APPROVED: Meeting No. 26-83
ATTEST: Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 23-83

June 27, 1983

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, June 27, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams Councilman Douglas Duncan

Councilman John Tyner, II

ABSENT

Councilwoman Viola Hovsepian

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The staff would like to congratulate Councilman Tyner on his election as President of the Maryland Municipal League. The staff also offers any assistance Mr. Tyner might need in carrying out his duties during the coming year.

2. Staff will be visited on July 14 by a representative of Moody's and on either July 11 or 12th by a representative from Standard & Poore's. During meetings with the bond rating agencies in New York, they were asked to visit Rockville in order to see first hand the economic development which is taking place and the management of the City. The bonds should be sold either the week of August 15 or August 22.

3. Vitro Industries has filed a use permit application to develop the northwest corner of Gude Drive and Route 355. The 20 acre track is zoned I-3. They plan to develop a 500,000 square foot building of which Vitro would be the main tenant.

4. The County has filed a special exception application to use the remainder of offices in the Broome Middle School for general offices. Some staff of the Health Department will occupy part of the building.

5. The traffic signal at Seven Locks and Ritchie Parkway should be finished within the next 10 days. The traffic signal at Falls Road and Maryland Avenue will start construction in October with completion in November.

6. On June 21 the Montgomery County Council approved the supplemental appropriation for the FY 83 Municipal Revenue Sharing Program. This was necessary after the reimbursements for Code Enforcement and Transportation were calculated. It will amount to a payment of $117,985 to Rockville.

Re: Presentation of Awards
Rockville Talent Show

On June 4, the City sponsored an amateur Talent Show to celebrate National Recreation and Parks Day. Twenty-seven Rockville residents entered the competition. The event was held in conjunction with the "Saturday in the Square" program. The enthusiastic audience of 250 was delighted with the acts.

The following is a list of the winners:

Youth Category

1st Place - Curtiss Belcher, Jr., Ilene Haynes
2nd Place - Faith Wen
3rd Place - Jennifer Reitz

Teen Category

1st Place - Anne Macnabb

Mr. Olson, introduced the winners. They were presented with plaques and savings bonds by Mayor Freeland.

Re: Appointments

Mayor Freeland made the following appointments. They were confirmed by the Council:

Recreation and Park Advisory Board - Charles Carroccio - two year term

Traffic & Transportation Commission - Harlow Osborne - two year term

Cultural Arts Commission - Ann Reiss - two year reappointment term

Humanities Commission - Cathy Landenburger - two year reappointment term

Re: Citizen's Forum

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

1. Frances Thompson Shea, 9 Vallingby Circle. Mrs. Shea brought to the Mayor and Council the concerns of many parents residing in the New Mark/Hungerford Stoneridge and Markwood subdivisions due to the death of a student at Julius West

School due to an accident last week. She noted that a developer is planning to build a rather large building to house the elderly in that general neighborhood and expressed the feeling that a potential tragedy exists and the reluctance on the part of the developer to provide off-street parking. She asked the Mayor and Council to see that it is taken care of and said that the Mayor and Council and the developer will be held liable for any future accidents that occur in that area. Mayor Freeland said the Mayor and Council share the concerns of the neighborhood and safety issues are paramount. He noted that the Board of Appeals will be addressing the development of which Mrs. Shea speaks but at the same time he will ask the Traffic and Transportation commission to discuss the safety issues that evidently exist in that area at the present time. Councilman Duncan noted that the safety problem could be severe enough to take immediate action as the City recently did at the Heritage House.

2. Arthur Katz, 2 Stevenage Circle. Dr. Katz asked the Council to consider the policy issue on what type of housing deserves a special exception to be used as elderly if the rent can be from $800 to $1,200 a month and a companion issue of which persons qualify for this housing. It would seem to him that a special exception should only be granted when it provides a public good. Another issue the Council will have to consider is the zoning requirement on parking for the elderly. As presently planned, the new development of 168 units and 30 employees will only call for 95 parking spaces when in fact there could be 250 people involved. He said there is such a high amount of development going on in this New Mark area, maybe the Mayor and Council should meet with the neighborhood and discuss the policy issues. Mayor Freeland said the Mayor and Council would like to be informed of the next civic association meeting since there are potential impacts that could cause significant problems. Dr. Katz suggested the meeting be postponed until late September.

3. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein said the traffic lines at Falls Road and Ritchie Parkway have been done but it continues to be a very dark intersection. Possibly a street light would help.

He congratulated Mr. Tyner on his election to the Maryland Municipal League and questioned what assistance the City staff would be providing since the question of staff assistance arose last year during budget deliberations.

