

Mayor and Council Worksession

July 7, 1982

The Mayor and Council met in worksession on July 7, 1982, at 7:30 PM. The Mayor and all members of the Council, excepting Councilman Garcia, were present. Also present were the City Administrator, the Asst. City Administrator and Mr. and Mrs. Hal Phipps, Project Coordinators for Takoma Old Town. The following items were discussed:

214 Grant Avenue: The City Administrator was instructed to obtain a release from Mrs. Clara Mills or her guardian on the goods inside the house and to dispose of it; have Public Works clean up and maintain the exterior of the building, board the windows and cover the roof where leakage occurs. Councilman D'Ovidio will attempt to get someone to do an assessment of the costs for possible restoration for use as a place to store city archives; will also investigate state funding for such a venture. The City Administrator was asked to determine the age of the structure if possible.

Washington Adventist Hospital--request of Council to meet w/Board on WAH Long-Range Plan. The City Administrator reported Dr. Shiroma indicated that the Board would not be in session until August and reiterated his earlier request that Mayor and Council submit questions to the Board in writing. City Administrator Nichols was directed to write the Board, reiterating request for a meeting between Board and Council to discuss plan.

Funding request (\$2500) from Centennial Committee: The City Administrator was directed to invite the Co-Chair, Jack Hammond, to make a presentation on the request at the July 12 Council meeting.

Request for additional parking meters in front of 7006 Carroll Avenue: An ordinance is to be prepared for two meters (20 minutes) for next Council meeting.

Request by staff to sell Victor Werner's Short-Cut Memory--balance of some 900 donated to the City: The Mayor and Council approved the request as outlined in Richard Schnuer's memo of 7-2-82.

Departmental briefings for Mayor and Council: Following schedule was agreed to: Police Department--Saturday, 7-13-82, at 8:00 AM; Library--Monday evening, 7-19-82, 7:30 PM; Public Works--Thursday, 8-5-82, 6:30 AM; Recreation, Administrative; Housing--Friday, 8-6-82, 9:00 AM.

Council minutes preparation: The City Administrator was directed to expend the resources required to bring minutes current with current or outside help; was also directed to send notices to those receiving Council agenda, asking if they desire to receive the minutes also.

Operation Turnaround Board appointments: The following appointments were approved and are to be made at the July 12 Council meeting:

Councilmember Eckert, Chairman (1 year)
Mayor Abbott (2 years)
Beverly Quattlebaum (1 year)
Geoffrey T. Reed (2 years)
William Gardner, City staff

Corporation Counsel selection criteria: Councilmember Eckert noted some errors in printed criteria as approved by the Mayor and Council; will give corrections to City Administrator. There followed a discussion on how Mayor and Council will have input into the Selection Committee's evaluation process, with the decision being made that each member of the body would draft a 1-page statement of what he/she is looking for in a corporation counsel, statements to be available to City Administrator for distribution to Committee prior to July 16.

Library Director vacancy and recruitment and screening committee. The following members were approved, as per City Administrator's memo: Councilmember Bradley, City Administrator Nichols, Faith Stern, Abby Mandel, Ms. Sandy Nakamura, and Mayor Abbott (ex officio). It was agreed that any other members recommended by the Mayor and Council would be considered. The position description was approved with changes as noted. Ads to be run, stating Takoma Park residents encouraged to apply, requesting references, and with a closing date of August 13.

Director of Housing Services: The position description was approved with changes as noted. Position to be advertised, requesting references, noting that City residents are encouraged to apply, and with closing date of August 13

Takoma Old Town: Economic and Energy Resources (Phipps) contract: The Mayor and Council approved the Phipps' proposal to reallocation of their contract, along with a cover memo from Richard Schnuer.

A copy of the proposed contract with Warring/LDR (for public improvement design and supervision) was given to Mayor and Council for review.

Mayor Abbott's memo regarding Warring Associates and LDR was discussed; no action was taken.

The meeting adjourned at approximately 12:00 midnight.

APPROVED _____

Sam A. Abbott
Mayor

ATTEST _____

Alvin J. Nichols
City Administrator

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 12, 1982

AGENDA

8:00 CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF MAY 24, 1982

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:10 CENTENNIAL COMMITTEE REQUEST FOR FUNDS (Jack Hammond, Co-Chairman)

ADDITIONAL AGENDA ITEMS

8:20 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Nichols

1. Communications

2. Administrative Reports and Recommendations for Council Action:

- (1) Administrative reports
- (2) Second reading of a proposed charter amendment establishing a 1% penalty for taxes that are delinquent on October 1, and amending interest rate to conform to State Code and actual practice
Citizens' comments
Council action
- (3) Second reading of a proposed ordinance amending Sec. 2-6.1 of the City Code, "Procedures for adoption of ordinances," setting forth conditions for emergency action
Citizens' comments
Council action
- (4) Proposed ordinance authorizing lease-purchase of three police cars
Citizens' comments
Council action
- (5) Proposed emergency ordinance authorizing installation of speed "humps" on Willow Avenue (7200-7300 blocks) on an experimental basis
Citizens' comments
Council action
- (6) Proposed ordinance authorizing the installation of two additional parking meters in the 7000 block of Carroll Avenue (West curb)
Citizens' comments
First reading
- (7) Consideration of appointment of City Fire Marshal
Citizens' comments
Council consideration/action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 12, 1982, Continued on July 13, 1982

City Officials Present:

July 12:

Mayor Abbott	City Administrator Nichols
Councilmember D'Ovidio	Asst. City Administrator Schnuer
Councilmember Eckert	City Clerk Pusti
Councilmember Faulkner	Acting Library Director Spottswood
Councilmember Iddings	Police Sergeant Winkler
Councilmember Williams	Public Works Coordinator Smith
EXCUSED: Councilmember Bradley	Recreation Director Ziegler
Councilmember Garcia	Corporation Counsel Gingerich

July 13:

Mayor Abbott	City Administrator Nichols
Councilmember D'Ovidio	Asst. City Administrator Schnuer
Councilmember Eckert	Corporation Counsel Gingerich
Councilmember Faulkner	
Councilmember Iddings	
EXCUSED: Councilmember Bradley	
Councilmember Garcia	
Councilmember Williams	

The Mayor and City Council of Takoma Park met on July 12, 1982, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made, duly seconded, and carried unanimously to approve the minutes of the Council meeting held May 24, 1982, with the following correction requested by Councilmember Iddings to be accomplished: page 11, item 9 - substitute Councilmember Iddings for Councilmember Bradley as the person announcing the public hearing on a request for variance.

Councilmember Faulkner registered complaints regarding the minutes not being up to date; made a motion that each meeting's minutes preparation be commenced the morning after the meeting; no second offered. City Administrator Nichols explained that in a worksession he had been directed by the Mayor and Council to expend the resources necessary to have the minutes brought up to date as soon as humanly possible; assured that was in the process of being done. Councilmember Williams emphasized that the minutes should have top priority.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott quoted a resolution he submitted July 7 to the Council of Governments calling for the halt of nuclear proliferation and asking that the GOG Board at their July 14 meeting go on record, 1) asking for a mutually verifiable, bilateral freeze in the development, testing, and deployment of nuclear weapons, and, 2) advocate U.S. and U.S.S.R. cooperation and leadership in the reduction of nuclear and conventional arms, and, 3) adopt an area-wide policy position on the impossibility of a major population evacuation and relocation under conditions of nuclear attack, and, 4) urge the jurisdictional members of COG to conduct local public hearings on nuclear freeze crisis evacuation and relocation. Said the resolution will be first on the agenda (12 noon) at COG's July 14 meeting, the news media's interest has been evident; encouraged citizens to support the resolution; said Montgomery County delegation has given assurance of their support, half of Virginia's delegation supports it, District of Columbia supports; appears it will be passed with a lot of discussion.

Spoke on the upcoming primary elections in September, elections in November. Said elected City officials do not have party affiliations, per se, but are interested in the outcome of these elections, first and foremost, the School Board; said it is imperative to get four new members committed to a reopening of the decision for closure made by the County Board of Education, the reopening to include an examination of the criteria and a reversal of that if the criteria discussion points out that what the City has charged in the case made to the State Board (which they rejected); namely, that the School Board violated the criteria. Expressed dismay at the attitudes of some of the

citizens involved in the fight against the school closure; said that while the administrative appeal has been lost, the right exists to request reconsideration by the State Board. Stated that if the City is forced to go to court on the issue, it will look better for us if all administrative routes have been exhausted; asked that citizens involved in the school fight assure that is done. Said it is important that the 15 school board candidates be carefully evaluated; advocated that citizens work as individuals lobbying the candidates, setting up meetings before the primary election (limiting the candidates, eliminating those who follow the procedures that brought about the school closure), and pursuing circuit court and Federal court possibilities. Said every avenue must be explored/exhausted for keeping the school open.

Councilmember D'Ovidio remarked that some groups in the county have come out with endorsements of specific candidates, wondered if the Save the Junior High Committee would do so. The Mayor responded he would expect so.

ADDITIONAL AGENDA ITEMS

1. Reconsideration of Council's action of May 27, approving the Selection Committee's choice of Architectural-Engineering firm for Takoma Old Town (Councilmember Iddings)
2. Resolution by Council in support of Takoma Old Town Park (Mayor Abbott)
3. Selection of members for Operation Turnaround Board (Mayor Abbott)

CENTENNIAL COMMITTEE REQUEST FOR FUNDS

Jack Hammond, Co-chairman of the committee, spoke. Enumerated seed-money expenses totaling \$2,000 for which the committee was requesting funds, to be reimbursed to the City. Following discussion, a motion was made by Councilmember Faulkner, duly seconded by Councilmember D'Ovidio, to honor the committee's request. Motion carried. Councilmember Iddings offered the suggestion that the money might be appropriated from Mayor and Council's expense fund; the City Administrator explained that, bookkeeping-wise, it would be simpler to take it from the general contingency fund.

