



**Monday, March 27, 2023
MAYOR AND COUNCIL
MEETING NO. 10-23
ROCKVILLE, MARYLAND**

Approved *Bridget Donnell Newton*
Attest: *Sara Taylor-Ferrell*
Approved Meeting No. 017-23
May 22, 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

The Mayor and Council convened in a hybrid Open Meeting Session at 7:03 p.m. on Monday, March 27, 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.

2. Pledge of Allegiance

Mayor Bridget Donnell Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk/Director of Council Operations Sara Taylor-Ferrell reported no changes to the agenda. Mayor and Council moved agenda item #14A to follow agenda item #10.

4. Proclamation

A. Proclamation Declaring April 2, 2023, as World Autism Day (CM Feinberg)

Councilmember Beryl L. Feinberg read and moved the proclamation declaring April 2, 2023, as World Autism Day 2023, in Rockville, Maryland.

	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

B. Proclamation Declaring April 3-9, 2023, as National Public Health Week (CM Myles)

Councilmember Monique Ashton read and moved the proclamation for Councilmember David Myles, declaring April 3-9, 2023, as National Public Health Week in Rockville, Maryland.

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

C. Proclamation Declaring April 9-15, 2023, as National Public Safety Telecommunications Week (CM Pierzchala)

Councilmember Mark Pierzchala read and moved the proclamation declaring April 9-15, 2023, as National Public Safety Telecommunications Week in Rockville, Maryland.

	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

5. Appointments to the Education and Youth Commissions

A. Education Commission Appointments

Councilmember Beryl L. Feinberg moved the appointment to the Education Commission of the following:

YOUTH REPRESENTATIVE

Inaki Ibarra - New Appointment to serve a one-year term as Youth Representative until April 1, 2024.

PARENT REPRESENTATIVE - PRIVATE SCHOOL

Ariel Mendez - New Appointment to serve a one-year term until April 1, 2024
Glenda M. Augustine - New Appointment to serve a two-year term until April 1, 2025
Michael Berman- New Appointment to serve a two-year term until April 1, 2025

PARENT REPRESENTATIVE - PUBLIC SCHOOL

Wendy Whitaker - New Appointment to serve a one-year term until April 1, 2024
Jacqueline Renfrow - New Appointment to serve a one-year term until April 1, 2024
Dominique Saint-Loth - New Appointment to serve a two-year term until April 1, 2025
Dr. Absalan Stewart- New Appointment to serve a two-year term until April 1, 2025

EDUCATIONAL PROFESSIONAL

Edward Reed - New Appointment to serve a one-year term until April 1, 2024
Lisa Kehayias-Farhi-New Appointment to serve a two-year term until April 1, 2025
Illana Simhon- New Appointment to serve a two-year term until April 1, 2025

	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

B. Youth Commission Appointments

Councilmember Monique Ashton moved the appointment to the Youth Commission of the following persons:

Caroline Ashe-Donnem - New Appointment to serve a one-year term until April 1, 2024
Katherine Stauderman - New Appointment to serve a one-year term until April 1, 2024
Max Pankowski - New Appointment to serve a one-year term until April 1, 2024
Elizabeth Mehler - New Appointment to serve a one-year term until April 1, 2024

Nico D’Orazio - New Appointment to serve a one-year term until April 1, 2024
 Emily Liu - New Appointment to serve a one-year term until April 1, 2024
 Madeline Anders - New Appointment to serve a one-year term until April 1, 2024
 Becca Fulton - New Appointment to serve a two-year term until April 1, 2025
 Amy Acosta - New Appointment to serve a two-year term until April 1, 2025

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

6. Community Forum

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

NAME	TOPIC
Erin Marcinek	Beall Elementary Community shares many concerns about the tobacco and vape store slated for the Woodley Gardens plaza.
Will Risso	Richard Montgomery High School PTSA
In Person with Written Comments Professor Uzi Vishkin	Agenda Item No. 10
In Person with Written Comments Kirsten Anthony Kaplan	Rec & Parks Advisory Board
Written Comments Doris Raffel	Agenda Item No. 10
Written Comments Howard Tracer	Agenda Item No. 10

NAME	TOPIC
Written Comments Karen Lechter	Agenda Item No. 10
Written Comments Drs. Susan Arbuck and Martin Goldrosen	Agenda Item No. 10
Written Comments Toni Diegoli	Agenda Item No. 10
Written Comments Richard and Oreet Foltin	Agenda Item No. 10

**Community Forum
Virtual Speaker and Written Comments List**

NAME	TOPIC
Joel Davis	Agenda Item 14A
Abigail Veirs	Vape shop opening in Woodley Gardens Shopping Center
Hannah Breckenridge	Moratorium on the sale of electronic cigarettes