In the report on the Rockville Housing Authority by the Human Rights Commission three years ago, one recommendation was made for an eviction education

program and a suggestion was that money and help for moving and storage could be provided and counseling. He suggested that the staff looking into this. Mayor Freeland said this has been done in the past on a very low-key basis. Mr. Silberstein suggested that the staff look to recycling furniture that is unclaimed.

Concering the Commission on Education, Mr. Silberstein suggested that the City have a policy and make recommendations to the Board of Education on educating the children of illegal aliens. He then asked the status of the Charter amendment that he recommended a year ago. Mayor Freeland told Mr. Silberstein that all the Charter amendments will be addressed during a September work session.

4. Gilman Grave, 14 West Argyle Street. Mr. Grave thanked the Mayor and Council and congratulated them on a politically courageous step in blocking West Argyle to taffic. He said there is an improvement there already with just the signs in place.

There being no other citizen wishing to address the Mayor and Council, the citizen's forum portion of the meeting was closed.

Re: Report from Advisory Commission on Public Education on meeting with Board of Education

Mrs. Goldberg addressed the Mayor and Council and introduced the commission members present - Paul Tierney, Alex Stein and Charles Haughey. She reported on June 16, 1983, members of the Advisory Commission on Public Education met with members of the Montgomery County Board of Education. Mr. Dan Hobbs, Assistant City Manager, Dr. Wilmer Cody, the new Superintendent, and Dr. Harry Pitt, Deputy Superintendent, were also participants in the meeting.

Four members of the Commission gave informal presentations. Caroline Wilkes discussed the Resolution creating the Commission and the Charter; Paul Tierney used maps of the county and of the City of Rockville to acquaint Board members and staff with the geographic locations of schools within the City, to point out where schools have been closed in the City, and to illustrate how the City has been divided into four high school groups; Alex Stein explained four concerns which have been identified - the split of City schools between the MCPS Administrative Areas 2 & 3, the possibility of further school closures, the possibility of initiating special secondary school programs such as a law and government program and a high tech program, the presence of a large number of special needs students in City schools. In conclusion, Charles Haughey discussed the Commission's proposed Work Plan Outline.

During informal discussion, Board members asked questions on topics including City demographics, whether the City was experiencing an increase in birth rate, possible new residential development, and the request for a boundary change by Orchard Ridge. The Commission requested several briefings by MCPS staff, the first of which will be a briefing on the 15-Year Master Plan. The briefing is tentatively scheduled for July, and Dr. Cody will be briefed at the same time. The Commission members were very pleased with the meeting and feel it is the beginning of a mutually beneficial relationship between the Commission and the Board of Education.

Councilman Duncan asked that the Mayor and Council be kept informed on the briefing schedule so they might participate. Councilman Abrams asked if the questions had been answered on the Orchard Ridge subdivision. Mrs. Goldberg said the Commission is not in a position to answer the question or make recommendations on that. Mayor Freeland noted that he had received a copy of the White House Educational report. It shows what things can be done to expose students to the best education they can afford. He will be forwarding copies of that report to the Commission as soon as he receives them.

Re: Resolution: To amend Resolution No. 12-83 to change hearing date from July 11, 1983, to September 12, 1983, in connection with the annexation of 2 acres of land, more or less, of James J. Cromwell, Barbara B. Cromwell and Maude W. Betts

Resolution No. 18-83

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Resolution No. 18-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council changing the hearing date to September 12, 1983, in connection with the Cromwell annexation, was adopted by the Mayor and Council.

On motion of Councilman Abrams, duly seconded and unanimously passed, an amendment was made to a Resolution introduced on the 25th of April to enlarge the corporate boundaries of the City of Rockville in order to alter the description.

Re: Resolution: To enlarge the corporate boundaries of the City of Rockville to include 11.41 acres of land, more or less, Convenant Properties East (Schiavone)

On motion of Councilman Duncan there was introduced upon the table a resolution to enlarge the corporate boundaries of the City of Rockville to include 11.41 acres of land, more or less, known as the Schiavone property.

Re: Resolution: To provide for public hearing and notice in connection with annexation of 11.41 acres of land, more or less, Covenant Properties East (Schiavone)

Resolution No. 19-83

On motion of Counilman Abrams, duly seconded and passed by unanimous vote of all present, Resolution No. 19-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for a public hearing for the Covenant Properties Annexation, was adopted by the Mayor and Council.

Re: Exercise of option to extend Bid No. 1-83 for Year II

In July 1982, bids were solicited to place, collect and maintain trash containers for two distinct groupings, 18 Municipal locations and 11 Rockville Housing Authority locations. The companies were asked to provide firm prices per year for three years. The award retained the option of extending the contract for Years II and III.

United Disposal Corporation's bid for Year II at $20,168 for Municipal locations and $20,540 for Rockville Housing Authority locations, although representing a 10.2% increase over fiscal year 1983 prices which is slightly higher than the current rate of inflation, compares favorably to the next low bid of $54,580.06 (35% higher).

