



**Monday, February 27, 2023**  
**MAYOR AND COUNCIL**  
**MEETING NO. 05-23**  
**ROCKVILLE, MARYLAND**

Approved *Bridget Donnell Newton*  
Attest: *Sara Taylor-Ferrell*  
Approved Meeting No. 013-23  
April 24, 2023

**THE HONORABLE MAYOR AND COUNCIL PRESIDING**

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**

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The Mayor and Council convened in a hybrid Open Meeting Session at 6:32 p.m. on Monday, February 27, 2023, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland, and via WebEx.

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

**2. Pledge of Allegiance**

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Mayor Bridget Donnell Newton led the Pledge of Allegiance.

**3. Agenda Review**

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City Clerk/Director of Council Operations Sara Taylor-Ferrell reported no changes to the agenda.

**4. Discussion**

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**A. Proposed FY24 Federal Earmark Requests**

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City of Rockville Assistant to the City Manager, Linda Moran, provided to the Mayor and Council an overview of the proposed FY2024 Federal earmark requests and approved projects to submit to the Federal Delegation. The projects were first submitted to the Mayor and Council in a memorandum at their February 11, 2023 meeting.

Staff recommends that the Mayor and Council review and comment on the Action Report.

Questions from the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts, comments, and directions to approve the earmarks in the following order:

- 1) Motorola Police Radio Communications Equipment
- 2) Water Treatment Plant Perimeter Physical Security Improvements
- 3) Water Main Rehab in Equity Focused Area
- 4) Sewer Main Rehabilitation in Equity Focused Area
- 5) Potomac Woods Storm Drain Improvements
- 6) 6 Taft Court – Emergency Operations Center

Councilmember Monique Ashton moved to approve the earmark requests in the order as discussed, and for Councilmember Beryl L. Feinberg to work with staff to draft a letter for submission to the Federal Delegation.

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

**FURTHER DISCUSSION**

February 27, 2023, Agenda item 4.  
[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)  
Video Timestamp 01:23

**B. Boards and Commissions Appointments and Reappointments**

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Councilmember Monique Ashton moved the new appointment of Summer White to the Environment Commission, to serve a three-year term until February 1, 2026.

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

Councilmember Beryl L. Feinberg moved the new appointment of Diane Gould to the Financial Advisory Board, to serve a three-year term until December 1, 2025.

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

Councilmember Mark Pierzchala moved the appointment of Jessica Peterson as a Consumer Representative to the Human Services Advisory Board, to serve a three-year unexpired term until July 1, 2026.

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

Councilmember Beryl L. Feinberg moved the new appointment of Darryl Parrish to the Retirement Board, to serve a three-year expired term until February 1, 2026.

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

Councilmember Mark Pierzchala moved the new appointment of Natalie Vankos to the Recreation and Parks Advisory Board, to serve a three-year expired term until December 1, 2025.

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

5. Community Forum

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**Community Forum  
In-Person Speaker and Written Comments List**

<b>NAME</b>	<b>TOPIC</b>
Marissa Valeri	Referendum on Charter Review Commission Recommendations
Jack Kelly	Charter Review Commission Recommendations

**Community Forum  
Written Comments List**

<b>NAME</b>	<b>TOPIC</b>
Maximilian S. Weinhold	Charter Review Commission recommendations- Implementing Ranked-choice Voting
Judy Rudolph	Referendum on Charter Review Commission recommendations
Samuel Shipkowitz	Referendum on Charter Review Commission recommendations
Maximilian S. Weinhold	Charter Review Commission recommendations- Administrative Cost of Implementing Ranked-choice Voting
Molly Cullen Human Rights Commission Member	Charter Review Commission recommendations

**6. Consent**

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- A. Authorize the City Manager to Execute a Maryland State Art Council Public Art Conservation Grant Agreement to Conserve Mosaics Owned by the City.**

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- B. Authorize the City Manager to Execute a Maryland State Arts Council Grant Agreement for Arts Relief Funding for Sound Control and Restoration Work at the Rockcrest Ballet Center.**

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- C. Authorize the City Manager to Execute an MOU Between the Mayor and Council of Rockville, the Greater Rockville Chamber of Commerce, and Community Reach for the Taste of Rockville at the 2023 Edition of Hometown Holidays**

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- D. Authorize the City Manager to Sign an Agreement with the U. S. Army Corps of Engineers to Participate in the Planning Assistance to States Program to Support Completion of a Portion of the Flood Resiliency Master Plan**

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- E. Approval of Minutes**

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Councilmember Mark Pierzchala moved to approve consent items A-E.

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

**7. Discussion Follow-Up with the Board of Supervisors of Elections Requests**

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Chair of the Board of Supervisors of Elections, Robert Kurnick, Esq. presented a follow-up to the report and recommendations that the Board of Supervisors of Elections (BSE) presented to the Mayor and Council at their October 24, 2022, meeting.

Staff recommends that the Mayor and Council provide direction to staff on recommendations from the BSE in order to complete the Candidate Information Packet before the November 2023 election.

