



**Monday, October 29, 2018
MAYOR AND COUNCIL
MEETING NO. 37-18
ROCKVILLE, MARYLAND**

Approved:
Bridget Donnell Newton
Attest: *Sara Taylor-Ferrell*
Approved Meeting No. 15-19
April 1, 2019

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

1. Convene in Open Session to vote on a motion to go into closed session pursuant to

Sections 3-305(b)(4) and 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to 1) consult with counsel a matter that concerns the proposal for a business to locate, expand, or remain in the City; and 2) to consult with counsel to obtain legal advice.

2. Closed Session Summary for October 25, 2018

Upon motion by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala and unanimously approved, the Mayor and Council convened in Closed Session at 6:04 p.m. in the Diamondback Terrapin Conference Room, 111 Maryland Avenue, Rockville, MD

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

Absent: Councilmember Beryl L. Feinberg

Staff Present: City Manager Rob DiSpirito, City Attorney Debra Daniel, Director of Finance Gavin Cohen, Director of Community Planning and Development Services Ricky Barker, Long Range Planner David Levy, Jim Wasilak, and City Clerk/Director of Council Operations Sara Taylor-Ferrell

Mayor and Council instructed the City Manager to move forward with a budget amendment to commit \$430,00 for FY19 to Rockville Economic Development, Inc. for purpose of establishing a micro-loan program; move forward with finalizing an agreement with Federal Realty Investment Trust to eliminate the 2-hour parking validation in the City's garages in exchange from a payment for the City not to exceed \$290,000 per year for the term of the garage lease; and to include \$400,000 funding for Rockville Economic Development, Inc., micro-loan program in the City's budget for FY20-FY23.

The Closed Session adjourned at 7:05 p.m.

3. Reconvene into Open Session

The Mayor and Council convened in Work Session at 7:05 p.m. on Monday, October 29, 2018, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Staff present: City Manager DiSpirito, City Attorney Daniel, and City Clerk/**Director of Council Operations** Taylor-Ferrell.

4. Work Session - Topic 1

A. Worksession with the Ethics Commission

Chair of the Ethics Commission Gene Thirolf introduced the members present from the Ethics Commission. The purpose of the worksession was to update the Mayor and Council on the Ethics Commission's work and discuss Chapter 16 of the Rockville City Code, the "Ethics Ordinance" and the Commission's recommended amendments to the ordinance.

Updates to the Ethics Commission's work include:

- Providing ethics training to the City's elected officials, candidates for elected office, employees and boards and commission appointees, as necessary and appropriate.
- Responding to inquiries about the Ethics Commission.
- Monitoring of the filing of financial disclosure forms.

Mr. Thirolf stated that changes need to be made to the Ethics Ordinance to make it more consistent and more easily understood and read. Major changes to the Ethics Ordinance that need attention from the Mayor and Council include:

- Expand the group that files financial disclosure statements to those policy employees such as City Manager, Deputy City Manager, Police Chief, Department Directors, and Budget Director.
- Whistleblower provisions that protect a person who reports wrongdoing which has been found in State and County governments to encourage employees to do what is right.

A summary of the proposed amendments containing the Commission's recommendations and the staff report was provided to the Mayor and Council for review and discussion purposes. Questions of clarification by the Mayor and Council were addressed by staff.

The Mayor and Council provided the following suggestions and recommendations to the Ethics Commission.

Ethics Training

- Ideas for technology vendors to help with ethics training for staff and members of boards and commissions such as online tools used by universities.
- Have the Ethics Commission reach out to regional partners, such as the Maryland Municipal League, the National League of Cities and others to bring their expertise to the city.

Financial Disclosure Statements

- Provide a more detailed FAQ for filers of Financial Disclosures Statements so that everyone is working with the same information.
- Interpret the ordinance less broadly, as it has, in the past, affected former elected officials who volunteer for local nonprofits that do business before the city.
- Setting the deadline for filing financial disclosures.

THE MAYOR AND COUNCIL MEETING WENT INTO A BRIEF RECESS AT 8:17 PM. THE MEETING RECONVENED AT 8:22 PM.

5. Work Session - Topic 2

A. Mayor and Council's Role with the Rockville Sister City Corporation (RSCC)

The purpose of this worksession was to discuss the role the Mayor and Council have with the Rockville Sister City Corporation. President of the RSCC Drew Powell introduced members of the Board and provided a brief overview of the RSCC program. Documents provided to the Mayor and Council for review and discussion purposes included:

- Rockville Sister City Corporation Bylaws approved in September 2018
- Policy on forming a New Sister City Relationship
- Procedures for a Sister City Relationship with Rockville

Accomplishments of the Rockville Sister City Corporation include but are not limited to the following:

- Participation and partial underwriting of the PBS documentary “Our Town Rockville.”
- Numerous cultural events which engage Rockville citizens
- Quarterly newsletters and Web outreach
- Participation in events such as Hometown Holidays, Memorial Day Parade celebration, and Rocktoberfest
- Engagement and partnerships with other Rockville service organizations such as the Rockville Volunteer Fire Department and Peerless Rockville
- Renewed engagement with Sister Cities International and Montgomery’s Sister Cities
- Establishment of a student scholarship fund and award of student scholarships
- Assistance for exchange students attending Rockville high schools
- Reinvention of the Student Exchange Program supporting equal access for underprivileged students and liability insurance coverage
- 60th Anniversary with Rockville’s Sister City Pinneberg Germany in 2017
- Educational lectures and other information outreach

A discussion was held with the Mayor and Council, and questions of clarification were addressed by the RSCC members. The Mayor and Council provided their suggestions and recommendations.