GENERAL CITIZENS' REMARKS

1. Phil Vogel, 7117 Garland Avenue: read a letter from Longbranch-Sligo Citizens' Association thanking and commending Councilmember Iddings for his efforts and assistance to the association regarding zoning, etc., for the area; cited concerns that landlords are seeking means of legally continuing to operate apartments in buildings that are zoned R-55, e.g., 7207 Flower Avenue. Said the owner claims her son is the owner of deed, and as such is legally entitled to have two extra dwelling units in the building; owner has applied for a use and occupancy permit for four dwelling units in the building (the current usage) claiming that the fourth unit does not intensify the use, and apparently this is a legal method. Said the only way Longbranch-Sligo Citizens' Association learned of the permit request was due to a notice posted on a tree on the property, did not think the City had been notified. Stated he talked to Mrs. Cotter (952-3217) at the Park and Planning Permit office, who told him it was not usual procedure for them to notify municipalities of the use and occupancy permit requests. Mr. Vogel stated it was his feeling the City ought to have an opportunity to comment on such requests, especially in cases where the City has addressed the question of zoning of specific pieces of property. Said the closing date for comment had already passed, but Mrs. Cotter stated a public hearing would probably be held since the request had aroused controversy in the area. Mr. Vogel stated the property is registered with the City for four apartments and is seeking to legalize that through obtaining the use and occupancy permit. City Administrator Nichols stated that the question of notification to the City has come up before a number of times and that

if they do happen to notify the City, it is a courtesy gesture rather than a county procedural requirement. Mayor Abbott pointed out that Laurel has the authority to issue its own use and occupancy permits. Councilmember Faulkner reminded he had, on past occasions, suggested the City approach the counties regarding the possibility of being delegated or permitted to use their licensing authority in the City, which would have a direct bearing on the present issue. The City Administrator stated he had had conversations with Montgomery County concerning this possibility, had not yet approached Prince George's, but would continue to pursue the matter. Corporation Counsel Gingerich stated the City does not have licensing authority because they did not exercise it prior to the 1954 amendment to the constitution giving home rule to municipalities; legislation would have to be adopted by the General Assembly giving this power to all (or certain classes) of the municipalities in the State. Councilmember Faulkner suggested legislators be approached regarding enactment of such legislation. Following further discussion, the Mayor requested that the City of Laurel be contacted, ascertaining from them how they obtained the authority to issue use and occupancy permits with a report to be given at the following worksession.

ITEMS FOR COUNCIL CONSIDERATION

Recommendations for Council Action:

1. Consideration of contract for Architectural-Engineering firm to accomplish public improvements in Takoma Old Town. In order to place the issue on the agenda for citizen comment, Councilmember D'Ovidio made a motion, duly seconded by Councilmember Iddings, that reconsideration be given Council's vote on the recommendation of Selection Committee's report. Councilmember Iddings clarified that what was being done was reconsideration of Council's May 27 vote to accept Selection Committee's recommended choice of Warring Associates/LDR to receive the contract (if the motion carries). Motion carried 3-2.

Councilmember Iddings made a motion, duly seconded by Councilmember D'Ovidio, that the motion on the floor be tabled until time certain to be outlined in subsequent motions. Following heated discussion concerning the point of the motion, Councilmembers Iddings and D'Ovidio withdrew the motion/second, thus placing Council's May 27 decision on the floor for discussion/citizen input. Councilmember Iddings related that, over the past month and a half, a great deal of comment has been received on the process by which the architectural-engineering firm was chosen that raised in some Councilmembers minds serious questions about the lack of Council oversight in the selection process; said he wished to propose, later in the meeting, appointment of a three-member committee of experts in the field (an architect, engineer, and contractor) to produce a report on the entire selection process prior to July 26; upon receipt of the report, Council would interview the four finalists and take a vote based on its interviews and the report.

1. Arthur Karpas, 6916 Westmoreland Avenue: spoke as President of Westmoreland Area Community Organization, read a statement from that group which expressed strong wishes that the contract be signed with Warring Associates/LDR without delay; said the criteria used in the selection process was fair and reasonable, contractors should be able to feel confident that bids submitted to the City will be accepted or rejected on the merits of the proposal without bias toward any one candidate; one contractor should not be singled out for investigation unless all are investigated. Emphasized that the project must move ahead, and stated if Council voted to stall it, WACO would request the county to become involved and ascertain why CDBG funds are being held up and the propriety of Council's actions in the selection process; urged that Council uphold their May 27 vote. Additionally presented a letter from Suzanne Rhodenbaugh expressing similar sentiments and concerns.

The question arose of why a copy of the contract was forwarded to the county. The City Administrator explained that, while this is not

a requirement, past procedure has been in some instances for the City to avail itself of the county's technical engineering staff for their comments and suggestions; said this does not constitute a delay in negotiations/proceedings.

Councilmember Iddings mentioned the fear expressed by some individuals of losing CDBG money; stated that the City was recently contacted by Prince George's County reminding that we still have \$15,000 from Year 5 CDBG funds to be spent (from three years ago); said he did not feel the fear of losing those funds is valid. Councilmember Faulkner pointed out that while the City might not lose CDBG funds through failure to use them in a given year, that could happen if Council proceeded in a capricious or whimsical manner. Councilmember Eckert pointed out that CDBG funds are a different story under the present federal administration, cannot be taken for granted, have suffered enormous cuts.

2. Tom Rhodenbaugh, 53 Walnut Avenue: stated that Mayor and Council initially delegated to a competent City Administrator and staff the project of producing a recommendation for selection of the architectural-engineering firm to accomplish the contract; this was done, the recommendation was reviewed on several occasions, Council made a decision, and at the Mayor's instigation, the entire process is being questioned and reopened. Urged Council to uphold their prior decision.

3. Suzanne Rhodenbaugh, 53 Walnut Avenue: stated she has no personal preference for one particular firm over another in this issue, inferred others present might. Expressed shock at what she perceived as lack of professionalism, sacrifice of democratic process, and sacrifice of legality in the present proceedings.

4. Don Lightling, 6908 Westmoreland Avenue: urged that the contract be signed, no more time be expended, the physical work be commenced, inspections be performed as it is done to assure compliance with specifications, so that tempers can cool and other topics be pursued.

5. David Prosten, 7428 Carroll Avenue: said most of the previous speakers live within a block of the Takoma Old Town project, the CDBG money being directed there is eliminating funds that could be spent on sidewalk improvements in his area; said the parochial point of view should not be propagated. Did not think Council was being unduly influenced by the Mayor; questioned the emotionalism of the issue, thought if they so desired, Council should reassess the matter and might come up with the same choice of contractor.

6. Gail Dalmat, 7001 Poplar Avenue: supported the comments made by Arthur Karpas and WACO.

7. Elizabeth Ban, 6606 Westmoreland Avenue: said that, as a new resident of the area, she was totally confused as to why the recommendation/decision of an apparently capable and competent City Administrator and his staff was being questioned; stated she would like to hear from Mr. Warring why his award of the contract was being disputed/questioned.

8. Chris Lego, 68 Walnut Avenue: made a brief summary of her view of the situation, said a Selection Committee was set up, the assumption was that a local firm that had performed work in Takoma Old Town would be accorded special consideration; Warring Associates had previously done the same type of work for a comparable-size city (thus having an edge); personal feelings came into play, hard feelings ensued, allegations concerning previous job performances (without written backup) arose; stated she wished to believe the present conflict was without ill-intent on the part of anyone involved.

9. John Hemphill, 8112 Flower Avenue: remarked that while he was Councilmember Bradley's husband, was speaking only for himself. Said he felt Mayor and Council should have devoted more attention to the selection process, the fact there is dissension indicates the

criteria was not considered carefully enough; thought it was an example of the need to proceed more carefully and with consideration for the integrity of the City.

Councilmember Eckert pointed out that the selection criteria was developed under the previous Council, that present Council took office in the midst of an ongoing process, had little opportunity to devote time to the criteria. Mr. Hemphill stated he felt too much pressure was exerted to proceed without delay on the project, that the new Council should have been afforded time to examine and consider the criteria prior to proceeding.

10. Norman Greene, 6712 Westmoreland Avenue: said people are looking forward to the revitalization in Takoma Old Town; mentioned enjoying the summer Victorian Festival.

11. Lori Ekstrand, 61 Walnut Avenue: questioned exactly what was wrong with the criteria, requested it be addressed specifically. Stated that her husband, Councilmember Eckert, had been threatened with physical violence and implications made that he would not be reelected because of his position on the issue. Expressed disapproval of that type of behavior.

Councilmember Williams stated that he did not understand why Price and Partners were not chosen for the job; they had been performing work for almost two years in Takoma Old Town; to his knowledge their performance was satisfactory, but their prior performance was excluded from the criteria.

12. Marc Ellrich, 7800 Carroll Avenue: said it was Council's responsibility to evaluate the criteria if it was an inherited process and ensure that it met with their approval; stated he felt preference for local (city-based) firms should have been included in the criteria, jobs to be done in the City should be given to people living in the City, when possible. Said allegations and innuendo have been flowing both ways in this issue; if there are really serious doubts about the criteria or about Warring Associates, the Council should reopen the matter; if not, they should close it and proceed with the project.

13. Mike Warring, President of Warring Associates: said he had attended the meeting with the hope of seeing an acceptance of the negotiated contract, approached the microphone with some trepidation due to things he had heard through the press, the telephone, etc., and had heard allegations at the present meeting that caused him concern. Stated he supported anyone investigating his firm, is proud of its reputation; said they have been doing engineering/construction management work for the CDBG program in the City for approximately four and a half years and to his knowledge had satisfied both the City and the county. Pointed out that the phase the Takoma Old Town project is entering is very distinctly different than planning, involves engineering design and management. Spoke at length on his background, personal experience; praised the communication received from the City setting forth the scope of services, the task to be accomplished, and requesting letters of interest; said it was clear, concise, excellent job of preparation; said the selection criteria and letters of qualification were very clearly stated. Said he was confident his firm could do the job, was pleased to have been one of the finalists, went through the interview process and was notified his firm had been unanimously chosen; reiterated his belief that the selection process was a good and fair one. Stated his firm was prepared to immediately commence surveying operations on the project. Offered to respond to questions from Mayor, Council, and citizens.

Mayor Abbott introduced Joe Meadows, a candidate in Prince George's 21st election district, and Jerry Schneider, running for delegate in Montgomery County's 20th district.

Upon query from Mayor Abbott, Mr. Warring spoke on the work performed in the City by Santa Fe Construction (monitored by Warring Associates) which had to be redone (at Santa Fe's expense); explained the

background and circumstances of the situation. Mayor Abbott outlined a situation in Hyattsville he had been advised of by the Hyattsville City Administrator in which a firm (Wanamaker) picked by Warring was to do the study for the Hyattsville commercial revitalization project; said the firm received \$1,200 of the \$3,000 contract amount, left for the west coast without completing the study, surprising Mr. Warring as much as the City Council; a new firm then had to be chosen (not by Warring) to start over. Mr. Warring responded that Hyattsville was desirous of getting grant money to revitalize their commercial area, they were told by the state they should get an economic consultant to do a study; Mr. Warring was consulted about his knowledge of any studies in that area, told them the leading economic consultant in the State of Maryland (recognized by the state) was James A. Wanamaker of Columbia, Maryland (had very impressive credentials), had an excellent reputation for integrity. Said due to his knowledge of and experience with the City of Hyattsville, he was requested to work with Mr. Wanamaker as the prime consultant, the project got under way, preliminary plans were started, without notice or any sort of forewarning Mr. Wanamaker departed for California (Mr. Warring said he learned this, after finding Mr. Wanamaker's phone had been disconnected). Said he subsequently traced him to Santa Monica and had to resort to legal threats to force him to eventually forward the report he had prepared, which turned out to be unacceptable. Stated that contrary to what had been told to Mayor Abbott, another consultant recommended by Mr. Warring was hired, Mr. Warring donated his time and expertise gratis, and the economic study was successfully completed for Hyattsville, accepted by the Mayor and Council. Said Mr. Wanamaker's irresponsible and unexpected departure was outside his personal control; he did everything he personally and professionally could to rectify the situation. Mr. Warring stated he did leave the City of Hyattsville's employ subsequent to this incident (after being retained by them for five years); an ex-city councilman took the job, which he had actively sought for some time.