The BSE provided the Mayor and Council with the status and updates for preparing for the November 2023 municipal election regarding the following:

- Requested assistance from State of Maryland and Montgomery County Board of Elections for permission to use, and training on, the State's electronic poll books;
- Revised Candidate Information Packet to be distributed to candidates;
- Recommended to the Mayor and Council a series of changes to the City Charter and Chapter 8 of the City Code, which the BSE summarized in a report to the Mayor and Council delivered on October 24, 2022.
- Proposed to operate a second vote center at the Thomas Farm Community Center and place three additional drop boxes, at the Montrose Community Center, the Rockville Senior Center, and the Lincoln Park Community Center for the 2023 election;
- Intends to translate all outreach materials and reminders mailed to Rockville residents and voters into Spanish, Simplified Chinese, and QR code for French.
- Recommends a reduction in the number of required mailings from 4 to 3, which would save approximately \$19,754 at .048 per post card and help defray the cost of a second vote center.

The BSE also provided recommendations to the Mayor and Council on the following changes to the Charter and Chapter 8 of the City Code:

#### **Charter**

- Article III, Section 1 -- Voters. Lowering the minimum voting age from 18 years to 16 years.
- Article III, Section 3 – Nominations. Changing the deadline for submitting nomination petitions from 60 days prior to the election to 90 days prior to the election.

#### **City Code - Chapter 8**

- Section 8-1 – Definitions. Amending definition of campaign materials to include campaign websites, emails, text messages, and other electronic communications.
- Section 8-41(a) – Election Procedures. Amending language to permit the BSE to operate a second vote center and place additional ballot drop boxes in locations around Rockville.
- Section 8-41(c) – Election Procedures. Reduce by 1 the number of notices and reminders that must be mailed to all registered voters prior to the election.
- Section 8-45 – Electioneering. Adding language prohibiting electioneering within 50 feet of a ballot drop box.
- Section 8-72 – Candidates Joining Slates. Adding language stating that slates will not be deemed continuing political committees and may receive contributions and make expenditures only during a single election cycle.
- Section 8-74(a) – Campaign Depositories. Amending this section to state that a campaign committee may pay expenses by check, debit card, or other electronic means.
- Section 8-77(b) – Loans. Amending this section by adding language explaining that loans made by a candidate to the candidate's own campaign committee do not require written consent but that loans made by a candidate to a slate of candidates do require written consent.

- Section 8-78 – Contributions and Expenses. Deleting the sentence in Section 8-78(d) imposing an unconstitutional aggregate contribution limit of \$2,000.
- Section 8-81 – Election Reports. Amending to require electronic filing of all Campaign Finance Reports.
- Section 8-101 – Prohibited Practices. Amending the language in Subsection (7) to require clear and conspicuous disclaimers on campaign literature similar to those required by federal campaign finance law.

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The Mayor and Council provided staff direction to bring back the ordinances and resolutions for possible approval and adoption.

Questions from the Mayor and Council were addressed by Mr. Kurnick, Esq., and staff.

The Mayor and Council provided their thoughts and comments.

#### **FURTHER DISCUSSION**

February 27, 2023, Agenda item 7.

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**THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 8:18 P.M. THE MAYOR AND COUNCIL RECONVENED AT 8:28 P.M.**

### **8. Discussion Follow-Up with the Charter Review Commission Recommendations**

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Chair of the Charter Review Commission, Kevin Own, Esq., presented additional recommendations to Mayor and Council. The Commission thanked all residents who attended the Public Hearing and submitted comments and documentation in response to the Commission's recommendations.

Staff recommends that the Mayor and Council receive the 2020-2022 Charter Review Commission's final report and list of recommendations as follows:

#### Action and Implementation

- The process for filling a vacancy in the office of mayor and vacancy in the office of councilmember when the vacancy occurs after the 24<sup>th</sup> month of a term.
- Alternative Voting Systems - "None of the Above" Option on Municipal Ballots
- Increasing the number of members on the Board of Supervisors of Elections.
- The appointment process for the members of the Board of Supervisors of Elections.

- Any additional provisions on topics raised during the vote by mail election for example, ballot harvesting - Increasing the Number of Ballot Drop-Off Boxes
- Provisions that May Increase Voter Turnout - Expand the Voter Franchise by Lowering the Voting Age to People who are 16 and 17-Years Old.

Other Topics

- Term limits of the Mayor and Council.
- Issue O. Provisions that may increase voter turnout.
- Moving the Election to Coincide with State or Federal Elections.
- Representative districts and the boundaries for Districts.
- The addition of a “resign to run” provision.
- Alternative voting systems.
- Ranked Choice Voting
- Any additional provisions on topics raised during the vote by mail election for example, ballot harvesting.
- Implement a multi-dwelling building outreach plan to guarantee election mail and materials reach residents
- Implement provisions to ensure the safety and wellbeing of voters who are survivors of intimate partner violence, the target of stalking and harassment, witnesses to felony offenses and/or the immediate family member of an individual eligible for address confidentiality, and people who are unhoused
- Provisions that may increase voter turnout.
- Expand the Voter Franchise Without Regard to Citizenship.
- Provisions in the election code for internal consistency with the Charter and vice-versa.