7. Consent

- A. Award of IFB 03-23 - Fountain and Interactive Water Feature Maintenance, Testing and Repair**

- B. Authorization for the City Manager to Sign an Entry and Remediation Agreement Between the Mayor and Council of Rockville and the Maryland Department of Transportation State Highway Administration to Enter City Property Off Winding Rose Drive**

- C. Ratify the 2020, 2021, and 2022 Renewals of the Contract for Unleaded Fuel for City Fleet Vehicles, in an Amount Not to Exceed \$336,000 Per Year; Authorize the City Manager to Execute an Amendment to the 2022 Renewal to Increase Funding for an**

Amount Not to Exceed \$609,000; and Authorize the City Manager to Renew the Unleaded Fuel Contract with World Fuel Services, Inc., Formerly Known as PAPCO, Inc., for an Additional Year for an Amount to Exceed \$609,000

D. Approval of Minutes

Councilmember Mark Pierzchala moved to approve consent agenda items 7A, B, D.

	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

Councilmember Monique Ashton moved to approve consent agenda items 7C.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 7.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 59:36

8. Vacancy and Hiring Report

Human Resources Administrator Jason Frett 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 February 28, 2023.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 8.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 1:06:07

9. Introduction and Possible Adoption of an Ordinance to Amend Chapter 2, "Administration," of the Rockville City Code, So as to Provide a New Division to Establish the Transportation and Mobility Commission, Replace the Existing Traffic and Transportation Commission, and Enumerate Its Roles and Responsibilities; to Amend Chapter 23, "Traffic," of the Rockville City Code, So as to Replace References of the "Traffic and Transportation Commission" with the "Transportation and Mobility Commission"; and to Rescind All Resolutions Establishing a Traffic and Transportation Commission

City of Rockville Deputy Director of Community Planning and Development Services, Jenny Snapp, provided Mayor and Council with a brief presentation on the Adoption of an Ordinance to Amend Chapter 2, "Administration," of the Rockville City Code, So as to Provide a New Division to Establish the Transportation and Mobility Commission, Replace the Existing Traffic and Transportation Commission, and Enumerate Its Roles and Responsibilities; to Amend Chapter 23, "Traffic," of the Rockville City Code, So as to Replace References of the "Traffic and Transportation Commission" with the "Transportation and Mobility Commission"; and to Rescind All Resolutions Establishing a Traffic and Transportation Commission.

Staff recommends that the Mayor and Council review the new proposed ordinance. If satisfied with the draft, the Mayor and Council may introduce the ordinance. If the Mayor and Council wish to adopt the ordinance, a motion must be made to waive the layover period and it must be passed unanimously prior to adoption.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 9.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 1:16:49

10. Discussion, Instructions and Possible Adoption of an Amended Annexation Agreement ANX1981-00084 for 1201 Seven Locks Rd

City of Rockville Community Planning and Development Services Planning Supervisor, Shaun Ryan, provided Mayor and Council with a brief introduction of the proposed Amended Annexation Agreement ANX1981-00084 for 1201 Seven Locks Road.

Staff recommends the Mayor and Council discuss the proposed amendment to Annexation Agreement ANX1981-00084 and provide instruction to staff on how to proceed. Staff has prepared a drafted Annexation Agreement in collaboration with the applicant and the City Attorney's Office. If the Mayor and Council wishes to amend the Annexation Agreement, it can vote to authorize the City Manager to execute the attached draft Annexation Agreement Amendment.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 10.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 1:30:46

11. Introduction and Possible Adoption of Ordinance to Amend the Provisions of City Code Chapter 18, "Rental Facilities and Landlord-Tenant Relations" to Add Radon Inspection Requirements in Certain Residential Rental Facilities, to Revise the Inspection Requirements for Rental Facilities, and Modify Other Provisions of the Chapter

City of Rockville Community Planning and Development Chief of Zoning, Jim Wasilak, provided Mayor and Council with a brief presentation of the two proposed changes to the Ordinance to Amend the Provisions of City Code Chapter 18, "Rental Facilities and Landlord-Tenant Relations" to Add Radon Inspection Requirements in Certain Residential Rental Facilities, to Revise the Inspection Requirements for Rental Facilities, and Modify Other Provisions of the Chapter.

Staff recommends that the Mayor and Council review the proposed changes to the code amendment and make any changes. If satisfied with the draft, the Mayor and Council may introduce the ordinance. If the Mayor and Council wish to adopt the ordinance, a motion must be made to waive the layover period and it must be passed unanimously prior to adoption.

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

Councilmember Mark Pierzchala introduced the ordinance.

Councilmember Beryl L. Feinberg moved to waive the layover period.

