APPROVED: Meeting No. 28-93

ATTEST: Paula S. Jewell

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 26-93

July 12, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 12, 1993, at 7:33 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Dave Robbins

ABSENT

Councilmember James F. Coyle (On travel)

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. There have been a number of changes made at the old Pier One shopping center building. The owners have changed the parking configuration; the new parking lot which is more controlled is on a pay system and will accommodate 180 spaces.

2. The City's Development Review Manual has been completed and contains in one place all of the processes and information that people need to know about the review process.

3. The "No Turn on Red" sign has been removed from the intersection of Maryland Avenue, Falls Road and Potomac Valley. Mr. Romer noted that the red arrow was still in place; however the right turn arrow would soon come down and the traffic signal will be reconfigured. Other configurations will include a yield sign that will be put in place of the red arrow and State Highway has talked about making some physical changes to make the intersection more user friendly.

4. The City's playground program's annual Carnival Night will be held on July 14th, from 6 to 8 p.m.

5. The City's fan drive has been a huge success; there have been 30 new fans donated by individuals and organizations in the community and these will be placed in the homes of those who can benefit from them.

Re: Presentation of appreciation plaques and/or certificates to the financial sponsors of the 1993 Hometown Holidays.

Through sponsorship, donations of approximately $75,000 were collected from area businesses to support Rockville's largest community event.

Mayor Duncan commented that this year was the City's best Hometown Holidays celebration. He noted that a large part of the success was due to the work done by the Chamber of Commerce. The Mayor and Council then presented appreciation plaques and certificates to the financial sponsors of the 1993 Hometown Holidays.

Helen Heneghan, President, Rockville Chamber of Commerce,commented that it was a pleasure for the sponsors to take part in the public and private accomplishment of Hometown Holidays and it showed how in working together, good things could be accomplished in Rockville.

Re: Presentation of proceeds check in the amount of $4,093.23 to the Rockville Jaycees as co-producers of the 1993 Hometown Holidays.

As in prior years, the Jaycees have provided major support in the production of Hometown Holidays.

Mayor Duncan noted that the Jaycees run the parade every year as well as operate the liquid concession stands as a way to raise funds for their organization.

Micky Taft, President, Rockville Jaycees commented that Hometown Holidays was one of the biggest and most important events that the Jaycees were involved. He said the proceeds would be used to fund many of their various projects.

Re: Presentation of Annual Report by Board of Appeals.

Each year, the Board of Appeals prepares an Annual Report on the cases it has undertaken. The Board will present its 1992 Report to the Mayor and Council.

Dennis Kelly, past Chairman of the Board of Appeals, and present Chairman, Jim Moone, and members Karen Lechter and Alan Sternstein presented the 1992 Annual Report. Mr. Kelly said that the Board had functioned in a very efficient manner in 1992 and he acknowledged Tyler Tansing, the Board's secretary and Planner, Castor Chasen for their help. Mr. Kelly reported that in 1992, the Board met 10 times and heard 46 cases. He said the rules of procedure were amended to provide procedures to modify conditions of approval; one of the Board's recommendations was to amend the 1990 Zoning Ordinance to permit accessory apartments only by special assessments

in respected residential zones. Mr. Kelly said the Board was recommending that property owners in the City be informed that all single family detached dwellings with accessory apartments which did not exist prior to enactment of Zoning Ordinance, must file special exception applications with the City's Planning Division for review and approval by the Board of Appeals, through the public hearing process.

Councilmember Marrinan suggested that the Board's recommendations be published in Rockville Reports.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Pat Kane, President, Montgomery County Association of Realtors reported on the REACH program kick-off and press conference held July 9th. He said that since the press conference, the Association visited 300 offices, passed out many brochures and applications and mailed out another 46 applications and brochures.

2. Zole Radner, Potomac Woods Civic Association said that he had been active in zoning matters for over 20 years and referencing Agenda Item #14, the Resolution authorizing the execution of the Transition and Development agreement, Mr. Radner asked whether the City could express to its Planning Commission the idea of having a heliport in the downtown area. Mr. Radner commented that having a heliport would offer a competitive advantage to attracting and keeping businesses in the City.

