APPROVED: Meeting No. 32-81

ATTEST: Helen McHenaghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 29-81

August 10, 1981

The Mayor and Council of Rockille, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 10, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

ABSENT

Councilman Steve Abrams

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Attorney Paul Glasgow; Director of Recreation and Park Ronald Olson; Chief of Police Jared Stout; Director of Planning James M. Davis.

Re: City Manager's Report

Mr. Blick reported the following:

1. Ritchie Parkway between Seven Locks and Falls Road will open tomorrow. The delay has been due to the State hook up of the traffic signal at Falls Road and Ritchie Parkway.

2. The grant for renovating Ritchie Park School has been delayed. Several applications for grants were received that lacked quality, causing paper work problems. There will be a walk through this week, but indications for the grant look good. Delegate Forehand believes there will be no problem in securing it.

3. Officer Durham graduated this week from K-9 school and finished first out of a class of seven.

4. Last Friday the state of Maryland joined the City/County effort on "Driving While Intoxicated Program".

Mayor Hanna congratulated Chief Stout on the success of Officer Durham.

Re: Award of Contract: Bid No. 1-82
Sodium Chloride for Ice Control

Bids were opened at 3:00 p.m., July 16, 1981, in the Conference Room for providing bulk sodium chloride.

The bids were received as follows:

		Per Ton
1.	Cargill, Inc., White Marsh, Maryland	$28.75
2.	Morton Salt Company, Chicago, Illinois	29.54
3.	Diamond Crystal Salt Company, St. Clair, MI	30.00
4.	International Salt Company, Clark's Summit, PA	32.91
5.	Harvey Salt Company, Baltimore, Maryland	38.10

Last year, the low bid for salt was $27.04 from Diamond Crystal. The estimate for salt needs this year for the budget was $30 per ton. The low bid at $28.75 is 6 percent higher than the price paid last year.

The City uses approximately 1,000 tons per year on a several year average (1980 was 600 tons and 1979 was 1,600 tons).

The contract is so worded that the City takes 700 tons delivery on execution of the contract and then may take an additional 300 tons as requested until April 1, 1982. Vendors were asked if they would supply an additional 1,000 tons at the same price at the City's option during the winter season (September 1981 through March 1982), and the low bidder stated that this option was available to the City.

The City's salt dome will accommodate 1,800 tons and the initial delivery of 700 tons will fill the dome to approximately 90 percent.

Staff recommends that the contract be awarded to the low bidder, Cargill, Inc., at $28.75 per ton.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 1-82 was awarded to the Cargill, Inc., Company, the low bidder in the amount of $28.75 per ton.

Re: Award of Contract: Bid No. 53-81
Dogwood Park Tennis Court
Resurfacing

On July 27, 1981, Bid No. 53-81 was opened in the Conference Room at City Hall at 3:00 p.m.

The specifications called for the resurfacing of three tennis courts and the replacement of the fence and net posts. The bids were as follows:

Applicators Inc., Laurel, Maryland	$30,649.00
American Tennis Courts, Baltimore, Maryland	33,503.75
White Oak Contruction, Silver Spring, Maryland	35,111.00
Mid-Atlantic Tennis, Fairfax, Virginia	44,995.00

Work reference checks were made on Applicators Inc., the low bidder. They have performed satisfactory tennis court work for many jurisdictions such as The National Park Service, Andrews Air Force Base, and the Department of the Navy.

$30,000 was budgeted for this project in the FY 81 operating budget in the Parks Maintenance Category.

It is recommended that Bid No. 53-81 be awarded to the low bidder, Applicators Inc. of Laurel, Maryland, in the amount of $30,649.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 53-81, resurfacing tennis courts, was awarded to Applicators, Inc., in the amount of $30,649.00.

Re: Waiver of storm water management requirement - 103 S. Adams Street

The subject project proposes platting a lot of Original Town Subdivision Lots 18, Block 3, U-214-81, of approximately 0.65 acres. This lot has the Old Academy building at 103 South Adams Street and most of the access walks to this structure.

A new parking area of over 5,000 square feet is planned in the rear to help serve the proposed use for which approximately 1,000 cubic feet of storm water detention is required. While this could be provided on-site in an infiltration structure for about $2,400, such infiltration systems are not dependable and the City should not approve them here or anywhere except under extenuating circumstances.

The adjacent park would not be adversely affected by the run off since new concentrations are not expected to exceed one cfs. Proposed public SWM facilities downstream can accommodate additional run off.

Considering the above, it is recommended that the City grant the requested waiver and accept a contribution of $2,400 toward the public off-site SWM program, subject to a conformable waiver by the Montgomery Soil Conservation District.

