

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on Proposed Use of Revenue Sharing Funds
and Constant Yield Tax Rate
May 13, 1985

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS
Proclamation - Maryland Mainstreet Week

READING AND APPROVAL OF THE MINUTES OF APRIL 22, 1985

ADDITIONAL AGENDA ITEMS

GENERAL CITIZENS' COMMENTS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

Administrative reports and correspondence:

Status Report - Police Radio System Bid Opening Results
Status Report on Fire Tax and Tax Differential

- (1) Public Hearing on proposed use of Revenue Sharing Funds and Constant Yield Tax Rate.
Citizens' comments
Council action
- (2) Modification to Special Exception, Washington Adventist Hospital, to permit construction of a 1-story first-floor addition in an area between 2 existing hospital wings.
Citizens' comments
Council action
- (3) Second reading of an ordinance condemning 7114 Sycamore Avenue
Citizens' comments
Council action
- (4) Second reading of an ordinance amending FY 1984-85 Pay Plan re Police Department promotions
Citizens' comments
Council action
- (5) Revisions to Police Department promotions resolution
Citizens' comments
Council action
- (6) Second reading of Proposed Charter Amendment to repeal and reenact subsections (a), (b), (c), and (k) of Sec. 1.7, "Powers"
Citizens' comments
Council action
- (7) Second reading of an ordinance amending Sec. 6-2 and 6-68, Chapter 6, "Housing," City Code, to apply BOCA Code to exterior of single-family owner-occupied dwelling houses, using municipal infractions.
Citizens' comments
Council action

THE CITY OF TAKOMA PARK, MARYLAND

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May 13, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
City Administrator Wilson
Asst. City Administrator Habada
EXCUSED: Councilmembers Aldrighetti,
Bradley, and Williams

The Mayor and Council met on Monday, May 13, 1985, at 8:20 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Main Street Proclamation expounding on Main Street revitalization and designating May 12-18, 1985, as Preservation Week was read by Councilmember Haney and accepted by Historic Takoma.

Councilmember Iddings announced that Park and Planning had purchased the vacant lots at Hancock and Sheridan Avenues from Moses Karkenny for the sum of \$135,000. The property was identified in the 1979 Master Plan as a neighborhood park. The design process will occur in the upcoming year and funding will be sought in next year's budget for construction.

Councilmember D'Ovidio noted that the final plans for the Juniper Street Pedestrian Bridge have been forwarded to the county following review by the City. He said that hopefully construction will commence in the summer with completion 100 days thereafter. He also noted that the recent House and Garden Tour was the most successful one on record, with over 700 tickets sold; he expressed congratulations to the committee for the excellent job they did.

The Council Meeting Minutes of April 22, 1985, were moved for approval, as published, by Councilmember D'Ovidio, duly seconded by Councilmember Haney; carried unanimously.

AGENDA ADDITIONS AND/OR DELETIONS

Mr. Wilson requested deferral of item (7) concerning application, using municipal infractions, of the BOCA Code to the exterior of single-family owner-occupied dwelling houses. He commented that changes to the language are substantial and the ordinance may require a repeat first reading. Consensus was that the item be deferred until the May 20 worksession. Councilmember D'Ovidio requested that the revised ordinance be distributed to Community Improvement Board members and their participation/comments be invited.

Councilmember Haney requested that item (9) concerning art in the Municipal Building be scheduled for the May 20 worksession; Council concurred.

GENERAL CITIZENS' COMMENTS (not directed at items for Council action)
Arnold Fainman, owner of Lot 51, Block 37, B. F. Gilbert Subdivision:
Spoke concerning Grasmere Place, a dedicated paper street; said he hopes to build on his lot, however, to do so as well as build the street for access would be prohibitively expensive. He said options were discussed with Mr. Wilson, including possibility of the City leasing him the street for 99 years at a nominal fee; another possibility would be permitting him to build a driveway rather than an actual street. Mr. Wilson stated that in terms of practicality, the options would boil down to the two stated in order to allow construction of a house on that site. He explained that if the City leased the street to the property owner, it would still be listed as an unpaved street, he would be allowed to use it for access in and out of his property for the agreed upon period of time; details would have to be worked out with Corporation Counsel; any type of surfacing would be negotiable. If he were allowed by the City to surface the street as a driveway, it would be considered sub-standard as a street, but useable as a driveway and the agreement would have to be negotiated. Council-

member Iddings stated he would want to study the issue further in conjunction with other similar situations involving land-locked properties in the City, other paper streets, e.g., Austin Place and Lake Street. Mr. Fainman commented that he has a pending contract with an individual wishing to purchase the property and build on it. Mr. Wilson stated that an effort would be made to provide information for Council to consider at the May 20 worksession on Mr. Fainman's problem; however, the broader issue of policy on this subject may take longer and will have to be discussed with Richard Robbins and Corporation Counsel.

Elaine LaVaute, 240 Park Avenue: Registered a number of complaints concerning property maintenance, including:

238 Park Avenue - two dead trees in the front of the property, and the blight that killed them appears to be spreading to other area trees;

239 Park Avenue - an apartment house, no trash cans provided for residents, trash is placed at the curb in brown bags or plastic bags; ivy growing down front retaining wall and across the public sidewalk;

234 Park Avenue - apartments, a two-level porch at the back of the house is rotting away, is unuseable;

29 Philadelphia Avenue - the house is vacant, vegetation is overgrown, particularly wisteria which has overrun everything and is growing out onto the public space; toilets and sinks in the yard, very unsightly;

248 Park Avenue - an accessory apartment was approved by the county for that address despite there being room to park only one vehicle off the street, with on-street permit parking to provide additional required parking space.

Ms. LaVaute commented on the parking problems in her neighborhood and the severe lack of adequate parking, requested that the process be started to provide her with a handicapped parking space in front of her residence. She additionally noted that, despite contacting the City previously on a number of these items, she had had no response. Councilmember Iddings commented on a lack of feedback on items he had reported; he also stated that when the City is notified by the county of pending accessory apartment Special Exceptions, immediate response should be made by staff indicating that the City wishes to be heard, so that registration to voice an opinion is made within the ten-day period allotted. It was his understanding that on both 248 Park Avenue and 7117 Woodland Avenue (accessory apartments), the City's position(s) did not receive consideration or become a part of the record because they were not received within the ten-day period. Mr. Wilson noted that forms have been received from the counties allowing the City to become persons of record thirty days in advance of the hearing date. During discussion, the county's lack of concern was noted relative to the fact that the property owner of 7117 Woodland does not reside on the premises, which violates the requirements of the accessory apartment law.

Georgine Prokopik, 8018 Maple Avenue: On behalf of the City's Tree Commission, she presented the Mayor and Councilmembers with "Adopt A Tree" program brochures and explained that individuals and citizens' groups are encouraged to participate by caring for young trees purchased and planted on public space by the City. Councilmember Haney expressed thanks to Ms. Prokopik who did the writing for the brochure, as well as her husband, who did the artwork; he hoped the program would enjoy the success in the City that it has elsewhere.

Mayor Abbott requested that Daniel Neal be directed to check on trees planted in Takoma Old Town, some of which have died and should be replaced as soon as possible before summer heat and drought commence; it was noted that the trees were bought with replacement guarantees.

ITEMS FOR COUNCIL CONSIDERATION:

Administrative reports and correspondence.

Mr. Wilson reported that three bids were received on the police radio system; the City's consultant has reviewed the bids for technical specification compliance and system operability and discussed his findings with Administration, the Mayor and Council. A few points were raised that will require clarification prior to May 15 when a Special Session of Mayor and Council is convened for the purpose of moving ahead with the purchase. Bid prices ranged from approximately

\$72,000 to \$133,000, with Tactel Systems being the low bidder. Councilmember Iddings commented that the quantity and variety of equipment to be supplied were discussed in the pre-Council session; sufficient funds for the purchase have been budgeted, and all bidders furnished the required nuclear-free certification. Mr. Wilson stated the consultant has indicated that installation and acceptance of the system should be complete within 130 days after placing the equipment order. Should the new frequency assignment not be received from F.C.C. prior to installation of the equipment, it is understood the equipment is adjustable to the frequency currently in use. In response to query, he stated that the radio and frequency assigned to Public Works are operational, they are used infrequently for contact with the van assigned to Mr. Rudolph and/or Kenny Jones' van. He remarked that the police department has indicated the hope that frequency would be retained so they could use it occasionally for surveillance purposes. In response to query, he stated that the system had been "beefed-up" in several ways, including exchange of four mobile units, addition of a couple of portable units, and routine battery replacement. He commented that based on personal observation, the system appears to be operating well.

Concerning the Fire Tax and Tax Differential issues, Mr. Wilson related that there have been at least two reports, one in the 5/11/85 Washington Post and one in the 5/13/85 Montgomery Journal. He stated that the Montgomery County Council has set aside approximately \$200,000 of revenue sharing funds and is holding that sum in abeyance until the City "does something" about the cost of services rendered by Takoma Park Fire Station No. 2 to the Prince George's portion of the City. He said that the facts presented several times to the Montgomery County Council prior to their final 4-3 decision carried little weight, had little influence. He went on to explain that fire service has been provided by Montgomery County since 1974 to both sides of the city, an obligation that accompanied the acquisition of the fire station, equipment and personnel assigned thereto. He stated that any action on the part of the City at the present time will simply be a reiteration of the fact that the City does not provide the service, therefore, any bill for the service provided that Montgomery County feels should be remunerated should be presented to Prince George's County without attempting to involve the City. He expressed doubt that the City would have legal authority to execute a fire tax on any part of the city for any reason, and certainly not for the reason stated by the Montgomery County Council. In response to query from the audience, he explained that Montgomery County claims that the City owes them \$180,000-\$200,000 for fire service provided to the Prince George's section of the city; they claim that is 1/3 of the overall cost of the service. The issue was initially resolved by Prince George's making payment directly to Montgomery County for the service, but in 1978 the agreement was abated and payments ceased. About two years ago, the issue again surfaced, but directed at the City rather than at Prince George's County. Councilmember Iddings clarified that the revenue sharing funds being withheld from the City by Montgomery County are tax money paid by citizens for services (which are not provided by the county, but by the City, thus the money has generally been rebated to the City).

Ms. Habada reported on the May 10 meeting on the issue with Montgomery County representatives; she said that between now and October they will be drafting local legislation to amend the Montgomery County revenue sharing law and allow for the deduction (or garnishment) of money for the fire service provided to the Prince George's portion of Takoma Park - several figures were mentioned - \$118,000 and upward; they intend to compute an exact figure and then attempt to get that amount out of the City. Mayor Abbott stated he thought it reprehensible that in the two years since the fire tax issue surfaced the City has never been afforded an opportunity to make a presentation, has actually been denied the chance to comprehensively voice its position. He stated that the City is forbidden by law to collect fire taxes, the issue is between the two counties, however, the issue has been interjected of whether or not citizens of the Prince George's section received tax money back from the county that should have been turned over by the City to Montgomery County. He said that was not the intent originally conveyed to the City by the county. He stated that the question of any withholding of tax differential money by Montgome-

ry County as being counter to state law should be raised with the Maryland Municipal League and an issue made on the subject. Councilmember Haney commented he would be attending a May 16 meeting of the Prince George's Chapter of MML, would present a brief statement of the situation at that time. The Mayor commented he felt Montgomery County's stated intent to draft legislation legalizing what they are doing to be questionable and it would have to be challenged by the City. It was noted that remarks have been made by certain Montgomery County Councilmembers to the effect that they did not want any CDBG funds or any other monies from that county spent on the Prince George's section of the City, regardless of the fact that the city as a whole is included in an agreement with Montgomery County relative to block grant funds. Ms. Habada pointed out that all CDBG proposals submitted for the P. G. section have been denied.

Janice Martin, 1319 Elson Place, Hillwood Manor: Suggested residents of the Prince George's section of the City band together, work with citizens' groups, and pressure their county representatives to deal with the situation. Councilmember Haney commented that citizen involvement would probably be beneficial. Ms. Martin remarked that Hillwood Manor appears to get double coverage fire-wise, with Takoma Park responding some times and Prince George's County other times; however, the police department does not seem to know where that area is. Councilmember Iddings commented that a big chunk of the sector is in the first due area for Chillum-Adelphi Fire Department, thus further complicating the issue. Councilmember Dalmat questioned why Takoma Park Police do not have 911 and asked that that be addressed at a future date. Ms. Martin commented on the need for street, curb and gutter work in her area; Councilmember Haney stated that with the loss of federal CDBG funds and the lack of much in the way of state funds, it would not be unrealistic to anticipate that the City will have to seek bonding at some point in the next five years in order to have the influx of money for necessary repairs.

(1) Modification to Special Exception, Washington Adventist Hospital, to permit construction of a 1-story first-floor addition in an area between 2 existing hospital wings.

Mr. Wilson noted that this item had been discussed in two different sessions.

Virginia Pissarra, Washington Adventist Hospital representative:

Invited interested Councilmembers and nearby residents to meet with her one evening so she could explain plans for planting bordering the north lot, proposed lighting changes, etc., and allow for input from interested parties. Concerning noise abatement, she stated that it was found that a gear in the propeller-like fan in the generator had deteriorated and will be replaced, which should abate the noise. In response to query, she stated the Modification goes before the Board of Appeals on May 23. Councilmember Haney remarked he thought the lowering of the light poles would significantly reduce problems with the lighting. In light of cooperation extended by the hospital and prior consensus of the Council, Councilmember Iddings moved a position of support for granting of the Modification to the Special Exception be conveyed, duly seconded by Councilmember Dalmat; carried unanimously. Councilmember Haney expressed thanks for the hospital's response to concerns raised; he felt an improved spirit of cooperation between the hospital and the City had evolved.

(2) Public Hearing on proposed use of Revenue Sharing Funds and Constant Yield Tax Rate.

Mr. Wilson stated that the five proposed capital expenditure items, totalling \$88,134 and which would be purchased with Revenue Sharing Funds, reflect the primary concerns of the various departments. Councilmember Iddings commented it was his understanding that in the Senate-passed budget, Revenue Sharing was scheduled for phaseout in FY-1987, thus the City will get their full year's allotment in FY-1986, beginning with a partial allotment in October, and about a half year's allotment in FY-1987 - a split payment. Discussion ensued concerning the three patrol cars requested by the police department; it was pointed out that at least half of the police cars were of 1978 vintage or older, newer cars are used excessively due to unreliability and time out of service for repairs of the older ones. Mr. Wilson stated he had asked the Chief for a replacement schedule based on a

specific fleet size; he said he personally felt it would be difficult to justify a fleet size larger than 12 vehicles. Mayor Abbott stated that the status of the scooters should be ascertained; if either of them are operable, they should be put to use. Councilmember Haney pointed out that while scooters are used in D. C., they are used in conjunction with a patrol unit stationed in the same area.

