefits, but also has some concerns:

Designating certain spaces

Staff sees no legal or technical obstacles to the simple designation of spaces for this purpose, as long as conditions are clearly stated through a permit from the Department of Public Works. Conditions that staff would recommend be included in a Public Works approval are discussed below in each topic, in addition to Public Works' standard conditions. A key condition is that the City would be able to change or eliminate the service in the City's right-of-way at any time; and that the approach would be revisited on a regular basis to assess how it is functioning.

Application of space markers
Staff sees no problems with using portable signs, to demarcate parking spaces, as long as they do not block pedestrian or vehicular movement. However, staff is not at all comfortable with the proposed adhesive markings on the street surface. Staff has not yet been shown a proposed application that is proven both to: 1) last more than a few days, and 2) be removeable without damaging the street surface. In fact, the adhesive decal failed within days after application in both Bethesda and Pike & Rose, as can be seen from a careful look at the photo within the Bethesda Magazine article. Both Federal Realty and Montgomery County staff informed City staff of this problem.

Staff therefore recommends that, even if the Mayor and Council approves designating the spaces, the Mayor and Council not approve applying an adhesive decal until such proof can be provided to the satisfaction of staff and the Mayor and Council.

Fairness
A primary area of consideration is whether designating these spaces in Town Square, which would be in the City-owned public right-of-way, would be considered fair by the broader community. Particular concern is for 1) businesses in Town Center outside of Town Square who would not have "The Pick Up" program, and 2) residents in, and non-shopping visitors to, Town Square who may feel that these spaces are no longer available to them.

Staff has discussed these concerns internally, with Federal Realty, with Town Center residents and with the management of the Fenestra apartments in Town Square. As a result, staff recommends that, if the Mayor and Council chooses to approve designating Town Square parking spaces in this manner, action be matched with the following, some of which would be conditions within the Public Works permit:

- A provision that the spaces be available for any short-term pickup or drop-off activity, rather than being limited to customers of Federal Realty's tenants.
- The signage not include Federal Realty's name or those of its tenants.
- An understanding that the space designation is only approved for the period of the declared emergency and a short time afterwards, while the public is still getting used to congregating again. Any longer-term approach would be discussed at a later date, after the City, Federal Realty and the broader public have an opportunity to understand how the program has functioned.

- City communication that all spaces in Town Square may be used for any pickup and drop-off activity.
- Outreach to stakeholders in the remainder of Town Center, as well as the mixed-use area east of the Twinbrook Metro Station, to best understand what would make sense for them for on-street parking spaces and meters. It should be understood, however, that "The Pick Up" is a program of Federal Realty, which it is using at its properties. Therefore, this specific program would not be available for implementation in areas of the city without a Federal Realty presence. However, other approaches may be helpful to other areas.

Enforceability
City Police have expressed concern about whether Federal Realty, vendors or others will expect there to be strict parking enforcement in those locations. Staff, including Chief Brito, has discussed this directly with Federal Realty, who understands the nature of the enforcement that would occur.

Location of Spaces
Federal Realty has proposed specific locations for the spaces, as noted in Attachment A. In staff discussions with stakeholders (as discussed in more detail below in the Public Notification and Engagement section), the on-site representative of the Fenestra ownership indicated support for the overall initiative. However, he also wondered whether the proposed designated space near Peter Chang and Verizon Wireless, on the east side of Maryland Avenue, could be moved to the opposite side of the street. He said that prospective tenants of the Fenestra use the parking spaces on the east side when they visit the leasing office.

Staff suggests that, if the Mayor and Council approve Federal Realty's proposal, it leave some flexibility for staff to work with Federal Realty on final locations for the sites as the Public Works permit is being developed.

<u>The Larger Picture</u>

The Rockville community is very concerned about the survival of businesses in Rockville, including in Town Center and Town Square; and staff recommends that creative and unorthodox measures be strongly considered to support the business community as the economy re-opens. Furthermore, as we all know, the challenges for retail in Town Square preceded the COVID-19 emergency, and staff sees great value in testing new approaches that could help bring greater success.

More specific to this proposal, staff has seen a change in the demand for curbsides in mixed-use districts over the past ten years. With the rapid growth of such delivery services as Amazon Prime, UPS, Peapod and Instacart and the advent of such ride share services as Lyft and Uber, there are many more vehicles seeking curb access than is currently available in the city. The result has been vehicles stopping in locations that are not permitted, such as on the wrong side

of No Parking signs and double-parking. Blockage of sight lines and traffic are results. In addition, residents and merchants attempting to use these services are not well served. Staff had already begun discussions of this issue, even prior to the COVID-19 emergency, and believes that further discussions and testing different approaches could lead to policy changes regarding parking spaces in mixed-use areas may better serve all stakeholders.

At the same time, staff is concerned about specific components of the Federal Realty proposal, as expressed above.

We look forward to the Mayor and Council discussion. Dan Corwin will be available to participate in the June 1 Mayor and Council meeting.

Mayor and Council History

Parking in Town Square has been discussed many times, but the specific proposal to establish "The Pick Up" has not previously been discussed by the Mayor and Council.

Options Considered

Staff has considered various options to the proposal as submitted. They include:

- Approving the proposal, but with designation of the spaces only by mobile signs and permitting staff to adjust locations.
- Rejecting the proposal.

Public Notification and Engagement

There was significant public notification when the City converted the meters in Town Center and along Fishers Lane east of the Twinbrook Metro Station to 15-minute spaces, soon after the Governor's emergency declaration related to COVID-19.

For this new proposal, staff has reached out to residents of Town Center, to get their reactions to the proposal. Staff has spoken with four Town Center residents: two live in condominium units in the Palladian; one lives in the Fenestra apartments; and one lives in the Upton.

All four of these Town Center residents have been paying close attention to the recent Mayor and Council focus on Town Center. All attended either (or both) the October 2018 Mayor and Council Town Hall held at VisArts and the presentation of the ULI Technical Assistance Panel in July 2019. Two were interviewed stakeholders for the ULI Technical Assistance Panel. One has lived in the Palladian since it opened in 2007, and another is the current representative of the Palladian residents to the Town Square Condominium board of directors.

The general point of view was support for the proposal. Residents in Town Center already have their own private parking spaces and are not concerned about whether those on-street spaces

will be available for their own parking. One resident did voice concern about whether those ten spaces would be perceived as unavailable for visitors to residences, rideshares or other deliveries.

Most of these residents expressed far more concern about the survival of the restaurants and other tenants, and thought that the City needed to be innovative and creative to attract others. One resident suggested that perhaps even more than 10 spaces should be designated for The Pick Up. Another, on his own, suggested closing Gibbs street during this period to permit more outdoor seating with appropriate social distancing. He referenced a similar move taken in Hoboken, New Jersey.

A concern from one of the residents was to make sure that the designated spaces would not lead to customers stopping and turning around in the middle of the street. Staff believes that having spaces on both sides of the two-way Maryland Avenue should mitigate that concern.

A resident also expressed concern that this program would be favoring one owner of retail spaces over others and urged City staff to reach out to other locations. Staff assured this resident that the City will consider any business enhancement proposal submitted by other retail owners, but will also continue to remain in contact with others to make sure that the City is supporting their efforts to be successful in this difficult time.

Staff also spoke with the on-site manager for Morguard, the owner of the apartments The Fenestra at Rockville Town Square. The manager expressed support but, as indicated above, requested that the space requested by FRIT near Peter Chang and Verizon Wireless be moved to the other side of Maryland Avenue, because prospective Fenestra tenants use the parking spaces near the corner of Beall Avenue and Gibbs Street.

Fiscal Impact

In the near term, there will be no fiscal impact of converting parking spaces that are currently designated as 15-minute curbside pickup spaces to a designation as FRIT is proposing. Parking Enforcement personnel continue to collect meter revenue.

Next Steps

If the Mayor and Council approve this approach, either as proposed or in an amended version, Public Works staff will prepare a permit that will contain the conditions of approval discussed previously. Longer term application of the proposal would be discussed at a later date.

Attachments

Attachment 12.a: FRIT RTS Siteplan 4.28.20 (PDF)
Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (PDF)

Attachment 12.c: Giant Photo 1 (JPG)
Attachment 12.d: Giant Photo 2 (JPG)
Attachment 12.e: Giant Photo 3 (JPG)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

Rockville Town Square

The parties acknowledge that this Plan is for identification purposes only and does not constitute any covenant, representation, or warranty by Landlord that any existing or future conditions shown exist, or that, if they do exist, will continue to exist, except to the extent such covenant, representation or warranty is expressly set forth in writing by both parties.

Vacant	MoToMo	2020	2021	2022	2023	2024	2025	2026 +	Occupied Area(SF) %Total
35,563		14,199 (9.41%)	7,841 (5.20%)	37,335 (24.74%)	27,650 (18.32%)	8,455 (5.60%)	7,411 (4.91%)	48,010 (31.82%)	150,901 (100%)

Attachment 12.a: FRIT RTS Siteplan 4.28.20 (3135 : FRIT Request for Town Square On-Street Parking Spaces for Pickup)

The Pick-Up

Easing the exchange of merchandise and food through a company-wide branded program

May 2020

FEDERAL 1962

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

FEDERAL 1962

Program Summary

The Pick-Up

They've Got The Goods. You Get To Pick-Up.

Start by stopping by.

Your favorite shops are re-opening, with contactless curbside pick-up zones available throughout the neighborhood. Place your orders ahead. When you arrive, just look for the pick-up. symbol—simply pull-up and pick-up.

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

The Pick- Up Logo

Logo

the pick-up.

the pick-up. the pick-up.

the pick-up. the pick-up.

The Pick-Up logo can take on multiple colors if a property chooses to match their brand. Colors of the logo may be changed but please do not alter the layout of the logo.

Co-Branded

the pick-up. at WILLOW LAWN

the pick-up. at ellisburg

the pick-up. at ASSEMBLY ROW

Federal Branded

THE Pick-Up.

A Federal branded logo will be provided. As this is a Federal branded piece, please do not alter the colors or layout of this logo.

DOWNLOAD LOGOS HERE

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Deliverables

press releases

stats & talking points

merchant communication tool kit

parking stanchions

parking decal

property signage

social post

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Press Releases/Stats & Talking Points

NATIONAL PRESS RELEASE

CLICK HERE

Program Launch Statistics:

- Total Property Count – 66
- Approximately 35 rolled out by May 15th, with the balance to launch shortly
- Number of states – 8 (VA/PA/MD/NY/MA/CA/NJ/NC)
- Number of Pick-Up locations/areas – 328
- Total dedicated spaces anticipated at full implementation– 914

Find full list of talking points in the PDF linked below

TALKING POINTS & STATS PDF CLICK HERE

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Merchant Comm & Toolkit

Merchant Partners,

In conjunction with an anticipated phased re-opening, guided by local and state governments, we'll be launching The Pick-Up in the coming days. The goal is to have the program in place quickly, so that as you plan your re-opening strategy, it's here to support you. More on the program below.

the pick-up.Toolkit

1. **Property Map** *with designated curbside zones highlighted*
2. **Digital Sticker** *to place on your website ordering platform*
3. **Social Media Files** *to use on your social channels to promote the service*

Access the toolkit here

The Pick-Up is a formalized curbside (or dedicated parking space) program that is an extension of various programs that already exist throughout our portfolio—from 15-minute carryout parking, to the ad hoc Curbside Pick-Up that was installed at the beginning of the COVID-19 shutdowns.

The Pick-Up, where on public streets, will operate in partnership with the parking authorities in local jurisdictions, and where in private lots, by Federal, solely. The program is being established to create clearly designated contactless pick-up zones, to support our customers, at the various comfort levels they seek to begin revisiting our neighborhoods, and most important, shopping and dining with each of you.

The Pick-Up should be considered a tool in your larger toolkit, as you welcome customers back for either a first return visit, or for more frequent visits. However they place an order with you—online, via email, over the phone, or through your social channels, The Pick-Up is in place to ease the exchange of merchandise or food.

A few reminders:

- We will be proving a digital toolkit (link above), to incorporate into your customer messaging
  - In addition, we'll be promoting this service on-line, through the property website, social media channels, pr, etc.
- Merchants should work out directly with your customers how a customer will notify you upon arrival to The Pick-Up, whether that be a call to the shop, a text notification system, or other
- The program is intended for contactless curbside pick-up only
  - Customers wishing to leave their cars should park in alternate spaces
  - For jurisdictions with parking enforcement, this is especially important to avoid being ticketed

We will continue to share updates about the program.
-The DC Metro Marketing Team

FEDERAL 1962

Each property will need to create their own merchant toolkit to best meet the needs of your merchants. A link to the toolkit can be provided in the merchant communication.

Recommended items in the toolkit:

- **Property Map** *with designated curbside zones highlighted*
- **The Pick-Up logo & Digital stickers** *for merchants to include on their website ordering platform*
- **Social Media Assets** *for merchants to use on their social channels to promote*

Click **here** to view the Pike & Rose merchant toolkit.

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Parking Stanchions:

Option 1 with numbers

Federal branded

Option 2 without numbers

Option 2 is preferred on properties with multiple pick up locations, but if numbers are the best way to communicate to your customers, these files will also be available.

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Parking Decal

please resize as needed

Option 1 with numbers

Option 2 without numbers

Please note: It has been recommended that your parking decals not cover your full space—to avoid car tires pulling them up prematurely. ***Recommended specs:***
52in x 104 in (4.3ft x 8.6ft)

We will be offering an updated spec following confirmation wit our sign vendor on 5/1/2020.

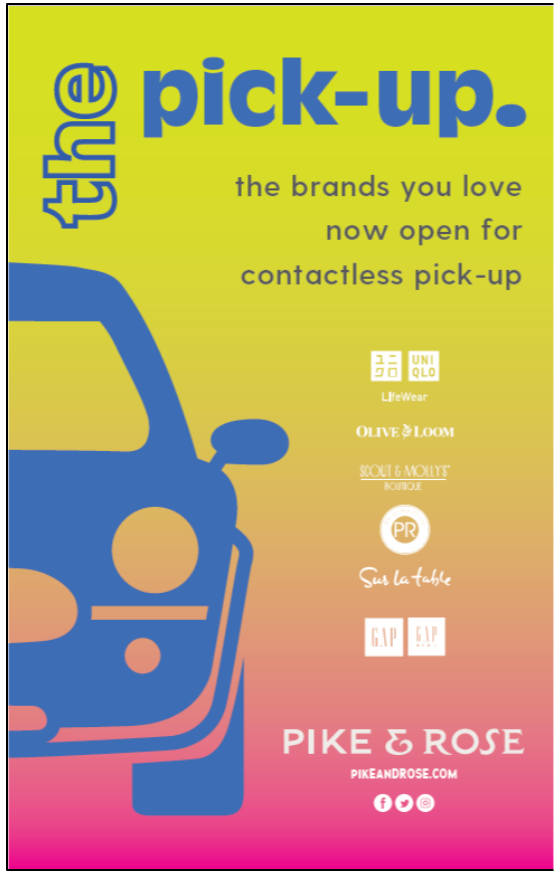
Option 2 is preferred on properties with multiple pick-up locatio but if numbers are the best way to communicate to your custome these files will also be available.

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Property Signage:
Windmasters, A-frames, Posters & more

please resize as needed

Option 1



Option 2

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Social Post

Option 1

4 photo carousel

Option 2

Attachment 12.b: City of Rockville Copy - The Pick-Up 5.5.20 (3135 : FRIT Request for

Attachment 12.c: Giant Photo 1 (3135 : FRIT Request for

Attachment 12.d: Giant Photo 2 (3135

Attachment 12.e: Giant Photo 3 (3135

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Discussion and Instructions
Department: City Manager's Office
Responsible Staff: Linda Moran

Subject

Food Delivery Fees Imposed on Restaurants During the COVID-19 Emergency

Recommendation

Staff recommends that the Mayor and Council send a letter to food delivery companies requesting a reduction in fees during the COVID emergency and that the City monitor opportunities to support County and State legislation aimed at regulating the fees.

Discussion

Restaurants have expressed concern about the rates charged by food delivery companies during the COVID-19 emergency. The requirement to limit restaurant service to pick up and delivery during the health emergency is straining restaurants' ability to remain solvent. High fees charged for delivery further impacts restaurants' finances. The long-term impact could be significant. An industry survey by the Restaurant Association of Metropolitan Washington indicated that:

- 1 in 4 restaurants will likely not reopen after Coronavirus,
- Restaurants continuing to operate are taking in 30 percent of what they usually would in sales, and
- 92 percent of the food service employee base has been let go.

Actions by Other Jurisdictions

To support the restaurant industry, some jurisdictions have instituted, or are considering, emergency orders to limit the fees charged. The Mayor and Council noted the recent action by the District of Columbia and requested information about how other jurisdictions have regulated the fees charged to restaurants by food delivery companies. A summary of research on actions by cities nationwide is provided in Attachment A.

Locally, the District of Columbia enacted legislation containing the following provisions:

- During a period of time for which the Mayor has declared a public health emergency a third-party food platform within the District shall register with the Department of Consumer and Regulatory Affairs.

- During a public health emergency, it shall be unlawful for a third-party food delivery platform to charge a restaurant a commission fee for the use of the platform's services for delivery or pick-up that totals more than 15% of the purchase price per online order.

- It shall be unlawful for a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with the restriction on the food delivery fee charged to a restaurant.

- During a public health emergency, the third-party food delivery platform shall disclose to the customer the final price for the purchase and delivery before that transaction is completed, including any commission, fee, or any other monetary payment imposed on the restaurant by the third-party food delivery platform.

- Violators shall be subject to a fine of not less than $250 and not more than $1,000 for each such violation.

Authority to Regulate Fees
In Maryland, the General Assembly has not granted municipalities the authority to regulate these types of fees. Prohibited from regulating these fees, the Mayor of the City of Baltimore issued a letter to all third-party food delivery companies requesting that they voluntarily cap their fees at 15% per transaction for the duration of the health emergency.

During an online meeting with District 17 legislators, County Council President Katz and elected officials from Rockville and Gaithersburg, President Katz indicated that Montgomery County is looking into the ability to regulate third-party food delivery fees. No items on this topic appear on the County Council's future agenda at this time. City staff is monitoring for any activity.

Recommendation

Staff recommends that the Mayor and Council direct staff to send a letter to the delivery companies operating in Rockville to voluntarily cap their fees per transaction at 15% per transaction for the duration of the health emergency. A draft letter for the Mayor and Council's consideration is provided in Attachment B.

Staff also recommends monitoring activity at the County and State to cap these delivery fees, and to prepare to advocate for caps that support the viability of Rockville restaurants during the health emergency.

Mayor and Council History

This is the first time that the Mayor and Council have discussed on agenda the fees charged to restaurants by delivery companies.

Next Steps

Based on the Mayor and Council's feedback, staff will finalize the draft letter for mailing to the food delivery companies serving Rockville. Staff will continue to monitor County consideration and advocate for any measures that the County has the authority to take in support of local restaurants. Staff will also bring to the Mayor and Council's attention any opportunity to advocate for State legislation on this topic.

