

City of Rockville

City Hall
111 Maryland Ave
Rockville, MD 20850

Approved *Bridget Donnell Newton*
Attest: *Sara Stefan-Fennell*
Approved Meeting No. 24-23
September 11, 2023



Meeting Minutes

Monday, July 31, 2023

7:00 PM

Meeting No. 22-23

WebEx

Mayor and Council

Attendee Name	Title	Status
Bridget Donnell Newton	Mayor	Present
Monique Ashton	Councilmember	Present
Beryl L. Feinberg	Councilmember	Present
David Myles	Councilmember	Present
Mark Pierzchala	Councilmember	Present

1. Convene

Mayor and Council convened in a hybrid Open Meeting Session at 7:00 p.m. on Monday, July 31, 2023, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland, and via WebEx.

Staff Present: City Manager Robert DiSpirito, Rockville City Attorney Robert E. Dawson, and City Clerk/Director of Council Operations Sara Taylor-Ferrell.

2. Pledge of Allegiance

Mayor Bridget Donnell Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations, Sara Taylor-Ferrell stated that there were no changes to the agenda.

4. City Manager's Report - NONE

5. Proclamation and Recognition

- A. Proclamation Declaring August 1, 2023, as National Night Out in Rockville.

Councilmember David Myles read and moved the proclamation declaring August 1, 2023, as National Night Out in Rockville, and presented the proclamation to Rockville City Police Sergeant Javier Baquero, Police Corporal Derrick Tibbs, and Police Corporal Ronnie Crowe.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	David Myles, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

6. Boards and Commissions Appointments and Reappointments

- A. Mayor and Council will appoint and reappoint the following members to the Boards and Commissions.

Councilmember Mark Pierzchala moved the new appointment of Robert Ross to the Community Policing Advisory Board, to serve an unexpired four-year term until February 1, 2024.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Mark Pierzchala moved the new appointment of Lydia Tyburski to the Cultural Arts Commission, to serve an unexpired three-year term until January 1, 2025.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Monique Ashton moved the reappointment of William McClain to the Environmental Commission, to serve a three-year term until February 1, 2026, and the Reappointment Clark Reed, to serve a three-year term until February 1, 2026.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Monique Ashton, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Beryl L. Feinberg moved the reappointment of Kevin P. Jenkins to the Ethics Commission, to serve a three-year term until July 1, 2026, and the reappointment of Kris Dighe, to serve a three-year term until October 1, 2026.

RESULT: APPROVED [UNANIMOUS]
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: Mark Pierzchala, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember David Myles moved the new appointment of Florence E. Jewell to the Human Rights Commission, to serve a three-year term until July 1, 2026.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Myles, Councilmember
SECONDER: Beryl L. Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Mark Pierzchala moved the new appointment to the Human Services Advisory Commission, Caregiver Reema Jweied-Guegel, to serve as a caregiver for a three-year term until July 1, 2026.

RESULT: APPROVED [UNANIMOUS]
MOVER: Mark Pierzchala, Councilmember
SECONDER: Beryl L. Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Beryl L. Feinberg moved the reappointment of Anne Herbster to the Senior Citizens Commission, to serve a three-year term until June 1, 2026, and the new appointment of Lori Newman, to serve an unexpired three-year term until February 1, 2025.

RESULT: APPROVED [UNANIMOUS]
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: Monique Ashton, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember David Myles moved the new appointment of Sogand Karbalaieali to the Transportation and Mobility Commission, to serve a three-year term until July 1, 2026.

RESULT: APPROVED [UNANIMOUS]
MOVER: David Myles, Councilmember
SECONDER: Beryl L. Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Beryl L. Feinberg moved the reappointment of Marika Brown to Rockville Sister Cities, to serve a three-year term until September 1, 2026.

RESULT: APPROVED [UNANIMOUS]
MOVER: Beryl L. Feinberg, Councilmember
SECONDER: Mark Pierzchala, Councilmember
IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

FURTHER DISCUSSION

July 31, 2023, Agenda item 6.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4736

Video Timestamp 09:44

7. Community Forum 7:15 PM

NAME	TOPIC
In Person Adam Van Grack	EYA Development Rockshire, Neighborhood Concerns, Access to Pool, ADA Path.
In Person Eric Lyons	Opposed to opening vape shop, opposed to location.
In Person Alexander Dace Denito	Stepped Down from the Lincoln Park Citizens Association, community issues report, support for affordable housing.
In Person Marissa Valeri	Vaping, best practices in policy changes, existing ordinance or education, reduce floor space.
In Person John Alcantes	Shop in Darnestown, take out work Vaping...

NAME	TOPIC
In Person Jim Reschovsky	Gude Drive cut through at the Senior Center.
In Person Hannah Breckenridge	Opposed to vape shop.
In Person Margaret Boccio	Strongly opposed to vape shop.
In Person Nick Durham	Vape shop and vape shops in in general across Rockville
In Person Lucas England	Works in vape shop; regulations and monitoring work to get people off tobacco,
In Person Ricky Mui	Human Services Advisory Committee – Youth and Gun Violence
In Person Rachael Plett	Gude Drive Entrance, Extend Moratorium on Vape Shop

FURTHER DISCUSSION

July 31, 2023, Agenda item 7.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4736

Video Timestamp 14:54

8. Presentations -NONE

9. Public Hearing

- A.** Public Hearing on an Amendment to City Code Chapter 14, Parks and Recreation, to Establish a Park Impact Fee for New Residential Development

Rockville Director of Zoning, Jim Wasilak gave a brief presentation on Amendment to City Code Chapter 14, Parks and Recreation, to establish a Park Impact Fee for new residential development.

Questions from the Mayor and Council were addressed by staff.

The Mayor and Council provided their thoughts, comments, and requests to staff.

