



**Monday, October 8, 2018  
MAYOR AND COUNCIL  
MEETING NO. 32-18  
ROCKVILLE, MARYLAND**

Approved:  
*Bridget Donnell Newton*  
Attest: *Sara Taylor-Ferrell*  
Approved Meeting No. 15-19  
April 1, 2019

**THE HONORABLE MAYOR AND COUNCIL PRESIDING**

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

**1. Convened in Open Session to vote on motion to go into Closed Session pursuant to Section 3 -305(b)(1)(i) of the General Provisions Article of the Annotated Code of Maryland to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of the City Clerk/Director of Council Operations, an employee over whom the Mayor and Council has jurisdiction.**

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**2. Closed Session Summary for September 25, 2018**

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Upon motion by Councilmember Feinberg, duly seconded by Councilmember Pierzchala, and unanimously passed, the Mayor and Council convened in Executive Session at 3:00 p.m. in the Diamondback Terrapin Conference Room in Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland.

**Present:**

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia D. Onley, Councilmember Julie Palakovich Carr, and Councilmember Mark Pierzchala. Also, present was Acting City Clerk Sara Taylor-Ferrell.

The topic of discussion was the City Clerk/Director of Council Operations appointment.

The Executive Session adjourned at 3:46 p.m.

### 3. Reconvene into Open Session

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The Mayor and Council reconvened in Open Session on Monday, October 8, 2018, at 7:01 p.m. in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

**Staff Present:** City Manager DiSpirito, City Attorney Daniel, and Acting City Clerk Taylor-Ferrell.

### 4. Pledge of Allegiance

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Mayor Newton led the Pledge of Allegiance.

### 5. Agenda Review

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City Clerk Taylor-Ferrell reported there is a revised agenda for the October 15 mock agenda where some of the items have been rearranged.

### 6. City Manager's Report

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City Manager DiSpirito presented **the following** events and topics: Rockville High School senior Leo Wagner and resident of East Rockville's interests in the City of Rockville; Community **invitation** to a town hall meeting about Rockville Town Center; 2018 City of Rockville Community Survey; Rockville's Art in Public Places Program celebrating its 40<sup>th</sup> anniversary.

### 7. Approval of Resolutions

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#### A. Adoption of Resolution to Designate Sara Taylor-Ferrell as City Clerk/Director of Council Operations

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<b>RESULT:</b>	<b>APPROVED (3-2)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Julie Palakovich Carr
<b>IN FAVOR:</b>	Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg

**B. Adoption of Resolution to Designate Sara Taylor-Ferrell, City Clerk/Director of Council Operations, as the Resident Agent for the Mayor and Council of Rockville**

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<b>RESULT:</b>	<b>APPROVED (3-2)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Virginia Onley
<b>IN FAVOR:</b>	Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg

**7. Proclamation**

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**A. Proclamation Declaring October as Breast Cancer Awareness Month**

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Councilmember Feinberg proclaimed October as Breast Cancer Awareness month and presented the proclamation to Teresa Broad and the Rockville City Police Department.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Beryl Feinberg
<b>SECONDER:</b>	Councilmember Mark Pierzchala
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

**B. Proclamation Declaring October as National Arts and Humanities Month**

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Councilmember Pierzchala proclaimed October as National Arts and Humanities Month and presented the proclamation to the Cultural Arts Commission members.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Beryl Feinberg
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

**8. Recognition**

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**A. Recognition of Wizards.Exe Robotics Team**

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Mayor Newton presented a certificate of recognition to the Wizards.Exe Robotics Team.

**9. Community Forum**

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<b><i>Name</i></b>	<b><i>Topic</i></b>
David Brenner	Police State Citation 8
Brittley Timmons	We Love You Foundation
Linda Plummer	President NAACP Support of City Clerk/Director of Council of Operations
Alexandria Dace Denito	214 Frederick Avenue
Angel Padon	Church of God
Jill Cornish	Stormwater management; sidewalk safety for seniors

**10. Mayor and Council's Response to Community Forum**

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The Mayor and Council thanked all for their participation at Community Forum.

