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Attest: \_\_\_\_\_

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MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
February 6, 2012  
Meeting No. 05-12  
7:00 p.m.

Executive Session pursuant to Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding a public information request.

**Motion:** to convene in Executive Session pursuant to Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding a public information request.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall and unanimously approved.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmember John Hall, Councilmember Tom Moore, Councilmember Bridget Donnell Newton and Councilmember Mark Pierzchala. Also present were Acting City Manager Jenny Kimball, Acting City Clerk Brenda F. Bean and City Attorney Debra Daniel.

The topic of discussion was an MPIA Request of the Sentinel Newspaper related to severance monies paid to employees in 2011 and 2012.

There was consensus among the Mayor and Council to proceed with the City Attorney's suggested approach.

Executive Session adjourned at 6:45 pm.

**Present:**

Mayor Phyllis Marcuccio, Councilmember John Hall, Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

**Staff Present:**

Acting City Manager Jenny Kimball, Acting City Clerk Brenda Bean and City Attorney Debra Daniel.

## 1. Convene

The Mayor and Council convened in a regular meeting on February 6, 2012 in Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

## 2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

## 3. Agenda Review

No changes to the agenda were reported.

## 4. City Manager's Report

Acting City Manager Kimball reported:

1. This month's Rockville Reports will soon be delivered and it contains information on a student art show sponsored by the City of Rockville and the Rockville Art League
2. The City of Rockville Summer Camp Registration has opened and the Camp Guide is available online. This year marks 50 years of the summer camp program in Rockville.

## 5. Citizen's Forum

### *Citizen*

### *Issue*

Christy Erazo

Variance request - accessory building requirements in Code

Roald Schrack

Naming the Center for former Mayor Bill Hanna

Judy Miller

Attorney fees; delay on Ethics Law

Christina Ginsberg

Board of Supervisors of Elections Wrap up meeting; concerns about disclosure; supports the Raskin Ethics Legislation

## 6. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Moore

Regarding the proposed Ethics legislation, the State Legislature passed strong legislation in 2010 and there is discussion whether that goes too far; believes that Rockville is large enough and that the City should do this; wonders exactly how the City will pass a law that reflects the state standards; is eager to have a public hearing on this topic to allow the citizens the opportunity to tell us exactly how strong they want us to make our standards; he addressed his concerns in a letter he had sent to Senator Raskin.

Councilmember Pierzchala

Corrected Ms. Ginsberg; he has not lobbied in Annapolis.

Councilmember Hall

Also made it clear that he has not lobbied in Annapolis; the City has not delayed acting on the ethics item; need to

understand what our priority elements are in the legislation; wants to make sure that we do it right.

Councilmember Newton

Will watch the Board of Appeals video where Ms. Erazo's variance was heard; to her knowledge, no member of the Mayor and Council has lobbied in Annapolis; regarding the proposed Ethics law, there are some things that will have a dramatic impact on former members of the Mayor and Council; the way it is written currently, those serving on the Ethics Commission were not held to the same standards as elected officials.

Mayor Marcuccio

Some aspects of that Ethics Law really don't fit the community; there are elements that might prevent people from serving the City in tremendous capacities; hopes that Rockville will be smarter about this than Kensington; the State has delayed this because of the vast numbers that they have to look at; hopes that the Board of Supervisors of Elections will come back with some ideas and suggestions with respect to campaign fund reporting.

## **7. Announcement of Vacancies**

Mayor Phyllis Marcuccio announced vacancies to the following board and commissions: Animal Matters Board, Compensation Commission, Human Rights Commission, Landlord Tenant, Affairs Commission, Recreation and Parks Advisory Board (1 unexpired youth member) and the Sign Review Board

## **8. Consent Agenda**

Award of IFB #35-11, Construction of Glen Mill Pump Station Surge Tank, to CPP Construction Company, Inc. in the amount of \$275,000.

**Motion** to award IFB #35-11, Construction of Glen Mill Pump Station Surge Tank, to CPP Construction Company, Inc., in the amount of \$275,000.

Moved by Councilmember Bridget Newton, seconded by Councilmember Mark Pierzchala and unanimously approved.

## **9. Discussion and Instructions Naming of the Senior Center in honor of former Mayor William E Hanna, Jr.**

Mayor Marcuccio said that she had received a letter from Helen Heneghan suggesting that the Senior Center be renamed after former Mayor William B. Hanna. Mayor Marcuccio said that she had forwarded the letter to Rockville Seniors, Inc. and the Senior Citizen Commission for review. Both bodies responded that they were not in support of this proposition. Rockville Seniors, Inc. recommended the formation of a committee or task force to explore how the City might rename things. Councilmember Newton said that she agrees with that recommendation.

**Motion:** to direct the Senior Citizens Commission and the Rockville Seniors Inc. to set up a subcommittee of representatives from both boards to consider renaming the Senior Center and to establish a process for gathering input from membership and other Senior Center users.

Moved by Councilmember Newton and seconded by Councilmember Pierzchala.

