



**Monday, January 22, 2018
MAYOR AND COUNCIL
MEETING NO. 01-18
ROCKVILLE, MARYLAND**

THE HONORABLE MAYOR AND COUNCIL PRESIDING

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

Staff Present: City Clerk/Director of Council Operations, Kathleen Conway

- 1. Convene in Open Session to vote on motion to go into Closed Session pursuant to Sections 3-305(b)(1)(i) and 3-305(b)(4) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment of individuals to the Caregiver Funding Task Force and to discuss a matter that concerns a proposal for a business to locate, expand, or remain in the City.**

The Mayor and Council convened in Open Session to vote on motion to go into Closed Session pursuant to Sections 3-305(b)(1)(i) and 3-305(b)(4) of the General Provisions Article of the Annotated Code of Maryland to 1) discuss the appointment of individuals to the Caregiver Funding Task Force; and 2) to discuss a matter that concerns a proposal for a business to locate, expand, or remain in the City.

Motion: Convene in Closed Session pursuant to Sections 3-305(b)(1)(i) and 3-305(b)(4) of the General Provisions Article of the Annotated Code of Maryland to 1) discuss the appointment of individuals to the Caregiver Funding Task Force; and 2) to discuss a matter that concerns a proposal for a business to locate, expand, or remain in the City

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

- 2. Closed Session**

Closed Session Summary

The Mayor and Council convened in Open Session at 6:02 p.m. in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, MD 20850 to vote on a motion

to go into Closed Session pursuant to Sections 3-305(b)(1)(i) and 3-305(b)(4) of the General Provisions Article of the Annotated Code of Maryland to 1) discuss the appointment of individuals to the Caregiver Funding Task Force; and 2) to discuss a matter that concerns a proposal for a business to locate, expand, or remain in the City.

Closed Session Summary Part 1

The Mayor and Council convened in Closed Session at 6:05 p.m. in the Diamondback Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, MD.

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

Also present: City Clerk/Director of Council Operations Kathleen Conway

The topic of discussion concerned the appointment of individuals to the Caregiver Funding Task Force.

Closed Session Summary Part 2

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

Also present: City Clerk/Director of Council Operations Kathleen Conway, City Manager Rob DiSpirito, Deputy City Manager Jenny Kimball and Rockville Economic Development, Inc. (REDI) Executive Director Laurie Boyer

The topic of discussion concerned a proposal for a business to locate, expand or remain in the City.

Motion: to adjourn

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

3. Reconvene into Open Session

The Mayor and Council reconvened in Open Session at 7:03 p.m.

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

Also present: City Clerk/Director of Council Operations Kathleen Conway, City Manager Rob DiSpirito and City Attorney Debra Daniel

4. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

5. Agenda Review

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

6. City Manager's Report

City Manager Rob DiSpirito presented information on the following topics: \$396,000 federal grant received for Bus Stop and Sidewalk Improvements to enhance transportation for seniors and individuals with disabilities; Glenview Mansion recognition by WeddingWire as a 2018 Couples' Choice Awards Winner; and Rockville's Annual Student Art Show.

7. Community Forum

Name	Topic
Steve VanGrack	Vote By Mail
Joseph Carroll	Vote By Mail
Anne Goodman	Twinbrook Villages
David Brenner	Police State 2018
Soo Lee-Cho	Zoning Text Amendment TXT2018-00247 (Agenda Item 15)
Carl Hartner	Amazon

8. Mayor and Council's Response to Community Forum

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

9. Mayor and Council Announcements

The Mayor and Council provided updates on their recent activities, including Boards and Commission meetings and Community Events.

10. Consent Agenda

- A. Award of IFB #21-18, Edmonston Drive Bridge Rehabilitation, to Concrete General in the Amount Not to Exceed \$1,489,544.25**
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B. Award of Request for Proposal (RFP) #01-18 for Professional Engineering Services at the Water Treatment Plant: Electrical Distribution Systems Upgrade

C. Rejection of All Bids for IFB #29-17, Hungerford-Stoneridge SWM Facility Retrofit Construction

D. Approval of Minutes

RESULT:	APPROVED THE CONSENT AGENDA [UNANIMOUS]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg commented on Consent Agenda Item 10C, Rejection of all Bids for IFB #29-17, and asked that the Staff Report include whether or not bid responders are minority-, female-, or disabled-owned (MFD) businesses in the future.