Mayor Duncan responded that there had been discussions previously about having a helistop in the downtown area; he said that the Mayor and Council at that time kept that capability in

the zoning for downtown. Mayor Duncan also noted that careful consideration would have to be given to any such request. Mr. Radner said he would volunteer to be part of any planning study on this issue.

3. Lathania Knight, student at Technical Education Center, commented that the Mayor had failed to apologize to the students of the Center for the inappropriate actions which she alleged were made by Mayor Duncan during the Memorial Day parade. Ms. Knight threatened to take legal action against Mayor Duncan.

4. Yon Kim, Owner of Larry's Cookies said that because of the planned demolition of Rockville Metro Center where his store was located, he would lose his family business. Mr. Kim said that he had 8 years left on his 10-year rental lease and that RCI did not take care of their tenants. Mr. Kim urged the Mayor and Council to help the tenants in this matter.

Councilmember Marrinan asked if RCI had offered to help Mr. Kim in relocation efforts. Mr. Kim responded that he was given an offer to move his store to the Phase One location; however he said his store was a convenience store, and the competition and rents for being located in that part of the mall would not help his business.

Mr. Robbins asked that the City Manager comment later on any efforts that were made to help relocate Metro Center tenants.

5. Helen Heneghan, President, Rockville Chamber of Commerce said that the Chamber maintained its support for the redevelopment of the Rockville Mall. However, she said there was still the primary concern that the agreement continued to grant RCI redevelopment rights for 20 years. Ms. Heneghan suggested that Section 16 and 5 be deleted from the agreement so that the City would not be subject to any liability of default under the agreement and future Mayors and Councils

would have flexibility in the exercise of its planning and zoning authority. Ms. Heneghan also urged the City to negotiate any tenant lease buy-outs in a fair and equitable manner.

6. Eugene Rudder, Director, Student Services, Technical Education Center commented that he found it ironic to be witnessing a City government that had decided to arbitrarily make some decisions about the City of Rockville.

7. Randy Slovic, President, Sierra Club said that the Sierra Club was opposed to the plan as it was currently written; they still believed there was no adequate mix that would make the best use of the nearby Metro station. Ms. Slovic commented that good land use decisions would have to be made if reductions in air pollution were to be accomplished.

8. Stan Klein, 7 Lorre Court, presented a statement of the Alliance of Rockville Citizens Executive Committee. Mr. Klein thanked the Mayor and Council and City staff for organizing materials and soliciting another round of comments from the public. He said that he believed that the proposed agreement reflected diligent efforts to meet all concerns that had been raised, and he said the Alliance supported the City's signing of the proposed agreement.

9. Robert Castille, Manager, Breakers Billiards commented that when his father signed the lease for their business, they were told that Rockville Metro Center was going to be a retail mall; he said that his family has seen their dream turn into a nightmare and he asked the Mayor and Council to reconsider the decision to tear down the mall.

10. Thomas O'Malley commented that he was concerned about the proposition because he did not think there had been a fair and impartial hearing on the proposal. Mr. O'Malley commented that the Mayor and Council had lost sight of the original goal to improve the condition of

mall; he asked what assurances did the City have that the developer would complete the structure and not leave the City with an eyesore.

11. Steven Bradbard, School Director, Technical Education Center said he was active in the Citizens To Save Downtown Rockville Committee and he said there were a lot of unhappy individuals who spoke this evening. Mr. Bradbard commented that the Mayor had not been forthright and ethical in his dealings with the City. Mr. Bradbard referenced Ms. Knight's allegation and said that the Mayor had lied when he denied his actions.