Mayor Abbott gave Mr. Warring a copy of a memorandum compiled by him concerning LDR, said he would be requesting responses to questions he has about that firm. Mr. Warring advised he felt confident Mr. Paumier, President of LDR, would be happy to respond (in writing if so desired) to any questions/allegations concerning his firm. In response to query from Councilmember Eckert, Mr. Warring stated he had not been approached by Mayor Abbott or any City Councilmembers concerning his prior work performance, specifically Hyattsville. Said that in the selection process interviews, Assistant City Administrator Schnuer did inquire, as a normal part of the process, about any previous jobs that might have been considered to be less than acceptably performed; Mr. Warring at that time gave a full explanation to Mr. Schnuer regarding the Hyattsville situation. Said the Mayor of Hyattsville had offered to furnish him, in writing, corroboration of Warring Associates excellent performance and record as municipal engineers in that City. In response to query from a citizen, Mr. Warring stated his firm was prepared to begin surveying the following week after receipt of a signed contract; said construction progress depends upon many factors; citizens should be involved with review of the process, should see what is being proposed, how design standards in the preliminary plan are being interpreted and applied. Said he considers the preliminary plan a guideline for development; it offers various alternatives, is not totally specific in details, but imparts an aesthetic sense of what is desired.

14. Arthur Karpas, 6916 Westmoreland Avenue: said from his personal experience he feels all construction work consists of two phases, i.e., doing the job and re-doing the job. Stated he strongly favors the Takoma Old Town project and has done all he could to promote it; said there are four basic elements to the project; 1) reconstruction of the park, 2) development of the Citizens' Bank property, 3) revitalization of private businesses, and 4) public improvements. Said he had heard doubts voiced by business owners that the project would ever take place, accompanied by a reluctance (for that reason) to invest their own funds in renovating their properties. In view of this, Mr. Karpas stressed the urgency of bringing negotiations to an

end, signing a contract, and getting underway with concrete accomplishments on the project that will alleviate people's doubts and concerns. Councilmember Faulkner stated he had heard similar concerns voiced by businesspersons in the area.

15. Andy Houston, 501 Albany Avenue: stated he is an architect-planner by profession; said he did not feel Council should be pressured into making a hasty decision in this matter, should be afforded time to take another look. Spoke favorably on Mr. Warring's defense of himself; said he wished Mr. Warring and Mr. Price could work as a team on the project. Mentioned the necessity for compatibility of design with projected/desired uses of facilities; said this project is not basically an engineering, but an urban design problem. Stated he felt a mistake had been made in the preparation of the request for proposal prepared by City staff and the project consultants, resulting in the present situation; reiterated that Council should allow themselves time to reconsider; said the current construction year is at an end anyway, that no major accomplishments could be completed prior to winter. Mayor Abbott pointed out that the interviews conducted by the Selection Committee took only a portion of one day; Mr. Houston stated that, depending upon what information was desired, a firm should be able to complete their interview presentation in 30 minutes to an hour; said that for this project, selection of a firm should not be based primarily on cost; emphasized that Council should personally hear the interviews prior to making a final decision. Councilmember Iddings stated that the proposal he would make is that a committee be appointed to review the process and the selection criteria and offer suggestions for any improvements that might be made, a report be made by them to Council, and Council then have an opportunity to interview the four finalists chosen from the previous selection process. Mr. Warring stated he could fully appreciate Mr. Houston's comments concerning urban design and how the project should be accomplished; said the points he made are exactly what was done prior to the selection committee being appointed and formulating their recommendation; the project was fully discussed task by task, Mr. Price's firm defined what should happen; reiterated he thought the selection process was a very good one. Reminded that while Warring Associates is primarily an architectural-engineering firm, the urban design portion of the project would be accomplished by LDR, who are highly qualified in that field.

16. Don Lightling, 6908 Westmoreland Avenue: said that the appointment of a three-member committee to study the issue and make recommendations (as suggested by several Councilmembers) is a repetition of what has already been done and a waste of time.

17. Chris Lego, 68 Walnut Avenue: said she felt Mr. Warring's presentation was very helpful and informative, citizens had voiced their comments, and she would now like to see Council take a vote.

Mayor Abbott spoke at length on his record of accomplishments on behalf of the City; responded to criticisms/allegations about himself, dealt with some specific instances; said he would, if necessary, use physical chastisement to deal with innuendos made against his integrity, reputation, and motives. Stated that neither the present nor the previous Council had anything to do with formulating the selection criteria; said the criteria was flawed, should have included ongoing commitment and involvement, residency, preference for local firms, and demonstrated ability to work with the Mayor, staff, and project coordinators. Said if Council decides to reevaluate, he hoped these factors would be included and accorded weight in the selection criteria.

Councilmember D'Ovidio said his request would be that Council be permitted two to three weeks to reconsider the process; said the objective should be to get the best job possible done; thought Council should re-interview the top four applicants.

Councilmember Faulkner stated he has always supported the project; had looked over the work the evaluation committee had done, the material provided, and could find nothing wrong with it; therefore, supported staff's recommendation and favored proceeding with the project.

Councilmember Williams stated it did not seem fair to him to exclude prior performance of work for the City from the criteria, thought there was a lack in the process.

Councilmember Eckert questioned why, if the Mayor had concerns about the criteria, selection process, etc., they were not voiced prior to receipt of the selection committee's recommendation. Said present Council did read the proposals submitted and subsequently voted 5-2 in favor of proceeding with the selection committee's recommendation, questions have now been raised by the Mayor about going forward with the contract with Warring Associates/LDR. Stated he did not personally believe any inferences/allegations put forth concerning "cronyism," but did feel the Mayor and Council must ensure that everything regarding the award of this contract is done in such a way that aspersions cannot be cast on either their individual characters or the integrity of the City. Emphasized his conviction that Council should proceed with the contract, without further delay, stated that is the consensus of the citizens in the area. Commended Mr. Warring's presentation.

Councilmember Iddings stated that Councilmember Eckert's proposal that Council must either be for or against the WACO neighborhood was a dichotomy, which he rejected. Said the real point at stake in this issue is not public improvements, but economic revitalization; said the key factor in achieving this goal is to have a unified Mayor and Council behind the decisions that are taking place. Said Council is not really prepared to sign the contract with Warring, that there would be questions he wished to raise prior to a signing. Stated he felt that Council should review what has been done, interview the top four applicants, and make their decision; did not think that would entail an undue delay or endanger the project. Sympathized with the WACO neighborhood; stated he felt he was acting in their best long-term interests.

Mayor Abbott addressed several points; regarding curb and gutter repairs in the City, acknowledged that money that could have been spent on the repairs had probably been diverted to the Takoma Old Town project but pointed out the City would never have received such a large sum in CDBG funds were it not for that long-needed commercial revitalization project. Stated that the selection committee conducted interviews on a Thursday, made their selection/recommendation on Friday, of which he was informed, and were instructed to wait until Monday for Council's decision prior to taking any action. Due to an administrative slip-up, participants were notified of the selection committee's choice on Friday. Pointed out that in a City the size of Takoma Park, all the civically-active people know each other, any recommendation for consideration of an individual living in the City for a position could trigger charges of cronyism.

18. Chris Lego, 68 Walnut Avenue: said a precedent is being set for people to do free work in the hope of getting a big contract from the City; said this is not fair, people should be judged on the weight of their application, their skills, the merits of their proposals, not whether they live in the City or did previous free work.

19. Jeff Shingleton, 68 Walnut Avenue: stated he works for an engineering consulting firm; said it is accepted practice to carefully preserve the anonymity of proposals on contract bids so that there could be no suspicion that the people evaluating the proposers had any knowledge of, friendship with, or previous association with the proposers. Said this approach maintains the integrity of the evaluation process, excluding any question of impropriety in the contract award. Stated his employer is affiliated with Price and Partners on this proposal; said he has absolutely no reason to believe the proposal evaluation procedure was improper; emphasized that selection had to be made according to an agreed-upon procedure, based upon the qualifications of the proposer to accomplish the job, and excluding any bias whatsoever.

A motion was made by Councilmember Iddings, duly seconded by Councilmember D'Ovidio, to table the motion to accept the selection committee's recommendation until no later than August 9. Motion carried with Councilmembers Iddings, D'Ovidio, and Williams voting Aye; Councilmembers Faulkner and Eckert voting Nay; Councilmembers Bradley and Garcia Excused.

Councilmember Iddings made a motion, duly seconded by Councilmember D'Ovidio, that two Councilmembers be directed to appoint a review committee comprised of three citizens with professional expertise in the field (no residency requirement), the City Administrator to be directed to make available to the committee all records pertaining to the selection process, and the committee be directed to review and evaluate the selection process with a report to be made by them to Council no later than July 26. Councilmember Eckert offered an amendment to the motion, duly seconded by Councilmember Faulkner, that would require Council to first meet with Mr. Warring for the purpose of reviewing the Warring Associates/LDR proposal, and then making a decision as to whether they wish to proceed with the Warring/LDR contract or the review committee option. Upon query, Corporation Counsel Gingerich clarified that should the amendment pass, it would then be the main motion and would negate the original motion and its intent. Mr. Warring stated that if two firms submitting proposals were completely equal in expertise and qualifications for a job and preference was accorded one because they were local (resident), he would have no objection; would, however, object to a resident firm not equally qualified being given preference because of its locale. Councilmember D'Ovidio suggested that Council meet with Warring Associates and LDR the following night or as soon as such meeting could be arranged for the purpose of discussing the contract, any questions pertaining to it, and responding to allegations that have been made. Councilmember Eckert stated that if Councilmember D'Ovidio's proposition was agreed to by Council, he would withdraw his motion, agreed to by Councilmember Faulkner, seconder of the motion.

Councilmember Iddings restated his original motion, seconded by Councilmember D'Ovidio, that Council direct two Councilmembers to appoint a committee comprised of three professional members, direct the City Administrator to make available to them all records pertaining to the selection process, direct the committee to review and evaluate the selection process and criteria, and report to the Mayor and Council by July 26.

Councilmember Eckert questioned whether, following the proposed meeting with Warring/LDR, Council would have the option, should they so desire, to proceed with the motion tabled May 27 to accept selection committee's recommendation of Warring/LDR as recipients of the contract. Response was affirmative.

Councilmember Faulkner presented an amendment to Councilmember Idding's motion, duly seconded by Councilmember Eckert, that the three-member review committee be appointed by the entire Council rather than two Councilmembers; motion carried unanimously. Upon vote, Councilmember Iddings' motion carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 1:45 A.M., July 13, to reconvene on Tuesday, July 13, 1982, at 7:00 P.M. in special session.