Councilwoman Fordham commented that the price seems very low and she had not imagined the price for such a large piece of property could be so low. The City Manager said it would seem it was according to the formula.

Councilman Freeland moved, duly seconded and unanimously passed, that the Storm Water Management Waiver be granted provided that it is based on the standard formula used in other instances.

Re: Decision: Proposed Special Assessment Project - Maryland Avenue Sidewalk

This is a special assessment project that would build a sidewalk along the south side of Maryland Avenue from Fleet Street to a point 40 feet west of Argyle Street. The Public Hearing on the project was held July 20, 1981, and the record was held open for three weeks. Councilwoman Fordham commented that she would prefer the abutting property owners not be assessed, but that the cost of this project be paid out of the general revenue fund.

Councilwoman Fordham moved, duly seconded and unanimously passed, that the City Attorney be instructed to prepare the ordinance authorizing the project as per the instructions given in the Ordinance of April 20, 1981

Re: Decision: Text Amendment Application, T-44-81, Parking Requirements in the O-2 Zone

This text amendment application will allow the Planning Commission to waive four specific subsections of the parking, loading and access requirements ordinance when granting a use permit for conversion of a previously existing building in the O-2 Zone. The four subsections are as follows:

- 3-401(j) - which prohibits backing out of parking areas directly into a public road, execpt for one-family detached and semi-detached dwellings;
- 3-401(n) - which prohibits all parking in the O-2 Zone between the front building line and the front lot line;
- 3-401(a)(3) - which prohibts a five foot separation (curb/wheelstop) between parking spaces and a right-of-way line; and,
- 3-402(c) - which specifies entrance and exit driveway widths, typically twenty-five feet for two-way traffic.

Councilwoman Fordham said she has a problem with 3-401(n). She would not like to see that changed. Mayor Hanna said he would agree if it were a change, but this only allows the Planning Commission to waive the requirement in an unusual case. He would prefer to let the Planning Commission have that option. Although he too has misgivings, he expects the Planning Commission will be prudent.

On motion of Councilman Tyner, duly seconded and passed, only Councilwoman Fordham voting nay, the City Attorney was instructed to prepare the ordinance to grant text amendment application, T-44-81.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques objected to a form letter that he received from the City's Licenses and Inspection Department complaining of an unpainted chimney and wood work on his property on South Adams Street. He questioned the policy that allows the City to fine the person if the work is not done. He said the system lacks due process. The Council discussed the home inspection process with Mr. Jacques. Mr. Jacques suggested there be a change in the process so that there could be an administrative appeal without the necessity of going to court to contest the ticket. Mayor Hanna disagreed with Mr. Jacques and said he will not interpose an administrative hearing on the process. The system is designed to be more efficient and people can contest the ticket in court, but the municipal infraction process was set up by the legislature to help City's maintain their housing stock.

2. Mr. Ted Freeman. Mr. Freeman suggested that if the inspector is writing a report at the building and issuing the ticket, he might leave a copy of the report at the residence so that the property owner will be warned prior to receiving the letter of notice.

3. John Brewer, President of the West End Citizens Association. Mr. Brewer told the Council that the West End Citizens Association unanimously passed a resolution opposing the City's inspection program. He feels that people should be encourged to maintain the exterior appearance of their homes, but the municipal infraction process should not be used for that. It is inappropriate and could be counterproductive. Many people in the West End do not maintain their properties, not due to negliciance, but due to resources. He said he is not opposed to the program per se, but it should be a long time before the municipal infraction process is involved. Mayor Hanna disagreed with Mr. Brewer and suggested the Civic Association invite the head of Licence and Inspections department to a meeting to brief the citizens on the program. He noted that the first sign a city is in trouble is when it eases up in the area of code enforcement and it is only because of code enforcement that there are such nice homes in the West End. He agreed with Mr. Brewer that people do have other priorities and the outside can be last. The City has a number of programs that can help homeowners who lack the necessary resources. He would like to know from Mr. Brewer how many people actually feel put upon by the program. Councilwoman Fordham agreed

that there may be a problem with the notification process and maybe the letter should be softer if people find it offensive. She noted that it is a policy arrived at two years ago when the Mayor and Council walked the neighborhoods and took complaints, particularly in the West End. She said if the problem is left in the neighborhood to solve, it can pit neighbor against neighbor if they do not like each other. The codes have been on the books for a number of years and the time given is quite lenient. She noted the programs available to the citizens, such as free paint and the loan and grant program to assist them. Councilman Freeland suggested that members of the Mayor and Council would also work with the associations and talk to them about improving the notification process.

