



Monday, November 19, 2018
MAYOR AND COUNCIL
MEETING NO. 39-18
ROCKVILLE, MARYLAND

Approved: *Bridget Donnell Newton*
Attest: *Sara Taylor Ferrell*
Approved Meeting No. 19-19;
May 13, 2019

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 Sara Taylor Ferrell, City Manager Robert DiSpirito, and City Attorney Debra Daniel

- 1. Convene in Open Session to vote on motion to go into Closed Session pursuant to Section 3-305(b)(3) of the General Provisions Article of the Annotated Code of Maryland to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.**
-

The Mayor and Council convened in Open Session at 6:00 p.m. on Monday, November 19, 2018, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland, to vote on motion to go into Closed Session pursuant to Section 3-305(b)(3) of the General Provisions Article of the Annotated Code of Maryland to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

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

2. Closed Session Summary

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia Onley, Councilmember Palakovich Carr and Councilmember Pierzchala. Also present was Robert DiSpirito, City Manager, Jenny Kimball, Deputy City Manager, Debra Daniel, Director of Finance Gavin Cohen, Director of Public Works Craig Simoneau, Deputy Director of Recreation and Parks Christine Henry, and City Clerk/Director of Council Operations Sara Taylor- Ferrell.

The Mayor and Council agreed to parameters for negotiation for the purchase of 6 Taft Court and not exceed 6 million dollars for the purchase price of the property.

Motion: to authorize the City Manager and staff to enter in negotiations with owner of the property at 6 Taft Court.

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

Motion: to adjourn.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Pierzchala, and passed unanimously.

The Executive Session adjourned at 6:53 p.m.

3. Reconvene into Open Session

The Mayor and Council reconvened in Open Session at 7:00 p.m. on Monday, November 18, 2018, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

4. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

5. Agenda Review

City Clerk/Director of Council Operations Sara Taylor-Ferrell reported there had been an agenda item added to the consent agenda for the approval of the Executive Session minutes for September 18, September 25 and August 8, 2018.

6. City Manager's Report

City Manager Rob DiSpirito presented information on events and topics: City of Rockville recognized for the third time as a Sustainable Maryland community and earned the program's Sustainability Champion designation at the MML conference in Annapolis; reminder for everyone to get an Alert Rockville account to receive public safety, traffic and severe weather notification from the City of Rockville; second round of leaf collection starting today and will continue through December 21; reminder that all City facilities will be closed on Thursday, November 22, 2018, for the Thanksgiving Holiday.

7. Certificate of Retirement

The Mayor and Council presented a Certificate of Retirement to Charles Baker for 34 years of service as the Chief of Inspection Services and the City's Building Official.

A. Certificate of Retirement to Charles Baker for 34 Years of Service

Mayor Newton recognized the service and presented the certificate along with the members of the Council to Charles Baker for his 34 years of service to the City of Rockville.

8. Certificate of Welcome

The Mayor and Council welcomed and acknowledged the student delegation from Jiaying, China Middle School Xiuzhou.

A. Certificate of Welcome - Student Delegation Jiaying, China Middle School Xiuzhou

Drew Powell, president of the Rockville Sister City Corporation, welcomed and presented the delegation from Jiaying, China Middle School Xiuzhou to include teacher Wang Xi and students, Wang Xuanya, Wang Yanchi, Zhu Yiling, Liang Jia, Lin Rui, Fan Jiawen, and Yu Weimin.

9. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies

Mayor Newton read the list of appointments and reappointments to the Board and Commissions.

A. Boards and Commissions Appointments, Reappointments and Announcements of Vacancies

Councilmember Palakovich Carr moved to appoint Deborah Landau to serve a three-year term until September 1, 2021, on the Animal Matters Board.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Julie Palakovich Carr, Councilmember
SECONDER:	Virginia Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg moved to appoint Roy Deitchman to serve a three-year term until November 1, 2021, on the Board of Appeals.

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

Councilmember Feinberg moved to appoint Robert Kurnick to serve an unexpired term until October 1, 2019, on the Board of Supervisors of Elections.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Beryl Feinberg, Councilmember
SECONDER:	Virginia Onley, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Pierzchala moved to appoint Susan Koester to serve a three-year term until September 1, 2021, on the Environment Commission.

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

Councilmember Feinberg moved to appoint Darryl Parrish to fill an unexpired term until March 1, 2021, on the Financial Advisory Board.

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

Councilmember Palakovich Carr moved to appoint Juan Fogelbach to fill an unexpired term until February 1, 2019, on the Human Rights Commission.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Julie Palakovich Carr, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
 Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Onley moved to appoint Leann Sherman to serve a three-year term until September 1, 2021, on the Human Rights Commission.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Virginia Onley, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
 Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg moved to appoint Lynn Andreas Arndt to serve an unexpired term as Caregiver Representative until October 1, 2019, on the Human Services Advisory Commission.