Concerning the Constant Yield Tax Rate, Mr. Wilson noted that the public hearing is for the purpose of receiving public input on the City's announced intention of going beyond the Constant Yield Tax Rate. In light of the need, under state law, to maintain a specified number of days between advertising and the hearing, he suggested that the hearing be held open until May 20.

Mayor Abbott commented that tax assessors are again in the city; he noted that the bulk of City property owners have been hit with an approximate 15% per year increase, can expect another 15% increase following the current assessment; he questioned how that will affect the Constant Yield Tax Rate. Mr. Wilson stated that in Montgomery County, in order to get the same level of revenue as last year, the Constant Yield Tax Rate would be \$1.29 (\$1.455 last year); in Prince George's County the Constant Yield Tax Rate would be \$1.94 (\$2.06 last year). Reference was made to the disparity between assessments in the two counties; Mr. Iddings noted that the real estate market in Prince George's is not growing as rapidly as in Montgomery County; the same type of house sells for less in Prince George's than in Montgomery, and the homes in the P. G. section are appreciating less. Mayor Abbott stated that a meeting should be arranged with the tax assessors in the early fall. Mr. Iddings commented on a May 11 article in the Real Estate section of the Washington Post, basically examining what homes/condominiums are selling for in Montgomery County; he said last year, in Takoma Park, the average house sale price was \$93,000, the average condominium sold for \$118,000. The idea of converting more apartments in the City to condominiums was mentioned; the Mayor remarked that there were a number of people interested in that a couple of years ago; they should be contacted and that approach again examined. He commented that the 15% assessment increases, amounting to a 45% maximum, appeared to have resulted in a 90% increase in assessed valuation in Takoma Park; he did not think that was the case in any other area. It was noted in discussion that the sale price of properties in the Prince George's section of the City is rapidly catching up with the market in the Montgomery County section. Mr. Wilson noted that the public hearing will be completed on May 20, with action taken on the Constant Yield Tax Rate on June 10.

(3) Second reading of an ordinance condemning 7114 Sycamore Avenue.

Councilmember D'Ovidio moved adoption of the ordinance as amended by Corporation Counsel, duly seconded by Councilmember Iddings. The roll call vote was recorded as follows: AYE: Councilmembers Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Aldrighetti, Bradley and Williams.

ORDINANCE #1985-37
(attached)

(4) Second reading of an ordinance amending FY 1984-85 Pay Plan re Police Department promotions.

Councilmember D'Ovidio moved adoption of the ordinance, duly seconded by Councilmember Haney. The roll call vote was recorded as follows: AYE: Councilmembers Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Aldrighetti, Bradley and Williams.

ORDINANCE #1985-38
(attached)

(5) Resolution revising Police Department promotions.

Mr. Wilson noted that the three positions involved a two grade, rather than a one grade, promotion, which was not originally considered; the 5% per grade increase denoted in the resolution would bring the positions into line. Councilmember Iddings stated he felt the guideline of a 5% increase between grades is defensible and reasonable, represents increased responsibilities; however, he noted the need for

changes in the City Code to reflect that approach. He moved passage of the resolution, duly seconded by Councilmember D'Ovidio; carried unanimously.

RESOLUTION #1985-13
(attached)

(6) Second reading of Proposed Charter Amendment to repeal and reenact subsections (a), (b), (c), and (k) of Sec. 1.7, "Powers."
Mr. Wilson noted changes in language proposed by Corporation Counsel, in particular, Sec. (b)1. on page 2. Mr. Iddings commented on the tendency in some areas to complicate ordinances to such an extent with process and procedure that the goal is lost sight of; he feared this item could fall into that category and stated that the goal of administrative agencies is to provide community-based adjudication, not necessarily replicating the function of courts. Mr. Wilson stated that three revisions had been proposed by Corporation Counsel; he expressed concern about how these would affect decisions by COLTA, the Tree Commission and other such Mayor and Council-empowered bodies; he expressed doubt that the power in question was needed at the present time. The Mayor suggested that a memo be requested from Corporation Counsel stating his rationale for the proposed language changes, in response to questions/concerns raised by Messrs. Wilson and Iddings. Mr. Wilson expressed concern about the burden of a small municipality and/or agencies, boards and commissions created by the municipality, attempting to provide due process equivalent to that provided under state law (which pertinent Act is lengthy, confusing and subject to amendment). The Mayor suggested that the Legislative Service Attorneys in the State Legislature in Annapolis be requested to furnish the City with their interpretation of the applicability of the Maryland Administrative Procedure Act advise and how other municipalities deal with it; checking with MML was also suggested. It was additionally suggested that the information be sought from the State Attorney General's Office, with the request being made through Senator Bainum. Consensus was that action on the ordinance be deferred pending receipt of the aforementioned information.

(7) Resolutions authorizing short-term investment of City funds and designating officials responsible for deposits and withdrawals.
Councilmember D'Ovidio moved passage of the resolution authorizing investment with John Hanson Savings & Loan, duly seconded by Councilmember Iddings, who stated his second was contingent upon the firm getting FSLIC insurance coverage. Ms. Habada noted that it would probably be about 6 months before they get FSLIC insurance; Mr. D'Ovidio commented that the resolution includes the stipulation that investment is contingent upon the firm getting FSLIC insurance. Mr. Iddings commented he felt the next Council should be given an opportunity to consider the issue, rather than the present one voting on an issue on which no action will be taken for at least six months. The resolution passed with Councilmember Iddings voting Nay, balance of Council voting Aye.

RESOLUTION #1985-14
(attached)

Ms. Habada noted that First United Fund had furnished letters to the City stating that they would invest City funds only in FDIC and FSLIC-insured institutions, and had never knowingly worked with or had association with any financial institutions doing business with South Africa. Councilmember D'Ovidio moved passage of the resolution, duly seconded by Councilmember Haney. Councilmember Iddings asked whether any inquiry was made concerning association/business transactions with nuclear-related firms; response was negative; the Mayor suggested that an inquiry be made of First United Fund in that regard. Mr. D'Ovidio amended his original motion to include a contingency statement in the resolution concerning not investing any City funds in nuclear-related industries/firms. The amendment was accepted unanimously; the resolution, as amended, was passed unanimously.

RESOLUTION #1985-15
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:31 P.M., to reconvene in regular session at 8:00 P.M., May 20, 1985.

Introduced by: Councilmember D'Ovidio

1st Reading: 4-8-85
2nd Reading: 5-13-85

ORDINANCE NO. 1985- 37

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

- SECTION 1. THAT, whereas, on February 25, 1985, Ordinance No. 1985-14 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7114 Sycamore Avenue situated on Lot 10, Block 21, B.F. Gilbert's Subdivision, within the City of Takoma Park boundaries, and recorded in the Land Records of Montgomery County in Liber 6164, at Folio 364, and Tax Record A/C #13251059410, Richard C. Burdine, owner of record; AND
- SECTION 2. THAT a hearing was held on March 25, 1985, to show cause why the structure should not be declared a public hazard and condemned, as prescribed by law, at which the owner or a representative of his/her choice was given opportunity to show cause why the building should not be declared a nuisance; AND
- SECTION 3. THAT, neither the owner nor his/her representative appeared at said hearing; AND
- SECTION 4. THAT, the Mayor and Council find, as more specifically described in a report issued by the Department of Housing dated February 19, 1985, that the foundation walls of said structure do not meet the standards set forth in Section 302.3.1 of the BOCA Basic Property Maintenance Code; that the exterior walls do not meet the standards set forth in Section 302.3.1 of the BOCA Basic Property Code; that the door does not meet the standards set forth in Section 302.4 of the BOCA Basic Property Maintenance Code; and that Section 301.5 of the BOCA Basic Property Maintenance Code has not been met by the lack of a driveway; AND
- SECTION 5. THAT, the condition of the structure as set forth in Section 4 above constitutes a danger to the public health and safety and is an attractive nuisance to minors; AND
- SECTION 6. THAT the Mayor and Council hereby declare the building located at 7114 Sycamore Avenue to be a nuisance; AND
- SECTION 7. THEREFORE, be it ordained by the Mayor and Council that the structure described in Section 1 be condemned and that it be razed, unless, within 90 days of the passage of this ordinance, the conditions set forth in Section 4 are abated.

Introduced by: Councilmember D'Ovidio

1st Reading: April 8, 1985

2nd Reading: May 13, 1985

ORDINANCE NO. 1985-38

An ordinance to amend Ordinance No. 2723, adopted June 11, 1984.

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

SECTION 1. THAT Section 8 of Ordinance No. 1400, subsequent amendments thereto, and Ordinance No. 2723, known as the Pay Scale Plan for the City of Takoma Park, is hereby amended as follows:

GRADE STRUCTURE - POLICE DEPARTMENT:

POSITION	GRADE
Lieutenant	23
<u>Lieutenant</u>	<u>21</u>
<u>Captain</u>	<u>23</u>

SECTION 2 THAT this ordinance shall become effective upon adoption.

NOTE:

(-----) denotes deletions.

() underscoring denotes additions.

Introduced by: Councilmember Iddings

RESOLUTION 1985-13

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following salary increases pertaining to promotions within the Police Department are hereby approved.

RANK	CURRENT SALARY (GRADES)	PROMOTIONS SALARY (GRADES)	% INCREASE	DOLLAR INCREASE
Captain	\$32,444 (20 L-1)	\$35,720 (23 J)	10.9	\$ 3,276
Sergeant	22,344 (17 E)	24,832 (20 D)	11.1	2,488
Corporal	19,839 (16 C)	21,764 (18 C)	9.7	1,925
AMENDED ANNUAL TOTAL				\$16,123

MAY 13, 1985

INTRODUCED: Councilmember D'Ovidio

ENACTED: May 13, 1985

RESOLUTION 1985-14

WHEREAS, the City's cash flow is such that the City has the ability to make short-term investments from time to time; AND

WHEREAS, it is appropriate to maximize the earnings on these investments to minimize taxes, consistent with safe and sound investment policies; AND

WHEREAS, investing with John Hanson Savings & Loan will enable the City to realize an enhanced rate of return on investments; AND

WHEREAS, investing with John Hanson Savings & Loan is contingent upon authorization by the City Council through a resolution specifying the officials responsible for depositing and withdrawing City funds;

NOW THEREFORE, be it resolved that:

SECTION 1. The City Council authorizes investment of City funds with the John Hanson Savings & Loan contingent upon John Hanson Savings & Loan receiving FEDERAL SAVINGS & LOAN INSURANCE CORPORATION (FSLIC) status.

SECTION 2. The City Administrator, Assistant City Administrator for Administration, and the Account Supervisor are responsible for deposit and withdrawal of City funds in financial institutions including John Hanson Savings & Loan.

INTRODUCED BY: Councilmember D'Ovidio

ENACTED: May 13, 1985

RESOLUTION 1985-15

WHEREAS, the City's cash flow is such that the City has the ability to make short-term investments from time to time; AND

WHEREAS, it is appropriate to maximize the earnings on these investments to minimize taxes, consistent with safe and sound investment policies; AND

WHEREAS, the First United Fund as a broker/dealer registered with the Securities and Exchange Commission and as a member of the National Association of Securities Dealers has the ability to obtain premium interest rates from community banks and thrift institutions across the United States; AND

WHEREAS, participation with First United Fund requires the authorization by the City Council by resolution specifying the officials responsible for depositing and withdrawing City funds;

NOW, THEREFORE, be it resolved that:

SECTION 1. The City Council authorizes investment of City funds through First United Fund, contingent upon the said broker/dealer furnishing the City written assurance that City funds will not be invested in any organization involved in the development, research, testing, evaluation, production, maintenance, storage, transportation and/or disposal of nuclear weapons or their components.

SECTION 2. The City Administrator, Assistant City Administrator for Administration and the Account Supervisor are responsible for deposit and withdrawal of City funds in financial institutions including those so designated by First United Fund.

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
May 15, 1985

PRESENT: Mayor Abbott
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
City Administrator Wilson

EXCUSED: Councilmember Aldrighetti
Councilmember Williams

The special session of the Mayor and Council was called to order at 8:50 PM, to consider the proposed ordinance (attached) for the acceptance of bid for the Police Department radio communications system.

City Administrator Wilson explained the bid documents received, stating that the Police Department had recommended the acceptance of the bid from Tectel Systems, Inc.. He noted that certain adjustments had been made to the original bid, including the deletion of 16 portable radios, one charger rack (for the portables) and three cellular telephones.

Councilmembers raised questions concerning the inclusion of any cellular telephones in the communications bid package, noting that they felt it unnecessary to purchase such items along with the radio system.

Councilmember D'Ovidio made a motion to adopt the ordinance. The motion was seconded by Councilmember Iddings, who requested that it be amended to delete the two cellular telephones still included in the bid package; that Sections 5, 6, and 8 of the ordinance be changed to reflect the deletion and the bid price change from \$61,817.52 to \$60,023.52. Councilmember D'Ovidio accepted the amendment to the motion; also noted that he would abstain from voting on the ordinance due to conflict of interest possibility with the company presenting the bid. Councilmember Iddings stated that the Police Department/Chief of Police could come back to the Council at a later time to present justification for the purchase of cellular telephones, and it would be considered as a separate issue. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, Dalmat, Haney, Iddings. NAY: None. ABSTAIN: Councilmember D'Ovidio. EXCUSED: Councilmembers Aldrighetti and Williams.

ORDINANCE NO. 1985-39
(attached)

The special session was adjourned at 9:10 PM.

Introduced by: D'Ovidio

Enacted by: 5-15-85.

ORDINANCE NO. 1985-39

SECTION 1. THAT the Fiscal Year 1985 City Budget earmarked \$93,795 in Federal Revenue Sharing Funds for the purchase of a radio communications system for the Police Department; AND

SECTION 2. THAT bids were solicited from qualified bidders and advertised in two newspapers of local circulation, with bids having been publicly opened at 2:00 PM, April 22, 1985; AND

SECTION 3. THAT three bids were received, with the Tactel Systems, Inc., a Wesray Communications Company, submitting the lowest responsible bid at \$72,729.92; AND

SECTION 4. THAT certain adjustments have been made to the total bid package, including the deletion of specific equipment, agreed to by both the City and Tactel Systems, Inc.; AND

SECTION 5. THAT with the adjustments referenced in Section 4, above, the total bid amount stands at \$60,023.52 for the purchase, warranty and installation of the radio communications system, to include the following items:

- 2 repeaters
- 1 base station
- 2 control stations
- 20 portables
- 20 mobile chargers
- 4 desk-top chargers
- 3 6-unit multi-unit chargers
- 1 console
- 3 base/repeater antennas
- 2 control station antennas
- 6 receivers

SECTION 6. THAT the bid of Tactel Systems, Inc., in the amount of \$60,023.52 is hereby accepted.

