APPROVED: Meeting No. 40-81

ATTEST: Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 36-81

October 26, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville Maryland, on Monday, October 26, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilman John Freeland

Councilwoman Phyllis Fordham

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; City Clerk Helen Heneghan; Director of Planning James M. Davis; Budget Officer Anna Lee Berman; Director of Community Development Douglas Horne; Director of Community Resources Bert Drayton; Director of Finance John Lawton; Assistant City Manager Daniel Hobbs; Director of Public Works Robert Goodin; Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Blick reported the following:

1. The contractor has just about finished installing the fluorescent lights in the parking garage. This will present a major savings to the City.

2. The Maryland Municipal League, County Chapter meeting, handed out a report that said the County delegation has arrived at its final redistricting plan. The plan combines Rockville and Gaithersburg into one district, diluting the municipal strength by combining it in one district. Leading this strategy are Delegates Robinson, Koss, Maurer and Wiser and Senator Crawford. It is a deliberate effort on their part to look down on municipal impact in the legislature.

3. The Board of Public Works has voted to transfer the deed of the Woodley Gardens School to Montgomery County in December. After that, the County will transfer it to the City.

4. Last week, the Senate passed the Goldwater amendment to Bill No. 898 preventing the deregulation of Cable Television.

5. On Saturday and Sunday, the 5th Annual Catfish Rodeo was held at the Rockville Municipal Swim Club. There were over 500 participants, 200 spectators. The grand prize winner was Scott Plinick, who won by catching a 16 lb. 4½ oz. catfish.

6. A building permit has been issued to the J&M Corporation for a 51,000 square foot building on Gaither Road.

Mayor Hanna commented on the effort to minimize the political input of the City with the new redistricting plan and said positioning cities in two different districts is important and preserves the municipal influence. Councilman Tyner suggested a letter be sent by the City to the delegation since the Chapter and several members of it are sending letters.

Mayor Hanna said he is just back from a visit to Nigeria which is one of the most influential and populous countries in Africa and the second largest supplier of oil to the United States. He was invited there to speak to a meeting of the combined Mayor and Councils of that country, which comprises 19 states. It was the first time that these councils had met together. It was a meeting to discuss how democracy works and answer questions on a variety of administrative topics and a tremendous opportunity to watch the emergence of a new democratic nation.

Re: Appointments

Mayor Hanna made the following appointments that were confirmed by the Council:

Senior Citizens Commission: M. Estelle Berberian - 1 year term as Chairman

Recreation & Park Advisory Board: Harry Dodge - reappointed 2-year term

Alternative Community Service Commission: Robert Puckett - reappt. (Alt)
Amy Morris - reappointed (member)
Dorothy Ott - 2 year term (Alt)
776 Azalea Drive

Humanities Commission: Marti Looper - 2-year term
106 Wall Street

Human Rights Commission: Lloyd P. Welter - 4-year term
407 Hull Place

Re: Award of Contract: Bid No. 11-82
Systems Maintenance Agreement

This service is requested to provide radio maintenance service that will include all of the radio equipment in the City of Rockville's communication network. This includes 186 communicating units and 25 battery charges for hand held units.

There were 95 proposals sent to prospective bidders and on October 15, 1981, at 3 p.m. the bids were opened and the following seven responses noted:

VENDOR	Cost/Mo.	Cost/Annual
1. J. T. Tronics Inc. Rockville, Maryland	1245.00	14,910.00
2. Electronic Communication Co. Silver Spring, Maryland	1376.00	16,512.00
3. Motorola Communications Inc. Hanover, Maryland	1416.45	16,997.40
4. Syntonic Technology Lanham/Seabrook, Maryland	1469.00	17,628.00
5. Teltronic Industrial Systems, Inc. Silver Spring, Maryland	1535.95	18,431.40
6. Tactec Systems Inc. Fairfax, Virginia	1979.75	23,157.00
7. Communications Inc. Arlington, Virginia	2209.50	26,514.00

Amount budgeted for communication maintenance and repair is $18,540.00.