In further support of local restaurants, staff is exploring the concept of closing portions of streets and parking lots to enable restaurants to re-open with more space available for socially-distanced seating. This will be a topic of discussion on a future Mayor and Council agenda.

Attachments

Attachment A Research on Other Jurisdictions (DOCX)
Attachment B Final DRAFT Letter (DOCX)

Attachments

Attachment 13.a: Attachment A Research on Other Jurisdictions (DOCX)
Attachment 13.b: Attachment B Final DRAFT Letter Food Delivery Services (DOCX)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

Research on Caps on Food Delivery Charges

Staff research identified the following jurisdictions that have taken action, or have considered action, to regulate the fees charged to restaurants by third-party delivery services.

Cambridge

The City Council of Cambridge, MA considered a cap on food delivery charges. Upon the legislature of the Commonwealth of Massachusetts taking up a bill, the Cambridge City Council voted instead to support the State bill. The legislators are currently considering making it unlawful for a food-delivery service to charge a covered establishment a fee per online order for the use of its services that totals more than 10 percent of the purchase price of such online order. It would be effective until 45 days following the termination of the COVID-19 emergency. Any third-party delivery service that violates would be punished by a fine of not less than $100 and shall reimburse the covered establishment for all charges collected in violation.

Chicago

Beginning May 15, third-party food delivery companies in Chicago were required to disclose to the customer an itemized cost breakdown of each transaction, including the menu price of the food, any sales or other tax, delivery charge and tip, and any commission or service fee paid by the restaurant to the third-party delivery company. The intent is to show customers how much money is going to the restaurant while the stay-at-home order has closed dining rooms. Violators will face daily fines ranging from $500 to $10,000. The new rules will be permanent. The Chicago City Council also is considering a 5% cap on fees for delivery services.

Jersey City

The Jersey City, New Jersey Mayor issued an executive order limiting the food delivery charges to 10% while restaurant dining rooms remain closed. The executive order specifies that the services cannot offset the lower commission rates by reducing their delivery personnel's pay or garnishing any part of their tips.

New York City

The New York City Council voted to cap fees by third-party services. The Mayor signed the bill, which specifies that starting June 2 the commissions that food-delivery apps can charge New York City restaurants will be capped at 20 percent — 15 percent for delivery charges and 5 percent for any other fees. The cap is in place until 90 days after the health emergency has ended. The third-party services will be subject to a civil penalty of up to $1,000 per restaurant per day for violations.

San Francisco

San Francisco implemented a 15% cap for the duration of the Local Emergency or until restaurants can re-open for dine-in service. The order is part of a Supplement to the Local

Emergency Declaration that the San Francisco Mayor made in February. The Office of Economic and Workforce Development was authorized to implement the order.

Santa Cruz

Effective April 16, the Santa Cruz, CA city manager signed an executive order establishing a temporary limit of 15% of the purchase price on commissions charged by third-party food delivery companies, to support Santa Cruz restaurants during the pandemic. It will terminate when restaurants are permitted to offer dine-in service. If the delivery service violates the executive order, the restaurant makes a written request for a refund within seven days. If a refund is not provided, the restaurant may enforce the order by means of a civil action seeking damages and injunctive relief.

Seattle

Restauranteurs in Seattle reported being charged up to 30% commission fee per transaction. At the end of April, the City of Seattle imposed a 15% cap on commissions that third-party, app-based services can charge to deliver food and drinks in the city. It also requires that 100% of the tip goes to the driver. Failure to comply is a misdemeanor offense. The emergency order will remain in place until the State of Washington allows dine-in service again.

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

June ___, 2020 **DRAFT**

Doordash, Inc.
c/o Registered Agent Solutions
8007 Bailey's Lane
Pasadena. MD 21122

To Whom It May Concern:

The Rockville Mayor and Council are taking this opportunity to contact you regarding fees that your company is charging City of Rockville restaurants for your services during the COVID-19 global pandemic. We are concerned about usage fees that your apps are charging, which range as high as 30% of the total order.

By Executive Order of the Governor, restaurants have been ordered to limit their activities solely to prepared food and beverages for take-out and delivery. Rockville's restaurants, as in other US cities, have been hit hard by the pandemic and the extreme disruption it has imposed on owners and their employees. Restaurants are a critical component of our local economy and community fabric. The services your company provides offer a critical lifeline to restaurants struggling to stay in business without dine-in sales. It benefits both your business and the local economy to help these struggling restaurants. A closed restaurant generates no business for your company.

As we weather this crisis together, we are asking you as corporate citizens to do the right thing and limit your fees per transaction to 15% during this health emergency. We are aware of other cities across the nation that have ordered that you reduce your fees to 15% per transaction during this emergency, and Rockville is asking you to do the same for our restaurants.

The Mayor and Council are eager to work in partnership with you to support our local restaurants. Now more than ever, in this time of need, government and businesses must unite forces in support of our communities. We welcome the opportunity to have a dialogue with you and the appropriate individuals from your company. If you have any questions, please contact Robert DiSpirito, City Manager, at 727-638-4140 at your earliest convenience.

Sincerely,

**Remainder of space needed for Mayor and Council signature block.*

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Debra Yerg Daniel

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Presentation and Discussion
Department: Rec & Parks - Parks & Facilities
Responsible Staff: Steve Mader

Subject

Alternative Location for Pilot Deer Culling Operation

Recommendation

Staff recommend the Mayor and Council receive a presentation proposing to relocate the draft Pilot Deer Culling Program from Redgate Park to John Hayes Forest Park.

Discussion

On December 16, 2020, the Mayor and Council voted to proceed with the draft Pilot Deer Culling Program (Attachment A) as one of the tools for managing the population of white-tailed deer. The Pilot Deer Culling Program (Program) recommended performing the deer culling at Redgate Park. As a result of the recent increased use of Redgate Park, the Mayor and Council requested that staff consider the alternate location.

The alternate location is the John Hayes Memorial Forest (Park) located at the Civic Center complex. This location comes with challenges, including impacts to Croydon Creek Nature Center (Center) programs and school trips.

Recreation and Parks staff have reviewed schedules, programs, and planned events and recommend the culling proceed within the John Hayes Memorial Forest/Park on the following schedule that minimizes conflicts with Center programs:

- September 12 – September 20
- November 21- November 29
- December 19 – December 27

These dates will coincide with the tentative Maryland Department of Natural Resources (DNR) archery season for 2020-2021. All the other precautions and requirements included in the original program will also apply within the John Hayes Memorial Forest Park, including appropriate signage placed around the perimeter of the Park. In addition, access to the park by the authorized culling participants will be from the drive entrance on Route 28, Norbeck Road, rather than through the neighborhood.

Reducing the number of days available to archers to perform the culling operation has the potential to reduce the number of deer culled. However, the highest priority for the pilot operation is to coordinate a safe operation within a large park.

The response to the COVID-19 emergency may be ongoing through the end of the calendar year, but staff does not anticipate any conflicts with the pilot deer culling program and will follow all requirements as established by the DNR. Additionally, the Montgomery County Public Schools 2020-2021 calendar lists the following dates as holidays for students, which will contribute to the need for additional targeted signage warning of the hunt:

- November 25-27 for the Thanksgiving Holiday; and
- December 24-January 1, 2021 for the Winter Break.

Mayor and Council History

Multiple Mayor and Council meetings regarding deer management were held between 1995 and 2019. Meetings included:

- Adoption of the White-tailed Deer Management Plan in 2012,
- Presentations by the Maryland Department of Natural Resources-Heritage and Wildlife Services, Maryland-National Capital Park and Planning Commission, United States Department of Agriculture, University of Maryland, Humane Society of the United States and Animal Connection Deer Management Team,
- Direction to staff on January 8, 2019 to prepare a proposed pilot archery hunt – Option 2 of Agenda Item 12 at meeting number 01-19,
- Direction from the Mayor and Council on December 16, 2019 to proceed with the draft Pilot Deer Culling Program for white-tailed deer- Agenda Item 13 at meeting number 43-19.

Options Considered

No alternative locations were proposed. However, several options for modifying the program to fit within the John Hayes Forest Preserve Park were considered including the following;

- Close the entire park during the months of September through November proposed times in the original program. This option was determined to be too restrictive and negatively impacts many programs provided by the Center.
- Reduce the area of the park to be closed during the proposed times in the original program. Generally, programs are held throughout the entire park, therefore this option would also negatively impact programs provided by the Center.

Next Steps

Upon approval by the Mayor and Council, staff will continue program planning, including amend the City Code, prepare and distribute public information and coordinate with partner organizations.

Public Notification and Engagement

Staff will develop a communication plan and messaging about deer management and the approved deer culling program:

- Develop web presence,
- Distribute information through Rockville Reports, social media, Rockville Channel 11, Nextdoor and neighborhood associations, and
- Solicit comments from the Recreation and Park Advisory Board and Environment Commission.

Attachments

Attachment 14.a: Final Draft Archery Pilot Project 2 (002) RD (DOCX)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

Pilot Deer Culling Program

Location: John Hayes Memorial Forest

Means: Modern archery equipment only (compound bows and crossbows)

Dates: September 12 – September 20, November 21- November 29 and December 19 – December 27. Sunday hunting is ½ hour before sunrise to 10:30 am. Dates will coincide with MD DNR Regulations for 2020.

Access/Parking: Entrance to the park is from the fire road access adjacent to Route 28.

Safety Zone: A safety zone (no hunting) will be identified and marked in the field. The safety zone will encompass a 50-yard buffer around the entire property. See attached map.

Participant Identification: Approved participants must have the following identification on their person while hunting on the property.

- Valid Driver's License
- Valid Maryland Hunters License including Archery Stamp
- Rockville Identification Card (Provided by City)

All participants must attend a pre-hunt meeting with Recreation and Parks staff. The meeting will cover safety, responsibility, coordination, carcass handling, restrictions and reporting.

Participant Selection

The Department of Recreation and Parks shall solicit Request for Proposals from non-profit deer management organizations. Selection will be based upon years of experience, harvest records, qualifications of individual participants and their written proposal.

Individual Participants Requirements

- Member in good standing with a registered 501 C- non-profit deer management organizations.
- Proof of membership.
- Valid State of Maryland Driver's License.
- Valid State of Maryland Hunting License (resident or non-resident).
- Hunter Safety Card – recommended.
- Provide DNR archery harvest record for past 5 years.
- Vehicle identification including Year, Make, Model, Color and license plate number.
- Valid Maryland Shooter Qualification Card – For locations to qualify see: https://dnr.maryland.gov/huntersguide/Documents/shoot_qual_cal.pdf
- Liability Insurance (Depends on Risk Management requirements to be determined).

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Regulations for Hunt

The Department of Recreation and Parks reserves the right to change program-specific regulations, as necessary and appropriate, at any time. Hunting authorization for participants and/or groups may be revoked at the discretion of Recreation and Parks staff.

- Hunting of white-tailed deer; only.
- Modern archery equipment; only (compound bows and crossbows).
- The following is a list of regulations for reference only. Participants are obligated to comply with all applicable laws.

Maryland Department of Natural Resources

- Hunting permitted to occur 1/2 hour before sunrise – 1/2 hour after sunset.
- Hunters shall not hunt while under the influence of alcohol or any narcotic drug.
- Sunday hunting is permitted as governed by the State and Montgomery county.
- Hunters shall not shoot on, from, or across any public road.
- Hunters shall not hunt or shoot at wildlife within 100 yards of an occupied building or camp without permission of the owner or occupant.
- Hunters shall not hunt without valid Driver's License, valid Maryland Hunters License including Archery Stamp, and Rockville Identification Card (provided by City).
- A compound bow shall have a full draw and pull of not less than 50 pounds.
- A crossbow used for deer hunting shall have a draw of not less than 75 pounds.
- All crossbows shall have a working safety.
- It is unlawful to have a loaded crossbow in, on, or leaning against a vehicle. A loaded crossbow is one that is cocked and has an arrow or bolt in the firing position.
- Arrows used for deer hunting must have a sharpened broadhead with metal points and a minimum width of 7⁄8 of an inch.
- The use of poisoned or explosive tipped arrows is prohibited.
- Hunters must follow all requirements and procedures for tagging and checking deer.
- For complete State regulations see- http://www.eregulations.com/maryland/hunting.

City of Rockville

- Parking to occur in designated areas only.
- Hunting permitted to occur in designated areas only .
- Maximum of 6 participants hunting at any given time.
- Visible display of City of Rockville Archery Managed Deer Hunting Program identification.
- Arrows/bolts must always be quivered while on the ground.

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- Arrows and bolts must be labeled with City of Rockville assigned, unique identification number.
- Hunting to occur from portable, commercially manufactured tree stands and ladder stands only (minimum platform height of 10 feet from the ground).
- Hunting participants must wear full-body safety harness, always attached to tree or life line, while climbing, hunting and descending.
- Tree stands may be left in the park overnight.
- Filming of hunting activities is prohibited (use of trail cameras for scouting is permitted, at participant's own risk).
- Hunting participants may not shoot onto, from, or across marked trails designed for human use.
- Maximum acceptable shooting range is 30 yards.
- All shots must be accurate and lethal.
- Recovery of harvested deer on/from any adjacent private property requires consultation/assistance of City of Rockville Department of Recreation and Parks. No access onto private property without proper permission.
- Tracking dogs may be used only when necessary and must remain on a leash.
- Evisceration (field dressing) of deer to occur away from roads, trails, and high visibility areas (viscera to be covered with sticks and/or leaf litter).
- Deer carcasses must be fully covered during removal, loading and transport process.
- De-cocking of crossbows must be done in a safe, discreet manner, away from, and out of sight of, roads, trails and the public.
- Absolutely no littering.
- Bag Limits: 15 antlerless deer and 2 antlered deer (will be consistent with DNR regulations for 2020).
- Mandatory reporting of harvest, observational data, citizen interactions and any incidents within 24 hours of hunting activity. Reports shall be called into the Parks and Facilities Division at (240) 314-8700.
- Participants must contact the City of Rockville Police Dispatch (240) 314-8900 upon arrival, and check-out upon departure (full name, group name and Rockville identification number).

Carcass Handling: All harvested deer must be field dressed on-site and within the adjacent tree line. No viscera piles may be left on fairways, cart paths or in visible areas. All deer must be consumed by the participant or donated to Farmers Feeding the Hungry.

Data Collection: All participants will collect the following data: number of days hunted, and number of deer harvested (doe, fawn or antlered deer, number of points and number of deer shot but not recovered).

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RECORD KEEPING/DATA COLLECTION

Pilot Archery Harvest Record

Participant's Name: _____

City of Rockville ID Number: _____

Organization: _____

Date Hunted	Success	Buck	Doe	Fawn	Location	Bow
	Yes ☐ No ☐	No points #_____	☐	☐	Section 1 ☐ Section 2 ☐ Section 3 ☐ Section 4 ☐ Section 5 ☐ Section 6 ☐	Cross Bow ☐ Compound Bow ☐
	☐	☐	☐		☐	☐

Total Days Hunted: _____

Total Deer Harvested: _____

Total Deer not recovered: _____

COMMENTS:

_____

_____

_____

Communications Plan

There will be several elements to the communications plan including social media, Rockville Channel 11, Rockville Reports and notification to surrounding communities. On-site communications will include post-hunt signage surrounding the park and a pre-hunting meeting between City staff and the participants.

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Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Introduction and Possible Adoption
Department: Rec & Parks - Parks & Facilities
Responsible Staff: Steve Mader

Subject

Introduction and Possible Adoption of an Ordinance to Amend Chapter 13 of the Rockville City Code, Entitled "Miscellaneous Provisions and Offenses" to Add a New Section 13-71 to Regulate the Discharge of Bows Within the City and to Require a Bow Hunter to Report the Failure to Recover a Wounded Deer to City Police.

Recommendation

Staff recommends introducing, waiving the layover, and adopting the ordinance to amend Chapter 13. If the Mayor and Council wish to proceed with adoption of the ordinance at the same meeting, the ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may then proceed.

Change in Law or Policy

To amend Chapter 13 of the Rockville, City Code, entitled "Miscellaneous Provisions and Offenses" to add a new section 13-71 to regulate the discharge of bows within the city and to require a bow hunter to report the failure to recover a wounded deer to the City police.

Discussion

At its December 16, 2019 meeting, the Mayor and Council voted to proceed with the draft Pilot Deer Culling Program (Program) for white-tailed deer (attachment A). A component of the Program is to amend certain chapters of the Rockville City Code to allow for deer culling, including Chapters 13, "Miscellaneous Provisions and Offenses," and 14, "Parks and Recreation." The Mayor and Council directed staff to develop an archery-only program. This agenda item proposes to amend City Code Chapter 13 to regulate the discharge of bows within City limits. The City Code is currently silent on archery within the City limits, other than Section 14-46 of the Park Rules (City Code Chapter 14, Article III) regulating certain games within City parks.

The proposed ordinance adds a new Section 13-71 – Discharge of bows (attachment B). Section 13-71 largely mirrors Section 57-6 of the Montgomery County Code, regulating the discharge of bows in the County. Section 13-71 would expressly prohibit the discharge of bows:

(1) from, onto, or across public or private roads;
(2) in violation of the archery hunting safety zone established in State law without the owner or occupant's written consent; and
(3) from, onto, or across public or private property without the owner's or occupant's written consent.

With respect to subsection (2) above, State law prohibits archery hunting in Montgomery County within 50 yards of a dwelling house, residence, church, or any other building or camp occupied by human beings, and imposes specific requirements on archery hunting within 50 to 100 yards of such structures.

In addition, Section 13-71 would require a bow hunter to report the failure to recover a wounded deer to the City police at the end of an unsuccessful hunt. The addition of Section 13-71 would bring the City's regulation of archery in line with the County, and it would provide clear regulations to ensure that archery, particularly bow hunting, is conducted safely in the city.

Mayor and Council History

Multiple Mayor and Council meetings regarding deer management were held between 1995 and 2019. These included:

- Adoption of the White-tailed Deer Management Plan in 2012.
- Presentations by the Maryland Department of Natural Resources-Heritage and Wildlife Services, Maryland-National Capital Park and Planning Commission, United States Department of Agriculture, University of Maryland, Humane Society of the United States and Animal Connection Deer Management Team.
- Direction to staff on January 8, 2019 to prepare a proposed pilot archery hunt – Option 2 of Agenda Item 12 at meeting number 01-19.
- Direction from the Mayor and Council on December 16, 2019 to proceed with the draft Pilot Deer Culling Program for white-tailed deer- Agenda Item 13 at meeting number 43-19.

This is the first time staff have presented City Code amendments related to the culling operations to the Mayor and Council.

Next Steps

If the Mayor and Council introduces the proposed ordinance at its June 1 meeting, the ordinance will be brought back to the Mayor and Council for possible action at a later meeting, unless the Mayor and Council votes to waive the layover period by an affirmative vote of at least four members. If the layover period is waived, the Mayor and Council may proceed to a vote to adopt the ordinance on June 1. A vote to adopt the ordinance needs a simple majority to pass.

Public Notification and Engagement

Staff will develop a communication plan and messaging about deer management and the approved deer culling program, including:

- Develop a web presence,
- Distribute information through Rockville Reports, social media, Rockville Channel 11, Nextdoor and neighborhood associations, and
- Solicit comments from the Recreation and Park Advisory Board and Environment Commission.

