APPROVED: Meeting No. 33-83
Attest: Helen M Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 28-83

August 22, 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, August 22, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams
Councilwoman Viola Hovsepian
Councilman Douglas Duncan
Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; Secretary II Patricia Rager.

Re: City Manager's Report

Mr. Blick reported the following:

1. Twenty-three more single family permits have been issuedto College Square Associates for the old Drive-In site.

2. Four of the City's former swimmers will be participating in the pre-olympic trials in Indianapolis, Indiana. The swimmers are Dan Veatch (100 & 200 backstroke), Beth Spector (100 & 200 meter breaststroke, Dave Ryan (200m butterfly), and Jude DeSando (400 IM). Mr. Blick offered his congratulations to the swimmers and also to their former coaches at the Rockville Swim Center.

3. The traffic signal at Falls Road, Dunster Lane and Falls Chapel Way is in operation.

4. Veirs Mill Road is now open to four lanes of traffic. This should make traffic move more smoothly in the "mixing bowl" area. He explained that the P.M. rush

hour moved from Level F to Level C and the A.M. rush hour moved from Level E to Level C.

5. The Montgomery County Historical Society and the City's Information Office worked together to produce Backward Glance: Brief History of Rockville. Mr. Blick said he would like to thank Sue Patterson and the City's Graphics Department for their work.

Mrs. Hovsepian asked the City Manager to inquire about the repair of the curb on Veirs Mill Road that is crumbling. She was under the impression that it would be repaired with the widening of Veirs Mill Road. Mr. Blick said he would follow up on this.

Mayor Freeland commented that there was no notice posted on the door of City Hall, nor was the police dispatcher notified of the cancellation of the August 8 Mayor and Council Meeting. He asked that this be done in the future.

Re: Presentation of Award of Financial Reporting Achievement to Rockville Director of Finance

Mayor Freeland presented to Mr. Lawton, on behalf of the Mayor and Council, a Certificate of Conformance in Financial Reporting. This certificate is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government or public employee retirement system and its management. The certificate is issued by the Municipal Finance Officers Association and is for the fiscal year ended June 30, 1982.

Re: Presentation by Recreation Playground Participants

Twelve playground participants from the City's 14 area summer playgrounds presented to the Mayor and Council a mobile. It read "1983 Playgrounds" and depicts the message of the summer as explained by Ron Olson, Director of Recreation and Parks. The mobile will be displayed throughout the City during the next few weeks. Mayor Freeland

thanked the young people for coming and for the mobile. He presented them each with a flag pin.

Councilman Duncan thought it would be appropriate at this time to mention the many years of service that Helen Siefert has given to the City's Recreation Program. Mayor Freeland added that he was proud to be able to thank her at the recent Mayor's Cup.

Re: Presentation of Tenant Handbook for Rockville Housing Authority

JoAnn Mazzetta, Chairman of the Human Rights Commission, presented to the Mayor and Council, a draft of the handbook entitled "Making It". She asked that the Council review it and get back to the Commission with any changes. She mentioned that this handbook is a cooperative effort by the Rockville Housing Authority and the Human Rights Commission. She suggested that other projects be done jointly by the City's other bodies. She noted that the graphics for the front cover was done by Debra Yudkin a daughter of one of the Commission members. Mayor Freeland asked the Council to review the handbook and get back with their comments in a week to ten days. He thanked the two bodies for the work done. Councilman Tyner said he is delighted to see it completed.

Re: Citizen's Forum

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

1. Joe Lawrick. Mr. Lawrick approached the Mayor and Council to thank them for all their time and effort. He shook hands with each member and said the last 31 years have been the happiest in his life and that he will miss Rockville. The Council wished him good luck in his new home.

2. Sonja Fowler. Ms. Fowler addressed the Mayor and Council regarding Agenda Item No. 17. She explained that she is the applicant for the loan but regrets to inform the Council that on Saturday she received notice that her loan from First Women's

Bank was denied. Therefore, the package in their briefbook is not correct. She no longer has funding for her project. She said the idea is still alive and there are other avenues of funding available that she will pursue. She presented a letter to the Council from Norma Duffin saying that the Progressive Citizen's Association and the neighborhood lends its support to her for the operation of a coin laundry facility. She thanked Mr. Horne and Mr. Duffy for all of their help.

