APPROVED: Meeting No. 26-93

ATTEST: Paula J. Jewell

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 25-93

June 21, 1993

The Mayor and Council of Rockville, Maryland, convened in Public Hearing in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on June 21, 1993, at 7:35 p.m.

PRESENT

Mayor Pro Tem James F. Coyle

Councilmember Rose G. Krasnow Councilmember James T. Marrinan

ABSENT

Mayor Douglas M. Duncan (on travel) Councilmember Dave Robbins (on travel)

In attendance: Assistant City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, Councilmember Coyle was appointed as Mayor Pro Tem.

Mayor Pro Tem Coyle acknowledged a visiting Girl Scout Troop from Royal Oak, Michigan. Troop Leader Julie Stewart introduced the Scouts and commented that said Royal Oak was about 20 miles of Detroit.

Re: Public Hearing Annexation Petition X-114-93, Joseph A. Lynott, Attorney for James and Teresa Wilcoxon, Petitioners.

This petition requests annexation and I-1, Service Industrial zoning of two parcels of land totaling 6.98 acres of land, more or less, located on each side of the intersection of Southlawn Court and Southlawn Lane.

The Mayor and Council conducted a public hearing on Annexation Petition X-114-93, Joseph A. Lynott, Attorney for James and Teresa Wilcoxon, Petitioners, requesting annexation and I-1, Service Industrial zoning of two parcels of land totaling 6.98 acres of land, more or less, located on each side of the intersection of Southlawn Court and Southlawn Lane. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor Pro Tem declared the hearing closed, with the record to be left open for two weeks, until the close of business on July 6, 1993.

Re: Public Hearing: Text Amendment Application T-135-93, Rockville City Centre, Applicant.

This application requests amendment to the Zoning Ordinance so as to allow pet grooming, veterinary office, and dry cleaning as permitted uses in the Town Center Office Two (TCO-2) Zone.

The Mayor and Council conducted a public hearing on Text Amendment Application T-135-93, Rockville City Centre, Applicant, requesting amendment to the Zoning Ordinance so as to allow pet grooming, veterinary office, and dry cleaning as permitted uses in the Town Center Office Two (TCO-2) Zone. The Mayor and Council heard all those persons as can be found in the

official stenographic transcript. There being no other persons wishing to be heard, the Mayor Pro Tem declared the hearing closed, with the record to be left open for two weeks, until the close of business on July 6, 1993.

Re: Public Hearing: Petition to create a Permit Parking District in the 800 Block of Twinbrook Parkway, between Shetland Street and Marshall Avenue.

This parking district would encompass the entire west side of the 800 Block of Twinbrook Parkway, from Shetland Street to Marshall Avenue, which includes seven addresses as follows: 802 through 810 Twinbrook Parkway, 716 Marshall Avenue and 725 Shetland Street.

The Mayor and Council conducted a public hearing on a Petition to create a Permit Parking District in the 800 Block of Twinbrook Parkway, between Shetland Street and Marshall Avenue. The parking district would encompass the entire west side of the 800 Block of Twinbrook Parkway, from Shetland Street to Marshall Avenue, which includes seven addresses as follows: 802 through 810 Twinbrook Parkway, 716 Marshall Avenue and 725 Shetland Street. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor Pro Tem declared the hearing closed, with the record to be left open for two weeks, until the close of business on July 6, 1993.

Re: Public Hearing (Continued from 5/17/93): To consider two proposed Ordinances:

(a) to levy Special Assessments for construction of Wootton Parkway (Ritchie) between Seven Locks Road and Rockville Pike. Project No. 1D11, and

(b) to levy Special Assessments for construction of Wootton Parkway (Ritchie) water transmission main and appurtenances between Seven Locks Road and Rockville Pike. Project No. 4A33.

The Mayor and Council conducted a public hearing on two proposed Ordinances: one to levy Special Assessments for construction of Wootton Parkway (Ritchie) between Seven Locks Road and Rockville Pike (Project No. 1D11), and the second Ordinance to levy Special Assessments for construction of Wootton Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike. (Project No. 4A33). The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor Pro Tem declared the hearing closed, with the record to be left open for four weeks until the close of business on July 19, 1993.

Re: Approval and Acceptance of Agreement to Building Moderately Priced Dwelling Units, MPDU Rental Offering Agreement and Declaration of Covenants from Montgomery Housing Partnership.

Montgomery Housing Partnership (MHP) must commit to its MPDU requirements prior to obtaining a building permit.

Ed Duffy, Assistant Chief of Economic Development, gave the staff report. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Mayor and Council approved and accepted the Agreement.

Re: Designation of HOME Rents and Income limits as MPDU rents and income limits for the Town Center Inn project.

MPDU requirements will be met through use of a Federal Housing program in accordance with Moderately Priced Housing Regulations.

Mr. Duffy reported that the Montgomery Housing Partnership would be utilizing Federal Home funds which provide maximum rental limits. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council adopted staff's recommendation to designate HOME rents and income limits as MPDU rents and income limits for the Town Center Inn project.

Re: Citizens Forum

1. Tad Baldwin, Montgomery Housing Partnership, thanked the Mayor and Council for their help on this issue. He announced that the Board had come up with a tentative name for the project: "Beall's Grant", named after the Beall family who granted and deeded land to their family and slaves.

