APPROVED: Meeting No. 14-94

ATTEST: Paula D. Jewell

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 11-94

March 28, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on March 28, 1994, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

ABSENT

Councilmember Rose G. Krasnow (on holiday leave)

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

Re: City Manager's Report

1. Mr. Romer reported on his participation in a recent meeting with the International City Manager's Association, Senator Glenn, and Senator Kempthorn to discuss strategy for moving forward legislation on unfunded mandates. Representatives from the National Conference of State Legislators, U.S. Conference of Mayors, and the National League of Cities also participated.

2. The City conducted a very successful public information meeting on March 24th regarding the Cabin John Watershed Plan. Mr. Romer said the initiative, started about a year ago, is one of three plans to be completed within the City. Two dozen interested citizens came and heard COG's presentation and participated in a lively and informative question and answer session. A

summary of the topics discussed will be prepared for the Mayor and Council and others interested in the issue. The record will be kept open for at least 4 weeks for those who wish to provide additional information or who have additional questions. The draft [illegible] will then be submitted to State regulatory agencies for their review. There may be another pubic informational meeting planned for the fall with an opportunity for the Mayor and Council to consider adoption of the final watershed plan in the late fall or spring of 1995.

The City has successfully concluded a three-year process and had achieved full accreditation as a law enforcement agency granted by the Commission on Accreditation of Law Enforcement Agencies. This weekend, the City participated in final presentations and oral interviews in New York City and is now a fully accredited law enforcement agency. Mr. Romer said he and Police Chief Tre[illegible] presentation banquet along with Lee Potter, the City's accreditation manag[illegible] Rockville becomes the 289th agency receiving accreditation and the Mayor and Council were planning a reception in celebration, on April 12th, from 5:30 to 7 p.m. at the Red Brick Courthouse.

Re: Presentation of Certificate of Appreciation to Sandra Crewe, Executive Director, Rockville Housing Authority.

Sandra Crewe, Executive Director from 1984 to 1994, is resigning April 1st to accept a position with the Prince George's County Department of Housing and Community Development. Mayor Coyle highlighted some of Ms. Crewe's accomplishments during her tenure as Executive Director, during which time many housing authority programs were [illegible] and greatly improved upon.

Ardell Hilliard, Chair of the Housing Authority Board of Commissioners, said Ms. Crewe created a bridge which had expanded into other opportunities and initiatives in the community and she expressed her own appreciation for Ms. Crewe's contributions.

Ms. Crewe thanked Ardell Hilliard and other members of her staff who she said were truly the backbone of the RHA. She thanked the City for its support and said there was still a lot to be accomplished. She also thanked Assistant Chief of Economic Development, Ed Duffy, and said she would miss the Rockville community which had become part of her extended family. Ms. Crewe then introduced members of the RHA staff, Jan Brown, Jacqueline Brooks and Donna Tucker; Ms. Tucker will be serving as acting director of the RHA.

Re: Proclamation declaring the month of April, 1994 as **FAIR HOUSING MONTH** in Rockville.

Proclamation No.3-94

Upon the request of the Mayor, Councilmember Dorsey read the Proclamation. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the month of April, 1994 was declared "Fair Housing Month" in Rockville. The full text of the Proclamation can be found in Proclamation File No. 7 of the Mayor and Council. Bernie Tetreault, Chairman of the Montgomery County Interagency Fair Housing Coordinating Group accepted the Proclamation and extended to the Mayor and Council, an invitation to take part in a County fair housing month observance on "Equality and Economics in Home Financing" on April 21st.

Re: Proclamation declaring the week of April 3-10, 1994, as the **DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST.**

Proclamation No.4-94

Upon the request of the Mayor, Councilmember Weisbroth read the Proclamation. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the week of April 3-10, 1994 was declared "Days of Remembrance of the Victims of the Holocaust" in Rockville. The full text of the Proclamation can be found in Proclamation File No. 7 of the Mayor and Council. Rabbi Jonathan Schnitzer, of Temple B'nai Israel accepted the Proclamation.