3. Jeryl Gegan, Member of the Housing Authority. Mr. Gegan thanked, on behalf of the Housing Authority, the Human Rights Commission for all their time involved in producing this handbook.

4. Barry Fitzpatrick. Mr. Fitzpatrick said he is an attorney in the City and he is representing Winchester Homes, developers of Orchard Ridge and he is here tonight to talk to the Mayor and Council regarding Agenda Item No. 8. He explained the problems that the developers face if the bid is not awarded tonight for water and sewer mains in the Orchard Ridge subdivision. He explained that the streets need to be in by winter to continue the construction of the houses. If the developers are forced to wait until spring to resume construction, the prices of the houses will rise. He said staff realizes the problem involved and has recommended that the Council go out for rebid. He said his clients are willing to pay the difference between the engineer's estimate and the low bidders quote in order to save time with rebidding and they are also willing to sign a hold harmless agreement as suggested by the City Attorney. Mayor Freeland thanked Mr. Fitzpatrick and said the Council will take this into consideration at the appropriate time.

Re: Appointments

Mayor Freeland, with the confirmation of the Council, made the following appointments:

Housing Authority: Jan Brown, 5-year term to become effective 9/15/83
90 Monroe Street

Senior Citizens Commission: Ray Schnell, 1-year term to become effective 9/15/83
1608 Marshall Avenue

Economic Development Council: Robert Bender, reappointed to a 2-year term

Re: Award of Contract: Bid
Bid No. 6-84, Smoothseal

Bids were opened for the Fiscal Year 84 Smoothseal Contract at 3:00 p.m., Tuesday, August 2, 1983, in the Mayor and Council Chamber. Three bids were received as follows:

F.O. Day Company, Rockville, Maryland ($28.50 per ton)	$187,576.50
W&W Paving, Inc., Frederick, Maryland ($28.66 per ton)	$188,667.47
A.H. Smith, Branchville, Maryland ($29.66 per ton)	$195,791.74
Engineer's Estimate ($32.00 per ton)	$210,673.00
Budget Appropriation	$211,600.00

Smoothseal is a thin (1/2" x 3/4" thick) asphalt paving overlay which improves skid resistance and aesthetic quality while extending pavement life through improved water seal and additional asphaltic depth. The process has been used in Rockville since 1960. The bid response is normal due to the nature of the work and material.

The City's current bid is based on 6,539 tons of smoothseal and utility adjustments for various streets. A contractural provision was included which allows the City the option to adjust the quantities to utilize the total smoothseal appropriation. Because smoothseal is a preventative maintenance process, there are additional streets which could benefit by addition to this year's program. This year's per ton cost is 2% less than paid last year (smoothseal was $29.10 per ton in 1982 which also was considered very favorable) and because of this favorable price, it would be advisable to extend the contract to utilize the total appropriation.

The low bidder, F.O. Day Company, is an experienced paving contractor who has previously performed similar work in a satisfactory manner.

Staff recommends that the Mayor and Council award the contract to the low bidder, F.O. Day Company, at the unit price quoted and in the total amount of the appropriation of $211,600.00.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 6-84 for Smoothsealing, was awarded to the low bidder, F.O. Day company at the unit price of $28.50 per ton and in the total amount of the appropriation of $211,600.00.

Councilwoman Hovsepian noted that the City received such a good price on this bid that is enables the City to do as much smoothsealing as money will allow.

Re: Award of Contract:
Bid No. 7-84, Orchard
Ridge water and sewer lines

Bids were opened on Tuesday, August 9, 1983, in the City Hall Council Chamber covering the construction of water and sewer mains and house services for phase 1-B of Orchard Ridge subdivision. This project, which will serve 35 single family dwelling units, was authorized by the Mayor and Council for a special assessment project on June 4, 1979.

Four bids were received as follows:

W. F. Wilson & Son, Inc., Ellicott City, Maryland	$182,058.71
Calcon Company, Inc., Gaithersburg, Maryland	$185,435.00
Rapp Contracting, Inc., Beltsville, Maryland	$186,651.25
Di Meglio Construction Co., Inc., Hyattsville, MD	$188,500.00
Engineer's Estimate	$149,190.00

As is evident, there is a discrepancy of $33,868 between the engineer's estimate and the low bid. The City's estimate is based on prices received by the City for the same type work performed under similar circumstances, adjusted to reflect actual conditions for this project and also adjusted to reflect recent inflationary trends in sewer and water construction costs.