SECTION 7. THAT Tactel Systems, Inc. has submitted the required statement certifying that the company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND

SECTION 8. THAT funds to cover this purchase in the amount of SIXTY THOUSAND TWENTY-THREE DOLLARS AND FIFTY-TWO CENTS (\$60,023.52) be appropriated from the Capital Budget, account 995, and posted to the Federal Revenue Sharing Account.

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Council and Public Hearings

May 20, 1985

7:30 PM

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PUBLIC HEARING on Intent to Exceed Constant Yield Tax Rate
(continued from 4-22-85)

PUBLIC HEARING on Proposed FY 1986 Budgets for Housing Services,
Recreation and Police Departments

Swearing in of Police Officers: Joyce M. Barrow and Richard L. Hart

ADJOURNMENT

The Public Hearings will be followed by a regular Council Worksession

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
and
Public Hearings On Intent to Exceed Constant Yield Tax Rate
and
Proposed FY-1986 Budgets for Housing Services, Recreation
and Police Departments

May 20, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Housing Director Tyree
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Police Chief Fisher
Councilmember Haney	Police Captain Wortman
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	

The Mayor and Council convened on Monday, May 20, 1985, at 7:55 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Special Meeting and two Public Hearings.

Following the pledge, Mayor Abbott stated that there had been some unexpected developments concerning speed humps on Holly Avenue and, while not an agenda item, the issue would be discussed as the first item of business.

New Police Officers Joyce M. Barrow and Richard L. Hart were sworn in, the Oath was administered by Mayor Abbott.

(1) Holly Avenue Speed Hump installation.

Mayor Abbott related receiving two telephone calls complaining about the cessation of installation of a speed hump in the 7200 block of Holly Avenue. He said he understood the work ceased when a resident adjacent to the installation raised objections and prevailed upon the work crew to leave. He commented that at Councilmember D'Ovidio's Ward 1 meeting the prior week, two individuals attended and registered complaints about the proposed location of the speed hump. Mr. Wilson noted also receiving phone calls concerning the installation, as did Councilmember Dalmat. He stated it was his understanding that Mr. and Mrs. Phipps contended they had no knowledge of the intention to place the speed humps where they were being installed, and they confronted the leader of the group who lobbied for the speed humps and inquired why they had not been informed. He stated he had told them that if there were to be a continuing discussion on the matter, he would so inform them and they should come to the present meeting.

Councilmember D'Ovidio remarked on having messages on his answering machine relative to the issue; he said he was rather puzzled as to why the process was halted - Council made a decision based on findings of a Public Hearing and now the process had been stopped rather than proceeding as planned. He said if the current case is an example, then any Council action can be halted by an individual citizen, even following a series of public hearings. He noted it was pointed out at the aforementioned Ward 1 meeting to the two dissenting citizens that substantial information, including drawings, had been made available to all interested individuals who wished to participate in the public hearings.

It was noted that a phone call was being made to Mr. & Mrs. Phipps to advise them that the issue was being discussed, should they wish to respond to the meeting and participate. Mr. D'Ovidio commented that he had talked at length with Richard Robbins the prior week, and Mr. Robbins had again assured that the planned locations were both the optimum and safest placement for the speed humps. Councilmember Dalmat stated that in the absence of anyone else to make the decision and lacking complete information, she had approved cessation of the installation work earlier in the day when problems arose. Councilmember Bradley commented that when questions were raised at the Ward 1 meeting, Mr. Robbins was consulted, he double-checked his work to see

if there was any other feasible configuration, and subsequently stated that there was no other optimum placement. Councilmember Iddings commented on the lengthy planning/hearing process spanning approximately a year's time, residents affected were notified, and information was made available to those wanting it; he noted that the current problems were a last-minute move on the part of dissenters and he did not think there were grounds for not following through with the installation.

Susan Abbott, 7416 Holly Avenue: Stated she had come home from work to find the speed hump in front of her home installed; she said it is not the best thing in the world to have such an installation in front of your house unless you are committed to slowing down traffic, which the majority of residents of Holly Avenue are. She commented on the time spent, effort put forth by residents to get the speed humps on that street; said the present delay appears to reward those stepping in at the last minute, actually after the fact. She said Public Works should go back without delay and finish the installation as originally planned. Discussion ensued concerning whether or not there was an obligation at the current point in time to wait to hear Mr. and Mrs. Phipps' arguments against the installation. The Mayor noted that what is before the Council is a mandate to take a position and transmit that position to Public Works, hopefully that they return to the site without further delay and install the speed hump. Councilmember D'Ovidio expressed support for that position and asked that the balance of the Council do likewise.

Ruth Abbott, 7308 Birch Avenue: Commented that when the work crew arrived to install the speed hump, Mrs. Phipps' car was parked at the site; she wondered what would happen if that were again the case when the crew arrives. The response was that the car could be towed, if necessary. It was suggested that the area be posted prohibiting parking for 24 hours, which would provide grounds for police enforcement. It was noted that there were conflicting reports of whether or not any signs were posted prior to the initial installation attempt. Councilmember D'Ovidio moved that Council direct staff to: 1) immediately post temporary no parking signs at the speed hump site; and, 2) direct the Public Works work crew to report and install the speed hump on the morning of 5/21/85; duly seconded by Councilmember Bradley.

Frances Phipps, 7210 Holly Avenue: Stated she had only inadvertently learned of the intended location of the speed hump (in front of her home) from a neighbor the previous day; the aforementioned neighbor was also opposed to the location. She said attempts were made to contact a number of City officials, but only Councilmember Dalmat could be reached. She stated she and her husband did not attend meetings/hearings on speed humps because while they conceded there were existent traffic/speed problems, they were opposed to that concept for traffic control; no notification was made to them concerning the proposed installation; she pointed out that there are property owners within 50 feet of her property line who support the speed humps and probably would welcome having them in front of their property. She emphasized the lack of notification to adjacent property owners in the process, as well as the lack of any period of time for comment. She related that Mr. Wilson had stated in conversation that the process questions of notification and time for comment should be raised and addressed.

Hal Phipps, 7210 Holly Avenue: Stated that the real issue was lack of proper notification; he reiterated that they did not attend the public hearings on the issue because they opposed the concept, however, did expect to be notified or consulted about actual placement of the speed humps on their street; he thought due process had not been met due to the lack of proper notification throughout the process. Mr. D'Ovidio reiterated that not only were a substantial number of hours spent deciding on speed humps as a process, but public hearings were held, and maps, drawings, etc., detailing location(s) were made available to anyone interested. Ms. Phipps pointed out that locations for the speed humps on Baltimore Avenue were mentioned in a recent Newsletter article, however, no mention of location(s) on Holly Avenue was made. Mr. D'Ovidio noted that concerning Baltimore Avenue, a similar situation existed wherein some residents wanted humps and some opposed

them; those in opposition attended the meetings on the subject and the problems were successfully worked out, the humps located so that all concerned were satisfied. Ms. Phipps reiterated that it was her understanding that the public hearing was on the concept of speed humps, not location(s). Mr. D'Ovidio noted that placement of the humps was decided based upon engineering principles, the guidelines of the ordinance, topography of the area, etc. - location was not a whimsical decision.

Sue Adler, 7204 Holly Avenue: Asked that the process move ahead; many hours have been spent, adequate notification made and information made available. Ms. Phipps questioned what would be lost if a placement satisfactory to all concerned was found within a week. It was stated once again that all factors considered, the location as planned is the optimum placement.

Unidentified female, Holly Avenue: Said the delay was pitting the wishes of a few against those of the majority, was a ridiculous waste of time considering the enormous amount of time and effort spent on the issue; would set a precedent for anyone not liking decisions of the City to step in and stop the process. She noted that even people who did not support the concept of speed humps attended the hearing(s) and expressed their views; she pointed out that the ordinance is very specific as to placement criteria; urged that installation proceed without any further delay.

Alan Bassing, 7303 Holly Avenue: Said that when the petition for speed humps on Holly was circulated, he did not favor them; however, when he found the majority favored them, he was willing to go along with it. He only learned about a week ago about the proposed location, and sent a letter to the city voicing his concerns; said he had understood that the parameters for location had a measure of flexibility, which does not appear to be the case. He did not think that made sense, and wanted to know whether it could be moved from in front of his property. He thought it very ironic that the people who did not want the speed humps in front of their homes are the very ones getting them. Councilmember Aldrighetti stated that there is a time for closure on issues; ample opportunity was afforded for all to voice their opinions and that time came and went; it is now important to move forward with what was decided upon. Councilmember Bradley commented that when dispute arose concerning the placement, the plans were reviewed again by Mr. D'Ovidio and the Public Works Director, using the ordinance guidelines; a sincere effort was made to determine whether an alternative placement would be satisfactory, which it would not. Ms. Phipps reiterated comments concerning the lack of communication/notification from the City to concerned individuals. The Mayor stated that the City, when dealing with County zoning matters (such as Special Exceptions, Variances) has to follow certain procedures; however, if notification were mandated in relation to everything done by the City, the cost, both in money and manhours, would be prohibitive. More than any other local government, the City encourages and welcomes citizen participation, however, once a decision has been made is not the appropriate time to attempt to involve oneself in the process. A member of the audience requested that Council move ahead with agenda items; she said personal individual notification concerning speed humps would be a waste of taxpayers' money, however, notification could be more effective through Newsletter information provided well in advance of hearings, listing proposed locations. The question was called on Mr. D'Ovidio's earlier stated motion; the motion carried with Councilmember Williams abstaining due to being absent during the discussion, balance of Council voting Aye.

(2) Continuation of Public Hearing of 4/22/85 re Intent to Exceed Constant Yield Tax Rate.

Mr. Wilson commented that the constant yield tax rate for Montgomery County is \$1.29, \$1.94 for Prince George's County; the yield of those rates are based on last year's dollar yield. By maintaining those rates, budget constraints (which include increased insurance and fringe benefit costs, as well as increased telephone and communication costs) would barely be met. Thus, based on the current proposed budget, which does not include any raises or cost-of-living adjustments, by maintaining last year's tax rate, the City will exceed the constant yield rate, but have a minimum impact on the amount of money avail-

able. He stated that the necessary tax rate to maintain the present level of City services would be \$1.455 for the Montgomery County portion of the City, \$2.061 for the Prince George's portion of the City, both the same as last year. He stated the overall tax rate for the city, prior to any adjustments being made for rebates or tax differential, is \$2.09. In response to query, he stated the \$200,000 being withheld by Montgomery County has not yet been computed in the budget; that may cause some disruption. He remarked that specific dollar amounts that the City would receive from the county were given the City by county staff in April and those amounts were included in the Revenue Detail disseminated some time ago. He said he did not know how the county could legally withhold those monies when they are reimbursement for services the county does not provide to city residents and are computed by very specific formulae; however, if they do manage to withhold those revenues, the end result will be that the tax rate will automatically adjust upward on the Montgomery County side of the City due to the fact that the overall tax rate is based on the amount of revenue received. In response to query as to whether any projected figures have been received from Prince George's County, the response was negative - a letter was sent to that county's Budget Director requesting that they remove from their calculations the rates for fire service that they had used last year (which complicated negotiations with Montgomery County). The amount rebated to Prince George's residents of the City last year for fire service was only about half the actual amount levied for that service. Question was posed concerning "new construction in the Montgomery County section first assessed at \$500,000, with no new construction in the latter half of the year;" this was presumably the new medical office building at Washington Adventist Hospital, which is under private ownership. Ms. Habada assured she would check and ascertain that the property is on the tax roles as it should be; she said that they were last year, they received tax bills, and the figure in question may be an increased assessment. Councilmember Iddings commented that the aforementioned building is under condominium ownership, he would be interested in terms of the common grounds, e.g., the parking lot, etc. - whether that has been properly shifted on tax records. Ms. Bradley commented she understood that the parking lot was not transferred to private ownership (is owned by the college and/or the hospital); State Department of Assessments & Taxation had offered to analyze whether there are any other businesses contracted by the hospital (for corporate property tax purposes) and that should be taxable, so that they are not insulated from appropriate taxes being levied. In response to query, Mr. Wilson stated that the date for passage of the intent to exceed the constant yield tax rate was June 10; it will be scheduled for that meeting, along with adoption of the budget.

(3) Public Hearing on Proposed FY-1986 Budgets for Housing Services, Recreation and Police Departments.

Councilmember Iddings moved, duly seconded, that Recreation be heard first, followed by Housing and then Police; carried unanimously.

Recreation Department: Mr. Wilson commented that this proposed budget, as was the case with those heard at earlier hearings, was a zero increase budget. Recreation Director Ziegler spoke briefly; she emphasized that her department's major priorities are three capital outlay items including a van, a typewriter, and, particularly, renovation of the municipal gym. She commented that should additional budget funds become available, more money would be helpful for "Special Programs;" she explained that volunteer groups have to be used for concerts, if more money were available, some paid groups could be brought in to perform. Councilmember Iddings suggested that some of the larger corporations in the City, such as The Credit Bureau, owners of the Langley Professional Building, shopping center owners, banks, etc., might be approached regarding sponsoring a concert series. Councilmember Haney commented that the Cable TV Committee is working on a letter for dissemination requesting funding/donations for various special needs of the City's cable channel; he reminded that a Gifts to the City Catalogue was discussed at an earlier point in time and is being compiled - that could include an umbrella type request for various City departments' special activities - might be more appropriate to consolidate all the requests into the aforementioned catalogue, rather than having them go out individually. Councilmember Bradley questioned, if a female Outreach worker were hired (as suggested previously), where the funding would come from; Ms. Ziegler respon-

ded that would have to be researched, probably a portion of the amount required would have to be cut from various other accounts to make up the required total, but did not know what accounts could afford any cuts. She pointed out that the Outreach Program in the county is under the Recreation Department but is an entirely separate budget. Councilmember Haney commented that this year the counties should be asked to recalculate the rebate(s) to the City and incorporate service(s) such as the Outreach Program which the City is providing; Mr. Wilson stated he intended to research figures and determine whether the time is appropriate to do that.