Questions from the Mayor and Council were addressed by staff and the Commission. The Mayor and Council provided their thoughts and comments.

Councilmember Beryl L. Feinberg moved to direct the City Attorney and City Clerk/Director of Council Operations to come back with a Resolution to put a question on the November 2023 ballot to expand the voting franchise to lower the voting age to 16 and 17 years old.

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

Councilmember Mark Pierzchala moved to add the following questions as advisory referendum



- 1) Non-citizen voting; 2) Districts – Part A and Part B as described by Councilmember Ashton; 3) Term Limits; 4) Ranked Choice Voting

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

#### **FURTHER DISCUSSION**

February 27, 2023, Agenda item 8.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

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#### **9. Introduction and Possible Adoption of an Ordinance to Amend Ordinance #17-22 to Appropriate Funds and Levy Taxes for Fiscal Year 2023 (Budget Amendment #4)**

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Councilmember Beryl L. Feinberg introduced the Ordinance.

Councilmember Mark Pierzchala moved to waive the layover period.

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

Councilmember Mark Pierzchala moved to adopt Ordinance to Amend Ordinance #17-22 to Appropriate Funds and Levy Taxes for Fiscal Year 2023 (Budget Amendment #4) .

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

#### **FURTHER DISCUSSION**

February 27, 2023, Agenda item 9.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

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**10. Introduction and Possible Adoption of an Ordinance to Require a Public Hearing on the Annual Budget Prior to the City Manager's Submission of a Recommended Budget.**

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Councilmember Mark Pierzchala introduced the Ordinance.

Councilmember Monique Ashton moved to waive the layover period.

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

Councilmember Beryl L. Feinberg moved to adopt the ordinance to require a public hearing on the annual budget prior to the City Manager's submission of a recommended budget.

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

**FURTHER DISCUSSION**

February 27, 2023, Agenda item 10.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

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**11. Presentation of the Fiscal Year 2024 Proposed Operating Budget and Capital Improvements Program**

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City Manager, Rob DiSpirito introduced Chief Financial Officer/Director of Finance Stacey Webster and Deputy Chief Financial Officer Kimberly Francisco who presented an overview of the proposed FY2024 operating budget and capital improvement programs. The FY2024 operative budget is inclusive of the City's ten operating funds.

Staff recommends that the Mayor and Council receive the presentation on the Proposed Fiscal Year 2024 Operating Budget and Capital Improvements Program.

Questions from the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts and comments.

**FURTHER DISCUSSION**

February 27, Agenda item 11

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**12. Introduction of an Ordinance to Appropriate Funds and Levy Taxes for Fiscal Year 2024**

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Councilmember Beryl L. Feinberg introduced the Ordinance.

**FURTHER DISCUSSION**

February 27, Agenda item 12

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

Video Timestamp 4:30:21

**13. Introduction of a Resolution to Establish the Equivalent Residential Unit Rate to be Used in Calculating the Stormwater Management Utility Fee Pursuant to Chapter 19 Entitled "Sediment Control and Stormwater Management" of the Rockville City Code; and to Establish a Fee for Application for a Credit Against the Stormwater Management Utility Fee for Private Stormwater Management Facilities**

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Councilmember Monique Ashton introduced the Ordinance.

Questions from the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts and comments.

**FURTHER DISCUSSION**

February 27, Agenda item 13

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

Video Timestamp 4:31:00

**14. Introduction of a Resolution to Establish the Service Charge Rate for Municipal Refuse Collection and to Establish a Charge for Unreturned Refuse and Recycling Carts Pursuant to Section 20-6 of the Rockville City Code**

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Councilmember Beryl L. Feinberg introduced the Ordinance.

**FURTHER DISCUSSION**

February 27, Agenda item 14

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

Video Timestamp 4:36:20

**15. Future Agendas - Reference**

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**A. Future Agendas**

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The Mayor and Council reviewed Future Agendas.

Questions from the Mayor and Council were addressed by staff. The Mayor and Council provided their thoughts and comments.

**FURTHER DISCUSSION**

February 27, Agenda item 15

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4662](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4662)

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**16. Old/New Business**

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Councilmember Mark Pierzchala moved to approve the letter regarding SB613 Electricity – Community Solar Energy Generating Systems Program.

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

Councilmember David Myles moved for the Mayor to work with Assistant to the City Manager, Linda Moran on testimony language regarding HB1130 – Noise Abatement Monitoring Systems. The Mayor will provide testimony Thursday, March 2.

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

Councilmember Monique Ashton moved for FY2023 approved funding for a dog park at Redgate.

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

Councilmember Beryl L. Feinberg moved to follow-up with Montgomery County on the restoration center, write a letter to the County Executive, send responses to various community organizations, and set a meeting date and venue for a second community input.

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

Councilmember Mark Pierzchala moved for Councilmember Beryl L. Feinberg to work with staff on a letter to the County Executive.

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

#### **FURTHER DISCUSSION**

February 27, Agenda item 16.

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Video Timestamp 4:46:35

**17. Adjournment**

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There being no further business, the meeting adjourned at 11:46 p.m.

	<b>RESULT: APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Monique Ashton, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala