

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council

November 6, 1985

CITY OFFICIALS PRESENT:

Mayor Pro Tem D'Ovidio                      City Administrator Wilson  
Councilmember Aldrighetti                  Corporation Counsel Gagliardo  
Councilmember Bradley  
Councilmember Dalmat  
Councilmember Haney  
Councilmember Iddings  
EXCUSED: Mayor Abbott  
            Councilmember Williams

The Mayor Pro Tem and Council met on Wednesday, November 6, 1985 at 8:00 P.M. in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of receiving official certification of the results of the November 5, 1985 City Election. Those results were presented by Chief Judge Floyd W. Kester and are attached hereto.

Following recognition of the Judges who served, Councilmember Iddings moved acceptance of the Judges' report, duly seconded by Councilmember Haney, carried unanimously. Mayor Pro Tem D'Ovidio conveyed thanks to the Judges for the long hours they worked and their service to the City. Councilmember Iddings expressed appreciation to City Clerk Pusti for conducting the election proceedings in her usual professional and efficient manner.

It was noted that the next regular Council Meeting would take place on Tuesday, November 12, 1985, at 8:00 P.M., with the first meeting of the new Council to occur on November 18, 1985.

Upon motion, duly seconded, the meeting adjourned at 8:35 P.M., to reconvene in regular session as previously noted.

November 6, 1985

Mayor and City Council  
City of Takoma Park  
7500 Maple Avenue  
Takoma Park, Maryland 20912

Mayor and Councilmembers:

The duly appointed and qualified Board of Election Judges are pleased to submit the following report of the City Election held on the 5th day of November 1985, in the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The Board was organized as follows:

Floyd W. Kester, 7116 Poplar Avenue, Chief Judge  
Harold E. Alston, 7710 Maple Avenue, #105, Judge  
Pearl G. Blacksin, 652 Kennebec Avenue, Judge  
Montez H. Boatman, 133 Ritchie Avenue, Judge  
Ida K. Bowden, 141 Ritchie Avenue, Judge  
George E. Friedrich, 8005 Carroll Avenue, Judge  
Thomas S. Guins, 1200 Kingwood Drive, Judge  
Eleanor S. Jaeger, 7213 Trescott Avenue, Judge  
Helen T. Johnston, 127 Lee Avenue, #2, Judge  
Claire B. Kozel, 7804 Wildwood Drive, Judge  
Dorothy J. Malusky, 7302 Holly Avenue, Judge  
Barbara M. McCashin, 925 Sligo Creek Parkway, Judge  
R. Stanley Parris, 7620 Maple Avenue, #730, Judge  
Belinda J. Phillips, 400 Mississippi Avenue, Judge  
Everett McKethan, 7710 Maple Avenue, #408, Judge  
Nancy J. Ricks, 5 Lee Avenue, Judge  
Clem J. Roski, 7203 Holly Avenue, Judge  
Cicero Satterfield, 6801 Allegheny Avenue, Judge  
Naomi E. Turner, 7667 Maple Avenue, #1001, Judge  
G. Edward Zerne, 7302 Garland Avenue, Judge  
Patricia A. Zerne, 7302 Garland Avenue, Judge  
James J. Neri, 8202 Roanoke Avenue, Judge  
Paul Weisbord, 6753 Eastern Avenue, Judge  
Marvel A. Werner, 17 Darwin Avenue, Judge  
Juanita C. Nunn, 7777 Maple Avenue, #1007, Judge  
Karen A. O'Neill, 500 Ethan Allen Avenue, Judge  
Evelyn U. Putnam, 604 Elm Avenue, Judge  
Florence A. Nishimoto, 7409 Holly Avenue, Judge

The polls were opened at the legal hour of 7:00 A.M., and closed at the legal hour of 8:00 P.M.

The following candidates for Mayor received the number of votes set opposite their names:

Sammie A. Abbott	1571
Stephen J. DelGiudice	1578

Candidates for Councilmember received the number of votes set opposite their names below:

WARD 1, Montgomery County:

Sharon H. Levy	359
David J. E. Saumweber	276

WARD 2, Montgomery County:

Joseph B. Dillingham	230
Carlton A. Iddings	350

WARD 3, Montgomery and Prince George's Counties:

Paul D. D'Eustachio	423
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WARD 4, Montgomery County:

Herman Williams	197
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WARD 5, Montgomery County:

Lynne E. Bradley	216
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WARD 6, Prince George's and Montgomery Counties:

Michael K. Haney	262
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WARD 7, Prince George's and Montgomery Counties:

Ronald C. Albaugh	193
Rahman A. Karriem	17
Edward F. Sharp	298

The following candidate for Mayor received the highest number of votes, and was duly elected Mayor for a period of two years from the third Monday in November 1985:

Stephen J. DelGiudice

The following candidates for Councilmember received the largest number of votes in their respective wards and were duly elected Councilmembers for a period of two years from the third Monday in November 1985:

WARD 1: Sharon H. Levy

WARD 2: Carlton A. Iddings

WARD 3: Paul D. D'Eustachio

WARD 4: Herman Williams

WARD 5: Lynne E. Bradley

WARD 6: Michael K. Haney

WARD 7: Edward F. Sharp

The votes cast on the Advisory Referendum Questions are listed below.

