

Approved:

Attest: _____

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

March 19, 2012
7:00 p.m.
Meeting No. 11-12

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., 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 met on March 19, 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

Acting City Clerk Brenda Bean reported that there were no changes to the agenda.

4. City Manager's Report

Acting City Manager Jenny Kimball reported:

- 1) The City of Rockville Planning and Zoning Academy is scheduled to take place on Saturday, March 24 at the Glenview Mansion.
- 2) On Friday, March 23, children from grades 5 - 9 will team up with friends and the City of Rockville Police for a March Madness basketball tournament.

Mayor Marcuccio said that Montgomery County Government is in the process of reviewing cable services provided by Comcast to determine the community's future cable-related needs and interests in preparation for renegotiating the cable franchise agreement. She mentioned a series of focus groups scheduled for the week of March 19 and encouraged those interested to participate in one of the focus groups.

5. Rockville Economic Development Inc. Update

Lynne Benzion, Acting Executive Director of REDI, reported on activities associated with Business Appreciation Week. She said that over 50 companies had been visited. Ms. Benzion also mentioned the Rockville Summit and the interest of the business community in continuing along in the Summit process. She thanked the Mayor and Council for their support with respect to the Rockville Summit.

Councilmember Pierzchala said that he had participated in several visits and found them to be educational and fun. There was discussion on whether or how to give greater consideration to Rockville businesses.

Councilmember Newton said she would like to have more information on the topic and wondered if there might be a credit that would somehow even the playing field.

Councilmember Moore thanked REDI for all their efforts associated with Business Appreciation Week. It was the first time he had participated and he found it to be a very rewarding experience. He especially wanted to acknowledge Amanda Wilson at REDI for a job well done.

6. Presentation Pepco Presentation on Smart Meters

Ms. Kimball welcomed Tammy Watkins and Jerry Pasternak of Pepco. Ms. Watkins shared information on Pepco's smart meter program which included the electric utility landscape, utility industry transformation, two-way communication ability; connect and disconnect service being handled remotely; interval daily/hourly energy usage readings; deployment phases, planning, scheduling and ordering, and the benefits to customers.

Councilmember Hall asked how customers with special needs would be handled and Ms. Watkins responded that those accounts would be flagged and the installer physically must make contact with that home. Councilmember Hall was also interested in knowing if there had been coordination with Fire and Rescue and Ms. Watkins said that Pepco would be briefing all emergency groups on March 28th.

Councilmember Newton asked if there would be an additional cost to the customer and Ms. Watkins said that Pepco had received a very large federal grant that will cover the process.

Councilmember Pierzchala said that this program could measure the overall usage of private and commercial establishments and was interested in knowing the impact on energy effectiveness. In the 'green' sense, he said that this program could very well reduce usage. Mrs. Watkins responded that he was correct and that they determined, conclusively, this to be a fact.

Councilmember Hall asked about the cost of the meters and when they would be completely installed. Ms. Watkins said that each would be a couple of hundred dollars and they expected completion by the end of 2013. Councilmember Hall also wondered what the lifespan of the meters would be and Ms. Watkins said that she would need to get that information.

Mayor Marcuccio asked about any cost to the customer and Ms. Watkins reiterated that there would be no impact to the customers. Mayor Marcuccio asked about what would happen if, after the meter was installed, a customer found their rate went up considerably and Ms. Watkins responded there is a measure in place to test for this.

7. Citizen's Forum

| Citizen | Issue |
|-----------------|---|
| John Inglefield | Possible funding for the I- 270 Sound Wall barrier |
| Joan Hartley | 103 Forest Avenue Historical Designation |
| Don Hadley | 103 Forest Avenue Historic Designation |
| Mike Callahan | Designation of historic homes against the wishes of the property owners |
| Judy Miller | Twinbrook Metroplace project |

8. Mayor and Council's Response to Citizen's Forum and Announcements

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|--------------------------|---|
| Councilmember Moore | Sound wall - City Staff did not recommend funding though still within the purview of the Mayor and Council to fund; project not dead. |
| Councilmember Newton | Sound wall – it is not over yet; the Mayor and Council have not even had budget worksessions yet; fund it; thanked Mr. Hadley for coming and for his thoughtful comments. |
| Councilmember Pierzchala | Property tax was forecast to be steady, that did not happen which will result in a \$2 million dollar property tax reduction for FY13; appreciates Mr. Hadley's comments. |
| Mayor Marcuccio | Thanked Mrs. Hartley for her comments; hopes to find a way to fund the I-270 sound wall; upcoming Rockville Science Cafe at Branded 72 regarding nano therapy. |

9. Appointments & Announcement of Vacancies

Mayor Marcuccio announced vacancies to the Compensation Commission, Landlord Tenant Affairs Commission and the Senior Citizens Commission.

