June 6, 2011 Executive Session

Motion moved by Councilmember John Britton, seconded by Councilmember Piotr Gajewski to enter executive session pursuant to Section 10-508(a)(4) of the State Government Article, Annotated Code of Maryland, to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the City.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

The Mayor and Council convened in an Executive Session at 10:15 pm on Monday, June 6, 2011. The meeting was held in the Diamondback Terrapin Conference Room in Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton and Councilmember Mark Pierzchala. Staff present were City Manager Scott Ullery, City Attorney Debra Daniel, City Clerk Glenda Evans, Assistant City Manager Jenny Kimball and Director of Finance Gavin Cohen. Also present were Sally Sternbach, Executive Director of Rockville Economic Development Inc. (REDI) and Steve Silverman (via telephone), Director of Montgomery County Office of Economic Development. Peter Bang, Montgomery County Office of Economic Development, joined the meeting in progress.

The topic of discussion was additional monetary and non-monetary incentives for the Choice Hotels project.

There being no further business, the Executive Session was adjourned at approximately 10:42 p.m.

PRESENT:
Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

STAFF PRESENT:
City Manager Scott Ullery, City Attorney Debra Yerg Daniel, and City Clerk Glenda P. Evans

Convene

The Mayor and Council of the City of Rockville convened in a regular meeting on Monday, June 13, 2011 at 7:00 p.m. in the Mayor and Council Chambers, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led all present in the Pledge of Allegiance.

3. Agenda Review

City Clerk Glenda Evans reported that there were no changes to the agenda.

4. City Manager’s Report

City Manager Scott Ullery reported on the following:

(1) Annual Flag Day Ceremony June 14, 2011 at 6:00 pm.
(2) City of Rockville earned a Banner City Designation for demonstrating an outstanding commitment to the Maryland Municipal League (MML).
(3) Award of bikesharing grant being shared with Montgomery County in the amount of $100,000.

5. **Presentation - Rockville Economic Development Inc. Update**

Executive Director of the Rockville Economic Development Inc., Sally Sternbach reported on the following:


(2) 2011 is the 8th year for the Business Plan Competition. Deadline for Executive Summaries is June 29, 2011.

(3) Women’s Business Center is sponsoring seminars to assist individuals interested in writing a business plan on June 15, 2011, seminar on government contracting "Beyond the Basics" and getting started in the social media.


(5) Emergent Bio Solutions received contract from Centers for Disease Control.

(6) Novavax named Biotechnology Firm of the Year by Tech Council of Maryland.

6. **Citizen’s Forum**

Warren Crutchfield - Stop sign/traffic sign at Brickford and Martins Lane

Anne Goodman - Citizen’s Forum Format

Adam Schloss - Residential (multi-unit) development within the City and adjustments of APFO Ordinance

Erik Reed - Elwood Smith Community Center/Playground

7. **Mayor and Council’s Response to Citizen’s Forum and Announcements**

The following members of the Mayor and Council responded to comments made during Citizen’s Forum: Mayor Marcuccio, Councilmember Britton, Councilmember Gajewski, Councilmember Newton and Councilmember Pierzchala.

Mayor and Council requested that City Manager Scott Ullery follow-up on the concerns regarding a traffic control device at Brickford and Martins Lane.

Mr. Ullery was also requested to follow-up on the concerns regarding the Elwood Smith Community Center/Playground issues.

8. **Consent Agenda**

Councilmember Gajewski requested removal of Consent Agenda Item 8D (Approval of Minutes).

A. Introduction of Ordinance to Revise Chapter 21 of the Rockville City Code, “Streets and Public Improvements,” so as to include provisions to require permits for blocking pedestrian or vehicular traffic and to protect and/or repair existing improvements within a City right-of-way or easement; increase the validity period of construction permits from six months to two years; establish a validity period for engineering plan approval of six months; establish fees for plan review and right-of-way (ROW) protection; and change approval authority from the Mayor and Council to the Director of Public Works for permit extensions.

B. Introduction of an Ordinance to Revise Chapter 24 Entitled "Water, Sewers and Sewage Disposal" by Amending Section 24-26, "Adequate Water and Sewer Connections Required" so as to Require a Water and Sewer Capacity and System Integrity Analysis in Certain Circumstances.

C. Introduction of ordinance to amend Chapter 5 of the Rockville City Code entitled "Buildings and Building Regulations" by amending Article VII, "Electrical Code" and Article XI "Plumbing" so as to modify the term of licenses for electricians and plumbers.

Motion moved by Councilmember John Britton, seconded by Councilmember Mark Pierzchala to approve Consent Agenda Items 8A through 8C.

