



**Monday, March 25, 2019
MAYOR AND COUNCIL
MEETING NO. 14-19
ROCKVILLE, MARYLAND**

Approved: *Bridget Donnell Newton*
Attest: *Sara Ferrell Taylor*
Approved Meeting No. 31-19;
September 9, 2019

THE HONORABLE MAYOR AND COUNCIL PRESIDING

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

1A. Convene

Convene in Open Session to vote on motion to go into Closed Session pursuant to Section 3-305(b)(1)(i) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of the City Attorney, an employee over whom the Mayor and Council has jurisdiction.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Virginia D. Onley
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

1. Reconvene into Open Session

The Mayor and Council reconvened in Open Session at 7:00 p.m. on Monday, March 25, 2019 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Staff present: City Manager Rob DiSpirito, City Attorney Debra Daniel, City Clerk/Director of Council Operations Sara Ferrell Taylor.

2. Pledge of Allegiance

Mayor Bridget Donnell Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Sara Ferrell Taylor stated there were no changes to the agenda.

4. City Manager's Report

City Manager Rob DiSpirito presented information on events and topics: Thomas Farm Community Center 10-year anniversary celebration; City's Human Rights Commission offering free workshop on Building Bridges in a Diverse Society; Rockville **implements** telephone hotline and website for community members to use to report potential fraud, waste and abuse related to city government services and employees; applications being accepted for the Rockville Community Police Academy 8-week course; Richard Montgomery High School varsity basketball team advanced to the State semifinals of the 4A division.

5. Proclamation

A. Proclamation Declaring March 30, 2019, 8:30-9:30 P.M. as Earth Hour in Rockville; the Month of April as Earth Month; and April 22, 2019, as Earth Day

Councilmember Beryl L. Feinberg read the proclamation declaring March 30, 2019, 8:30-9:30 p.m. as Earth Hour in Rockville; the month of April as Earth Month; and April 22, 2019, as Earth Day. The proclamation was presented to Environmental Department staff member Lise Soukup and the Environment Commission Chair John Becker.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Beryl L. Feinberg
SECONDER:	Councilmember Virginia D. Onley
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

B. Proclamation Declaring April 6, 2019 as Arbor Day

Mayor Bridget Donnell Newton read the proclamation declaring April 6, 2019 as Arbor Day. The proclamation was presented to Recreation and Parks staff member Wayne Noll.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Virginia D. Onley
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

6. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies

Mayor Bridget Donnell Newton read the list of appointments and reappointments to the Boards and Commissions.

A. Boards and Commission Appointments, Reappointments and Announcements of Vacancies

Councilmember Beryl L Feinberg moved to appoint Alan Tabachnick as a new appointment to fill an unexpired term until December 1, 2020 on the Historic District Commission.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Beryl L. Feinberg
SECONDER:	Councilmember Mark Pierzchala
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

Councilmember Beryl L. Feinberg moved to reappoint Vincent "Chip" Boylan to serve a three-year term until March 1, 2022, reappoint Robert Taylor to serve a three-year term until March 1, 2022, and reappoint Dirk Whatley to serve a three-year term until March 1, 2022, on the Recreation and Parks Advisory Board.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Virginia D. Onley
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

7. Community Forum

Name	Topic
Judy Rudolph	Town Center
Anne Goodman	Saving trees
Alexandra Dace Denito	N. Stonestreet Corridor
Mary Pratt	Town Center issues
Drew Powell	Rockville Sister City Program
David Stovall	Accessory dwelling units
Pat Harris	Property zoning MXE Gude Drive
Stacy Kaplowitz	Twinbrook Project Quarter
Eric Fulton	Pedestrian safety
Cindy Stewart	Town Center
Brigitta Mullican	Trees; Sister City Corp; election ballot
Monique Ashton	Town Center

8. Mayor and Council's Response to Community Forum

The Mayor and Council thanked all speakers at Community Forum for their participation.