Attachments

Attachment 15.a: Deer Culling Ordinance_Chapter 13_FINAL (PDF)
Attachment 15.b: Final Draft Archery Pilot Project 2 (002) RD (DOCX)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

ORDINANCE NO._____

ORDINANCE: To amend Chapter 13 of the Rockville City Code, entitled "Miscellaneous Provisions and Offenses" to Add a New Section 13-71 to Regulate the Discharge of Bows Within the City and to Require a Bow Hunter to Report the Failure to Recover a Wounded Deer to City Police

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION I – That Chapter 13 of the Rockville City Code entitled "Miscellaneous Provisions and Offenses" be amended as follows:

Chapter 13

MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE III. OTHER OFFENSES

***

Sec. 13-71 – Discharge of bows.

(a) A person must not discharge a bow in the City:

(1) from, onto, or across a public or private road;

(2) in violation of the archery hunting safety zone established in Md. Code, Natural Resources, § 10-410, as amended, surrounding a building or camp designed for human occupancy without the owner or occupant's written consent; or

(3) from, onto, or across public or private property without the owner or occupant's written consent.

(b) A bow hunter must report the failure to recover a wounded deer to the City Police at the end of an unsuccessful search for the animal.

SECTION II – This ordinance shall become effective immediately upon adoption.

****

NOTE: ~~Strikethrough~~ indicates material deleted.

Underlining indicates material added.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of _____.

_____

Sara Taylor-Ferrell

City Clerk/Director of Council Operation

Attachment 15.a: Deer Culling Ordinance_Chapter 13_FINAL (3066 : Chapter 13 Miscellaneous Provisions and Offenses)

Pilot Deer Culling Program

Location: John Hayes Memorial Forest

Means: Modern archery equipment only (compound bows and crossbows)

Dates: September 12 – September 20, November 21- November 29 and December 19 – December 27. Sunday hunting is ½ hour before sunrise to 10:30 am. Dates will coincide with MD DNR Regulations for 2020.

Access/Parking: Entrance to the park is from the fire road access adjacent to Route 28.

Safety Zone: A safety zone (no hunting) will be identified and marked in the field. The safety zone will encompass a 50-yard buffer around the entire property. See attached map.

Participant Identification: Approved participants must have the following identification on their person while hunting on the property.

- Valid Driver's License
- Valid Maryland Hunters License including Archery Stamp
- Rockville Identification Card (Provided by City)

All participants must attend a pre-hunt meeting with Recreation and Parks staff. The meeting will cover safety, responsibility, coordination, carcass handling, restrictions and reporting.

Participant Selection

The Department of Recreation and Parks shall solicit Request for Proposals from non-profit deer management organizations. Selection will be based upon years of experience, harvest records, qualifications of individual participants and their written proposal.

Individual Participants Requirements

- Member in good standing with a registered 501 C- non-profit deer management organizations.
- Proof of membership.
- Valid State of Maryland Driver's License.
- Valid State of Maryland Hunting License (resident or non-resident).
- Hunter Safety Card – recommended.
- Provide DNR archery harvest record for past 5 years.
- Vehicle identification including Year, Make, Model, Color and license plate number.
- Valid Maryland Shooter Qualification Card – For locations to qualify see: https://dnr.maryland.gov/huntersguide/Documents/shoot_qual_cal.pdf
- Liability Insurance (Depends on Risk Management requirements to be determined).

DRAFT

Regulations for Hunt

The Department of Recreation and Parks reserves the right to change program-specific regulations, as necessary and appropriate, at any time. Hunting authorization for participants and/or groups may be revoked at the discretion of Recreation and Parks staff.

- Hunting of white-tailed deer; only.
- Modern archery equipment; only (compound bows and crossbows).
- The following is a list of regulations for reference only. Participants are obligated to comply with all applicable laws.

  Maryland Department of Natural Resources

  - Hunting permitted to occur 1/2 hour before sunrise – 1/2 hour after sunset.
  - Hunters shall not hunt while under the influence of alcohol or any narcotic drug.
  - Sunday hunting is permitted as governed by the State and Montgomery county.
  - Hunters shall not shoot on, from, or across any public road.
  - Hunters shall not hunt or shoot at wildlife within 100 yards of an occupied building or camp without permission of the owner or occupant.
  - Hunters shall not hunt without valid Driver's License, valid Maryland Hunters License including Archery Stamp, and Rockville Identification Card (provided by City).
  - A compound bow shall have a full draw and pull of not less than 50 pounds.
  - A crossbow used for deer hunting shall have a draw of not less than 75 pounds.
  - All crossbows shall have a working safety.
  - It is unlawful to have a loaded crossbow in, on, or leaning against a vehicle. A loaded crossbow is one that is cocked and has an arrow or bolt in the firing position.
  - Arrows used for deer hunting must have a sharpened broadhead with metal points and a minimum width of 7⁄8 of an inch.
  - The use of poisoned or explosive tipped arrows is prohibited.
  - Hunters must follow all requirements and procedures for tagging and checking deer.
  - For complete State regulations see- http://www.eregulations.com/maryland/hunting.

  City of Rockville

  - Parking to occur in designated areas only.
  - Hunting permitted to occur in designated areas only .
  - Maximum of 6 participants hunting at any given time.
  - Visible display of City of Rockville Archery Managed Deer Hunting Program identification.
  - Arrows/bolts must always be quivered while on the ground.

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- Arrows and bolts must be labeled with City of Rockville assigned, unique identification number.
- Hunting to occur from portable, commercially manufactured tree stands and ladder stands only (minimum platform height of 10 feet from the ground).
- Hunting participants must wear full-body safety harness, always attached to tree or life line, while climbing, hunting and descending.
- Tree stands may be left in the park overnight.
- Filming of hunting activities is prohibited (use of trail cameras for scouting is permitted, at participant's own risk).
- Hunting participants may not shoot onto, from, or across marked trails designed for human use.
- Maximum acceptable shooting range is 30 yards.
- All shots must be accurate and lethal.
- Recovery of harvested deer on/from any adjacent private property requires consultation/assistance of City of Rockville Department of Recreation and Parks. No access onto private property without proper permission.
- Tracking dogs may be used only when necessary and must remain on a leash.
- Evisceration (field dressing) of deer to occur away from roads, trails, and high visibility areas (viscera to be covered with sticks and/or leaf litter).
- Deer carcasses must be fully covered during removal, loading and transport process.
- De-cocking of crossbows must be done in a safe, discreet manner, away from, and out of sight of, roads, trails and the public.
- Absolutely no littering.
- Bag Limits: 15 antlerless deer and 2 antlered deer (will be consistent with DNR regulations for 2020).
- Mandatory reporting of harvest, observational data, citizen interactions and any incidents within 24 hours of hunting activity. Reports shall be called into the Parks and Facilities Division at (240) 314-8700.
- Participants must contact the City of Rockville Police Dispatch (240) 314-8900 upon arrival, and check-out upon departure (full name, group name and Rockville identification number).

Carcass Handling: All harvested deer must be field dressed on-site and within the adjacent tree line. No viscera piles may be left on fairways, cart paths or in visible areas. All deer must be consumed by the participant or donated to Farmers Feeding the Hungry.

Data Collection: All participants will collect the following data: number of days hunted, and number of deer harvested (doe, fawn or antlered deer, number of points and number of deer shot but not recovered).

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RECORD KEEPING/DATA COLLECTION

Pilot Archery Harvest Record

Participant's Name: _____

City of Rockville ID Number: _____

Organization: _____

Date Hunted	Success	Buck	Doe	Fawn	Location	Bow
	Yes ☐ No ☐	No points #_____	☐	☐	Section 1 ☐ Section 2 ☐ Section 3 ☐ Section 4 ☐ Section 5 ☐ Section 6 ☐	Cross Bow ☐ Compound Bow ☐
	☐		☐	☐	☐	☐

Total Days Hunted: _____

Total Deer Harvested: _____

Total Deer not recovered: _____

COMMENTS:

_____

_____

_____

Communications Plan

There will be several elements to the communications plan including social media, Rockville Channel 11, Rockville Reports and notification to surrounding communities. On-site communications will include post-hunt signage surrounding the park and a pre-hunting meeting between City staff and the participants.

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Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Introduction and Possible Adoption
Department: Rec & Parks - Parks & Facilities
Responsible Staff: Steve Mader

Subject

Introduction and Possible Adoption of an Ordinance to Amend Chapter 14 of the Rockville City Code, Entitled "Parks and Recreation" So as to Amend the Animals; Malicious Mischief, Damage, Etc; Operating Hours; and Traffic Regulations Sections Contained in Article III to Allow for the Establishment of a City Managed Deer Culling Program on City Park Property.

Recommendation

Staff recommends introducing, waiving the layover, and adopting the ordinance to amend Chapter 14. If the Mayor and Council wish to proceed with adoption of the ordinance at the same meeting, the ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may then proceed.

Change in Law or Policy

To Amend Chapter 14 of the Rockville City Code, Entitled "Parks and Recreation," so as to amend the Animals; Malicious Mischief, Damage, Etc.; Operating Hours; and Traffic Regulations sections contained in Article III to allow for the establishment of a City-Managed Deer Culling Program on City park property.

Discussion

At its December 16, 2019, meeting, the Mayor and Council voted to proceed with the draft Pilot Deer Culling Program (Program) for white-tailed deer (attachment A). A component of the Program is to amend certain chapters of the Rockville City Code, including Chapters 13, "Miscellaneous Provisions and Offenses," and 14, "Parks and Recreation." This agenda item proposes to amend Chapter 14 "Parks and Recreation" - Article III- Park Rules specifically to allow for managed deer culling programs to occur on City park property.

The proposed ordinance amends sections 14-37 - Animals; 14-49 - Malicious mischief, damage, etc.; 14.50 - Operating Hours; and 14-53 - Traffic regulations (attachment B). These amendments are required to allow for certain activities to occur on City park property, such as culling deer, installation of tree stands, conducting a deer culling program after sunset, and in some cases using a motorized vehicle to retrieve a culled deer.

Mayor and Council History

Multiple Mayor and Council meetings regarding deer management were held between 1995 and 2019. These included:

- Adoption of the White-tailed Deer Management Plan in 2012.
- Presentations by the Maryland Department of Natural Resources-Heritage and Wildlife Services, Maryland-National Capital Park and Planning Commission, United States Department of Agriculture, University of Maryland, Humane Society of the United States and Animal Connection Deer Management Team.
- Direction to staff on January 8, 2019 to prepare a proposed pilot archery hunt – Option 2 of Agenda Item 12 at meeting number 01-19.
- Direction from the Mayor and Council on December 16, 2019 to proceed with the draft Pilot Deer Culling Program for white-tailed deer- Agenda Item 13 at meeting number 43-19.

This is the first time staff have presented to the Mayor and Council the City Code amendments related to the culling operations.

Next Steps

If the Mayor and Council introduces the proposed ordinance at its June 1 meeting, the ordinance will be brought back to the Mayor and Council for possible action at a later meeting, unless the Mayor and Council votes to waive the layover period by an affirmative vote of at least four members. If the layover period is waived, the Mayor and Council may proceed to a vote to adopt the ordinance on June 1. A vote to adopt the ordinance needs a simple majority to pass.

Public Notification and Engagement

Staff will develop a communication plan and messaging about deer management and the approved deer culling program, including:

- Develop web presence,
- Distribute information through Rockville Reports, social media, Rockville Channel 11, Nextdoor and neighborhood associations, and
- Solicit comments from the Recreation and Park Advisory Board and Environment Commission.

Attachments

Attachment 16.a:	Deer Culling Ordinance_Chapter 14_FINAL	(PDF)
Attachment 16.b:	Final Draft Archery Pilot Project 2 (002) RD	(DOCX)

Jenny Kimball

Jenny Kimball, Deputy City Manager 5/27/2020

ORDINANCE NO._____

ORDINANCE: To amend Chapter 14 of the Rockville City Code, entitled "Parks and Recreation" so as to Amend the Animals; Malicious mischief, damage, etc; Operating hours; and Traffic regulations Sections Contained in Article III to Allow for the Establishment of a City Managed Deer Culling Program on City Park Property

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION I – That Chapter 14 of the Rockville City Code entitled "Parks and Recreation" be amended as follows:

Chapter 14

PARKS AND RECREATION

ARTICLE III. PARK RULES

***

Sec. 14-37 – Animals.

(a) A person may not catch, injure, destroy or interfere in any way with birds, squirrels, or any wild animals, unless as part of a City-managed deer culling program and in accordance with the terms of the program and all applicable laws and regulations.

***

Sec. 14-49 - ~~Malicious mischief, damage, etc.~~ Damage to park property.

(a) A person may not:

(1) Cut, break into, injure, deface or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign or other structure, apparatus, or property;

(2) Pluck, pull up, cut, take or remove any shrub, bush, plant, flower or sign;

(3) Mark or write upon any building, fence, bench, sign or other structure;

Attachment 16.a: Deer Culling Ordinance_Chapter 14_FINAL (3067 : Chapter 14 Recreation and Park Article III - Park Rules)

(4) Climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or any other property not designated for such purposes;

(5) Cut or remove any wood, turf, grass, soil, rock, sand or gravel.

(b) This section does not apply to the installation and use of a portable deer stand by a person participating in a City-managed deer culling program in accordance with the terms of the program and all applicable laws and regulations.

Sec. 14-50. - Operating hours.

***

(b) All City parks shall be closed between sunset and sunrise, except as provided below:

(1) That part of City parks artificially illuminated for the purpose of conducting athletic activities including that part necessary for parking, ingress and egress, shall remain open until 11:00 p.m. during the entire year to persons utilizing same for such purposes;

(2) Buildings in City parks including grounds specified in a permit and such additional park grounds as may be necessary for parking, ingress and egress to such buildings shall remain open to persons utilizing the buildings and grounds under a permit until 2:00 a.m. when such buildings are in use for activities authorized in advance by the City Manager or his designee by a permit;.

(3) That part of City parks subject to a City-managed deer culling program shall be open to participants of the program as specified by the terms of the program.

***

Section 14-53 – Traffic regulations.

***

(b) A person may not operate a motor vehicle on any area except the paved park roads or parking areas, except that a person may operate a motor vehicle on other areas as authorized in writing by the Director of Recreation and Parks.

***

SECTION II – This ordinance shall become effective immediately upon adoption.

****

Attachment 16.a: Deer Culling Ordinance_Chapter 14_FINAL (3067 : Chapter 14 Recreation and Park Article III - Park Rules)

NOTE: ~~Strikethrough~~ indicates material deleted.

Underlining indicates material added.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of _____.

_____

Sara Taylor-Ferrell

City Clerk/Director of Council Operation

Attachment 16.a: Deer Culling Ordinance_Chapter 14_FINAL (3067 : Chapter 14 Recreation and Park Article III - Park Rules)

Pilot Deer Culling Program

Location: John Hayes Memorial Forest

Means: Modern archery equipment only (compound bows and crossbows)

Dates: September 12 – September 20, November 21- November 29 and December 19 – December 27. Sunday hunting is ½ hour before sunrise to 10:30 am. Dates will coincide with MD DNR Regulations for 2020.

Access/Parking: Entrance to the park is from the fire road access adjacent to Route 28.

Safety Zone: A safety zone (no hunting) will be identified and marked in the field. The safety zone will encompass a 50-yard buffer around the entire property. See attached map.

Participant Identification: Approved participants must have the following identification on their person while hunting on the property.

- Valid Driver's License
- Valid Maryland Hunters License including Archery Stamp
- Rockville Identification Card (Provided by City)

All participants must attend a pre-hunt meeting with Recreation and Parks staff. The meeting will cover safety, responsibility, coordination, carcass handling, restrictions and reporting.

Participant Selection

The Department of Recreation and Parks shall solicit Request for Proposals from non-profit deer management organizations. Selection will be based upon years of experience, harvest records, qualifications of individual participants and their written proposal.

Individual Participants Requirements

- Member in good standing with a registered 501 C- non-profit deer management organizations.
- Proof of membership.
- Valid State of Maryland Driver's License.
- Valid State of Maryland Hunting License (resident or non-resident).
- Hunter Safety Card – recommended.
- Provide DNR archery harvest record for past 5 years.
- Vehicle identification including Year, Make, Model, Color and license plate number.
- Valid Maryland Shooter Qualification Card – For locations to qualify see: https://dnr.maryland.gov/huntersguide/Documents/shoot_qual_cal.pdf
- Liability Insurance (Depends on Risk Management requirements to be determined).

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Regulations for Hunt

The Department of Recreation and Parks reserves the right to change program-specific regulations, as necessary and appropriate, at any time. Hunting authorization for participants and/or groups may be revoked at the discretion of Recreation and Parks staff.

- Hunting of white-tailed deer; only.
- Modern archery equipment; only (compound bows and crossbows).
- The following is a list of regulations for reference only. Participants are obligated to comply with all applicable laws.

  Maryland Department of Natural Resources

  - Hunting permitted to occur 1/2 hour before sunrise – 1/2 hour after sunset.
  - Hunters shall not hunt while under the influence of alcohol or any narcotic drug.
  - Sunday hunting is permitted as governed by the State and Montgomery county.
  - Hunters shall not shoot on, from, or across any public road.
  - Hunters shall not hunt or shoot at wildlife within 100 yards of an occupied building or camp without permission of the owner or occupant.
  - Hunters shall not hunt without valid Driver's License, valid Maryland Hunters License including Archery Stamp, and Rockville Identification Card (provided by City).
  - A compound bow shall have a full draw and pull of not less than 50 pounds.
  - A crossbow used for deer hunting shall have a draw of not less than 75 pounds.
  - All crossbows shall have a working safety.
  - It is unlawful to have a loaded crossbow in, on, or leaning against a vehicle. A loaded crossbow is one that is cocked and has an arrow or bolt in the firing position.
  - Arrows used for deer hunting must have a sharpened broadhead with metal points and a minimum width of 7⁄8 of an inch.
  - The use of poisoned or explosive tipped arrows is prohibited.
  - Hunters must follow all requirements and procedures for tagging and checking deer.
  - For complete State regulations see- http://www.eregulations.com/maryland/hunting.

  City of Rockville

  - Parking to occur in designated areas only.
  - Hunting permitted to occur in designated areas only .
  - Maximum of 6 participants hunting at any given time.
  - Visible display of City of Rockville Archery Managed Deer Hunting Program identification.
  - Arrows/bolts must always be quivered while on the ground.