Special Meeting of the Mayor and Council

July 13, 1982

(continuation of July 12, 1982

Regular Meeting of the Mayor and Council)

The Mayor and City Council of Takoma Park met on July 13, 1982, at 7:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of continuing the regular meeting held on July 12, 1982. Following roll call and the pledge, the meeting continued.

RECOMMENDATIONS FOR COUNCIL ACTION (continued)

2. Takoma Old Town Park Resolution. Mayor Abbott stated the Montgomery County Planning Board would be meeting on July 15 on this item, and according to the Assistant City Administrator, it will receive strong endorsement by Commissioner Mable Granke. A motion was made by Councilmember Faulkner, duly seconded, and unanimously carried, that Council adopt the resolution. Councilmember Iddings stated that recognition should be accorded Councilmember Eckert for his role in rallying City residents and Takoma Tower residents in support of the park, thus ensuring that the park receive proper public acceptance, requested this be made part of the public record.

(Resolution Attached)

3. Second reading of a proposed charter amendment establishing a 1% penalty for taxes that are delinquent on October 1, and amending interest rate to conform to State Code and actual practice. Councilmember Faulkner pointed out that in actuality the penalty would amount to 1-2/3%; said it should be noted that the reason for the penalty was to discourage people investing their tax monies for the purpose of drawing interest and failing to pay their taxes in a timely fashion. Councilmember Iddings proposed amending the last sentence in Section 2 to read: "not be imposed until Fiscal Year 1984, beginning July 1, 1983." Corporation Counsel Gingerich stated that if the ordinance is passed, the charter amendment becomes effective before the last day of the calendar year (1982), then the next time a tax rate is passed, the penalties can be put into effect. Said it is not really necessary to include a statement of effectiveness in the ordinance, the state statute dictates when it becomes effective. Councilmember Eckert questioned whether there is any provision for exempting elderly persons or hardship cases from paying the penalty, the response was negative. City Administrator Nichols remarked that some jurisdictions offer a discount for early payment of taxes (prior to the final date due). Corporation Counsel Gingerich stated that there would be no feasible way of dealing on a case by case basis with hardship cases, that the law has to apply to everyone equally. A motion was made by Councilmember Faulkner, duly seconded by Councilmember Iddings, that the ordinance, including Councilmember Iddings' amendment, be adopted. Ordinance No. 2617 was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, Faulkner, and Iddings; NAY: None. EXCUSED: Councilmembers Bradley, Garcia, and Williams.

RESOLUTION NO. 1982-3

ORDINANCE NO. 2617

(Attached)

4. Second reading of a proposed ordinance amending Sec. 2-6.1 of the City Code, "Procedures for adoption of ordinances," setting forth conditions for emergency action. A motion was made by Councilmember Iddings, duly seconded by Councilmember Eckert, that the ordinance be adopted. Councilmember Faulkner spoke against adoption of the ordinance; granted that the practice of adopting emergency legislation may have been abused in the past, but said that if there is a true emergency, he felt the ordinance is contradictory to emergency behavior of the Council. Councilmember Iddings pointed out that the clauses outlining the emergency substitute for the second opportunity for citizen input on the ordinance, the definition of the emergency is Council's

justification for adopting the ordinance through a short-circuited process. Councilmember Faulkner stated he felt the same goal could be reached by including the information in the Rules of Operation for the Council; stating therein that there must be two readings of an ordinance unless Council made a decision that a valid emergency existed; said this would not tie Council's hands and should be acceptable. Mayor Abbott stated that while he had originally opposed the ordinance, having seen the proposed ordinance concerning speed bumps on Willow Avenue, which is being presented as an emergency piece of legislation, he concurred that the language outlining why an emergency exists and the reasons for taking immediate action need not be lengthy and cumbersome, would not delay action by the Council. Corporation Counsel Gingerich stated that what this ordinance does is expands the existing ordinance and limits freewheeling. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, and Iddings; NAY: Councilmember Faulkner; EXCUSED: Councilmembers Bradley, Garcia, and Williams.

ORDINANCE NO. 2618
(Attached)

5. Proposed ordinance authorizing lease-purchase of three police cars. City Administrator Nichols explained that permission was granted at the previous Council meeting to proceed with the lease/purchase of the three police cruisers provided for in the approved FY 1983 budget, this ordinance formalizes the authorization. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, Faulkner, and Iddings; NAY: None. EXCUSED: Councilmembers Bradley, Garcia, and Williams.

ORDINANCE NO. 2619
(Attached)

6. Proposed emergency ordinance authorizing installation of speed "humps" on Willow Avenue (7200-7300 blocks) on an experimental basis.

1. Roland Halstead, 7116 Maple Avenue: commented that residents on Maple Avenue are disturbed that Willow Avenue is getting the "humps" on an experimental basis, while people on Maple over the years have requested them many times and gotten no response; stated that Ellen Marsh has voiced a willingness to have them installed in front of her house.

A motion was made by Councilmember Iddings, duly seconded by Councilmember D'Ovidio, that the ordinance be adopted. Councilmember Iddings stated he had received a telephone call from Mrs. Marsh in which she expressed anger and the feeling that the residents of Maple Avenue were being slighted; said he explained that the experimental installation on Willow Avenue was very opportune due to the road maintenance and rebuilding being performed there, the minimal cost of installing the "humps" coincidental with the resurfacing; cited the speed problem being experienced there but the minimal amount of traffic compared to Maple Avenue; said it will provide an excellent opportunity to observe the effectiveness of the speed humps. In response to query, Councilmember Iddings stated that because of technical considerations, the question of placement of speed humps should be left to the discretion of the Public Works Director and the Chief of Police; said that a petition from the residents requesting and assenting to the humps on Willow Avenue was received; Fire Chief McGary had no objection, and Police Chief Carter has long advocated the utilization of alternative speed control methods such as this. Said a memorandum received from Corporation Counsel addresses the question of liability in this issue; stated that the City may place, with adequate signing and striping, speed bumps/humps and the legal liability to the City would be minimal. Councilmember Faulkner stated he, too, had received a call from Mrs. Marsh; said he believed there should be a more comprehensive traffic control system, other options should be considered, perhaps closing off

some streets. Councilmember D'Ovidio stated he, too, had received a call from the Marshes; said Mr. Marsh stated he believed the reason Mr. D'Ovidio was supporting this was because he was afraid if humps were installed on Maple Avenue, it would divert traffic onto his own street or other streets; said the reason he supports the ordinance is because it presents an excellent opportunity. Spoke on the issue of closing off streets, said it must be considered that when you close off streets, the traffic will be diverted elsewhere along with the existing problems. Expressed appreciation of the work done by Corporation Counsel Gingerich in reviewing the ordinance; said he made a point regarding state law on the matter; State Highway Administration had always claimed that state law said you could not put anything in the road to slow traffic; Mr. Gingerich spelled out that the law does not pertain to traffic control devices, but to dangerous objects. Councilmember Faulkner reiterated that the closing of specific streets should be considered as a traffic control option. Councilmember Eckert stated that an experimental approach is being taken, that circumstances have afforded the City the opportunity to try speed humps at a minimal cost to assess their effectiveness; said no slight was intended toward residents of any area, Willow Avenue just happened to be opportune due to the repaving going on there; residents of other streets will benefit by seeing how the devices work prior to requesting them for their areas. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers D'Ovidio, Eckert, Faulkner, and Iddings; NAY: None. EXCUSED: Councilmembers Bradley, Garcia, and Williams.

ORDINANCE NO. 2620
(Attached)

7. Proposed ordinance authorizing the installation of two additional parking meters in the 7000 block of Carroll Avenue (West curb). City Administrator Nichols explained that a letter was received from the attorney representing the property owner, Hishmeh, requesting that the City install two additional parking meters in front of the property on Carroll Avenue with parking limited to 20 minutes. Said the matter was investigated by the Police Department and the Assistant City Administrator, the ordinance is now being presented for consideration and first reading. A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Faulkner, that the ordinance be accepted for first reading. Mayor Abbott remarked that the request for these two meters was rejected by the previous Council; they felt that cars parked in the spaces might cause problems for traffic making a right turn; said he felt the only problem is the traffic light at the intersection, said it creates a very hazardous situation for persons trying to cross the street. Councilmember Eckert commented that the entire area, including the light, would be considered and upgraded as a part of the revitalization project. (Proposed Ordinance Attached.)

8. Consideration of appointment of City Fire Marshal. City Administrator Nichols explained that this item was not being presented for action at the present meeting, but will be discussed at a work-session later on. Said the City faces circumstances from time to time where houses are abandoned, burned out, etc., presenting an unsafe and deteriorating condition to the community. Presently, in order to board up the houses and make them safe, the City must go through the condemnation process, taking anywhere from several weeks to several months. By appointing a City Fire Marshal, which is authorized under the City Code, the Fire Marshal could ascertain the condition of the property and order the immediate boarding up or other actions required to render the property safe for the community. Requested that Council consider appointing a Fire Marshal for at least this limited purpose, with the possible broader scope of powers to be researched and considered at a later time. This would be an additional duty for an existent staff person. The City Administrator stated that pertinent sections of the Code had been copied and would be forwarded to Councilmembers for their information and consideration.

9. Appointment of members to Operation Turnaround Board. Mayor Abbott gave a brief summary of the individuals being presented for

appointment to the board:

Beverly Quattlebaum, 8000 Maple Avenue, (1 year term), a lifelong resident of the City and active in citizens' associations;

Geoffrey T. Reed, 7109 Cedar Avenue, (2 year term), a resident of the Historic District, ornamental iron worker/welder by profession;

William Eckert, Councilmember from Ward 3, (1 year term);

Mayor Abbott, volunteered as the other elected official, (2 year term);

William Gardner, Housing Rehabilitation Specialist, who administers the rehabilitation loan program for the City.

A motion was made by Councilmember D'Ovidio, duly seconded by Councilmember Iddings, and carried unanimously, that the appointments be formalized. Mayor Abbott directed the City Administrator to ensure that appointees were notified and an article prepared for the City Newsletter.

10. Warring/LDR Discussion. Councilmember D'Ovidio explained that this portion of the meeting was subsequent to the suggestion at the previous night's meeting that Warring Associates and LDR be present to respond to questions from Council related to the memorandum from Mayor Abbott. Councilmember Iddings reviewed motions passed at the prior night's meeting on the issue. Mayor Abbott spoke on the chronology of events leading to his memorandum regarding Warring/LDR and derivation of remarks therein; said Warring had responded to the statements the prior night. Mr. Warring stated that Bob Gorman of LDR was present for the purpose of responding to any questions as well as the statements contained in Mayor Abbott's memorandum; said Mr. Gorman is one of the principals of LDR and has been with them for approximately ten years, is an accomplished registered landscape architect, mentioned some of the significant projects he has been associated with as part of LDR's team. Mr. Warring questioned whether he had correctly understood that if Council were satisfied with Warring/LDR following the meeting, a decision could be made to proceed with the contract as recommended by selection committee. Councilmember Iddings stated that the tabled motion (to accept selection committee's recommendation) could be revived at any time Council so desired.