Prince George's County voters:

Question 1. Should the Montgomery and Prince George's sections of the City be unified in one County?

YES 605

NO 192

Question 2. Should the Prince George's section of Takoma Park become a part of Montgomery County?

YES 571

NO 223

Montgomery County voters:

Question 1. Should the Montgomery and Prince George's sections of the City be unified in one county?

YES 1565

NO 217

Question 2. Should the Montgomery section of Takoma Park become a part of Prince George's County?

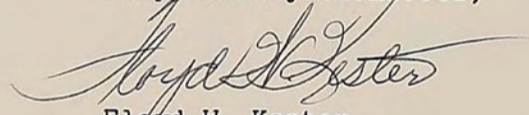
YES 217

NO 1534

The election returns indicate that 3200 registered voters cast their votes, 58 of which were cast by absentee ballot. The City Clerk informs us that there were a total of 9508 certified registered voters, 6934 of whom are registered in Montgomery County and 2574 in Prince George's County.

Certificates of Election in accordance with the results stated above have been prepared, and it is my pleasure to present them at this time.

Respectfully submitted,



Floyd W. Kester  
Chief Judge

Special Meeting of the Mayor and Council  
November 18, 1985

AGENDA

CALL TO ORDER: Mayor Abbott  
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 OCTOBER 28, 1985

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Administrative reports and communications
2. Regulations for parking spaces on Takoma Avenue (portion of)  
Citizens' comments  
Council action
3. Budget Amendment No. 2  
Citizens' comments  
Council action

OTHER COMMENTS AND PRESENTATIONS

ADJOURNMENT

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INSTALLATION CEREMONIES

1. Swearing in ceremony for Stephen J. DelGiudice as Mayor by Clerks of the Courts (both Prince George's and Montgomery Counties)
2. Mayor DelGiudice swears in new (all) Councilmembers

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AGENDA

CALL TO ORDER: Mayor DelGiudice  
Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

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 communications
2. Lights on for Peace  
Citizens' comments  
Council action
3. Resolutions of Appreciation  
Citizens' comments  
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council

November 18, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	Corporation Counsel Gagliardo
Councilmember Dalmat	
Councilmember D'Ovidio	
Councilmember Haney	
Councilmember Iddings	
Councilmember Williams	

The Mayor and Council met at 8:07 P.M. on November 18, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of October 28, 1985 were presented for approval. Mayor Abbott commented on the Minutes being up to date and expressed thanks to staff members for that accomplishment over the last couple of years; he remarked on having recently received the most current issue of Park & Planning's Minutes, which were dated December 1984. Councilmember D'Ovidio moved approval, duly seconded, carried unanimously.

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

Art McMurdy, 12 Cleveland Avenue: related he had called Takoma Park Police the previous day at about 5 P.M. to come and investigate an alleged illegal cutting down of two trees in his neighborhood; by the time they arrived on the scene 1/2 hour later the trees were virtually down -- all branches removed. (Due to the nature of ensuing events, Mayor Abbott requested that Mr. McMurdy limit any remarks to the police and the ordinance, and not to the incident itself.) Mr. McMurdy related that he had called a councilmember concerning the occurrence out of total frustration at the apparent lack of enforcement of City ordinances at 7411 Baltimore Avenue. He stated that he felt that at the present point in time he had two personally unacceptable alternatives: 1) doing nothing to attempt to get enforcement of the law in the neighborhood and thus live in relative safety, and, 2) try to get proper enforcement of the laws and endure threats to personal safety; he emphasized that he could not accept either of those options. He stated that having put up with them for eight years, he would like the problems at the aforementioned property appropriately addressed. Mayor Abbott pointed out that the long-standing problems were a zoning matter, under jurisdiction of the county, and thus the City had no authority to enforce the pertinent laws and regulations. He stated the City had been advised repeatedly that in the matter of a property owner making automobile repairs on private property in violation of zoning regulations, the offender had to be caught in the act. Mr. McMurdy asked why, when the offender had been taken to court by the City and an injunction issued in February 1984, enjoining the offender from continuing the offense and imposing a \$100/day fine for every day of continuance, no further enforcement measures had been taken and the violation had continued daily. He stated the City had not once taken the case and the continuing violations back to court. He urged that, particularly in light of recent events, the injunction be enforced. He asked why Corporation Counsel had not pursued enforcement of the injunction when it took so much effort to get it in the first place; said he was advised at the time the injunction was gotten that the hard part was over, enforcement would be much simpler and would only require City action. In response to query, Mr. McMurdy stated he had documented the ongoing events at the subject address and called City police repeatedly concerning the continuing violations there. He commented the City should accept its enforcement responsibility and realize that the buck cannot be passed to the county since the injunction was issued. In response to query from Councilmember Aldrighetti, Mr. Gagliardo stated there are no legal blocks at the present time to the City enforcing the injunction. Mr. McMurdy commented that he and other neighbors would be meeting on Wednesday, November 20, to discuss the matter and gather facts.