In an effort to find the reason for this rapid and substantial increase, staff

contacted the Washington Suburban Sanitary Commission, Construction Division. It was learned that they have increased their sewer and water contract work recently and, in fact, on the same day as the City's bid, they opened bids for ten separate projects totaling $600,000.00. This currently heavy construction work load is probably the reason for the relatively low number of bids received by the City. Recent City bids have been more competitive in terms of numbers of bidders.

The recent inflationary trends alone do not appear to justify the high bids received for this contract. It would therefore seem appropriate to reject the bids and rebid the project. Based on the engineer's estimate, it would appear reasonable to expect a savings in the range of 15%, if more bidder interest is generated. It would also improve the City's chances of this by receiving bids on a day other than the day selected by the WSSC for receiving similar bids.

Other options which should be considered and which have been discussed with the developer are as follows:

1. Reject the bids and direct the developer to install the water and sewer systems under the City's Bonding and Permitting procedures. Under this option, there would be no special assessments levied against the homes. The developer is opposed to this option.

2. Accept a contribution in the amount of $34,000 from the developer to offset the difference between the staff's construction cost estimate and the actual bid. This option will reduce the individual special assessments to $11,800. The City has accepted contributions in the past to reduce special assessment costs, but not under these precise circumstances. In the past, the contributions covered costs such as unusually long outfall systems, extra depth sewer mains, etc.

The developer, who suggested the City consider the contribution option, has not provided the funds but has indicated his tentative agreement to do so. However, the City Attorney advises that in order to safeguard the City against potential damage suits in the event the developer makes the contribution but still fails to meet their schedule, a hold harmless agreement indemnifying the City should be required. The time required to work out and execute such an agreement could cause delays equal to the

rebidding process. Should the Mayor and Council select this option, their authorization action should include a requirement that the developer execute such a hold harmless agreement.

Staff has closely examined the project with the developer's schedule in mind. By quickly rebidding the project, it appears some of the lost time can be made up and, if the contractor can properly schedule the other (paving, Gas Co., PEPCO,) work, the streets can be completed this fall and there will be no affect on the home delivery schedule.

In order to allow adequate contract advertisement time and to avoid conflict with the WSSC bidding schedule, the City has proceeded on the above described basis and readvertised the contract with a scheduled opening date of September 2, 1983, and contract award September 12, 1983. Should the Mayor and Council decide to award the current bid, the City Attorney advises that the rebid can simply be cancelled by appropriate notification to the bidders.

It is recommended by the staff that all bids be rejected and the contract be immediately rebid.

Mr. Blick explained to the Council how the engineer's estimate figure was so much lower than the low bidder and how it was unfortunate that the bid opening was the same day as WSSC's. In his opinion, rejecting the bids and readvertising is appropriate. Councilwoman Hovsepian said she presumes the contractors are qualified. Mr. Blick said the City has no problems with the contractors. Mr. Glasgow, the City Attorney, explained the necessity for obtaining a hold harmless agreememnt as part of Mr. Fitzpatrick's proposal to the Mayor and Council. Councilman Duncan commented on the 15% savings if the bid is readvertised. Mr. Blick said there may be but the City is dealing with uncertainties. He added that the check and agreement need to be signed and received by August 31, in order to cancel the bids due on September 2. The City does not want to be in the position of having two bids. He stressed the

need to have enough time to cancel the bids due on September 2.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 7-84, for Orchard Ridge water and sewer lines was awarded to the low bidder, W. F. Wilson & Son, Inc., in the amount of $183,058.71 providing that before the bid was awarded, the developer of Orchard Ridge, Winchester Homes, Inc., would present to the City by August 31, 1983, a certified check for $34,000 and also signs a hold harmless agreement, acceptable to the City Attorney that safeguards the City against any claims or loss.