10. Consent Agenda

- A. Award of Invitation for Bid (IFB) #21-12 Tree Care Services, in an aggregate amount not to exceed \$3,000,000 over a 5-year contract period.

- B. Award of contract to Rudolph's Office and Computer Supply Inc. (Rudolph's) of Baltimore, Maryland to provide furniture (public spaces and offices) within the new Police Station and the Senior Center projects in the amount of \$123,415.72.

Councilmember Newton requested removal of both consent agenda items to be discussed separately.

Re: Consent Agenda (A)

There was discussion on: what budget was responsible for this item; the length of the contract Reason for the increase caused by a major storm event in both the winter and summer of 2011; the process and cycle of tree trimming maintenance; and why no Rockville companies bid.

Motion: to approve award of invitation for Bid (IFB) #21-12 Tree Care Services, in an aggregate amount not to exceed \$3,000,000 over a 5-year contract period.

Moved by Councilmember Tom Moore, seconded by Councilmember Bridget Donnell Newton and unanimously approved.

Re: Consent Agenda (B)

There was discussion on: breakdown of the cost being for Senior Center and Police Station renovations; there are funds projected for this item in FY13 budget.

Motion: to award contract to Rudolph's Office and Computer Supply Inc. (Rudolph's) of Baltimore, Maryland to provide furniture (public spaces and offices) within the new Police Station and the Senior Center projects in the amount of \$123,415.72.

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

11. Discussion - Invitation from Jiaxing, China to Mayor and Council to Attend City Summit

Jim McConkey of the Rockville Sister City Corporation gave the background on this item. He talked about the Sister City Agreement and expectation of reciprocity between the two City governments. Mr. McConkey said that the Jiaxing officials are interested in learning more about budget planning and maintenance of infrastructure. In 2010, an official delegation traveled to Jiaxing headed up by Jim Coyle, former Mayor of Rockville. The recommendation of the Sister City Corporation, if the Mayor and Council cannot attend, is that an official representative go on behalf of the Mayor and Council. Further, it is the recommendation of the Sister City Corporation to draft correspondence that indicates that the City of Rockville is serious about pursuing this relationship and the types of things that we would like to accomplish. Ensuing discussion between the Mayor and Council and staff included: difficult budget times to send a delegation at this time; Councilmember Pierzchala expressed an interest in attending; official face to face representation is important; there is value to sister city relationships; would sending one councilmember suffice; important that Jiaxing thinks the relationship is going forward; the need for input from staff on costs that we would incur (outside the cost for the plane ticket); time constraints and when they expect a response from the City; the urgent need for an official response to the invitation; and since City business, should the individual traveling have to pay.

Mr. Sam Choi of the Rockville Sister City Corporation read a prepared statement to the Mayor and Council requesting a full sister city relationship with Jiaying and strongly recommended that the Mayor attend the conference. He estimated the total expense to be approximately \$2000 per person.

12. Authorization to File Sectional Map Amendment to change zoning from R-60 to R-60 (HD) at 103 Forest Avenue. (Note: this item went ahead of 12 due to the hour and Mrs. Hatley's presence.)

Because of his involvement with this property years ago, Councilmember Tom Moore recused himself and left the meeting at 9:20 pm.

Chief of Planning Jim Wasilak introduced the item and gave a brief background of the property. Mr. Wasilak laid out the actions the Mayor and Council could take and said that staff is looking for clarity. Highlights of the ensuing discussion include:

- Interesting that this item appears right on the heels of the Upton Street (Mohn property) historical designation request;
- persons interested in purchasing the property spoke with staff in CPDS
- property could possibly be divided into 3 lots
- asking price for home considerable amount
- mechanics and finances do not play out very well
- if resubdivision would apply, the need to maintain average lot area
- average lot area and lot footage
- impacts of historic designation to potential sale
- sizes of surrounding lots
- R-60 zone and R-90 zones in same neighborhood
- was the For Sale sign the impetus for this item
- in view of the time lapse, is the nomination even valid
- possibility of hiring a consultant to determine viability of West End as a Conservation District.