Re: Presentation and report to the City of Rockville by Rockville Elks Lodge.

Jose Rosales, Exalted Ruler and Bruno Paluch of the Rockville Elks, presented a plaque expressing appreciation to the City of Rockville's Department of Recreation and Parks, for its participation in the 1994 Hoop Shoot Contest. The Hoop Shoot winners, Trevor Davis (Beall Elementary School) and Katie Greenberg (St. Mary's Team) represented Maryland, Delaware and Washington, DC at the Southeast Hoop Shoot Regional Finals on 3/19/94 and were presented with Certificates of Congratulations from the Mayor and Council.

Re: Presentation by Ralph Deckelbaum regarding the proposed Montgomery Conference Center.

Ralph Deckelbaum, President of the Montgomery County Conference and Visitors Bureau said he was also President of a company formerly involved in the building, owning and operating of Crowne Plaza. He briefed the Mayor and Council on the Conference Center's attempts and studies to locate a conference center in Montgomery County.

Mr. Deckelbaum said that the Feasibility Study proceeded underway and as a result, a report distributed a month ago indicated it is positive that it a conference center was needed in Montgomery County. Such a center would pick up where the existing hotels in the County left off and would have to accommodate a couple of thousand people and not compete with the conference centers

in Washington and Baltimore. The study recommended a facility approximately 200,000-300,000 gross square feet with an estimated price tag of $70 million dollars. Mr. Deckelbaum said that site selection had not begun, however, the preliminary criteria called for 5 acres of land, within 3/4 mile of a metro center or a major interstate highway and with at least 500 hotel rooms already in existence in order to service the conference center. The study identified four possible areas for the facility: Bethesda, Rockville, Gaithersburg, and Silver Spring. The Bureau is trying to get additional funds to go forward with site selection which is the next phase of the study. However there was a feeling by the Bureau that "what if" questions needed to be posed to the consultants; i.e., what would happen if the size of the facility was reduced. Once answers were obtained, they will finalize the absolute minimum size of the site and site selection will be made by the expert they retained, Price Waterhouse and Consultation.

In the next phase, funding of approximately $800,000 for the next year will be sought. The Bureau hopes the State will contribute approximately $500,000; the County $200,000 and the private sector $50,000. Mr. Deckelbaum said the major stumbling block is the State because part of the Governor's supplemental capital budget and operating budget had not passed the legislature. The money would be used to get further studies on the site completed along with preliminary drawings, value engineering, and cost estimating. Mr. Deckelbaum noted that the report given to the Mayor and Council outlined the economic basis and viability of the project and he invited the Mayor and Council's questions. In response to Councilmember Marrinan's question regarding a timetable for the project, Mr. Deckelbaum said the Bureau hopes to be in the legislature with working drawings in 1995-96; groundbreaking sometime in 1996-97 and completion in two years. Councilmember Weisbroth requested that Mr. Romer provide the Mayor and Council with a full copy of the report so that the Mayor and Council could transmit any specific questions back through staff.

Councilmember Dorsey asked if the proposal had been presented to Gaithersburg and

Silver Spring. Mr. Deckelbaum responded that the report was presented to a group of business people and some delegates from Silver Spring; however, no verbal presentations had been made to Gaithersburg or Bethesda. Mayor Coyle asked how ownership of the conference center facility would be handled. Mr. Deckelbaum said his guess was that the County would probably be owned by the State as they would be expected to come up with the largest share of the money since they would derive the most benefit. He said there would be an agreement with the political jurisdiction where the center would be located because that jurisdictions would also be sharing some of the taxes and benefits as well as some obligations. Mr. Deckelbaum noted that discussions had been held with State representatives regarding the probability of having the Stadium Authority manage the next phase of development and construction. Mr. Deckelbaum pointed out that everyone would benefit from a facility because of the jobs and taxes [illegible] center would create.