Michael Richman, 666 Houston Avenue: Commented favorably on the Takoma Park 8th and 9th grade basketball teams playing in the Montgomery County Recreation League having gone to the Maryland State Tournament, where they did very well (playing the best 8th and 9th grade teams in the county). He noted that the Takoma Park teams were the only ones without uniforms, warmup jackets, basketballs, etc. He said that not only are the parents responsible in part, but that Council should appropriate some money for this sort of activity for joint sponsorship. Mayor Abbott pointed out that the activity, as a part of the Boys' and Girls' Club is funded by private donations, including from the Folk Festival, Paul Plant and his plant sales, etc. Mr. Richman reiterated his feeling that when teams are representing the City, the City should assume a part of the responsibility for providing proper uniforms and equipment.

Ed Hutmire, 21 Columbia Avenue, representing the Recreation Council: In addition to the need for refurbishing of the municipal gym, he emphasized the need to get the use of the gym returned from its temporary usage of the last couple of years by the Fire Department during their renovation period. He did not think that issue was completely resolved at present, but encouraged Council to support the gym's return to the Recreation Department's jurisdiction for their activities and emphasized that directly related to the return of use would be funding required to properly restore walls, flooring and equipment. He noted that the van included in capital outlay was previously discussed; its proposed use ties into a number of activities, including Operation Outreach. For the record, he stated the Recreation Council solidly endorses the continuation, expansion and extension of the Outreach Program, as well as its continued leadership under Calvin Avant. He stated that in order for the program to work well, several things are required, including the necessary transportation (the van) and the assistance Mr. Avant needs in the form of the part-time female worker to address the girls' needs in the program. He did not think it fair that the program should be funded entirely out of the Recreation budget; pointed out that it crosses the line into many other departments, such as Community Development, Police Department, etc.; hoped the funding would be provided from somewhere other than the very limited Recreation budget. He commented that this is not the first time the City has faced the need for a very strict budget, however, hoped that the recognition of devotion on the part of City employees, in the form of merit and/or COLA increases, would not be stricken from the proposed budget. He noted that while the cost-of-living may not be escalating at the rate of a few years ago, it is still rising. He pointed out that approach jeopardizes continued employees' loyalty, jeopardizes relationship(s) between management and employees because it is, in effect, asking the employees to take a pay cut. The Mayor noted that Council did take those points into consideration in last year's budget. In response to query, Mr. Hutmire stated his main point, whether or not a tax rate increase was necessitated to meet expenses, was that the mentioned items in the Recreation Budget not be lost sight of in overall prioritizing, because they benefit such a broad segment of the citizenry.

Housing Services: Mr. Wilson noted that, while a 10% reduction budget was submitted as requested, the proposed budget was carefully scrutinized and there do not appear to be additional means of further reducing it. Housing Director Tyree explained that the only proposed increase in the budget is under "Salaries" to cover hiring of an additional clerical person and to upgrade the current clerical person to "Administrative Assistant I" (Assistant COLTA Coordinator). She stated that the department is taking preparatory steps toward initiating licensing in the City, while maintaining the current level of

service in inspections, which would be difficult to do with only the present one clerical person. She elaborated on the difficulties of having the one present clerk deal with not only code inspections and related documents, but also COLTA cases, as well as licensing (particularly at the outset). She pointed out that in addition to the existing \$24.00 registration fee for multi-family units, an \$8.00 inspection fee is being proposed, which would give the City a possible additional \$33,000 in collectible revenue; when licensing becomes mandatory, the City will have the ability to enforce collection of fees, which it cannot currently do. She noted that out of a possible \$101,000 the City could collect in 1984, \$95,000 had been collected as of December 1984. In response to query, she stated the total licensing fee would be \$32.00, it was hoped that in future the \$8.00 inspection portion of that amount could be waived for those landlords keeping their property up to code standards. She stated in response to query from Mr. Williams that the City's \$24.00 registration fee is somewhat higher than other area jurisdictions, however, unlike the City, they do not inspect on an annual basis, but only when complaints are filed. She noted that when licensing goes into effect, the current clerical person's workload would quadruple; manually handling licensing will be a massive undertaking; there are between 800-1,000 units in the City that are either unregistered or improperly registered and they will have to be addressed. Comments were made concerning cross-training the inspectors so that they can fill in for each other, handle a number of functions within the department; Councilmember Bradley emphasized that is something she would want to see done without delay. Discussion ensued concerning the trash and vegetation inspector position which was formerly under the jurisdiction of the Public Works Department, and also relative to training of inspectors for fire inspections, which Asst. Housing Director Austin assured was being done.

James Arisman, COLTA Chairman, 7408 Aspen Avenue: Expressed annoyance that copies of the proposed budget had not been disseminated to COLTA by staff. During ensuing discussion, Ms. Tyree noted that the revised version of the proposed budget incorporated changes discussed during budget worksessions. Mr. Arisman stated when he learned there was a proposed budget available, he requested a copy from Ms. Tyree who told him it was under revision and she did not want to disseminate copies at that time; he did manage to get copies in the last week through councilmembers. Mr. Wilson interjected that had he been approached, there would have been no problem with Mr. Arisman getting the requested budget copies. Mr. Arisman spoke at length concerning issues covered in his memorandum of May 15, 1985, addressed to the Mayor and Council concerning the proposed Housing Services budget. He spoke highly of Ms. Swain and her job performance, as well as attitude; he did not, however, support the shifting of the COLTA support function from under the responsibility of the Director of Housing Services. He strongly emphasized that staff responsibility in relation to COLTA should be concentrated, preferably in one individual (certainly not more than two individuals) and not become diffused, and opposed the realignment of Commission-related duties as outlined in the proposed budget. He stated that should it be decided to reassign the duties currently assigned to the COLTA Coordinator, the filling of the new position should be on a merit basis, through competitive procedures, and open to both in-house and outside candidates; COLTA should be directly involved in setting up criteria for the position, as well as the interviewing and selection of an individual to fill the position. Mayor Abbott noted COLTA members present in the audience, commended them for their contribution to the City in the form of their service on the Commission. Mr. Arisman also expressed opposition to the proposal to limit the number of nights available for COLTA hearings (6 hearing nights a year, with 2 hearings held per night) he said the effect of that would be to deny hearings to those persons whose schedule would not conform to the nights available. He said the dollar savings to the City would be minor, the losers would be the tenants in the City; complaints would become bogged down in a backlog and landlords would become aware that enforcement was lagging. He noted that staff coverage at evening meetings can be in the form of junior staff/clerk(s) who receive documents, prepare the hearing room, and take notes, which will effect a dollar savings in staff time. Discussion ensued concerning more active outreach to tenants and landlords in the form of seminars and education, more effective resolution of

complaints short of the hearing process. He reiterated the dedication and devotion of the citizens who comprise COLTA and serve without pay, and asked the continued support of Mayor and Council. Mr. D'Ovidio commented he did not think staff intended to diminish the availability of the COLTA hearing process, but that their goal was to reduce the number of complaints. Mr. Arisman remarked that there had appeared to be a paper flow problem over the past year between the Housing Services Department and COLTA; he said when paper work that should reach him or other Commission members does not, they begin to perceive that they are not considered to be important in the process; their views and expertise are not being sought at critical junctures; tension appears to exist between paid City staff members and members of the citizen-based Commission. Councilmember Bradley commented that a major question appears to be what will produce the best results for the money expended, whether more improved housing in the City is gained through expending funds on tenant education and organizing or on other approaches; she noted that many people, including some members of COLTA, had commented on the need for more tenant education, whether or not that required additional resources or the shifting of existing resources for accomplishment. Councilmember Bradley requested comments from COLTA members regarding tenant outreach and the possibility of more aggressive rehabilitation programs, including assignment of priorities to those items; Mr. Arisman stated he would solicit those comments and submit them as requested. Mayor Abbott questioned whether Mr. Arisman was speaking officially for the COLTA membership or for himself; he responded he had not had an opportunity to solicit input from other members of the Commission.

Eleanor Cortez, COLTA, Tenant Representative: Read a statement indicating she did not support Mr. Arisman's memorandum to Mayor and Council; stated she was not contacted for any input prior to its submission. She said that while the memorandum may appear to speak for each Commissioner, that is not a valid assumption. She did not think the suggestions contained in the document were within the operational scope of the Commission, did not feel that Commission members should evaluate the job performance of City staff personnel, nor should derogatory assertions be made against staff without being in possession of all pertinent facts. She stated she saw the role of Commissioner as one of support to City staff, not as a policy-making position; departmental personnel and Commissioners should not let personalities interfere with the services rendered to citizens of the City. She noted her fellow Commissioners had supported and signed her statement.

Bud Saunders, citizen: Expressed complaints about the police and their eviction procedures, also complaints concerning Housing Services; opined that in the event of a tie vote by Council, the Mayor should have 1-1/2 votes.

Patrick Hyde, 7307 Flower Avenue, member of COLTA: Stated he was not so much concerned with approaches as with end results; did not want to see divisiveness either among COLTA members or in their relationship with the City and its staff. He stated that, as a landlord, he had no problem with licensing, but thought enforcement would produce maximal results. He did not think a limit should be imposed on the number of COLTA hearings held; did not think Mr. Arisman had any bad intentions in submitting his memorandum without input from other members, just ran short of time. He stated he thought formalization questions such as due process would be in the forefront of the Commission's concerns during the coming year, would require an investment of time and should be dealt with deliberately and straightforwardly. Once that process is resolved, reward from efforts put forth will be increased. In response to query from the Mayor, he stated due process will increasingly come up in litigation because decisions will be increasingly questioned on due process grounds; appeals will be coming before the Council and also going into the court system and the next step in development of COLTA should be to meet the requirements of due process. Councilmember Iddings commented that licensing is viewed as a means to an end, it is regulatory but can be used as an enforcement tool by the threat of withholding it - similar to what Montgomery County does. Mr. Hyde commented that planning would have to be carefully done, a real structure put in place, in order for licensing to be effective. Councilmember Williams commented on the apparent divi-

sion between City staff and COLTA members; urged that both sides put forth a special effort to resolve any differences so that the process can function effectively and smoothly.

Police Department: Chief Fisher deferred to those in the audience wishing to speak on the budget.

Erwin Mack, 8107 Chester Street, member of Langley Park/Takoma Business Association: Expressed appreciation to the Police Department; commented that the Takoma/Langley business district is split about 50-50 as to police service, is served both by the City police and Prince George's County; he remarked that the businesses served by Takoma Park Police are well-pleased with the courteous and prompt service they receive. He urged that the Police Department budget remain such that it can continue to provide the current level of service. He spoke briefly in support of speed humps. The Mayor commented the City could use the support of the business association in attempting to recoup more equitable reimbursement from the county for services provided. Mr. Mack commented on an appeal made to County Executive Glendening relative to what the businesses consider double taxation; he said representatives of the association had also met with Mr. Gilchrist to discuss the situation in Montgomery County (businesses there are not paying as much as those in Prince George's). In response to query from the Mayor, he stated that businesses have always paid corporate personal property tax to the county, but this is the first year they have been assessed that tax by the City. The Mayor commented the City has had the power to assess that tax for 25 years but has not exercised it previously and is the only municipality in the state not doing so. The Mayor commended Mr. Mack for involving the merchants of the area in the association and the progress made. Discussion ensued concerning the commercial crime prevention program headed by Sgt. Jack Goetz.

Robert Dean, 7506 Dundalk Road: Commended the Police Department's performance; urged that long and serious consideration be given before contemplating reducing any of their programs; he said a tax increase should not be feared if that were necessary to maintain the current level of service. He read a letter from a city resident who was the victim of a serious crime (residential armed robbery) to which the Takoma Park Police responded; that communication urged that the budget necessary to support the current level of police protection not be reduced.

Naomi Turner, 7667 Maple Avenue: Stated she is very proud of the City's Police Department, went on to relate instances of prompt and efficient assistance rendered to her and members of her family; she urged that no cuts be made to that departmental budget.

Councilmember Bradley relayed a citizen's question concerning whether a significant savings would be effected by officers parking their cars 10 minutes out of each hour. Chief Fisher commented that was a one-time practice in Montgomery County, he did not know whether it still existed. He did state that Takoma Park officers are encouraged to park their cars and walk frequently, communicate directly with citizens both in neighborhoods and business areas; he commented that approach effects not only a savings to the City, but other benefits as well. Mr. Wilson noted the excellent response time when he recently had occasion to call the police for a personal situation involving one of his cars; he also commented on the good deployment of patrol cars he had noticed in the City during late-night hours. Police Capt. Wortman stated, in response to query, that the City's parking fines are comparable to those of other area jurisdictions; some, however, impose a \$5-\$10 administrative fee in addition to the doubling of the initial fine after a given time period. He stated the City Attorney will be examining state law to see if the City could impose such a fee and will draft something along those lines for Council's consideration. Councilmember Iddings remarked that the permit parking fee should be considered as well - it has remained \$5.00 since its inception in 1980, and it may well be that that amount does not cover the administrative costs involved in issuance. In response to query, Chief Fisher stated that two new positions are proposed in the Salaries line item - a sixth dispatcher and an additional administrative clerk. He explained that clerical responsibilities in the administra-

tive office have increased not only as a result of Council actions, such as permit parking areas, but also in the area of state regulations relating to the motor vehicle flagging program which was previously on a yearly basis and will now become staggered throughout the year, substantially increasing the workload. He noted that while the workload in the administrative office has steadily increased, the staffing has remained virtually the same in numbers. Mr. Iddings noted the need for a workflow analysis of such things as leave records, in which savings might be effected by centralizing such record-keeping. Mr. Wilson stated a process is underway to centralize such items where practical, including computerizing the payroll, which will be the first step toward centralizing leave records. Chief Fisher commented on the volunteers in his department who have long work histories and substantial expertise and ability; they greatly reduce the cost to the City for the level of work accomplished. He elaborated on some of the valuable tasks they perform. Councilmember Aldrighetti commented on the high cost of fringe benefits for Crossing Guards; Ms. Habada explained the various benefits and their approximate cost, pointing out that some of the guards who have been with the City for a long time are under the Maryland State Retirement Plan which is substantially more costly to the City than the Pension Plan under which newer employees fall (there is about a 12-15% difference between the old system and the new). In response to query, she stated that fringe benefits for a new employee calculate out to approximately 15-17% of salary figure. She commented on inconsistencies as to what fringe benefits are offered to part-time employees in various City departments, noted that contract personnel, such as in CDBG, receive no fringe benefits.