11. Public Hearing on Water and Sewer Rates

The Public Hearing opened at 7:44pm. The following individuals presented testimony:

1. Jack Rodgers
2. Joe Tirrell

The Public Hearing closed at 7:52pm.

The record will remain open until April 13, 2018. The complete testimony of the speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk/Director of Council Operations Office.

12. 2018 State Legislative Session Preview

Schwartz, Metz & Wise State Lobbyist Pam Kasemeyer presented a preview of the 2018 State Legislative Session including education funding, ban on polystyrene, 911 system modernization, reforestation bill, liquor regulatory issues, bond bill for Rockville Senior Center improvements, Maryland Public Information Act initiatives, and the recently released Governor's budget.

Councilmember Palakovich Carr asked for updates regarding the new renewable energy standards, updates regarding the Maryland Trust Act, updates regarding offshore drilling regulations, and updates on Metro funding priorities.

Councilmember Feinberg asked for an update on the Collaboration Council for Children, Youth and Families, and for a list of bond bills proposed for Non-Governmental Organizations (NGO) benefitting Rockville, so that the Mayor and Council may advocate for the bills.

Mayor Newton asked if a funding source has been identified for the restoration of Highway User Revenues (HUR). Ms. Kasemeyer will provide an update when the information becomes available.

Councilmember Pierzchala requested updates on re-districting and on the current Rape Survivor Family Protection Act (House Bill 1 and Senate Bill 2).

Ms. Kasemeyer noted that every bill introduced in Annapolis is reviewed to determine if there is a nexus with Rockville, resulting in many bills being flagged for Rockville's review to determine if there is interest in her following the bill and reporting its status.

13. Rockville Board of Supervisors of Elections (BSE) Update

Board of Supervisors of Elections (BSE) Chair Lois Neuman presented information requested during the November 6, 2017 Mayor and Council Meeting regarding the BSE's recommendation of using Vote By Mail (VBM) for Rockville elections. Discussion topics included: statistical evaluation of VBM impact on turnout; understanding the Montgomery County registered voter list, e.g., who is included and how is the list managed by the County; and the possibility of asking the voters via referendum in the 2019 Election, about a change to VBM for Rockville elections.

The Mayor and Council thanked the BSE for their efforts and look forward to listening to the Community's input on February 5, 2018.

The Mayor and Council recessed for break at 9:04 p.m. and returned from break at 9:12 p.m.

14. Discussion and Possible Introduction of an Ordinance to Grant Zoning Text Amendment TXT2018-00246, as Amended, Regulation of Alcoholic Beverage Production; Mayor and Council of Rockville, Applicant

Planning Supervisor Deane Mellander presented this Agenda Item to the Mayor and Council and recommended the Mayor and Council introduce this Ordinance to grant the proposed Zoning Text Amendment.

Councilmember Palakovich Carr introduced the ordinance.

Staff will bring this Ordinance to the Mayor and Council for action on February 5th.

15. Introduction & Possible Adoption of an Ordinance to Grant Zoning Text Amendment Application, as Amended, TXT2018-00247, for Implementation of the Rockville Pike Neighborhood Plan; Mayor and Council of Rockville, Applicant

Principal Planner Cindy Kebba presented this Agenda Item to the Mayor and Council. Discussion topics included the purpose of this Zoning Text Amendment and alternative language regarding the build-to line reductions for extremely narrow lots. Further discussion of this Agenda Item was postponed until later in the evening while Staff created an Amendment to the proposed Ordinance for review by the Mayor and Council.

Section 25.13.05.a.2.(b).iii of the Ordinance was amended with the language below.