Councilmember Eckert pointed out that Council has two options available, to either revive the tabled motion, or to proceed with Councilmember Iddings' motion to appoint a three-member professional review committee for evaluation of the selection process and criteria.

Following his introduction by Mr. Warring, Mr. Gorman responded to each individual allegation contained in the Mayor's memorandum; spoke, at the request of Councilmember Eckert, on LDR projects in Baltimore. Also spoke at length on work done in Falls Church, Virginia, by LDR; presented some of the design aspects of that work, mentioned the goals involved. Responded to questions from Council regarding the Falls Church project. Pointed out that while public improvements (street-scape) are an important first step, there are other vital elements to a successful revitalization project. In response to query, related circumstances surrounding prior business associations with Fred Kent of Project for Public Spaces, Incorporated; cited difference in design philosophy as a source of possible friction. Furnished a list of satisfied clients whom he invited Council to contact if they so desired.

Councilmember Eckert made a motion, duly seconded by Councilmember Faulkner, that the motion previously tabled be removed from the table; motion carried with Councilmembers Eckert, D'Ovidio, and Faulkner voting Aye; Councilmember Iddings voting Nay. Mayor Abbott stated that removal from the table of this motion meant that the matter was then open for debate; Council could act on the contract procedure. The City Administrator, in response to query, stated that copy of the contract had been forwarded to Corporation Counsel for review; said the contract had been negotiated with Mr. Warring and he (City Administrator) was satisfied with the contract. Mr. Gingerich stated he had found no actual problems with the contract, would like to review it further; however, if Council desired to proceed with the contract, it could be made

subject to Corporation Counsel's approval. Assistant City Administrator Schnuer stated he had received verbal approval of the contract from Tim Miner, the County Project Officer. Councilmember Iddings stated he would oppose authorizing approval of the contract at the present meeting; said he had questions regarding some of the services involved that he would like clarified by staff at a worksession. Councilmember Eckert suggested approval of the contract subject to review by the Council as well as review by Corporation Counsel, prior to final signing. Mayor Abbott stated he saw no reason for hasty action by only four members of the Council; queried whether if Council voted to accept the staff recommendation of acceptance of Warring/LDR, that would commit Council. Corporation Counsel Gingerich stated that the contract would be subject to approval by the Mayor and Council; no dollar figure has been mentioned, nor the terms of the contract; said what Council would be doing would be accepting staff's recommendation subject to entering into a contract; that if staff's recommendation is accepted the criteria they used is accepted as well.

Councilmember Iddings left the meeting, thus negating the formerly existing quorum.

The meeting adjourned at 9:40 P.M., to reconvene on July 19, 1982, at 7:30 P.M., in special session.

RESOLUTION

WHEREAS, the Mayor and Council of Takoma Park, Maryland, have designated Takoma Old Town as a Commercial Revitalization Area; AND

WHEREAS, the City's commitment to commercial revitalization extends to the provision of substantial public improvements creating a design theme for the commercial area; AND

WHEREAS, the City solicited comments on the redesign of the Takoma Old Town Park in a series of meetings with the surrounding residents and the community at-large; AND

WHEREAS, the Commissioners and staff of the Maryland-National Capital Park and Planning Commission have cooperated with the City and its commercial revitalization efforts in the proposed improvements to the Takoma Old Town Park; AND

WHEREAS, the proposed Park redesign creatively fulfills the requirements of the commercial revitalization plan and is responsive both to the approved design theme and the expressed concerns of the surrounding community.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT we strongly endorse the proposed redesign of the Takoma Old Town Park, and express appreciation to the Commissioners and staff of the Maryland-National Capital Park and Planning Commission for their past and future cooperation in this project.

ADOPTED BY THE MAYOR AND COUNCIL July 13, 1982.

CHARTER AMENDMENT
RESOLUTION No. 1982-3
ORDINANCE No. 2617

WHEREAS, Section 48(a), Article 81, Annotated Code of Maryland, 1980 Replacement Volume, as amended, provides that, with certain exceptions, all incorporated cities may impose and collect after October 1 interest on overdue taxes at the rate of 2/3 of 1 per cent for each month or fraction of a month until paid, and it is the desire of the Mayor and Council of Takoma Park, to have the City Charter consistent with the State Code and to conform to present practices; AND

WHEREAS, Section 48(b), Article 81, Annotated Code of Maryland, 1980 Replacement Volume, as amended, provides that any city may impose and collect after October 1 such penalties for failure to make payment of ordinary taxes by or after that day, as prior to the date of finality may have been fixed by resolution of the governing body; AND

WHEREAS, it is the belief of the Mayor and Council that prompt payment of taxes, and such charges as are collectible in the same manner as taxes, would be encouraged by the imposition of a penalty when payment therefor is overdue and in arrears.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD.

SECTION 1. THAT Subsection (f) of Sec. 1.9., "Taxes and assessments generally," of the Charter of Takoma Park, 1972, as amended, be repealed in its entirety and reenacted to read as follows:

(f) On or before the last day of June in each year, the Council shall, by ordinance, levy the general taxes for the fiscal year ensuing, which taxes shall not exceed Two Dollars (\$2.00) on each One Hundred Dollars (\$100.00) of assessed valuation. All improvements which become substantially completed between July 1st and September 30th in any year shall be assessed for taxes and such improvements shall be subject to municipal taxation in said year on the basis of three-fourths of the regular assessment made for State and County purposes for said year. All improvements which become substantially completed between October 1st and December 31st in any year shall be assessed for taxes and such improvements shall be subject to municipal taxation in said year on the basis of one-half of the regular assessment made for State and County purposes for said year. In the case of buildings under construction, the term "substantially completed" shall mean when the building is under roof, plastered (or ceiled) and trimmed. Such taxes are due and payable without interest as of the first day of July in each taxable year; and taxes are overdue and in arrears on the first day of the succeeding October, and from and after this day of October 1 they shall bear interest at the rate of ~~1/2 of 1 percentum~~ 2/3 of 1 percent for each month or fraction thereof until paid. In addition to the said interest on overdue taxes, a penalty rate of one per cent (1%) per month or fraction of a month shall be imposed on all taxes which are overdue and in arrears after October 1. Nothing herein contained shall in any way operate to or be construed to repeal, alter, revise, amend or operate to or in any manner affect any other provision in this Charter as to the assessment, collection, or sale for non-payment of taxes, and all taxes, notwithstanding the provisions of this section, shall be collected, except as hereinspecifically provided for, and all proceedings for sales for the non-payment thereof shall be conducted, at the times and in the manner provided for in the other sections of this Charter.

SECTION 2. THAT this ordinance shall become effective on the fiftieth day after adoption, provided, however, that the penalty rate provided for shall not be imposed until Fiscal Year beginning July 1, 1983.

NOTE: [] denotes deletions
Underscoring denotes additions

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD. ON JULY 13, 1982, BY ROLL CALL VOTE RECORDED AS FOLLOWS: AYE: COUNCILMEMBERS D'OIDIO, ECKERT, FAULKNER AND IDDINGS; NAY: NONE; EXCUSED: COUNCILMEMBERS BRADLEY, GARCIA AND WILLIAMS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD that

Section 1. Sec. 2.6.1 of the Code of Takoma Park, Maryland 1972 as amended, entitled "Procedure for adoption of ordinances is hereby repealed and reenacted with amendments, to read as follows: (Underlining indicates additions)

Sec. 2-6.1 Procedure for adoption of ordinances.

(a) All ordinances, with the exception of those listed in Subsection (d) below, shall be read at two (2) meetings of the Mayor and Council prior to adoption.

(b) The first reading of an ordinance shall be for the purpose of introduction to Council members for study and consideration and to provide an opportunity for citizen input.

(c) At the second reading an ordinance would generally be considered for final enactment except by decision to the contrary by the Council.

(d) The following classes of ordinances shall be exempt from the provisions of Subsections (a), (b) and (c) above:

(1) Those ordinances dealing with appropriations of funds from a previously adopted annual budget; previously approved federal revenue sharing fund planned use report or approved community development block grant programs.

(2) Ordinances which are designed to cover situations of an emergency nature presenting a clear and present danger to the public health, safety and general welfare, and which contain a section of legislative findings defining the emergency and specifying the likely consequences of the emergency situation in the absence of said legislation. Without a section of legislative findings, the provisions of subsections (a), (b) and (c) above shall apply.

Section 2. This ordinance shall take effect upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL ON JULY 13, 1982.

ORDINANCE NO. 2619

WHEREAS, the Fiscal Year 1983 City Budget provided for the purchase of three police cruisers; AND

WHEREAS, on June 26, 1982, the Mayor and Council authorized the Police Department to take the initial steps to enter into a lease purchase option agreement with Standard Leasing Corporation for three 1981 Plymouth sedans equipped for use as police cruisers; AND

WHEREAS, the cost benefits which will accrue to the City under this arrangement are so unique, and the period of offer so limited, that a waiver of the normal bid solicitation process was deemed desirable.

NOW, THEREFORE, BE IT ORDAINED THAT THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. Hereby acknowledge their prior approval for the lease-purchase of three (3) 1981 Plymouth Gran Fury 4-door sedans, Serial Numbers 1P3BR27N1BA119961, LP3BR27N3BA119962, and 1P3BR27N5BA119963, from Standard Leasing Corporation, Hyattsville, Maryland, at a cost of \$7944.00 each, payable in 24 monthly installments of \$331.00 per car, beginning in July 1982; AND

SECTION 2. FURTHER THAT funds in the amount of \$11,916 shall be appropriated from the funds reserved for Police Car Acquisition in the Fiscal Year 1983 Capital Budget, with the remaining \$11,916 to be appropriated from the Fiscal Year 1984 Capital Budget.

ADOPTED BY THE MAYOR AND COUNCIL ON JULY 13, 1982.

ORDINANCE NO. 2620

WHEREAS, over the years, many complaints have been received regarding speeding traffic in the 7200-7300 blocks of Willow Avenue; AND

WHEREAS, the residents of those blocks of Willow Avenue, with the concurrence of the residents of Valley View Avenue, an abutting street, have petitioned the Mayor and Council to install speed humps in that section of the Willow Avenue roadway as a means of slowing traffic and thereby to promote the general safety and welfare of the neighborhood; AND

WHEREAS, at the present time a water main on Willow Avenue is being replaced, after which extensive street repairs will be undertaken by a WSSC contractor during the period July 19-July 23, 1982, and the said contractor has indicated a willingness to construct speed humps in conjunction with the street repairs at nominal cost; AND

WHEREAS, the Mayor and Council wish to go forward with the installation of the speed humps on an experimental basis and to take advantage of the unique opportunity which has presented itself as a means of testing the viability of the speed hump as a device for controlling speeding; AND

WHEREAS, for the reasons stated above, the ordinance below shall be enacted as an emergency measure.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MD.