4. Steven Fisher, President of the Rockville Civic Federation. Mr. Fisher thanked the Mayor and Council for its Solomon-Like decision on the annexation application on Seven Locks Road. He asked that the baracade be removed at the left turn on Park Road since it no longer seems necessary. He invited the Mayor and Council to a meeting that will be held by the Civic Federation on August 20 to discuss the Cable TV and he said the Mayor and Council are welcomed to extend their views to the associations before it makes up its mind on the matter.

5. Michael Gordon, Upton Street. Mr. Gordon invited the Mayor and Council to join him at 5 o'clock in the afternoon at the intersection of Dawson Avenue and North Washington Street to assist him in crossing the street. He noted that cars tear down North Washington Street and ignore the yield sign which causes an extremely hazardous situation because there are frequently elderly people using the cross walk. He asked that the police give some attention to this dangerous situation. Mayor Hanna asked the City Manager to have a special effort there by the Rockville Police.

6. Ted Freeman. Mr. Freeman asked the Council if there is an ordinance saying that utilities should be under ground in new developments. The Council said there is such an ordinance.

He noted that the code inspection program is an example of a concept beginning great but the implementation is terrible.

He asked the Council where he can bring an idea of how to make the Rockville Mall profitable. Mayor Hanna suggested the Mr. Freeman speak to the City Manager and make plans to get in touch with the owners of the Mall. Mr. Freeman asked what would be necessary for the parking to be reopened and what length of time would it take. Mayor Hanna said he could not answer that question

exactly but did know there would have to be a reasonable period of time for discussion in order to get the answers that Mr. Freeman is looking for. He reiterated his suggestion that Mr. Freeman work with the City Manager.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. W.C. Eckelman, re CATV
2. B.L. Jones, re thank you
3. A. Simons, CHRB, re M-29-81, N. Adams Street
   J.R. Collins, re M-29-81, N. Adams Street
   Petition, re M-29-81, N. Adams Street
4. Storer Communications, re conference tape
5. Peter Hartogensis, re Planning Commission appointment
6. D.E. Betts, re Text Amendment T-27-79
7. Potomac Springs, re Annexation of Furman property

Re: Information Items

The Mayor and Council noted the following items of information:

1. Thank you for Memorial Day Parade award
2. Memo re Fluorescent Bulb Replacement

   Councilwoman Fordham said this was a great idea.
3. Memo re City liability for Building Inspector oversights

   Mayor Hanna said he agreed with the suggestions.
4. Notice of beer/wine on-sale application

   Councilwoman Fordham suggested that the Council oppose any licenses for this establishment. Councilman Tyner suggested that the Council only oppose the "off" portion as it had in the past. Councilman Freeland agreed and said that would be in keeping with the Council's policy and would be consistent. Mayor Hanna also agreed since the Council is on firmer ground when supplying the same policy as always.

   On motion of Councilman Freeland, duly seconded and unanimously passed, the Council agreed to oppose the off-sale license.
5. Copy of letter to Planning Commission from New Mark Commons re CEBCO

   Mayor Hanna noted that this matter still leaves the Mayor and Council in a difficult position, but he believes that as long as discussions can go on, things are hopeful. He said it would seem that the developer will not sit down and talk to the civic association. He would like the City Attorney to contact the developer and ask him if he would be willing to sit down and respond to the latest negotiations of the civic

5. Copy of letter to Planning Commission from New Mark Commons re CEBCO (con't)

association. He asked that it be made clear that the developer can refuse, but Mayor Hanna will take that into consideration when he makes his decision. He said it is the duty of the Mayor and Council to use the office to bring the developer and the homeowners closer together. The City Manager said the matter has been remanded to the Planning Commission and he will pass those comments on. Mr. Glasgow told the Mayor and Council that he has had several conversations with the attorney for the developer and he will share those thoughts with him.

Re: New Business

1. The City Manager asked the Mayor and Council what their plans are for the retaining walls that might be built when the Maryland Avenue sidewalk is done. Mayor Hanna suggested that their be no retaining walls. Councilwoman Fordham said the homeowners should be questioned. Mayor Hanna asked who would be responsible for the maintanance. Mr. Morningstar said if the wall is built on the owners property, they would be responsible, but if it was built on the right-of-way, it would be the City's responsibility. Mayor Hanna said he would support the idea, but leave the option up to the homeowners and definitely at their expense.

Councilman Tyner moved, duly seconded, that the retaining walls be built on the homeowners property.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at 9:30 p.m. to convene again in general session on Monday, August 24, 1981, at 8:00 p.m. or at the call of the Mayor.