

APPROVED:

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
September 26, 2011
7:00 p.m.
Meeting No. 27-11

PRESENT:

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

STAFF PRESENT:

City Manager Scott Ullery, City Attorney Debra Daniel and Acting City Clerk Brenda Bean

- 1A. **Motion** to convene in Executive Session pursuant to Sections 10-508(a)(1)(i) and (ii) and Section 10-508(a)(7) of the State Government Article of the Annotated Code of Maryland to discuss the compensation of employees and officials over whom it has jurisdiction, to discuss a personnel matter that affects one or more specific individuals, and to consult with counsel to obtain legal advice regarding a personnel matter.

Moved by Councilmember Newton, seconded by Councilmember Pierzchala and unanimously passed.

The Mayor and Council met in Executive Session at 6:15 p.m. on Monday, September 26, 2011, in the Diamondback Conference Room, 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. Also present were City Manager Scott Ullery, City Attorney Debra Yerg Daniel, Human Resources Director Carlos Vargas and Patrick Clancy, Esquire.

The topics of discussion were the administration of the city clerk's resignation and another personnel matter. The Mayor and Council directed staff on how to administer the city clerk's resignation and how to move forward on the personnel matter.

The executive session adjourned at 6:55 p.m.

1. Convene

The Mayor and Council convened on September 26, 2011 at 7:00 pm, in the 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

City Manager Ullery indicated that because there were some pages missing from the Executive Search firm's proposal, the Mayor and Council may wish to pull that item from the Consent Agenda.

4. City Manager's Report

Assistant City Manager Jenny Kimball provided an update on the Rockville Summit planned for October 18.

5. Rockville Economic Development Inc. (REDI) Monthly Update and Fiscal Year 2012 Work plan.

Sally Sternbach, Executive Director of REDI, introduced members of the REDI Board who were present. Ms. Sternbach then provided the Mayor and Council with an update of the work of REDI. She read the mission statement and talked about the different programs being offered by REDI, such as Business Appreciation Week, the Postdoc Conference and Career Fair, Economic Competitive Study, and fundraising activities. Ms. Sternbach said that the REDI work plan for the year was vetted by the Board and unanimously approved.

Mayor Marcuccio said that REDI does a fine job of keeping our business community together. Councilmember Newton congratulated Ms. Sternbach on all of her achievements. Councilmember Britton said that a lot the work that is business maintenance and development involves building blocks that are sometimes tedious and long. He thanked Ms. Sternbach for her organized effort to keep the Rockville name out there, and also for all of her work related to the Buy Rockville Rewards Program. With so much bad economy news, Councilmember Gajewski thanked her for helping Rockville buck the trend. Councilmember Pierzchala attended almost every meeting of the REDI Board and said it is really a dynamic group of people. He commended Ms. Sternbach for doing so much with such a small staff.

6. Appointments/Announcement of Vacancies

Historic District Commission

Motion: to reappoint Robert Achtmeyer as a member until September 1, 2014, Craig Moloney as a as member until September 1, 2012, and Anita Powell as member until September 1, 2012.

Moved by Councilmember Britton, seconded by Councilmember Newton and unanimously approved.

Landlord Tenant Affairs Commission

Motion: to appoint Edward Gonzague as member until September 1, 2014.

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

Rockville Economic Development, Inc.

Motion: to appoint Robin McBride and Nancy Regelin as members until September 1, 2014.

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

Rockville Economic Development, Inc.

Motion: to reappoint Lawrence Cunnick, Henry Bernstein, Jack Khatter, Sophie Lee, and Ray Whalen as members until September 1, 2014.

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

Retirement Board

Alex Espinosa (Reappointment as member until September 1, 2014) - Tabled to a future Meeting

Senior Citizens Commission

Motion: to appoint Morris Casper and Patricia Shultz as members until September 1, 2014.

Moved by Councilmember Gajewski, seconded by Councilmember Britton and unanimously approved.

Sister City Corporation

Motion: to appoint Marika Brown as a member until September 1, 2013, and Carol Nicholas as a member until September 1, 2014.

Moved by Councilmember Newton, seconded by Councilmember Britton and unanimously approved.

After the appointments were made, Mayor Marcuccio announced current vacancies to the Boards and Commissions.

7. Citizen's Forum

Citizen

Issue

Pastor Greg Zetts
Patricia Woodward
James McConkey

Tree Issue on Ritchie Parkway
Home purchased by the Newton's
Activities of the Rockville Sister City

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

The following members of the Mayor and Council responded to remarks made during Citizens' Forum: Mayor Marcuccio and Councilmember Newton.

9. Consent Agenda

Pursuant to earlier advice from the City Manager concerning this, item A was removed from the Consent Agenda.

Motion: to adopt Consent Agenda items A, B, C, E, and F.