Re: Adoption of Ordinance: To Levy Special Assessments Monroe/Fleet Street water mains

Councilman Abrams moved for adoption of the ordinance which was duly seconded by Councilman Duncan. Councilwoman Hovsepian asked the staff to address the two letters of complaint that appear in her brief book. The one letter is from Mr. George Shadoan, who questions why he has to pay a 9.5% interest on his assessment and the second letter is from Mr. Eugene Casey objecting to the assessment being levied against the property of Virginia Visnich and requesting an opportunity to meet with the City prior to adoption of this ordinance. Mr. Blick explained that in Mr. Shadoan's case, he can avoid the interest if he pays the assessement all at once. But, if he pays over a 20 year period, there will be a 9.5% interest rate charged. He added that this is very reasonable. In regard to Mr. Casey's complaint, Mr. Butchart explained that this is the standard policy for the City. Mr. Blick briefly explained the City's policy to the Council. Councilman Duncan asked if the staff had responded to either letter. Mr. Blick said the staff can meet with the gentlemen but added that the City hopes to have the ordinance adopted so that assessments can be mailed out for this year. Mayor Freeland questioned if the figures would change after meeting with the gentlemen. Mr. Blick felt that they would not. He suggested that the ordinance be adopted tonight and staff will meet with these people. If the

figures do change, then a new ordinance can be introduced to reflect the correct assessments. Councilman Duncan asked if this could not wait until the September 12 meeting or do the bills need to get out. Councilman Tyner added that there has been substantial deviation from the City's policy on this street already, but he is sorry that he does not have information from the staff in order to be able to make a decision. Councilman Duncan agreed and said that is the point and reiterated his point that the citizens should have been answered. Mr. Blick explained that the City does these assessment billings separate from the County's mailing but reminded the Council that the bills are due September 30 and the if the City waits any longer, it runs the risk of someone arguing about the lack of time. Councilwoman Hovsepian commented that the bills will still be late if the ordinance is adopted tonight. Mr. Blick said the City is already late in its billing. Mayor Freeland said he agrees that there should have been answers from the staff in the brief book but he is sure that the results will be the same and suggests writing a letter after the adoption. Mr. Blick requested that this item and the next one be deferred until later in the evening in order for the City Attorney and the Director of Finance to discuss changing the penalty date. The Council agreed to this.

Re: Adoption of Ordinance: To Levy Special Assessments Monroe/Fleet paving

It was the consensus of the Council to defer action on this item until later in the evening.

Re: Approval of Roadway Spot Improvements for FY 84

The Traffic and Transportation Commission has reviewed the list of candidates projects for Roadway Spot Improvements for FY 84. The Commission concluded "...that projects whose sole function is safety, in terms of proven accident prevention, should take priority over projects that primarily improve traffic capacity, efficiency, or

neighborhood quality of life. Based on this premise the Cabin John Parkway guardrail should be given top priority."

The City has provided a total of $15,000 for both design and construction of these projects. These projects were reviewed for engineering feasibility and each is considered appropriate to be carried in the work program this year. The estimate noted seems accurate. The speed hump locations will require some time for speed study, response from adjacent homeowners, etc.

Therefore, considering the Traffic and Transportation's review, staff suggests that the following priority for the seven projects should as follows:

1. Wheelchair ramps - N. Washington Street/Dawson Avenue (installed)
2. Guardrail Section - Cabin John Parkway
3. Speed Hump Project #1
4. Signal Removal - Congressional Lane/Rollins Avenue
5. Halpine Road - widen median opening
6. Speed Hump Project #2
7. Traffic Island - N. Washington Street at Old Washington Street

On motion of Councilman Duncan, duly seconded and unanimously passed, the roadway spot improvements were approved as suggested. Councilwoman Hovsepian read the improvements for the benefit of those in the audience. Mayor Freeland questioned what street will be list as Project No. 2 for speed humps. Mr. Goodin explained that the Traffic and Transportation Commission will be meeting Thursday to decide and lock in that choice. Mr. Blick added that 5 streets had been suggested by citizens for speed hump placement and the Traffic and Transportation Commission will decide based on the criteria adopted by the Mayor and Council, who best qualifies. Mayor Freeland stated that this means the Mayor and Council do not know which street will be No. 1 or No. 2. He said he is bothered by that and suggested that the Mayor and Council pick the first one and the Traffic and Transportation Commission pick the second one. Mr. Blick said that the Traffic and Transportation Commission is recommending that South Adams Street be first and Lincoln Avenue be second.