Nelson M. Blake, 7413 Baltimore Avenue: stated that he lives next door to the property owner under discussion who resides at 7411 Baltimore Avenue. He stated the current owner took over the property several

years ago after the death of his grandparents, who Mr. Blake commented were exemplary neighbors and took good care of their property. He said that shortly after assuming occupancy of the premises, Mr. Jasczenko commenced parking automobiles in the common driveway (common to both 7411 and 7413 Baltimore Avenue), and despite being requested repeatedly to remove those parked vehicles, Mr. Jasczenko has failed to do so; as the years have passed the situation has increasingly worsened -- the common driveway is completely occupied by abandoned cars and assorted junk, is a rats' nest and a fire hazard. In response to query, he stated that the situation had continued over an approximate five-year period with no improvement, and Mr. Jasczenko had continued to work on cars despite the injunction and in response to any comment had stated..."I have the right to work on my own cars." Mr. Blake emphasized that the situation is intolerable, ongoing; stated he had never been personally physically threatened by Mr. Jasczenko, however, had never confronted him in a manner to encourage violence. He stated he had made complaints to the police at various times, they responded and took pictures, it appeared some action would be taken but that had not been the case - the situation had remained status quo. He noted that in addition to the police and Councilmember D'Ovidio being knowledgeable of the continuing situation, he had written to Corporation Counsel Gagliardo, all without any notable impact nor any imposition of the fine designated by the court. Councilmember Bradley pointed out that, obviously, there were a variety of problems involved including abandoned vehicles and the City's tree ordinance, probably several kinds of legal action would be required. Councilmember Williams questioned whether, on any of the occasions that the police were called and responded, summonses or citations were issued for violations noted. Mayor Abbott commented that question could be addressed at the Wednesday, 11/20/85, meeting referred to earlier, and it was hoped that a representative from the police department would attend that meeting. Mr. Wilson stated he would ensure that the said representative would be present.

Timothy Lee, 16 Cleveland Avenue: invited all councilmembers to attend the aforementioned Wednesday meeting; said he had lived in the area a year and a half and the problem had existed the entire time he had resided in the neighborhood. He stated that, as instructed by Mr. Gagliardo and Police Capt. Wortman, he had kept meticulous logs of violations, kept notes of vehicle tag numbers, taken photographs; said he had been assaulted by Mr. Jasczenko in the process, the police came and took a report, however, to his knowledge nothing had been done as a result of that report. He said that Mr. Gagliardo had advised him this date, 11/18/85, that he could find no police report of the incident on file; however, he, himself, called the police department and spoke to the officer who took the report, who assured him that a report was indeed taken and he would visit the station on 11/19/85 and obtain a copy. In response to query, he stated that once he had filed the complaint, he received no followup contact from the police department and did not know how to proceed further. He stated the neighborhood had not been receiving any support whatsoever from the police to deal with the continuing situation. He said the police, when they respond to complaints from neighbors, are willing to accept any lame excuse from Mr. Jasczenko -- the one offered relative to the tree incident was that he was trimming the tree from the top, thus it did not constitute cutting down the tree. He questioned why the police are so lenient on this particular individual; said that in addition to the problems already mentioned, there are environmental concerns he would like to have addressed such as the pouring of materials into the gutters which run down into the sewer system, fumes from solvents used at the address, old tires stored on the property. He commented unfavorably on the manner in which police personnel responded to him when he posed some questions to them about circumstances surrounding the tree incident at 7411 Baltimore Avenue.