	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 Mark Pierzchala

Councilmember Monique Ashton moved to adopt the Ordinance.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 11.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:45:08

12. Discussion and Possible Introduction of an Ordinance to Create a New Chapter 18.5 of the City Code and Possible Authorization to File a Zoning Text Amendment to Regulate Short-Term Rentals

City of Rockville Community Planning and Development Chief of Zoning, Jim Wasilak, provided Mayor and Council with a brief presentation of the Ordinance to Create a New Chapter 18.5 of the City Code and Possible Authorization to File a Zoning Text amendment to Regulate Short-Term Rentals.

Staff recommends that Mayor and Council introduce the draft ordinance and confirm the request for a public hearing. In addition, staff recommends that Mayor and Council authorize the filing of the proposed Zoning Text Amendment which will be forwarded to the Planning Commission.

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

Councilmember Mark Pierzchala introduced the Ordinance.

Councilmember Mark Pierzchala moved to authorize the City Manager to file the proposed Zoning Text Amendment.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 12.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:47:42

13. Introduction of Ordinance to Amend Chapter 18, Rental Facilities and Landlord Tenant Relations, to Add Regulations for Residential Room Rentals and Accessory Swelling Units

City of Rockville Community Planning and Development Chief of Zoning, Jim Wasilak, provided Mayor and Council with a brief presentation of the Ordinance to Amend Chapter 18, Rental Facilities and Landlord Tenant Relations, to Add Regulations for Residential Room Rentals and accessory Dwelling Units.

Staff recommends that Mayor and Council introduce the proposed ordinance and, if a public hearing is desired, that two or more members request a public hearing after introduction.

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

Councilmember Mark Pierzchala introduced the Ordinance.

Mayor and Council requested a public hearing.

FURTHER DISCUSSION

March 27, 2023, Agenda item 13.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:54:42

14. Presentation of the Climate Action Plan Annual Report

City of Rockville Public Works Chief of Environmental Management, Erica Shingara, and Public Works Sustainability Coordinator, Amanda Campbell, provided Mayor and Council with a presentation of the 2022 Climate Action Plan report.

Staff recommends that Mayor and Council receive the annual report on the progress of the 2022 Climate Action Plan.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 14.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:15:00

14A. Introduction and Possible Adoption of an Ordinance to Establish a Nine-Month Moratorium on the Acceptance, Processing, and Approval of Any Application for a Building Permit or Occupancy Permit for any Commercial or Retail uses that Devote at Least 51% of Their Floor Area to the Sale, Display, or Use of electronic Cigarettes or Other Electronic Smoking Devices or Product.

City of Rockville Deputy Director of Community Planning and Development Services, Jenny Snapp, provided Mayor and Council with a brief the Ordinance to Establish a Nine-Month Moratorium on the Acceptance, Processing, and Approval of Any Application for a Building Permit or Occupancy Permit for any Commercial or retail uses that Devote as least 51% of their Floor Area to the Sale, Display, or Use of Electronic Cigarette or other Electronic Smoking Devices or Product.

Staff recommends that the Mayor and Council review the proposed Ordinance and introduce it if desired. If Mayor and Council wish to proceed with adoption of the Ordinance at the same meeting, the Ordinance should first be introduced and then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four or more members of the Mayor and Council, a motion to adopt the Ordinance may then proceed.

Councilmember Monique Ashton introduced the Ordinance.

Councilmember Beryl L. Feinberg moved to amend the ordinance to change from 51% to 25% and add language, "houses of worship."

	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 Mark Pierzchala

Councilmember Mark Pierzchala moved to waive the layover period.

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

Councilmember Monique Ashton moved to adopt the Ordinance as amended.

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

FURTHER DISCUSSION

March 27, 2023, Agenda item 14A.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 2:47:52

**THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 10:12P.M. THE
MAYOR AND COUNCIL WORKSESSION RECONVENED AT 10:25 P.M**

15. 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.

Mayor and Council directed the City Clerk to remove Community Forum from the April 17, 2023, meeting agenda.

FURTHER DISCUSSION

March 27, 2023, Agenda item 15.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:57:56

16. Old/New Business

Councilmember Mark Pierzchala moved to authorize Councilmember Monique Ashton to work with Assistant to the City Manager, Ms. Linda Moran, on a letter of support regarding the State Level Legislation on the legalization of Cannabis.

	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

Councilmember Beryl L. Feinberg moved to have Director of Housing and Community Development, Ms. Asmara Habte, come back to the Mayor and Council with suggestions on how to address situations brought up by Councilmember Ashton and Councilmember Dr. Myles.

	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

FURTHER DISCUSSION

March 27, 2023, Agenda item 16.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4679

Video Timestamp 3:57:56

17. Adjournment

There being no further business, the meeting adjourned at 11:29 p.m.

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