12. Alice Kelly, West End Neighborhood thanked the Mayor and Council for putting themselves out on the line and taking comments from persons who had questionable motives and involvements. Ms. Kelly said she found the Mayor and Council to be citizens who tried to do what they felt was best for the City. She said the process provided many opportunities for the public to comment and said that it was unfortunate that business owners were in a critical situation; however the mall had been a failure for years. Ms. Kelly urged the Mayor and Council to vote favorably on the resolution authorizing the contract.

13. Mark Ward, Breakers Billiards employee commented that he opposed the plans for the mall; he said it was wrong to develop something based on one man's dream.

14. Scott Van Wagnen said before the demolition took place, it would be nice to see steps taken to make the mall more presentable and to attract new businesses.

15. Bob Castille, owner/operator of Breakers Billiards commented that he had eleven and one-half years left on his lease. Mr. Castille noted that he had received many comments that Breakers was a nice clean asset to the mall. He said people were not disappointed with his business, but the mall itself was not user friendly because everyone had difficulty in locating the mall and the

businesses located in the mall. Mr. Castille also said that Breakers was the most profitable business in the mall until the "Tear It Down" banner was hung. Mr. Castille said that the tenants wanted to be dealt with fairly and the Mayor and Council should amend the agreement to require that RCI deal equitably with tenants.

16. Seamus Costello, owner, Hagan's Four Courts asked that the Mayor and Council not use their powers of eminent domain to evict the mall tenants; he said that RCI was not dealing with tenants fairly.

17. Clark Smith, Montgomery County resident, said the issue went beyond the demolition of bricks, pavement and concrete; he said that a lot of families were formed in Metro Center and to watch those families be destroyed was beyond him. Mr. Smith said he disapproved of the entire project.

18. Richard Thorp, President, Technical Education Center and Chair, Citizens to Save Downtown Rockville Committee, noted that the center was not a large business and since January, they had lost $680,000 in revenue and were now laying off personnel. Mr. Thorp referenced the petition drive opposing the agreement and said that members of Citizens To Save Downtown Rockville would closely follow the project. Mr. Thorp also said that the Mayor's comments made to the press denying the Memorial Day incident were lies. He continued his comments with statements that City staff and the Mayor and Council had mishandled negotiations and the publicity campaign. He also posed questions regarding what he deemed to be conflicts of interest between the Mayor and Council and RCI and said that he would call for a grand jury investigation into the matter and initiate a recall petition on the elected officials. Mr. Thorp insinuated that Councilmember Coyle's absence from the evening's Council Meeting was a clever way to avoid this issue. Mr. Thorp also suggested

that the agreement should at least be amended to require RCI to buy out the tenants' leases.

19. Robert Northrop, baseball coach for RBBA presented a statement to the Mayor and Council regarding a recent incident in which a game his team was playing, was forfeited by a City umpire. Mr. Northrop said the allegations that were made against him and his team were proved to be false and that his team was not given fair play and he was not given due process with the Protest Committee.

20. Dan Fahey said he disagreed that the mall should be built at all because the tenant residents of the mall were being kicked out which was a travesty. Mr. Fahey also said that he believed that no serious marketing study was done to bring people in to the plan and decision making process, and he said that this was done intentionally by RCI.

21. Jim Whalen, representing Victoria Condominium Association said that when he had previously brought up concerns regarding the structural integrity of the mall, RCI quickly and fairly took care of the problem. He said it pained him to see the emotionaly decisiveness in Rockville; however, what needed to be done, needed to be done immediately and he wished the Mayor and Council good luck.

Re: Appointment - Science, Technology and Environment Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Frank Anastasi was appointed to serve on the Science, Technology and Environment Commission.

Re: Appointments - Advisory Commission on Public Education

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed,

Richard Rothenberg and Lee Burstyn were appointed to serve on the Advisory Commission on Public Education.

Re: Appointments - Traffic and Transportation Commission

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, John Borden was reappointed and Russell I Brown was appointed to serve on the Traffic and Transportation Commission.

Re: Appointments - Retirement and Disability Board

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Daniel Milway was appointed to serve as Chair and Allen Gorrelick was appointed to the Retirement and Disability Board.