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

D. Approval of Minutes

Executive Session

Meeting No. 41-10 (December 13, 2010 - pre meeting)

Meeting No. 41-10 (December 13, 2010 - post meeting)

Meeting No. 05-11 (February 14, 2011)

Meeting No. 16-11 (May 16, 2011)

Mayor and Council discussed Consent Agenda Item 8D (Approval of Minutes). It was decided that Mayor and Council would approve the minutes and discuss them further during Old/New Business.

Motion moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Mark Pierzchala to approve Consent Agenda Item 8D (Approval of Minutes).

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.
9. **Presentation - District 17 Presentation on 2011 Session and Mayor and Council Discussion of 2012 Legislative Priorities**

The following members of the Maryland House of Delegates for District 17 (Montgomery County) were present to discuss with the Mayor and Council the 2012 Legislative Priorities: Delegate Kumar P. Barve (D), Delegate James W. Gilchrist, Delegate Luiz R. S. Simmons (D) and Senator Jennie Forehand.

The Mayor and Council and District 17 Delegates discussed the legislative priorities and other issues affecting the State of Maryland and the City of Rockville.

Motion moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Mark Pierzchala to accept the three legislative priorities for 2012 as (1) Restoration of Highway User Revenues. (2) Statewide Stormwater Management Legislation. Staff is refining a strategy which includes: actively engaging other cities with SWM permits; reaching out to MDE Water Management Administration; participating in the MC 21-11 summer study group; working with District 17; enlisting environmental groups; educating the County Council; and approaching the Environmental Matters Committee with a document that demonstrates consensus building among key stakeholders. (3) Legislation to Allow Non-Sworn Officer Staff To Sign Off On Speed Camera Violations.

Motion Passed:
5 approved - 0 opposed - 0 abstained
Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

10. **Adoption - Adoption of an Ordinance to Amend Chapter 17 of the Rockville City Code entitled Purchasing**

Finance Director Gavin Cohen provided an overview of the Ordinance to be adopted. Mr. Cohen indicated that three changes requested by the Mayor and Council had been made. Changes made since introduction are: (1) correction of a typographical error in Sec. 17-65: Unsolicited Proposals, subsection (d) has been revised to read: Discussion with Responsible Offeror; (2) Sec. 17-84 has been amended to align the notification of emergency procurements from the Purchasing Agent to the City Manager to $30,000 (17-84 (d)) which is the Purchasing Agent procurement authority; and (3) notification from the City Manager to the Mayor and Council to $100,000 which is the City Manager's non-emergency procurement authority (17-84 (f)).

Motion moved by Councilmember John Britton, seconded by Councilmember Mark Pierzchala to amend the Ordinance to Amend Chapter 17 of the Rockville City Code entitled Purchasing.

Motion Passed:
5 approved - 0 opposed - 0 abstained
Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

Motion moved by Councilmember John Britton, seconded by Councilmember Mark Pierzchala to adopt an Ordinance to Amend Chapter 17 of the Rockville City Code entitled Purchasing.

Motion Passed:
5 approved - 0 opposed - 0 abstained
Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

11. **Introduction - Introduction of bond ordinance, attachment A, to authorize the issuance and competitive sale of taxable and tax-exempt General Obligation Bonds of 2011, in an amount not to exceed $33,000,000 of taxable debt and $10,000,000 of tax exempt debt for the purpose of defeasing the 2004 and 2005 garage tax exempt debt issues and financing the construction of water and sewer system improvements as reflected in the City's FY 2012 Capital Improvement Program (CIP), and related issuance costs**

Councilmember John Britton introduced the Bond Ordinance to authorize the issuance and competitive sale of taxable and tax-exempt General Obligation Bonds of 2011, in an amount not to exceed $33,000,000 of taxable debt and $10,000,000 of tax exempt debt for the purpose of defeasing the 2004 and 2005 garage tax exempt debt issues and financing the construction of water and sewer system improvements as reflected in the City's FY 2012 Capital Improvement Program (CIP), and related issuance costs

Mayor Marcuccio requested that the two bond transactions be separated into two Ordinances when they are returned to the Mayor and Council for adoption.

12. **Authorization - Good-will Payments for Liability Claims Arising from City of Rockville maintained Sewer, Water or Storm Drain Utility Discharges**

Safety and Risk Manager Sheldon Altschuler provided background on the requested authorization for good-will payments for claims that arise from sewer back-ups, water or storm drain discharges that leads to property damage for residents, homeowners or property owners.

Motion moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Piotr Gajewski to authorize Good-Will Payments for
Liability Claims Arising from City of Rockville maintained Sewer, Water or Storm Drain Utility Discharges.

Motion Passed: 4 approved - 0 opposed - 1 abstained

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, and Councilmember Bridget Donnell Newton approved.

None opposed.

Councilmember Mark Pierzchala abstained.

15. Discussion and Instructions - Adoption of a resolution to support a "school only" design option for the proposed new Richard Montgomery Elementary School #5

Councilmember Pierzchala requested that Agenda Item #15 be discussed prior to Agenda Item #12 as there were individuals in the audience interested in this topic.

