

Approved *Bridget Donnell Newton*  
Attest: *Sara Taylor-Fennell*  
Approved Meeting No. 28-23  
October 23, 2023

# City of Rockville

City Hall  
111 Maryland Ave  
Rockville, MD 20850



## Meeting Minutes

**Monday, September 11, 2023**

**7:00 PM**

**Meeting No. 24-23**

**WebEx**

## Mayor and Council

Attendee Name	Title	Status
Bridget Donnell Newton	Mayor	Present
Monique Ashton	Councilmember	Present
Beryl L. Feinberg	Councilmember	Absent
David Myles	Councilmember	Present
Mark Pierzchala	Councilmember	Present

**Closed Session Summary – August 17, 2023 (Meeting No. 23-23)**

**Convene 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 Manager, employees over whom the Mayor and Council has jurisdiction.**

The Mayor and Council convened via hybrid to vote on a motion to convene in 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 Manager, employees over whom the Mayor and Council has jurisdiction.

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

**Closed Session**

The Mayor and Council convened via hybrid and in person to vote on a motion to convene in Closed Session at 2:30 p.m. 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 Manager, employees over whom the Mayor and Council has jurisdiction.

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

Topics of Discussion:

- Discuss the performance evaluation, and employment, discipline, removal, and resignation of Robert DiSpirito
- Discuss the employment, promotion, and appointment of Barack Matite

Each Action Taken During the Closed Session:

- 1.Upon a motion made by Councilmember Feinberg, and seconded by Councilmember Pierzchala, the Mayor and Council voted for the *“immediate termination of Robert DiSpirito as the City Manager for the City of Rockville in accordance with the Employment Agreement between the Mayor and Council of Rockville and Mr. DiSpirito, entered into on November 23, 2016, and effective January 3, 2017. This termination will be in accordance with Section 14: Termination, of this Agreement, including a one-time lump sum cash payment equal to nine months’ aggregate salary and the one-time lump sum cash payment of the City’s portion of the City Manager’s health and dental insurance benefits through COBRA for nine months. Other provisions of this Agreement covered under the Termination section will similarly apply.”*

The motion failed 2 – 3

For: Councilmember Beryl Feinberg, and  
Councilmember Mark Pierzchala

Against: Mayor Bridget Donnell Newton,  
Councilmember Monique Ashton, and  
Councilmember David Myles

2. Upon a motion made by Councilmember Pierzchala, and seconded by Councilmember Ashton, the Mayor and Council voted to offer Mr. DiSpirito the opportunity to *“resign immediately under the same terms as the termination clause in his [Employment Agreement] in lieu of immediate termination. This is in accordance with the Agreement between Mayor and Council of Rockville and Mr. DiSpirito, entered into November 23, 2016, and effective January 3, 2017. This resignation will be in accordance with Section 14: Termination, of this Agreement, including a one-time lump sum cash payment equal to nine months’ aggregate salary and the one-time lump sum cash payment of the City’s portion of the City Manager’s health and dental insurance benefits through COBRA for nine months. Other provisions of this Agreement covered under the Termination section will similarly apply.”*

The motion passed 4 – 1

For: Mayor Bridget Donnell Newton,  
Councilmember Monique Ashton,  
Councilmember David Myles, and  
Councilmember Mark Pierzchala.

Against: Councilmember Beryl Feinberg

3. Upon a motion made by Councilmember Ashton, and seconded by Councilmember Feinberg, the Mayor and Council voted to *“appoint Barack Matite as Acting City Manager [and] direct City Staff to undertake an immediate City Manager search using an outside firm.”*

The motion passed 5 – 0.

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

Against: None

There being no further discussion the meeting adjourned at 5.19 p.m.

**1. Convene**

Mayor and Council reconvened in a Hybrid Open Meeting Session at 7:10 p.m. on Monday, September 11, 2023, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland, and via WebEx.

Staff Present: Acting City Manager Barack Matite, 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 spoke to changes to the agenda as posted online.

