APPROVED: Meeting No. 19-88

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 16-88

March 28, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, March 28, 1988, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams
Councilman James F. Coyle
Councilwoman Viola D. Hovsepian
Councilman David Robbins

The Mayor in the Chair.

In attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick W. Kuckkahn.

Re: City Manager's Report

City Manager Rick Kuckkahn reported the following:

1. There is a model and exhibits of Town Center displayed in the upper floor atrium at City Hall. The Town Center has a long history. Some of the recent developments in this process strongly suggest it will evolve and significantly contribute to the quality of life here in Rockville. New things are happening in Town Center and when you see the model and exhibits, we hope you agree.

2. Philip Tierney, Hearing Examiner, has forwarded his recommendation regarding the Fortune Park Zoning case for approved development to the County Council. I have requested staff to review Mr. Tierney's 118 page decision and

forward their summary to the Mayor and Council. The summary will be made available to the general public.

3. As a footnote to our recent bond refunding, Montgomery County recently sold General Obligation Bonds. Despite the County's AAA rating, Rockville received a better interest rate at sale than the County for bonds maturing in four of the issue years. In each case, Rockville will be paying one-tenth of a percentage point less in interest on those bonds maturing in 1996, 2000, 2001, and 2002. Given that the bond market has not altered considerably since the sale of the City's bonds, this is a further indication of the City's fiscal strength with the financial community. Our rates are running from 6.15% in 1996 to 6.90 in 2001.

4. Mr. Cecil Keene was introduced as the newest member of our family at City Hall. Cecil will direct the Human Resources Division and comes to us by way of Baltimore, where he was the Human Resources Manager for the Insurance group of Commercial Credit Company of Baltimore. We welcome him and are looking forward to his contributions to our efforts.

Mr. Kuckkahn also thanked and recognized Mr. George Dredden who has acted as Human Resource Director for the past year. His contributions and efforts in that department are greatly appreciated. George will be continuing as an interim member of the Department to assure a smooth transition.

Re: Recognition of Paul Van

The Mayor and Council presented Mr. Paul Van, Sales Manager for the Washington Capitals, who has worked closely with Jeff Williams, Recreation Department, with an award of appreciation. The Mayor and Council thanked Mr. Van for helping Rockville implement its Pro Sports Ticket Program to benefit the Recreation Youth Scholarship Fund.

Re: Recognition of Rockville Razorbacks

The Mayor and Council awarded certificates of appreciation to the Rockville Razorbacks Junior Division football team who were the Montgomery County champs for the season. The Mayor and Council presented the team with a plaque that listed the names of the coaches and players. Head Coach Joe Conner accepted the plaque. The following are the names of those recognized:

Aric Wiser, Barry Talley, John Ferguson, Jeff Little, Bobby Ravida, Mark Radan, Vince Burgess, Matt Derrick, Brad Isbell, Frank Surber, Matt Glover, Craig Curtis, Jeff Curtis, Tom Barnhill, Jelani Prather, Clint Rothgeb, Nick Perrine, Jeff Roberge, Chris Chandler, Elbridge James, Johnathon Hoffman, Bryan Rollins, Eric Elkins, Donald Henderson, Shawn Sharkey, Steve Moser, Damion Crusoe, Phil Hannam, and Coaches Joe Conner, Tom Curtis, John Ferguson and Kenny Simpson

Re: Appointments

The Mayor made the following appointments with the concurrence of the Council:

<u>Science and Technology Commission</u> Dr. Noel Hinners, appointed, 3 yr. term

<u>Senior Citizens Commission</u> Mrs. Virginia Keefe, appointed, 3 yr. term

<u>Traffic and Transportation Commission</u> Andrew Johnson, appointed, 1 yr. term as Chairman

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 9-88, February 29, 1988, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 10-88, March 2, 1988, were approved as written.

Re: Citizens Forum

At this time, the Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Judy Greenburg, President, Rockville Arts Place, Inc., thanked the Mayor and Council for its immediate attention to R.A.P.'s request for seed money. Ms. Greenburg acknowledged the staff recommendation that the Mayor and Council provide R.A.P. with an initial grant of $3,500.00 to be used for business and marketing plan. Ms. Greenburg, however, further requested that the initial grant be $10,000 because R.A.P.'s executive board and member artists have covered the initial expense of $4,000 in organizing R.A.P. Mayor Duncan asked that this request be discussed when this item is considered on the agenda later this evening.