A bid was received from Campbell Electronics of Stevensville, Maryland but alterations had been made to the text and meaning of the specifications and could not be accepted. The specifications have been in use since 1978 and none of the other bidders took any exceptions.

Last year's low bid by Teltronic Industrial Systems, Inc., was $986.00 per month or $11,832.00 annual cost for 166 units or $5.94 per unit per month. The current bid price is $1,245.00 per month or $14,910.00 annual cost for 211 units or $5.90 per unit per month.

Staff recommends an award of contract to J.T. Tronics of Rockville, Maryland, for the low bid price of $1,245 per month or $14,910 annually.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 11-82 was awarded to the J.T. Tronics Company in the amount of $14,910.

Re: Resolution: To deny Text Amendment Application, T-27-79 Mayor and Council

Resolution No. 23-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 23-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying Text Amendment Application, T-27-79, was approved by the Mayor and Council.

Re: Introduction of Ordinance: To Grant Text Amendment Application, T-49-81

On motion of Councilwoman Fordham, there was introduced upon the table an ordinance granting Text Amendment application, T-49-81, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance: To Amend Chapter 8, Section 8-4.00 to increase the terms of members of the Alternative Community Service Commission

Ordinance No. 41-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 41-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, increasing the terms of members of the Alternative Community Service Commission, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Grant Map Amendment Application, M-29-81, comprehensive rezoning of 22.5 acres - Dawson/Adams Planning Area

The City Manager told the Council that last week it had asked for a report on the parking situation and this report is not ready so he asked postponement on this particular item until next week. The Council agreed to the postponement.

Re: Adoption of Ordinance: To Grant Street Closing Application, SCA-36-81 service drive in Montgomery College Urban Renewal Area

Ordinance No. 42-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 42-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Street Closing Application, SCA 36-81, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To Grant Street Closing Application, SCA-37-81, unused alley in Montgomery College Urban Renewal Area

Ordinance No. 43-81

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 43-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Street Closing application, SCA-37-81, was adopted by the Mayor and Council.

Mayor Hanna told the Council that last week he attended a Humanities meeting in Santa Barbara, California, sponsored by the National Endowment for the Humanities. The meeting was held to reinforce and reemphasize the Humanities and to see that the study of humanities plays a larger part in public policy. He was accompanied by Dr. Dykstra of Montgomery College who has a PhD. in philosophy. It was an excellent meeting and a lot of credit goes to Montgomery College for their cooperation and assistance.

Re: Decision: Re-use of Bouic House, South Washington Street

At the September 18 Mayor and Council meeting, various re-use proposals for the Bouic House were discussed. The Mayor and Council at that time, requested further information about these issues.

Staff recommends that:

1. The repairs needed to bring the Bouic House up to code (about $1,330) should be done immediately. Once these repairs are completed (which should take about 2 weeks), then any decision by the Mayor and Council could be implemented and the house occupied, without delay.
2. The Bouic House be made available for a federal Section 8 subsidy.

The other alternatives opened to the Council are:

1. The City subsidize a low to moderate income tenant.
2. That the house be rented under a Federal Section 8 subsidy.
3. The City could rent the house to a City employee.
4. The City rents the house at the fair market value and uses the surplus rent revenue for emergency housing.

Further information was provided to the Council on all of these issues. Councilman Freeland asked if at any time the City staff considered selling the house and moving it from the property. Mr. Roberto, administrative intern who worked on the project, told the Council that that alternative had not been considered, but the staff had only responded to the issues raised by the Council. Councilwoman Fordham said that there is no historic significance to that particular building so no reason was presented to move it and at the same time it might not be viable since the cost of a move might be prohibitive.

Councilwoman Fordham moved, that the house be rented at fair market value and the proceeds used for emergency shelter. Mayor Hanna commented that although this would not be his first preference, he would vote for it since he would like

to see it be some contribution to the housing problem and there does not seem to be support from the Council for any of the other alternatives.

Councilwoman Fordham's motion was duly seconded and unanimously passed.

