



**Monday, June 19, 2017
MAYOR AND COUNCIL
MEETING NO. 23-17
ROCKVILLE, MARYLAND**

THE HONORABLE MAYOR AND COUNCIL PRESIDING

Attendee Name	Title	Status
Bridget Donnell Newton	Mayor	Present
Beryl L. Feinberg	Councilmember	Present
Virginia D. Onley	Councilmember	Present
Julie Palakovich Carr	Councilmember	Present
Mark Pierzchala	Councilmember	Present

Staff Present: City Clerk/Director of Council Operations, Kathleen Conway, City Manager Rob DiSpirito and City Attorney Debra Daniel

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, June 19, 2017 in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Kathleen Conway reported that there were no changes to the agenda.

4. City Manager's Report

City Manager Rob DiSpirito presented information on the following topics: Building Permit and Inspections Process Forum; Stonestreet Corridor Study Community Meeting; Second Annual Suds and Soles 5K Race; Rockville's July 4th Celebration; and the Public Safety Awards received by eight members of the Rockville City Police Department. Eight members of the Rockville City Police Department were honored for their service to the community at the 28th annual Rockville Public Safety Awards held on Wednesday, June 14 at Lakewood Country Club.

- Distinguished Service Citation recipients:
 - Officer Kevin McBride
 - Police Communications Operator Edwina Ritchie
 - Police Communications Operator Karl Nadler
- Meritorious Service Citation recipients:
 - Corporal Javier Baquero
 - Officer Brandon Thomas
 - Officer Seth Creel
 - Officer Brian Van Fossen

- Police Communications Operator Monique Michael

5. Community Forum

<i>Name</i>	<i>Topic</i>
Rory Summerour	Lincoln Park Community Reunion
Drew Powell	Mayor and Council Meet-and-Greet; Membership Appreciation
Jonathan Hanen	Fostering Community Trust Ordinance
Tom Moore	Fostering Community Trust Ordinance
John Appiah-Duffell	Fostering Community Trust Ordinance
Brigitta Mullican	Fostering Community Trust Ordinance
David Wilson	Fostering Community Trust Ordinance
Shuo Huang	Fostering Community Trust Ordinance
Andera Peterson	Fostering Community Trust Ordinance
Dan McHugh	Fostering Community Trust Ordinance
Elizabeth Matory	Fostering Community Trust Ordinance
Patricia Woodward	Thank you; Fostering Community Trust Ordinance
Marianne Follingstad	Fostering Community Trust Ordinance
Andrew Krug	Fostering Community Trust Ordinance
Ben Shnider	Fostering Community Trust Ordinance
Raj Gupta	Fostering Community Trust Ordinance
Gail Weiss	Fostering Community Trust Ordinance
Leah Wilson	Fostering Community Trust Ordinance
Ed Manatetti	Fostering Community Trust Ordinance
Thomas Nephew	Fostering Community Trust Ordinance
Lu Shan	Fostering Community Trust Ordinance
Rachel Alcazar	Fostering Community Trust Ordinance
Janne Huang	Fostering Community Trust Ordinance
Laura Kolhoff	Fostering Community Trust Ordinance
Cecilia Plante	Fostering Community Trust Ordinance
Doug Goodin	Fostering Community Trust Ordinance
Mareokia Russon	Fostering Community Trust Ordinance
Lillian Liu	Fostering Community Trust Ordinance
Carol Schlenker	Fostering Community Trust Ordinance
Derek Frost	Fostering Community Trust Ordinance
Terri Parkinson	Fostering Community Trust Ordinance
Tim Downey	Fostering Community Trust Ordinance
Bonnie Campos	Fostering Community Trust Ordinance
Andrea Kempner-Wink	Taste of Rockville at HTH and Thank You
Debbie Chen	Fostering Community Trust Ordinance
JoAnn Perlman	Fostering Community Trust Ordinance

Jocelyn on behalf of Eve Gomes	Fostering Community Trust Ordinance
Ray	Fostering Community Trust Ordinance
Christina Ginsberg	Fostering Community Trust Ordinance
David Brenner	Declaration of Independence
Eric Palakovich Carr	Fostering Community Trust Ordinance
Hessie Harris	Fostering Community Trust Ordinance
Zhenya Li	Fostering Community Trust Ordinance
Kay Flick Elfant	Fostering Community Trust Ordinance

6. Mayor and Council's Response to Community Forum and Announcements

The Mayor and Council thanked everyone for their participation in Community Forum.

