

City of Rockville

City Hall
111 Maryland Ave
Rockville, MD 20850

Approved *Bridget Donnell Newton*
Attest: *Sara Taylor-Fanell*
Approved Meeting No. 24-23
September 11, 2023



Meeting Minutes

Monday, July 17, 2023

6:30 PM

Meeting No. 21-23

WebEx

Mayor and Council

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

Mayor and Council convened in a hybrid Open Meeting Session at 6:31 p.m. on Monday, July 17, 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 stated that agenda item 8A will be moved to a future meeting date.

4. City Manager's Report

City Manager Rob DiSpirito presented information on events and topics:

Principal Transportation Planner, Bryan Barnett-Woods received the Maryland City County Management Association, Ronald B. Sweitzer Municipal Employee of the Year Award, from the Maryland Municipal League.

Mayor Newton asked for a moment of silence in honor of Rockville City employee, Steve Sokol, who passed away recently. There are plans to have a tree planted at 6 Taft Court in Steve's memory.

5. Proclamation and Recognition

A. Proclamation Declaring July 2023, as National Parks and Recreation Month in Rockville.

Councilmember Beryl L. Feinberg read and moved the proclamation declaring July 2023, as National Parks and Recreation Month in Rockville, and presented the proclamation to Rockville Recreation and Parks Foundation President Chip Boylan.

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

Rockville Recreation and Parks Foundation President, Chip Boylan, and Boardmember (NAME) presented Community Achievement Awards to the following volunteers:

- **Scott DeGasperis** – Croydon Creek Nature Center volunteer for 10 years.
- **Matt Fryer** and **Matt Verdell** – Volunteered many hours as the Skate Jam Organizing Committee.
- **Ray Van Ryzin** – Croydon Creek Nature Center student volunteer with 129.5 hours for the year.

6. Boards and Commissions Appointments and Reappointments - NONE

7. Community Forum

NAME	TOPIC
In Person Bill Chen	Floating zones – ZTA Concern about the language conflicting with table
In Person Professor Uzi Vishkin	Agenda Item 11B 1201 Seven Locks Rd
In Person Cynthia Prather	RPD animal control guidelines and policies.
In Person Ricky Mui	Branding comments, Rainscape project

NAME	TOPIC
In Person Marissa Valeria	Charter Review Commission changes
Written Comments Art Stigile	Agenda Item 11A Ranked choice voting; non-citizens voting; mayor and councilmember stipends
Written Comments Lucinda Hall	Agenda Item 11A Ranked choice voting; non-citizens voting; mayor and councilmember stipends
Written Comments Ricky Mui	Agenda Item 5A -Branding Agenda Item 9C - RainScape Rebate Program Agenda Item 9D - MPDU

8. Presentations

A. City of Rockville Branding Initiative Options

The City of Rockville Branding Initiatives Options presentation will be scheduled for a future meeting.

B. Presentation of the 2023 Compensation Commission Report and Recommendations

The Chair of the 2023 Rockville Compensation Commission, William Spagnuolo, provided Mayor and Council with an overview of the 2023 Compensation Commission’s final report.

Staff recommends that the Mayor and Council review and approve the 2023 Rockville Compensation Commission Final Report.

Questions from the Mayor and Council were addressed by Compensation Commission members. The Mayor and Council provided their thoughts and comments.

Councilmember Mark Pierzchala moved to direct staff to bring back a resolution to accept the 2023 Compensation Commission recommendations.

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

Councilmember Monique Ashton moved to direct staff to look into cell phone use for elected officials for expenses associated with use of private cell phones for City business.

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

FURTHER DISCUSSION

July 17, 2023, Agenda item 8.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 1:03:55

THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 8:30 P.M. THE MAYOR AND COUNCIL RECONVENED AT 8:38 P.M.