SECTION 1. THAT speed humps, in accordance with specifications determined by the Federal Highway Administration to be adequate and proper, shall be constructed in the roadway of the 7200 and 7300 blocks of Willow Avenue, at locations to be determined by the Chief of Police and the Director of Public Works; AND

SECTION 2. THAT appropriate warning signs shall be placed on the right hand side of the street at the approach to each speed hump; AND

SECTION 3. THAT the speed hump installations shall be painted with distinctive markings, so as to clearly indicate their location; AND

SECTION 4. FURTHER THAT the City Administrator is hereby authorized to accept the offer made by Francis O. Day Co., Inc. to install speed humps at a cost of \$450 per hump.

SECTION 5. THAT funds to cover the costs incurred shall be appropriated from the Capital Improvements Reserve Fund.

ADOPTED BY THE MAYOR AND COUNCIL ON JULY 13, 1982

PROPOSED ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT Article 4 of Chapter 11, Code of Takoma Park, Md., 1972, as amended, be amended by the addition of a new section, to read as follows:

Sec. 13-32-1. Parking meter zones; twenty minute limit.

(a) Twenty-minute limit meters, one (1) cent (\$.01) for six (6) minutes or multiples thereof or one (1) nickel for twenty (20) minutes, from 7:00 AM to 7:00 PM except Sundays and holidays at the following locations:

(1) Carroll Avenue, West curb, directly in front of 7006 Carroll Avenue: two (2) meters

AND

SECTION 2. THAT the meters shall be positioned in accordance with a plan entitled "Takoma Old Town Parking Survey," of May 5, 1982; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the installation of the parking meters as set forth in Section 1; AND

SECTION 3. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-42 of the Code of Takoma Park, Md., 1972, as amended.

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council

July 19, 1982

[7:30 PM]

AGENDA

CALL TO ORDER: Mayor Abbott

ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

ITEM FOR COUNCIL CONSIDERATION:

- (1) Approval of contract for the design and constuction of public improvements in the Takoma Old Town Revitalization Area

ADJOURNMENT

Special Meeting of the Mayor and City Council
July 19, 1982

City Officials Present:

Mayor Abbott	City Administrator Nichols
Councilmember Bradley	Asst. City Administrator Schnuer
Councilmember D'Ovidio	City Clerk Pusti
Councilmember Eckert	Corporation Counsel Gingerich
Councilmember Faulkner	
Councilmember Iddings	
Councilmember Williams	
EXCUSED: Councilmember Garcia	

The Mayor and City Council of Takoma Park met in special session in the Council Chamber, 7500 Maple Avenue, on July 19, 1982, at 7:46 P.M.

Mayor Abbott stated the meeting was called upon written request from four members of the Council in order to deal with one specific proposal; mentioned that following the special meeting there would be a report on the school issue and he would appreciate citizens remaining for that as there is an imminent decision to be made; Councilmember D'Ovidio had a letter regarding a hearing that should be acted upon.

I. Architectural/Engineering Contract for Takoma Old Town Project

Mayor Abbott made a motion, duly seconded by Councilmember Williams, that Council approve the choice of Warring Associates/LDR, Inc. as recommended by the Selection Committee, and that the Council hereby authorize, subject to review of the Corporation Counsel, the City Administrator to sign the relative contract with the aforementioned firm(s), that the contract be reviewed by proper Montgomery County officials for the design and construction of public improvements in the Takoma Old Town Revitalization Area.

The Mayor briefly restated his reasons for the motion; said if passed, it will allow the vital project to proceed forthwith, that being a common objective of the Mayor and Council, City Administrator, project coordinators, businesses and residents of the surrounding area as well as citizens at large of the City. Stated he hoped this special meeting would renew Council's resolve to strengthen their commitment to commence and carry through on the challenging task ahead for the mutual benefit of Takoma Park's citizenry, businesses and the City government.

1. Arthur Karpas, 6916 Westmoreland Avenue: spoke for members of the immediate community; stated WACO had not yet taken an official position; expressed thanks to the Mayor, Council, and City Staff for their efforts on the project. Commented on the fact that the issue became a tragic debate among friends and supporters of the same idea(s); commended the fact that a resolution had been reached that permitted preservation of the objective and the optimal achievement of the project. Said that Mayor Abbott more than any one individual had permitted this achievement; praised his statesmanship, said he had assured that his supporters would remain true and untiring as ever. Commended Council for their commitment to the highest standards, reflection of constituents' views, and the unified sense of purpose they retained in order to benefit the entire City. Additionally expressed thanks to City Administrator Nichols and his staff for their professional attitude, careful work and balanced judgment. Expressed gratitude to residents who gave of their time, insight, and spoke out on the issue.

2. Travis Price, 7301 Birch Avenue: expressed support for the Mayor's motion, both as a citizen and as an architect who had worked on the project. Said he felt it was important to proceed with the vision that started a number of years ago, i.e., the revitalization of the commercial area.

3. Jan Schwartz, 7309 Garland Avenue: said that, as a business owner in the Takoma Old Town area, she was really pleased that the project was going to go ahead.

Councilmember Faulkner stated that he was very pleased that the Mayor made his motion; said he was happy with the resolution of the issue, hoped that other steps in the process will be accomplished more gracefully than the initial one.

Councilmember Eckert wholeheartedly supported the Mayor's motion; stated pleasure at the resolution of the issue and anticipation of seeing the project underway and ultimately completed.

Councilmember Williams stated that, as seconder of the Mayor's motion, he was in full support; said that at one point he felt the dreams for Takoma Old Town were in real jeopardy; in the best interests of the project, was glad no additional time was expended; was glad the project that has been a dream can now commence and become a reality.

Councilmember D'Ovidio expressed support; said the case has been eloquently stated; said he looked forward to commencement and achievement of the goal.

Councilmember Bradley read from a statement she had prepared; said that, having not been present at the July 12-13 meeting(s), the decision had been difficult for her. Said the divisiveness generated by this issue had precluded Council from moving forward not only on Takoma Old Town, but other City business as well; said she felt citizens would like to see progress in the process of City government as well as on the revitalization project. Said she felt that Council failed to explore the process and criteria prior to entering the review and selection process; should have established oversight; the issue should not have become firm A versus firm B, but how the goals for the community could have best been implemented. Stated that the process became an emotional rather than a rational process. Emphasized that a reasonable process and criteria should be established for all Council decisions, reflecting the broadest values of the community and excluding cronyism, misdirected anger, emotionalism, or other political smokescreens. Hoped that as the project moves forward, an improvement would be seen not only in streets, curbs, gutters, etc., but in the process that engenders City government; that Council oversight would be firmly established in future situations requiring major decisions.

Councilmember Iddings supported the motion; said he was pleased with the Mayor's reasons for the motion; reiterated that it was vital to the success of the project that Council demonstrate unity, was pleased with the Mayor's leadership role in bringing that about.

Upon vote, motion carried unanimously. The contract with Warring Associates/LDR, Inc. was signed with Councilmembers attesting to the signature(s).

II. Takoma Park Junior High School

Councilmember D'Ovidio stated that at the upcoming July 28 School Board hearing, only PTA representatives would be allowed comment on the recommendations made; said that the City strongly dissents on the fact that the meetings are not being held in the Takoma Park-East Silver Spring area, and that comment is being limited to one source in the community; demanded that the meetings be held in the affected community and offered the City Municipal Building auditorium for that purpose, additionally demanding that a City representative be allotted time to present the City's position on the issue. Presented a drafted letter containing these statements; requested support and signature by the Mayor and Council. Dr. Faith Stern stated that she had been contacted and requested to assist in lining up speakers; understood that the PTA's from the schools affected would have to request the time for testimony, with the choice of speakers being left up to them. Councilmember D'Ovidio thought they were limiting it to PTA's; Dr. Stern, Mrs. Carolyn Bassing, and the Mayor concurred that it might be beneficial to retain insistence on the City as an entity, which was the purpose of the letter presented by Councilmember D'Ovidio.

Councilmember D'Ovidio remarked that Blair PTA members were also requesting a change in the location of the meeting. Councilmember Bradley made a motion, duly seconded by Councilmember D'Ovidio, that the letter go as a position of the Mayor and Council to the Board of Education requesting that the meeting be held in Takoma Park Council Chambers and that the City be allowed a spokesperson. Motion carried unanimously.

Mayor Abbott requested that Dr. Stern give a resume of where the City stands on the issue, the options it faces. Dr. Stern stated that in a conversation with an individual working with the group trying to get Park and Planning to take a stand on the fifteen year plan, he mentioned they had attempted to get Park and Planning to scrutinize more than just land use, to make statements about integrated communities and issues of that sort. Dr. Stern suggested that contact be made with Norman Christeller, Chairman of the Montgomery County Planning Board, and the fact communicated that the City would like to have representation (preferably from Council) at their meetings on the subject, stating that the City does have concerns about which way the Planning Board may move. Mayor Abbott agreed that Norman Christeller would be contacted, input by the City requested as well as attendance at any future hearings. Mayor Abbott remarked that while the City is a member of MML, legislation that would require that affected cities be involved in the school-closing process (if not veto power) was not supported in the State Legislative Action Committee of the Maryland Municipal League. Councilmember Bradley commented that Council should ascertain from Maryland Municipal League their views on the issue and ensure that they do not feel they have the prerogative of speaking for the City.

Dr. Stern said she had made a statement asking for the return of a seventh grade at Takoma at the Board press visitors' conference which offered an opportunity for people to bring their concerns before the Board; said Blair Ewing requested a copy of her statement. On July 20 and 21, some sort of decision will be forthcoming from the Board, but expressed pessimism that it would be anything favoring Takoma Park Junior High. Remarked that calendar-wise, the next thing upcoming would be application for a rehearing, which the committee had decided to apply for, and that would have to be filed by July 30; Stated the City would be included as an original appellant, wishing to continue the process to the end, and still dealing with the state board.

In response to query from the Mayor, Dr. Stern stated that the state board would probably either grant or deny a rehearing at their August 25 meeting; said they have granted some in the past, but given the atmosphere in which the county board is challenging, the chances may be slim, not wanting to overrule or reopen the issue. Dr. Stern clarified that in a rehearing, according to a statement from the Assistant Attorney General, only evidence that had not been presented or evidence or things that had occurred after the decision would be allowed. Mentioned that a number of schools, as well as the City of Rockville, have filed suit against the Board of Education; said these suits have to be filed by July 30. Clarified that the thing required by July 30 would be the suit petition, listing of grievances, following which 30 days would be allowed for development of a brief. A lengthy discussion ensued on the merits of various approaches that could be taken.

Mr. Gingerich stated that the City should be aware of the costs that could be involved in our pursuing this cause; saying it would be a policy matter that the Mayor and Council would have to decide. Mayor Abbott stated that all proceeds from the Takoma Park Folk Festival would go toward the school fund, the City has the choice of either giving up the school or fighting in the court system and raising the money required for that fight from the citizenry. Said he thought the issue was such that it merits a battle.