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

Councilmember Pierzchala moved to appoint Akena Allen to serve an unexpired term as At-Larg Representative until February 1, 2019, on the Human Services Advisory Commission.

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

Councilmember Feinberg moved to appoint Stacey Erd to serve an unexpired term as At-Large Representative until February 1, 2020, on the Human Services Advisory Commission.

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

Councilmember Feinberg moved to appoint Mark Pascu to serve a three-year term as At-Large Representative until March 1, 2021, on the Human Services Advisory Commission.

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

Councilmember Onley moved to appoint Leon Suskin to a three-year term as At-Large Representative until September 1, 2021, on the Human Services Advisory Commission.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Virginia Onley, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
 Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Palakovich Carr moved to appoint Mitchell Shapiro to serve a three-year term as a Member Landlord Representative until August 1, 2021, on the Landlord-Tenant Affairs Commission.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Julie Palakovich Carr, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
 Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg moved to appoint Michael Kluk to serve a three-year term as an Alternate Tenant Representative until September 1, 2021, on the Landlord-Tenant Affairs Commission.

RESULT: APPROVED [UNANIMOUS]
MOVER: Beryl Feinberg, Councilmember
SECONDER: Virginia Onley, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Pierzchala moved to appoint Thomas Lynch to serve a three-year term until September 1, 2021, on the Recreation and Parks Advisory Board.

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

Councilmember Onley moved to appoint Krishna Kumar to serve an unexpired term until January 1, 2021, on the Senior Citizens Commission.

RESULT: APPROVED [UNANIMOUS]
MOVER: Virginia Onley, Councilmember
SECONDER: Mark Pierzchala, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley,
Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg moved to appoint Lynn Wagman to serve a three-year term until September 1, 2021, on the Senior Citizens Commission.

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

10. Community Forum

<i>Name</i>	<i>Topic</i>
Susan Krishinbalm	200 Rollins Avenue congregation
Bob Wright	Boards and Commissions appointments
Ruth Hanessian	Pump House Village, Kiwanis Club Pancake Breakfast
David Brenner	Police State citation 8 Chapter 5
Debra Landell	Animal Matters Board, Splash Park

11. Mayor and Council's Response to Community Forum

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

12. Mayor and Council Announcements

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

13. Consent

A. Approval to Increase Contract #21-18, Edmonston Drive Bridge Rehabilitation, to Concrete General Inc., in the Amount Not to Exceed \$665,000.00

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

B. Authorization for a Revocable License Agreement with Main Street AP, LLC for a Portion of Monroe Place

RESULT: APPROVED [4-0-1]
MOVER: Mark Pierzchala, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Palakovich Carr, Councilmember Pierzchala
RECUSAL: Councilmember Onley

C. Authorization to Release and Extinguish an Existing Storm Drain Easement Located at 1335 Piccard Drive

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

D. Award a Rider Contract for Construction of Senior Center ADA Improvements with Bob Andrews Construction, Inc. Contract JMI-615-18 Building Restoration and Alteration Services.

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

E. Approval of Executive Session Minutes

Councilmember Onley moved to approve Executive Session minutes for September 18, 2018, as amended.

RESULT: APPROVED [UNANIMOUS]
MOVER: Virginia Onley, Councilmember
SECONDER: Beryl Feinberg, Councilmember
IN FAVOR: Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Pierzchala moved to approve Executive Session minutes for September 25, 2018.

RESULT: APPROVED [3-2]
MOVER: Mark Pierzchala, Councilmember
SECONDER: Virginia Onley, Councilmember
IN FAVOR: Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala
OPPOSED: Mayor Newton, Councilmember Feinberg

Councilmember Palakovich Carr moved to approved Executive Session minutes for October 8, 2018.

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

14. FY 2020 Budget Public Hearing

The Public Hearing opened at 8:22 p.m. The following individuals presented testimony:

Randy Alton
Eric Fulton
Brigitta Mullican

The complete testimony of this evening's speakers may be found in the official Public Hearing file of the Mayor and Council in the City Clerk/Director of Council Operations office. The Public Hearing closed at 8:32 p.m.

15. Public Hearing - Charter Amendment to Amend Section 1 of Article II, So as to Clarify that Members of the Mayor and Council Must Continue Residency in the City During Their Tenure in Office

The Public Hearing opened at 8:33 p.m. There were no individuals presenting testimony. The Public Hearing closed at 8:33 p.m. Mayor Newton and Councilmember Feinberg requested an additional public hearing on this item to allow time to hear additional testimony from the public.

16. Public Hearing-Charter Amendment to Amend Section 5, Article III So as to Provide More Specific Requirements for Filling Vacancies in the Office of Mayor or Councilmember and to Clarify Certain Terminology.

The Public Hearing opened at 8:49 p.m. The following individuals presented testimony:

Randy Alton
Rev. Jane Wood
Brigitta Mullican
Bob Wright
Eric Fulton

The complete testimony of this evening's speakers can be found in the official Public Hearing file of the Mayor and Council in the City Clerk/Director of Council Operations office. The Public Hearing closed at 9:04 p.m.