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- Arrows and bolts must be labeled with City of Rockville assigned, unique identification number.
- Hunting to occur from portable, commercially manufactured tree stands and ladder stands only (minimum platform height of 10 feet from the ground).
- Hunting participants must wear full-body safety harness, always attached to tree or life line, while climbing, hunting and descending.
- Tree stands may be left in the park overnight.
- Filming of hunting activities is prohibited (use of trail cameras for scouting is permitted, at participant's own risk).
- Hunting participants may not shoot onto, from, or across marked trails designed for human use.
- Maximum acceptable shooting range is 30 yards.
- All shots must be accurate and lethal.
- Recovery of harvested deer on/from any adjacent private property requires consultation/assistance of City of Rockville Department of Recreation and Parks. No access onto private property without proper permission.
- Tracking dogs may be used only when necessary and must remain on a leash.
- Evisceration (field dressing) of deer to occur away from roads, trails, and high visibility areas (viscera to be covered with sticks and/or leaf litter).
- Deer carcasses must be fully covered during removal, loading and transport process.
- De-cocking of crossbows must be done in a safe, discreet manner, away from, and out of sight of, roads, trails and the public.
- Absolutely no littering.
- Bag Limits: 15 antlerless deer and 2 antlered deer (will be consistent with DNR regulations for 2020).
- Mandatory reporting of harvest, observational data, citizen interactions and any incidents within 24 hours of hunting activity. Reports shall be called into the Parks and Facilities Division at (240) 314-8700.
- Participants must contact the City of Rockville Police Dispatch (240) 314-8900 upon arrival, and check-out upon departure (full name, group name and Rockville identification number).

Carcass Handling: All harvested deer must be field dressed on-site and within the adjacent tree line. No viscera piles may be left on fairways, cart paths or in visible areas. All deer must be consumed by the participant or donated to Farmers Feeding the Hungry.

Data Collection: All participants will collect the following data: number of days hunted, and number of deer harvested (doe, fawn or antlered deer, number of points and number of deer shot but not recovered).

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RECORD KEEPING/DATA COLLECTION

Pilot Archery Harvest Record

Participant's Name: _____

City of Rockville ID Number: _____

Organization: _____

Date Hunted	Success	Buck	Doe	Fawn	Location	Bow
	Yes ☐ No ☐	No points #_____	☐	☐	Section 1 ☐ Section 2 ☐ Section 3 ☐ Section 4 ☐ Section 5 ☐ Section 6 ☐	Cross Bow ☐ Compound Bow ☐
	☐	☐	☐		☐	☐

Total Days Hunted: _____

Total Deer Harvested: _____

Total Deer not recovered: _____

COMMENTS:

_____

_____

_____

Communications Plan

There will be several elements to the communications plan including social media, Rockville Channel 11, Rockville Reports and notification to surrounding communities. On-site communications will include post-hunt signage surrounding the park and a pre-hunting meeting between City staff and the participants.

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Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Review and Comment
Department: City Manager's Office
Responsible Staff: Jenny Kimball

Subject
Action Report

Recommendation
Staff recommends that the Mayor and Council review and comment on the Action Report.

Attachments
Attachment 17.A.a: MC Action Report Master 2020 _REVISED 052620 (DOC)

Jenny Kimball
Jenny Kimball, Deputy City Manager 5/27/2020

Blue - new items to the list.
Red - latest changes.

Mayor and Council Action Report

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2014-23	9/8/11	R&P	Future agenda	**King Farm Farmstead** **Status: On April 20, 2020, the Mayor and Council discussed the responses to the request for information (RFI) on potential future uses of the Farmstead. As a next step, staff will work with stakeholders to develop the scope of a request for thorough and detailed proposals for future uses of the Farmstead.** **During the May 4th discussion of the FY21 budget, the Mayor and Council directed staff to fund a fire suppression system for the Dairy Barns and the house in FY21 and to fund a security system for those buildings in FY20.**	Ongoing
2015-14	7/13/15	CMO	Future agenda	**Purchasing Study Response** **Status: An update on the Procurement Action Plan was shared on January 27, 2020. Another update will be provided on July 6, 2020.**	July 6, 2020
2016-12	9/26/16	HR	Future agenda	**Vacancy Report** Provide a Vacancy Report to the Mayor and Council at **the first meeting of each month**. **Status: The Fiscal Year 2020 third quarter report was shared with the Mayor and Council by email on May 4, 2020. The next reports will be on agenda on June 8 and July 6, 2020.**	June 8, 2020
2016-16	10/10/16	PDS	Future agenda	**Global Issues on BRT** Schedule another discussion on BRT with the City of Gaithersburg and Montgomery County, to include broader issues such as governance and finance. Consider holding the meeting in Gaithersburg. **Status: County transportation is studying alternatives to identify a recommended alternative for design of the MD 355 route. A recommended alternative for the Viers Mill route was selected. The project is funded for preliminary design in the County Budget for FY23.**	Ongoing
2016-18	10/24/16	PDS	Future agenda	**FAST – Faster, Smarter, More Transparent (Site Plan/Development Review Improvements)** Provide regular updates on the status of the work. **Status: A FaST update was provided to the Mayor and Council on November 18, 2019. The next update is scheduled for June 22, 2020.**	June 22, 2020

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2017-6	2/27/17	CMO	Email	**Minority-, Female- & Disabled-Owned Businesses** Provide updates on the Procurement Division's activities to engage and support minority-, female- and disabled-owned businesses. **Status: The MFD Report for FY19 and the first half of FY20 was shared with the Mayor and Council by email on May 1, 2020. Staff followed up on Councilmember questions by email on May 23rd. A local preference approach for City procurement will be discussed as a separate agenda item.**	Ongoing
2017-11	6/12/17	R&P	Agenda item	**Deer Population in Rockville** Continue to monitor the deer population. Consider action steps and gather community input. **Status: The Mayor and Council directed staff to implement the pilot deer culling program. Staff will bring required changes to the City Code for Mayor and Council for approval on June 1, 2020. Given the increased use of RedGate as a park, staff also will bring back on the Mayor and Council's June 1, 2020 agenda the topic of an alternate location for the pilot program.**	September-November 2020
2018-1	1/22/18	Finance	Action Report	**Utility Billing System** Provide updates on the replacement of the Velocity Payment System, powered by Govolution. **Status: Contracts are in place, a kick-off meeting was held and implementation underway. Implementation with the system vendor is underway and is scheduled to be completed in September 2020.**	September 2020
2018-7	6/18/18	CMO	Agenda Item	**LGBTQ Initiatives** Identify and implement Mayor and Council suggestions. **Status: Signs directing users to the gender-neutral bathrooms in City Hall were ordered and temporary signs are currently up. The Adopted FY21 budget includes a new family/gender neutral bathroom at Dogwood Park, to be constructed in FY22.** **The Human Rights Campaign will send Rockville's draft 2020 Municipal Equality Index (MEI) scorecard in June for review and comment by July 31.**	Ongoing

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2018-8	6/18/18	CMO/RCPD /R&P	Town Meeting	**Opioid Town Meeting** Schedule a Town Meeting on the opioid crisis, to include prevention, enforcement and treatment. **Status: Staff reached out to our County addiction services partners to inquire about ways the City could support their efforts during the COVID emergency. Staff will coordinate with the planning committee to develop a proposed Rockville Goes Purple plan for FY21 to present to the Mayor and Council on July 20, 2020.**	July 20, 2020
2018-11	8/1/18	PDS	Agenda Item	**Neighborhood Shopping Centers** Discuss mechanisms to encourage neighborhood shopping center revitalization and explore additional zoning and uses.	TBD
2018-15	10/8/18	PDS	Future Agenda	**Short-Term Residential Rentals** Discuss how to manage short-term residential rentals' (e.g., Airbnb) impact on city neighborhoods and explore options for taxing users. **Status: Short-term residential rentals was discussed on January 13. Staff emailed the results of additional research requested by the Mayor and Council on January 23, 2020. The Mayor and Council also requested that a public hearing be held at a future date.**	Fall 2020
2018-19	10/15/18	HR	Future Agenda	**Volunteer Program** Discuss whether the Mayor and Council want to direct the City Manager to create a centralized volunteer program. **Status: A report on the number of volunteers and volunteer hours for the first half of FY20 was provided on the January 13, 2020 agenda. The next update will be on the August 10, 2020 agenda.**	August 10, 2020
2019-1	10/29/18	PDS	Future Agenda	**Accessory Structures** **Status: On April 20, 2020, the Mayor and Council discussed potential revisions to the development standards for accessory structures. The Mayor and Council directed staff to conduct additional neighborhood outreach to educate and inform residents of the proposed changes and to schedule an additional public hearing in the fall 2020.**	Fall 2020

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-2	2/25/19	R&P/PDS/ CMO	Future Agenda	**RedGate Park Planning** **Status: Staff is examining the condition of the walking paths to make critical repairs where safety is a concern. Staff will present the strategy for engaging the public in a planning process for a new destination park at Redgate on June 22, 2020.**	June 22, 2020
2019-4	3/25/19	PDS	Future Agenda	**Business Improvement Districts (BIDs) and Tax Increment Financing (TIF)** Discussion of potential City uses of BIDs and TIFs	TBD
2019-7	4/1/19	R & P	Memo	**Child Care Services** Discuss city provision of child care services (history of the current program, community need for the service, private sector market, expansion to additional Rockville locations). **Status: Staff is preparing follow up on the Mayor and Council's November 25, 2019 worksession discussion of early childhood education services, for a Mayor and Council agenda in summer 2020. Staff emailed information about childcare needs and services during the COVID-19 emergency to the Mayor and Council on May 4, 2020.**	Summer 2020
2019-9	4/1/19	HR	Memo	**Reduction in Force (RIF) Policy** Prepare a Reduction in Force (RIF) policy, to be incorporated in the Personnel Policy and Procedures Manual update. **Status: Mayor and Council will consider this policy in the context of the ongoing review of the proposed Personnel Policies and Procedures Manual (PPM), which will be on the Mayor and Council's July 13, 2020 agenda.**	July 13, 2020
2019-10	4/1/19	HR	Email	**Personnel Policy and Procedures Manual Update** Share an update on the status of this effort. **Status: Staff presented the draft PPM to Mayor and Council during the February 24, 2020 meeting. The next Mayor and Council discussion is scheduled for July 13, 2020.**	July 13, 2020

Attachment 17.A.a: MC Action Report Master 2020 _REVISED 052620 (3151 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2019-11	4/1/19	HR	Future Agenda	**Retirement Incentive/Employee Buyout Program** Provide information about employee buyout programs and discuss the potential for a Rockville program. **Status: Director of Finance provided an update to the Mayor and Council via email on May 3, 2019.**	Summer 2020
2019-12	4/1/19	Police	Future Agenda	**Parking Enforcement at Street Meters** Share an overview of Rockville's current program and how other local jurisdictions handle parking enforcement at street meters, including hours of enforcement. **Status: Parking meter operations was a component of the Mayor and Council's parking discussion on July 15, 2019. Staff will continue to discuss this topic with FRIT and will keep the Mayor and Council informed as developments occur. To support take-out only operations of Rockville food service businesses during COVID-19 response, parking meter spaces have been signed as 15- minute curbside pick-up. On June 1, 2020, the Mayor and Council will take up a request from Federal Realty for designated on-street parking spaces for food pick up.**	June 1, 2020
2019-19	12/16/2019	City Clerk/Director of Council Operations	Worksession	**Boards and Commissions Task Force Work Session** – Continue the Mayor and Council's discussion of the Boards and Commission Task Force (BCTF). **Status: The Mayor and Council will discuss the BCTF's top four recommendations during a regular meeting on June 8, 2020.**	June 8, 2020
2019-20	12/16/2019	City Clerk/Director of Council Operations	Meeting	**Post-Election Presentation** **Status: On April 6, 2020, the chair of the Board of Supervisors of Elections sent a 2019 Vote By Mail Election Report to the Mayor and Council. The report is posted on the Board of Supervisors of Elections web page. The Board presented the report during the Mayor and Council meeting on May 11. Staff is preparing responses to questions posed during the discussion.**	June 2020

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-01	1/6/2020	Police	Future Agenda	**Emergency Management Program** – Receive an update from the Emergency Manager on the city's emergency management program and activities. **Status: Staff is briefing the Mayor and Council on the COVID-19 pandemic weekly on Monday evenings and Friday mornings. A comprehensive update on the emergency management program is on the July 6, 2020 agenda.**	July 6, 2020
2020-02	1/13/2020	CMO	Memo and Future Agenda	**5G Wireless Technology** **Status: On March 18, 2020, the Mayor and Council discussed Zoning Text Amendment TXT2019-00251 on regulating the Installation of Small Cell Antennas. Introduction and Possible Adoption of an Ordinance to Grant Text Amendment Application TXT2019-00251 -To Adopt Regulations for the Installations of Small Cell Antennas was on the May 11, 2020 agenda. Staff is researching additional topics and questions raised by the Mayor and Council, in order to schedule adoption of the Ordinance on an upcoming agenda.**	June/July 2020
2020-03	1/13/2020	DPW	Memo and Future Agenda	**Climate Change Efforts -** Brief the Mayor and Council on City efforts related to climate change. **Status: Discussion and Instructions on a Climate Action Plan is scheduled for the Mayor and Council's July 13 meeting.**	July 13, 2020
2020-04	1/13/2020	Police	Memo and Future Agenda	**Drones and Public Safety –** Explore potential public safety issues associated with drones and how the City could consider monitoring, regulating and penalizing criminal activity.	Fall 2020
2020-05	1/13/2020	R&P	Email	**Americans with Disabilities Act** – Provide information about the City's work to ensure compliance with ADA requirements at City facilities. **Status: Staff provided initial information via email to the Mayor and Council on January 17, 2020. The Adopted FY21 budget includes $105,000 to continue implementing the ADA Transition Plan.**	Completed

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-07	1/13/2020	PDS	Future Agenda	**Affordable Housing Goals -** Discuss Rockville's strategy to meet the affordable housing goals established by the Metropolitan Washington Council of Governments (COG). **Status: Future agenda items will explore paths that the city could take to meet the COG housing allocation. In addition, staff will conduct a forum with stakeholders in the development community and building trade association to solicit feedback on the following items, then bring the feedback to the Mayor and Council on agenda:** **1. Affordable Housing Fee for Small Residential Developments** **2. In-Lieu Fee for Condominium Development** **3. Require Developments with 50 or More Units to Provide 15% MPDUs**	Ongoing
2020-08	1/27/2020	CMO/PDS/ Finance/ DPW	Worksession	**Town Center –** Follow up on Mayor and Council direction from the Town Hall meeting and Urban Land Institute (ULI) report. **Status: A status update and discussion of Town Center initiatives will be provided to the Mayor and Council in the fall 2020.** **Parking** – Explore improvements to parking in Town Center **Status: Staff is preparing a proposal on parking improvements to present to the Mayor and Council.** **Town Center Road Diet –** Study and report to Mayor and Council on suggestions in the TAP report and Mayor and Council's discussion. **Status: A kick off meeting with the consultant was held on May 6, 2020. The study is underway.** **Real Estate/Broker/Economist Assessment –** In the context of the next update on the ULI recommendations, invite industry experts to dialogue on competitive challenges to Town Center **Undergrounding of Route 355 –** Revisit the information provided to the Mayor and Council, including community impacts, to formulate an official Mayor and Council position post COVID-19.	Ongoing
2020-09	1/27/2020	DPW	Future Agenda	**Corridor Cities Transitway –** provide background information to facilitate the current Mayor and Council taking an official position on the CCT route. **Status: Discussion will be scheduled for late summer 2020.**	TBD

Attachment A

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-10	1/27/2020	DPW	Future Agenda	**I-270 widening –** Establish a strategy for negotiating with the State. **Status: City staff met with SHA staff and their consultant on February 14, 2020, to begin coordination on a potential MOU. State staff provided preliminary findings related to the potential impacts of different alternatives on traffic, parks, bridges, utilities, and storm water facilities. More information will be needed to develop the parameters to be used for negotiating an MOU between the City and MDOT. MDOT is preparing to release an RFQ this spring to seek their private developer partner, and they expect to complete this process by 2021. City staff will use information collected to draft parameters for negotiating an MOU with the State for Mayor and Council discussion and instructions. During the meeting on May 7, 2020, staff discussed with SHA utility relocation cost and expectations. At the June 1 Mayor and Council meeting, staff will provide an update and have a policy discussion.**	Ongoing
2020-11		PDS	Future Agenda	**Annexation Options** – Discuss annexation options.	TBD
2020-12	4/27/20	R&P	Future Agenda	**Resident Company Briefing** Include on a fall 2020 Mayor and Council agenda a briefing from the resident companies to share information about their plans to resume operations and their business plans to support ongoing operations.	Fall 2020

Attachment 17.A.a: MC Action Report Master 2020 _REVISED 052620 (3151 : Action Report)

Ref. #	Meeting Date	Staff/ Dep	Response Method	Direction to Staff / Action Taken / Status	Timeline
2020-13	4/27/20	CMO	Email	**Census Outreach Update** Provide an update on the efforts completed, underway and planned to continue encouraging Rockville residents to complete the 2020 Census. **Status: A memo on Census outreach efforts was emailed to the Mayor and Council on May 17, 2020. Additional activities include:** • **Added a Census signature block image across the City's email system.** • **Installed yard signs in areas of the community with lower response rates. Signs are in English, Chinese and Spanish.** • **Distributed information from the state on "Census myths" in English, Chinese and Spanish.** • **Shared Census information at food distribution sites.** • **Participating in a Census Challenge to challenge community members to encourage neighbors to fill out the Census. This is being distributed on the city's social email and in city news.** • **Participating with Montgomery County on ongoing efforts to raise the count.**	Ongoing
2020-14	4/20/20	CMO/CAO	Future Agenda	**Smoking Prohibition on Public Rights-of-Way -** Research options to expand the City's current prohibitions on smoking in public to include on sidewalks or public rights-of-way. **Status: Research is underway and the Mayor and Council will take up this topic during the July 20, 2020 meeting.**	July 20, 2020
2020-15	5/11/2020	CMO/CAO	Future Agenda	**Food Delivery Service Fees –** Research what other communities have done to control the fees that food delivery services charge restaurants and to ensure the delivery staff are fairly compensated.	June 1, 2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Review and Comment
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Future Agendas

Recommendation

Attachments

Attachment 18.A.a:	06.08.2020 Mock Agenda	(DOC)
Attachment 18.A.b:	Future Agendas 6.1.2020	(XLS)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 5/27/2020

MAYOR AND COUNCIL

MEETING NO.
Monday, June 8, 2020 – 7:00 PM

MOCK AGENDA

Agenda item times are estimates only. Items may be considered at times other than those indicated.

Any person who requires assistance in order to attend a city meeting should call the ADA Coordinator at 240-314-8108.

Rockville City Hall is closed due to the state directives for slowing down the spread of the coronavirus COVID-19 and social distancing.

Viewing Mayor and Council Meetings

To support social distancing, the Mayor and Council are conducting meetings virtually. The virtual meetings can be viewed on Rockville 11, channel 11 on county cable, livestreamed at www.rockvillemd.gov/rockville11, and available a day after each meeting at www.rockvillemd.gov/videoondemand.

Participating in Community Forum & Public Hearings:

If you wish to submit comments in writing for Community Forum or Public Hearings:

- Please email the comments to mayorandcouncil@rockvillemd.gov by no later than 2:00 p.m. on the date of the meeting.
- All comments will be acknowledged by the Mayor and Council at the meeting and added to the agenda for public viewing on the website.