9. Consent Agenda

- A.** Authorize the City Manager to Execute on behalf of the Mayor and Council, the attached First Amendment to the Defined Benefit Plan Recordkeeping Service Agreement with Lincoln Retirement Services Company, LLC to recognize their change in defined benefit service providers from Findley, Inc. to BPAS Actuarial and Pension Services, LLC and Benefit Plan Administrative Services, LLC (individually and collectively "BPAS").
- B.** Approve and Authorize the City Manager to Execute Agreements with Pennsylvania Manufacturers' Association Insurance Company (PMA Companies) and PMA Management Corporation, collectively (PMA), for workers' compensation insurance and third-party claims handling services for the FY24 policy period.
- C.** Approval of the Stormwater RainScapes Program Rebate Schedule.

- D. Authorize the City Manager to Execute, on behalf of the Mayor and Council (i) certain loan documents related to the City's \$1,200,000 loan to RHE Scarborough Square, LLC, a Maryland limited liability company and affiliate of Rockville Housing Enterprises, (ii) the City of Rockville Moderately Priced Housing Fund Grant Agreement, related to the City's \$600,000 grant to RHE Scarborough Square, LLC, and (iii) a Payment-in-lieu-of Taxes (PILOT) Agreement with RHE Scarborough Square, LLC, to help facilitate the RHE Scarborough Square, LLC's acquisition of Scarborough Square Townhomes and Apartments.
- E. Authorize the City Manager to execute a Cooperative Agreement with the Chesapeake Bay Trust, Annapolis, MD., in an amount not-to-exceed \$300,000 annually to implement competitive water quality grants and administer the Rockville Raincapes Program and the Flood Mitigation Assistance Program (collectively the Stormwater Incentive Program) through June 30, 2028, subject to annual appropriations by the Mayor and Council
- F. Approval of Minutes

Councilmember Mark Pierzchala moved to approve consent agenda items A - F.

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

10. Public Hearing - NONE

11. Introduction, Discussion and Instruction, Possible Adoption

- A. Adoption of Resolution to cause an Advisory Referendum of the City voters to be taken on questions concerning 1) allowing 16- and 17-year-olds to vote in City elections; 2) allowing noncitizens to vote in City elections; 3) imposing term limits on members of the Mayor and Council; 4) permitting the use of ranked choice voting; and 5) creating representative districts from which councilmembers would be elected.

After discussion, Mayor and Council agreed to accept the proposed language for Advisory Referendum Questions 1-3 as presented.

Councilmember Mark Pierzchala moved to include Advisory Referendum Question #4 to permit the use of ranked choice voting as an Advisory Referendum Question.

	RESULT: FAILED [2-2-1]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Councilmember Myles, Councilmember Pierzchala
OPPOSED:	Mayor Newton, Councilmember Feinberg
ABSTAINED:	Councilmember Ashton

Councilmember Mark Pierzchala moved to include Advisory Referendum Question #5 – to be amend the language to reflect should some or all councilmember members be elected by representative districts?

	RESULT: APPROVED [3-2]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	David Myles, Councilmember
IN FAVOR:	Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala
OPPOSED:	Mayor Newton, Councilmember Feinberg

Councilmember Mark Pierzchala moved to adopt the resolution as amended and delete Advisory Referendum Question #4 and add the words “some or all” to Advisory Referendum Question #5.

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

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 A.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 1:59:45

- B. Discussion and Instruction and Possible Authorization for City Manager to Execute an amended Annexation Agreement ANX1981-00084 for 1201 Seven Locks Road.

Planning Supervisor, Shaun Ryan, presented an overview of the proposed amendment to Annexation Agreement ANX1981-00084 and the revisions to draft language to the annexation agreement.

Staff recommends that Mayor and Council discuss the proposed amendment to Annexation Agreement ANX1981-00084 and provide instruction to staff on how to proceed. If the amendments are acceptable, Mayor and Council may entertain the following motion: Move to authorize the City Manager to execute the revised amendment to Annexation Agreement ANX1981-00084.

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

Councilmember Mark Pierzchala moved to have Mayor and Council direct City staff to come back with two possible amendment agreements if parking garages are demolished or destroyed, that the setback would come back to the original agreement in 1982.