The amount budgeted for the Municipal locations is $20,948.00.

One pick up per week was added at the Woodley Gardens Senior Center which increases the yearly cost by $780.00, for a total of $20,948.

The contractor has performed satisfactorily under the current contract.

Rockville Housing Authority has confirmed their intention to exercise the option to contract through the City with United Disposal Corporation.

In accordance with the above-cited information, the staff recommends award to United Disposal Corporation for $41,488 ($20,948 for Municipal locations and $20,540 for Rockville Housing Authority locations).

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the award was given to United Disposal Corporation for $41,488.

Re: Approval of contract between Rockville Community Clinic and City of Rockville

This is a contract between the City of Rockville and the Community Clinic in which it is agreed that the City will fund the Clinic for the next year for a total budget of $90,063. Councilman Duncan noted that the contract does not reflect the Mayor and Council's intention to decrease the funding by an amount of 20% until in five years it is at 50% of its present level. Ms. Berman said they are aware of this. Mayor Freeland said it is an important point to have in there since there is no automatic agreement between the Mayor and Council. It should be noted somewhere along the line it could change. The City Manager suggest the letter of transmittal indicate those things. He repeated that there are no guarantees beyond this year but the intention is to reduce it by 50% over 5 years.

Mayor Freeland abstained from this item due to the possibility of a conflict of interest.

On motion of Councilman Duncan, duly seconded and passed, Councilmembers Duncan, Abrams and Tyner voting aye and Mayor Freeland abstaining, the contract was approved and authorization was given to the City Manager to sign.

Re: Authorization for City Manager to approve agreement with PEPCO & Lighting System Service for maintenance of underground serviced street lights

The City currently maintains 3,569 streetlights at a budgeted annual operation and maintenance cost of $377,000 (FY 83). Under design are 130 new lights, all to be added in the new year, which alone will add $17,000 to the annual budget. Compounded with ever increasing PEPCO rates, it has been difficult keeping streetlighting costs under control. As can be seen from the table below,

this is not a one-time problem. Streetlighting costs have already increased 65% over the last five fiscal years. Changes in City streetlighting policies are clearly needed to hold the line on expenditures.

Fiscal Year	Streetlighting Costs
1977	$236,720
1978	$242,763
1979	$258,434
1980	$270,472
1981	$287,935
1982	$329,149
1983	$376,500 (budgeted)
1984	$426,000 (budgeted)

Change last 7 years	80% (8.7%/+$27,000 annual)
Change last 5 years	65% (10.8%/+$33,500 annual)
Change last 3 years	48% (14%/+$46,000 annual)

The Mayor and Council approved the proposed streetlighting cost control plan in May, and since then the terms of an agreement with Lighting Systems Services for maintenace of the City-owned portion of the streetlighting system have been negotiated. An agreement between the City and PEPCO has also been prepared enabling the City to initiate self-maintenance service beginning July 1, 1983. Final Mayor and Council approval is needed in order for these agreements to go into effect.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present the Mayor and Council approved the agreement to reflect the streetlight cost reduction measures. Mayor Freeland suggested the residents be told of the cost the City is experiencing so they are aware of where their money is going.

Re: Authorization for City Manager to enter into agreement to lease three rooms of Woodley Senior Center building to Potomac Nursery, Inc.

Requests for proposals were advertised in April to obtain a qualified organization to lease up to three rooms in the Rockville Senior Center for a Day Care/Nursery School Operation.

The R.F.P. included details of what the organizations were required to submit. Each application was evaluated on five criteria:

1. Past experience and reputation in the day care/nursery school field.
2. Proven record in operating a day care/nursery school program.
3. Lease fee for the facilities under consideration that the leasee is willing to offer the City of Rockville.
4. Ability to begin operation of a day care/nursery school program in September 1983.
5. Ability of operation to become licensed, if not so already.

Staff received seven responses to the RFP.

Organization	Base Monthly Rental
Potomace Nursery School & Day Care Center, Inc., Rockville, Maryland	$500
Shorshim Gan, Ltd., Rockville, Maryland	$350
Children's Choice, Silver Spring, Maryland	$300
Kozy Korner Day Nursery, Olney, Maryland	$396
Franklin Montessori School, Rockville, Maryland	$400
Rockville Day Care Association, Inc., Rockville, Maryland	None Submitted
The Children's House, Rockville, Maryland	None Submitted

Potomac Nursery School and Day Care Center, Inc., was the top choice. They also offered the highest per month value for leasing the three rooms.

Reference checks were made and Potomac Nursery has a very good reputation and has been in business over ten years. They currently operate two licensed programs, one in Rockville and one in Potomac. They are most interested as were other organizations to have a program in the center to have the opportunity to be close to the Senior Citizens.