7. Mayor and Council Reports

The Mayor and Council provided updates on their recent activities, including Boards and Commission meetings and Community Events.

The Mayor and Council recessed for break at 9:23pm and returned from break at 9:35 p.m.

8. Environment Commission's Recommendations Regarding the Paris Climate Agreement

Sustainability Coordinator Erica Shingara introduced Environment Commission Chair John Becker who led this discussion with the Mayor and Council. Mr. Becker discussed the Environment Commission's work in reviewing climate commitments in response to the announcement that the U.S. was withdrawing from the Paris Climate Agreement, a landmark international agreement reached in 2015 between 195 countries aimed at reducing carbon emissions, slowing rising global temperatures and helping countries deal with the effects of climate change. The Environment Commission unanimously recommended that the Mayor and Council support the goals of the Paris Climate Agreement and sign the "We are Still In" open letter to the international community. Supporting the Paris Climate Agreement reinforces the City's current climate commitments and actions, and requires no additional binding commitments by the City.

Councilmember Palakovich Carr offered an amendment to change the phrase "potential to harm" to "harming". Councilmember Pierzchala and Mayor Newton supported the amendment.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

9. Discussion, Instructions and Possible Adoption of an Ordinance to Amend Chapter 11 of the Rockville City Code Entitled "Human Rights" so as to Add a New Section 11-3 Entitled "Fostering Community Trust"

Deputy City Manager Jenny Kimball introduced this Agenda Item for discussion with the Mayor and Council.

Councilmember Feinberg provided a statement on this Agenda Item. A video of this meeting can be found at <http://rockvillemd.gov/AgendaCenter>; Meeting Date June 19, 2017.

Mayor and Council discussion follows below:

Councilmember Pierzchala: The Rockville City Police Department does not ask for immigration status; a language line is available; driver licenses are checked the same for all drivers; immigration status is not checked; Rockville Police are City Police and cannot enforce Federal immigration law; Rockville City Police can call ICE (Immigration and Customs Enforcement) for assistance and would like to be able to call ICE if they need assistance; officers follow an unwritten rule in the City.

Councilmember Feinberg: What is the issue? The Ordinance does not change the current practice; some jurisdictions could benefit from the Ordinance however the City does not; such an Ordinance did not pass at the State or County level; the Ordinance will not make a difference in how the Police do their work; and ICE can continue to do what they want. We need a policy that addresses what is not part of current policy. A policy allows us to be responsive to events and be nimble.

Motion: Move that the Mayor and Council direct the City Manager and the Rockville City Police Department to develop a written policy outlining the procedures that local law enforcement officers will follow with regards to the immigration status of individuals during the course of their work. Such policies will be developed within thirty days and must be approved by the Mayor and Council.

Moved by Councilmember Feinberg and seconded by Councilmember Onley. Councilmember Onley seconded the motion to allow discussion.

Mayor and Council discussion follows below:

Councilmember Pierzchala: Based on my suggestion, everyone met with the Rockville City Police Department (RCPD). Based on those meetings, I would like to respond to a few comments: what the police are doing is unwritten which can result in inconsistent practice; policy making is the purview of the Mayor and Council. We need to clarify for everyone - residents, police, citizens. I will vote against the motion made by Councilmember Feinberg.

Councilmember Feinberg: One of the reasons for the motion now is that the Ordinance was presented without prior discussion. Regarding conversations with the RCPD, when speaking with the Police, making a change to a law in the case of an emergency could require a large amount of time. With a policy, the City Manager can override the policy in the case of an emergency. As an example, the County does not use an Ordinance. They use a Policy.

Councilmember Palakovich Carr: At the initial meeting on this topic, Staff prepared a comparison of policy, ordinance and resolution. Policies are less transparent. The RCPD is governed by the laws of the City. With

the Ordinance, the RCPD will need to develop a Field Directive for items not addressed in the Ordinance. I brought this forward because I want the strongest possible protection. I will not support this motion made by Councilmember Feinberg.

Councilmember Feinberg: Policies can be put on our website, nothing prohibits this, and links about Public Safety can be included. Transparency can still be achieved via the website and Rockville Reports. Everything that could occur cannot be managed via Field Orders. A Policy is much more nimble than a law when fast changes are needed. It is not about being against immigrants, etc., that is not the issue. The issue is being nimble.