Re: Appointment - Cultural Arts Commission

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, George Northway was reappointed to a two year term on the Cultural Arts Commission.

Re: Approval of Minutes

Councilmember Marrinan noted that on page 3 of the minutes of Meeting No. 21-93 (May 25, 1993), the Mayor and Council had agreed to add an additional $18,000 to the City Manager's recommendation of $15,000 for a full amount of $33,000 for the Home Health Care for the Elderly program. Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, with Councilmember Robbins abstaining, the minutes of Meeting No. 21-93 were approved as corrected.

Councilmember Marrinan noted a correction on page 2 of the minutes of Meeting No. 22-93, May 26, 1993. He clarified that his comments were that an engineer's estimate for fixing the garage and restoring it to a functional and safe operation would cost the City in excess of $3.8 million dollars. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, with Councilmember Robbins abstaining, the minutes of Meeting No. 22-93 (May 26, 1993) were approved, as corrected.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 23-93 (June 1, 1993) were approved.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, with Councilmember Marrinan abstaining, the minutes of Meeting No. 24-93 (June 14, 1993) were approved.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, with Mayor Duncan and Councilmember Robbins abstaining, the minutes of Meeting No. 25-93 (June 21, 1993) were approved.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Items A, B, and C; Councilmember Krasnow requested the removal of Item H. Upon motion of Councilmember Marrinan; duly seconded and unanimously passed, the following Consent Agenda items were approved:

(D) Award of sole source requirements contract to G.L. Cornell, Inc. for parts and repairs to specialty equipment, including aerators, blowers, mowers, irrigation equipment, sprayers, and small tractors, in the amount of $50,000.

Sufficient funds have been budgeted in the Recreation and Parks budgets for this award.

(E) Approval of procurement of software maintenance for the City's payroll system and report writer from American Management Systems on a sole source basis for FY94.

These services provide product warranty, problem resolution services and updated software releases, as well as technical bulletins and membership in the AMS User's Group. Funding for this procurement is included in the FY94 appropriation for account #110-700-0801-0214.

(F) Approval of a proposal by the Potomac Electric Power Company (PEPCO) to furnish and install street lights and electrical service thereto on Marcus Court, Leonard Court, and Potomac Valley Road for the flat sum fee of $21,708.

This PEPCO proposal will provide standard post-top street lighting (70 watt HPS) on three streets, including 4 lights on Marcus Court, 4 lights on Leonard Court, and 4 lights on Potomac Valley Road.

(G) Acceptance of Text Amendment Application T-136-93, Rockville Planning Commission, Applicant.

Amendment to the use permit provisions of the Zoning Ordinance so as to establish a maximum eight year time limit on implementation of any use permit for a development consisting of more than one building.

(I) Introduction of Ordinance to Adopt Text Amendment Application T-135-93, Rockville City Centre, Applicant.

Amendment to the Zoning Ordinance so as to allow pet grooming, veterinary office, and dry cleaning as permitted uses in the Town Center Office, Two (TCO-2) Zone.

Re: Items Removed from Consent Agenda:

(A) Approval of requirements contract for Masonry Maintenance #34-93 to Rosa's Contracting, in the amount of $18,000 annually.

The City's contract for masonry maintenance services is renewable for year 1994 and one option year. Funds for this award are budgeted in Recreation and Parks Operational and CIP Budgets.

(B) Award of Bid #95-93 to Pogo Tree Experts for Tree Removal Services and Cancellation of Prior Award of Bid #72-93 to Fairfax Tree Service.

Sufficient funding for this award is allocated in the Recreation and Parks Department Budget.

(C) Award of bid #6-94 for Loading, Hauling and Disposal of Road Debris to A & M Unlimited of Edgewater, Maryland for the low bid of $23,750; and authorization of the Director of Public Works to approve continuation of this program for the two option years subject to the appropriate funding.

Sufficient funds have been budgeted for this award, providing for the removal of 5,000 tons of road debris per year.