Ellen McMurdy, 12 Cleveland Avenue: substantiated comments made by prior speakers concerning the "junk car business" at the subject address and lack of effective enforcement. She related an incident that occurred several months ago when she was pushing her baby in its carriage and the street and sidewalk were blocked by a junk car which had been towed and was being moved onto the property at 7411 Baltimore; said she contacted Mayor Abbott relative to the incident at the time it occurred, he promised to look into the situation and call her



back, which she said he did; however, the cars still remain in the driveway. She stated that when the police responded concerning the trees being cut at 7411 Baltimore, all branches had been removed from the two trees and they had been topped; the police had no sooner departed than the cutting commenced again; she said she called the police station and the dispatcher advised her that Mr. Jasczenko had told the officers he was only trimming his trees. She related being advised by Councilmember D'Ovidio that he was going to meet police officers at the address, and thereafter, having Mr. D'Ovidio appear at her home having sustained an injury allegedly from the chain saw being used by Mr. Jasczenko. She questioned what would have to occur to force the City to pursue the situation to a reasonable end; said she was now living in a state of fear about what could happen.

Councilmember Aldrighetti commented that the case being made by speakers was obviously important; the situation had been brought before the Council previously, which was why the City went to court. Concerning the injunction, he stated it seemed reasonable to expect that it would be enforced and he anticipated that the incoming Council would want a report on why that had not occurred--as a citizen, he would want an answer. Councilmember Haney remarked that he felt certain that after the Wednesday meeting the situation would be altered; he asked that anyone calling the police department and getting an unsatisfactory response or reaction from the dispatcher, demand to speak to the Watch Commander on duty.

Mary D'Ovidio, 7324 Piney Branch Road: related that she works in the Montgomery County School System as a Teacher Specialist for Chapter I. She stated that there is an amendment in the House of Representatives called the Gramm-Rudman amendment which will imminently be voted on and which has to do with cutting funds for services especially geared toward educational monies. She stated that one of the programs that would be severely impacted, should the amendment pass, would be the Chapter I Program for disadvantaged children which provides funds to certain identified schools for instructional assistance in the classroom, instructional materials, and enrichment programs. She commented that the program not only helps disadvantaged students, but benefits the entire population. She stated that every school in Takoma Park has Chapter I services provided, 8 of the 9 schools in the Blair Cluster receive Chapter I services. Should the amendment pass and the funding be cut by 40%, which is proposed, all of these schools would be severely impacted. She asked that Council examine and consider passing a resolution opposing the Gramm-Rudman Amendment and expressing support for the Chapter I Program and the services it provides.

Councilmember Williams stated he had read the resolution, supports it wholeheartedly, and felt that cutting the program would drastically impact City children and their parents. He moved passage of the resolution. Mayor Abbott pointed out that, this item being new business, it should be turned over to the new Council at a later point in the meeting, at which time Mr. Williams could state his motion.

Concerning the previously discussed problematic situation on Baltimore Avenue, Mayor Abbott commented on the minimal remuneration elected City officials receive for their services. He related that the Council in 1974, by Charter change, removed responsibility from Council for daily operation of City departments, including oversight/supervision of department heads, and vested it, by law, in the office of the City Administrator. Under these circumstances, he commented it becomes very difficult for a Councilmember to act or appear to act overzealously in a manner that would intrude on the measured supervision of City staff. He remarked that once an individual serves as an elected official, they can better appreciate the situation. He emphasized that it is important for elected officials to ensure that concerns voiced by neighborhoods are brought before the appropriate individuals and addressed; solutions generally require persistence.

ITEMS FOR COUNCIL CONSIDERATION:

1. Regulations for parking spaces on Takoma Avenue (portion of).

Mr. Wilson noted the ordinance was intended to provide a series of parking spaces along Takoma Avenue for those residents who live 3/4 of a mile or more from the designated area and have no available public

transportation; he commented that second reading would occur in two weeks unless that schedule were altered by the new Council. Councilmember Iddings moved acceptance for first reading, with the understanding that there were some details that would require further consideration in a worksession. The motion was duly seconded by Councilmember D'Ovidio; the ordinance was accepted for first reading.

ORDINANCE #1985-  
(attached)

2. FY 1985-86 Budget Amendment No. 2.

Mr. Wilson explained that adoption of the ordinance would approve distribution of employee bonuses which were authorized by Council at the beginning of the current fiscal year; he noted that the ordinance included some other minor transfers of funds. Mayor Abbott commented that the ordinance had been discussed at length in worksession. Councilmember Iddings moved acceptance for first reading, duly seconded, carried.