Re: Approval of Option Contract with SHA, right-of-way to widen Route 28

Before the Mayor and Council tonight is an Option Contract with the State Highway Administration (SHA) regarding the States' desire to obtain right-of-way from the City at the intersection of Hurley Avenue at Route 28. The subject property is basically rectangular in shape (approximately 40' x 135') and is needed by the SHA for the project which is widening Route 28 between Research Boulevard and the I-270 Bridge. The SHA is offering $3,000 for the property.

In April of this year, the Mayor and Council approved a right-of-entry granting the SHA access to the subject property so construction could proceed. This was done in anticipation of finalizing negotitations which have now been completed.

The SHA's offer for the subject property is considered to be fair. One special feature of this transaction is the City's conveyance of the property to the SHA by a quitclaim deed rather than a special warranty deed because of questions the City staff had concerning title.

The Option contract has been reviewed by the City Attorney's office and it is recommended that the Mayor and Council approve the Option Contract with SHA for the conveyance of the right-of-way for widening of Route 28.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the Option Contract with SHA for conveyance of widening of Route 28.

Councilwoman Hovsepian expressed her disappointment that a sidewalk will not be included. Mr. Blick said there needs to be a storm drain put in first which is very expensive and then the sidewalk could be put in. There is now room for only two feet of sidewalk.

Re: Decision and Instructions to Staff: SCA-42-83, Ritchie Parkway Abandonment

At this time, staff does not recommend approval of abandonment of any portion of Old Ritchie Parkway. The Master Plan does call for the eventual abandonment once New Ritchie Parkway is complete and Jefferson Street has been constructed between Richard Montgomery Drive and New Ritchie Parkway. At such time, staff would endorse abandonment of all of Old Ritchie Parkway between Route 355 and future Jefferson Street extended.

At the present time, there is uncertainty as to the staging of construction of the associated streets. New Ritchie parkway is under review by the State relative to identification of environmental issues and alternative alignments. First Street construction will soon commence and an alternative access play for the Hungerford Stoneridge neighborhood will be implemented with the advice from the neighborhood. With so much uncertainty, staff believes the City is not in a position to recommend abandonment at this time.

Therefore, there are two options available to the Mayor and Council:

1. If the applicant is agreeable, the Mayor and Council could postpone a decision on this matter until the engineering and traffic issues are resolved. This could take upwards to 12 months; or,

2. If the applicant is unwilling to agree to postponement, then the Mayor and Council should deny the application.

Under the law, a decision must be rendered within 60 days following the close of public hearing records.

Councilwoman Hovsepian moved the staff's recommendation not to abandon Old Ritchie Parkway. Mayor Freeland questioned if the Council must waive the law requiring a decision within 60 days of the close of a public hearing. Mr. Davis explained that the Mayor and Council are making a decision within the time period. He also mentioned that he has been in contact with Mr. Lerch and he said he would like the Council to consider

the staff's recommendation with conditions. Mr. Davis said he has learned that Mr. Lerch is on vacation this week and his partner, Mr. Early, is here for him.

Councilwoman Hovsepian withdrew her first motion and made a new motion to postpone action on this item until September 12. This motion was seconded by Councilman Duncan and unanimously passed.

Re: Decision and Instructions to Staff: SCA-44-83, Cairo Street

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant Street Closing Abandonment Application, SCA-44-83, Cairo Street.

Re: Decision and Instructions to staff: Re SCA-45-83, Alley south of Middle Lane

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Street Closing Abandonment Application, SCA-45-83, an alley south of Middle Lane.

Re: Decision and Instructions to Staff: SCA-46-83, Bouic Circle

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant Street Closing Abandonment Application, SCA-46-83, Bouic Circle, and also to include the following recommendations as suggested by the Traffic and Transportation Commission and the Planning Commission:

1. Strips of 5' width along both Laird Avenue and Anderson Avenue should be retained in the public right-of-way, in order to conform to the Road Construction Code;

2. A 25' triangle at the corner itself, exclusive of the 5' strips noted above, should be reserved in the public right-of-way;

3. Per the requirements of the Zoning Ordinance, any new home built on Lot 31 should have on-site parking adequate for a minimum of two vehicles;

4. The existing home (#14 Laird - Lot 30), also owned by the applicant, must retain two on-site parking spaces, either by resubdivision to keep the existing garage (on Lot 31) with this house, or construction of two on-site spaces on the existing Lot 30. This condition should be completed before actual abandonment;

5. That the area of abandonment be reduced to provide a corner radius of 25 feet at the intersection of the right-of-way lines of Anderson Avenue and Laird Street; and

6. That easement be recorded for protection, access, and maintenance of all existing public utilities (City of Rockville, PEPCO, C&P, and the Washington Gas Light Company) in the area to be abandoned.