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

- A) Adoption of Resolution to designate Brenda F. Bean as Acting City Clerk
- B) Adoption of Resolution to authorize signatures for City bank accounts
- C) Adoption of Resolution to amend Resolution No. 16-10 designating Branch Banking and Trust Company (BB&T) as the custodian for funds of the City of Rockville so as to modify the authorized signatories.
- E) Request by Community Ministries of Rockville for a letter of support from the City to be included in an application to Montgomery County for Community Development Block Grant Funding (CDBG) for the Mansfield Kaseman Health Clinic.
- F) Adoption of Resolution To support Mobile Medical Care, Inc. ("MobileMed") application for participation in the Community Investment Tax Credit Program through the Maryland Department of Housing and Community Development.

Re: Removal of Consent Agenda Item D - Discussion Executive Search Firm for City Manager recruitment

Human Resource Director Carlos Vargas presented the background on this item. He thanked Margaret Daily and Chief Terry Treschuk for their assistance with the proposals. Mr. Vargas introduced John Anzivino, the Senior Vice President of Springsted, who presented the Mayor and Council with information on his firm, their philosophy and how they conduct executive searches. At the conclusion of his presentation, Mayor Marcuccio noted that it was a very aggressive timeline with a lot to be accomplished in the midst of an election. Councilmember Pierzchala said that he was interested in acting on it this evening. Councilmember Newton asked what set Springsted apart from the other firms that were interviewed. Mr. Vargas said that Springsted's methodology and thoroughness of employment backgrounds set them apart from the others. There was consensus among the Mayor and Council to have this item brought back due to some missing information.

10. Public Hearing on Sectional Map Amendment MAP2011-00110 to change zoning from Park to Park (HD) at 603 Edmonston Drive, in order to place the Glenview Mansion property in a historic district.

Staff members Jim Wasilak and Robin Ziek jointly provided the background of this Map Amendment application. At the conclusion of the presentation, the Mayor and Council then

heard from 16 speakers. At the conclusion of the last speaker's testimony, Mayor Marcuccio declared the public hearing closed and said the record would remain open until 5:00 pm on October 3, 2011. A copy of the full transcript of this Public Hearing can be found in the official file in the Office of the City Clerk.

11. Presentation of the Draft Culture and Entertainment Plan

This agenda item was moved to the Mayor and Council meeting of October 3, 2011.

12. Presentation of finalists' proposals for the Rockville Senior Center, 1150 Carnation Drive.

This agenda item was moved to the Mayor and Council meeting of October 3, 2011.

13. Presentation of Finalists' Proposals for Gude Drive Maintenance Facility Art Project located on the berm between Rothgeb Drive and the service road leading to the City's maintenance facility.

This agenda item was moved to the Mayor and Council meeting of October 3, 2011.

14. Presentation of Finalists' Proposals for Rockville City Police Station Art Project.

This agenda item was moved to the Mayor and Council meeting of October 3, 2011.

15. Discussion - City Clerk Position

This agenda item was moved to the Mayor and Council meeting of October 3, 2011.

16. Discussion and Instructions to Staff for Annexation petition ANX2010-00139, a request to annex two parcels, Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road; Silverwood/Shady Grove, LLC, applicant.

The staff report was given by Jeremy Hurlbutt. In light of the presentation and the information received from Montgomery County last week, Mayor Marcuccio would like to rethink the annexation decision because of volume projection of the Transfer Station and its proximity to the property which is the subject of the annexation. There was general discussion about the volume handled by the waste transfer station and maximum expansion capacity; the correspondence from the King Farmer's for Progress; language in the annexation agreement regarding modifying the approval; the addition of one story being added to the building facing 355; and correspondence from Bruce Crispal regarding school cluster monies generated from the project.

Motion: to instruct staff to prepare: a resolution to enlarge the corporate boundaries of the City that includes language regarding the APFS finding from the Annexation Agreement; a resolution to approve the Annexation Agreement; and an Ordinance to place the property the MXTD zone in order to approve Annexation Petition ANX2010-00139.

Moved by Councilmember Mark Pierzchala and seconded by Councilmember Piotr Gajewski. Councilmember John Britton, Councilmember Piotr Gajewski, and

Councilmember Mark Pierzchala approved. Mayor Phyllis Marcuccio, and Councilmember Bridget Newton opposed.

17. Mayor and Council Liaisons to Boards and Commissions Report

There were no reports given.

18. Review and Comment regarding Future Agendas

Concerning the RedGate RFP, Councilmember Newton asked for this item to be a presentation to the Mayor and Council on staff recommendation and brought back at a subsequent meeting for approval or award.

19. Review & Comment regarding Mayor and Council Action Report

Mayor Marcuccio asked that the matter of the Ritchie Parkway tree buffer removal be placed on the action item list.

20. Old/New Business

There were no old or new business items reported.

21. Adjournment

Motion: to adjourn

There being no further business, and upon motion by Councilmember Bridget Newton, seconded by Councilmember Britton and unanimously approved, the meeting adjourned at 11:55 pm.