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

A. Award of RFP # 17-18, Community Planning and Development Consulting Services

RESULT:	MOTION FAILED (2-2)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Virginia D. Onley
IN FAVOR:	Councilmember Virginia D. Onley, Councilmember Mark Pierzchala
OPPOSED:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg

B. Award of RFP #18-18, Architectural and Engineering Services

RESULT:	MOTION FAILED (2-2)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Virginia D. Onley
IN FAVOR:	Councilmember Virginia D. Onley, Councilmember Mark Pierzchala
OPPOSED:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg

11. Public Hearing on Project Plan PJT2018-00011, Twinbrook Quarter, for a Proposed Mixed-Use Development Consisting of Commercial, Office and Residential Uses in the MXTD Zone at 1500-1616 Rockville Pike; Saul Holdings, LP, Applicants

Community Planning and Development Services staff member Brian Wilson gave a brief summary of the Project Plan Twinbrook Quarter. The Public Hearing opened at 9:31 p.m. The following individual(s) presented testimony.

Meagan Sexton
Mike Stein
Alexandra Dace Denito
Nancy Breen
Brian Barkley
Cynthia Cotte Griffiths
Melissa McKenna
Sam Shipkovitz
Len Mouser
Brigitta Mullican

The complete testimony of this evening’s speakers can be found in the official Public Hearing records located in the City Clerk/Director of Council Operations office. The Public Hearing closed at 10:17 p.m. The public record will remain open until April 8, 2019.

THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 10:23 P.M. THE MAYOR AND COUNCIL OPEN SESSION RECONVENED AT 10:31 P.M.

12. 2018 City of Rockville Community Survey Presentation

City Manager's Department staff member Louise Atkins introduced Dr. Tom Miller who gave a presentation on the 2019 City of Rockville Community Survey. This is the tenth survey conducted by the City of Rockville with the first one conducted in 2001. The discussion topics include the following:

- Survey Process
- Reaching non-English Speaking Residents
- Scale Used to Measure Responses to Survey Questions
- Benchmark Comparisons
- Statistically Significant Changes 2016-2018
- New Questions included: welcoming and inclusion; deer; **perception** of safety; key drivers; resident priorities
- Other Highlights from the Survey Results: quality of life; good governance; affordable housing; customer service

There were no follow up questions or comments from the Mayor and Council.

13. Strengthen the Vitality of Rockville Town Center: Discussion 2

Community Planning and Development staff member David Levy provided a brief presentation to update the Mayor and Council on potential actions to strengthen the vitality of Rockville Town Center and seek direction on moving forward with more specific actions.

Items for discussion are the following:

- Recommended City Actions from the November 13, 2018 Meeting to include:
 1. Address parking challenges in Town Square
 2. Create a City position whose focus would be to improve the business climate in Rockville, including in Town Center
 3. Commission a retail study of Town Center to understand and identify policy issues that the Mayor and Council could address to support the vitality of the Town Center
 4. Increase the promotion and the presence of arts, science, heritage and culture
 5. Create a Town Center task force of engaged merchants and residents
 6. Examine regulations to determine whether there is sufficient permitted development density in Town Center to support its vitality

7. City to begin regular meetings with commercial and residential-building property owners in Town Center
8. Develop and implement an economic development strategy for Town Center that includes recruiting one or more new large-scale **business** generator(s)
9. Consider revisions to the City **Sign** Code that may help with business retention and attraction
10. Explore approaches to facilitate coordinated action among the public and private sectors, and alternative mechanisms to raise funds
11. Improve access to Town Center, especially from nearby activity areas

Questions of clarification from the Mayor and Council were addressed by staff and the Mayor and Council offered their comments, thoughts and suggestions.

The Mayor and Council were all in agreement on discussion Item 3 from staff to have an expert outside team come to Rockville for intense study and to present their recommendations. The experts would come from backgrounds such as real estate, planning, design, retail, urban living, transportation, etc.

The Mayor and Council were all in agreement on discussion Item 5 and 7, but instead of a Town Center Task Force, the Mayor and Council recommended having three separate groups to include: residents only, merchants and **property owners**.

Comments and suggestions were ~~also~~ provided by members of Rockville Economic Development and Federal Realty Investment Trust.