2. Richard Allen, Executive Director, Suburban Maryland Fair Housing (S.M.F.H.), 424 Hungerford Drive, noted that S.M.F.H. has been working closely with the Rockville Human Rights Commission. In addition, Mr. Allen noted that S.M.F.H. is celebrating it's 25th anniversary of working for Open Housing in Montgomery County.

3. Sima Osdoby, 2 Stevenage Circle, stated that she will submit a written testimony to be included in the public hearing record concerning the reduction of the planning commission from seven members to five members. Ms. Osdoby pointed out that there was not necessarily a relationship between a seven member commission and longer meetings of the planning commission. Ms. Osdoby said she recalled many late meetings with a five member Planning Commission when they were discussing the Westmont issue. Ms Osdoby concluded that the Planning Commission has long meetings when it has complex issues.

4. The following citizens showed their support for the establishment of the Rockville Arts Place, Inc. in the Rockville Metro Center with the financial support from the City: Sue Pierce, Sheila Marshall, and Eileen Mader.These speakers echoed the sentiment of Sheila Marshall who stated that R.A.P. will reflect the talent of citizens and neighbors and make City life pleasant and rewarding in the heart of the City.

5. Sandra E. Crewe, Executive Director Rockville Housing Authority, presented the Mayor and Council with a petition from 32 citizens requesting a continuing police presence in their neighborhood, David Scull Courts, to combat the use of drugs which they expect to increase with the advent of warmer weather. Ms. Crewe introduced Estella Mason, Resident Manager Aide for David Scull Courts, who noted that she felt drug activity had increased in the neighborhood because of the recent publicity of drug arrests, which had identified to outsiders this neighborhood as an area where drugs are available. Ms. Crewe invited the Mayor and Council to the next Board meeting of the Rockville Housing Authority on the third Wednesday in April, and pointed out that the 300 children living in this neighborhood need the support of the Mayor and Council.

Mayor Duncan expressed his concern, and in turn, invited Ms. Crewe to join the Mayor and Council in a Work Shop for drugs that will take place on April 21, 1988, at 7:30 p.m. in the Council Chamber, at which the City and Council officials will analyze the drug problem and what is being done to combat it in Montgomery County.

Councilman Abrams asked the City Attorney to submit at the April 21st meeting, how trespass laws operate on Housing Authority property and directed the City Attorney to compile a list of options for establishing a visible

security presence that might handle the trespassing problem at David Scull Courts rather than have the police do it.

6. Mr. Maurice Ward, Chairman, Board of Supervisors of Elections, presented the Mayor and Council with the following recommendation:

"The Board endorses in concept that Montgomery County maintain the City voter rolls, with the County assigning separate Rockville voting district numbers within the County's geographic base file.

We request the Council to direct appropriate City staff to meet with County officials and staff to formulate procedures to accomplish unified registration with a focus on the following issues:

1. Costs to City for implementation
2. Costs to City for maintenance
3. Costs to Candidates for voter lists
4. Means for candidates to obtain labels and similar services
5. Time table to accomplish implementation
6. Measures to preserve municipal voter history in years with coincidental County elections.
7. Voter histories for 1987, and feasibility of retaining 1985 histories."

The Mayor asked that the issue be placed on the agenda for the April 11, 1988, Mayor and Council meeting, at which time a decision would be made. The Mayor also asked that Roald Schrack and Stanley Klein, who have previously submitted position papers on the election process, be invited to the April 11th meeting.

The Mayor and Council directed the following questions and observations to Mr. Ward:

A. Councilman Abrams asked:

. Can the County maintain the City voter rolls without much difficulty. Mr. Ward responded that the County Board saw no obstacles to prevent this.

. Is it possible for the City to have it's own tape? Mr. Ward responded it is possible, and this would be subsumed under service to candidates.

. What would happen to voters who choose to register in the City only? Mr. Ward responded that the City would provide a separate City list.