Mayor Coyle noted that if the facility was a government-owned building, neither Rockville or Gaithersburg would have the benefit of obtaining taxes from such a facility. Mayor Coyle asked if there was any role for local jurisdictions to be involved in at this point. Mr. Deckelbaum responded that until the Bureau got to the point when sites were being sought, there was no such role at this time.

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

1. Mansfield Kaseman, 704 Carter Road added his own tribute to Sandra Crewe and said she was an unusual public servant who has met and exceeded goals in the area of housing and would be missed personally and professionally.

Mr. Kaseman said he had been working with the youth in the community in creating a conference against violence which was scheduled on April 12th, from 2 to 5:30 p.m. at the F. Scott

Fitzgerald Theatre. He introduced one of the youths involved, Miriam Padeus, a student at Magruder High School. Miss Padeus reported on the topics which would be covered at the upcoming conference and said that together, youths would brainstorm some solutions for combatting violence with youths. She thanked Police Chief Treschuk for his assistance in getting use of the Theatre for the conference. Mr. Kaseman then distributed copies of a press release on the Youth Conference.

2. Larry Lorenz, 2404 Glenmore Terrace, as a citizen and also representing Rockshire Home Owners Association, thanked the Mayor and Council for deferring the approval of an on-site SWM quantity control waiver for the construction of 20 single family homes in the Watts Branch drainage area. He said as a matter of course, citizens adjacent to areas under consideration needed to be notified about the issue coming forth on an agenda. He referred to a March 10th Agenda Item which incorrectly referred to the development area as part of the Rockshire community. He said the community wanted to make their desire known to the Planning Commission, to cease having the property referred to as "Rockshire Estates". He also said the SWM proposal had merit; however, there were two concerns: (1) the sand filter maintenance was a continuing problem and he questioned who would bear costs for it; and (2) the residents wondered if it was possible to speed up the installation of the facility since the properties would be built within the next 18 months.

Mr. Romer explained that the City had a notification procedure at the Planning Commission level; however, it not been the City's practice to send out individual notifications on SWM waivers, although it was a constructive suggestion that staff would take a look at. Director of Community Development, Neal Herst further explained that when an application was submitted for Planning Commission review for a subdivision or use permit, the property owners adjacent to site were notified and then were able to monitor the progress of the application. Mr. Herst said that many times when notice is provided to property owners, inquiries were made and citizens are able to attend the

Commission's meetings.

In response to Councilmember Weisbroth's request regarding the Rockshire name, Mr. Herst explained that the name selected by the developer [illegible] and individualized based on the taste of the party recording the plat. He said he could not speak to the motivation of the developer in selecting the name nor could he say the Commission had the ability to suggest that the name was inappropriate for the subdivision, however, it was the official name on the plat.

Councilmember Marrinan asked staff to address the timing issue. Mr. Romer explained that one option would be to accelerate all planning having to do with building the facility. He said there were benefits to be derived from waiting until the Watts Branch watershed study was completed because the study would tell more about the watershed and good arguments could be made for waiting for the study to be completed and then accelerating it as one of the facilities to be completed. He said that staff was sensitive to the importance of the facility now that more water was about to be waived to it and would be recommending one of the options to the Mayor and Council after some review.

3. Doug Schneiderman, Vice President, Madison Homes said at the Planning Commission hearing for the preliminary plan, there was objection raised for using the name Rockshire; they talked about naming the development "Rockshire Estates" and there seemed to be no objection at that time. Mr. Schneiderman said he understood how there could be confusion with purchasers thinking they were buying into the Rockshire community and all of its amenities, but his sales office would provide adequate literature to make it clear to purchasers that they were not buying into Rockshire. Mayor Coyle suggested Madison Homes might want to give serious consideration to joining into the association or changing the name.