Dr. Stern said that a consideration to be kept in mind was the fact that many of those who had been working on the school closure issue had devoted a great deal of time, had reached the end of their

ability to give, and were proposing calling for a community-wide meeting in early September to elect new steering committee members to replace those who would be resigning; had hoped that the decisions on pursuing the issue might be made at the time of that meeting. Said some of the filings would have to be made before September and the present committee would be willing to do that, but there needed to be new or different leadership to carry on the next steps in the process. Councilmember Iddings remarked on a copy of a letter written by Dr. Stern to the previous Counsel terminating the Save Our Schools Committee's relationship with them; thought the tone of the letter was brusque, wondered if that was the intent. Dr. Stern clarified that the letter was not intended to be brusque, merely formal.

Councilmember D'Ovidio remarked on regretting that Dr. Stern would not be involved on a continuing basis in the effort, but expressed understanding considering the copious amounts of time and energy devoted by her and other committee members. Agreed an attempt would have to be made to involve other citizens, a larger group.

Mayor Abbott stated he felt an obligation exists when citizens are involved in long-term movements, to develop some sort of continuity, a responsibility for passing on some kind of a judgment and recommendation as to the avenues to be approached. Said he did not think that had happened in this situation, that there is a lack of unanimity over direction; questioned what was being done to develop a position supportable by citizens. Dr. Stern acknowledged that there was a division among steering committee members about what direction to go, which would be the most beneficial. Said after the September 12 primary elections, the committee hoped to have another forum with school board candidates, hopefully with better citizen participation. Stated that the steering committee felt that they did not wish to be making decisions for all of the City and for East Silver Spring; they were willing to make some recommendations at the large community meeting to be held and hope for community input at that time. Mayor Abbott suggested increasing the steering committee at the present time so that it could serve as a transition group and train new people who come on to assume greater responsibility; suggested doubling or tripling the steering committee membership. Dr. Stern stated that with the ongoing burden of preparations and time restraints, that possibility had not really been explored.

Mayor Abbott questioned what redress was available when involved parties felt that Counsel had failed to deal in court with issues that were presented to them; Mr. Gingerich stated the court offers no relief for that situation, that if anyone feels a lawyer failed to properly represent them, then his recourse is an action against that lawyer.

Councilmember Faulkner remarked that thought should be given to presenting a resolution expressing thanks to those citizens who had devoted time and effort to this cause.

The meeting adjourned at 9:24 P.M., to reconvene on Monday, July 26, 1982, at 8:00 P.M. in regular session.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 26, 1982

AGENDA

8:00 CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Bradley
Councilmember D'Ovidio
Councilmember Eckert
Councilmember Faulkner
Councilmember Garcia
Councilmember Iddings
Councilmember Williams

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

8:10 REPORT FROM CABLE COMMITTEE AND REQUEST FOR REAFFIRMATION OF COUNCIL ENDORSEMENT OF CATV FIRM RECOMMENDED BY COMMITTEE (Bruce Ingold)

ADDITIONAL AGENDA ITEMS

8:20 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: Assistant Administrator Schuer

1. Communications

2. Administrative reports and recommendations for council action:

(1) Administrative reports

--Report by Corporation Counsel on the status of demolition of 7106 Sycamore Avenue and 7511 Carroll Avenue

--WSSC improvements on Willow Avenue (Public Works Director)

--Progress report on preparation of Council minutes

(2) Proposed neighborhood garden on unimproved Lake Avenue (Corporation Counsel)

Citizens' comments

Council decision

(3) Report and recommendations of Junior High SOS Committee

Citizens' comments

Council decision

(4) Second reading of an ordinance authorizing the installation of two parking meters in the 7000 block of Carroll Avenue (West curb)

Citizens' comments

Council action

(5) Proposed ordinance authorizing solicitation of bids for the demolition of 7709 Carroll Avenue

Citizens' comments

First reading

(6) Proposed ordinance dealing with storage of motor vehicles (Report by Corporation Counsel)

Citizens' comments

First reading

(7) Proposed appointment of City Administrator as City Fire Marshal on an interim basis

Citizens' comments

Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
July 26, 1982

City Officials Present

Mayor Pro-Tem D'Ovidio	Asst. City Administrator Schnuer
Councilmember Bradley	City Clerk Pusti
Councilmember Eckert	Police Chief Carter
Councilmember Faulkner	Acting Library Director Spottswood
Councilmember Iddings	Public Works Director Robbins
Councilmember Williams	Recreation Director Ziegler
EXCUSED: Mayor Abbott	Corporation Counsel Culpepper
Councilmember Garcia	

The Mayor Pro-Tem and City Council of Takoma Park met on July 26, 1982, at 8:10 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Pro-Tem D'Ovidio explained that Mayor Abbott's absence was owing to the death of his 98-year-old mother in Ithaca, New York, where the Mayor had gone. He asked Reverend Albaugh to make a memorial statement for Mrs. Abbott, after which there was silent prayer.

MAYOR PRO-TEM D'OVIDIO'S COMMENTS AND PRESENTATIONS

Mayor Abbott had asked for two issues to be raised, the Mayor Pro-Tem explained: 1) Prince George's County Executive Candidate Glendening's interest in meeting with the Council, Mayor and citizens, and 2) August 5 Montgomery County Council Gun Control bill hearings.

Mr. Glendening wished to meet to verbalize support for provision of funds for the Takoma Park Fire Station from Prince George's County, and it was hoped to meet with him Sunday, during the festival, at the firehouse. The Mayor Pro Tem invited all interested citizens to attend the informal meeting, saying time will be announced during the festival, from the podium.

A bullet ban bill similar to the one raised in Friendship Heights will be up for public discussion on August 5, and Mayor Abbott was scheduled to speak first on the agenda that evening. He urged interested citizens to appear also, Mayor Pro-Tem D'Ovidio said, noting that more information will be provided as to the location of the hearing. It is believed the meeting is at Richard Montgomery High School.

Councilmember Iddings discussed the Sectional Map Amendment to the Master Plan, pointing out that the last issue--zoning for the business district at Carroll and Ethan Allen Avenues--was discussed by Montgomery County Council in worksession, July 21. Essentially the County Council denied Takoma Park's preference for total C-1 zoning, instead affirming current status of the Master Plan which calls for a split between C-1 and C-2. Mr. Iddings has expressed disappointment to Council President, Neal Potter, and Park and Planning Commission Chairman, Norman Christeller, and has scheduled an appointment with Mr. Christeller late in August to discuss the decision further. If necessary, he will ask Mr. Christeller to meet with the Council on the issue. Councilmember Eckert said he felt it was a good idea for Mr. Christeller to come to Takoma Park and hear citizen comments on the issue. Councilmember Faulkner said the Master Plan calls for considerable action on the part of the City, and a plan for accomplishment should be drawn up.

Councilmember Faulkner also noted with regret that minutes of the preceeding Council meeting were not available. Mayor Pro-Tem D'Ovidio noted that a discussion of problems with the minutes was on the formal agenda.

Councilmember Iddings also noted that Takoma's Historic Preservation Committee has had its initial organizational meeting and is preparing rules for regular operation, with regular meetings to begin in September. The Newsletter will keep citizens informed.

REPORT FROM CABLE TV COMMITTEE (Bruce Ingold)

Mr. Ingold noted that the Committee had testified before the Citizens' Television Advisory Committee and commended the leadership of Committee representatives Lynne Bradley and Bruce Moyer. The Committee voted to endorse Tribune United, as did the report of John Hansman, County Cable Officer, and Mr. Ingold asked the County Council to draft a letter to the County Executive's office, drawing Mr. Gilchrist's attention to the Committee's report and recommendations. The County Executive decision is due late in August, and a letter reaffirming the City's decision to endorse Tribune United should be sent with a copy of the report.

Mayor Pro-Tem D'Ovidio commended the work of the Cable TV Committee over the past two years. Mr. Ingold explained the Committee is working on clarification of the language of the contract between the City and County; work should be completed in about two weeks.

Councilmember Bradley moved that the Council endorse the Committee's recommendations by sending a copy of the report to the County Executive with a cover letter focusing on the report and reiterating the endorsement therein of Tribune United. The motion was duly seconded and un-animously passed. Councilmember Bradley pointed out that Mrs. Hansman's assistant had said that hours of work and reams of paper and public testimony had not been very helpful with one exception, and that was the report from Takoma Park. Another member of the Cable Advisory Committee had told Ms. Bradley that he had originally thought if any area would have a parochial attitude, it would be Takoma Park, but that the Advisory Committee found Takoma's criteria and way of proceeding very good.

CITIZENS' REMARKS

1. David Sawyer, 8205-A Roanoke Avenue: announced the upcoming Takoma Folk Festival to be held September 12 at Takoma Park Junior High School, and pointed out all proceeds from food sales will go to the Committee to Save our Community Schools. Mr. Sawyer urged City Council members to solicit festival volunteers from their wards, and noted that Festival planning meetings are set for every Thursday at 8:00 P.M. throughout August, in the Municipal Building. Mr. Sawyer introduced Ms. Sara Green, 7106 Piney Branch Road, N.W., a representative of Neighbors, Inc. and long-time participant in the folk festival.

2. Dr. Joseph Lerner, 7708 Takoma Avenue: a) Dr. Lerner described the "jungle" at Eastern Avenue and Takoma Avenue, on the D.C. side and asked the Assistant City Administrator to see that the grass is cut. Mr. Robbins, Director of Public Works, promised to check the matter with public works people in the District. b) Dr. Lerner would like to see the City's nominating procedure (for elections) minimized, since he feels it trivializes the City. Instead he suggests the nominating procedure be done on paper and that there be two rounds of City-wide debates sponsored by the City and monitored by League of Women Voters or a similar group. c) He suggested a "point system" in relation to properties, and that when any property changes hands, it revert to original single-family status, and also when a specific number of points accumulates against a property, that it revert to single-family status automatically. He points out that potential owners would realize, for instance, that their new property was within three (say) points of reverting, and so there would be incentive not to violate City codes and ordinances. d) Dr. Lerner encouraged the planting of more trees in the City as a good investment. e) He thinks current procedure for citizen comments is precarious, since items of interest may have been removed, or not put on, agenda. Time for citizen comments on agenda items should be reserved when an item is up for second reading, permitting comments during "General Citizens' Remarks" prior to that. f) Recommended publishing table of tax rates in the Newsletter for several comparable municipalities, so citizens can compare.

Councilmember Williams said Dr. Lerner's comments reminded him of problems with trash on the sidewalks, and City jurisdiction. He

specifically cited Maple Avenue trash problems. Mr. Robbins noted Maple Avenue roadway should have been cleaned twice since the tenant clean-up and promised to check on it and have corrected.

Councilmember Bradley noted with respect to Dr. Lerner's wish for more tree-planting that the City and citizens should look for creative ways to finance, perhaps in the form of a memorial fund.

Further discussion ensued about Public Works Department snow and trash cleanup responsibilities. Mr. Robbins pointed out that it is homeowners' responsibility to clean up snow, but there is only a moral obligation to clean up sidewalks of trash.

