

Approved:

Attest: _____

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

April 2, 2012
Meeting No. 13-12
7:00 p.m.

Re: Executive Session pursuant to Section 10-508(a)(7) and Section 10-508(8) of the State Government Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice and to consult with staff regarding pending litigation involving PEPCO.

The Mayor and Council met in Executive Session on March 26, 2012 at 6:05 p.m., in the Diamond Back Terrapin Conference Room, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Newton made the motion to convene in Executive Session and it was seconded by Councilmember Hall and unanimously passed.

Present at the Executive Session were Mayor Phyllis Marcuccio, Councilmembers 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 Bean, City Attorney Debra Daniel, Assistant City Attorney Cynthia Walters, Director of Public Works Craig Simoneau and Emad Elshefi, Transportation Planner.

The topic of discussion was pending litigation involving PEPCO.

The Mayor and Council adjourned the Executive Session at 6:40 pm.

Present

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

Absent

Councilmember John F. Hall, Jr.

Staff Present:

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

1. Convene

The Mayor and Council met at 7:00 p.m., on April 2, 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

In light of Councilmember Hall’s absence, Councilmember Moore asked that items 15 and 16 be tabled until the meeting of April 9, 2012. There was unanimous agreement to table those two items.

4. City Manager’s Report

Acting City Manager Jenny Kimball reported that rising country star Easton Corbin will headline Rockville's 24th Annual Hometown Holidays. Ms. Kimball reported on other events associated with Hometown Holidays such as, the Taste of Rockville, Market Place, and bands, events and activities. Ms. Kimball said that the weekend will conclude with the Memorial Day Parade on Monday, May 28th.

5. Chamber of Commerce Update

Andrea Jolly, Executive Director of the Rockville Chamber of Commerce reported:

- 1) Thanked the Mayor and Council for their participation in the mini golf tournament held on March 31.
- 2) The Chamber is pleased to be working with the City on the Taste of Rockville.
- 3) The Chamber is also working with staff on the new sign ordinance and also on training for certification on green buildings.
- 4) The Chamber hopes to receive funding under the FY13 budget for the Rockville Rewards Program.

6. Citizen’s Forum

Citizen

Issue

Andrea Jolly

The Rockville Chamber of Commerce supports the sign ordinance changes.

Ruth Hanessian

Commended the Mayor and Council regarding the Text Amendment for the sign regulations; encouraged Mayor and Council attendance at Science Cafes

Harry Thomas

Daylight Savings is also the time to change batteries in smoke detector twice a year; opposes the Pumphrey's Text Amendment; horrible conditions of bridge at Rockville Pike and Edmonston Drive.

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

Councilmember Pierzchala thanked the Chamber of Commerce for all of their work related to the amendments to the Sign Ordinance.

Councilmember Moore thanked Harry Thomas for his comments related to the West Edmonston Bridge and said that the City has an interest in making those necessary repairs.

Mayor Marcuccio agreed with Mr. Thomas' earlier comments and said that it is indeed a tough bridge to cross because all the bumps.

Mr. Simoneau said that the bridge is located at a state intersection and the City will need to provide public notice on lane closures, etc. He said that this would begin within the next 30-45 days.

8. Appointments & Announcement of Vacancies

Motion: to appoint Joseph Bradley to the Compensation Commission as member to fill an unexpired term until 12/31/14.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Tom Moore and unanimously approved.

Motion: to appoint Thomas McKenna to the Compensation Commission as a member until 12/31/15.

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

Mayor Marcuccio then read vacancies to the following boards and commissions: Compensation Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Sign Review Board and the Senior Citizens Commission.

9. Proclamation declaring April 15, 2012 as Science Day in Rockville

Motion to declare April 15, 2012 as Science Day in Rockville.

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

Mayor Marcuccio read the proclamation and presented it to Bob Ekman of the Rockville Consortium for Science. Mr. Ekman commented on the upcoming Rockville Science Day scheduled for April 15. Ruth Hanessian, also with the Rockville Consortium for Science presented two animals from her pet shop, a yellow Love Bird and a baby rabbit. She also had a large egg from an emu that was found just outside the City limits.

10. Proclamation declaring April 22, 2012 as "Earth Day" in the City of Rockville.

Councilmember Pierzchala read the proclamation and presented it to Beri Kravitz and Alicia Hosmer who accepted on behalf of the Environment Commission. Ms. Kravits stated that this was the 42nd anniversary of Earth Day and thanked the Mayor and Council for their unwavering commitment.

Motion: to declare April 22, 2012 as "Earth Day" in the City of Rockville.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Tom Moore and unanimously approved.

11. Consent Agenda

Councilmember Newton requested removal of item B from the consent agenda.

Motion: to approve Consent Agenda item A (Extension of time and material contract with AAA Complete Building Service, Inc. T/A Complete Building Services for Heating, Ventilating and Air Conditioning (HVAC) Service and Repair in the amount of \$394,000.)