Councilmember Iddings commented he hoped the information mentioned earlier relative to the City being able to attach a \$5.00 administrative handling fee to parking tickets, amending the cost of parking permits, etc., could be furnished in sufficient time for necessary legislation to be enacted and the projected revenue figures included in the budget.

Upon motion, duly seconded, the meeting adjourned at 11:05 P.M., to immediately reconvene in Executive Session in the Council Conference Room. The Mayor and Council will reconvene in regular session on Tuesday, May 28, 1985, at 8:00 P.M.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearings on FY-1986 Budgets for Library, Public Works,
Administration, and Capital Improvements Program
May 28, 1985

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

READING AND APPROVAL OF THE MINUTES OF MAY 13, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Administrative reports and correspondence
- (2) Report of the Takoma Park Newsletter Review Committee
Citizens' comments
Council action
- (3) Resolution regarding Newsletter editorship
Citizens' comments
Council action
- (4) Public Hearings on Fiscal Year 1986 budgets:
 - (a) Library
 - (b) Public Works
 - (c) Administration
 - (d) Capital Improvement Program
- (5) First reading of an ordinance to install a Handicap Parking Space at 240 Park Avenue
Citizens' comments
Council action
- (6) Ordinance accepting contract from The Wyatt Co., Washington, D. C., for Casualty/Property Insurance consultant services (\$7,500)
Citizens' comments
Council action
- (7) Second reading of an ordinance instituting landlord licensing
Citizens' comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearings on FY-1986 Budgets for Library, Public Works,
Administration, and Capital Improvements Program

May 28, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Ec. & Comm. Dev. Coordinator Neal
Councilmember Dalmat	Housing Director Tyree
Councilmember D'Ovidio	Asst. Housing Director Austin
Councilmember Haney	Library Director Ellen Robbins
Councilmember Iddings	Public Works Director Robbins
Councilmember Williams	Recreation Director Ziegler
	Corporation Counsel Gagliardo
	Asst. Corp. Counsel DeNovo

The Mayor and Council met on Tuesday, May 28, 1985, at 8:00 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Councilmember Iddings noted the recent death of Mrs. Siegler, whose gardens and a portion of her property the City hopes to preserve for all to enjoy; a moment of commemorative silence was observed.

Councilmember Williams commended the elementary school students and participating teachers on their performance during the recent Takoma Park Youth Day Parade and activities. Mayor Abbott commented briefly on the Memorial Day commemorative services in the park - the municipal band played, Congressman Hoyer spoke; he expressed the hope that there would be a better turnout for Veteran's Day in the fall.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Susan Stevens, representing WACO: commented on crime in the Westmoreland area, requested that during budget discussions consideration be given to procuring motor scooters, which would give better mobility than foot patrol, for additional police patrol in that area. Mr. Wilson noted that the Police Department still has a couple of scooters, the subject of ensuring they are in good operating condition and putting them back into use will be broached with the Chief.

Paul Plant, 7411 Carroll Avenue: commented on attending the pre-Council worksession and the discussion therein on unification; he said that concerning remarks that the Mayor is too strong, the Council too weak, if it were not for the Mayor taking a strong position, nothing would be heard about unification. He emphasized that taking a strong position, "barnstorming," would be the only way unification would be achieved, discussion would not achieve that end; he urged Council to support the Mayor in the effort toward unifying the City. Councilmember D'Ovidio stated he had raised the issue in worksession in relation to a recent Washington Times article in which unification was mentioned and he felt that personal attacks were made on some Prince George's politicians and that that approach would not produce desired results, but only additional antagonism. Discussion ensued concerning various possible approaches to achieving the desired end results; Councilmember Bradley remarked on the importance of avoiding internal divisiveness on the issue which would weaken the unification effort. Mr. Plant stated that politicians would have to be not only attacked, but embarrassed, in order for Takoma Park to achieve unification. Mayor Abbott commented on the noticeable absence of a citizens' committee last year when the Bill was in place; he hoped next time citizens would organize, participate and spearhead the issue. He remarked that the fire tax money being withheld from the City by Montgomery County may necessitate legal proceedings against the county; he hoped Council would not back down on such a suit as they had on the cable TV situation. Following heated discussion, Councilmember Bradley stated that it was her remembrance that the City's first Cable Coordinator, Mr. Jacobsen, had requested delaying a

cable TV lawsuit so that he could personally negotiate with the county and Council concurred in his request; Corporation Counsel stated that instructions given his office agreed with the situation as stated by Ms. Bradley.

The Council Minutes of May 13, 1985 were moved for approval by Councilmember Iddings, duly seconded, carried with one abstention (Councilmember Bradley).

ITEMS FOR COUNCIL CONSIDERATION:

(1) Report of the Takoma Park Newsletter Review Committee.

Councilmember Bradley related the process employed by the committee and summarized their report; she moved acceptance of the report, duly seconded by Councilmember Aldrighetti. It was noted, in response to query, that the minority statement was considered to be an integral part of the report. Mr. Aldrighetti noted that the present committee recommends that in future the committee be instituted close to the beginning of the review period so there will be a group in place to provide contact(s) and in the event people want to discuss the Newsletter. Councilmember D'Ovidio noted the document had been discussed at length in worksession and Council's consensus at that time was to accept the report. Councilmember Iddings raised the question of whether there is a process for changing the guidelines; Mr. Aldrighetti noted that Council has the prerogative of making such changes; he suggested that the Newsletter review be performed on an annual basis. Mr. D'Ovidio suggested that the guidelines be placed on a meeting agenda sometime during the summer for review and discussion; Ms. Bradley noted that the only change recommended by the committee was that more advance time be provided for the group to do its work. Mr. D'Ovidio stated there were other items he would wish to discuss, particularly the question of when responses to letters to the editor should be printed (i.e., should the response appear in the same issue as the letter to the editor, or in a subsequent issue). Mayor Abbott noted that the next item on the agenda deals with the removal of any elected official from editorship or direct involvement in the Newsletter; he commented on a Ward 1 newsletter currently being distributed, the front page of which is devoted to opposing the Mayor's editorship of the City Newsletter; he responded to questions raised in that article. The question was called; the motion to accept the report carried unanimously.

(2) Resolution regarding Newsletter editorship.

For purposes of discussion, Ms. Dalmat moved the resolution, duly seconded by Councilmember D'Ovidio; she read the resolution. Councilmember Aldrighetti commented that the current Newsletter is better quality than ever before, it is exciting, helps to organize the city, encourages people to move to the city; he questioned the value of a resolution based on perceptions which have not been proven to be either correct or incorrect, and which would effect a major change; he stated opposition to the motion. Councilmember Williams commented that the key word in the resolution appeared to be "perception;" he did not think much perception had been used prior to presenting the resolution - did not think the majority of citizens in the city want such a change and would be angered by such action on the part of Council; expressed his opposition to the resolution.

Susan Stevens, 6800 Westmoreland Avenue: wished it noted that her statements were personal opinions, not representing WACO. She commented that Ms. Dalmat's energies during her entire term in office appeared to have been directed toward exposing the totally undocumented evils of the Newsletter and keeping the accompanying furor alive, as well as worrying about loose dogs, while backing away from major issues such as Nuclear Freeze and Unification, despite the wishes of constituents. She stated that any alternative to the current Newsletter stewardship would be of lesser quality as well as more costly, and said the timing, budget-wise, was very poor. She said those Councilmembers supporting the resolution should make it a stated issue in their campaigns rather than passing it only 4 months prior to election - that approach would afford constituents a voice in the issue. In ensuing dialogue between Ms. Stevens and Councilmember Dalmat, Ms. Dalmat rebutted comments made.

Rudy Arredondo: supported and added to comments made by Ms. Stevens;

said Council should be devoting their time to substantive issues, which the Newsletter is not. He commented it is difficult to retain respect for Council under current circumstances; said no poll had been taken of constituents' opinions, a public hearing should be announced in the Newsletter and held prior to taking such a step. He stated the issue is a personal one and it would be an abuse of power if the resolution were passed. In response to query from Mr. D'Ovidio, he stated he had no problem whatsoever with the City Newsletter being edited by Mayor Abbott.

Tim Smith, 7016 Sycamore Avenue: Disagreed with statements made by Mr. Arredondo, however, did not think the issue should be dealt with in the way it was - should be brought before the citizens, perhaps at election time in the fall. Being such a personal issue, he was not sure Council could adequately reflect the opinions/wishes of their constituents, asked that it be placed on the ballot in November if possible. Following comments by several Councilmembers, Mr. Smith remarked that the philosophical question of whether or not an elected official should be editor is certainly involved in the issue and should be addressed. Dialogue followed between the Mayor and Ms. Dalmat concerning whether or not a certain letter to the editor (or any such letters) had been rejected under his editorship. Mr. D'Ovidio and Ms. Dalmat both commented to the effect that the resolution was not intended as a personal vendetta against the Mayor, but to address the philosophical question of an elected City official editing the Newsletter.

Steven DelGuidice, 1308 Elson Place: commented that the current discussion appeared to be a personality debate; said the actual issue is a serious one involving the afore-stated philosophical question. He expressed his support for the Mayor, praised his editorship, but did not think he (or anyone else) should hold both positions. He stated the editor should be independent, free to criticize and/or take to task all elected officials, including the Mayor, on the basis of their positions on the issues. He empathized with the Mayor on the difficulty of "letting go" of something he had nurtured to its current stature, however, said he should either let the Newsletter go or become editor rather than Mayor. Mayor Abbott stated emphatically that without editorship of the Newsletter, he would not want to be Mayor; referred to his long and extensive background in communications; said if anyone could point out and verify abuses in his editorship, he would gladly step down. Mr. D'Ovidio commented that the definition of "abuse" can vary greatly from one individual to another. Ms. Bradley pointed out that what is at issue is equal access to the Newsletter, and that an individual who is not an elected official could just as easily be guilty of denying that; she emphasized that equal access must be guaranteed, every citizen must have the opportunity to submit material and have it published in the Newsletter. She noted that at no time during the course of the committee's review process did any citizen or member of a citizens' association voice any complaint or perception that if they wrote something for the Newsletter it would not be published; she pointed out that pros and cons had consistently been published on all issues. Councilmember D'Ovidio commented he had no doubt that the Mayor would publish whatever was submitted, no concern about equal access, but stated that the editor has the potential to manipulate the issues through placement of material, published responses, etc.

Mayor Abbott pointed out that the questions raised are a pre-election political issue, the only criticisms voiced in recent Newsletter issues have been those authored by Councilmembers questioning his dual role. He related his concept of the purpose(s) the Newsletter should serve, i.e., stirring up of controversy, motivation and organization of the citizens, expression of the position of citizens on the issues, and fair use and equal access to all.

Councilmember Dalmat related receiving a phone call from a citizen previously unknown to her who had read her letter to the editor in the June issue of the Newsletter. She read a letter authored by the individual, Dean Minze of Sligo Creek Parkway, supporting her views as expressed in the aforementioned June Newsletter article, and drawing a parallel to a theoretical situation of President Reagan editing and controlling national news. He opposed the Mayor's editorship of the

Newsletter. The letter was submitted for publication in the next issue of the Newsletter. Councilmember Aldrighetti commented on the press coverage afforded events in the City by the media, said it was incomprehensible to him that the Newsletter editorship had become a major philosophical issue, reiterated the point made earlier that Council has the power to hire or fire the editor at any point in time, that position is controllable.

Larry Jessup, 7209 Holly Avenue: spoke in support of the proposed resolution; commented he was not aware the Newsletter was funded with City money. He complimented the publication, however, reiterated problems from the philosophical point of view similar to those expressed by other speakers. He spoke concerning how national news is handled and funded. Councilmember Aldrighetti commented on the coverage/oversight afforded what is going on in the City by not only county newspapers, but also major ones such as the Washington Post; he remarked on the constructive use of the Newsletter under current editorship, particularly in areas of publicizing and assisting in the formation of various City groups such as the Artists' Guild, Repertory Theater, the Film Coop, Poetry Readings, etc. Mr. Jessup reiterated concerns about an elected official editing the government-funded Newsletter. In response to query as to whether there was ever a vote on the Mayor being editor, Councilmember Bradley stated that in 1983 when the guidelines were passed, Council voted to endorse continuation of the Mayor as editor. She stated she would not support the resolution, if the Mayor's editorship is such a drastic threat, then the resolution should be amended to become effective immediately. She spoke highly of the Mayor's performance and accomplishments as editor, said the decision of whether one individual could hold both positions should not be put on a new Council - that decision should be made by the incumbents. Councilmember Haney commented he would be voting in favor of the resolution because he saw it as beneficial in diminishing the political antagonism that surrounds the issue of editorship of the Newsletter, felt it would be in the best interests of the City to have someone other than an elected official as editor. He pointed out that an announcement that the resolution would be discussed at the present meeting could have been published in the Newsletter in place of the reprint of the Washington Times article mentioned earlier. He remarked that some citizens are fearful of submitting letters to the Newsletter, or appearing to speak on issues at Council Meetings, because they anticipate verbal abuse and/or antagonism on the part of the Mayor.

Travis Price, 7301 Birch Avenue: said he could not believe Council was going through the same abrasive hassle again over the Newsletter, they should make a decision to either fire or not fire the Mayor as editor, but not continue to waste time and rehash the issue. He noted that no one else would do the work the Mayor has done for the Newsletter gratis, replacing him would cost the City a considerable amount and additional staff would be required. Councilmember D'Ovidio spoke at length concerning why the Mayor should not edit the Newsletter, primarily reiterating the potential for management and manipulation of news and viewpoints through material placement, timing of response(s) to letters to the editor, etc. Following prolonged discussion between the Mayor and various Councilmembers, Ruth Abbott pointed out that the audience was becoming disgusted at what was transpiring, several people were waiting to speak, they should be allowed to speak and then a vote taken on the resolution. Travis Price stated he was opposed to the resolution, Council should stop beating around the bush, take a vote and either straight out fire the Mayor as editor or not.

Mark Fisher, 700 Erie Avenue: opposed the resolution, thought it should be defeated.

Norman Bernhart, 7030 Carroll Avenue: said he enjoys the Newsletter, Mayor has done a good job, however, he had problems with the philosophical issue of any elected official being in control of any public information media; supported the resolution.

Paul Plant, 7411 Carroll Avenue: opposed the resolution, said it was the work of some sleazy politicians; he said Council should fire the Mayor as editor if that was what they wanted, however, the City would not have a quality Newsletter for the next 4-5 months prior to

elections, and that would hinder certain political aspirations. He hoped that if the resolution were passed, the Mayor would resign as editor.

