



Monday, January 23, 2023
MAYOR AND COUNCIL
MEETING NO. 02-23
ROCKVILLE, MARYLAND

Approved *Bridget Donnell Newton*
Attest: *Sara Taylor Fenell*
Approved Meeting No. 010-23
March 27, 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 in Open Session to vote on motion to go into closed session pursuant to Sections 3-305(b)(1)(ii), 3-305(b)(7) and 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss a personnel matter that affects one specific individual; to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about potential litigation related to personnel matters.**

The Mayor and Council convened in Open Session to vote on a motion to convene into Closed Session Pursuant to Sections 3-305(b)(1)(ii), 3-305(b)(7) and 3-305(b)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss a personnel matter that affects one specific individual; to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about potential litigation related to personnel matters

Moved by Councilmember Beryl L. Feinberg, seconded by Councilmember Monique Ashton, David Myles, and Mark Pierzchala, and padded unanimously.

- 2. Closed Session**

Prior to the January 23, 2023 Open Session Meeting, the Mayor and Council convened in a Open Session to vote on a motion to go into a Closed Session at 6:00 p.m. at 6:00 p.m. pursuant to 3-305(b)(1)(ii), 3-305(b)(7) and 3-305(b)(8) 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 and City Attorney, employees over whom the Mayor and Council have jurisdiction.

Present: Mayor Bridget Donnell Newton, Councilmember Monique Ashton, Councilmember Beryl L. Feinberg, Councilmember David Myles, and Councilmember Mark Pierzchala.

Staff Present: City Manager Rob DiSpirito, City Attorney Robert Dawson, Deputy City Attorney Cynthia Walter, and Acting Director of Human Resources Colette Anthony, and City Clerk/Director of Council Operations Sara Taylor-Ferrell.

Motion: The Closed Session adjourn at 7:00 p.m.

Moved by Councilmember Mark Pierzchala, seconded by Councilmember Monique Ashton, and approved unanimously.

3. Reconvene into Open Session

The Mayor and Council convened in a hybrid Open Meeting Session at 7:12 p.m. on Monday, January 23, 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.

4. Pledge of Allegiance

Mayor Bridget Donnell Newton led the Pledge of Allegiance.

5. Agenda Review

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

6. City Manager's Report

City Manager Rob DiSpirito presented information on events and topics.

The City of Rockville hosted the annual Holiday Drive over two weekends, November 19, and December 17. 1,203 households benefitted, including 3,221 individuals. More than 220 individuals, businesses, and community organizations generously contributed over \$40,000 of monetary donations and \$42,500 of in-kind donations. More than 300 volunteers contributed over 700 hours of invaluable support for the drive. The Maryland State Arts Council recently awarded the City of Rockville two grants for Fiscal Year 2023. The first, in the amount of \$48,297, is an Art Relief Funding Grant, which will cover improvements and repair work at the Rockcrest Ballet Center. The second, for \$45,790, is a Public Art Conservation Grant to be spent

on work at Elwood Smith Community Center, Rockville Town Square, the Rockville Senior Center, and Croydon Creek Nature Center. City Manager DiSpirito introduced new Deputy City Manager, Barrack Matite to Mayor and Council and the Community.

FURTHER DISCUSSION

January 23, 2023, Agenda item 4.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

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7. Proclamations

A. Proclamation Declaring Lunar New Year 2023

Mayor Donnell Newton read the proclamation declaring Lunar New Year 2023. Ricki Mui accepted the proclamation. Councilmember Myles moved the proclamation.

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

8. Boards and Commissions Appointments and Reappointments

A. Boards and Commissions Appointments and Reappointments

Councilmember Mark Pierzchala moved the reappointment of Donna Barnes to serve a 3-year term until February 1, 2026.

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

Councilmember Beryl L. Feinberg moved the new appointment of Spencer Knoll to fill an unexpired a term until October 1, 2025, on the Cultural Arts Commission.

RESULT: APPROVED [UNANIMOUS]

MOVER: Beryl L. Feinberg, Councilmember

SECONDER: Mark Pierzchala, Councilmember

IN FAVOR: Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

9. Community Forum

**Community Forum
 In-Person Speaker and Written Comments List
 (January 23, 2023)**

	NAME	TOPIC
1.	IN PERSON Alexandra Dace Denito, PhD President, Lincoln Park Civic Association, Inc.	Accessory dwelling units
2.	IN PERSON Alexandra Dace Denito, PhD (Individual)	Diversity and inclusion
3.	IN PERSON John Becker	Street Lighting in Rockville
4.	IN PERSON Vincent Russo President, Twinbrook Community Association	TCA regarding agenda item #12 in support of allowing ADUs as a conditional use
5.	IN PERSON WITH WRITTEN COMMENTS Ricky Mui	Lunar New Year

**Community Forum
Virtual Speaker and Written Comments List
(January 23, 2023)**

NAME	TOPIC
VIRTUAL Brandt Heitzman	Requirement for rank of Eagle Scout

10. Consent

- A. **Authorize the City Manager to Execute a Contract with Quality Elevator Company, Inc. for IFB #08-23, 50 Monroe Street Elevator Modernization in the Amount Not to Exceed \$470,000.00.**

- B. **Sole Source Award to Axon Enterprise, Inc. for the Purchase of Electronic Control Devices (Formerly Known as Tasers)**

- C. **Authorize City Manager to Sign the MDOT Agreements Related to the Maryland Bikeways Grants**

- D. **Approval of Minutes**

Councilmember Beryl L. Feinberg moved to approve consent agenda items A-D.