Re: Review of City Hall Parking Lot Plan

The plan was presented to the Council by the Assistant City Manager, showing the new parking arrangement and the proposed design. The Council questioned Mr. Hobbs as to spaces for compact cars, planning sidewalks, and lighting. Councilman Tyner said the arrangement should be a showcase for the rest of the City and a policy of street parking for the tenants of the Bouic house should be established immediately so employees' stickers would not be handed out. Councilwoman Fordham asked if the Council might hear back on how the arrangement is working, particularly as regard to compacts. Mayor Hanna suggested the public works vehicles should be in the most unobtrusive part of the lot and the police should have easy access in and out of the lot due to their quick response time. There should be low level light standards so these will not be an impact on the neighborhood, but there should be enough light for good visibility and for safety purposes. The Council approved the plan.

Re: Water and Sewer Lines - Special Assessment Projects
a. Consideration of change in policy
b. College Square request and waiver of public hearing

a. Consideration of change in policy for installation of water and sewer line in subdivision.

There are two main problems with the City's present procedure. First, bonds are becoming difficult to issue and the City may not be able to obtain long-term financing at a reasonable cost in the future. Second, developers often do not inform buyers of pending assessments, resulting in a substantial unexpected expense to new homeowners. Homeowners may initially confuse assessments with property taxes or blame the City for not being informed. The staff is recommending that the special assessments process for subdivisions be indefinitely suspended for future subdivisions. The reasons are:

1. Long term financing will be increasingly difficult.
2. There will be few new subdivisions in the future and these will be small.
3. There is no need to enhance the City's competitive position for residential development, vis a vis, other areas.

4. The work load on the staff of financing payments and assessments or, its administration and inspection for a series of small developments is too great for a program where the benefits are no longer apparent.

The City will approve special assessment applications only for those subdivisions for which plans have been submitted to the City for approval. Councilman Tyner asked if under this new procedure the installations would be standardized. The City Manager said the developer will have an engineer design the lines as they do now and design must meet City specifications before approval, then the City's inspectors do the approval. After it is completed it is turned over to the City. Councilwoman Fordham asked what other jurisdictions are doing. The City Manager said WSSC is doing exactly what the City is doing now. Councilwoman Fordham asked if it will affect the desire of developers to work in the City. The City Manager said that would depend on the price and the developer's ability to get up-front money. At the present time the City has to go out looking for money in order to fund it. Front foot benefits are becoming more costly than property taxes. Councilman Abrams commended the staff for the work done. He said anything that reduces the City's dependence on bonded indebtedness is a wise move. Mayor Hanna agreed and said the cities are in an extremely difficult position. Bond issues are being withdrawn and the result is general revenue bonds are practically unsaleble and future bond issues will be very expensive and hard to sell.

Councilman Tyner moved, duly seconded and unanimously passed, to approve the staff's recommendation that the special assessment legislation be retained but that the Mayor and Council declare its intention to accept no further applications. At the same time, the City Attorney is instructed to prepare an ordinance to require the sellers of all new homes to give explicit prominent notice of all pending assessments to buyers.

b. College Square request and waiver of public hearing

This is the standard request for the City of Rockville to install water and sewer mains for house connections in the College Square subdivision and a waiver of all legal requirements for a public hearing, submitted by Fred Burka and Marvin Goldman.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Mayor and Council's approval was given.

Re: Citizen's Forum

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

1. Karen Lechter, 8 Eaglebrook Court. Ms. Lechter addressed the Council concerning the paper recycling. She suggested that papers might be placed in brown paper bags as Montgomery County does and encourage participation since it is a nuisance for people to be purchasing string and tying up the papers. Mayor Hanna said he has always liked that idea and asked the City Manager's opinion. The City Manager said the company that purchases the paper marks down the price if it contains foreign material such as brown paper bags; however, it is possible that the increase in participation by residents and more newspapers might justify the lower price. He will return with a recommendation.