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

Regarding Item B, discussion included: why the 9 year timeframe and how it fits with the budget; would still require a budget appropriation; numbers depend on whether the city will go to a higher speed; website redesign will likely be hosted outside of City Hall and will not be dependent on internet connection; this is not the actual cost but rather a vehicle that provides assuery of pricing; idea is to reserve capacity.

Motion: to approve award of Invitation for Bid (IFB) #25-12 Internet Services in the aggregate amount not to exceed \$651,000 for a contract period up to nine years.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Tom Moore.

Motion Passed: 3 approved - 1 opposed - 0 abstained

Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala approved.

Mayor Phyllis Marcuccio opposed.

12. Public Hearing - Second general budget public hearing on the Fiscal Year 2013 Proposed Operating Budget and Capital Improvements Program.

Mayor Marcuccio opened the public hearing. The Mayor and Council heard from one speaker, Mary van Balgooy of Peerless Rockville. There being no other speakers, Mayor Marcuccio declared the public hearing closed and said that the record would remain open until May 21, 2012, the date the FY13 budget is scheduled for adoption.

13. Introduction of an Ordinance to Amend Ordinance #17-11 to Appropriate Funds and Levy Taxes for Fiscal Year 2012.

Councilmember Mark Pierzchala introduced the ordinance.

14. Authorization - Proposed zoning text amendment to revise the sign regulations (Zoning Ordinance Article 18)

Planner Deane Mellander presented the staff report stating that this application is intended to streamline applications for signs by allowing by permit signs that have routinely had to go before

the Sign Review Board for variances. He said that this will speed up the process and also save the applicants money. The proposed modifications will not change the fundamental policy. There was ensuing discussion on the formal review process; the treatment of blinking and flashing signs; allowable square footage; time allotment for temporary signs; revenue from citations; uniformity; the idea is to save merchants effort, time and money.

Motion: to authorize staff to file a Text Amendment to revise the sign regulations (Zoning Ordinance Article 18).

Moved by Councilmember Tom Moore, seconded by Councilmember Mark Pierzchala and unanimously approved.

15. Discussion and Instructions to staff on an Ordinance to Revise Rockville City Code Chapter 22, "Taxation" to add a new Article IX, "High Performance Building Tax Credit for Existing Buildings."

Erica Shingara gave the staff presentation describing the timeline, public comments received thus far and the tax credit structure; proposed appropriation schedule; and future steps. Ensuing discussion between Mayor and Council and staff included: could a company take advantage of this if it has multiple sites; number of existing LEED buildings in Rockville; funding probabilities each year and uncertainty for property owners.

16. Discussion and Instructions - Development of a Financial Management Policy (Policy) for Economic Development Revenue Bonds.

This item was tabled to the meeting of April 9.

17. Discussion and Instructions Request for an Opinion of the Attorney General

This item was tabled to the meeting of April 9.

18. Approval - 2012 Federal Funding Priorities

Linda Moran, Assistant to the City Manager gave the staff presentation highlighting those priority items for which Rockville is seeking federal funding. Ensuing discussion between Mayor and Council included such topics as: thorough job of City staff on spending federal government funding; nice menu of projects; police technology upgrade and stormwater management are priorities of Councilmember Pierzchala's; good news on the City receiving funding for the Bath House project at the Swim Center; chances for federal highway and COPs funding; COPS program is very competitive; Bridge Rehab Funding; as soon as City receives a deficiency report, they get fixed right away.

19. Review and Comment - Mayor and Council Action Report

Councilmember Newton asked when the worksession with the Cultural Arts Commission would take place and Ms. Kimball responded that it is scheduled for April 30. Councilmember Newton congratulated Councilmember Hall on his recent appointment to the Traffic and Pedestrian Safety Advisory Committee of the Council of Governments. Councilmember Moore asked about the status of the invitation from Jiaying, China to travel this summer. Mayor Marcuccio responded that she indicated to the City Manager earlier in the day that she would not be able to make the trip.

20. Review and Comment - Future Agendas

Councilmember Newton reminded staff to be sure to add the two items that were tabled from this evening's agenda. Councilmember Pierzchala said that he was willing to travel to Jiaying, China to represent the City of Rockville and there was agreement to take this up at the meeting next week. Councilmember Moore requested that a discussion be placed on a future agenda on ways that Rockville might encourage Rockville businesses to bid on City contracts. He would like to get some options in front of the Mayor and Council. Councilmember Pierzchala said that he, too, is interested in having a conversation in the broader context of contracting in the City of Rockville. He suggested that fall might be an appropriate time to do this inasmuch as the new City Manager will have been on board for several months and to give City staff enough time to pull together the information. Councilmember Moore said that he would also like to take a look at the permitting process/procedures for accessory apartments.

21. Mayor and Council Liaisons to Boards and Commissions Report

Councilmember Newton mentioned the tour of the new police headquarters last week and was impressed with the project. She looks forward to the grand opening. Along those same lines, Councilmember Moore thanked Chief Treschuk and Burt Hall for their work on this renovation and said the Mayor and Council are proud.

22. Old/New Business

No old or new business items were discussed.

23. Adjournment

Motion: to adjourn.

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

There being no further business, the meeting adjourned at 8:50 pm.