Councilman Tyner said he hopes that staff has explained to Mr. Shaffer what off-street parking is so that there is no misunderstanding. This was one of the big complaints expressed by the neighbors at the public hearing.

Re: Authorization for use of CDBG funds for laundromat at Maryvale Shopping Center

For some time, the City's Community Development and Housing Assistance Department has sought a means whereby the small Maryvale Shopping Center at Lincoln Avenue and North Horners Lane might be upgraded to attract a viable tenancy.

Early in June, the CDHA office was approached by Sonja Fowler, a Rockville minority businesswoman, who expressed a strong desire in opening a Laundromat at the Maryvale Shopping Center. Ms. Fowler has determined that she will require $65,000 to equip the Laundromat and is asking the City to commit $10,000 in CDBG funds in order to leverage a loan with the First Women's Bank for the purchase of equipment and fixtures. Staff advised Ms. Fowler that in order to recommend the use of CDBG funds, a general upgrading of the exterior of the building, parking lot, and grounds must be accomplished.

During the last few weeks, staff has met with Mrs. Fowler and the owners of the Maryvale Shopping Center in an effort to have the owners make a commitment to upgrade the center as a condition of a five-year lease on the part of Ms. Fowler. The City has been successful in obtaining such a commitment from the owners, Messrs. Guy Stefanelli and James Figliozzi. In addition to obtaining a lease with Mrs. Fowler, the owners

have a commitment to lease the remaining vacant space at the Center to Federal Armored Express Inc. Staff feels that with the Center becoming active with these new businesses, many of the former problems of loitering and vandalism will be greatly reduced.

Staff has determined that Ms. Fowler is a highly responsible businesswoman. She is active in numerous church activities at the Mt. Calvery Baptist Church which is located in close proximity to the Maryvale Shopping Center.

It is, therefore, recommended that the Mayor and Council approve the expenditure of $10,000 in CDBG funds in order that Mrs. Fowler may leverage a loan of $55,000 from First Women's Bank. The $10,000 will be treated as a deferred loan whereby a pro rata share of the loan must be repaid if the business is sold prior to five years after start up. After a period of five years, no repayment will be due.

Action required by the Mayor and Council to complete this matter is as follows:

1. Authorize the City Attorney to draw up an amendment to the Lumpsum Drawdown Agreement between First Women's Bank and the City to permit the utilization of CDBG funds which are now on deposit with the First Women's Bank to effect commercial revitalization. (Agreement in its present form restricts use of funds to housing rehabilitation only.)

2. Authorize City Manager to sign said Agreement.

3. Authorize City manager to enter into an Agreement with Sonja Fowler whereby in the event the business is sold or transferred within five years from the date of opening the Laundromat, it will be required to repay a percentage of the funds granted to it by the Grantee/Lendor according to the following schedule:

0 - 12 months (100% repayment)	$10,000
13 - 24 months (80% ")	$ 8,000
25 - 36 months (60% ")	$ 6,000
37 - 48 months (40% ")	$ 4,000
49 - 60 months (20% ")	$ 2,000
Over 60 months - No repayment	

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to proceed with this project, having the City Attorney amend the drawdown agreement and authorize the City Manager to sign it. He said he is sorry that Eve Grover from First Women's Bank was unable to help. Mrs. Fowler said she is still

working on it. Mr. Blick asked if the motion included any financing from any institution. The Council agreed to this.

Mayor Freeland instructed the City Manager to prepare an appropriate letter to be sent to the Bank informing them of the Mayor and Council's action and express to them how important this project is to the community and hope the the bank will support it. He said he feels this area is no more of a risk than other neighborhoods in the City. The City is trying to change its appearance, image and perception.