Re: Annual Report of the Board of Appeals

Peter Hartogensis, Chairman of the Board of Appeals, addressed the Council on behalf of the other members - Terry Donaldson, Karen Lechter and Richard Arkin, and gave a report of the year's activities. He noted that they handled 13 special exceptions, 21 variances, 1 administrative appeal and 1 reconsideration, which was a decline in the case load over the previous year. The signs for variances have been working very well. There have been no complaints but on the positive side there has been increased participation in the variance hearings. He suggested one area of new legislation would be to more clearly define where a sign should be placed on a property since one was placed on a dedicated but unfinished road where the public could not see it. Councilwoman Fordham asked if the Board of Appeals has had an opportunity to review the sign ordinance. Mr. Hartogensis said yes it hadn't. Karen Lechter told the Council s appreciates the staff support which has been excellent and the Board is quite relieved that the text amendment application, T-27-79, was denied. Richard Arkin suggested that the Mayor and Council fine tune the portion of the ordinance that applies to signs being placed on dedicated streets and in the future the Council might look to see if there is any support for an application such as T-27-79, before going to the expense of a hearing. Mrs. Donaldson thanked the Council for the opportunity of working with the Board of Appeals this year. It has been a most interesting year and an excellent board. The Mayor and

Council thanked the members of the Board of Appeals for their services to the City and the citizens.

Re: Work Session: Board of Election Supervisors to discuss the proposed changes in the Charter and the Laws of Rockville pertaining to Elections proposed by the Board

Taking part in the work session were Mr. Roald Schrack who spoke for the Alliance of Rockville Citizens and Mr. Tom Lawry and Mr. Peter Hartogensis who spoke for the Independents for Rockville. The suggestions received by the Board were discussed with the Council and all debated the issue of reducing the number from 20 to 10 percent of the registered voters needed for a referendum. The Council did not favor this smaller number. The Council also suggested that the provision of voiding someone's election to office because of a violation of a treasurer's line in campaign literature might be too severe and that should be deleted. Councilman Tyner asked that all suggestions of the Board be completed expeditiously by the City Attorney's office and brought to the Council for action due to the election in only six months. Mayor Hanna agreed. The Mayor and Council thanked the Board for their work and specifically the time spent on the changes in the laws.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Senator Paul Sarbanes, re S 898
2. Beulah Terry, re Frederick Avenue overpass

   Councilwoman Fordham said the overpass is definitely not for the infirm but there does seem to be no way to improve it. As to the design, Mayor Hanna and Councilwoman Fordham said they both liked the design; however, it is dangerous until it is completed. Mayor Hanna asked that the City Manager have it posted immediately as unsafe and unauthorized for public access and WMATA be told that it must be completed soon since it is quite dangerous.
3. N. Stoer, re Traffic and Transportation Commission resignation and related matters

Re: Information Items

The Mayor and Council noted the following items of information:

1. Status report from the Department of Community Resources
2. Memo re WINX Mayor and Council show

   The Council approved the City Manager's suggestion.

3. Letter to County re Shady Grove rezoning
4. Information on COG accessory apartment forum
5. Summary of new sign requirements
6. Copy of adopted CIP
7. Copy of County Resolution No. 9-1492 establishing Financial Task Force
8. Memo from Energy Planner re National Center request for participation

   The Council had no objection.
9. Copy of letter responding to citizen complaint
10. Update on City Hall change orders from Assistant City Manager

    Councilman Tyner asked for clarification. The Assistant City Manager explained the memo and the fact that although a chiller was reported as being deleted it was in fact deferred.
11. Invitation from Senior Citizen Chairman to community meeting
12. Notice from MML on PIO appointment to CPC
13. Memo from CDHA on status of B&O Station

Re: New Business

1. Councilman Tyner told the Council that the Holliday Tyler printing Company is asking the County for industrial bonds to purchase a new press. He has checked out the environmental impact of this since the previous owners of that company have caused problems in the neighborhood.

2. Mayor Hanna suggested that the City Manager come back with recommendations for handicapped awareness day since it is the Year of the Handicapped and putting the Mayor and Council members into handicapped positions might help them appreciate the problems of those less fortunate.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 10:00 p.m. to convene again in general session on Monday, November 2, 1981, at 8:00 p.m. or at the call of the Mayor.