In discussion, Councilmember Pierzchala said that given that both bodies did not agree with the renaming of the Senior Center, he does not believe we should impose another task on them to consider either this, or any other suggestion. It seems that they are comfortable with the current name of the Center. Councilmember Moore agreed and said that there was specific suggestion to name the Senior Center after Bill Hanna, and if it looks like that is not what we want to do, it is not clear that we need to do anything.

Mary Jane Walling, President of RSI said that the motion that Councilmember Newton had just made was part of a letter to the Mayor and Council from the Senior Citizens Commission. Ms. Walling said that both bodies had a great deal of discussion and that it is the feeling in both bodies that there are other people who also have made significant contributions to the establishment of the Senior Center. She said that they have not heard anything from the members of the Senior Center that would suggest that it should be renamed. Ciriaco Gonzalez, former Chairman of the Senior Citizens Commission, spoke and said he had attended the meeting at which this was discussed and that the vote was unanimous against it. Mr. Gonzales said that this would be a good time to look at the entire picture on renaming city facilities and the idea of a committee to revisit this is probably a good idea. Mr. Gonzales said that there was a sentiment against renaming the Center after anybody at this time.

Councilmember Moore said that it sounds like the relevant groups have already begun a full discussion of all the issues and wondered if direction was needed from the Mayor and Council or if they could proceed on their own. Mr. Gonzales responded that both groups decided that would be good to come up with some ideas to bring to the Mayor and Council as a starting point because right now there is not anything.

Councilmember Newton agreed with Mr. Gonzales and withdrew her earlier motion.

**10. Public Hearing on Annexation Petition ANX2011-00142, a request to annex a 46,960 square foot property known as Lot 9, Block A, Section One of Glen Hills Club Estates, located at 9608 Veirs Drive into the City of Rockville; Arnold W. and Arcadia M. Anderson, applicants.**

Planner Cas Chasten presented the staff report. The Mayor and Council heard from one speaker. There being no other speakers, Mayor Marcuccio declared the Public Hearing closed. The Mayor and Council agreed to close the public record at this time in an effort to save the petitioners time, as well as the benefits to the neighbors and the environment. A copy of the official transcript can be found in the official file maintained by the office of the City Clerk.

**11. Approval of White-Tailed Deer Management Plan (WTDMP) and the White-Tailed Deer Task Force (WTDTF) Recommendations**

Steve Mader, Superintendent of Parks and Facilities presented the background. Ensuing discussion between Mayor and Council and city staff included: Benefits and costs associated with a study to count deer; benefits of a biological study; deer affecting species of plants and fauna; concerns with using lethal means.

**Motion:** to approve the White-Tailed Deer Management Plan (WTDMP) and the White-Tailed Deer Task Force (WTDTF) Recommendations

Moved by Councilmember John Hall, seconded by Councilmember Tom Moore and unanimously approved.

**12. Review and Comment - Future Agendas**

Regarding the Charter Review Commission, Councilmember Pierzchala asked for a formal agenda item on this topic. He said that he is not necessarily opposed to the idea but would like to be clear on the topics: motivation, the number of people serving, etc.; before moving forward with it.

Mayor Marcuccio said that she thought it would be good to take this up at the Mayor and Council retreat possibility to be held on February 13. Councilmember Pierzchala said that he would prefer that it be placed on a regular agenda for public purpose. Councilmember Hall agreed that it should go on a regular agenda. Mayor Marcuccio stated the items she was most interested in exploring is 4 year terms and the expansion of the council from 5 to 7 members. Councilmember Pierzchala suggested that the Mayor assemble a package for the Council and public to react to ahead of time. In that vein, Councilmember Hall wondered such things as would the members be appointed, the lifespan of the Commission and what the expected output might be. There was ensuing discussion on the possibility of holding the Mayor and Council retreat on February 13 versus at a regular Mayor and Council meeting. There was agreement by all to schedule a Mayor and Council retreat for February 13 at 7:00 pm in the Mayor's office.

### **13. Review and Comment - Mayor and Council Action Report**

Councilmember Pierzchala asked if staff might post previous adopted budgets on the city's website. He suggested providing at least the past ten years.

### **14. Mayor and Council Liaisons to Boards and Commissions Report**

Councilmember Newton said that she had attended City's Lunar New Year celebration at Rockville High School and danced with a dragon on stage. Councilmember Pierzchala said he had attended the Richard Montgomery High School One Act Plays. He also participated in the stream valley walk between Woodley and College Gardens.

### **15. Old/New Business**

Councilmember Newton said that she had received requests from people interesting in reviving the idea of a City Budget Commission and asked to have this placed on a future agenda for discussion. Councilmember Moore said that he had heard that the Town Center grocery store slated to open in the spring is now not going to open until the fall. Staff responded that they would inquire as to the delayed opening.

### **16. Adjournment**

There being no further business, the meeting adjourned at 8:25 p.m.

**Motion:** to adjourn

Moved by Councilmember John Hall, seconded by Councilmember Bridget Newton and unanimously approved.