3. Jan Schwartz, 7309 Garland Avenue: Ms. Schwartz officially invited the Council and members of the audience to the Second Annual Takoma Victorian Festival, to be held August 1.

4. Carlos Stewart, 7710 Maple Avenue: a) Mr. Stewart picked up on the matter of maintaining sidewalks free of trash and asked if there was not an ordinance proposed to deal with this. Mr. Robbins responded that such an ordinance dealing with snow removal is under review, and should come before the Council on its long-term agenda; noting, however, that there are many problems with it. b) Mr. Stewart inquired about filling vacancies on the COLTA Commission and c) discussed with Councilmember Bradley the Tribune United (Cable TV) firm's proposals with respect to hiring/training minorities.

5. Diane Jenkins, City resident: a) Ms. Jenkins commended the Recreation Department for the trip to King's Dominion, which she felt was excellent. b) She asked about violations at 7611 Maple Avenue. Asst. City Administrator Schnuer pointed out another reinspection for code violations is set for this property on August 10, and that at that time there will also be a totally new inspection. General discussion of housing code and COLTA enforcement problems ensued, with members of the Council expressing the necessity of determining whether or not the problems are due to weaknesses in the laws or failure of staff to follow the proper procedural requirements, with appropriate corrective action to be taken. Councilmember Eckert suggested either additional City manpower devoted to code enforcement (which he doesn't feel is efficient) or automating the records. Mayor Pro-Tem D'Ovidio pointed out the code enforcement issue is scheduled for Monday night's worksession. Members of the Council requested that the Corporation Counsel as well as staff from Code Enforcement and Landlord-Tenant, be present.

6. Rino Aldrighetti, 7215 Central Avenue: 1) Commended City Police Department for action on Central Avenue's speeding problem. 2) Mr. Aldrighetti said Long Branch-Sligo Citizens' Association has proposed persons to serve on various City committees but does not receive any notification when they are rejected. There was general agreement that the City should notify citizens' associations when their groups take the trouble to nominate citizens and write letters for their appointment. Requested time at next worksession to discuss role of citizens' associations.

7. Ron Albaugh, 7202 Central Avenue: Inquired about the Master Plan Committee. Councilmember Iddings discussed the Historic Preservation Committee formed after an ordinance was adopted at the end of May. Mr. Albaugh asked where the City is in connection with Area B, the commercial area on Ethan Allen Avenue that is on the long-range agenda for this summer for proposals on revitalization. Asst. City Administrator Schnuer said his office will be bringing something to the Mayor and Council on this in late summer.

8. David Sawyer: Recommends using Mayor's talent bank (in City Newsletter) again. Also recommends the Newsletter carry the City Council agenda and discussion in some form, to define what issues are being raised. Councilmember Faulkner believed minutes of meetings should be sent to citizens' associations and other citizens as requested. Mayor Pro-Tem D'Ovidio agreed it was important. Mr. Albaugh

said in connection with Mr. Sawyer's first suggestion, that it should be made clear volunteer committees are "real" committees and have official status with the Council and the City.

ITEMS FOR COUNCIL CONSIDERATION

Communications

1. Mr. Schnuer discussed the tragic death of David Weir, son of Marian Weir, a long-time employee of the Account Department. He expressed condolences to the Weir family on behalf of all citizens, Councilmembers and staff.

ADMINISTRATIVE REPORTS AND RECOMMENDATIONS FOR COUNCIL ACTION

1. Administrative Reports. The Asst. City Administrator discussed the problem of having minutes prepared in a timely fashion. Various remedies being investigated. The City Clerk stated that the problem stems from failure to replace the person who formerly attended meetings and took minutes when she took another job nearly two years ago. The Asst. City Administrator was directed to prepare a staff recommendation for Council's consideration.

2. Report on the status of demolition of 7106 Sycamore Avenue and 7511 Carroll Avenue. Reference was made to Corporation Counsel's report in writing. Mr. Culpepper said an appeal on 7106 is scheduled for August 11 so the City should not proceed on demolition. Mr. Schnuer will send letters asking bidders to leave bids open pending outcome of the August 11 decision; 7511 Carroll Avenue has been siezed by IRS, precluding any action by the City at present.

3. WSSC improvements on Willow Avenue. Public Works Director Robbins reported WSSC has been advised it will have to rip out 600 feet of curb and gutter, and all catch basins, at an expense of about \$23,000 to WSSC, owing to shoddy workmanship. Councilmember Iddings commended the Public Works Department for its responsiveness to the Willow Avenue improvements situation.

Mr. Schnuer announced a city-wide cleanup date: Wednesday, August 4. Councilmember Bradley asked that a light fixture outside the City offices be repaired as a part of the process. Asst. City Administrator Schnuer said his office was contacting PEPCO to consult on outside lighting.

4. Report and Recommendations of Junior High Save Our Schools Committee. Dr. Faith Stern reported on all developments.

A motion was made by Councilmember Iddings, duly seconded, that the City Council direct the Corporation Counsel to review the documents prepared by the Save our Community Schools Committee, appealing the State Board's decision, and that the Corporation Counsel also note the appeal in the Circuit Court and begin preparing for that appeal; as part of preparation, Corporation Counsel's office will coordinate a meeting with previous law firm and with Save our Schools Committee. The motion carried, all voting "aye."

A motion was made by Councilmember Eckert, amended by Councilmember Iddings, and duly seconded to the effect that: 1) the City Administrator be instructed to contact the School Board and request time for testimony by the City at the Montgomery County Board of Education meeting on July 27; 2) that he be instructed to contact the Eastern Junior High School PIA's president or other officer and request time from their allotment for testimony by the City; if time not being granted, that he be in contact with the Corporation Counsel concerning an injunction; 3) that Dr. Stern testify on behalf of the City. The motion carried, all voting "aye."

Following further lengthy discussion, a motion was made by Councilmember Faulkner, seconded by Councilmember Iddings, and unanimously carried, to strike all discussion regarding litigation from the record.

5. Proposed Neighborhood Garden on Unimproved Lake Avenue. A motion was made and duly seconded (Councilmember Eckert moving) that citizen petitioners be allowed to create garden plots on Lake Avenue, and that they and the City Administrator meet with them to establish rules governing use of the plots. The motion carried, all voting "aye."

Asst. City Administrator Schnuer was asked to ensure that adjacent property owners on Lake are notified, as part of developing rules governing the garden plots.

6. Second Reading of an Ordinance Authorizing Installation of Two Parking Meters in the 7000 Block of Carroll Avenue (west curb). Councilmember Iddings moved adoption of ordinance below. His motion was duly seconded by Councilmember Eckert. It was pointed out the meters may not be in stock. The Council asked to be notified as soon as the meters can be obtained. A roll call vote was recorded as follows: AYE: Councilmembers D'Ovidio, Bradley, Eckert, Faulkner, Iddings and Williams. NAY: None. EXCUSED: Councilmember Garcia.

ORDINANCE NO. 2621

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT Article 4 of Chapter 11, Code of Takoma Park, Md., 1972, as amended, be amended by the addition of a new section, to read as follows:

Sec. 13-32-1. Parking meter zones; twenty minute limit.

(a) Twenty- minute limit meters, one (1) cent (\$.01) for six (6) minutes or multiples thereof or one (1) nickel for twenty (2) minutes, from 7:00 A.M. to 7:00 P.M. except Sundays and holidays at the following locations:

(1) Carroll Avenue, West curb, directly in front of 7006 Carroll Avenue: two (2) meters

AND

SECTION 2. THAT the meters shall be positioned in accordance with a plan entitled "Takoma Old Town Parking Survey," of May 5, 1982; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the installation of the parking meters as set forth in Section 1; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-42 of the Code of Takoma Park, Md., 1972, as amended.

7. First Reading of Proposed Ordinance Authorizing Solicitation of Bids for the Demolition of 7709 Carroll Avenue. Mr. Rino Aldrighetti reported that the Sligo Citizens' Association met with City Administrator, Mr. Nichols, and raised the question as to whether Operation Turn-Around was a possibility for salvaging the structure. The Executive Committee of Sligo Citizens' Association is hoping for action, either by Operation Turn-Around or City constituting itself a Housing Authority. There was further discussion of options and fund limitations, and Mr. Aldrighetti stated he would like to see the first reading postponed for one month. The proposed ordinance (attached) was accepted for first reading with the understanding that the property at issue would be considered by the Operation Turn-Around Board; second reading to be deferred until Board makes a decision. Mr. Schnuer was asked to find out status of Housing Authority and Eastern Avenue property and to report back at next City Council meeting.

8. Proposed Ordinance Dealing with Storage of Motor Vehicles.

Corporation Counsel Culpepper reported that the ordinance is still in draft form, not ready for a reading. He discussed the model ordinance and problems of revision, saying provisions of the existing code may have to be repealed. Mr. Culpepper will have the draft ordinance ready by August 9th.

9. A motion was made by Councilmember Faulkner that the City Administrator be appointed Fire Marshal. The motion was seconded and carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 1:01 A.M. to reconvene on Monday, August 9, at 8:00 P.M. in regular session.

PROPOSED ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

- SECTION 1. THAT whereas on February 8, 1982, Ordinance No. 2597 was adopted by the Mayor and Council, authorizing legal proceedings for condemnation of the building located at 7709 Carroll Avenue, situated on Lot 5, Block A, Maris Subdivision within the City of Takoma Park, Maryland, recorded in the Land Records of Montgomery County, Liber 5293, Folio 268, and in Tax Record a/c #1078958, James T. Kelley, et al.; AND
- SECTION 2. THAT a Public Hearing was held on March 8, 1982, as prescribed by law, and that the owner or his representative was given opportunity at that time to show cause why the building should not be declared a nuisance, minutes of such hearing being recorded in Minute Book Volume No. 47; AND
- SECTION 3. THAT whereas, on April 12, 1982, Ordinance No. 2606 was adopted by the Mayor and Council declaring the building located at 7709 Carroll Avenue a nuisance and ordering that, in accordance with Chapter 6, Article 6 (formerly known as Article 7), Section 6-71 of the Code of Takoma Park, Md., 1972, as amended, the owner, James T. Kelley, et al, abate code violations PM-303.1 and PM-302.1, and to restore the building to a habitable condition or demolish the building and remove all debris within a period of ninety (90) days from April 12, 1982; AND
- SECTION 4. THAT whereas the owner has not accomplished, nor made a consistent effort to accomplish, the abatement of the aforementioned code violations as ordered under Ordinance No. 2606.
- SECTION 5. THEREFORE THAT the Director of Public Works be hereby authorized to solicit and receive at least three sealed bids from reliable persons or firms to demolish the building and appurtenances thereto and to remove all debris, weeds and underbrush from same location, and to fill in the excavation and reseed; AND
- SECTION 6. FURTHER THAT the Director of Public Works report the results of such bids with his recommendation to the City Council for further consideration.