If you wish to participate virtually in Community Forum during the live Mayor and Council meeting:

1. Plan to join the meeting no later than 6:40 p.m. (approximately 20 minutes before the actual meeting start time).
2. Read "Public Meetings on Webex.pdf" for meeting tips and instructions on joining a Webex meeting (either by computer or phone).
3. If joining by computer, **Conduct a WebEx test**: https://www.webex.com/test-meeting.html prior to signing up to join the meeting to ensure your equipment will work as expected.
4. Join (by phone or computer) the optional Webex Orientation Question and Answer Session at 3 p.m. the day of the meeting, for an overview of the Webex tool, or to ask general process questions for what to expect.
5. Send your **Name**, **Phone number**, **Topic** and **Expected Method of Joining the Meeting (computer or dial-in)** to mayorandcouncil@rockvillemd.gov no later than 9:00 am on the day of the meeting.
6. On the day of the meeting, you will receive a confirmation email with further details, and two Webex invitations: 1) Optional Webex Orientation Question and Answer Session and 2) M&C Community Forum Meeting Invitation.

Attachment 18.A.a: 06.08.2020 Mock Agenda (3168 : Future Agendas)

Participating in Mayor and Council Drop-In (Mayor Newton and Councilmember Feinberg)

Drop-In Sessions will be held by phone on Monday, July 13 from 5:30-6:30 p.m. Please sign up by 2 p.m. on the meeting day using the form at: https://www.rockvillemd.gov/formcenter/city-clerk-11/sign-up-for-dropin-meetings-227

7:00 PM **Convene**

1. Pledge of Allegiance

7:05 PM **2. Agenda Review**

3. City Manager's Report

7:35 PM **4. COVID-19 Update**

8:05 PM **5. Proclamation**

6. Recognition

A. Proclamation Declaring Men's Health Week

B. Proclamation Declaring Sunday June 14, 2020 as National Flag Day

8:15 PM **7. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies**

A. Boards and Commissions Appointments and Reappointments

8:35 PM **8. Community Forum**

Any member of the community may address the Mayor and Council for 3 minutes during Community Forum. Unless otherwise indicated, Community Forum is included on the agenda for every regular Mayor and Council meeting, generally between 7:00 and 7:30 pm. Call the

Attachment 18.A.a: 06.08.2020 Mock Agenda (3168 : Future Agendas)

City Clerk/Director of Council Operation's Office at 240-314-8280 to sign up to speak in advance or sign up in the Mayor and Council Chamber the night of the meeting.

9. Mayor and Council's Response to Community Forum

8:45 PM **10. Consent**

A. Award of IFB #09-20, Temporary Labor Services, to the Next Responsive Bidder, Phoenix Staffing Inc. through June 30, 2021, in the Total Contract Award Amount for Both Awardees Not to Exceed $215,000

B. Authorization to Release and Extinguish an Existing Forest Conservation Easement and Warranty and Maintenance Agreement on Lot 1 of the National Capital Research Park Subdivision, Also Known as 1445/1455 Research Boulevard

C. Establishing FY 2021 Maximum MPDU Rents

8:50 PM **11. Public Hearing - Map Amendment MAP2020-00119, for the Rezoning of 102 Aberdeen Road from R-60 to R-60 (Historic District) in Order to Place the Property in a Historic District; Historic District Commission, Applicants**

9:20 PM **12. Public Hearing - Park Road and North/South Stonestreet Avenue Area**

10:05 PM **13. East Rockville Design Guidelines and Standards: Proposed Zoning Text Amendment Discussion and Possible Authorization.**

10:35 PM **14. Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #2-20 to Appropriate Funds and Levy Taxes for Fiscal Year 2020 (Budget Amendment #3)**

10:45 PM **15. Boards and Commissions Task Force Priority Recommendations**

11:30 PM **16. Vacancy Report/Hiring Freeze Status**

11:45 PM **17. Review and Comment - Mayor and Council Action Report**

Attachment 18.A.a: 06.08.2020 Mock Agenda (3168 : Future Agendas)

A. Action Report

18. Review and Comment - Future Agendas

19. Old/New Business

12:00 AM **20. Adjournment**

The Mayor and Council Rules and Procedures and Operating Guidelines establish procedures and practices for Mayor and Council meetings, including public hearing procedures. They are available at: http://www.rockvillemd.gov/mcguidelines.

Attachment 18.A.a: 06.08.2020 Mock Agenda (3168 : Future Agendas)

Future Agendas
Tentative as of 06/01/2020

Category	Estimated Agenda Time Needed (in minutes)	Title
Meeting : 06/22/20 07:00 PM (8 items)		
Consent	5	Park Road and North/South Stonestreet Avenue Area Plan Amendment - Extend by Resolution the Deadline to Approve, Modify, Remand or Disapprove the Plan by 60 Days
Review and Comment	10	Action Report
Presentation	30	Status Report on the Faster, Accountable, Smarter and Transparent (FAST) Project – Improvements to the Development Review and Permitting Processes - Update
Presentation	30	Briefing on Project Plan PJT2020-00012, Key West at Fallsgrove, for an Amendment to the Fallsgrove Planned Development (PD) to Permit Up to 350 Multifamily Dwellings in Place of the Approved Office Development at 1800 Research Boulevard; Key West Center Fallsgrove LLC, Applicant
Discussion, Instructions and Possible Adoption	30	Discussion on the 2020 Charter Review Commission Scope of Work
Presentation	30	Organizational Structure of Housing and Community Services Department
Presentation and Discussion	30	Redgate Park Planning Strategy
Adoption	45	Adoption of Resolution to Adopt Vision Zero Action Plan to Move the City of Rockville Toward Zero Traffic Deaths by 2030
Total Meeting Time (In Hours)	3 HR 30 MINS	

Category	Estimated Agenda Time Needed (in minutes)	Title
Meeting : 07/06/20 07:00 PM (5 items)		
Review and Comment	10	Action Report
Presentation and Discussion	10	Vacancy Report/Hiring Freeze Status
Presentation	30	Procurement Action Plan Update
Discussion and Instructions	45	Park Road and North/South Stonestreet Avenue Area Plan Amendment Discussion & Instructions

Attachment 18.A.b: Future Agendas 6.1.2020 (3168 : Future Agendas)

Future Agendas
Tentative as of 06/01/2020

Discussion	60	Emergency Management Update
Total Meeting Time (In Hours)	2 HR 30 MINS	
Category	Estimated Agenda Time Needed (in minutes)	Title
Meeting : 07/13/20 07:00 PM (6 items)		
Review and Comment	10	Action Report
Presentation and Discussion	30	Climate Action Plan Presentation, and Discussion and Instructions to Staff
Appointments & Announcement of Vacancies	30	Proposed Appointment Selection 2020 Charter Review Commission
Discussion	30	Reduction in Force Policy
Discussion and Instructions	45	Discussion of the Personnel Policies and Procedures Manual
Proclamation and Recognition	5	Proclamation Recognizing Peace Day 2020 in Honor of Mattie J. Stepanek
Total Meeting Time (In Hours)	2 HR 30 MINS	
Category	Estimated Agenda Time Needed (in minutes)	Title
Meeting : 07/20/20 07:00 PM (5 items)		
Review and Comment	10	Action Report
Discussion and Possible Approval	10	MML Legislative Action Request
Presentation and Discussion	20	Rockville Goes Purple Update
Discussion and Possible Approval	20	Smoking Prohibition in Public Rights-of-Way
Proclamation	5	Proclamation Declaring August 4, 2020 as National Night Out in Rockville
Total Meeting Time (In Hours)	1 HR 05 MINS	

Future Agendas
Tentative as of 06/01/2020

Category	Estimated Agenda Time Needed	Title
Meeting : 08/10/20 07:00 PM (4 item)		
Review and Comment	10	Action Report
Discussion, Instructions and Possible Adoption	15	Park Road and North/South Stonestreet Avenue Area Plan Amendment Discussion, Instructions, and Possible Adoption
Presentation	30	Volunteer Program Update
Proclamation	5	Proclamation Declaring National Hispanic Heritage Month
Total Meeting Time (In Hours)	1 HR 0 MINS	

Attachment 18.A.b: Future Agendas 6.1.2020 (3168 : Future Agendas)

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Proclamation and Recognition
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Jacqueline Mobley

Subject

Proclamation Declaring June 2020 as National Gun Violence Awareness Month (Wear Orange)

Recommendation

Staff recommend Mayor and Council approve and present proclamation.

Discussion

Background: National Gun Violence Awareness Day

The death of Hadiya Pendleton occurred on January 29, 2013. Pendleton, a 15-year-old girl from Chicago, Illinois, was shot in the back and killed while standing with friends after taking her final exams. *The Chicago Tribune* noted that the shooting captured national attention because "Pendleton, a dimple-faced sophomore drum majorette, had performed just a week earlier at festivities for President Barack Obama's second inauguration."

Following Pendleton's death, her friends asked their classmates to honor their murdered friend by wearing orange. They picked the color orange because it symbolizes the value of human life. Hunters wear orange in the woods to alert others that they are not the targets. That simple call to action has grown into a national movement – and orange is becoming the symbol of gun safety.

Mayor and Council History

This is the fourth time this item has been brought before the Mayor and Council

Public Notification and Engagement

Join us for our Wear Orange Virtual event as we raise awareness for gun violence prevention. We will be doing family-friendly, easy community projects to commemorate victims of gun violence, including Soul Box making and orange rock painting. Tell a friend to join us too! This event will be held over Zoom and a meeting link will be sent out to all who RSVP. BONUS - If you live in MoCo and If you RSVP by June 1 we will provide the supplies to you - paper, paint, and markers and 1 or 2 rocks. (If you want to paint more rocks, please supply your own). This is first come, first serve for the first 90 sign-ups by June 3.
https://act.everytown.org/event/wear-orange-2020/33562

https://www.signupgenius.com/go/10C044EABA828A3F85-montgomery

Attachments

Attachment a: 2020 Gun Violence Awareness Proclamation(PDF)

Proclamation

ROCKVILLE · MARYLAND

WHEREAS, every day 89 Americans are killed by gun violence and there are countless others injured; and

WHEREAS, protecting public safety is one of the Mayor and Council's highest priorities; and

WHEREAS, June 2020 would have been the 22nd birthday of Hadiya Pendleton, a teenager who marched in President Obama's second Inaugural Parade and was tragically shot and killed just a week later; and

WHEREAS, to honor Hadiya and all Americans whose lives are cut short by gun violence, and those survivors who were injured by gunshots, June 7, 2020, is designated as the annual National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends who asked their classmates to commemorate her life by wearing orange. They chose orange because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is the color that symbolizes human life; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and to encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, be it resolved, that the Mayor and Council of the City of Rockville, do hereby proclaim June 2020 as NATIONAL GUN VIOLENCE AWARENESS MONTH IN THE CITY OF ROCKVILLE, MARYLAND.

Bridget Donnell Newton

Bridget Donnell Newton, Mayor

Monique Ashton

Monique Ashton, Councilmember

Beryl L. Feinberg

Beryl L. Feinberg, Councilmember

David E. Myles

David Myles, Councilmember

Mark Pierzchala

Mark Pierzchala, Councilmember

June 1, 2020

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Additional Information
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Community Forum Speakers' List/Comments - June 1, 2020

Recommendation

Attachments

Attachment A.a: Community Forum Speakers June 1 2020 (PDF)
Attachment A.b: Community Forum Written Comments 6.1.20 (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 6/1/2020

Community Forum Speakers List
Monday June 1, 2020

	Speaker Name/Email	Topic
1.	Marji Graf 802.558.3888 marji@rockvillechamber.org	Rockville Chamber
2.	Sandra Crowe sc@pivpoint.com	5G Cell Towers
3.	Katherine Katzin katherinekatzin@gmail.com	5G Cell Tower
4.	Robert Janku Robert_janku@verizon.net	Cell Tower Legislation
5.	Medi Refaelov 718-219-4427 med3060@gmail.com	5G Wireless Antenna
6.	Natalie Rosser 301-523-6716 ntl_rssr@protonmail.com	Small Cell Tower
7.	Janet Gallant 301775-3377 jmbgallant@gmail.com	P3 Toll Lanes for I-270/I-495
8.	Brad German 301-651-2087 jbgerman@gmail.com	P3 Toll Lanes for I-270/I-495
9.	Lindsey Mendelson 240-706-7901 Lindsey.mendelson@mdsierra.org	P3 Toll Lanes for I-270/I-495
10.	Ben Ross 301-706-6826 ben@imbenross.com	P3 Toll Lanes for I-270/I-495
11.		
12.		

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

ROCKVILLE
CHAMBER OF COMMERCE

Focused
On Rockville
& Its Community

June 1, 2020

Dear Mayor & Council:

On behalf of the business community in the Rockville Chamber of Commerce, we would respectfully ask you to consider the following:

Federal Realty has a program called "The Pick Up" which will help our restaurants with curbside pick-up service. This is a national program that they are implementing with a lot of advertising and promotion behind it. It will help our restaurants and retail establishments with signage, and will help our consumers find where to park to retrieve their orders and make them feel safe to leave their homes and participate in curbside pick-up.

Our hospitality sector continues to be economically devastated. We must continue to explore creative solutions to support our small businesses, while adhering to the best public health practices. They just cannot make it on carryout and deliveries alone.

Last week, Comptroller Franchot called for the State of Maryland to begin the process of allowing our restaurants to serve customers outside on patios, sidewalks and even streets that are closed for vehicular traffic. This week the Governor and County Executive have allowed for outdoor seating and have a created a campaign called "Take It Outside". We would like to advocate for our business community for you to explore options i.e. closing off streets (such as Gibbs Street in Town Center) to allow for additional seating while maintaining social distancing. We also encourage you to explore options for outdoor dining on sidewalks throughout the City where it does not interfere with pedestrian access.

In these COVID19 trying times, the more we can do to 'think outside the box' and help our small businesses the better.

Thank you for considering these suggestions.
Respectfully submitted,

Marji Graf
President & CEO
Rockville Chamber of Commerce
1 Research Court, Suite 450

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:37 AM
To: mayorcouncil
Subject: wireless inspections

June 1, 2020 mayor and council information on Inspections done by other jurisdictions are doing:

Inspections

Wayne County, NY Department of Planning Training Seminar April, 2018 Local Government Regulat s
Wireless Facilities II, Andrew J. Campanelli, page 35

Finally, local governments ***should not*** expect coopration or assistance from the FCC, but shoul r
their own measures to ensure that wireless facilities are not over-exposing the public to RF ra :
levels that exceed the maximum levels deemed safe by the FCC.

Gaithersburg Small Cell zoning

Applicants and/or Right of Way Occupants must inspect Facilities at least every three (3) years and provid
written report with certification of such inspection to the City
https://www.gaithersburgmd.gov/home/showdocument?id=5912 page 33. Not sure about the
meaning of these words.

RF Energy Exposure Limits. In addition to requiring an Applicant to show that its Wireless Facilitie
comply with all FCC regulations governing RF exposure, City may from time to time, require Right
Way Occupants to provide a report from an independent qualified engineer on RF compliance; or
conduct such testing itself and establish fees to recover the cost of such testing. Testing shall not
required more than once annually unless City has a reasonable basis for believing a Right of Way
Occupant or Right of Way Occupants may be operating in violation of FCC regulations.
https://www.gaithersburgmd.gov/home/showdocument?id=5912 page 65

Takoma Park

In addition, if the Director determines there is good cause to believe that an approved facility, indiv
or as mounted with any collocated facilities, may emit RF emissions that are likely to exceed FCC
standards, the Director may require the permittee to test the facility and submit within 10 days of t
a written report certified by a qualified independent RF emissions engineer, certifying that the facil
compliance with such FCC standards.
https://documents.takomaparkmd.gov/government/city-clerk/administrative-regulations/admin-regulation-2019-1-small-cell-wireless-final.pdf page 8 of 9

Andrew J. Campenelli -- Wayne County, NY Department of Planning Training Seminar Loca
Government Regulation of Wireless Facilities II

Lack of FCC Compliance Requirements

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

The vast majority of wireless ordinances fail to contain measures to ensure that a wireless facili will be FCC compliant, both at the time of initial installation, and at all times thereafter. Nor d provide for actual testing.

This failure is the functional equivalent of imposing limits upon the contaminants being emitt motor vehicle exhaust, and then never creating any requirement that vehicle emissions be periodically inspected.

https://drive.google.com/file/d/1brweEYI1WfuVzwh38IdTFDJgHoQjYi2Y/view?usp=sharing

35

Model Small Cell zoning

TheTelecomPowerGrap.org "collected the best ideas from cities and towns all over the country tha pushing back against the FCC and the unfettered rollout of small cell wireless facilities."

3.7 Annual Recertification.
3.7.1 Each year, commencing on the first anniversary of the issuance of the permit, the Perm shall submit to the Town an affidavit which shall list all active small cell wireless installations within the Town by location, certifying that:

(1) each active small cell installation is covered by liability insurance in the amount of $2,000,000 per installation, naming the Town as additional insured; and

(2) each active installation has been inspected for safety and found to be in sound work condition and in compliance with all federal regulations concerning radio frequency exp limits.

3.7.2 The Town shall have the right to employ a qualified radio frequency engineer to conduc annual random and unannounced test of the Permittee's small cell wireless installations loca within the Town to certify their compliance with all FCC radio-frequency emission limits as th pertain to exposure to the general public. The reasonable cost of such tests shall be paid by Permittee.
3.7.3 In the event that such independent tests reveal that any small cell installation or installa owned or operated by Permittee or its Lessees, singularly or in the aggregate,is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Tow shall notify the Permittee and all residents living within 1500 feet of the small cell installation(the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s)into compliance. Failure to bring the small cell installation(s) into compliance sh result in the forfeiture of all or part of the Compliance Bond,and the Town shall have the right require the removal of such installation(s),as the Town in its sole discretion may determine is public interest.
3.7.4 Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.
3.7.5 Any small cell wireless installation which is not removed within 30 days after being liste no longer in use in the annual recertification affidavit shall be subject to a fine of $100/day un such installation is removed.
3.7.6 Where such annual recertification has not been properly or timely submitted, or equipm longer in use has not been removed within the required 30-day period, no further applications small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

https://www.telecompowergrab.org/uploads/3/8/5/9/38599771/sample_5g_code_v1.1.pdf

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:40 AM
To: mayorcouncil
Subject: Justification for Moratorium

information June 1 testimony Justification for a Moratorium

Robert Janku

Moratorium

Request for moratorium with justification

We ask that you impose a moratorium on "small cells" and other wireless infrastructure permits process and deployment until the COVID-19 emergency is over.

The wireless providers are using the COVID-19 emergency as cover to expand and cement their rapid and virtually unsupervised deployment of harmful wireless infrastructure. Our local leaders should not have to dedicate time and resources to policing whether the wireless companies are following local and state law, they have far more important things to do.

The FCC wireless permit rules allow emergency moratoria. Homeland Security guidelines emphasize that maintenance of existing communications capability is the priority. New construction is not "essential."

The COVID-19 emergency has led to a government shut down of non-essential activity. Hospitals, emergency response and local officials are overwhelmed and they must be allowed to focus on what is indeed "essential". Now is not the time to be dedicating resources to expanding, rather than just maintaining, our networks.