Re: Approval of testimony on CDBG application

On September 6, 1983, the Montgomery County Development Citizens Advisory Committee will conduct a Public Hearing for the purpose of receiving projects to be funded with Montgomery County FY 1985 CDBG Funds. This will be the seventh year in which the City has participated in a Cooperative Agreement with the County. To date, the City has received a total of $2,026,000 through this participation.

The testimony, requesting the funding of seven different activities for a total amount of $486,300.00, has been prepared with the assistance of the CDBG Advisory Committee as well as the CDHA staff. The projects will compete with those submitted by other Montgomery County communities as well as those by County organizations. The Department of Housing and Urban Development has advised the County that FY 85 level of funding should be about the same as FY 84 in which the City received $336,000.

The testimony will be presented by the Chairman of the CDBG Citizens Advisory Committee, Davidson Collins.

Councilwoman Hovsepian said she does not understand how item no. 4 fits in since this funding is for low and moderate income families. Mr. Horne explained this to her. Mayor Freeland added that it is very complicated.

Mr. Blick explained that the money from Item No. 6 will mostly be spent on roof repair but is suggesting that some of the funds be used for adding a dressing room and bathrooms to the Lincoln Park gym because of the heavy use of this facility.

On motion of Councilman Duncan, duly seconded and unanimously passed, the testimony was approved as written.

Re: Resolution: To release and abandon storm drain easement - Evans - Hungerford

Resolution No. 21-83

The Mayor and Council has before them a Resolution and also a Release and Abandonment of Storm Drain Easement. Should the Mayor and Council approve these documents, the City will be in a position to move ahead with the Hungerford Storm Drain project.

Normally, the City would just acquire a storm drain easement to construct a project of this nature. In this case, however, an easement for this purpose has existed in the property of Mr. & Mrs. David J. Evans since 1965. During the design stage of the project, it was discovered that the original alignment of the easement would not accommodate the best possible sitting for a storm drainage system. To rectify this situation, the City must first "abandon" the original storm drain easement and then follow-up with the correct easement. These documents will be recorded back to back among the Land Records of Montgomery County. The Evans are anxious to proceed with the project and, in fact, have already executed the follow-up easement.

The City Attorney's office has advised that this is the correct way to "abandon" an easement of this nature and to place a new easement on record.

It is therefore recommended that the Mayor and Council adopt the attached Resolution, as well as approve the Release and Abandonment of Storm Drain Easement.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 21-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, releasing and abandoning storm drain easement to David J. Evans and Christine B. Evans in exchange for a new easement granted to the Mayor and Council by the Evanses, was adopted by the Mayor and Council.

Re: Approval of extension of time to New Rockville Town Center Partners

Based upon frequent reports of activities by principals of the New Rockville Town Center Partners, staff is of the opinion that NRTCP has made a good faith effort during the past six months to obtain financing for the Town Center Hotel. Since they have fulfilled the requirements in the agreement between the City and NRTCP, it is recommended that the requested extension until January 15, 1984, be granted.

On moton of Councilman Abrams, duly seconded and unanimously passed, the extension of time until January 15, 1984, was granted by the Mayor and Council.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Rockville Housing Authority, re Turnkey III program
   Rockville Housing Authority, re site visit

   Mayor Freeland noted that October should be a good time and has indicated so to the City Clerk. Councilwoman Hovsepian noted that it should be after the Convocation and visit by Pinneberg officials.

2. WSSC, re Bloomington Dam

3. West End Citizens Association, re meeting on October 27

   Mayor Freeland said he assumes the Council will attend.

4. Jackson Place Condo Association, re concrete apron replacement

5. Letter praising Animal Control Department

6. Neighborhood complaints

Re: Information Items

1. Memo re contract awards

2. Quarterly report - housing information

3. Letter responding to citizen complaint

4. Memo re Lone Oak School grounds

5. Memo on Annexation of Enclaves

6. Copy of citizen complaint

Councilwoman Hovsepian said she hopes that in the future, the Recreation and Parks Department will handle this type of problem more adequately. Mayor Freeland also agreed.

7. Memo re sale of tennis barn

8. Quarterly report on projects

9. Memo re Parks Cleaning crew

10. Memo re Arts for five parks

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 25-83, July 18, 1983, were approved as written.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Minutes of Meeting No. 26-83, July 25, 1983, were approved as amended.