The Public Hearing opened at 8:14 pm, and the following persons testified.

Name
In Person Robert Harris Esq.
In Person Patricia Harris Esq.
In Person Kirsten Kaplan
Virtual Harris Schwalb

The complete testimony of this evening’s speakers can be found in the official Public Hearing records in the City Clerk Director of Council Operations offices. There being no further speakers testifying, the Public Hearing closed at 8:29 pm. The record will remain open.

FURTHER DISCUSSION

July 31, 2023, Agenda item 9.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4736

Video Timestamp 59:18

10. Consent

- A. Award and authorize the City Manager to execute a contract with Global Excavation and Utilities, LLC, of Eldersburg, Maryland for base bid and add alternates in an amount not to exceed \$940,042.00 for the King Farm Farmstead Water/Sewer Infrastructure and fire Suppression Installation Project.
- B. Authorization for the City Manager to Execute a Release and Extinguishment of an Existing Public Access Easement Associated with the King Farm Farmstead.
- C. Approval of Minutes.

Councilmember Monique Ashton moved to approve Consent Agenda items A, B, and C.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Monique Ashton, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 8:39 P.M. THE MAYOR AND COUNCIL RECONVENED AT 8:49 P.M.

11. Introduction, Discussion and Instruction, Possible Adoption

- A.** Introduction and Possible Adoption of an Ordinance to amend Ordinance No. 7-23 to appropriate funds and levy taxes for FY 2024 (Budget Amendment #1).

Deputy Director of Finance, Kim Francisco provided the Mayor and Council with a brief overview of the Ordinance to amend Ordinance No. 7-23 to appropriate funds and levy taxes of FY 2024 (Budget Amendment #1).

Staff recommends that the Mayor and Council introduce the attached ordinance to amend Ordinance #07-23 to appropriate funds and levy taxes for Fiscal Year 2024 (Budget Amendment #1). If the Mayor and Council wish to proceed with adoption of the ordinance at the same meeting, the ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may then proceed.

Councilmember Mark Pierzchala introduced the ordinance.

Councilmember Monique Ashton moved to waive the layover period.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Monique Ashton, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Beryl L. Feinberg moved to adopt the ordinance.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	Monique Ashton, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

- B.** Introduction and Possible Adoption of an Ordinance to amend Chapter 4 of the Rockville City Code, entitled “Arts and Cultural Affairs” so as to amend the responsibilities of the Cultural Arts Commission

Superintendent of Recreation, Andrew Lett, provided Mayor and Council with a brief overview of the Ordinance to amend Chapter 4 of the Rockville City Code, entitled “Arts and Cultural Affairs” so as to amend the responsibilities of the Cultural Arts Commission.

The City Manager, through the Department of Recreation and Parks, recommends that the Mayor and Council introduce the proposed ordinance. If the Mayor and Council wish to adopt the ordinance at the same meeting, the ordinance should first be introduced, and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the ordinance may proceed.

Councilmember Mark Pierzchala introduced the ordinance.

Councilmember Monique Ashton moved to waive the layover period.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	Monique Ashton, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Mark Pierzchala moved to adopt the ordinance.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

- C.** Discussion, Instruction, Possible Introduction and Possible Adoption of an Ordinance

Extending and Revising the Moratorium on Vape Shops, and Discussion and Instruction on a Future Zoning Text or Code Amendment to Regulate Vape Shops in the City.

Deputy Zoning Manager, Li Alligood, provided Mayor and Council with a brief overview Ordinance Extending and Revising the Moratorium on Vape Shops, and Discussion and Instruction on a Future Zoning Text or Code Amendment to Regulate Vape Shops in the City.

Staff recommends the Mayor and Council provide direction to staff regarding revisions to and extension of the existing moratorium on vape shops, followed by consideration of next steps for a potential draft ordinance.

Councilmember Monique Ashton introduced the ordinance.

Councilmember Mark Pierzchala moved to waive the layover period.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Monique Ashton moved to adopt the ordinance.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Monique Ashton, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

FURTHER DISCUSSION

July 31, 2023, Agenda item 11.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4736

Video Timestamp 1:34:27

- 12. Other - NONE
- 13. Review and Comment - Action Report - NONE
- 14. Future Agendas - Reference
 - A. Future Agendas

Branding will not be on the August 7, 2023, agenda. This item will be placed on the September 18, Page 10 of 12

2023, agenda.

15. Old/New Business

A. Notice of Public Hearing - Charter Amendment to Increase Number of Votes

Staff suggested that if the number of councilmembers were to be increased from 4 to 6, two additional charter amendments should be considered as follows:

1. Amend the Charter to increase the number of members of the council needed to request a public hearing when an ordinance is introduced. The current requirement is two councilmembers (Article II, Section 2.e.)
2. Amend the Charter to increase the number of affirmative votes needed to waive the layover period after an ordinance has been introduced before it can be adopted and to suspend the requirement that a descriptive title of an ordinance appear on the agenda when final action on the ordinance takes place. The current requirement is four votes. (Article II, Section 2.e.).

A Public Hearing on this proposed Charter Amendment is scheduled for the September 11, 2023, Mayor and Council Meeting.

Mayor and Council directed staff to work with the Woodley Gardens Citizens Advisory Committee, and other interested communities on the redesign of the Gude Drive Senior Center entrance.

Councilmember Beryl L. Feinberg moved to approve the Bond Bill letter as drafted by staff to the District 17 delegation.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Beryl L. Feinberg, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala

FURTHER DISCUSSION

July 31, 2023, Agenda item 15.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4736

Video Timestamp 2:41:46

16. Adjournment

There being no further business, the meeting adjourned at 10:23 p.m.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Feinberg, Councilmember Myles, Councilmember Pierzchala