6. Work Session - Topic 4

A. Discussion on Proposed Revisions on the MPDU Program & Accessory Dwelling Units Requirements

Community Planning and Development Department staff member Deane Mellander provided a presentation on the proposed changes to the MPDU Program and Accessory Dwelling Units Requirements. The topics for discussion by the Mayor and Council are:

- MPDU Program
- Zoning Code requirements regarding Accessory Dwelling Units (ADUs)

The topics for discussion by the Mayor and Council on the proposed changes to the MPDU Program are as follows:

- Reduce the control period from the current 30 years to 15 years at a minimum.
- Allow for the leasing of all MPDUs by owners for a period of up to 36 months.
- Permit unrestricted resale of certain condominium-type MPDUs under certain conditions within the control period.
- Increase the current minimum income requirement of \$22,000 (or approximately 26% of the AMI) for MPDU purchasers to reflect limits between 60% to 120% of AMI

- (a range of \$49,000 to \$152,000, adjusted for household size).
- Set the minimum MPDU income requirements for the rental component to equal 2.5 times the MPDU rents for the specific unit size.
 - Require MPDUs for residential developments of 20 units or more, and allow the option for fee-in-lieu payments for development with less than 50 units.
 - Increase the requirement for MPDUs to 15% of the project's total unit count throughout the City.
 - Eliminate "fair market value of improvements made" for MPDUs by giving credit of no more than 10% of the MPDU control price when calculating the price for an MPDU resale.
 - Turn over the MPDU application intake process for the rental units to property managers.

The topics for discussion by the Mayor and Council on the proposed changes to the requirements for accessory dwelling Units (ADUs) are as follows:

- Delete the requirement for a special exception for an internal/attached accessory apartment. Instead, require that any dwelling unit that contains or is proposed to contain the facilities for an accessory apartment must be registered with the Community Enhancement and Code Enforcement Division. This change would significantly reduce the permitting costs associated with accessory apartments, as well as eliminate the difficult process of obtaining a permit.
- Revise the standards for accessory buildings to allow greater floor area and height. Revisions would essentially return the regulation of accessory buildings to the 2005 standards. The size of the accessory building would become proportional to the minimum size of the lot in the property's zone, and the height would be measured to the mid-point of the gable. This would allow these buildings to be larger than the current limitation of 500 square feet, depending upon the size of the lot. This modification could also address current issues with limits on the size of garages and how they are measured.

Questions of clarification from the Mayor and Council were addressed by staff. The Mayor and Council provided their recommendations and directed staff to draft legislation that would effectuate their recommendations. Staff will proceed with the draft legislation and come back to the Mayor and Council at a later date.

THE MAYOR AND COUNCIL MEETING WENT INTO A BRIEF RECESS AT 10:44 PM. THE MEETING RECONVENED AT 10:49 PM.

7. Work Session - Topic 3

A. Plan for Improvements to the Development Review and Permitting Processes.

City Manager DiSpirito provided a brief overview for improving the Development Review and Permitting Process. Director of Planning and Development Ricky Barker provided the purpose of the worksession and those items for discussion:

- Project's importance to the City – this is ranked a top priority by the Mayor and Council, senior staff, residents and developers.
- Overview of a draft project charter or "Plan to do the Project."
- Initial Focus Items
- Obtain feedback and/or suggestions

Staff is recommending the following items for initial changes to improve the Development Review and Permitting Processes:

- Customer Service Center
- Reliable Schedules for development-related applications
- Development Review Committee (DRC) improvements
- Electronic Plan Review
- Notification Requirements
- Clarify when a site plan is required
- Modify single-family home requirements
- Create an exemption from submitting a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD)
- Exemption from afforestation for parking lot resurfacing projects

Questions of clarification by the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts and concerns. Rockville City Manager DiSpirito stated that the ultimate goal is for staff to come back to the Mayor and Council with a package to include short term and longer term recommendations and a real set of goals.

8. Adjournment

There being no further business, the meeting adjourned at 11:17 p.m.

RESULT:	APPROVED (UNANIMOUS)
MOVER:	Councilmember Julie Palakovich Carr
SECONDER:	Councilmember Virginia Onley
IN FAVOR:	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Julie Palakovich Carr, and Councilmember Mark Pierzchala