**4. City Manager's Report - NONE**

**5. Proclamation and Recognition**

**A. Woodley Robotics - Certificates of Recognition**

Mayor and Council presented the Certificates of Recognition for the 2023 Woodley Robotics Team. Certificates were presented to Head Coach, Phil Johnson, Assistant Coach, Karen Folkart, Team Members: Charlotte Corman, Jordyn Folkart, Brynn Johnson, Cal Murphy, and Stella Newhouse.

**B. Certificate of Recognition for the Retirement of Agnes Saenz, Executive Director of Community Reach of Montgomery County**

Councilmember Mark Pierzchala read and moved the Certificate of Recognition for Ms. Agnes Saenz, Executive Director of Community Reach of Montgomery County, on the occasion of her retirement after 32 years of service to the City of Rockville and the Montgomery County community, and Ms. Saenz accepted the Certificate of Recognition.

	<b>RESULT: APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mark Pierzchala, Councilmember
<b>SECONDER:</b>	Monique Ashton, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala

- C. Proclamation Declaring September 11 - 15, 2023, as Disability Voting Rights Week in Rockville, Maryland

Councilmember David Myles read and moved the proclamation declaring September 11-15, 2023, as Disability Voting Rights Week in Rockville, Maryland, and the proclamation was accepted Mr. Barry Jackson, Dr. Jenni Stepanek, Ms. Katherine Art, and Ms. Katherine O’Connell.

	<b>RESULT: APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	David Myles, Councilmember
<b>SECONDER:</b>	Monique Ashton, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala

- D. Proclamation Declaring September 15, 2023, through October 15, 2023, as Hispanic American Heritage Month

Councilmember Monique Ashton read and moved the proclamation declaring September 15, 2023, through October 15, 2023, as Hispanic American Heritage Month in Rockville, Maryland, and the proclamation was accepted Ms. Agnes Saenz.

	<b>RESULT: APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Monique Ashton, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala

- E. Proclamation Declaring September 11, 2023, as a Day of Service and Remembrance

Councilmember Mark Pierzchala read and moved the proclamation declaring September 11, 2023, as a Day of Service and Remembrance in Rockville, Maryland.

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

**6. Boards and Commissions Appointments and Reappointments**

- A. Mayor and Council will appoint and reappoint the following members to the Boards and Commissions.

Councilmember Mark Pierzchala moved the reappointment of John (Jack) Kelly to the Financial Advisory Board, to serve a three-year term until June 1, 2026, and the new appointment of Gary Correll to serve an unexpired three-year term until January 1, 2024.

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

**7. Community Forum**

NAME	TOPIC
In Person Senator Cheryl Kagan	9/11 Remembrance, Recycling
In Person Marissa Valeri	9/11 Remembrance, Hurricane preparedness

**8. Public Hearing**

- A. Public Hearing - Amend the Charter so as to modify the procedure for adopting ordinances by increasing the number of Councilmembers needed to request a public hearing on an ordinance when it is introduced and increasing the number of Councilmembers needed to affirmatively vote to waive the layover and agenda.

requirements to adopt an ordinance.

The Public Hearing opened at 7:49 pm. There were no speakers for this Public Hearing. The complete testimony of the official Public Hearing records in the City Clerk/Director of Council Operations offices. There being no speakers testifying, the Public Hearing closed at 7:49 p.m. The record will remain open until 5:00 p.m., September 18, 2023.

**B. Public Hearing on Community Needs: FY 2025 Community Development Block Grant (CDBG) Funding**

The Public Hearing opened at 7:52 pm. There were no speakers for this Public Hearing. The complete testimony of the official Public Hearing records in the City Clerk/Director of Council Operations offices. There being no speakers testifying, the Public Hearing closed at 7:53 p.m. The record will remain open until 5:00 p.m., September 25, 2023.

**FURTHER DISCUSSION**

September 11, 2023, Agenda item 8.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 38:31

**9. Presentations**

**A. Presentation of Annual Report by the Community Policing Advisory Board**

Chair of the Community Policing Advisory Board, Mr. Matt Perkins, provided a summary the board's annual activities and accomplishments.

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

**FURTHER DISCUSSION**

September 11, 2023, Agenda item 9A.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 41:53

**B. Presentation and Update on the Senior Citizens Commission**

Co-Chairs of the Senior Citizens Commission, Mr. Kevin Leary, and Ms. Elaine Koubek provided a summary the commission's annual activities and accomplishments.