Councilmember Pierzchala: We have many laws in this City, County, State and Federal. Councilmember Palakovich Carr brought this up as an Ordinance. The public process was followed. An Ordinance provides a degree of independence.

Mayor Newton provided a statement on this Agenda Item. The video of this meeting can be found at <http://rockvillemd.gov/AgendaCenter>; Meeting Date June 19, 2017.

Councilmember Pierzchala: The Ordinance was brought forth as an Ordinance and has gone through a process. There is no reason, for example, that a Work Session could not have been held, but it didn't. I proposed three additions to the Ordinance a week ago for tonight and sent them to my colleagues.

Councilmember Onley: I will not support the motion on the table. I will be supporting the Ordinance and not supporting this motion made by Councilmember Feinberg.

The motion failed with Councilmember Feinberg and Mayor Newton voting in favor and Councilmembers Onley, Palakovich Carr and Pierzchala voting against.

Councilmember Palakovich Carr provided a statement on this Agenda Item. A video of this meeting can be found at <http://rockvillemd.gov/AgendaCenter>; Meeting Date June 19, 2017.

Councilmember Pierzchala proposed an amendment to the Ordinance to include the following three "Whereas" statements to the Ordinance:

1. Whereas current Federal Immigration Law does not require local governments to enforce Federal civil immigration laws
2. Whereas the City of Rockville follows all Federal laws applicable to the City of Rockville
3. Whereas by codifying the City of Rockville informal policy, Rockville residents will be insured that the City of Rockville employees and law enforcement officers will follow certain procedures when interacting with and providing services to the public

Motion: to amend the Ordinance with the three additions suggested by Councilmember Pierzchala

RESULT:	APPROVED AS AMENDED [3 TO 1 TO 1]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
OPPOSED:	Councilmember Feinberg
ABSTAINING:	Mayor Newton

Motion: to adopt the amended Ordinance

Moved by Councilmember Palakovich Carr and seconded by Councilmember Pierzchala. The motion passed with Councilmembers Onley, Palakovich Carr and Pierzchala voting in favor, Mayor Newton and Councilmember Feinberg voting against.

RESULT:	APPROVED AS AMENDED [3 TO 2]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
OPPOSED:	Mayor Newton and Councilmember Feinberg

Mayor Newton suggested the following addition to the Ordinance: In the event any provision of this ordinance shall be invalid, illegal, unenforceable or in conflict with the provisions of this Ordinance then such provision shall be eliminated from the ordinance and the validity, legality and enforceability of the remaining provisions shall continue unimpaired thereby.

City Attorney Debra Daniel advised that severability language is usually found in contracts and not in ordinances. In ordinances, statutory construction is governed by common law and not by a severability clause. The severability clause would not apply and would not automatically invalidate the entire statute.

10. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

11. Review and Comment - Future Agendas

The Mayor and Council discussed the tentative July 10, 2017 Agenda and agreed to begin the meeting at 6:00 p.m.

12. Old/New Business

A. King Farm Farmstead

Councilmember Pierzchala suggested formally accepting the King Farm Farmstead Task Force Report and

asked for additional information regarding the Covenants as they are critical path prior to spending additional time and/or money.

Mayor Newton suggested a discussion of the report and then working with the King Farm Association to better understand what they will accept.

Councilmember Pierzchala agreed that it would be nice to have a discussion, better understand the covenants and then discuss with the King Farm Association.

City Manager Rob DiSpirito suggested the following steps:

1. Mayor and Council receive the report.
2. Staff investigate covenants for feasibility
3. Proceed with a consultant or staff to price out.
4. Advertise a public work session for further discussion.

Motion: Move that the Mayor and Council receive the King Farm Farmstead Task Force, give abundant thanks to the Task Force for their work

RESULT:	APPROVED
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Julie Palakovich Carr, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Motion: Move that next steps for the King Farm Farmstead are for staff to investigate the covenants for feasibility, proceed with a consultant or staff to price out and advertise a public work session for further discussion

RESULT:	APPROVED
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

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

B. Amicus Brief

City Attorney Debra Daniel was contacted by Lambda Legal regarding the joining of an Amicus Brief on behalf of transgender veterans and transgender-inclusive health benefits.

Motion: that the Mayor and Council direct the City Attorney to join the Amicus Brief

RESULT:	APPROVED
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

13. Adjournment

RESULT:	APPROVED
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Virginia D. Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

The Mayor and Council Meeting adjourned at 11:07 p.m.

Minutes Approved: 03.19.2018

Attest: 