Rockville Pike Neighborhood Plan Text Amendment TXT2018-00247: Alternative Language for Build-To-Line Reductions for Extremely Narrow Lots

iii. In the area north of the South Pike area boundary and bounded by the South Pike Area boundary, the CSX/Metro right-of-way, Veirs Mill Road, Dodge Street, and the east line of Rockville Pike, 116 feet from the centerline of Rockville Pike. For any parcel located in an area where the distance between the Rockville Pike right-of-way and the Veirs Mill Road right-of-way, or the Rockville Pike right-of-way and the CSX/Metro right-of-way, is less than 300 feet, a reduced build-to-line may be applied under either a) or b) below:

- a) the build-to-line must be adjusted by establishing the build-to-line at a point three-quarters of the distance from the CSX/Metro right-of-way to the Rockville Pike right-of-way or from the Veirs Mill Road right-of-way to the Rockville Pike right-of-way, but, in no event, can the build-to-line be reduced to less than 85 feet from the centerline of Rockville Pike under this subsection a). Inter-site vehicular and bicycle movement and a continuous public sidewalk must be provided.
- b) the build-to-line may be further reduced to a point less than 85 feet from the centerline of Rockville Pike where the Approving Authority finds that the build-to-line may be further reduced for good cause shown and where the reduction is found to be consistent with the intent of the master plan. Inter-site vehicular and bicycle movement and a continuous public sidewalk must be provided.
- c) In addition, the standards and requirements set forth in subsection (d) still apply to building facades if the build-to-line is reduced.

Councilmember Feinberg introduced the Ordinance as discussed and amended above.

Motion: to waive the layover period

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

Motion: to adopt the Ordinance as amended

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

16. Introduction & Possible Adoption of an Ordinance to Grant Sectional Map Amendment Application MAP2018-00116, as Amended, for Implementation of the Rockville Pike Neighborhood Plan; Mayor and Council of Rockville, Applicant

Councilmember Feinberg introduced the Ordinance.

Motion: to waive the layover period

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

Motion: to adopt the Ordinance

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

17. Authorization to File a Zoning Text Amendment Application to Increase the Floor Area Limitation for Single Retail Tenants in Champion Projects from 65,000 Square Feet to 100,000 Square Feet

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

18. Briefing on Project Plan PJT2018-00008, a Request to Amend the Rockville Metro Plaza Planned Development (PD) that Would Permit a Change of Use for Phase 3 from Office and Retail Use to 240 Multifamily Units and Retail at 220 East Middle Lane; FP Rockville III Limited Partnership, Applicants

Barbara Sears, representing Foulger Pratt, introduced the Foulger Pratt Project Team who provided this briefing to the Mayor and Council. Discussions topics included proposed parking streetscape and size of apartments.

The Foulger Pratt staff will provide additional information on parking, streetscape, design renderings and square footage of units.

19. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

20. Review and Comment - Future Agendas

The Mayor and Council reviewed Future Agendas.

Mayor Newton suggested adding an item to Future Agendas regarding a process for Mayor and Council Special Appointments. The Mayor and Council discussed scheduling of the item. Ms. Conway has been researching this topic and suggested, as an alternative, that Ms. Conway distribute a Special Appointments Draft document to the Mayor and Council for their review and comment prior to determining a Future Agenda date for further discussion.

Councilmember Pierzchala thanked the Financial Advisory Board for their report on the Circulator RFP (Request for Proposal) and asked Staff to add an Agenda Item for the Mayor and Council to provide direction to Staff regarding the RFP.

21. Old/New Business

The Mayor and Council discussed the following:

Councilmember Pierzchala noted that the Staff Report for Agenda Item 15, "Introduction and Possible Adoption of an Ordinance to Grant Zoning Text Amendment Application as Amended TXT2018-00247" includes Land Use Tables; the Land Use Table on page 187 indicates that a shooting gallery is allowed. Councilmember Pierzchala recommends that shooting galleries not

be allowed. The Mayor and Council support this recommendation.

Councilmember Palakovich Carr followed up on her email regarding Montgomery County's Bicycle Master Plan Public Hearing. The Mayor and Council support Councilmember Palakovich Carr testifying at the Public Hearing with testimony created by the City.

Councilmember Pierzchala requested a letter of support for the Rape Survivor Family Protection Act (House Bill 1 and Senate Bill 2).

Motion: to instruct City Staff to create a letter of support for Maryland House Bill B1 and Maryland Senate Bill B2 based on the Resolution text proposed by Councilmember Pierzchala

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

22. Adjournment at 11:18 p.m.

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

Minutes Approved: February 26, 2018

Attest: 