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

**FURTHER DISCUSSION**

September 11, 2023, Agenda item 9B.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 56:10

**C. Presentation of 2022 Planning Commission Annual Report**

The 2022 Chair of the Planning Commission, Ms. Suzan Pitman, provided a summary the commission's annual activities and accomplishments.

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

#### **FURTHER DISCUSSION**

September 11, 2023, Agenda item 9C.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 1:03:58

#### **10. Consent Agenda**

- A.** Award and Authorize the City Manager to Execute a Contract for Engineering Services and Program Management for Advanced Metering Infrastructure Implementation and Water Meter Selection and Replacement, to Hazen and Sawyer, P.C., of Baltimore, Maryland, in the Amount Not to Exceed \$545,386.93
- B.** Employment agreement between the Mayor and Council of the City of Rockville and the Director of Human Resources
- C.** Approval of Minutes
- D.** Authorization of the City manager to Execute and File Application for Street Closing and Abandonment, SCA2023-00001, for 0.0445 Acre of a Portion of Unimproved Joseph Street Right-of-Way

Councilmember Monique Ashton moved to approve the consent agenda items A, B, and C.

<b>RESULT: APPROVED [UNANIMOUS]</b>
<b>MOVER:</b> Monique Ashton, Councilmember
<b>SECONDER:</b> David Myles, Councilmember
<b>IN FAVOR:</b> Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala

#### **11. Update**

- A.** Vacancy and Hiring Report

Human Resources Administrator, Jason Frett, provided a brief overview of the Vacancy and Hiring Report.

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



**FURTHER DISCUSSION**

September 11, 2023, Agenda item 11A.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 1:15:05

**12. Introduction, Discussion and Instruction, Possible Adoption**

- A. Adoption of Resolution to Authorize and Approve the Establishment of RHE Development Corporation, Inc., a Non-Profit Maryland Nonstock Corporation, by Rockville Housing Enterprises.

Councilmember Monique Ashton moved to approve the Adoption of Resolution to Authorize and Approve the Establishment of Rockville Housing Enterprise (RHE) Development Corporation, Inc., a Non-Profit Maryland Nonstock Corporation, by Rockville Housing Enterprises.

	<b>RESULT: APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Monique Ashton, Councilmember
<b>SECONDER:</b>	Mark Pierzchala, Councilmember
<b>IN FAVOR:</b>	Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala

**13. Review and Comment - Action Report - NONE**

**14. Future Agendas - Reference**

- A. Future Agendas

Councilmember Monique Ashton requested the Deferred Retirement Option Program (DROP) for Police Employees be added to the September 18 meeting agenda. This request received consensus from the body to add this to the September 18 meeting.

Councilmember Monique Ashton also requested the Education Commission to present before the Mayor and Council. This request received consensus from the body, and staff was directed to add a future agenda.

Councilmember Mark Pierzchala requested the October 16, 2023, Mayor and Council meeting be moved to October 9, 2023, due to a scheduling conflict with the Maryland Municipal League (MML) Fall Conference. This request received consensus from the body and staff was directed to move the October 16 Mayor and Council meeting to October 9.

**FURTHER DISCUSSION**

September 11, 2023, Agenda item 14A.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 1:23:33

**15. Old/New Business**

Councilmember David Myles requested for the Mayor and Council to consider adding a proclamation to the September 18 meeting to recognize September as Childhood Cancer Awareness Month. This request received consensus from the body and staff was directed to add this proclamation.

**FURTHER DISCUSSION**

September 11, 2023, Agenda item 15.

[https://rockvillemd.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4743](https://rockvillemd.granicus.com/MediaPlayer.php?view_id=2&clip_id=4743)

Video Timestamp 1:29:46

**16. Adjournment**

There being no further business, the meeting adjourned at 8:50 p.m.

**RESULT: APPROVED [UNANIMOUS]**

**MOVER:** Mark Pierzchala, Councilmember

**SECONDER:** Monique Ashton, Councilmember

**IN FAVOR:** Mayor Newton, Councilmember Ashton, Councilmember Myles, Councilmember Pierzchala