Maurice Berez, 7422 Buffalo Avenue: did not agree with the resolution, but felt that each individual concerned had a good reason for their position. He said if the resolution passed, the Mayor should probably step down immediately from the editorship, or, alternatively, the question could be put to citizens via a front page Newsletter article soliciting input.

Councilmember Bradley reiterated earlier statements opposing the resolution, however, said if other Councilmembers feel that the Mayor's editorship is a significant threat, the resolution should be amended to make his removal effective immediately. Councilmember Aldrighetti stated he, too, would be voting against the resolution; he urged that time be allowed for the issue to be advertised in the Newsletter, a public hearing held, and a vote taken thereafter. He moved tabling the resolution pending advertisement of a public hearing in the next issue of the Newsletter, duly seconded by Councilmember Bradley. The motion to table was defeated with Councilmembers Aldrighetti, Bradley and Williams voting Aye; Councilmembers Dalmat, D'Ovidio, Haney and Iddings voting Nay.

The Mayor stated that should the resolution be passed, he would not continue for any interim period as editor. Councilmember Iddings stated he would be voting in favor of the resolution; he commented the editorship was never given to the Mayor, that he took it. Mayor Abbott responded that in his campaigns he had always stated his intention to take over the editorship were he elected. Mr. Iddings commented that the reason the Newsletter is such a fine publication is not because of the Mayor, but because of the input from the citizens of the City; editorship by someone other than an elected official will clear up any clouds perceived by those who are not supporters of Mayor Abbott. He thanked Ms. Dalmat for having the courage to introduce the resolution. Councilmember Williams moved an amendment to the resolution which would read: "Therefore, be it resolved that effective immediately after the adoption of this resolution, the City of Takoma Park shall obtain the services of a Newsletter editor;" duly seconded by Councilmember Aldrighetti, who noted that some changes would have to be made in the resolution to accommodate the amendment. Following lengthy discussion by Councilmembers of the proposed amendment, the Mayor stated emphatically that should the resolution be passed, he would, under no circumstances, do the paper; he said he was not quitting but his self-respect would not permit him to continue. The amendment was defeated by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley and Williams; NAY: Councilmembers Dalmat, D'Ovidio, Haney and Iddings. The question was called on Councilmember Dalmat's prior motion to pass the resolution (as originally written); the resolution was passed with Councilmembers Dalmat, D'Ovidio, Haney and Iddings voting Aye; Councilmembers Aldrighetti, Bradley and Williams voting Nay.

RESOLUTION #1985-16
(attached)

(3) First reading of an ordinance to install a Handicap Parking Space at 240 Park Avenue.

Mr. Wilson noted that Ms. Elaine LaVaute had formally requested the subject parking space at the May 13 Council Meeting, notices were sent out to 23 nearby property owners, expressions of opposition have been received, no expressions of support.

Ruby Schroeder, 244 Park Avenue: related that one space in front of Ms. LaVaute's home is occupied (on the public planting strip) by a fence-enclosed garden, which would prevent anyone exiting the passenger side of a vehicle. She stated the property owner has a driveway which she does not use and which could accommodate three cars. She did not think it would be fair to other property owners in the area, some of whom have been forced to have driveways constructed on their property in order to have parking space.

Margaret Ferry, 228 Park Avenue: opposed the request; she sympathized

with Ms. LaVaute's handicap, however, stated she has a driveway she could use. She commented on the severe lack of parking space on Park Avenue, often necessitating parking by residents on other streets; she commented that Ms. LaVaute had posted a "No Parking Any Time" sign on the public space in front of her property.

Jessie Omeyer, 226 Park Avenue: commented on the serious parking problem on Park Avenue, said 4 of her neighbors have had to have driveways installed, reiterated the fact that Ms. LaVaute has a driveway which is never used and it would be unfair to deprive others of scarce on-street parking by restricting a place. Councilmember Iddings commented that the number of multi-family units on the street contributes to the parking problems there, particularly since most driveways are single-lane. The Mayor remarked that many of the cars parking on Park Avenue belong to residents of Philadelphia Avenue and Carroll Avenue, where there is no on-street parking; following additional dialogue, he stated the first reading of the ordinance having been held, the second reading would be scheduled for June 10. Councilmember Iddings, in light of absence of the requestor to present her case and considering the demonstrated lack of support for the request, questioned continuing the process; he remarked that other handicap spaces previously granted had been on streets where there was no off-street parking for the individual concerned. He moved dropping the process for the reasons stated, duly seconded by Councilmember Aldrighetti. Councilmember Bradley stated she would not support halting the process, Councilmember D'Ovidio agreed. The motion was defeated with Councilmembers Aldrighetti, Haney and Iddings voting Aye; Councilmembers Bradley, Dalmat, D'Ovidio and Williams voting Nay. The Mayor noted that the ordinance will be scheduled for second reading June 10.

PROPOSED ORDINANCE
(attached)

(4) Second reading of an ordinance instituting landlord licensing.

For purposes of discussion, Councilmember Bradley moved adoption of the ordinance, duly seconded by Councilmember D'Ovidio.

Patrick Hyde, 7307 Flower Avenue, COLTA Commissioner: he referred to a memorandum dated March 28 from James Arisman and himself containing 6 recommendations for changes to the March 18 draft of the ordinance; he did not know whether or not those changes had been incorporated. Corporation Counsel Gagliardo commented that Council had requested that all versions of the ordinance be integrated by staff and he did not know whether that had been done; he had no legal objection to the amendments proposed by Messrs. Hyde and Arisman - they were merely matters of style, policy, etc. In ensuing discussion, Mr. Wilson noted that in his recollection, Council's directive had been for Corporation Counsel to integrate the items which had been discussed in worksession into the final draft of the ordinance prior to second reading; Mr. Gagliardo concurred with that. In light of the situation, Councilmember Williams moved that second reading be rescheduled to the next regular Council Meeting, with all documentation in order by the next worksession for consideration; duly seconded by Councilmember Bradley. In response to query, Mr. Hyde stated that the aforementioned 6 comments/recommendations had not been incorporated into the current draft, thus he would be opposed to any action being taken at the present meeting. Mr. Gagliardo suggested that Messrs. Hyde and Arisman's points be considered at the worksession as amendments to the basic ordinance. That suggestion was included as a part of the motion on the floor and accepted by the maker of the motion. Councilmember Iddings pointed out that the next worksession would be immediately prior to budget adoption, questioned whether there would be sufficient time to devote to the licensing ordinance at that meeting. The Mayor pointed out that the budget, under state law, did not have to be adopted until the end of June, thus there would be no compulsion to adopt it on June 10. Mr. Wilson noted that the fee and fee schedule allowing the collection of revenue were a significant part of the licensing ordinance; he stated that having the legislation in place to allow that collection of revenue should be the first order of business, with details such as amount(s) and other mechanical questions being secondary at present. Councilmember Williams stated he would withdraw his

original motion and move adoption of the March 18 draft of the ordinance, with Messrs. Hyde and Arisman's proposals to be considered at the next worksession as amendments; duly accepted by Ms. Bradley, seconder of the prior motion. Housing Director Tyree pointed out that on page 8 of the draft ordinance, Section 13. recommends that the ordinance become effective 90 days after its enactment; she recommended that that effective date be changed to 180 days to allow time for Housing to implement the process; Councilmember D'Ovidio so moved, duly seconded by Councilmember Aldrighetti. Councilmember Bradley emphasized that changes discussed and agreed upon in worksession should be effected in ordinances by staff prior to second reading. The amendment passed by unanimous vote. In response to query from Councilmember Iddings concerning some blanks in the ordinance, Mr. Gagliardo responded in part, however, stated he had not amended or reviewed the ordinance since March 18 and did not intend to do so unless so directed in light of concerns expressed by Council about expenditures on legal fees. Councilmember Aldrighetti commented that it appeared to him that there are too many legal ordinances, too few administrative guidelines, resulting in the expenditure of too much money on legal fees. Councilmember Bradley commented on staff's responsibility to fill in blanks, clean up language, provide administrative guidelines, which would cut down on expenditures for legal services. Mr. Gagliardo concurred that what was currently required was not really legal work, but could be accomplished by staff. Mr. Wilson expressed his concern that if legislation is made too precise, it is difficult to administer or amend; the ordinance should set forth policy, administration should detail the practice and procedure to execute the policy, with validation by Mayor and Council in the form of resolution(s). Councilmember Aldrighetti commented that what Council wants and has begun moving toward is a new process whereby administrative application is more generally employed, and necessary legal work is separated out from administrative control, which is not only more economical but places more power at the department level. He supported dealing with the 6 points proposed by Messrs. Arisman and Hyde as amendments to the ordinance at a later date.

James Arisman, COLTA Chairman: stated that the Commission had hoped to lend their assistance early on in the ordinance process, rather than at a late-night meeting. He commented that memoranda on licensing were submitted in November and again in March, no response was received to either; he noted that no opportunity for comment was afforded during first reading of the ordinance because he and Mr. Hyde had left the room briefly and when they returned the reading had already been accomplished. He said a promise was made at one point that the 6 points suggested would be incorporated into the ordinance and an opportunity for review and comment afforded prior to second reading. He asked that the matter be deferred at present and addressed in a worksession, would oppose adoption of the ordinance in its present form. He stated he felt some of the 6 points were definite policy questions and should be included in the ordinance. Mr. Gagliardo stated he saw no problem with the first 5 points, however, did have questions about the 6th, i.e., issuing a municipal infraction for failure to respond to a summons. Councilmember Aldrighetti commented that COLTA deserved a fair hearing on their recommendations, suggested that Council address the licensing ordinance following budget adoption, after June 30. Councilmember Williams reiterated his earlier motion to adopt the ordinance and discuss the 6 points at the next worksession; Councilmember Aldrighetti queried whether Mr. Williams would be willing to accept a substitute motion to deal with the 6 points after June 30; Mr. Williams responded in the affirmative. Following discussion, Councilmember Bradley withdrew her second to the motion for adoption of the ordinance; she moved to table the ordinance until after June 30 or until such time as Housing staff is prepared to report to Council, duly seconded by Councilmember Iddings. Councilmember Aldrighetti moved that the ordinance be dealt with in the month following budget adoption, duly seconded by Councilmember Bradley; carried unanimously. It was noted that staff would proceed with necessary preliminary preparations for implementation. Mr. Arisman stated his hope that during the interim period, information would flow freely between COLTA and City staff, and that any misconceptions could be clarified and ironed out. Mayor Abbott, with Council's concurrence, appointed Councilmember Williams to represent Council and work with both City staff and COLTA in readying the material for considera-

tion and incorporation.

PROPOSED ORDINANCE
(attached)

(5) Public Hearings on Fiscal Year 1986 budgets:

(a) Library:

Mr. Wilson noted that all departmental budgets submitted were zero growth budgets as requested, with the exception of uncontrollable areas such as fringe benefits, telephone costs, etc. Library Director Ellen Robbins summarized the proposed departmental budget and what it was hoped could be accomplished within those constraints. She noted that the budget for substitute staff had been increased in order to maintain current hours open to the public while incorporating new leave provisions of the City personnel code; the open hours were increased during the past year from 48 to 54, at the request of the Council. She spoke concerning initiatives for the coming year, largely taken from the Citizens' Five Year Plan, as well as Capital requests; she distributed copies of letters of support for the library received from citizens. Councilmember Aldrighetti expressed appreciation for the leadership taken beyond the call of duty with the Takoma Institute; for the record, Councilmember Haney submitted a statement of support for increased funding for the library from Ron Collins who was present earlier but had to leave.

Paul D'Eustachio, 6611 Alleghany Avenue: spoke in support of the library; commented that he works for a program whose primary purpose is the encouragement of elementary school children to read; he urged support for the budget as presented. In response to query from Mr. D'Eustachio, Ms. Habada stated that there had been a few very small donations to the library during the past year, no major fundraising effort(s) to date. Councilmember Bradley commented on the Takoma Institute wherein outside resources were solicited to bring in a new function/program. Ms. Robbins commented on assistance received through the state library agency, including consultant help, in lieu of funds that the city is not eligible to receive; she noted a book sale is planned for late June. Councilmember Aldrighetti commented that funds and/or books should be included in the Gifts to the City catalog being prepared; he also noted that it would be cost-effective to utilize college interns in the library if that were not already being done. Councilmember Bradley noted that foundation and grant monies that the library could qualify for should be sought out and actively pursued; she pointed out that federal and state funds are denied the City's library due to its peculiar municipal ownership.

Travis-Price: commented that lawsuits involving flat roofs are commonplace; he suggested that the present library roof be replaced with a sloping one which would be not only a structural, but an aesthetic, improvement.

Sara Fisher, ex-Chair of the Library Long-Range Planning Committee: commented that committee's mission was now complete, their overwhelming first priority for the library was a quiet room for study; implementing that would be a large capital expense, the first step would be a space planning analysis. She stated that in light of the library's growing use that priority should be considered soon. As a library patron and a professional librarian at Montgomery College, she urged that FY 1986-87 not be a zero growth budget year, spoke of the possibility of having to cut services to remain within budget constraints, remarked that a healthy library reflects a healthy community.

John Bowers, member of the Library Long-Range Planning Committee: echoed comments made by the prior speaker; encouraged that the budget as submitted be accepted, an increase be planned for the next fiscal year to meet goals and objectives recommended as a result of the users' survey conducted. He urged support for the library, whose services are used by thousands of city residents.

Councilmember Iddings commented his daughter attends the elementary school, has been participating in projects the children's librarian does as a part of her Outreach Programming and appreciates them very much, wished there were money available for additional support. He

congratulated the Library Director on her recent marriage. Councilmember Haney read a brief statement of congratulations from the Mayor and Council to Richard and Ellen Arnold-Robbins and wished them long and lasting happiness.

(b) Public Works:

Paul D'Eustachio: expressed support for the proposed budget as submitted; he commented that Richard Robbins had run a budget-conscious, as well as very effective, department over the years; he urged that no cuts be made in that budget. Because he was leaving, he commented as well on the Administration budget, in particular expressing concern about the size and scope of legal fees the City is paying, including the continuing growth in fees and cost overruns in those fees. He thought that for the \$50,000 proposed, a good full-time staff lawyer could be hired. Mr. Gagliardo responded that the assumption that a City Attorney could be hired for \$28,000, thereby effecting a cost savings, was an utterly ridiculous premise. He stated that in order to hire a competent, versatile, and self-sufficient City Attorney, the City would have to pay a minimum salary of \$45,000. He cited brief substantiation for that statement, to be continued during discussion of the Administration budget.