The FCC has directly held a local jurisdiction can impose a temporary halt to deployment and permits during emergencies. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers, FCC 18-111, 33 FCC Rcd 7705, 7784-7785, ¶157 (2018) ("We recognize that there may be limited situations in the case of a natural disaster or other comparable emergency where an express or de facto moratoria that violates section 253(a) may nonetheless be 'necessary' to 'protect the public safety and welfare' or to 'ensure the continued quality of telecommunications services.' ")

Homeland Security has declared that local government is on the forefront and can take control over determining whether to temporarily halt all non-essential activity. Homeland Security guidance documents prioritize maintenance of existing Communications Systems, and do not support "essential" status for new construction. See Homeland Security Cybersecurity & Infrastructure Security Agency, Identifying Critical Infrastructure During COVID-19, https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19 (local control); e-Critical Infrastructure and Key Resources Support Annex, http://www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf (focus on "protection, response,

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

recovery, and restoration"). Homeland Security, like the FCC, understands that it is essential in an emergency situations justify focusing on protecting, responding, recovering and restoring of existing systems, but new communications facilities construction is and should be deemed nonessential, and subject to lockdown for so long as we are under emergency conditions.

Cities can and should impose a moratorium on deployment in their local area and freeze the permit process until the COVID-19 emergency is over.

Support for a moratorium

Law360 Telecom Industry, Localities Clash Over COVID-19 Hurdles

> For example, Boston halted all construction projects and Atlanta suspended the submission of all new permitting plans, the group said. During the same conversation, WIA brought up a **set of petitions** filed last fall that ask the FCC to formally address what industry sees as barriers to expanding mobile networks, such as getting faster green lights for projects and heading off delays by localities.
>
> "They're whining to regulators instead of the people they're complaining about," he said. "Hopefully at some point, they will realize that local governments are trying to solve problems, but it doesn't help to make them come to Washington to work them out." [by Joe Van Eaton] https://www.law360.com/media/articles/1260791/telecom-industry-localities-clash-over-covid-19-hurdles

Well if the wireless industry is complaining about it, cities may be establish moratoriums.

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Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:44 AM
To: mayorcouncil
Subject: Undergrounding

Gaithersburg requirement for undergrounding.

Undergrounding

Gaithersburg RIGHT-OF-WAY USE AND FRANCHISE AGREEMENT

4.2 Attachment to Third-Party Property. Subject to applicable Law and to Company obtaining the written permission of the owner(s) of the affected propertymand showing (1) a need for the attachment to provide uninterrupted wireless services and (ii) that no less intrusive alternative is available, the City hereby authorizes and permits Company to enter upon the Public Way and, subject to the permission of the appropriate owner and the City pursuant to the provision of Section 6 and any applicable design, installation or maintenance requirements the City may impose or pursuant to the City Code and regulations to locate, place, attach, install,operate, maintain, remove, reattach, reinstall, relocate, and replace such number of Small Cell or DAS Equipment in or on poles located within the Public Way. Only where third-party poles or other property is not available for attachment of Equipment, Company may install its own poles in the Public Way, consistent with the requirements that the City imposes on similar installations made by other utilities that use and occupy the Public Way, including, but not limited to the **requirement to underground Equipment if other utilities are requirement to do so.**

https://www.gaithersburgmd.gov/Home/ShowDocument?id=1256

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

To: Bridget Newton Mayor, City of Rockville Maryland and Dear Council members of Montgomery County.

I am turning to you Mrs Newton and the council members because I live with my family in Montgomery County at Rockville city, and you are the only people who have the power to make changes in lives of thousands.

During March 2020 I notice that there were workers next to my building who worked daily on something and after about a week or 10 days there was a new Antenna. I asked what's the Antenna for and they said its **5G wireless technology antenna** (I have attached the photo of the antenna) honestly, I had never heard of it and I decided to look for more information about it, and the more I discovered the more I have become concerned and frightened.

Moreover, this antenna was built next to my building without the residents consent, nobody asked us or told us anything about it or about the fact that these new technology devices were never tested before!! I discovered that the city of Rockville is full of those cell towers.

From what I have been exploring for the last 2 months, I found countless studies proving that devices based on Wi-Fi technology transmit electromagnetic radiation that is harmful to our health and cause symptoms such as: headaches, dizziness, ADHD, cancerous tumors, sleep problems and other health and chronic illnesses that do not cure. Non-ionizing electromagnetic radiation travels through space like waves at different frequencies and is a product of power lines, a wireless Internet mobile phone and radio broadcasts.

More information:

Former President Of Microsoft Canada Frank Clegg: On Safety & 5G/Wireless Technologies-**https://bit.ly/2ZIJgJO**

Senator Blumenthal about No studies showing safety of 5G- **https://bit.ly/2Zmz1VI**

Doctors call for delaying deployment of 5G Due to Health Risks- **https://bit.ly/3bPwFRL**

Department of Health and Human Services Slams Inadequate Public Wireless Radiation Exposure Limits-**https://bit.ly/2ToqbTz**

Over 750 Communities Have Built Their Own Internet Networks to End Telecom's Big Monopoly- **https://bit.ly/3gfNngK**

Jersey City Council postpones 5G utility pole installations- **https://bit.ly/2LF2bHw**

Links to studies about the negative 5G Effects:

1. Model of Steady-state Temperature Rise in Multilayer Tissues Due to Narrow-beam Millimeter-wave Radiofrequency Field Exposure. Gajda, G., et al. Health Physics 117(3):254-266 (2019).
2. Untargeted Metabolomics Unveil Alterations of Biomembranes Permeability in HumanHaCaT Keratinocytes Upon 60 HGz Milimeter-Wave Exposure. Pogam, Pierre., et al. Scientific Reports 9(9343) (2019).
3. Ocular Response to Millimeter Wave Exposure Under Different Levels of Humidity. Kojima, M., et al. Journal of Infrared Milli Terahz Waves 40: 574–584 (2019).
4. Millimeter Wave Radiation Activates Leech Nociceptors via TRPV1-Like Receptor Sensitization. Romanenko, S., et al. Biophysical Journal 116(12): 2331-2345 (2019).
5. Systematic Derivation of Safety Limits for Time-Varying 5G Radiofrequency Exposure Based on Analytical Models and Thermal Dose. Neufeld, E., and Kuster, N. Health Physics Society (2018).
6. Towards 5G Communication Systems: Are There Health Implications? Ciaula, AD. International Journal of Hygiene and Environmental Health 367-375 (2018).
7. 5G Wireless Telecommunications Expansion: Public Health and Environmental Implications. Russell, C.L. Environmental Research 165:484-495 (2018).
8. The Human Skin As A Sub-THz Receiver – Does 5G Pose a Danger To It or Not? Betzalel, N., Ishai, P.B., and Feldman, Y. Environmental Research163:208-216 (2018).

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

9. The Modeling of the Absorbance of Sun-THz Radiation by Human Skin. Betzalel, N., Feldman, Y., and Ishai, P.B. IEEE Transactions on Terahertz Science and Technology 7(5):521-528 (2017).
10. Human Exposure to RF Fields in 5G Downlink. Nasim, I. and Kim, S. Georgia Southern University (2017).
11. The Human body and Millimeter-Wave Wireless Communication Systems: Interactions and Implications. Wu, T., Rappaport, T., and Collins, C. IEEE International Conference on Communications (2015).
12. State of Knowledge on Biological Effects at 40-60 GHz. Drean, Y., et al. Comptes Rendus Physique (2013).
13. Effects of millimeter waves radiation on cell membrane-A brief review. Ramundo-Orlando, Alfonsina. Journal of Infrared, Millimeter, and Terahertz Waves 31(12): 1400-1411 (2010)
14. Human Skin as Arrays of Helical Antennas in Millimeter and Submillimeter Wave Range. Feldman, Y., et al. The American Physical Society (2008).

5G must not be allowed to be rolled out on the back of the current crisis for it would directly breach the Precautionary Principle as well as the Human Right to Informed Consent, enshrined in UN Law. Any roll-out of 5G on Earth (and in Space) must wait until more independent research has been conducted to prove that this technology is safe for humans and wildlife and must be preceded by thorough and comprehensive worldwide Public Consultations. Anything else would directly put lives at risk and be a severe breach of Human Rights. It would also amount to assault on the Electro-Hyper-sensitive.

You too, have children. Please take a moment to learn and research about the amount of radiation that your child or the other children in the city/neighborhood where you live will be exposed to if every block will have antennas both at high intensity and frequency. What will this do to our child and all other creatures? There will be no way to protect them if the radiation is active **every day, all day.**

You as part of the Government offices that are responsible for the safety of the citizen haven't provided information on whether studies have been conducted to test the intensity of radiation and whether they are safe or detrimental to our health. As a result, no

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

one has covered or published this massive deployment on our streets, which is also against the law.

I understand that the 5G technology suppose to create eventually smart cities (new technology that will connect the Internet of Things (IoT). which is a great progress to all of us but No peer-reviewed and publicly available tests or studies have been conducted that prove the safety or the levels and intensity of the radiation and what the effects on humans are due to exposure to this radiation.

And to show you how it's dangerous to human bodies, the insurance companies even do not cover electromagnetic fields and have very clear electromagnetic field exclusions, Due to the high risk that electromagnetic (EMF) field exposure poses. I really hope you understand the huge risk we all will be exposed to if you don't halt the deployment of those harmful WiFi devices across our city.

Here are the most relevant ways to use safe technology in our homes for the sake of our kids, which most of them we apply already in my house- **https://bit.ly/3gfZUAS**

Concluding, 5G will utilize current 3G and 4G wireless frequencies already in use and also add even more radiation. Higher frequency — submillimeter and millimeter waves — will be used in 5G in order to transmit data at superfast speeds. It would be highly irresponsible to keep rollingout an untested technology which could have disastrous effects for humans and Environment, especially in the current situation. In fact, to roll out 5G without Due Diligence and without Informed Consent would constitute Technological Trespass and is a Crime against Humanity and Planet.

I demand your attention to this disturbing matter, and implore you to delay and then stop the deployment of antennasin our city until it is proven that the antennae do not harm any living thing.

I look forward to your reply and urgent action.

Many thanks in advance,
Medi.

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Natalie Rosser <ntl_rssr@protonmail.com>
Sent: Monday, June 1, 2020 2:02 PM
To: Jacqueline Mobley
Subject: RE: Community Forum on 1 June 2020

Hi, the topic is :ordinance TXT2019-00251, small cell towers

I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

First I want to acknowledge the attentiveness and seriousness Rockville City Council has given to the issue of small cell deployment, so thank you. I also want to encourage your continued due diligence to this matter. Many jurisdictions throughout the US and worldwide are not allowing the installation small cell facilities and doing so without consequence. In 2018, Mill Valley, California implemented an urgency ordinance, which allows the city council to immediately enact regulations that affect the health and safety of the community pertaining to telecommunications equipment in the city. The following year, Los Altos, Fairfax and Encinitas California, enacted their own urgency ordinances. Also In 2019, Congresswoman Anna G. Eshoo (CA-18) introduced H.R. 530, the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, legislation to overturn Federal Communications Commission (FCC) regulations limiting the ability of local governments to regulate the deployment of 5G wireless infrastructure. More recently, In May of this year Farragut, Tennessee and Easton, Connecticut passed resolutions to stop its 5G wireless technology rollout until research and testing show the RF emissions are safe.

You don't have to adopt ordinance TXT2019-00251 or anything like it, without materially inhibiting the provision of services as stated by Marlene White during the May 11, 2020 Mayor and Council Meeting. I'm going to state the reasons why, citing Mark Del Bianco, a local and experienced telecommunications attorney:

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Montgomery County has the authority to regulate both the approval procedure and the setbacks for small wireless facilities. The FCC Order considers spacing requirements to be a subset of aesthetics requirements, and thus subject to same standard. The Order gives no guidance on what might be a reasonable spacing distance. As long as the county ordinance does not discriminate between functionally equivalent wireless services, the ordinance would only be subject to legal challenge in violation of Sections 253 or 337 (c)(7) of the federal Communications Act. Neither of those provisions of the Communications Act prohibits the county from imposing stricter zoning procedural requirements on wireless carriers' service facilities than on cable, telco, or other services that use the same poles or facilities. The language of Section 332(c)(7)(B)(i)(I) is very clear: the only prohibited discrimination is that between "providers of functionally equivalent services." "Functionally equivalent services" means wireless services that are functionally equivalent to those being provided by the "personal wireless service facilities" for which approval is sought. Obviously, neither electric utilities such as PEPCO, wireline broadband providers such as Verizon, nor cable providers such as Comcast are providing "functionally equivalent services" within the meaning of Section 332(c)(7)(B)(i)(I). Therefore, a county zoning ordinance that imposed different and stricter procedural requirements (e.g., conditional use) on wireless service facilities than on facilities used for providing fiber to the home, cable TV or other services would not be covered by, and could not be in violation of, Section 332(c)(7)(B)(i)(I). Moreover, review alone cannot be a proscribed barrier to entry under Section 253(a) because Section 332(c)(7)(B)(iii) of the TCA contemplates a process through which a local government can compile "substantial evidence" sufficient to justify denial of a request to place, construct, or modify wireless facilities.

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Section 253 also does not prohibit the county from imposing stricter procedural requirements on wireless service facilities than on cable, telco, or other uses of facilities. Section 253 has three relevant parts. Section 253(a) creates the general rule that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications. Then subsections (b) and (c) are so-called "savings clauses" that provide safe harbors or carve-outs to protect the ability of states and localities to regulate zoning and construction of wireless facilities: (b) State regulatory authority Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. (c) State and local government authority. Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

At least two courts have recognized that a locality does not violate Section 253(a) by enacting procedural requirements for wireless facilities (including small cell facilities) that are different from or stricter than those that apply to companies providing other services.

The only mentions of non-discrimination requirements in the FCC Small Cell Order are in connection with the charging of fees and the imposition of aesthetic requirements. Nothing in the order prevents local jurisdictions from imposing different and stricter approval process requirements for the wireless industry than for other industries that attach equipment to poles.

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Furthermore, the September 2018 FCC Order is not law binding. Only the U.S. Congress has the authority to make such laws; hence the FCC's attempts to misinterpret the Telecommunications Act. This is what other jurisdictions already know and what we desperately need the City to understand. As the seat of Montgomery County and the home of a business district, vibrant commercial and residential areas the council plays a crucial role in protecting our welfare. Our health, safety and Civil Rights liberties are depending on the City Council to say, "No" to small cell deployment.

In summary, The City of Rockville has the authority to regulate both the approval procedure and the setbacks for small wireless facilities to be placed in its ROW and in residential zones. Some of the aforementioned urgency ordinances have setbacks from 500 to 1,500 feet. The City may discriminate between attachments intended to provide wireless services and those used to provide other services that are not functionally equivalent to wireless services. Since preexisting light or utility poles are not "providers of functionally equivalent services", the City can prohibit small cell antennas and/or equipments on those poles. As long as the county ordinance does not discriminate between functionally equivalent wireless services the ordinance would not be subject to legal challenge from any entity.

I have presented no matter of mere 'concern' or any other non-substantive matter, but solely matters of substance, of fact and law.

Natalie Rosser

Silver Spring, MD

Sent with ProtonMail Secure Email.

------- Original Message -------

Attachment A.a: Community Forum Speakers June 1 2020 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Written Comments

Community Forum

(June 1, 2020)

	Name/Address/Phone	Topic
1.	Robert Lee Rckk0000@gmail.com	**Redgate Park** – My family, friends and I have enjoyed Redgate Park to walk and bike. With so much green space, it's been an absolutely pleasure. It's a great asset for the community. I would ask tht you don't turn it into a commercial or residential property. Furthermore, if there si a way to turn it into a community garden that would be great.
2.	Romaine Chase Chasie36@gmail.com	**Redgate Park** - Please, Please keep Redgate as a park
3.	Jancarla Carvajal Cespedes Carter.karla@icloud.com	**Redgate Park** - The Redgate Area here in Rockville has been my family's favorite area during this really uncertain time; this place its just beautiful and peaceful. Please we ask you not to develop any construction there, all neighbors love just as public park. We kindly ask again #SaveRedgate #Rockville
4.	Ariel Cohen Senior Fello, The Atlantic Council Director,, Energy, Growth & Security program, ITIC Foundingn Principal, International Market Analysis, Ltd Acohen@ATLANTICCOUNCIL.ORG	**Redgate Park -** As a 28 year resident of Rockville I am writing to urge to keep te Redgate Park 100% public park and not develop it into a residential or commercial property.
5.	Rena Cohen Sr. Mgr., Facilities Administration Precigen, Inc. Rockville resident renacohenmail@gmail.com	**Redgate Park -** I have been living in Rockville for 28 years andn inaddition to our residence we also have a small rental home in the City. One of the moste charming things about our area is the green spaces, and of these the Redgate park stands out as a special and beautiful place. Please, please keep it as it is or arrange for it to be used lightly to welcome wedding parties and other celebrations. Please don not destroy its basic majestic spaciousness.
6.	Stacey Bauman 504 Park Road Rockville, MD 20850 Tthumper1234@aol.com	**Redgate Park** - Please leave Redgate Park 100% parkland!
7.	Batibut Cuyugan Alexis Kayanan Montgomery Village Bats93b@gmail.com	**Redgate Park** - Save
8.	Chris Thompson realthomps@gmail.com	**RedGate Park -** Keep green
9.	Eric Weis Olney, MD ericdweis@gmail.com	**RedGate Park -** Keep green

10.	Judy Rudolph 44 Maryland Ave., #1301 Rockville MD 20850 301-928-9865 judy.rudolph@verizon.net	Restaurant eating space on sidewalks
11.	Geraldine Thomas 1206 Brooke Drive Rockville MD 20851 Bronxny68@yahoo.com	No Small Cell Towers
12.	Robert Janku Robert_janku@verizon.net	Wireless Inspections
13.	Anne Goodman 1109 Clagett Dr. communitywildlifehabitat@gmail.com	Deer Culling Program
14.	George Sushinsky 908 Wade Ave 240-361-7883 gsushinsky@yahoo.com	Deer Culling Program
15.		
16.		
17.		

Jacqueline Mobley

From: Robert Lee <rckk0000@gmail.com>
Sent: Saturday, May 16, 2020 9:54 PM
To: mayorcouncil
Subject: Redgate Park

Dear Mayor and Council, My family, friends, and I have enjoyed Redgate Park to walk and bike. With so much green space, it's been an absolutely pleasure.

It is a great asset for the community. I would ask that you don't turn it into a commercial or residential property. Furthermore, if there is a way to turn it into a community garden that would be great. Thank you. Sincerely, Roert Lee, PhD

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Romaine Chase <chasie36@gmail.com>
Sent: Sunday, May 17, 2020 12:13 PM
To: mayorcouncil
Subject: REDGATE

PLEASE, PLEASE KEEP REDGATE AS A PARK!!

Jacqueline Mobley

From: Jancarla Carvajal Cespedes <carter.karla@icloud.com>
Sent: Sunday, May 17, 2020 8:01 AM
To: mayorcouncil
Subject: Red Gate/Rockville

Dear Mayor and Council.