B. Councilwoman Hovsepian noted the following:

. We must keep a voter record in the City.

. We must sit down with programmers to determine how this will be accomplished.

. Presently, the cost of County tapes is higher than what the city charges.

C. Councilman Coyle stated that he would like to see the City maintain a voter history. Mr. Ward responded that this could be accomplished by the County. Then Mr. Coyle asked:

. What would be the cost of County tapes to candidates? Mr. Ward noted that cost of tapes would be addressed with County officials.

D. Mayor Duncan ruled that an in-depth discussion of the election process would take place at the next Mayor and Council meeting on April 11, 1988, and expressed the wish that Mr. Douglas Jernigan, Montgomery County Election Board, be present to answer any questions the Council may have.

7. Roald Schrack, 609 McIntyre Road, submitted a statement to the Mayor and Council on a plan for maintaining election records. Mr. Schrack noted that it is necessary for the City to continue making voter information

available at low cost to candidates so that citizens can run for office without the need for large amounts of money. Mr. Schrack believes that in addition to Mr. Wards report, there is a need for more discussion on alternatives. He also pointed out that when Gaithersburg went to County registration, voter activity within that city diminished. Although it is difficult to ascertain cause and effect, Mr. Schrack believes that citizens could identify more with the County than with the City when voter registration is taken over by the County.

Mayor Duncan asked that staff send Mr. Schrack a copy of the four options suggested by the computer information staff for his comments.

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

Re: Approval of Contract for sale of land to William M. Rickman, Red Gate Industrial Park

An agreement has been negotiated with William M. Rickman for the sale of 2.3 acres of land (99,924 square feet) which is located adjacent to the Red Gate Industrial Park and the Red Gate Golf Course. The parcel is part of an 8.2 acre tract which was retained by the City at the time the remainder of the industrial park was sold. The remainder of the land in the tract is used as a driving range for the golf course.

The agreement provides for a purchase price of $655,000 or $6.53 per square foot. The purchase price includes a contribution for the construction of a water amenity on the golf course and for a road to serve the remainder of the tract should such a facility be necessary. An in-house appraisal confirms that the proposed sale price constitutes a fair market value for the land. Other provisions in the agreement include: 1) Retention of all easements and

right-of-way by the City; 2) Relocation and/or adjustment of utilities at the expense of the purchaser; 3) Radix to be the primary tenant; 4) Resubdivision, platting, and recording to be at the expense of the purchaser; 5) All special assessments to be paid by the purchaser.

The purchaser is to provide a deposit of 10% ($65,500) at time of acceptance of the Agreement. The balance of the purchase price shall be paid at settlement which shall take place within twelve (12) months or within twenty-four (24) hours of the issuance of a building permit, whichever is first. If the purchaser fails to settle, the deposit is forfeited.

Staff recommends the Mayor and Council approve the sale of the land to Mr. Rickman by authorizing the Acting City Manager to execute the agreement on the City's behalf to William M. Rickman in the amount of $655,000.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the contract for sale of land at the Red Gate Industrial Park to William M. Rickman in the amount of $655,000.

Re: Adoption of Resolution: To approve Bank Account Signatures - City Attorney's Escrow Account

Resolution No. 6-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 6-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, replacing the name of Helen M. Heneghan with Margaret R. Gearin, City Clerk, as a signatory to the City Attorney's Escrow Account, was adopted by the Mayor and Council.

Re: Award of Bid #57-88 for three 28,000 SVWR Cab and Chassis with option to purchase a fourth vehicle.

The purpose of this bid is to provide vehicles for replacement and

upgrading of existing utility service vehicles that have been in service for twelve years. The upgrading will include diesel power and units will be equipped for operating hydraulic accessories.