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

FURTHER DISCUSSION

January 23, 2023, Agenda item 8.

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11. Vacancy and Hiring Report

Acting Human Resources Director Colette Anthony provided a brief overview of the Vacancy and Hiring Report.

Staff recommends that the Mayor and Council review and comment on the Vacancy and Hiring Report positions that were open as of December 31, 2022.

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

FURTHER DISCUSSION

January 23, 2023. Agenda Item 9.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

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12. Presentation and Discussion Outdoor Recreation Pool Renovation Concept Design

City of Rockville Recreation and Parks Swim and Fitness Center Superintendent, Adam Goldstein, provided Mayor and Council with a brief presentation on the Outdoor Recreation Pool Renovation Concept Design.

Staff recommends that the Mayor and Council receive a presentation on the proposed concept plan of the Rockville Swim and Fitness Center Outdoor Recreation Pool's renovation.

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

Councilmember Mark Pierzchala moved to have staff move forward with the general design presented this evening on the Outdoor Recreation Pool Renovation project.

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

FURTHER DISCUSSION

January 23, 2023, Agenda item 10.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

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THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 9:39 P.M. THE MAYOR AND COUNCIL MEETING RECONVENED AT 9:47 P.M.

13. Authorization to File a Zoning Text Amendment to Initiate the Public Process to Allow Accessory Apartments as a Conditional Use on Properties with Single Unit Detached Dwellings, Mayor and Council of Rockville, Applicants

City of Rockville Community Planning and Development Chief of Zoning, Jim Wasilak, provided Mayor and Council with a brief presentation of the Zoning Text Amendment (ZTA) to Initiate the Public Process to Allow Accessory Apartments as a Conditional Use on Properties with Single Unit Detached Dwellings, Mayor and Council of Rockville, Applicants

Staff recommends that the Mayor and Council authorize the filing of the attached ZTA to initiate the public process that allows accessory apartments to be permitted as a conditional use rather than require approval of a special exception, and that this proposed text amendment be referred to the Planning Commission for a recommendation.

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

Councilmember Mark Pierzchala moved to authorize staff to initiate the Zoning Text Amendment public process that allows accessory apartments to be permitted as a conditional use rather than require approval of a special exception.

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Monique Ashton, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

FURTHER DISCUSSION

January 23, 2023, Agenda item 11.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

Video Timestamp 48:54

14. Discussion and Instructions to Staff and Possible Reauthorization of Zoning Text Amendment TXT2019-00255, to Allow for Accessory Dwelling Units (ADUs) in Accessory Buildings on Properties with Single Unit Detached Dwellings, Mayor and Council of Rockville, Applicants

City of Rockville Community Planning and Development Chief of Zoning, Jim Wasilak, provided Mayor and Council with a brief presentation on the possible Reauthorization of Zoning Text Amendment TXT2019-00255, to Allow for Accessory Dwelling Units (ADUs) in Accessory Buildings on Properties with Single Unit Detached Dwellings.

Staff recommends that the Mayor and Council provide direction to make further changes to the proposed text amendment. Staff further recommends that the Mayor and Council reauthorize Zoning Text Amendment TXT2019-00255 as modified and refer the modified text amendment to the Planning Commission for a recommendation to the Mayor and Council, prior to a formal public hearing.

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

FURTHER DISCUSSION

January 23, 2023, Agenda item 12.

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15. Review and Comment - Mayor and Council Action Report

A. Action Report

City of Rockville Assistant to the City Manager, Linda Moran, provided Mayor and Council with the Action Report.

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 and comments.

FURTHER DISCUSSION

January 23, 2023, Agenda item 13.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

Video Timestamp 1:43:28

16. Future Agendas- Reference

A. Future Agendas

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

January 23, 2023, Agenda item 14.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

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17. Old/New Business

Councilmember Mark Pierzchala moved to have Mayor and Council support the letter drafted by staff, in support of Maryland Senate and House Bill SB84 (Places of Accommodation and Public Buildings – Gender-Inclusive Signage).

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Monique Ashton moved that Mayor and Council authorize Councilmember Pierzchala work with staff to finalize his draft letter of testimony that the City of Rockville, Maryland, advocates funding for the American Legion Bridge be done with Federal funds, given the strategic importance of the American Legion Bridge to the Nation’s Capital, and that Councilmember Pierzchala present the testimony to the County Council.

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Monique Ashton, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Mark Pierzchala moved to have Mayor and Council support Senate SB53 and the corresponding House Bill (Maryland Nonprofit Development Center Program – Nonprofit, Interest-Free, Micro Bridge Loan (NIMBL) Account – Funding Support).

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Beryl L. Feinberg, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Monique Ashton moved that Mayor and Council approve the support letter drafted by Ms. Asmara Habte to Rockville Housing Enterprise (RHE) for the Bond Bill requesting improvements for residents.

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Monique Ashton, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

Councilmember Monique Ashton moved that Mayor and Council direct the City Manager and Ms. Linda Moran to draft a letter to properly fund improvements for the Historic Lincoln Park High School and the Materials Management buildings, that the County should provide historic resource expert in Lincoln Park., as well as the lack of respect for the residents of Lincoln Park and East Rockville.

	RESULTS APPROVED (UNANIMOUS)
MOVER:	Monique Ashton, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Beryl L. Feinberg, Councilmember Myles, Councilmember Pierzchala

FURTHER DISCUSSION

January 23, 2023, Agenda item 15.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4647

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18. Adjournment

There being no further business, the meeting adjourned at 09:46 p.m.

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