ORDINANCE #1985-  
(attached)

OTHER COMMENTS AND PRESENTATIONS:

Councilmember Aldrighetti was recognized and spoke nostalgically of past "battles" fought and won in the City, including Block 69 and the North Central Freeway, the benefits to the City of having won those encounters, and the man, Sam Abbott, who inspired and led citizens to organize and oppose the proposals they did not favor. He summarized, very movingly, Mayor Abbott's accomplishments on behalf of the residents of the City, including creation of the Housing Department and COLTA during his term(s) in office, and imposition of rent stabilization in the City; his participation prior to his first term in office in the successful fight to keep Takoma Elementary open. He commented that qualities essential to the City during its critical turning points are now judged by many as expendable as the City spirals upward as a result of those original participants' efforts; issues and battles that saved the City from decline are yesterday's news to those who did not live through them, despite the fact that they did occur and shaped the City, setting it on its current path. He stated it had been a privilege to participate, first as an organizer, a citizen, and then a Councilmember. He urged that everyone, regardless of how they had cast their vote, recognize that the passing from the office of Mayor of a man of very special integrity, caring, and heart, was a sad event, regardless of one's political preferences. Councilmembers and the audience joined Mr. Aldrighetti in applauding Sam Abbott. Mr. Aldrighetti commented he had been pleased to serve as a Councilmember, had benefitted personally in both experience and growth, and said making the decision not to run again for office was very difficult. He wished his remaining colleagues well, expressed a welcome to new elected officials, thanked City staff for their help, and voiced a special thanks to his family for being patient about his shortage of time during his service to the City. He emphasized the importance of continuing citizen involvement in issues in the City.

Councilmember D'Ovidio commented that many of his feelings had been voiced well by Mr. Aldrighetti. He, too, remarked the decision not to run for another term had been very difficult, but referred to the shortage of available time to serve well and the desire to commit time to a new and other goal; said the commitment he feels for the City had not, and would not, change. He said he was very proud of the changes that have taken place in the City over the last 4-5 years, as well as the high level of citizen involvement; he urged that residents continue to participate actively in City affairs. He welcomed new Councilmembers.

Councilmember Bradley commented that in looking back over time spent as a Councilperson, there had been many memorable times; she said that while different individuals would most clearly remember different issues, she would most remember the experience of working with her colleagues, seeing how human character(s) and values are revealed through debate of the issues, the insight gained into one's own strengths and weaknesses. She spoke concerning Unification and its continuing forward movement, confirmed by the recent referendum vote

indicating that City residents want and expect their elected officials to work hard toward that goal. She referred to Mayor Abbott's ability to sustain momentum toward a goal, his determination to succeed at a difficult task. She said those were characteristics she most admired and respected about him and felt everyone could learn from his demonstration of those qualities. She remarked she felt that Mayor Abbott's good qualities far outweighed his shortcomings; that the programs he initiated were more important than the personality conflicts; she expressed thanks to Mayor Abbott for his leadership and all he had accomplished while in office, expressed dedication to continuing his articulated goals, thanked and wished her departing colleagues well, stated she was looking forward to working with the new Mayor and Council.

Mayor Abbott commented that in the past, once Councilmembers left office, few of them were ever seen or heard from again, particularly in relation to participation in City affairs or attendance at Council Meetings; he commented on Clayton Forshee being an exception to that situation and recognized him as being a member of the audience, as well as Frank Garcia, former Councilman from Ward 6.

Councilmember Williams spoke concerning his longtime association with, and support for, Mayor Abbott and his ideals, the improvements wrought to benefit the underprivileged through his dedication and efforts, and all he had learned from the example set by the man. He expressed thanks to Mayor Abbott.

Councilmember Haney reiterated thanks expressed at a prior meeting to departing Councilmembers Aldrighetti, Dalmat, and D'Ovidio for their contributions to the City over the years, both as citizens and as Councilmembers. He additionally thanked Mayor Abbott for his contributions both as a citizen and as Mayor.

Mayor Abbott noted the time as 9:02 P.M., and commented that "now, (as the campaign posters stated) beginneth a new day for Takoma Park." He spoke in an acerbic vein concerning the promises implied in his successor's campaign literature. He remarked on his final paycheck from the City being in the amount of \$9, covering the period of the month only up to and including the election; said it probably would not bankrupt the City to pay outgoing officials the additional \$9 to cover the period until incoming officials actually take over the reins. He related seeing, earlier in the day when in his office in the Municipal Building, a workman changing locks on the doors--wondered if that equated with "throw the rascals out and change the locks!" For the record, he returned his (old) key to the building and executive washroom to City Administrator Wilson.

There being no further comments or business to transact, the meeting of the outgoing Mayor and Council adjourned at 9:08 P.M.