	RESULT: APPROVED [4-1]
MOVER:	Mark Pierzchala, Councilmember
SECONDER:	Monique Ashton, Councilmember
IN FAVOR:	Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala
OPPOSED:	Councilmember Feinberg

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 B.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 2:52:30

- C. Discussion, Instructions, and Possible Introduction and Adoption of an Ordinance to Amend Chapter 13.5 of the Rockville City Code Entitled "Moderately Priced Housing" so as to require that the maximum rental rate for MPDUs be established only in accordance with regulations and possible adoption of revisions to the City's Moderately Priced Housing Regulations to revise the formula for calculating maximum rental rates for MPDUs.

Planning Supervisor, Joseph Micallef, presented an overview of the Ordinance to Amend Chapter 13.5 of the Rockville City Code Entitled "Moderately Priced Housing" so as to require that the maximum rental rate for MPDUs.

Staff recommends that Mayor and Council adopt the proposed ordinance to amend Chapter 13.5 and the proposed amendments to the City's Moderately Priced Housing Regulations.

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

Councilmember Mark Pierzchala introduced the ordinance.

Councilmember Monique Ashton moved to waive the layover period.

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

Councilmember Monique Ashton moved to adopt the ordinance.

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

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 C.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 4:43:21

- D. Discussion and Instructions to Staff on Zoning Text Amendment TXT2023-00261, an Interim Zoning Ordinance Update to Allow for Floating Zones that Implement the Rockville 2040 Comprehensive Plan Recommendations, and Proposed Changes to Section 25.06.06, Administrative Adjustments; Mayor and Council of Rockville, Applicants

Chief of Zoning, Jim Wasilak, presented an overview of the Zoning Text Amendment TXT2023-00261, an Interim Zoning Ordinance Update to Allow for Floating Zones that Implement the Rockville 2040 Comprehensive Plan Recommendations, and Proposed Changes to Section 25.06.06, Administrative Adjustments.

Staff recommends that the Mayor and Council discuss the proposed ordinance and testimony and provide direction on revisions to the draft ordinance that would be brought back for introduction and adoption at a future meeting.

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

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 D.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 4:58:25

- E. Draft Letter of Support - Potential Affordable Housing Proposal for the MCPS Properties on North Stonestreet Avenue

Councilmember Monique Ashton moved to approve the letter of support for the Affordable Housing Proposal on the Montgomery County Public Schools (MCPS) properties on North Stonestreet, and to have Habitat for Humanity be considered as a part of the Stonestreet Redevelopment Coalition.

	RESULT: APPROVED [3-1-1]
MOVER:	Monique Ashton, Councilmember
SECONDER:	Mark Pierzchala, Councilmember
IN FAVOR:	Mayor Newton ,Councilmember Ashton, Councilmember Pierzchala
OPPOSED:	Councilmember Myles
ABSTAIN:	Councilmember Feinberg

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 E.

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 4:05:30

- F. Letter to the Montgomery County Council Regarding the Amended Bill 15-23, Landlord-Tenant Relations - Anti-Rent Gouging Protections.

THE MAYOR AND COUNCIL WENT INTO A BRIEF RECESS AT 12:08 A.M. THE MAYOR AND COUNCIL RECONVENED AT 12:13 A.M.

Assistant to the City Manager, Linda Moran, provided Mayor and Council with a draft letter to the Montgomery County Council regarding the Amended Bill 15-23, Landlord-Tenant Relations – Anti-Rent Gouging Protections.

Councilmember Monique Ashton provided Mayor and Council with a copy of her edits to the letter for their review.

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

Councilmember Monique Ashton moved to approve the letter as amended with edits.

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

FURTHER DISCUSSION

July 17, 2023, Agenda item 11 F.

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- 12. Other – NONE
- 13. Review and Comment - Action Report – NONE
- 14. Future Agendas – Reference

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

July 17, 2023, Agenda Item 14

https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4728

Video Timestamp 5:55:48

- 15. Old/New Business - NONE
- 16. Adjournment

There being no further business, the meeting adjourned at 12:41 a.m.

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