14. Discussion, Instruction, Possible Introduction and Possible Adoption of an Ordinance to Adopt the North Stonestreet Avenue Comprehensive Master Plan Amendment

Community Planning and Development Services staff member Andrea Gilles gave a brief presentation of the ordinance. Councilmember Beryl L. Feinberg ~~moved to~~ introduced the ordinance to adopt the North Stonestreet Avenue **C**omprehensive Master Plan Amendment. Councilmember Mark Pierzchala made a motion to waive the layover period.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Virginia D. Onley
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

Further questions of clarification from the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts, comments and suggestions. Councilmember Mark Pierzchala moved to amend the Master Plan Amendment to include a preference for undergrounding utilities on North Stonestreet.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

Councilmember Mark Pierzchala moved to adopt the North Stonestreet Avenue Comprehensive Master Plan Amendment as amended as an amendment to the adopted improved Comprehensive Master Plan for the City of Rockville.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

15. Authorization to File a Zoning Text Amendment Application to Not Permit Certain Uses in the MXE (Mixed Use Employment) Zone and Make Certain Technical Changes

Community Planning and Development Services staff member Jim Wasilak presented a brief overview of the Zoning Test amendment Application to not permit certain uses in the MXE (Mixed Use Employment) Zone and make certain technical changes. Questions of clarification from the Mayor and Council were addressed by staff.

Councilmember Beryl L. Feinberg proposed an amendment to change wherever it says 10 years to be replaced with 5 years. Councilmember Mark Pierzchala seconded but requested further discussion.

RESULT:	MOTION FAILED (1-3)
MOVER:	Councilmember Beryl L. Feinberg

SECONDER:	Councilmember Mark Pierzchala
IN FAVOR:	Councilmember Beryl L. Feinberg
OPPOSED:	Mayor Bridget Donnell Newton, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

Councilmember Mark Pierzchala moved to authorize the filing of application in the City of Rockville for a Text Amendment to the Zoning Ordinance.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Virginia D. Onley
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

16. Discussion, Instructions, Possible Introduction and Possible Adoption of an Ordinance to Amend Chapter 16 of the Rockville City Code Entitled "Public Ethics" to Amend the Filing Deadline for Financial Disclosure Statements

Ethics Commission Chair Eugene Thirolf stated that the Mayor and Council needed to adopt the ordinance in order to be able to file later. Questions ~~of clarification~~ from the Mayor and Council were addressed by Ethics Commission Chair Eugene Thirolf and City Attorney Debra Daniel.

Councilmember Mark Pierzchala ~~motioned to~~ introduced the Ordinance to amend Chapter 16 of the Rockville City Code Entitled "Public Ethics" so as to change the deadline for filing Financial Disclosure Statements from April 15 to April 30.

Councilmember Mark Pierzchala moved to waive the layover period.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

Councilmember Beryl L. Feinberg moved to adopt Chapter 16 of the Rockville City Code entitled "Public Ethics" to amend the filing deadline for Financial Disclosure Statements that reflects the April 30 date.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Beryl L. Feinberg
SECONDER:	Councilmember Mark Pierzchala
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg Councilmember Virginia D. Onley, Councilmember Mark Pierzchala

17. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

A. Mayor and Council Action Report

Councilmember Beryl L. Feinberg requested a date for Action Item 2018-16 on the Role of the City Clerk/Director of Council Operations.

18. Review and Comment - Future Agendas

The Mayor and Council reviewed the Future Agendas.

A. Future Agendas

19. Old/New Business

The Mayor and Council reviewed old/new business.

Councilmember Mark Pierzchala questioned the pleasure of the Mayor and Council on reopening the process to appoint a fifth Councilmember. Councilmember Virginia D. Onley was in agreement to support **reopening** the process. Mayor Bridget Donnell Newton and Councilmember Beryl L. Feinberg did not support ~~moving forward~~ **reopening the process**.

Councilmember Beryl L. Feinberg **wanted** to put forth the authorization for the City Manager to recruit for the position of Emergency Management in order to have someone on board for the July 4th event in King Farm. Mayor Bridget Donnell Newton, Councilmember Virginia D. Onley and Council Mark Pierzchala were all in agreement.

Councilmember Virginia D. Onley stated she wanted to once again ask the Mayor and Council to consider increasing their members with two additional Councilmembers. City Attorney Debra Daniel that this would need to be brought on a Future Agenda. Councilmember Mark Pierzchala was in agreement ~~and desire~~ to have this brought back on a Future Agenda. Mayor Bridget Donnell Newton stated there are several questions that need to be addressed and that this should be accomplished by the Charter Review Commission.

20. Adjournment

There being no further business, the meeting adjourned at 1:15 a.m. Tuesday, March 26, 2019.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Mark Pierzchala
SECONDER:	Councilmember Beryl L. Feinberg
IN FAVOR:	Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg Councilmember Virginia D. Onley, Councilmember Mark Pierzchala