Mr. Schneiderman noted that building the on-site sand filter would not happen immediately; only once construction of the houses was underway. Mr. Schneiderman then requested

that the Mayor and Council grant the on-site waiver, noting that they had met with the citizens and received the backing and support for both the planning and the waiver. He also requested a 6.6% reduction of the $93,000 SWM waiver fee.

4. Dean Packard, Civil Engineer representing Madison Homes presented technical aspects of why they felt the SWM waiver was necessary for the site. Using charts, he explained where the site was and what was being proposed.

Mr. Lorenz said that the presentation looked to be a very responsible plan and although they wished they had heard the presentation earlier, it was evident that it was an excellent development and he was pleased to have Madison Homes developing the site.

Re: Approval of Minutes

Due to lack of a quorum available to approve the Minutes of Meeting No. 05-94 (February 7, 1994), these were deferred to the April 11, 1994 General Session.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 06-94 (February 14, 1994) were approved. (Absent: Councilmember Krasnow.)

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 07-94 (February 17, 1994) were approved. (Absent: Councilmember Krasnow.)

Re: Consent Agenda

Councilmember Weisbroth requested removal of Consent Agenda Item B. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda Items were approved.

(A) Cancellation of Bid #70-93 to Cole Landscape and Tree Service of Silver,

Maryland and Re-award to Pogo Tree Experts of Olney, Maryland.

This project provides for pruning of right-of-way and other City-owned trees. This re-award covers the remainder of the base year (FY'94), in the amount of $55,965, with the option to renew for two additional years.

(C) Award of Bid #70-94, Reconstruction of Entrance Ramp at City Hall to J. Palmerio Construction of Bethesda, Maryland in the low bid amount of $44,590.

This project involves the demolition and reconstruction of the entrance [illegible] and adjacent parapet walls at the front entrance of City Hall.

Re: Award of Bid #50-94, Asphalt Pathway to low bidder HMF Paving of Frederick, Maryland in the amount of $73,955.

This [illegible] involves the overlaying and repaving of selected asphalt pathways, entrance roads, basketball courts, asphalt curbing, drainage swales, and other items including chain link fencing and retaining wall removal and regrading.

Councilmember Weisbroth requested removal of this item (B) to comment about the significant difference between the low and middle bidders and [illegible] request an explanation of the capability of the company. Superintendent of Recreation, Phil Bryan said it was his understanding that the recommended contractor had successfully completed projects with the City and were highly recommended.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Bid #50-94, was awarded to the low bidder, HMF Paving of Frederick, Maryland in the amount of $73,955.

Re: Approval of on-site SWM quantity control waiver for the construction of 20 single family homes on a 7.22 acre parcel located on Maryland Route 28 in the Watts Branch drainage area and the acceptance of $93,600 contribution for the off site SWM fund.

The runoff is being waived to the proposed Glenora Park East SWM facility. Waiver category: II-A-5,6.

Mr. Romer explained that this item was deferred from the March 14th General Session. Since that time, staff has met with interested principals to the SWM waiver request: the developer, and representatives from the Sierra Club and the SWM Task Force. Mr. Romer said that everyone came away from the meeting feeling better informed and in favor of the waiver proposed and there seemed to be a sense of unity from all parties that the waiver was appropriate. Mr. Romer said staff was also looking at the timing of the proposed SWM facility and would come back to the Mayor and Council with proposals on when to build. Mr. Romer said the issue of notification will be reviewed to find a way to better inform residents that a series of approvals were forthcoming. Regarding reduction in the SWM waiver fee that was requested by the petitioner, Mr. Romer said staff was not recommending a reduction be granted. He also said that the present system did not recognize a mechanism for a reduction in fees, and the developer, when applying for the waiver, knew what fees were required and had made the application under that fee schedule. Mr. Romer added that if there were a desire by the Mayor and Council to change the mechanism for SWM waiver fees, staff would need to embark on a

[illegible] to study this issue because there were far reaching implications for doing so.