There were 34 proposals sent out, four bids were received, with the base bid for the purchase of three units and the option bid for the purchase of four units:

Vendor	Model	Base Bid (3)	Option Bid (4)
1. Dovel & Williams, Inc. 7110 Crain Highway N.W. Glen Burnie, MD 21061	TC7D042	$60,714.99	$80,953.32
2. Davis Buick-GMC Truck 1115 Baltimore Blvd. Westminister, MD 21157	TC7D042	$63,303.48	$84,404.64
3. Criswell Chevrolet Co., Inc. 503 Quince Orchard Road Gaithersburg, MD 20878	C-70	$65,085.00	$86,380.00
4. District International Trucks 5000 Tuxedo Road Tuxedo, MD 20781	1754S	$71,121.00	$94,828.00
		Amount Budgeted:	$90,000.00

Staff recommends award of contract to Dovell & Williams, Inc. for supplying the three cab and chassis plus the optional cab and chassis for the total bid price of $80,953.32.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #57-88, for three cab and chassis, plus the optional cab and chassis was awarded to Dovell & Williams, Inc., in the amount of $80,953.32.

Re: Award of Bid #71-88 for Gypsy Moth Aerial Insecticide Spray Control

The purpose of the bid is to provide aerial spraying of approximately 700 acres to suppress the gypsy moth caterpillar. Proposals were sent to the

three (3) companies licensed by the State of Maryland for spraying in urban areas and two bids were received:

East Coast Helicopter, Inc. Gettysburg, PA	$30.00/acre	$21,000.00
Agrotors, Inc.	$32.00/acre	$22,400.00

Staff recommends that Bid #71-88 for aerial spraying to suppress the gypsy moth caterpillar be awarded to East Coast Helicopter, Inc. for their low bid of $21,000.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #71-88 was awarded to East Coast Helicopter, Inc., to provide gypsy moth aerial insecticide spray control, in the amount of $21,000.00.

Re: Discussion of request by Rockville ARts Place for seed money.

Staff has reviewed a request from Judy A. Greenberg, President of Rockville Arts Place, Inc. (R.A.P.) for a grant in the amount of $24,500. The requested funds would be used as seed money to establish a studio to produce and exhibit works of art and to house education programs in the arts. It is the intent of Rockville Arts Place, Inc. to lease approximately 10,000 square feet of space in the Metro Center for this purpose.

The staff believes, however, that it is premature to grant R.A.P. the entirety of its request at this time. The organization is not sufficiently evolved to undertake the type of activity and responsibility it proposes. Even Ms. Greenberg's proposal indicates that most of the work would, at best, begin in the fall after the preparation of a business plan. Even the availability of space in the Metro Center is months away.

Staff recommends that the Mayor and Council provide Rockville Arts Place, Inc. with an initial grant of $3,500.00 to be used for the preparation of a

business and marketing plan. The source of the grant could be the T.O.P.S. Fund.

The business plan would, in Ms. Greenberg's words, "...contain projections of revenue and expenses for the first two years of operation; personnel requirements for both full-time, part-time and volunteer staff; office, educational, and technical equipment requirements; and levels of time and commitment required of the principals to make a success."

With step 1 of their proposal, a completed business plan in hand, estimated at $3,500, R.A.P. should return to the City to request the remainder of the grant, detailing the feasibility of its proposal and the steps it will take to implement its plans. City staff and Mayor and Council alike will then have benefit of more substantive data to use in evaluating the overall proposal.

In anticipation of that event, the Mayor and Council could address the issue again during budget sessions and might appropriate the remaining $21,000 in the FY 89 budget to be expended subject only to approval of project feasibility as described in the business and marketing plan.

On the motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council granted to R.A.P. $10,000.00 in seed money which was the amended request by Ms. Greenberg during Citizens's Forum.

Councilman Coyle added that R.A.P. should appeal to other resources in the community and hoped for support from the business community. Mayor Duncan congratulated the group and asked for a copy of their initial fund raising plan and asked them to revise their total requirements and return at budget time with an updated request. Mayor Duncan added that R.A.P. will be a tremendous addition to the Town Center.

Re: Adoption of Ordinance to amend Section 1-101 of Chapter 14D entitled "Building Restriction Lines" of the "Laws of Rockville' to provide that the setback requirements of this section do not apply to underground parking facilities and to amend Section 1-108 of Chapter 14D of the "Laws of Rockville" to provide exceptions for canopies and structures which are an integral part of the landscaping.

Ordinance No. 7-88

Councilman Abrams asked the Planning staff if there were any projects that would be affected by this ordinance. Mr. Larry Owens, Acting Director of Planning, replied that several gas stations on Rockville Pike had inquired about the use of canopies and they would be permitted to file for Use Permits. Mr. Owens also noted that one office property may take advantage of the amendments to the underground parking regulations.