Motion: to declare the 2002 nomination by the Historic District Commission of 102 Forest Avenue as historic, to be no longer valid.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall, with Mayor Marcuccio and Councilmembers Hall, Newton and Perizchala approving, and Councilmember Moore recusing.

13. Discussion and Instructions - to Staff for Project Plan PJT2012-00002, to allow redevelopment of an existing retail center into a mixed-use development to be known as Twinbrook Metro Place at 1592 Rockville Pike, Twinbrook Partners LLC, applicant.

Planner Jeremy Hurlbutt presented the Mayor and Council with an overview of the project and where we are in the process.

Because of ex parte concerns, Mayor Marcuccio said that she had spoken, briefly, with Judy Miller and Christina Ginsberg on certain aspects of the project. Highlights of the ensuing discussion included:

Councilmember Pierzchala –Great project, great plan; strongly supports this concept; these types of communities are how you handle increased demand for housing while reducing the number of cars on the road; the rewrite of Zoning Ordinance called for higher density; if we don't provide proper housing than we don't get the right workforce; is not discouraged about the height or the density; win-win for everyone; thinks that the walkable scale is fine; this project was exactly what was envisioned when the Zoning Ordinance was rewritten and will greatly improve the property; environmentally sound, good transit area; you do not want to underbuild or overbuild parking; applicant submitted additional data to support parking reduction request; the whole idea of situating this project next to Metro is to reduce the number of cars on the road; going higher is desirable because it gets you what you want; does not see a big difference between 12 and 15 stories; would rather see it go higher than wider; going higher makes better sense environmentally.

Councilmember Hall – this is a redevelopment of a site that is underused; does not have clarity yet on the stormwater management solution; subscribes to the thought that you want greater densities at transit centers, but not at any cost; significant concern is we are setting ourselves on a path of doing these things piecemeal; we have a Planning Commission that is aggressively working on Rockville Pike Plan and it is unclear how this project fits with the vision that we are yet to articulate; concerned about not taking fully formed or holistic approach; at some point, we will need to establish the vision for the Pike corridor; does not think parking reductions are going to be helpful; you run the risk of having people parking in nearby communities; the proposed reductions are more than he would like to see; with regard to height, does not think it justifies the full utilization of the height that is proposed; in return for more modest numbers, would like to see more in the way of what the city and community might get. Is there an opportunity for more publicly accessible green space?

Mayor Marcuccio – with respect to pedestrian traffic, has concerns with the long blocks pedestrians would have to navigate; would like to see the addition of passageways or alleys to eliminate the fortress element; is not in favor of the parking reduction; has concerns with going 30 feet over what the height limitations are; would like to avoid the same problems that we have had with Town Center.

Councilmember Newton - agrees that this will be a huge improvement, an asset; has concerns with the parking and height waivers; we are still a car society; concerned that the reduction is too steep; concerns about it limiting the ability of young workforce people coming to the project; is skeptical about the shadow studies and does not think they are entirely accurate; has concerns about equitable fairness amenities; mentioned that Twinbrook Pool is needing repairs and wondered about a pool that would serve those Twinbrook residents as well as residents of the project.

Councilmember Moore – Project is within steps of metro and every bit of smart growth thinking says build density close to Metro; perhaps a building can be up to 150 feet if other criteria is established; in terms of parking reduction: experience with similar developments has shown this to be successful; it does not pay for a developer to build less parking than is needed; we do not know how many parking spaces one of these projects would need; the builder should have lots of incentive to get this right; there is a change in thinking nowadays with respect to parking.

Other general discussion included such things as: phasing of the project; zip cars, bike racks and bike parking.

The Mayor and Council instructed staff to draft a resolution for approval with a reduction of one story in height for Building 5 which will result in the reduction of 19 multifamily units from the 811 units proposed in the original application, as well as 10 feet in building height for Building 5. This will also result in the retention of the proposed 1,278 parking spaces to be provided after the requested parking waiver. The Mayor and Council also instructed staff to provide an updated analysis for school capacity and traffic capacity per the City's Adequate Public Facilities Standards (APFS).