**11. Mayor and Council Announcements**

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

**12. Consent**

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**A. Approval of Deaccession of Three Art in Public Places Sculptures**

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<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Beryl Feinberg
<b>SECONDER:</b>	Councilmember Julie Palakovich Carr
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

**B. Approval of Minutes**

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Councilmember Feinberg moved that the minutes for May 7, 2018, and May 21, 2018, be removed from the agenda in order for the City Clerk to provide updated copies of the final minutes which will be included on the October 15, 2018, agenda for approval.

**13. Presentation**

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**A. Financial Advisory Board FY 2018 Annual Report and FY 2019 Action Plan**

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Chair of the Financial Advisory Board Bob Wright provided a brief presentation on the Financial Advisory Boards Action Plan for 2019 and the 2018 Annual Report. Questions of clarification from the Mayor and Council were addressed by the Financial Advisory Board.

Councilmember Feinberg made a motion to add Item No. 15 to the FY2019 Action Plan to review the City staff's final draft RFP and the final draft work products by the contractor with regard to the study that the Human Resources Department proposes to initiate in FY 2019 to review the City's current employee compensation and classification structure.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Beryl Feinberg
<b>SECONDER:</b>	Councilmember Mark Pierzchala
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

**14. King Farm Farmstead - Horse Barn Stabilization**

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Recreation and Parks Director Tim Chesnutt presented an overview of the Horse Barn Stabilization plan at King Farm Farmstead. Engineer Bill Duvall was present to answer any questions. Mr. Chesnutt presented three options before the Mayor and Council for review. **Questions** from the Mayor and Council were addressed by staff.

Councilmember Mark Pierzchala made a motion to go with Option A to shore up the horse barn in FY2019 to maintain the structure until funds are budgeted for demolition and replacement.

<b>RESULT:</b>	<b>APPROVED (3-2)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Julie Palakovich Carr
<b>IN FAVOR:</b>	Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg

**15. Discussion and Instructions to Staff on Sectional Map Amendment MAP2018-00118, to Create a Historic District at 214 Frederick Avenue by Changing the Zone from R-60 to R-60 (HD - Historic District); Historic District Commission of Rockville, Applicant**

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Staff member Sheila Bashiri made a brief presentation providing an overview of the **Map** amendment. **Questions** from the Mayor and Council were addressed by staff. A discussion followed.

Councilmember Feinberg moved to **instruct** staff to proceed with drafting an ordinance to approve the application for the creation of a Historic District at 214 Frederick Avenue by changing the zoning from R-60 to R-60 (HD).

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Beryl Feinberg
<b>SECONDER:</b>	Councilmember Virginia Onley
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

**16. Introduction, and Possible Adoption, of an Ordinance to Amend Ordinance #10-18 to Appropriate Funds and Levy Taxes for Fiscal Year 2019 (Budget Amendment #1)**

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Finance Department staff member Stacey Webster provided an overview of the budget amendments. A discussion followed by the Mayor and Council where **questions** were addressed by staff.

Councilmember Palakovich Carr made a motion to introduce the ordinance noting the change for \$62,000 for shoring up the horse barn. Councilmember Pierzchala moved to waive the layover period.

<b>RESULT:</b>	<b>APPROVED (4-1)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Virginia Onley
<b>IN FAVOR:</b>	Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton

Councilmember Julie Palakovich Carr moved to adopt the ordinance.

<b>RESULT:</b>	<b>APPROVED (3-2)</b>
<b>MOVER:</b>	Councilmember Julie Palakovich Carr
<b>SECONDER:</b>	Councilmember Mark Pierzchala
<b>IN FAVOR:</b>	Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg

**THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 9:07 PM. THE MAYOR AND COUNCIL MEETING RECONVENED AT 9:16 PM.**

#### **17. FY 2020 Budget Process and Calendar**

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Deputy Director of Finance Stacey Webster provided a brief overview of the FY 2020 budget process and calendar. **Questions** from the Mayor and Council were addressed by staff. A discussion **followed**.