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 7-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending Section 1-101 of Chapter 14D entitled "Building Restriction Lines" of the "Laws of Rockville" to provide that the setback requirements of this section do not apply to underground parking facilities and to amend Section 1-108 of Chapter 14D of the "Laws of Rockville" to provide exceptions for canopies and structures which are an integral part of the landscaping, was adopted by the Mayor and Council.

Re: Adoption of Ordinance to grant Text Amendment Application T-61-84, Planning Commission, Applicant, to amend the table of uses in the C-1 Zone.

Ordinance No. 8-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 8-88, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending the table of uses in the C-1 Zone, was adopted by the Mayor and Council.

Re: New Business

1. Councilman Coyle reported that he had received phone calls concerning a fire hydrant that did not function in the West End and reassured citizens that if such a situation occurred during a fire alarm, the fire department would always have a back up hydrant in mind to handle the situation.

2. The Council thanked the staff for the report on services by the City to individuals and families in need. Councilman Robbins asked the staff to analyze the extent of the homeless problem in Rockville, particularly in David Scull Courts, and to give recommendations on how to improve the situation during the upcoming budget hearings.

3. The Mayor and Council congratulated City Hall employee Rusty Wallace who has served Rockville for many years. Mr. Wallace will be transferring to Montgomery County's Family Resources Department, Division of Children and Youth. The Mayor and Council wished Rusty well in his new position. The Council also congratulated Ellen Elow-Mintz, Senior Budget Analyst, who has been asked to present some of the latest technology to the Government Finance

Officers' Association of the United States and Canada (GFOA). She will be a guest speaker at the Annual Conference on May 1-4 in Atlanta, Georgia.

The Mayor and Council also noted that Diane Fogash, (Wellness Director, City of Rockville) and Linda Warren (Wellness Director, Montgomery County Health Department) have submitted a joint proposal to present the Fast Tracker Walking Club Program at the national Wellness in the Workplace conference in May. Their proposal has been accepted and, their presentation is scheduled for a pre conference workshop; and that Police Officer Jeff Parke was thanked by a citizen for his extra effort in helping her out of a difficult situation.

4. Councilman Abrams asked staff to have a representative from Cable T.V. to produce a visual explanation of the method the company is using to reconstruct its cable service. Councilman Abrams asked if this could be presented to the Mayor and Council. Mayor Duncan asked that the demonstration be taped and shown on cable T.V. rather than demonstrated at a Council meeting.

5. Councilman Abrams asked staff to check a report that he received in a letter from a resident of Tildenwood Drive asking that the police enforce permit parking on Tildenwood Drive, which is currently being abused on the weekends by members of St. Elizabeth's Church.

6. Councilman Abrams asked staff to check on a report that St. Raphael's Church is planning to build housing for the elderly on their property similar to St. Mary's House, and expressed concern that the neighborhood be notified of any such plans.

7. Councilwoman Hovsepian requested the following:

a. The Department of Community Development review the need for a resolution on rent increases. Mayor Duncan noted this item will be on the

April 11th agenda.

b. Staff analyze Roald Schrack's letter on community television and find out if Rockville's television will be affected by the reduction of $400,000 in the Montgomery County television budget.

c. Staff check on Chesapeake and Potomac Telephone Company's proposal to freeze the cost of basic services to the customers.

d. Staff explore the possibility of a youth center in Rockville, similar to one she had seen in Pinneberg, West Germany.

8. Councilman Coyle reported that some effort has been made to improve the safety of the students at Wootton High School. Consideration is being given to installing a cross-walk near the entrance to Wootton High School, as well as an asphalt walk-way from the parking lot to meet the cross-walk. Councilman Coyle also commended the volunteers who run the busy tax assistance program at City Hall. Mayor Duncan suggested recognizing this program and it's volunteers at a future meeting. The Mayor also asked that staff to provide the Council with a new schedule of police services.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 9:10 p.m. to convene again in Executive Session on Tuesday, March 29, 1988, at 7:30 p.m. or at the call of the Mayor.