The Red Gate Area here In Rockville has been my family's favorite area during this really uncertain time; this place its just beautiful & peaceful ....
Please we ask you not to develop any construction there, All neighbors love just as public park.
We kindly ask again #SaveRedGate💙 #Rockville💙

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Ariel Cohen <ACohen@ATLANTICCOUNCIL.ORG>
Sent: Saturday, May 16, 2020 8:22 PM
To: mayorcouncil
Subject: Keep Red Gate 💯 % public park!

Dear Mayor and Council,

As a 28 year resident of Rockville I am writing to urge to keep the Red Gate Park 100 % public park and not develop it into a residential or commercial property.

This is a very special, zen place, not like any other in the area. In these trying times people need a place of reflection and meditation. Red Gate provides a unique opportunity to do just that.

Please do not wreck it with constriction or heavy development. Light use for exercise, both adults and children, weddings, civic ceremonies, yoga etc. would be OK, to create a multi-purpose public site.

Sincerely,

Ariel Cohen, PhD
Senior Fellow, The Atlantic Council
Director, Energy, Growth & Security Program, ITIC Founding Principal, International Market Analysis, Ltd

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Rena Cohen <renacohenmail@gmail.com>
Sent: Sunday, May 17, 2020 8:37 PM
To: mayorcouncil
Cc: arielcohen.com
Subject: PLEASE KEEP RED GATE A PUBLIC PARK

I have been living in Rockville for 28 years and in addition to our residence we also have a small rental home in the City. One of the most charming things about our area is the green spaces, and of these the Red Gate park stands out as a special and beautiful place. Please, please keep it as it is or arrange for it to be used lightly to welcome wedding parties and other celebrations -- please do not destroy its basic majestic spaciousness. It is a lovely, lovely place and walking there has been a great pleasure and a great help during these very difficult days of the COVID epidemic. It would be a great, great pity to see it turned into apartment buildings, town homes or offices -- it is a special place. Please keep it special.

Thanks so much -
Rena Cohen
Sr. Mgr., Facilities Administration
Precigen, Inc.
Rockville resident

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Stacey Bauman <tthumper1234@aol.com>
Sent: Monday, May 18, 2020 5:27 PM
To: mayorcouncil
Subject: SAVE REDGATE PARK!!

Dear Mayor and Rockville Council members,

I have lived in Rockville, Maryland for 30 years. I love Rockville; it's a great place to live! The only thing I hate about Rockville is the congestion and traffic! I live very close to Lake Needwood and Redgate Park; I walk there almost every day with my dog! It's one of the main reasons I stay in Rockville, MD. The traffic on Avery Road and Norbeck is horrendous! Development would make it much worse!! As Rockville is getting more and more developed our green spaces are becoming very hard to find. Redgate park is a treasure and I implore you to reconsider your decision to turn the land over to a Veterans Home and housing for mentally and physically impaired people.

I support a Veterans Home and housing for mentally and physically people but I beg you to ask that the Montgomery County Government and Rockville City find a more suitable location rather than taking one of the last nice large green spaces we have remaining in Rockville, Maryland!

Redgate Park hosts over 130 species of birds and other wildlife. It's one of the few places to consistently see bluebirds.

Redgate Park makes up over 10% of the parkland owned by Rockville City. What a travesty this would be if this marvelous green space would be lost forever!

Please leave Redgate Park 100% parkland!

Thank you!

Long time Rockville Maryland resident,

Stacey Bauman
504 Park Road
Rockville, MD
20850

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Bats C <bats93b@gmail.com>
Sent: Sunday, May 24, 2020 3:11 PM
To: mayorcouncil; Bridget Newton; Monique Ashton; Beryl Feinberg; David Myles; Mark Pierzchala
Subject: Save Redgate Park

Dear Mayor Newton and Council Members Ashton, Feinberg, Miles and Pierzchala,

Redgate Park is a wonderful place to have in our community. It is an invaluable treasure. We visit it often to run, play frisbee, or just sit around to read. We are delighted by all the birds and other animals we see there and we hope that it will remain a habitat for the more than 131 (and growing) bird species sighted there. Please leave Redgate Park 100% parkland. We need more places like this to visit that helps us recharge and relax, especially now because of Covid. It is also a place where we feel safe.

Thank you very much.

Batibut Cuyugan & Alexis Kayanan
Montgomery Village

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Chris Thompson <realthomps@gmail.com>
Sent: Sunday, May 31, 2020 6:46 PM
To: mayorcouncil
Subject: Redgate Park

Dear Mayor and Council Members,

As a Rockville resident from birth to age 23 and still currently a Rockville address at age 52 I would encourage you to take this unique opportunity to save a huge piece of open land from development. I grew up playing golf at Redgate GC and was sorry to see it close. Now it has become a great natural area to walk and enjoy the outdoors in the middle of this urban/suburban mass of humanity. It is interesting to see nature reclaim the fairways and greens slowly over time.

The City already owns the property and just by maybe maintaining it enough for walking and mowing a few open spaces would make the area an inexpensive natural escape for residents and neighbors to spend time outdoors.

I beleive it is a very unique opportunity for for any city or town in the DC Metro area to set aside this much space for a natural area. Please take this opportunity for residents and the entire region.

Thanks for taking the time to read this.

Chris Thompson

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Eric Weis <ericdweis@gmail.com>
Sent: Sunday, May 31, 2020 5:09 PM
To: mayorcouncil
Subject: Keep RedGate green!

Hello:

I'm writing to express my support for keeping the RedGate site as parkland. Please do not develop the land for commercial or residential purposes. Given the state of the fight against climate change, we need as much green space as we can get. We don't need to pave every available square inch of land.- if anything we should be planting MORE trees and other native plant species on the site.

Sincerely,

Eric Weis
Olney, MD (but a Rockville resident and golfer at RedGate for over 13 years before that)

Jacqueline Mobley

From: Judith Rudolph <judy.rudolph@verizon.net>
Sent: Sunday, May 31, 2020 9:04 PM
To: mayorcouncil
Cc: Rockville Advocacy Committee; Nancy Breen; cityclerk; Victor Brito
Subject: Community Forum Testimony, Rockville Mayor and Council meeting June 1, 2020

To the Mayor and Council:

As you consider any and all, current, pending and future COVID-19 reopening/recovery plans, or modifications to the City Code and regulations that relate to expanding restaurant eating space on sidewalks and possibly onto closed streets, please note the following:

> Even before the COVID-19 emergency, much of the available sidewalk right of way In Rockville Town Square, the Town Center Duball I block, and Regal Row presented obstructions to pedestrians, both those with and those without disabilities.
>
> Even now, there is no way for *any* pedestrians to maintain 6 feet of social-distance from those eating (without masks) at many of the existing defined sidewalk table areas and at the street benches and furniture, where people are already congregating to eat take-out food. Pedestrians (and cyclists) must be able to navigate sidewalks and Town Square without encountering the aerosol plumes of those congregating to eat, and without being forced into street traffic.
>
> These areas need more prominent signage and routine enforcement.

This is now both a public *health* and a pedestrian *safety* issue, and must not take a backseat to the desire that we *all* share, to support the recovery of our restaurant and business community.

Judy Rudolph
44 Maryland Ave., #1301
Rockville 20850
judy.rudolph@verizon.net
Mobile: 301-928-9865

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Gerry Thomas <bronxny68@yahoo.com>
Sent: Monday, June 1, 2020 6:59 AM
To: mayorcouncil
Subject: NO SMALL CELL TOWERS...PLEASE

Dear Mayor and City Council,

I have happily lived in the City of Rockville for 20 years. Please, please do not go through with the small cell tower legislation you are considering. Besides it being an eyesore it is also dangerous. As a tax payer and voter, I do not want this in my community.

Thank you for hearing my concern.

Sincerely,
Geraldine Thomas
1206 Brooke Drive Rockville Maryland 20851

Sent from Yahoo Mail on Android

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:37 AM
To: mayorcouncil
Subject: wireless inspections

June 1, 2020 mayor and council information on Inspections done by other jurisdictions are doing:

Inspections

Wayne County, NY Department of Planning Training Seminar April, 2018 Local Government Regulati Wireless Facilities II, Andrew J. Campanelli, page 35

Finally, local governments ***should not*** expect coopration or assistance from the FCC, but shoul their own measures to ensure that wireless facilities are not over-exposing the public to RF rac levels that exceed the maximum levels deemed safe by the FCC.

Gaithersburg Small Cell zoning

Applicants and/or Right of Way Occupants must inspect Facilities at least every three (3) years and provide written report with certification of such inspection to the City
https://www.gaithersburgmd.gov/home/showdocument?id=5912 page 33. Not sure about the meaning of these words.

RF Energy Exposure Limits. In addition to requiring an Applicant to show that its Wireless Facilitie comply with all FCC regulations governing RF exposure, City may from time to time, require Right Way Occupants to provide a report from an independent qualified engineer on RF compliance; or conduct such testing itself and establish fees to recover the cost of such testing. Testing shall not required more than once annually unless City has a reasonable basis for believing a Right of Way Occupant or Right of Way Occupants may be operating in violation of FCC regulations.
https://www.gaithersburgmd.gov/home/showdocument?id=5912 page 65

Takoma Park

In addition, if the Director determines there is good cause to believe that an approved facility, indiv or as mounted with any collocated facilities, may emit RF emissions that are likely to exceed FCC standards, the Director may require the permittee to test the facility and submit within 10 days of th a written report certified by a qualified independent RF emissions engineer, certifying that the facil compliance with such FCC standards.
https://documents.takomaparkmd.gov/government/city-clerk/administrative-regulations/admin-regulation-2019-1-small-cell-wireless-final.pdf page 8 of 9

Andrew J. Campenelli -- Wayne County, NY Department of Planning Training Seminar Local Government Regulation of Wireless Facilities II

Lack of FCC Compliance Requirements

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

The vast majority of wireless ordinances fail to contain measures to ensure that a wireless facili will be FCC compliant, both at the time of initial installation, and at all times thereafter. Nor d provide for actual testing.

This failure is the functional equivalent of imposing limits upon the contaminants being emitt motor vehicle exhaust, and then never creating any requirement that vehicle emissions be periodically inspected.

https://drive.google.com/file/d/1brweEYI1WfuVzwh38IdTFDJgHoQjYi2Y/view?usp=sharin

35

Model Small Cell zoning

TheTelecomPowerGrap.org "collected the best ideas from cities and towns all over the country th pushing back against the FCC and the unfettered rollout of small cell wireless facilities."

3.7 Annual Recertification.

3.7.1 Each year, commencing on the first anniversary of the issuance of the permit, the Perr shall submit to the Town an affidavit which shall list all active small cell wireless installations within the Town by location, certifying that:

(1) each active small cell installation is covered by liability insurance in the amount of $2,000,000 per installation, naming the Town as additional insured; and

(2) each active installation has been inspected for safety and found to be in sound wor condition and in compliance with all federal regulations concerning radio frequency exp limits.

3.7.2 The Town shall have the right to employ a qualified radio frequency engineer to condu annual random and unannounced test of the Permittee's small cell wireless installations loca within the Town to certify their compliance with all FCC radio-frequency emission limits as th pertain to exposure to the general public. The reasonable cost of such tests shall be paid by Permittee.

3.7.3 In the event that such independent tests reveal that any small cell installation or installa owned or operated by Permittee or its Lessees, singularly or in the aggregate,is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Tov shall notify the Permittee and all residents living within 1500 feet of the small cell installation(the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s)into compliance. Failure to bring the small cell installation(s) into compliance sh result in the forfeiture of all or part of the Compliance Bond,and the Town shall have the righ require the removal of such installation(s),as the Town in its sole discretion may determine is public interest.

3.7.4 Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

3.7.5 Any small cell wireless installation which is not removed within 30 days after being liste no longer in use in the annual recertification affidavit shall be subject to a fine of $100/day ur such installation is removed.

3.7.6 Where such annual recertification has not been properly or timely submitted, or equipm longer in use has not been removed within the required 30-day period, no further application small cell wireless installations will be accepted by the Town until such time as the annual re certification has been submitted and all fees and fines paid.

https://www.telecompowergrab.org/uploads/3/8/5/9/38599771/sample_5g_code_v1.1.pdf

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:40 AM
To: mayorcouncil
Subject: Justification for Moratorium

information June 1 testimony Justification for a Moratorium

Robert Janku

Moratorium

Request for moratorium with justification

We ask that you impose a moratorium on "small cells" and other wireless infrastructure permits process and deployment until the COVID-19 emergency is over.

The wireless providers are using the COVID-19 emergency as cover to expand and cement their rapid and virtually unsupervised deployment of harmful wireless infrastructure. Our local leaders should not have to dedicate time and resources to policing whether the wireless companies are following local and state law, they have far more important things to do.

The FCC wireless permit rules allow emergency moratoria. Homeland Security guidelines emphasize that maintenance of existing communications capability is the priority. New construction is not "essential."

The COVID-19 emergency has led to a government shut down of non-essential activity. Hospitals, emergency response and local officials are overwhelmed and they must be allowed to focus on what is indeed "essential". Now is not the time to be dedicating resources to expanding, rather than just maintaining, our networks.

The FCC has directly held a local jurisdiction can impose a temporary halt to deployment and permits during emergencies. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers, FCC 18-111, 33 FCC Rcd 7705, 7784-7785, ¶157 (2018) ("We recognize that there may be limited situations in the case of a natural disaster or other comparable emergency where an express or de facto moratoria that violates section 253(a) may nonetheless be 'necessary' to 'protect the public safety and welfare' or to 'ensure the continued quality of telecommunications services.' ")

Homeland Security has declared that local government is on the forefront and can take control over determining whether to temporarily halt all non-essential activity. Homeland Security guidance documents prioritize maintenance of existing Communications Systems, and do not support "essential" status for new construction. See Homeland Security Cybersecurity & Infrastructure Security Agency, Identifying Critical Infrastructure During COVID-19, https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19 (local control); e-Critical Infrastructure and Key Resources Support Annex, http://www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf (focus on "protection, response,

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

recovery, and restoration"). Homeland Security, like the FCC, understands that it is essential in an emergency situations justify focusing on protecting, responding, recovering and restoring of existing systems, but new communications facilities construction is and should be deemed nonessential, and subject to lockdown for so long as we are under emergency conditions.

Cities can and should impose a moratorium on deployment in their local area and freeze the permit process until the COVID-19 emergency is over.

Support for a moratorium

Law360 Telecom Industry, Localities Clash Over COVID-19 Hurdles

> For example, Boston halted all construction projects and Atlanta suspended the submission of all new permitting plans, the group said. During the same conversation, WIA brought up a **set of petitions** filed last fall that ask the FCC to formally address what industry sees as barriers to expanding mobile networks, such as getting faster green lights for projects and heading off delays by localities.
>
> "They're whining to regulators instead of the people they're complaining about," he said. "Hopefully at some point, they will realize that local governments are trying to solve problems, but it doesn't help to make them come to Washington to work them out." [by Joe Van Eaton] https://www.law360.com/media/articles/1260791/telecom-industry-localities-clash-over-covid-19-hurdles

Well if the wireless industry is complaining about it, cities may be establish moratoriums.

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Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Robert Janku <robert_janku@verizon.net>
Sent: Monday, June 1, 2020 3:44 AM
To: mayorcouncil
Subject: Undergrounding

Gaithersburg requirement for undergrounding.

Undergrounding

Gaithersburg RIGHT-OF-WAY USE AND FRANCHISE AGREEMENT

4.2 Attachment to Third-Party Property. Subject to applicable Law and to Company obtaining the written permission of the owner(s) of the affected propertymand showing (1) a need for the attachment to provide uninterrupted wireless services and (ii) that no less intrusive alternative is available, the City hereby authorizes and permits Company to enter upon the Public Way and, subject to the permission of the appropriate owner and the City pursuant to the provision of Section 6 and any applicable design, installation or maintenance requirements the City may impose or pursuant to the City Code and regulations to locate, place, attach, install,operate, maintain, remove, reattach, reinstall, relocate, and replace such number of Small Cell or DAS Equipment in or on poles located within the Public Way. Only where third-party poles or other property is not available for attachment of Equipment, Company may install its own poles in the Public Way, consistent with the requirements that the City imposes on similar installations made by other utilities that use and occupy the Public Way, including, but not limited to the **requirement to underground Equipment if other utilities are requirement to do so.**

https://www.gaithersburgmd.gov/Home/ShowDocument?id=1256

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: communitywildlifehabitat@gmail.com
Sent: Monday, June 1, 2020 10:01 AM
To: mayorcouncil
Cc: farrelly@erols.com
Subject: Fwd: Deer cull - community forum

Sent from my iPhone

Begin forwarded message:

From: Anne Goodman <communitywildlifehabitat@gmail.com>
Date: June 1, 2020 at 9:40:36 AM EDT
To: mayorcouncil@rockvillemd.goc
Cc: Tim Chesnutt <tchesnutt@rockvillemd.gov>, Steve Mader <smader@rockvillemd.gov>
Subject: Deer cull - community forum

Dear Mayor and Council,

This is an expression of my support for a deer culling program In Rockville. While I dislike the concept of killing wild creatures in general, I believe that the environmental damage resulting from overpopulation of deer is sufficient to justify culling. I further believe that humane culling is a preferable alternative to deer death from starvation.

I have faith in our city staff to conduct a culling program that is safe for residents. A proposed relocation away from RedGate Park Seems justifiable in view of increased use of the park by residents.

I know this process has been long and contentious, but I am pleased to see continued efforts to address the problem.

Thank you for your consideration.

Anne Goodman
1109 Clagett Dr.

Sent from my iPad

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Jacqueline Mobley

From: Ann Gaines <gainesarl@yahoo.com>
Sent: Monday, June 1, 2020 10:58 AM
To: mayorcouncil
Cc: Rockville Advocacy Committee; Nancy Breen; cityclerk; Victor Brito; judy.rudolph@verizon.net
Subject: Re: Community Forum Testimony, Rockville Mayor and Council meeting June 1, 2020

Dear Mayor and Council,

I realize that Town Center is only a single neighborhood of Rockville. However, it presents some unique considerations due to its mixed use residential and commercial nature and the resulting density of both people and businesses. I had not thought of the impact of now allowing outdoor dining in the Town Center area, but I agree with Judy Rudolph's insights and concerns (see her e-mail below).

Any policy that you adopt for outdoor dining within Rockville is unlikely to be a "one size fits all" policy. However, given the density considerations of Town Center, you might want to ensure that your policy, any signage recommendations, and the enforcement practices address the specifics of Town Center, at least to the extent possible.

Thank you for your consideration of these comments,

Ann Gaines

On Sunday, May 31, 2020, 09:04:24 PM EDT, 'Judith Rudolph' via Rockville Pedestrian Advocacy Committee <walkrockville@googlegroups.com> wrote:

To the Mayor and Council:

As you consider any and all, current, pending and future COVID-19 reopening/recovery plans, or modifications to the City Code and regulations that relate to expanding restaurant eating space on sidewalks and possibly onto closed streets, please note the following:

> Even before the COVID-19 emergency, much of the available sidewalk right of way In Rockville Town Square, the Town Center Duball I block, and Regal Row presented obstructions to pedestrians, both those with and those without disabilities.
>
> Even now, there is no way for *any* pedestrians to maintain 6 feet of social-distance from those eating (without masks) at many of the existing defined sidewalk table areas and at the street benches and furniture, where people are already congregating to eat take-out food. Pedestrians (and cyclists) must be able to navigate sidewalks and Town Square without encountering the aerosol plumes of those congregating to eat, and without being forced into street traffic.
>
> These areas need more prominent signage and routine enforcement.