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Following installation ceremonies in which Stephen J. Del Giudice was sworn in as Mayor of the City by Clerks of the Courts of Prince George's and Montgomery Counties, and Mayor Del Giudice, in turn, swearing in all Councilmembers, the roll was called by City Administrator Wilson, with the following new officials affirming their presence:

Mayor Del Giudice  
Councilmember Bradley  
Councilmember D'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams

Mayor Del Giudice spoke, commenting he was both humbled and encouraged by being selected to fill the City's highest elected office; said he was humbled by the man he would follow and promised to keep commitments made during the election. He congratulated all citizens who, despite the adverse weather, participated in the election, demonstra-

ting the level of commitment within the community. He additionally thanked City staff and election officials, expressed admiration for all candidates who participated in the election, thanked Mayor Abbott and outgoing Councilmembers for their many years of service to the community and anticipated their continued constructive involvement and participation in the life of the City. He congratulated members of the new Council and remarked he looked forward with great expectations to working with them. Particularly, he said, he wished to offer special thanks to those citizens who elected him to office and those who worked in his campaign, bringing new leadership and a new day to the City. He commented that a unified effort involving elected officials, City staff, and citizens would be required to meet the significant questions the City faces concerning its future course; personal differences attributable to the diverse nature of the individuals involved would have to be transcended for the betterment of the City. To Mayor Abbott and his supporters, he repeated his election pledge to open dialogue, as well as reiterating various other vows made. He projected meetings to occur within coming weeks with various staff members and the purposes of those meetings. Concerning City citizens' committees, he encouraged people to participate and noted that there are some committees to which appointments would have to be made in the near future. He noted the need to address problems concerning unification, zoning, taxation, and education and, in an effort to facilitate discussions of the issues, announced a willingness to host, or to participate in, a tri-party summit meeting which would include himself and the Executives of both counties.

ADDITIONAL AGENDA ITEMS:

Gramm-Rudman Amendment Resolution (Wilson)  
Cable TV situation update (Wilson)

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

John D'Eustachio, Administrative Assistant to Senator Dorman: stated he was present on behalf of Senator Dorman to express gratitude and appreciation to Mayor Abbott and former Council for their cooperation. He personally thanked Rino Aldrighetti, with whom he had worked relative to schools over an extended period. He welcomed new Councilmembers and extended the cooperation of Senator Dorman's offices in working toward common goals and addressing problems. He commented that the City, being a bi-county municipality, could benefit rather than be hindered by that situation.

ITEMS FOR COUNCIL CONSIDERATION:

1. Lights on for Peace Resolution.

Mr. Wilson commented that communications had been received from members of Congress asking that the resolution be placed before the Mayor and Council. He briefly summarized the document and its intent. Passage was moved by Councilmember Haney, duly seconded by Councilmember D'Eustachio. Councilmember Iddings proposed an amendment which would add an additional "WHEREAS," clause as follows: "WHEREAS, Takoma Park has endorsed a nuclear freeze and has declared itself a nuclear free zone, it is particularly fitting that we join in this symbolic act expressing our desires for world peace." The amendment was duly seconded, carried unanimously. Councilmember Iddings commented that the current meeting was his third time to sit as a newly-elected Councilmember, that the resolution was also the third time the City Council had had the opportunity to vote on a document addressing the issue of world peace. The question was called on the resolution, as amended; the resolution passed unanimously.

RESOLUTION #1985-30  
(attached)

2. Resolutions of Appreciation to Mayor Abbott and Outgoing Councilmembers.

Resolutions expressing appreciation for service to the City and taking recognition of accomplishments were individually read and presented to Mayor Abbott, as well as Councilmembers Aldrighetti, Dalmat and D'Ovidio. The resolutions were individually moved for passage, all duly seconded, and all carried unanimously.

RESOLUTIONS #1985-31, 1985-32, 1985-33, & 1985-34  
(attached)

**3. Gramm-Rudman Amendment concerning Chapter 1 Educational Programs.**

Mr. Wilson noted the resolution would express opposition to the subject amendment; Councilmember Bradley moved passage, duly seconded. Councilmember Levy expressed appreciation to Mary D'Ovidio for her efforts because Takoma Elementary receives Chapter I funds; she urged citizens to write the state legislature and oppose the legislation. Councilmember Iddings proposed an amendment adding an additional clause as follows: "Therefore, that we direct the City Administrator to communicate this resolution to our congressional delegation and our senatorial representatives." The amendment was duly seconded by Councilmember Haney.