Mayor Pro Tem Coyle inquired about the need to have 13 Beall Avenue sprinklered. Mr. Baldwin responded that the installation was part of the arrangement in addition to the parkland arrangement and the City was helping fund both projects. Mr. Coyle commented that he hoped the

City would get a good architectural firm to put sprinklers in so that they were attractive and functional.

Councilmember Krasnow asked when they hoped to have Beall's Grant open for rental. Mr. Baldwin responded that they were looking towards July 19th through November for the first phase and into February and March for second phase.

Councilmember Marrinan commented that this was a socially worthwhile endeavor and he expressed appreciation to Mr. Baldwin for his efforts.

2. Rebecca Schwisow commented on the Gay and Lesbian Pride Proclamation passed on June 14th and asked the Mayor Pro Tem and Council a few questions. (Mayor Pro Tem Coyle asked that Ms. Schwisow read her questions for Council and staff to respond accordingly.)

Question: When did Proclamation request come to Mayor and Council and how long did Council study the issue and decide on the issue?

Mayor Pro Tem Coyle responded that the matter came to the Council's attention at least a week ago.

Question: Within Mayor and Council discussions, were there any opinions that there were some citizens that would be offended by the issue.

Councilmember Krasnow responded that the Mayor and Council were aware there would be some citizens offended, however the Mayor and Council's policy is to not discriminate against any group. Mr. Coyle added that most proclamations that come forward were non controversial; however, this particular one was discussed at length and the decision was made to go forward with the version proposed by the City's Human Rights Commission.

Question: Does the Proclamation exist as written, just for 1993, or would it automatically be passed each year?

Mayor Pro Tem Coyle responded that the Proclamation was dated recognizing June 26, 1993 only. Mr. Marrinan added that the issue was not an automatic one that would come up in future years; any future proclamation would have to go through the same process of prior Council approval.

Question: Ms. Schwisow said the City's non-discrimination law was well understood; however, she questioned under this City law, how many cases had been actually reported thus creating the need for reaffirming the law with the Proclamation.

(To be responded to by staff later).

Question: Ms. Schwisow noted that one of the other reasons cited for approving the proclamation was that the contributions of the gay community needed to be acknowledged. Ms. Schwisow asked if the wording could have been done differently so as not to offend other people.

Mayor Pro Tem responded that Mayor Duncan had made the decision to change the version proposed by GLIC so as to try not to offend anyone. Mr. Coyle said that the Mayor and the City's Human Rights Commission came up with a different version of the Proclamation than what was originally asked for by GLIC.

Question: Ms. Schwisow asked if there was any community notice or advertising that had to be given prior to such proclamations coming before the Mayor and Council.

Mayor Pro Tem Coyle responded that there were no requirements for such advertising. Ms. Krasnow added that there were very strict rules regarding notices for public hearings; however, not for proclamations or regular agenda items.

Ms. Schwisow asked the Mayor and Council to reconsider the long term consequences of what they had proclaimed.

Councilmember Marrinan said he did not have the opportunity to comment on the Proclamation because he was absent from the June 14th meeting. He said he did read the proposed and final adopted proclamations, and it was clear to the Mayor and Council that this was an appropriate proclamation to put forth because there was a strong gay and lesbian population that was involved in the Rockville community. He said he agreed that the issue was sensitive and trying to come up with an appropriate balance was difficult; however, it was an opportunity to bring the issue to the public and sensitize others to it.

Councilmember Coyle said the word "morality" was used frequently by speakers who commented on the issue on June 14th. He said the City basically would not condone offensive behavior to any person. Mr. Coyle said that Rockville also had a strong definition of family--gays and lesbians also made up the families in the community and the City had a strong definition of family and the City did not discriminate against any family.

2. Linda Case thanked the Mayor and Council for the Hometown Holidays weekend. Ms. Case then posed questions about the first annual gay pride event--the June 26th picnic being planned and asked what was meant when Montgomery County gays and lesbians said they were empowered. She questioned if the proclamation gave gays and lesbians super empowerment and

allowed Montgomery County Human Relations to organize the June 26 event.

Councilmember Marrinan clarified that the event planned was not in the City and the Mayor and Council's proclamation had nothing to do with the County or the planned event.

In response to Ms. Case's questions, Councilmember Marrinan said there was some benefit to the proclamation; it increased the understanding of everyone about a certain segment of our population. He said one of the objectives the Mayor and Council hoped to accomplish with the proclamation was to try to raise public awareness.

Ms. Case said it would be prudent for the Mayor and Council to study the gay and lesbian issue in a city where there has been increased perversion acts towards children. She suggested that City offices carry pamphlets about where gays and lesbians could go for help if they wished to end their lifestyles. She asked the City Council to reconsider the proclamation because of its impact on neighbor cities as well as all the citizens of Rockville.

Mayor Pro Tem Coyle said it bothered him that there were people who depicted homosexual behavior as perverse; he said there are many problems in society attributed to perverse behavior which were in the heterosexual community as well as the homosexual community.

Re: Next Meeting

The next meeting of the Mayor and Council is a General Session scheduled for July 12, 1993. City Attorney Paul Glasgow noted that with the record closing on certain issues on July 6th, there would be related agenda items coming forward for Mayor and Council action on July 12th.

Re: Adjournment

Mayor Pro Tem Coyle reminded everyone to join the Mayor and Council at the Independence Day Ceremony on Sunday, July 4th at Richard Montgomery High School. There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:58 p.m. to convene again in General Session on July 12, 1993, or at the call of the Mayor.