This is now both a public *health* and a pedestrian *safety* issue, and must not take a backseat to the desire that we *all* share, to support the recovery of our restaurant and business community.

Judy Rudolph
44 Maryland Ave., #1301
Rockville 20850
judy.rudolph@verizon.net
Mobile: 301-928-9865
--
You received this message because you are subscribed to the Google Groups "Rockville Pedestrian Advocacy Committee" group.
To unsubscribe from this group and stop receiving emails from it, send an email to WalkRockville+unsubscribe@googlegroups.com.
To view this discussion on the web visit https://groups.google.com/d/msgid/WalkRockville/B9800448-0BBA-48DF-B88E-9CC8F01B65C9%40verizon.net.

Jacqueline Mobley

From: George Sushinsky <gsushinsky@yahoo.com>
Sent: Sunday, May 31, 2020 1:15 PM
To: mayorcouncil
Cc: Tim Chesnutt; Robert DiSpirito
Subject: Citizen's Forum - June 1, 2020 Deer Culling Program from George Sushinsky, 908 Wade Ave, 20851

Madam Mayor and Council members:

The opinions expressed below are my own and may not reflect opinions of others on the Recreation and Park Advisory Board.

I want to thank you for your foresight in moving the planned deer hunt from Redgate Park.

However, I have two concerns about what is or has been proposed about the deer culling program. They are:

- The impact of the proposed schedule on use of Hayes Memorial Forest Park (Hayes) and the Nature Center,
- The bag limits per hunter.

The move to Hayes is not without issues. The trails and Croydon Creek have also proved to be a well traveled venue during our time at home. I have been there several times this Spring and note that it is full of birds, hikers on the trails and children playing in the Creek. These are activities that are different than what you find at Redgate Park.

I am concerned with Hayes closure during the hunt. The September closure will be at a time when the potential use of Hayes could be high. Hopefully, the Nature Center will be open and have a full schedule of events which could be impacted by Hayes closure. The Thanksgiving weekend and Christmas break schedule for the deer culling might also be problematic for the Nature Center and those who would want to hike the Hayes' Trails.

The culling rules developed by staff closely follow the bow hunting regulations used in the County. The County does not close its parks during bow hunting season and prohibits hunting on Sundays. I would like you (Mayor and Council) to amend the planned schedule if Hayes cannot remain open during the hunt. I would suggest:

- elimination of the September hunt period
- prohibition of hunts on weekends (Saturdays and Sundays) in November and December.

These changes will allow Rockville residents to use Hayes at times that they are most likely to do so.

The Recreation and Park Advisory Board discussed the issue of bag limits at their February meeting. There is some conflict between what was presented to Mayor and Council in January and December of 2019 and what is allowed in the written regulations. As a pilot program, it was deemed to be successful if a total of 12 to 15 deer were harvested. The regulations as written for the City hunt now specify a bag limit (per hunter) of 15 anterless deer and 2 antlered deer. From watching the

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

presentations and subsequent discussions of the deer culling program, I don't think the Mayor and Council agreed to a larger deer kill than 15. That should be clarified with staff and Mayor and Council should agree on the extent of the deer kill if it is beyond what was initially approved.

Thank you.

George Sushinsky
908 Wade Ave
240361-7883

Attachment A.b: Community Forum Written Comments 6.1.20 (3173 : Community Forum Speakers' List/Comments- June 1, 2020)

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Additional Information
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Public Hearing Speakers' List - Charter Review Commission

Recommendation

Attachments

Attachment B.a: Charter Review Public Hearing Speakers 6.1.20 (PDF)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 6/1/2020

Public Hearing Speakers' List
Written Testimony
Monday, June 1, 2020
Charter Review Commission

	Name	Address	Phone Number/Email
1.	Vincent Russo **(Speaker)**	301-980-3169	Vdrusso1@gmail.com
2.	Monica Saavoss **(comments)**	Evelyn Drive Rockville, MD	m.saavoss@gmail.com
3.	Drew Powell **(comments)**	1035 Carnation Drive Rockville MD 20850	drewpowell@yahoo.com
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

Jacqueline Mobley

From: Vincent Russo <vdrusso1@gmail.com>
Sent: Monday, June 1, 2020 1:15 PM
To: mayorcouncil
Subject: Signup for public hearing 6/1

I would like to sign up for the public hearing on the scope of the charter review commission this evening.

Vincent Russo
301-980-3169

I'll try doing WebEx if it's not too late to sign up for that method, otherwise I can dial in.

Sent from my iPhone

Jacqueline Mobley

From: Monica Saavoss <m.saavoss@gmail.com>
Sent: Wednesday, May 27, 2020 5:37 PM
To: mayorcouncil; cityclerk
Subject: Comment for Charter Review Commission (re: approval voting)

Dear Mayor and Council,

This charter review commission presents an excellent opportunity for Rockville to continue its leadership in fair and sensible election policies; Rockville should stop using a plurality-wins election model, and instead adopt approval voting.

A plurality wins (or "first past the post") model is one in which each voter can only vote for one candidate per open position, and the candidate with the most votes wins without any requirement to obtain a minimum percentage of the votes. An approval voting system is one in which voters may vote for as many candidates as they wish to, and the candidate (or candidates) with the most votes wins.

Senator Kagan has successfully advocated for Maryland to allow local elections to take advantage of improved election design mechanisms, so now is a great time to take advantage. Other polities such as Fargo, North Dakota have already adopted such a system with great success. Approval voting is also endorsed by the non-partisan Center for Election Science (https://www.electionscience.org/), which does excellent research on election design and provides resources for understanding the trade-offs between different voting systems.

The current plurality-wins model creates situations where the least popular candidate will win because the vote gets split among similar candidates with popular positions. This does not favor any particular issues or coalition of voters, but rather makes the elections more random.

There are other voting systems that also solve this issue to some extent, such as ranked-choice voting. While ranked-choice voting would be an improvement over the status quo, it has significant downsides relative to approval voting. For example, ranked-choice voting introduces complexity and can result in more "spoiled" or invalid ballots due to the confusion. Ranked-choice voting also incentivizes "tactical voting" in certain circumstances, where voters rank candidates based on who they perceive as most popular rather than their true preferences in order to improve the chances that their first-choice candidate wins.

No voting system is perfect and all must make trade-offs between desirable properties. However, approval voting presents an opportunity for Rockville to make a simple, straightforward change that will instantly improve voters' ability to choose a candidate that represents their collective values best.

Thank you so much for your time and attention. I am very excited for this opportunity to hear your ideas for improved election design in Rockville.

Sincerely,

Monica Saavoss

Evelyn Drive
Rockville, Maryland

Attachment B.a: Charter Review Public Hearing Speakers 6.1.20 (3174 : Public Hearing Speakers' List /Comments - Charter Review

Jacqueline Mobley

From: Drew Powell <drewpowell@yahoo.com>
Sent: Monday, June 1, 2020 1:58 PM
To: clerk
Cc: mayorcouncil; citymanager
Subject: Public Hearing - Charter Review

[Please confirm receipt of this email and that it will make it into the public record in time for tonight Mayor and Council meeting]

June 1, 2020

Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850
Attn: Mayor and City Council

Re: Charter Review Public Hearing

Rockville Mayor and City Council,

It's possible that I missed it; however, I am on City of Rockville email lists and did not receive a notice of tonight's Charter Review Commission Public Hearing. I have no doubt that tonight's public hearing may have been included in City calendar's, but given the challenges and stresses of our daily lives, it may be easy for many in Rockville to have missed this important chance to weigh in on a matter that will affect the City off Rockville for many years to come.

Given the apparent lack of inclusive and complete public notice concerning tonight's public hearing, it is essential that there be another public hearing concerning the formation of a Charter Review Commission and ideas for discussion therein.

Please have Rockville PIO send an official notice via email to its citizen list on this matter. The email should not mix other City business into its content and only mention an upcoming public hearing regarding a second Charter Review Public Hearing. The subject heading for this email should contain the words "Charter Review Public Hearing."

Thank you for your consideration in preserving transparency in the City of Rockville.

Most sincerely,

Drew Powell
1035 Carnation Drive
Rockville, MD 20850

Mayor & Council Meeting Date: June 1, 2020
Agenda Item Type: Additional Information
Department: City Clerk/Director of Council Operations Office
Responsible Staff: Sara Taylor-Ferrell

Subject

Agenda Item #12 PowerPoint Presentation for Curbside Pickup Parking and Outdoor Seating

Recommendation

Attachments

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (PPTX)

Sara Taylor-Ferrell, City Clerk/Director of Council Operations 6/1/2020

City of Rockville
Get Into It

On-Street Parking for Curbside Pickup and Outdoor Dining for Restaurants

www.rockvillemd.gov

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Introduction and Background

Staff Coordination with Town Center Properties

- Staff have been coordinating with FRIT on their proposal for "The Pick Up" program for curbside pickup within metered parking spaces
- Staff have coordinated with Town Center property owners and other various City property owners and have made site visits to confirm layouts and dimensions
- Mayor and Council directed staff on the afternoon of Thursday, May 28 to bring expanded restaurant outdoor seating item on June 1st
- On Saturday, May 30, staff confirmed FRIT's request to close Gibbs Street in order to create a pedestrian promenade
- On Monday, June 1, staff confirmed Urban Edge's (Regal Row property owner) request to close East Montgomery Avenue between Maryland Avenue and Helen Heneghan Way – Duball has concurred with the request

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Ongoing Coordination with FRIT

Rockville Town Square – FRIT request

- Plan to increase outdoor dining areas along Gibbs Street, Maryland Avenue, and portions of Town Square Plaza and to designate eight parking spaces on Maryland Ave for curbside pickup
  - Many areas within Town Square that are requested for expanded outdoor dining areas are already permitted including on East Middle Lane and Beall Avenue
- FRIT's requests have been reviewed by staff including the Chief of Zoning, Fire Marshal, Chief of Inspection Services, Assistant Director of PDS and Town Center Liaison, and Public Works Director
  - Staff has coordinated with VisArts
  - Staff researched existing easements and amenity zones

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Gibbs Street

- FRIT has requested that Gibbs Street be closed to vehicular traffic
    - A 15'-wide pathway through the middle of Gibbs Street for pedestrian and emergency access will be provided temporarily
        - Providing for social distancing
    - Ride-On bus stop on Gibbs Street will be relocated.
    - DPW will install barricades and signage, and coordinate with the Police and Fire Departments

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Gibbs Street

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Town Square Plaza

- FRIT has requested that existing outdoor dining areas be expanded to include portions of the City-owned Town Square Plaza
    - Stage and bollards on Gibbs Street will be removed
    - A portion of the green recreation area in the plaza will be used as 20'-wide unobstructed pedestrian egress path
    - Fountain will not be available for use

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Town Square Plaza

Get Into It

Maryland Avenue

Outdoor Dining Areas

- FRIT has requested use of three on-street parking spaces on Maryland Avenue and an expanded use of the existing amenity zones for outdoor dining areas
    - Physical barricades between the outdoor dining areas in parking spaces and vehicular traffic will be required

Get Into It

Maryland Avenue - On Street Parking Curbside Pickup

"The Pick Up"

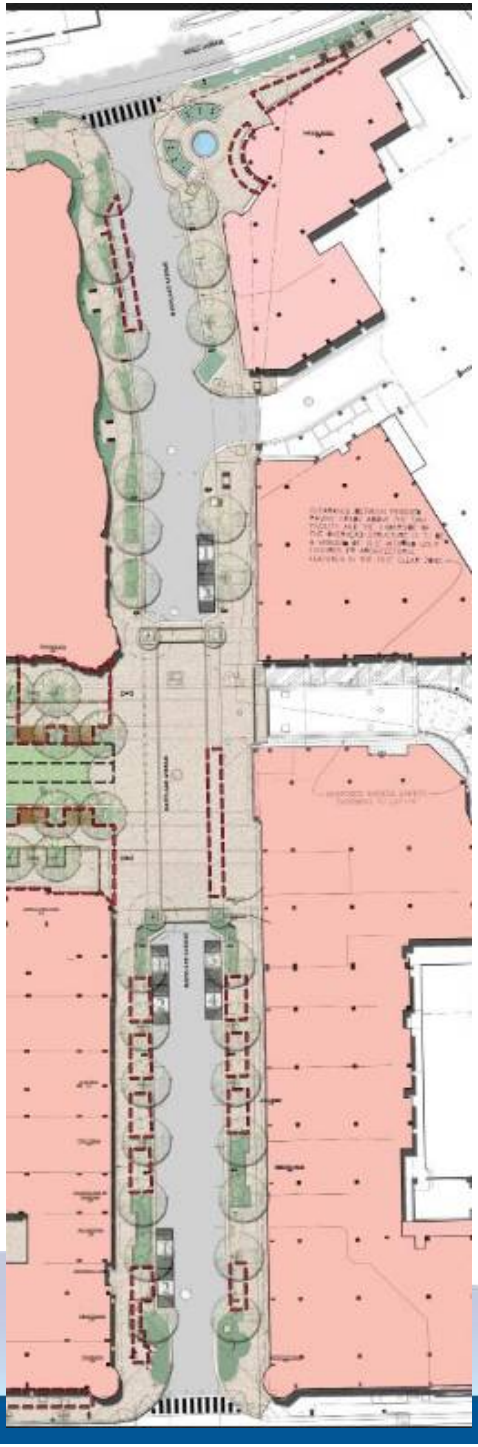
- Original request for ten spaces (five on Gibbs Street and five on Maryland Avenue) has been revised to eight spaces on Maryland Ave
- By designating numbered pickup locations, FRIT hopes to:
  - Facilitate transactions through an organized process with signage
  - Manage the reopening process and provide tenants with as much business opportunity as possible
  - Market an endorsed program that can provide customers and merchants with a reasonable amount of assurance
- Existing handicap parking spaces and library drop-off shall remain as designated

Get Into It

Maryland Avenue

- Only stanchions with signs for the eight parking spaces will be permitted

Get Into It



Maryland Avenue

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Ongoing Coordination for Outdoor Dining

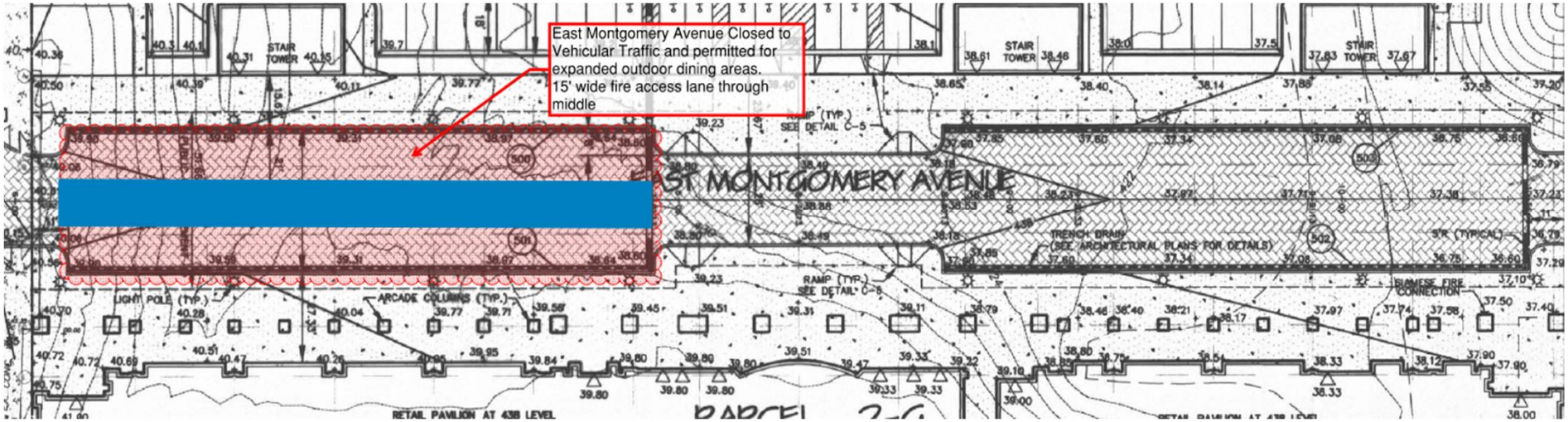
Other Areas of Rockville Town Center including Cambria/Upton (Duball) and Regal Row (Urban Edge)

- An amendment to an existing public access easement with Duball for permanent new outdoor seating at Panera and World of Beer currently pending City's expedited approval (in transit)
- Urban Edge has confirmed with staff their request to close East Montgomery Avenue between Maryland Avenue and Helen Heneghan Way
- The partial road closure will enable both curbside pickups and extended outdoor seating
- The City will provide a plan to the owner that allows for fire access, pedestrian access and vehicular circulation
- Duball has requested high-top tables along East Montgomery Avenue be temporarily allowed

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

East Montgomery Ave



Get Into It

Other Areas of the City

- Requests for other outdoor dining areas and curbside pickup areas in rights-of-way and easements will be reviewed and approved on a case-by-case basis
- Requests shall be approved by the City Manager and implemented through a no-fee Public Works permit
- Discussions between City staff and King Farm have begun

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Temporary Outdoor Dining Permit for Private Property

- Requests for temporary new and expanded outdoor seating areas on private property, including government-owned properties, will not require a Minor Site Plan Amendment and be implemented through a MIS (Miscellaneous) permit
    - Permit would not require submission of a fee
    - Permit required when seating area exceeds approved Site Plan's capacity
    - Permits will be issued by the Chief of Zoning
- Temporary Outdoor Dining Permits will be valid through the end of the County's and the Governor's Orders prohibiting full capacity of indoor dining

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Recommendation

Outdoor Seating Areas

Staff recommends that the Mayor and Council authorize the City Manager to approve expanded outdoor dining areas through the end of the County's and the Governor's Executive Order in Rockville Town Square Plaza and within public rights-of-way and public easements on Gibbs Street, East Montgomery Avenue, Maryland Avenue, and other locations in the City.

On-Street Parking Curbside Pickup

The Mayor and Council decide whether to approve FRIT's request for eight designated spaces on Maryland Avenue for curbside pickup through the end of the County or Governor's Executive Order.

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :

Get Into It

Next Steps

- City staff will issue Public Works Permits (PWK) and MIS permits for outdoor seating areas in Public Easements on Maryland Avenue, Gibbs Street, East Montgomery Avenue and the Town Square Plaza.
- City staff will issue Public Works Permits for outdoor seating areas within the Public ROW of the above-mentioned streets.
- City staff will issue permits for curbside pickup spaces on Maryland Ave. as approved by the Mayor and Council
- City staff will advertise through PIO and receive requests for outdoor seating areas and designated curbside pickup spaces in other areas of the City and issue MIS and PWK permits as applicable.

Attachment C.a: MC_On Street Parking for Curbside Pickup and Outdoor Dining_presentation (3175 :