Larry Joseph, 7209 Holly Avenue: expressed support for Councilmember Iddings' amendment, said it is important for Council and other groups to make their opposition known. He said a version of the bill had passed in the House and the Senate because it is hard to say "no" to a symbol for deficit reduction; however, he said the Gramm-Rudman Amendment is actually a "cop-out," an automatic spending reduction for social programs and does not look at nor impact the tax side of the picture. He referred to an article in the November 17 Washington Post outlining what real deficit reduction entails. He urged Council to support the resolution.

Sheila Mallory: commented that Montgomery County has a high minority population, the services provided by this funding are needed; she urged support for the resolution.

Lou D'Ovidio, 7324 Piney Branch Road: commented on the importance of parent involvement in the Chapter I programming, said that important factor would be missing from the program if it were cut by 40%. He remarked that Council might wish at a later date to discuss the proposed voucher system for the Chapter I Program, under which unexpected tuition costs might be incurred for parents wishing to change their child's enrollment.

Roland Halstead, 7116 Maple Avenue: commented it was refreshing to see Council considering a resolution on a national concern, but which has a very local impact. He pointed out there were other federal programs that would impact the community and suggested expanding the language of the amendment to include those other federal programs.

Councilmember Iddings commented he felt it important at present to focus on specific elements of the particular bill, which will devastate a whole series of social programs the federal government has been involved in, rather than being general in nature. He suggested that if Mr. Halstead had knowledge of other proposed federal cuts that would impact the City, a separate resolution be prepared for consideration. The question was called on the resolution, as amended, and it was passed unanimously.

RESOLUTION #1985-35  
(attached)

**4. Cable TV Update.**

Councilmember Bradley summarized a report given to both outgoing and incoming Mayors and Councilmembers in worksession concerning a meeting she attended the prior week and a followup discussion with an individual from the county cable television office. She commented that the worksession consensus was that the City recommend that the County Executive begin immediate negotiations to obtain a satisfactory resolution of the conflict between Montgomery County and Tribune-United Cable Corporation in order to bring quality cable television service to residents of Montgomery County and its municipalities as quickly as possible, and that the City will urge the County Executive to meet with City representatives in order to discuss municipal participation in the discussions. She said the City will be discussing the issue with other county municipalities, and the problem will continue to be tracked.

Members of Mayor Del Giudice's family present were recognized, including his mother, wife and children.

It was noted the next regularly scheduled Council Meeting would be on November 25, 1985. An announcement was made that at a public hearing 11/19/85 at the Park & Planning building on Kenilworth Avenue in Riverdale, the Prince George's delegation would be considering unification, zoning authority for the City, and a tax measure important to Takoma Park; all were encouraged to attend.

Upon motion, duly seconded, the meeting adjourned at 9:58 P.M., to reconvene in regular session at 8:00 P.M. on November 25, 1985.

ORDINANCE 1985-

WHEREAS, certain residents of the City living outside the Metro station area and without public transportation, have petitioned the Mayor and Council for parking space adjacent to Parking Permit Area #1 in North Takoma.

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

SECTION 1. THAT parking on the southwest side of Takoma Avenue, between Baltimore Avenue and Buffalo Avenue be reserved for residents of the City living at least .75 miles from the Metro station and for whom no public transportation is available; AND

SECTION 2. THAT appropriate signing shall be posted at the area identified above and distinctive identification stickers or placards be provided to persons meeting the requirements of Section 1, on a first-come, first-served basis; AND

SECTION 3. THAT the Police and Public Works Departments shall coordinate the posting of appropriate signs and the issuance of stickers or placards; AND

SECTION 4. THAT cars without the appropriate stickers or placards using the above parking area shall be subject to the penalty prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Introduced by:

1st Reading: 11/18/85  
2nd Reading:

ORDINANCE 1985-  
Budget Amendment No. 2

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

- SECTION 1. THAT at the time of adoption of the Fiscal Year 1986 City Budget, City Council voted to provide employees with a bonus in recognition of performance of valued service to the City; AND
- SECTION 2. THAT the above-referenced bonuses are to be distributed as follows:
- (a) Each regular/permanent full-time employee shall receive a bonus of \$500 on or before December 31, 1985.
  - (b) Each regular/permanent part-time employee shall receive a pro rata share of a \$500 bonus equal to the ratio percentage between such employee's regularly scheduled hours in a week and forty (40) hours in a week.
  - (c) Such bonuses are to be paid once and only once. Such bonuses are awarded solely in recognition of valued past performance and service to the City.
  - (d) Only regular/permanent full-time and regular/permanent part-time employees who are actually employed and on the payroll of the City of Takoma Park as of July 1, 1985 shall be entitled to such bonuses.
  - (e) Seasonal and temporary employees, contractors and contract employees are excluded from the provision of this section and are not entitled to any such bonus.
- SECTION 3. THAT the City Administrator is to provide a listing to the Council defining regular/permanent part-time, temporary part-time, seasonal and contract employees in the context of the bonus situation, and how excess monies are to be spent, should there be any, due to the pro-rating of the bonus for part-time employees.
- SECTION 4. THAT this ordinance supercedes Council action at the regular session of June 24, 1985 and to the extent this ordinance and Council action of June 24, 1985 are inconsistent or contrary to one another, the provisions of this ordinance shall prevail.