#### **18. Fourth Quarter FY 2018 Financial Report**

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Senior Management and Budget Analyst Mary Sue Martin provided an overview of the fourth quarter FY 2018 Financial Report.

#### **19. Review and Comment - Mayor and Council Action Report**

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The Mayor and Council reviewed the Action Report.

##### **A. Mayor and Council Action Report**

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Updates from staff were requested by the Mayor and Council on the Deer Population, Opioid Town Meeting and Board of Supervisors of Elections items.

## 20. Review and Comment - Future Agendas

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The Mayor and Council reviewed Future Agendas.

### A. Future Agendas

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Councilmember Palakovich Carr requested scheduling dates for the charter and election code changes proposing October 22, 2018, for the introduction of the code changes and the official steps needed for the charter changes. Councilmember Palakovich Carr proposed November 19, 2018, for Public Hearings and December 10, 2018, for Discussion and Instructions with possible adoption.

Councilmember Pierzchala requested adding a discussion with the Rockville Sister City Corporation, and a discussion about the Director of Council Operations part of the City Clerk/ Director of Council Operations.

Mayor Newton requested adding a discussion item regarding Airbnb's and how they relate in the City.

Councilmember Feinberg suggested adding an amendment to the ordinance on polystyrene items that was incorporated by the City to work around the ban on plastic **straws** based on the inability for some individuals to use recommended alternatives due to a disability or **medical issue**.

## 21. Old/New Business

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Councilmember Pierzchala made a motion to instruct the City Manager to investigate other uses of the RedGate property. This would include establishing some City-owned and operated athletic fields, returning part of the property to nature and selling part of the property for residential development. Councilmember Julie Palakovich Carr seconded the motion.

Councilmember Onley requested Councilmember Pierzchala change the motion to instruct the City Manager to investigate other uses of the RedGate property. This would include, but not limit it to establishing some City-owned and operated athletic fields, returning part of the property to nature and selling part of the property for residential development. Councilmember Pierzchala agreed and stated it would make the motion more flexible.



Councilmember Feinberg suggested adding a request for a fiscal impact statement. Councilmember Pierzchala agreed.

The revised motion with two amendments is now to instruct the City Manager to investigate and complete a fiscal impact statement on other uses of the RedGate property. This would include but not be limited to establishing some City-owned and operated athletic fields, returning part of the property to nature and selling part of the property for residential development.

<b>RESULT:</b>	<b>APPROVED (4-1)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Julie Palakovich Carr
<b>IN FAVOR:</b>	Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr
<b>OPPOSED:</b>	Mayor Bridget Newton

Councilmember Pierzchala made a motion to instruct the City Attorney to determine the degree of default by Billy Casper Golf in order to determine whether the City can terminate the agreement at any time or if there are curer clauses that would prevent an ending of the agreement at the City's option. The information should include the duration of the current contract and the number of option years and who can invoke the options.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Virginia Onley
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr

Councilmember Feinberg **recommends** that the City show and demonstrate its leadership in regard to County Bill 35-18 which is before the County to prohibit smoking in outdoor serving areas. On October 23, 2018, there is a public hearing and Councilmember Feinberg would like to ask that staff be directed to draft testimony.

Councilmember Feinberg also recommended adding County Bill 23-18 Fire Safety Carbon Monoxide Alarm to the agenda, for Mayor and Council consideration. It was passed by the County but has not yet been established in the City. It was recommended to add this item to the October 22, 2018 agenda.

Lastly, Councilmember Feinberg is requesting that the Board of Supervisors of Elections come to the Mayor and Council to have a conversation on voting by mail and tracking of the BSE's expenditures.

**22. Adjournment**

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There being no further business, the meeting adjourned at 11:02 p.m.

<b>RESULT:</b>	<b>APPROVED (UNANIMOUS)</b>
<b>MOVER:</b>	Councilmember Mark Pierzchala
<b>SECONDER:</b>	Councilmember Beryl Feinberg
<b>IN FAVOR:</b>	Mayor Bridget Newton, Councilmember Beryl Feinberg, Councilmember Virginia Onley, Councilmember Mark Pierzchala, Councilmember Julie Palakovich Carr