Councilmember Marrinan had requested that Items A, B, and C be removed from the agenda in order to comment that the range of bids that came in was very wide and he said it raised the question with the three separate contracts, whether those individuals bidding were using the same background information. Mr. Marrinan asked if there was a need to clearly write bid specs so bidders better understood what they were bidding on.

City Manager Romer responded that such wide ranges were not unexpected in volatile economic situations; he said that although he was sure there were no concerns expressed by bidders, he would have staff take at look at this.

Councilmember Krasnow commented that she had somewhat the same reaction about the wide range of bids. She asked that staff indicate on contract awards, whether references were checked on the bidders. Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, the requirements contract for Masonry Maintenance #34-93 to Rosa's Contracting was approved.

Upon motion by Councilmember Robbins, duly seconded and unanimously passed, Bid Award #95-93 to Pogo Tree Experts was approved.

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, Bid Award #6-94 to A & M Unlimited of Edgewater, Maryland was approved.

(H) Acceptance of Text Amendment Application T-137-93, Joseph A. Lynott, Attorney for Federal Realty Investment Trust, Applicant.

Amendment to the parking requirements of the Zoning Ordinance so as to establish a separate parking standard for shopping centers.

Councilmember Krasnow had requested that Item H be removed from the agenda to comment on the amendment to the parking requirements of the Zoning Ordinance to establish a separate parking standard for shopping center. She asked that staff comment on this idea.

Larry Owens, Chief, Planning Division, responded that the text amendment had been presented on behalf of the owners of Congressional Plaza. He said that staff was aware that the Center had a great deal more parking than was utilized so it seemed reasonable to transmit the request for the text amendment to the Planning Commission. Mr. Owens noted that staff's recommendations on this proposal would be presented later when the matter returned to the Mayor and Council for public hearing.

Upon motion by Councilmember Krasnow, duly seconded, Text Amendment Application T-137-93 was accepted.

Re: Adoption of a Resolution to create a Permit Parking District on the 800 block of Twinbrook Parkway, from Shetland Street to Marshall Avenue.

Effective hours would be 8:00 a.m. to 8:00 p.m.

Resolution No. 18-93

Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, the Resolution creating a Permit Parking District on the 800 Block of Twinbrook Parkway, from Shetland Street to Marshall Avenue was adopted.

Re: Approval of waiver for on-site SWM for the construction of a single family house at 204 Harrison Street in the Cabin John drainage area, and the acceptance of $2,800 contribution for the off site SWM fund.

The runoff from this site is conveyed to the Rockville Heights SWM facility. Waiver category: I-A-I.

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the waiver for on-site SWM for the construction of a single family house at 204 Harrison Street and the acceptance of $2,800 contribution for the off site SWM fund were approved.

Re: Adoption of Resolution to enlarge the corporate boundaries of the City of Rockville to include 6.98 acres of land, more or less, of James W. Wilcoxon and Teresa L. Wilcoxon.

To enlarge the corporate boundaries of the City of Rockville by annexation of two parcels of land totaling to 6.98 acres located at the intersection of Southlawn Court and Southlawn Lane.

Resolution No. 19-93

Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, the Resolution to enlarge the corporate boundaries of the City to include 6.98 acres of land, more or less was adopted.

Re: Introduction of Ordinance to amend the Zoning Map by adding 6.98 acres of land, more or less, of James and Teresa Wilcoxon, and placing said property in the I-1 Service Industrial Zone. Annexation Petition X-114-93,

Joseph A. Lynott, Attorney for James and Teresa Wilcoxon, Petitioners.

To establish I-1, Service Industrial zoning upon annexation of two parcels of land totaling to 6.98 acres located at the intersection of Southlawn Court and Southlawn Lane.

Upon motion by Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance amending the Zoning Map by adding 6.98 acres of land, more or less was introduced.

Re: Adoption of Resolution to authorize execution of a Transition and Development Agreement between the City and Rockville Center, Inc. for the Town Center redevelopment project.

This agreement sets forth the relationship between the City and RCI for the demolition of portions of Rockville Metro Center and construction of new parking facilities, streets, and other infrastructure in the Town Center.