Re: Adoption of Ordinance: To Levy Special Assessments - Monroe/Fleet water main

Re: Adoption of Ordinance: To Levy Special Assessments - Monroe/Fleet paving

Mr. Glasgow recommended, after talking with the Director of Finance, that the Mayor and Council defer this matter until the staff is able to talk with these two people and for the staff to come back to the Mayor and Council with further information. He noted that the billing date should be amended to add 30 days, making the bills due on October 31, 1983.

On motion of Councilman Duncan, duly seconded and unanimously passed, action on these two ordinances was deferred until September 12, 1983, in order for the staff to meet with Mr. Shadoan and Mr. Casey and also to make appropriate modifications to the ordinances.

Re: New Business

1. Councilwoman Hovsepian said that the Chairman of the Sister Cities Task Force

has asked her to inform the Council that he has sent a letter to Pinneberg, Germany, asking for more information on their trip to Rockville in October.

2. Mayor Freeland noted that tonight's meeting is the last one for Anna Lee Berman, the City's Budget Officer. She is leaving to go to work for Prince George's County. He said it was a delight having her work for the City and wished her good luck in her new job.

3. Councilman Duncan said he agrees with the recommendation that was made on the renting of the Atrium. He asked if any thought had been given to the renting of the Gazebo in Courthouse Square.

Councilman Duncan asked if anything had been done to the Beall/Dawson House. He would like the Historic District Commission to look at the whole block and come up with a Plan. He asked if any thought had been given to demolishing the 1940 houses and having just the old house standing with open space around it. Councilwoman Hovsepian asked if a date had been set yet for a decision on the House. Mr. Blick said no date had been set as of yet.

Councilman Duncan noted that he and Mrs. Hovsepian had attended the Lincoln Park Community Day. While there he noticed that there is a very nice ball field there and if any thought had been given to using the park in the City's softball schedule.

Lastly, Councilman Duncan asked to get an update on the Red Brick Courthouse. It is starting to fall apart and was wondering if there is anything the City can do.

4. Councilman Abrams asked what the County plans to do with the closed Congressional Elementary School. He has heard of 2 proposals so far.

Re: Introduction of Ordinance: To make technical amendments to Ordinance No. 17-83, Authorizing Issuance of Bonds

Ordinance No. 30-83

The Bond Counsel has prepared an ordinance to amend the bond ordinance recently adopted by the Mayor and Council. The principal purpose of this new ordinance will

be to change the bonds from being coupon bearer bonds to fully registered bonds. This is necessary to meet the requirements of a Federal law that went into effect on July 1, 1983.

Adoption of this ordinance this evening will enable the City to issue the bonds, if interest rates were to drop sufficiently, any time after Monday. Otherwise, the City would have to wait until after September 12, the date of the next Mayor and Council meeting.

Mr. Glasgow told the Mayor and Council that the City's bond counsel had been in touch with him to explain that if the Ordinance is adopted tonight, the City would have the flexibility to take advantage of any decline in the interest rates which occur subsequent to tonight's meeting. Mr. Lawton exlained that the current interest rate is at 9.3%. If the Ordinance is adopted on September 12, the rate could be different. Mr. Lawton addressed the Council and discussed the amendment at length.

On motion of Councilman Abrams, there was introduced upon the table, Ordinance No. 30-83, an ordinance to supplement and amend Ordinance No. 17-83.

On motion of Councilman Abrams, duly seconded and unanimously passed, the publication and layover requirements as specified in the City Charter were waived.

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 30-83, the full text of which can be found in Ordinance Book No. 11, supplementing and amending Ordinance No. 17-83 by providing that the General Improvement Bonds of 1983 authorized to be issued by Ordinance No. 17-83 shall be issuable only as fully registered bonds; providing the form of registered bonds; increasing the maximum aggregate principal amount of such General Improvement Bonds of 1983 from 14,000,000 to 14,010,000 and increasing the maximum principal amount of Series C of such General Improvement Bonds of 1983 from $1,230,000 to $1,240,000; and determining certain matters in connection with the issuance, sale and delivery of Rockville's General Improvement Bonds of 1983, was adopted by the Mayor and Council.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:15 p.m. to convene again in work session in the Council Chamber on Tuesday, August 23, 1983, at 8:00 p.m. or at the call of the Mayor.