17. Public Hearing Charter Amendment-Section 5, Article III So as to Modify the Timeframe in Which a Special Election is Required to Fill a Vacancy in the Office of Mayor or Councilmember

The Public Hearing opened at 9:04 p.m. There were no individuals presenting testimony. The Public Hearing closed at 9:04 p.m. There will be a second public hearing on this agenda item on December 10, 2018.

18. Public Hearing - Amendments to Chapter 8 "Elections"- Amends Section 8-6, "Voter Registration," 8-22, "Special Elections," 8-41 "Election Procedures Generally," and 8-83 "Requirements of Election Reports and Statements," and Adds a New Section 8-25, "Elections by the Mayor and Council to Fill a Vacancy," So as to Clarify Certain Provisions Regarding Special Elections and Filling Mayor and Council Vacancies

The Public Hearing opened at 9:05 p.m. There were no individuals presenting testimony. The Public Hearing closed at 9:05 p.m. There will be a second public hearing on this agenda item on December 10, 2018.

THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 9:15 P.M. AND RECONVENED IN OPEN SESSION AT 9:27 P.M.

19. Fiscal Year 2019 First Quarter Vacancy Report

Human Resources staff member Colette Anthony was present to provide clarification to the Mayor and Council on the Vacancy Report.

20. FY2018 Procurement Annual Report

Director of Procurement Jessica Lewis provided a presentation of the FY2018 Procurement Annual Report which summarizes information from the City's financial system and internally-maintained spreadsheets. Questions of clarification from the Mayor and Council were addressed by staff.

21. Introduction and Possible Adoption of an Ordinance to Amend Chapter 1 of the Rockville City Code Entitled "General Provisions," Section 1-8 Entitled "Application of County Law"

**So as to Allow Chapter 26, Section 26-8A of the Montgomery County Code Entitled
"Carbon Monoxide Alarms and Detectors Required" to Apply in the City**

Community Planning and Development Fire Inspector Tim Diehl gave a brief presentation of the ordinance. Questions of clarification from the Mayor and Council were addressed by staff. Councilmember Pierzchala moved to introduce the ordinance. Councilmember Onley moved to waive the layover period.

	RESULT: APPROVED [UNANIMOUS]
MOVER:	Virginia Onley, Councilmember
SECONDER:	Beryl Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

Councilmember Feinberg moved to adopt the ordinance.

	RESULT: ADOPTED [UNANIMOUS]
MOVER:	Beryl Feinberg, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Feinberg, Councilmember Onley, Councilmember Palakovich Carr, Councilmember Pierzchala

22. Introduction and Possible Adoption of an Ordinance to Amend Chapter 1 of the Rockville City Code Entitled "General Provisions," Section 1-8 Entitled "Application of County Law," So as to Delay the Effective Date for Plastic Straws in the Prohibition on the Use of Disposable Food Service Ware Until July 1, 2019

Environmental Management Director Mark Charles provided a brief overview of the ordinance. Questions of clarification from the Mayor and Council were addressed by staff. Councilmember Pierzchala moved to introduce the ordinance. Councilmember Pierzchala moved to waive the layover period.

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

Councilmember Pierzchala moved to amend the ordinance.

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

23. Review and Comment - Mayor and Council Action Report

The Mayor and Council reviewed the Action Report.

A. Mayor and Council Action Report

Councilmember Palakovich Carr requested clarification as to why the Vision Zero Resolution item was marked as complete. Deputy City Manager Kimball stated it was marked as completed as it was referring to the resolution which was adopted. Deputy City Manager Kimball further stated that the Vision Zero item would remain on the Mayor and Council's Priorities to include expected completion dates and this report is provided monthly to the Mayor and Council.

Mayor Newton wanted to know if a date had been established for the Emergency Operations Center tour with the City of Laurel. Deputy City Manager Kimball stated that no word had been heard, but that staff will reach out to them again.

24. Review and Comment - Future Agendas

The Mayor and Council reviewed the Future Agendas.

A. Future Agendas

Councilmember Pierzchala requested a hearing or discussion in December on the APFS in the RM cluster with a decision taken in January 2019. Councilmember Pierzchala stated the Mayor and Council should resolve the APFO school standard test for the Town Center Performance District and the South Pike raised 150% and that the reservation of capacity be changed at the time of site plan review instead of project plan review.

25. Old/New Business

Councilmember Pierzchala requested information on the award of the contract on the Strategic Plan for Recreation and Parks. Deputy City Manager Kimball stated it has not been awarded at this time but is going through the City process. Councilmember Pierzchala requested this item be canceled.

Councilmember Palakovich Carr would like to add to the agendas going forward recognition of employees upon their retirement for their years of service to the City of Rockville.

26. Adjournment

There being no further business, the meeting adjourned at 11:20 p.m.

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