Resolution No. 20-93

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the Resolution authorizing the execution of a Transition and Development Agreement between the City and Rockville Center, Inc. for the Town Center redevelopment project was adopted.

City Manager Romer acknowledged some of the history and events that led to the action before the Mayor and Council. He said that the project grew out of a notion of the owners of the Mall and a challenge by the Mayor in 1992, to come up with a new plan. Mr. Romer said that the owner formulated plans for the redevelopment project and presented them to the Mayor and Council in

a press conference on January 11, 1993. The Mayor, Council and staff had all participated in a number of different forums which included meetings with civic associations, governmental agencies, and economic related groups. Mr. Romer noted that the Planning Commission had held several meetings and hearings on the proposal and on February 23, the Mayor and Council conducted a public hearing on the project and directed that the record be kept open for a period of time which was later expanded and adjusted. Mr. Romer said various presentations continued during March and April and the first draft of the agreement was circulated in April and the Mayor and Council conducted a public information meeting on April 29th. Mr. Romer commented that from staff's perspective, careful notes were taken and every effort was made to incorporate and address the various comments and concerns received. Mr. Romer said that on June 25th, the second and final draft of the agreement was circulated and this was the current proposed agreement before the Mayor and Council. He then summarized those issues that were identified and embodied in the agreement.

Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the record was reopened to incorporate all correspondence received from the date the record last closed to the present.

Councilmember Krasnow said she had thought long and hard about the issue and she analyzed the many documents and listened closely to comments made. Ms. Krasnow said she could understand why many untrue comments were stated by those who felt their livelihoods were threatened. She said she has had to look back at her own fears of entering the garage and wondering why there was no one was in the movie theater. Ms. Krasnow said that she came to the conclusion that the mall would not work and would only be a hindrance to the City. She said both sides were in fear that each other would not live up to the agreement; however, she said it was a good agreement and it gave the City some real hope for the future. Ms. Krasnow said it was important to go ahead with the agreement for the future of Rockville and therefore she would support the Resolution.

Councilmember Robbins said he had talked to a large number of Rockville residents over the last several months and the issue went beyond the 4-5 businesses affected; he said he shared the concern about the relocation of those mall businesses that would be affected, and he urged the City to help those tenants. Mr. Robbins said he came to the conclusion about what downtown Rockville would look like; he said that skepticism and anxieties did exist and these were based on the history of the mall. He said the mall was a historic and present day failure that would never succeed and only prevent downtown from thriving. Referring to the comments heard earlier, Mr. Robbins encouraged the City to do everything possible to help current mall tenants. He said the agreement provided the City with a vehicle to remove expeditiously a failed structure and he said he would support the Resolution and he believed that in the months and years ahead, future Mayors and Councils needed to be proactive and provide leadership for this project. Mr. Robbins also said that he was more than satisfied with the process; real efforts were made to take public comments seriously. Mr. Robbins said he took exception to Mr. Thorp's comment that Councilmember Coyle was clever in not being present at this meeting; Mr. Robbins said that this was an unfair characterization of Mr. Coyle's character and was completely untrue.

Councilmember Marrinan noted that there were many comments made this evening that the mall as it currently existed was not user friendly. He said the tax base of commercial property in the downtown area plummeted in the past year because of the deteriorated mall and the mall itself became a hazard and safety issue. He emphasized that according to an engineer's estimates, that in order to fix the structure to make it a functional and safe operation, it would cost the City more than $3.8 million dollars. Mr. Marrinan stated that it was time for the City to move on and to recognize that the mall was a failure and needed to be torn down to make downtown a better place to live. Mr. Marrinan said that he supported the process taken and that the issue received a fair hearing. Mr. Marrinan commented that the Mayor and Council had received a number of

communications signed by Mr. Thorp which raised questions on whether any member of the Mayor and Council had received contributions from the developers of any sort. Mr. Marrinan emphatically stated that the answer to each question was no, and he said he found the question offensive. He asked that RCI redouble their efforts to come up with an equitable settlement for the mall tenants; especially for the family oriented businesses.