Staff recommends that the City Manager be authorized to enter into a lease agreement with Potomac Nursery School and Day Care Center, Inc. for a period of one year with a one year renewable option to lease three rooms at the Rockville Senior Center.

Councilman Abrams suggested that there might be something the City can do to help the others find locations. Mr. Olson said other locations in the City are difficult because of ongoing programs. Councilman Abrams suggested the City might consider a fourth room to be used at Woodley Gardens to be used for some type of day care if a suitable location for a kindergarten program now scheduled for the Center can be found. Mr. Olson pointed out that the kindergarten program success is because it is in the neighborhood in which it is needed; however, he will look into Councilman Abrams' suggestion.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the City Manager was authorized to enter into the agreement to lease three rooms of the Senior Center to Potomac Nursery School, Inc.

Re: Award of Contract on cooperative fuel purchase - COG

This invitation for bid (IFB) was issued for the purchase of #2 Diesel Fuel by the participating jurisdictions. On May 4, 1983, thirteen bids were opened. Based on the evaluation noted below, an award was made on May 20 to Benson and Associates, low bidder, by WMATA for the Council of Governments. Benson and Associates was confirmed by WMATA to be a responsible bidder and to be able to fulfill its obligations under the contract. According to the IFB, each jurisdiction will execute its own contract and issue its own purchase orders.

Staff recommends that Mayor and Council award to Benson and Associates a contract to supply #2 Diesel Fuel at its low bid price of $0.8247 per gallon (plus Maryland Road Tax) for the base period of 12 months.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the award was given to Benson and Associates at a price of $.82 per gallon.

Councilman Tyner noted that the Board of Directors of the Maryland Municipal League has asked the staff to look into the cooperative fuel purchase agreement.

Re: Correspondence

The Mayor and Council noted the following items:

1. John Heinz, re church property on Linthicum

   Councilman Duncan questioned what problems the neighborhood might have. Mayor Freeland said he had addressed the problems in a letter just recently and he would give a copy to Councilman Duncan.

2. Governor Hughes re SB551

3. National Capital Planning Commission re CIP

4. Jean Brady, RSI reappointments

5. Terry Gans, North Farm Civic Association re Intercounty Connector/ Rockville facility

   Councilman Abrams said he had originally heard that the state feels there is less opposition from Rockville to the intercounty connector now then in the past. He suggested this letter be passed on to the Maryland State Highway Administration. Mayor Freeland asked that a note be forwarded saying that this is passed on from one of Rockville's citizens and the City thought the state should be made aware of the Rockville arguments. He asked that copies be sent to Gerald Cichy at the County's Department of Transportation.

6. JoAnn Mazzetta re status report on HRC activities re housing

7. Mrs. J.O. Morton, re neighborhood tree problem

Re: Information Items

1. Memo re legal fees

2. WINX letter re Mayor and Council reports

3. Memo from CDHA re cemetery maintenance

Councilman Duncan asked that this information be sent on to the citizen who asked for it.

4. Memo from CDHA re Maryvale school site

5. Correspondence to New Mark re Special Exception Application for Potomac Valley

6. Memo from CDHA re Connally property

7. Memo complimenting City employee

8. Follow up questions on budget work session

9. Planning Department quarterly report

10. Letter complimenting staff

11. Information on traffic signal system, Rt 355

12. Project Open Space grant announcement for Broome Athletic Field

Councilman Duncan said that is very good news.

13. Memo from CDHA re vacate notices at Courthouse Square Apartments

14. Letter from American Water Works Association re outstanding safety record at Water Treatment Plant

15. Planning Department staff report re Use Permit Application U-274-83

16. Summer in the Square flyer

17. Memo from Director of Finance re Notification of Special Assessments

Re: New Business

1. Councilman Tyner asked where the City stands on the Cable TV agreement. Mr. Glasgow said it will be on the Council's agenda for July 11.

2. Councilman Duncan noted that some letters had been received from the senior citizens concerning the taxi program. He would like the staff to respond to them.

3. Councilman Tyner said the MML Board of Directors have gone along with the idea of appointing a committee to address the classification issue. Mayor Talbott of Barnesville will Chair the committee. There may be some legal opinions needed and he asked that the City Attorney may consult with the committee to give assistance to the MML. Mayor Freeland said if what is being pursued is in the City's

interest, the City will be happy to make what contributions it can afford.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and passed, Councilman Duncan abstaining, the Minutes of Meeting No. 20-83, were approved as written.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present the Minutes of Meeting No. 21-83, were approved as written.

Re: Executive Session

On motion of Councilman Duncan, the meeting was closed for executive session to discuss land disposition.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:35 p.m. to convene again in general session on Monday, July 11, 1983, at 8:00 p.m. or at the call of the Mayor.