Assistant City Manager Jenny Kimball provided the overview for the proposed resolution. Additionally, Ms. Kimball advised that Mayor and Council request Staff prepare a comprehensive strategy for working with the County and Montgomery County Public Schools to advocate for capital projects that alleviate school overcrowding in the Richard Montgomery cluster.

Councilmember Newton requested that the following phrase be added "we [the Mayor and Council] look forward to working with..." It was agreed that this phrase would be added to the Resolution.

Motion moved by Councilmember John Britton, seconded by Councilmember Bridget Donnell Newton to approve resolution to support a "school only" design option for the proposed new Richard Montgomery Elementary School #5 (as shown in Agenda Item #15, Attachment F) with the amendment of adding additional Whereas Clause #3 which states "we look forward to working with Montgomery County Public Schools on this issue."

Motion Passed: 5 approved - 0 opposed - 0 abstained

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

The Mayor and Council agreed to support staff recommendation to formulate a comprehensive strategy to advocate for capital projects that alleviate school overcrowding.

13. Discussion - 111 Maryland Avenue Mayor and Council Roundtable Evaluation and Direction

Communications Manager Marylou Berg provided background and indicated that additional direction was needed relating to the future of the program 111 Maryland Avenue.

Motion moved by Councilmember Piotr Gajewski, seconded by Councilmember John Britton to accept the recommendation that the Mayor and Council do the weekly show in the same format as the pilot show [May 13, 2011], excluding the $5,000 furniture recommendation.

Motion Passed: 3 approved - 1 opposed - 1 abstained

Councilmember John Britton, Councilmember Piotr Gajewski, and Councilmember Mark Pierzchala approved.

Councilmember Bridget Donnell Newton opposed.

Mayor Phyllis Marcuccio abstained.

14. Discussion - Use of City’s Communication Tools by Mayor and Council in an Election Year

Communications Manager Marylou Berg provided the Mayor and Council with staff recommendations regarding incumbent use of the City’s communications tools during an election year. Ms. Berg indicated that the current Election Campaign Guidelines do not address the use of communications tools.

Motion moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Piotr Gajewski to stop airing the Mayor and Council One-on-One Segments and the 111 Maryland Avenue program from the filing deadline date to Election Day.

Motion Passed: 4 approved - 0 opposed - 1 abstained

Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

None opposed.

Mayor Phyllis Marcuccio abstained.

16. Mayor and Council Liaisons to Boards and Commissions Report

Mayor Marcuccio reported that she had attended:
(1) The U.S. Consumer Product Safety Commission’s grand opening ribbon cutting ceremony at the CPSC’s new testing facility at the CPSC Rockville Campus, 5 Research Place; and
(2) the Rockshire Picnic on Sunday, June 12, 2011.

The Mayor and Council attended the 22nd Annual Public Safety Awards Luncheon on Wednesday, June 8, 2011 at the Lakewood Country Club.

Mayor Marcuccio announced that there will be the First Annual World Elder Abuse Awareness Day on Wednesday, June 15, 2011 in the Ashbury Methodist Village in Gaithersburg, Maryland.

Councilmember Newton reported that she and Mayor Marcuccio had attended the Latino Outreach Graduation Crusader at Lutheran Church, 1605 Veirs Mill Road.

Councilmember Newton also reported that she had attended the (1) Planning Commission’s worksession with Maryland Department of Transportation (M-DOT), Montgomery County and WMATA on Wednesday, June 8, 2011 and on Monday, June 13, 2011 attended the U.S. Open as a guest of the Rockville Economic Development Inc.

17. **Review and Comment - Future Agendas and Tentative Agenda**

Mayor and Council agreed to place on Future Agendas the following:

(1) Divestment from Sudan will be rescheduled to the July 11, 2011 Mayor and Council meeting.
(2) request by Councilmember Gajewski to amend previously-approved Executive Session minutes to include votes of the Mayor and Council.
(3) request by Councilmember Newton to include an item regarding the number of individuals living in owner-occupied homes which is related to the “Definition of ‘Family’”.
(4) Remove Agenda Item #18 from the June 20, 2011 Tentative Agenda relating to Legislative Priorities.
(5) Reminder that Mayor and Council will be attending the West End Citizens Association meeting at 7:00 p.m. on June 16, 2011 at the Rockville Presbyterian Church.

18. **Review and Comment - Mayor and Council Action Report**

None.

19. **Old/New Business**

Mayor Marcuccio inquired about individuals who claim to be paying Rockville property taxes although they are not located within the Rockville City limits. City Manager Scott Ullery indicated that staff would look into the matter.

Mayor and Council agreed to place on Future Agenda a discussion regarding the format of Citizen Forum.

20. **Adjournment**

There being no further business, the meeting adjourned at 10:53 p.m.