Mr. Marrinan also said he found the comments made about Mayor Duncan to be personally offensive; he said the Mayor worked very hard and tried to do what was correct and to do everything in an open manner. He said that no public official should have to listen to the offensive type of remarks made.

Mayor Duncan noted that Councilmember Coyle's absence was due to a trip where he accompanied his son to attend college orientation in Flordia. Mayor Duncan then read a statement that Mr. Coyle had prepared thanking those who had participated in the process and expressing his support for the proposed agreement.

Mayor Duncan commented that the key question was what was best for the City and downtown Rockville; he said he was convinced that the only way to restore downtown Rockville and renew its vitality was to tear down the mall and that he wholeheartedly supported the agreement.

Re: FYI/Correspondence

1. Councilmember Marrinan commented that the Independence Day activities brought out a good crowd that was estimated between 50-55,000 people. He noted one incident where an attendee of the fireworks display had received some debris in the eye and he asked for a follow up from staff on the condition of that individual.

2. Councilmember Marrinan added his congratulations to Police Officer Bob Wisda and he noted that the letter from Jeffrey Becker commending Mr. Wisda was very appropriate as his own

personal dealings with him showed him to be an exemplary officer in the area of neighborhood services.

3. Councilmember Krasnow requested that the City of Rockville be listed as a participant in the County's July 29th hearing on the cable franchise agreement. Mr. Romer noted that the hearing was being set up as an interactive public hearing where elected officials from all of municipalities could call in to participate. Mayor Duncan asked that the City Manager find out whether the City could actually participate in person at the hearing.

Re: New Business

1. Councilmember Marrinan mentioned that the Mayor and Council had recently participated in the Maryland Municipal League annual meeting. He commented on the presentations and sessions given and said they were excellent presentations. Mr. Marrinan noted that the most impressive session was given by Ted Gaebler on "Reinventing Government" which he said presented new ways to govern and to make tax revenues. Mr. Marrinan also commented on the session dealing with "Council and Staff Relations" that featured Councilmember Coyle as a guest speaker, and other sessions including one that involved Davis Kennedy, former editor of the Rockville Gazette.

3. Councilmember Robbins noted that with school hours changing at Fallsmead Elementary, the City had received a request from the PTA to see if a morning STEP program could be established. He noted that such a program would be self supporting and he asked staff to look into this.

4. Councilmember Krasnow noted that she had attended the Hispanic Festival at Montrose Park on July 11th and there were approximately 5,000 people in attendance. Ms. Krasnow said that she had talked with Hispanics United for Rockville (HUR) about bringing the organization more into line with the City's efforts and HUR was receptive to this idea.

5. Councilmember Krasnow mentioned that Route 28 was finally repaved and she asked what the status was on the sidewalks and whether the City was planning an opening ceremony. Mr. Romer responded that the ceremony would take place once everything was completed; he said there was still some final grading, striping and clean up to take place.

6. Mayor Duncan commented on the walk-through that was conducted of College Gardens and said that he talked with citizens about marking nature trails and placing identification markers through the forrest. Mayor Duncan proposed that the City form a park/woods committee that would work with Recreation staff and the Recreation and Park Advisory Board to make recommendations on what to do with park property once the City obtained it. He requested that staff put a notice about the committee formation in Rockville Reports.

Mayor Duncan also asked that an article be put into Rockville Reports notifying residents of the new process for those who are unable to register for camps on Saturday due to religious reasons or handicap accessibility problems.

Re: Next Meeting

A public hearing will be held on July 19th on Text Amendment T-134-93 regarding encroachments permitted for covered steps, stoops and porches.

Re: Adjournment

Upon motion by Councilmember Robbins, duly seconded and unanimously passed, the Mayor and Council adjourned at 10:20 p.m. to reconvene in Public Hearing on July 19, 1993 or upon the call of the Mayor.