Public Works Director Robbins spoke concerning his department's proposed budget, commented that the \$22,000 increase reflects utility cost increases and fringe benefit increases. He noted that one additional person had been requested for the Streets Division so that street maintenance can be addressed more city-wide. He commented that with the CDBG program being in its latter stages, a comprehensive street maintenance program will have to be developed, and the first step is to increase that Division by the one position proposed. He noted that the overall cost of the Division had decreased dramatically due to the loss of two persons therefrom. In response to questions raised, discussion ensued concerning the possibility of effecting savings through rearrangement of trash handling, pickup schedules, etc., which did not appear to be feasible. Mr. Robbins noted that per-unit pickup charges for bulky items such as mattresses, refrigerators, etc., had been included in the proposed budget; it was hoped that would cut down on abuses of the service; a cost increase in commercial pickup was also proposed and included. In response to query, he stated that details for billing these charges had not yet been worked out with the Accounting Department. He commented, responding to query from the Mayor, that the newspaper recycling program saves the City approximately \$10,000/year, however, had stagnated for the most part because it is not mandatory; he thought that figure could be increased three-fold if the program were made mandatory. Councilmember Dalmat commented she would like to see an ordinance along those lines adopted, also questioned whether there are any facilities in the area for recycling glass, which would reduce the weight of pickups as well as providing revenue; Mr. Robbins commented on the price fluctuation in the glass recycling market, which makes it not particularly attractive financially due to its instability. Following additional discussion of recycling, Mr. Robbins spoke in support of in-house construction of roads, curbs and gutters and the savings that would be effected thereby. In response to query from Councilmember Dalmat concerning vapor saving gas pumps and the possibility of legislation being passed requiring them, commercially at least, Mr. Robbins stated that if the capital budget were approved, which includes replacement of the entire fuel dispensing system, he would look into the situation and ensure that appropriate equipment was purchased. In response to query from the Mayor, Mr. Wilson stated that the Police Department appears satisfied with the vehicle repair arrangement with Public Works, no complaints have been received and collaboration between the two departments appears to have improved greatly. Mr. Robbins commented that, at the suggestion of the Police Department, all City vehicles now undergo routine outside safety inspections, which provides a basis for anticipation of necessary repairs. Councilmember D'Ovidio noted receipt and dissemination of a letter of support for the Public Works budget from Muriel Hoover.

Tim Smith, 7016 Sycamore Avenue: expressed support for the P. W. budget, commented on the high level of services provided as well as the polite and responsive attitude of departmental personnel. He expressed concern regarding the proposal to charge for special trash

collection, said he feared people would dump trash in backyards, creating a health hazard, to avoid paying for collection. He questioned whether the City had considered setting up a recycling center with limited hours, perhaps staffed by volunteers. The Mayor commented that a recycling effort was made in the city during the 1970's but collapsed because the staffing dissipated.

Mayor Abbott commented on receipt of the Council of Governments' survey of cost-of-living adjustments in area jurisdictions, the average was around 4%; he said in some cases a one-year bonus was given in lieu of a COLA. In response to query, Mr. Robbins spoke concerning his request for an Administrative Assistant, said the cost would be \$22,000-\$23,000; he presented justification for the request, including staff reductions in recent years. The Mayor requested that total salaries for all city government employees be furnished to aid in discussing the cost to the City of COLAs for employees.

(c) Administration:

Asst. City Administrator Habada noted that the only change effected since prior budget discussions was the upgrading (at Council's request) of the Economic and Community Development Coordinator's position from a grade 18 to grade 21, with an accompanying salary increase. Concerning the Tool Library, Mr. Neal stated he consults regularly with Mr. McArdle and they are now planning some purchases to use up unexpended funds, hoped to do a users' survey within the next year to ascertain what tools are in great demand so that purchases can be made with survey results in mind. Councilmember Aldrighetti requested that the survey not be restricted to current users of record; he had been advised that some users had discontinued frequenting the library as tools became more inaccessible. The Mayor raised the question of whether a users' fee could be imposed, perhaps \$5.00 for a tool library card; the revenue could be used to replenish tool supplies, buy new ones, etc.

Councilmember Bradley commented on the continuing need for commercial revitalization attention to the corner of Flower and Erie Avenues; she did not foresee that area getting the attention it needs (and which was promised) through the county without the City pressing for it. Mr. Neal pointed out that what might appear to be an inflation in the salary line in his budget is a Planner position, which has a projected salary of \$20,000 and is expected to be funded through Program Open Space. That individual will do a parks master plan for City-owned parks, including both acquisition and development that is equitable and meets needs throughout the city. Councilmember Bradley reminded that a survey of open space in the city had already been accomplished, wondered if the entire \$20,000 would actually be needed for a Planner or whether a part could be put to other and better use such as acquisition of land. Mr. Neal expressed particular concern about two areas, i.e., the process by which acquisition sites are selected and a uniform development process, also coordination between various parts of the city; thought these various issues would require a year's worth of planning work. Ms. Bradley emphasized that the position should not become an ongoing, permanent position later requiring funding by the City. Mr. Wilson stated that there was no intent to try and institutionalize a planner position with the City, however, he did support the need for that type of initial effort.

Travis Price: commented that an experienced land planner could probably accomplish what is desired in a few months versus hiring someone just out of school and inexperienced for \$20,000. He suggested contracting the work out to professionals, said he would like to see a decrease rather than growth in the municipal bureaucracy.

Mr. Neal commented on a recent meeting with a county official, said they apparently do not intend to do anything about commercial redevelopment at the corner of Flower and Piney Branch, what the City can do will have to be researched. In response to query about the corner of New Hampshire Avenue and Rt. 410 (the strip containing Luu's Restaurant), he stated nothing specific was planned, perhaps some attention could be devoted using state programs which have available funds.

Councilmember Aldrighetti suggested inserting the same figures as last

year under the budget line items for Mayor & Council Expense and Mayor & Council Contingency, Council concurred. The Mayor withdrew a suggestion made at an earlier point in time that consideration be given to increasing Mayor & Council Salaries.

It was noted that under line item #570, Legal Expense, Corporation Counsel Gagliardo had suggested a rearrangement of categories. Mr. Gagliardo pointed out that he had not requested any increase, there was no Social Security or Workmen's Compensation increase proposed as there was in all other departments, no capital expenses, no step increases or COLAs, no utility charges or increases, no pension contributions, no staff increases. He stated that he had consistently worked at and billed the City below the going market rate for legal services and had agreed to continue to do so. He submitted a memorandum for Mayor and Council's consideration setting forth cost containment procedures; he said those procedures if implemented would immediately effect a 20% reduction over last year's legal costs. He stated that Mr. Iddings' proposal to hire a staff attorney at a \$28,000 salary would cost the City in round figures a total of at least \$61,000, additional factors could escalate the cost even more; he spoke at length detailing what costs would comprise that total and what sort of service the City would be getting. In conclusion, he stated he would appreciate an indication prior to the end of the present meeting if Council intended to go the route suggested by Mr. Iddings, particularly as he and Ms. DeNovo employ 3 other people, and such a decision would affect all their lives.

Tim Smith, Attorney: stated that the costs cited by Mr. Gagliardo were very realistic, were probably actually a bit on the low side; he said the City would make a grave mistake hiring anyone fresh out of Law School, it takes a good while to become proficient in municipal law which is a specialty.

Councilmember Iddings commented that it appeared projections made earlier in the year for legal costs might have been incorrect, and if that were the case and savings could be effectuated, he would stand corrected; he stated he trusted Tim Smith's judgment on the issue. Following discussion, Councilmember Bradley commented on the sometimes excessive/unrealistic demands made on staff, legal and otherwise; she spoke of the need for control and prioritizing of those requests and said they should be periodically reviewed and questioned by administrators and department heads - legal staff should not be doing things that could be done by other staff. Councilmember Iddings stated that it was his original, but apparently false, belief that the City could save money by hiring an in-house attorney; he stated that belief reflected a basic lack of confidence that the present firm would represent the City appropriately. Since the budget element had basically been addressed, he suggested shifting the discussion to the subject of Gagliardo & DeNovo's responsiveness to both the City Administrator's and Council's needs, and the question of confidence in that firm versus a staff attorney. The Mayor noted that at the current meeting, the budget element was the discussion item. Discussion shifted to the recent article in the Washington Times; Mr. Gagliardo commented on his representation of the City relative to Unification, stated that he had specifically informed the reporter he would talk to him "off the record," some few remarks quoted he had stated he would make "for the record." He stated he did not charge the City for the time spent in talking to the reporter, did not understand the basis for criticism of what he did. Councilmember D'Ovidio pointed out that he did not like comments made in the subject article attacking Parris Glendening, thought they did disservice to the City coming from a City-appointed person; he stated that he would move to remove the line item for lobbying from the legal expense budget. Lengthy discussion ensued related to the fire tax issue and Mr. Gagliardo's attendance and role at pertinent meetings, whether or not in various instances he was lobbying versus giving testimony. Mr. Gagliardo reiterated his request several times that Council give him a decision concerning their intent relative to his firm's position with the City; he commented on the many meetings he attends but does not bill the City for, as well as the extensive time spent talking to officials of other jurisdictions, both personally and on the phone, most of which he also does not bill for. Councilmember Haney stated that some of the comments contained in the Washington Times article are indicative of the prob-

lem with Mr. Gagliardo's representation of the City. Mr. Gagliardo interjected at this point a request for a copy of the tape being recorded of the meeting at the present time. Mr. Haney related being personally present at meetings, as well as receiving feedback from other Councilmembers and officials of other jurisdictions, wherein Mr. Gagliardo had screamed and hollered, pounded the table, and antagonized the people he was either lobbying or negotiating with; Mr. Gagliardo concurred with that description, however, stated he felt he had changed to some extent in that regard. He stated that the year he lobbied intensively in Annapolis was the year major support for Unification was gained from the Montgomery County Delegation, the Prince George's Delegation was tied 12-12; he said he did not think he had ever in any way or to any extent compromised the interests of the City; he spoke at length in defense of himself and his performance. Following discussion, Councilmember Haney suggested that, in light of the late hour and escalating emotionalism on the issue, any further discussion be postponed until the June 3 worksession.

Norman Bernhart: stated he had been Mr. Gagliardo's landlord for the past year and a half, the relationship had been very upsetting, did not think there had been any change in Mr. Gagliardo's personality and did not want him representing the City in any capacity. Ms. DeNovo commented that Mr. Bernhart would like to be rid of Gagliardo & DeNovo's tenancy so that he could sell his property unhampered by their lease. Travis Price questioned what the real issue was (did not think it was money), said Council would be hard-pressed to find another attorney with Mr. Gagliardo's real desire to serve the City. Councilmember Iddings responded that the issue was not money or the abrasiveness of Mr. Gagliardo's personality, but involved a series of ongoing incidents that are serious and which he felt negatively affected the City's relationships both internally and with other institutions, generating a loss of confidence in that individual's ability to effectively and beneficially serve the City. Ms. DeNovo voiced an appeal that Council make a decision at the present meeting as to whether the law firm would continue to be retained by the City, seconded by Mr. Gagliardo. Following additional dialogue related to the legal services budget, Ms. Bradley stated that while she could empathize with the request for a decision on the matter at the present meeting, whatever decision is made must be in the best interests of the City; she did not support breaking the contract with Gagliardo & DeNovo, thought Mr. Haney's suggestion that the discussion and decision be deferred to the next worksession was appropriate. She stated that the issue is not budget-related, is political and involves a lack of trust; she commented on the divisiveness within the Council, noted that any change in the City's legal representation would have a very major impact at the present time. Following expressions of support for a one-week delay on any decision by Councilmembers D'Ovidio and Aldrighetti, Councilmember Haney moved that the issue be taken up as item #1 on the agenda at the June 3 worksession, duly seconded by Councilmember Bradley, carried unanimously.

(5) Ordinance accepting contract from The Wyatt Co., Washington, D. C., for Casualty/Property Insurance consultant services (\$7,500). Following brief discussion, Councilmember Iddings moved adoption, duly seconded. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmembers Bradley and Williams.

ORDINANCE #1985-40
(attached)

Upon motion, duly seconded, the meeting adjourned at 2:20 A.M., to reconvene in regular session at 8:00 P.M. on June 10, 1985.

Introduced by Gail Dalmat

RESOLUTION 1985- 16

WHEREAS, the Takoma Park Newsletter is a vital ~~link in the communication chain~~ [bridge] between the City and its Residents,

AND WHEREAS, under Mayor Sammie A. Abbott's stewardship the Newsletter has grown in both size and scope,

AND WHEREAS, the Council wishes to see its continued improvement,

AND WHEREAS, there exists a perception that the Mayor[/editor]'s strong political sentiments impede the free exchange of ~~ideas~~ [diverse thought] within the City of Takoma Park,

AND WHEREAS, whether or not the perception is correct, asking any elected political official to edit the Takoma Park Newsletter ~~bears~~ [provides] a potential impediment to the free exchange of ideas,

THEREFORE, BE IT RESOLVED THAT, effective after the distribution of the December, 1985 issue of the Takoma Park Newsletter, the City of Takoma Park shall obtain the services of a Newsletter editor,

AND [FURTHER] BE IT RESOLVED THAT THE City Administrator is directed to prepare a [budget to provide] ~~figure for compensation~~ for an editor's services for the period January, 1986 through June, 1986 as part of the [FY. '85-'86] Budget process,

AND BE IT RESOLVED THAT, effective after the distribution of the December, 1985 issue of the Takoma Park Newsletter, no elected [city] official may hold the position of editor.

5/28/85

Introduced by:

1st Reading: 5-28-85
2nd Reading:

PROPOSED ORDINANCE

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

SECTION 1. THAT it has been determined that there is a need to establish parking spaces expressly for the handicapped at various locations throughout the City; AND

SECTION 2. THEREFORE THAT Ordinance No. 2642, adopted by the Mayor and Council on December 13, 1982, be amended by the addition of the following subsection to Section 2:

(f) on Park Avenue, one parking space in front of 240 Park Avenue.

AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing.

Introduced by:

1st reading: 3-25-85

2nd reading:

Ordinance No.