Mr. Romer was asked to look into a suggestion made by Bob Slovic on the issue of [illegible] the sand filter and a suggestion to install monitoring wells in the proposed sand filter.

Councilmember Weisbroth said at the March 14th meeting, she and Councilmember [illegible] had expressed concerns that residents had an opportunity to take a look at the proposal; she [illegible] that she and Ms. Krasnow were now satisfied that there [illegible] of positive feedback from [illegible] about the design and the proposed development of the project.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the [illegible]-site SWM quantity control waiver for the construction of 20 single family homes on a 7.22 acre parcel located on Maryland Route 28 in the Watts Branch drainage area was approved, and the $93,600 contribution for the [illegible] was accepted.

Re: Adoption of Resolution to establish voluntary rent increase guideline for 1994-1995 of 2.3%

This Resolution establishes a maximum rate of rent increase required under Chapter 18, Article V, [illegible]-194 of the "Rockville City Code" entitled "Rental Housing Data Collection and Volunteer Rent Stabilization Guidelines."

Resolution No. 5-94

Assistant Chief of Economic Development, Ed Duffy, explained that Rockville has administered a voluntary rent guideline standard for apartments [illegible]plexes in the City, and he was happy to report that property managers have mostly been cooperative and the program had been successful. He said in past years, the City had tried to tailor their program to meet Montgomery County's; however, the County decided it no longer had the mandate to establish an annual guideline.

He said the City has experienced circumstances during the year that made it advisable for Rockville to continue the voluntary program and staff was recommending that the Mayor and Council adopt the 2.3% guideline.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution establishing the voluntary rent increase guideline for 1994-1995 at 2.3% was adopted. The full text of the Resolution can be found in Resolution File No. 10 of the Mayor and Council.

Re: FYI/Correspondence

1. Councilmember Dorsey said he was pleased to hear about the youth of Rockville and the City's youth participating in the campaign to end violence. He referred to a remark made by a young neighbor of his, Josh Hughes, who identified his own mother as the person who had the most positive influence on him.

2. Mayor Coyle commented on the Lincoln Park Women's History Program this weekend. City Clerk Paula Jewell, one of the honored guests, attended the program and commented that it was a wonderful tribute and a good example of how the Lincoln Park community involved youths in their programs.

3. Mayor Coyle noted he was pleased to see that the TGIF Concert Fest had secured a new location--the Civic Center Park.

4. Councilmember Weisbroth noted that the Rockville Arts Place was planning an interesting fundraiser on May 13, 1994, "Art For a Steal." Two hundred tickets would be sold for $65 each and then would be drawn allowing the winners to pick out whatever pieces of art were left.

Re: New Business

1. Councilmember Weisbroth commented that roads suffered a great deal during the winter, and said it looked like areas which had been improved over the past 1-2 years were adversely affected.

She asked how the smooth seal and regular road rehabilitation program would be handled. Mr. Romer responded that the City was fortunate to enter into the tough winter with an excellent program which gave an immediate advantage on maintenance. He said [illegible] conservatively estimated that about 10% of road mileage was impacted by adverse weather; however, because the smooth seal program was in effect, staff had been able to identify those streets for the smooth seal program in out-years, i.e., Twinbrook Parkway, which was normally scheduled in 1995-96 for smooth sealing and would be accelerated into the 1994 program with a reshuffling of the other roads.

2. Mayor Coyle said on March 19-20, he served on a panel of the National Science Teachers Association in New York which reviewed a number of science proposals submitted by students. He noted one particular paper, which he thought was excellent and would share with the Council "The Walls [illegible] on graffiti and its effect on society.

Re: Next Meeting

The Mayor and Council will next meet in General Session on Monday, April 11, 1994 [illegible] presentation on the FY95 budget and a presentation by Ruth Crone, the Executive Director of the [illegible]ington-Metropolitan Council of Governments.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:36 p.m., to convene again in General Session at 7:30 p.m. on April 11, 1994, or at the [illegible] of the Mayor.