14. Review and Comment - Action Report

Councilmember Newton asked who would be using the letterhead containing the City Seal and Marylou Berg responded that it would be the offices of the City Attorney, the City Clerk, and the Mayor and Council. Ms. Berg said that the new letterhead would be available in about a week. Councilmember Newton asked staff to get a good indication of when Dawson's Market might open.

15. Review and Comment - Future Agendas

Councilmember Newton asked about the bonding item that Councilmember Pierzchala would discuss on April 2nd and Councilmember Pierzchala responded that it has to do with the City's Financial Management Policies and guidelines with respect issuing debt. He has worked with the Finance and Budget Task Force and plans to update the Mayor and Council on April 2nd. Concerning the proposed joint meeting with the City of Gaithersburg, Mayor Marcuccio asked that we place a few more items of mutual interest on the agenda, besides the APFO. Councilmember Pierzchala asked that we schedule on item for a fall agenda that delves into how the City goes about contracting.

Regarding the federal funding priorities and the trip to Capitol Hill, Mayor Marcuccio would like to have a discussion on items to take up. Ms. Kimball said that one potential topic of discussion is community development block grants and sanitary sewer rehabilitation. Councilmember Newton noted that she did not see Discussion and Instruction for the Pumphrey's Text Amendment and wants to be sure this gets scheduled soon. Regarding the Montgomery County Rockville Core Committee discussion on August 6, Councilmember Newton wondered what the status was and Ms. Kimball responded that she would call David Dice for an update. Regarding the unreturned refuse and recycling carts fee, Councilmember Newton asked if this was done on an annual basis. Ms. Kimball said that she would look into that and respond. Ms. Newton also raised the bonding in the budget item and Ms. Kimball said she would look into that as well.

Councilmember Moore asked about the status of the Charter Review Charter Commission and Mayor Marcuccio responded that she has not heard from members of the Council with respect to names they wish to submit. Councilmember Moore said he would like to know more about it

such as the vision of the Mayor, the mission of the Commission, who would be appointed and how. There was agreement to place this on the April 2nd agenda for discussion.

Councilmember Moore mentioned the motion he had made to request an advisory opinion from the Attorney General with respect to the legality of the City's APFO. Councilmember Moore said the motion had been tabled and given the late hour, he requested that the matter be taken up at a meeting soon. There was agreement to bring this item back for the meeting of April 2nd.

16. Mayor and Council Liaisons to Boards and Commissions Report

Councilmember Pierzchala said that that he and his wife, Lesley, went to the White House to attend the official greeting ceremony for Prime Minister Cameron of Great Britain and thanked Mayor Marcuccio for referring the invitation. Councilmember Newton said that she had recently gone to the Tidal Basin in DC to see the cherry blossoms. She urged all those who not done so, to go take in the spectacular sight.

17. Old/New Business

Mayor Marcuccio asked about the status of the budget worksessions and Ms. Kimball said that they were scheduled for April 16 and 30 where department heads will give a brief overview and highlights.

Mayor Marcuccio praised Ms. Kimball for all of her efforts in compiling all the budget materials. Councilmember Newton said that she would like to have a discussion on the possibility of a conservation district in the West End and suggested hiring Judy Christensen as a consultant. This concept would be a way that people can protect neighborhoods and old homes without historical designations. Councilmember Pierzchala said that he would like to see a formal vote by the residents before proceeding. He said there is a great diversity of opinions from WECA and wants to be sure that there is support before committing resources. Ms. Newton said that 40% of property owners must support, in writing, the initiation of a process. She said that this worked out very well in the Lincoln Park neighborhood. Councilmember Moore wondered if it was necessary to bring someone from the outside to do this. Mayor Marcuccio said that Ms. Christensen has such expertise and history with the City that it would behoove us to use her. Councilmember Moore asked Ms. Swift if she had staff that could work on this and she responded that she did not. Councilmember Pierzchala asked that this topic be placed on an agenda for a full discussion before we take it up. Would like to see a commitment from the West End Citizen's Association that they are in fact behind it.

18. Adjournment

There being no further business, the meeting adjourned at 12:05 am.

Motion: to adjourn.

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