[Whereas: It is the desire of the Mayor and Council to provide for a comprehensive legislative plan to ensure the availability of liveable and affordable housing within the City of Takoma Park; and

[Whereas: The Mayor and Council have enacted ordinances concerning the regulation of rents, landlord-tenant relations, and housing standards; and

[Whereas: The licensing of landlords will facilitate the enforcement of those ordinances and others; and

[Whereas: Landlords operating in Montgomery County outside of Takoma Park are licensed, while those operating within the City are not,

[The Mayor and Council of the City of Takoma Park hereby enact and ordain the following:

LANDLORD LICENSING

[Section 1. Title: This ordinance shall be known as the "Landlord Licensing Ordinance of 1985".]

[Section 2] Definitions: [The words used in this ordinance shall be given there usual and ordinary meaning except as expressly provided as follows:]

1(a) "APPLICATION": the submission of information and tendering of the fee called for in Section [5].

2(b) "TO CONDUCT OR OPERATE": to rent, lease, receive remuneration for or otherwise make a rental unit available for human occupancy for monetary consideration;

3(c) "DIRECTOR": the director of housing services of the City of Takoma Park, Maryland, or his or her designated representative.

4(d) "OWNER" and "AGENT": (i) An owner is any natural person, partnership, joint venture, trust, corporation or other entity which has legal ownership of a rental facility; but EXCLUDING cooperatives and condominiums, but only to the extent such entities are not engaged in operating or conducting a rental facility. (ii) An agent is any such person or entity which acts or purports to act on behalf or instead of an owner.

5(e) "RENTAL FACILITY": a building or structure containing one or more rental units, regardless of (1) whether the owner occupies the building or structure and (2) whether the consideration for use of the rental unit is paid by the tenant or is subsidized by a third-party; but EXCLUDING

(1) transient facilities, such as tourist homes, inns, motels, hotels, and bed and breakfast facilities; (2) school dormitories; (3) hospitals, nursing and convalescent homes, hospices or other health-care related residences; (4) religious houses, such as parsonages, rectories, convents and parish houses; and (5) homes, apartments or other residential facilities provided in lieu of monetary compensation for services rendered.

6(f) "RENTAL UNIT": an apartment, room, group of rooms or any part of a rental facility forming a single unit intended for human occupancy and/or such uses as living, sleeping, cooking or eating.

[(g) "REVOCATION OR DENIAL OF A LICENSE". generally or specifically prohibiting an owner and/or agent to continue renting dwelling units in the City of Takoma Park; or prohibiting the re-rental of vacant dwelling units.]

7(h) "SERVICE OF PROCESS": the delivery of any notice, order or other document required to be sent by one party to another. Service shall be deemed to have been made on the director by mailing by first class mail a copy of the process to be served to the director at City of Takoma Park Municipal Bldg., 7500 Maple Ave. Takoma Park, Md. 20912. Service shall be deemed to have been made on an owner by mailing by first class mail a copy of the process to be served to the owner at either the address listed for the owner or the agent in the owner's application for a license. Receipt of process shall be presumed to have occurred three working days after mailing.

8(i) "SUSPENSION OR REVOCATION": an order of the director (1) prohibiting the owner to continue renting units in the City of Takoma Park; or (2) prohibiting the owner from renting some of the units in a rental facility; or (3) prohibiting the re-renting of vacant rental units; (4) prohibiting the owner and agent from collecting rents or consideration from any unit and in lieu thereof establishing an escrow account to which the sums otherwise due the owner shall be paid by the tenants and from which shall be deducted the cost of any materials and services expended by the director to abate conditions presenting a threat to the life, safety or health of the occupants of one or more of the owner's rental units.

Section 1[3]. License Required

After the effective date of this ordinance, it shall be unlawful [a municipal infraction] to conduct or operate a rental facility within the City of Takoma Park without having first applied for and obtained a license to operate or conduct such rental facility.

Section 2[4]. Owner is Licensee; when owner is corporation; owner to designate agent for service of process

(a) The holder of a license shall be the owner(s) of the rental facility sought to be licensed. An owner shall submit an application in accordance with this ordinance to the director.

(b) If the owner is a corporation, or if a corporation is a partner in a partnership which owns a rental facility, the corporation shall be qualified to do business in Maryland, as provided by state law.

(c) Each and every owner shall [designate] certify to the Director that the name, address and telephone number of an agent who shall reside in Maryland and be authorized to accept service of process on behalf of the owner [and shall certify the name, address and telephone number of the agent to the Director].

Sec. 2[4]. Violation to operate or conduct a rental facility without a license.

(a) Any owner or agent who (1) operates or conducts a rental facility, attempts to operate or conduct a rental facility or causes or allows a rental facility to be operated or conducted without first having obtained a license, as provided herein, or after a license has expired or been suspended, revoked or denied; or (2) fails to comply with any order or summons issued pursuant to this ordinance shall be deemed to have committed a municipal infraction, and upon conviction shall be subject to a fine not exceeding the maximum as set forth in Sec.

(b) The provisions of Sec. 1-17 of this code pertaining to municipal infractions generally shall apply to violations of this ordinance.

(c) The provisions of Sec. of this code pertaining to injunctions and the award of attorneys fees shall apply to violations of this ordinance.

(d) The provisions of Sec. of this code pertaining to collection of fines or fees owed by attachment and lien shall apply to violations of this ordinance.

(e) The provisions of Sec. of this code pertaining to service of process shall apply.

Section 3[5]. Licensing procedures

(a) An owner shall make an application for a license to the Director on a form provided by the Director, or on such other form which substantially complies with the requirements of this ordinance. An application shall be filed in triplicate and shall be accompanied by [cash], a certified check or money order in the amount specified by the director pursuant to Sec. for the license for which the application

is sought. Failure to tender the amount due in the form required shall be cause for rejecting the application.

(b) The contents of the application shall be certified by the owner [or the owner's designated agent] as true and accurate under the penalties of perjury.

(c) The application shall contain the following information:

(1) the name, address and telephone number of the owner;

(2) if the owner is a corporation, a certified copy of those documents indicating that it is qualified to do business in the state of Maryland;

(3) if the owner is a partnership, the name, address and phone number of each [general] partner;

(4) the name, address and telephone number of the owner's agent, as specified in Section 1[3];

(5) the address of the rental facility to be licensed;

(6) the number of rental units in the rental facility to be licensed;

(d) Before a license is issued the Director shall determine that:

(1) the information contained in the application is true and accurate;

(2) the appropriate fees have been paid;

(3) there are no existing violations of applicable health, housing, fire, building, electric, plumbing, property maintenance, safety, and zoning codes. Issuance of a license shall not operate to bar the City of Takoma Park or any other entity [jurisdiction or person] from asserting, notwithstanding the issuance of a license, that such violations do in fact exist.

(4) there are no uncorrected conditions for which a municipal or county infraction citation [or notice of violation from any other jurisdiction] has been issued, or any unpaid fine or penalty resulting from such citation [or notice]; PROVIDED, HOWEVER, if a citation is pending adjudication, the fact that a fine or penalty is unpaid shall not act as a bar to issuance of a license; and

(5) there are no unpaid city taxes on the rental facility.

Section 4 [6]. Fees

(a) The [F]ees shall be as prescribed by the Director with the approval of the Mayor and Council. Fees shall not be increased for the holder of license during the time that license is valid; but nothing contained herein shall be construed to limit the amount of any fee due and payable at time of renewal or reinstatement. Fees shall be uniformly assessed on the basis of the number of rental units contained in the rental facility to be licensed.

When a license is applied for after October 1 of any year, the fee shall be one-half that charged for a full year. A copy of the schedule of fees shall be made available, without cost, to anyone requesting such.

Section 5 [7]. Duration

A license shall be effective from April 1 [or] the date it is issued, whichever is later, until the following March 30.

Section 6 [8]. Display of License

The owner shall display the license during the entire time it is in effect in the lobby, vestibule, rental office or other prominent public place on the premises of the rental facility.

Section 7 [9]. Changes in ownership; transferability; and other changes

(a) Whenever any of the information contained in the application for a license changes, the owner shall notify the Director of any such change within 15 working days of its occurrence.

(b) A license may be transferred from an owner(s) to a subsequent or additional owner[(s)], but such license shall be deemed valid only when the information required in Section [5(c)] pertaining to the new owner has been submitted under penalties of perjury to the Director, along with a transfer fee not to exceed Fifty Dollars (\$50) or the full-year application fee then in effect, whichever is less.

Section 8 [10] Denial, suspension and revocation of licenses

(a) [Director to Propose Denial, Suspension or Revocation.]

The director may propose to deny, suspend or revoke a license when the Director determines (1) there are violations of any applicable law which present a threat to the life, safety or health of the tenants of the facility or others; or (2) any provision of this ordinance or any other pertinent city ordinance has been violated; or (3) other good

and sufficient reasons; [or (4) when a unit(s) is declared unfit for human habitation by the State or County fire marshall, board of health or other authority.

(b) [Director to Issue Order.]

Upon the director's determination that a license should be denied, suspended or revoked, he or she shall issue an order to the owner to show cause why the denial, suspension or revocation proposed by the director should not become effective.

(c) [Owner or Agent to Show Cause Why Not to Deny, Suspend or Revoke.]

The owner [or agent] shall show cause in writing to the Director within 10 working days of receipt of the show cause order.

(d) [When Failure to Show Cause.]

" If the owner [or agent] fails to respond to the" director's proposed denial, suspension or revocation within the time provided the proposed denial, suspension or revocation shall become effective upon the expiration of such time.

(e) [Owner's Defense to be Considered.]

When the owner [or agent] proffers reasons why the license should not be denied, suspended or revoked as proposed by the director, the director shall consider the reasons offered by the owner and upon full and fair consideration thereof may amend, modify, cancel or reaffirm his or her decision to deny, suspend or revoke the license.

(f) [Service of Final Decision.]

The director shall both serve a copy of the final decision on the owner or agent and post a copy in a prominent public place in the rental facility.

(g) [Appeals.]

If the owner or any tenant of the rental facility is dissatisfied with the decision of the director the owner or tenant may file a notice of appeal with the [Takoma Park Commission on Landlord Tenant Affairs (COLTA). When one or more tenants are proposed to be or are displaced by the director's final decision an appeal may be filed with either COLTA or directly to the] Mayor and Council. The appeal shall be in writing and filed within 10 working days of service or posting whichever is later. [The notice of an appeal to COLTA may be served on the Chair of COLTA, the Director, the City Clerk, or the City Administrator.] The

notice of appeal [to the Mayor and Council] may be served on the mayor, city administrator, city clerk or the director on behalf of the Mayor and Council.

(h) [Judicial Review.]

A decision of [COLTA or] the Mayor and Council may be appealed by a [any] party appearing before them [such body] to the Circuit Court for the county where the rental facility is located.

(h) [In Addition to Other Penalties.]

Revocation, denial, or suspension of a license shall be in addition to, and in not in substitution for, such other penalties as may be provided by this ordinance.

[(i) Other Authority of The Director.]

[The director, once a license has been suspended or revoked may (1) direct the tenants of the affected dwelling unit(s) to pay rent to an escrow fund established and maintained by the director; which escrow be released to the owner or agent upon the reinstatement of the license; or (2) when the director or other authority finds the unit(s) to be unfit for human habitation to order the tenant(s) to vacate the unit(s) until such time as it is fit and to house in such displaced tenant(s) at the owner or agent's expense.]

Section 9[11]. Validity of license during appeal

Except in the case of the revocation of a license, an appeal shall not operate to stay the action of the director, unless the action is stayed by order of [COLTA or, as the case may be,] the Mayor and Council or court of competent jurisdiction for good cause shown.

Section 10[12]. Hearing required

(a) Whenever a license is denied, suspended or revoked and a notice of appeal is filed with the Mayor and Council, a public hearing on the appeal shall be scheduled within 15 working days of receipt of the appeal.

(b) The hearing shall be open to the public and records and minutes of the proceedings shall be made and kept.

(c) Any party to the appeal, including the director shall have the right to call witnesses and present evidence on the party's own behalf and to cross-examine witnesses and refute evidence submitted by any other party. [In cases of appeals to COLTA, the Chair of COLTA The Mayor may issue summons at the request of any party, and except for good cause shown shall issue a summons when requested. [In cases of appeal to the Mayor and Council, the Mayor may

issue a summons at the request of any party, and except for good cause shown shall issue a summons when requested.]

[(d)] Failure to abide by a summons shall be a violation of this ordinance.

{d}(e) The [COLTA, or when an appeal is filed with them, the] Mayor and Council shall decide the case on the record made before them; and shall make their decision known within 10 working days of the hearing.

(e) The decision of [COLTA] and the Mayor and council shall be final and may be appealed to a court of competent jurisdiction within 30 calendar days after it is served on the owner or agent or it is posted in a prominent public place in the rental facility, whichever is later.

Section 10[12]. Renewal and Reinstatement

(a) Licenses are renewable annually upon the director's approval of a renewal application and payment of a renewal fee.

(b) Licenses which have been suspended shall be reinstated at the end of the suspension period upon a showing that the conditions which led to suspension have been corrected and payment of a reinstatement fee to be set by the director as a condition of suspension. Said fee shall not exceed \$100.

(c) Licenses which have been revoked shall be reinstated upon a showing that the conditions which led to revocation have been corrected and payment of a reinstatement fee to be set by the director. Said fee shall not be less than \$100, nor more than \$400.

[Section 13. Effective Date]

[This ordinance shall become effective 90 days after its enactment. Any annual fees which are otherwise required to be paid by April 1 or any other date prior to the effective date of this ordinance shall be pro rated from the effective date of this ordinance.]

Drafted by: Gagliardo
Revised as of: 3/18/85
Submitted to: Mayor and Council Work Session of 3/18/85
City Administrator d.o.
COLTA d.o.
DHS d.o.

First Reading:
Second Reading:
Enacted:

Introduced by: Councilmember Iddings

ORDINANCE No. 1985- 40

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

SECTION 1. THAT requests for proposals for insurance consulting services were solicited from qualified agencies and advertised in a newspaper of local circulation, with responses due on May 13, 1985; AND

SECTION 2. THAT two proposals were received, with The Wyatt Company, Washington, D. C., submitting a proposal for the services desired at a cost ranging from \$5,500 to \$7,500; AND

SECTION 3. THAT a review panel has recommended the retention of The Wyatt Company;

SECTION 4. THEREFORE THAT the City Administrator is hereby authorized to enter into a contract with the Wyatt Company for the review of property and casualty insurance coverage and to develop specifications for City insurance, said contract amount not to exceed \$7,500.

SECTION 5. FURTHER THAT funds to cover this contract in an amount not to exceed SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$7,500) be appropriated from A/C # 535.

Adopted 5/28/85