SECTION 5. THAT the Fiscal Year 1986 City Budget be amended as follows:

- A. Transfer \$3,250 from General Contingency, budget account number 991, to Salaries-City Administrator and Staff, budget account number 510.
- B. Transfer \$1,938 from General Contingency, budget account number 991, to Salaries, budget account number 540.
- C. Transfer \$500 from General Contingency, budget account number (BAN) 991, to Salaries, BAN 580.
- D. Transfer \$650 from General Contingency, BAN 991, to Salaries, BAN 590.
- E. Transfer \$17,000 from General Contingency, BAN 991, to Salaries, BAN 600.
- F. Transfer \$1,250 from General Contingency, BAN 991, to Salaries-Crossing Guards, BAN 650.
- G. Transfer \$2,500 from General Contingency, BAN 991, to Salaries, BAN 700.
- H. Transfer \$1,000 from General Contingency, BAN 991, to Salaries, BAN 800.
- I. Transfer \$500 from General Contingency, BAN 991, to Salaries, BAN 830.
- J. Transfer \$2,000 from General Contingency, BAN 991, to Salaries, BAN 850.
- K. Transfer \$1,500 from General Contingency, BAN 991, to Salaries, BAN 865.
- L. Transfer \$8,000 from General Contingency, BAN 991, to Salaries, BAN 875.
- M. Transfer \$3,500 from General Contingency, BAN 991, to Salaries, BAN 885.
- N. Transfer \$2,430 from General Contingency, BAN 991, to Salaries, BAN 900.
- O. Transfer \$3,753 from General Contingency, BAN 991, to Salaries, BAN 930.
- P. Transfer \$3,580 from General Contingency, BAN 991, to the appropriate departmental fringe benefit accounts to cover the City's contribution on bonus fringe benefits.

Introduced by: Councilmember Haney

RESOLUTION #1985-30

- WHEREAS, the United States and the Soviet Union among all nations lead in the development and accumulation of weapons with the ability to devastate and possibly end human life on Earth; AND
- WHEREAS, the increased speed and accuracy of nuclear weapons on both sides greatly increase the danger that nuclear war will occur; AND
- WHEREAS, the scientific evidence suggests that the detonation of even a small number of nuclear weapons already in existence would result in dramatic climatic changes which likely would end human life; AND
- WHEREAS, President of the United States Ronald Reagan and General Secretary of the Soviet Union Mikhail Gorbachev share responsibility for the avoidance of nuclear war, the peaceful resolution of global conflict and the instigation of joint cooperation projects; AND
- WHEREAS, leaders of the National Council of Churches of Christ in the USA, the World Council of Churches and the United States Catholic Conference have called upon citizens everywhere to light porchlights, candles and other lights on November 19 and 20, 1985 from dusk to dawn to openly display their desire for world peace; AND
- WHEREAS, Takoma Park has endorsed a nuclear freeze and has declared itself a nuclear free zone, it is particularly fitting that we join in this symbolic act expressing our desires for world peace.
- NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland invites all citizens of the city to light porchlights, candles or other lights from dusk to dawn on November 19 and 20, 1985 while President Reagan and General Secretary Gorbachev meet in summit in order to openly express their deepest hope that President Reagan and General Secretary Gorbachev will heed the desire of people around the world to work, raise children, build communities and pursue a quality of life free from the threat of war -- by reaching an understanding on an arms control agreement which significantly cuts nuclear stockpiles and makes strides toward halting the arms race between the United States and the Soviet Union.

NOVEMBER 18, 1985

Introduced by: Mayor Del Giudice

R E S O L U T I O N  
#1985-31

WHEREAS, as of this date, Mayor Sammie A. Abbott will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Mayor during the period March 1980 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Sammie A. Abbott, and express gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 18, 1985.

\_\_\_\_\_  
Stephen J. DelGiudice  
Mayor

ATTEST:

\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

Introduced by: Councilmember Sharp

R E S O L U T I O N

#1985-32

WHEREAS, as of this date, Councilmember Rino R. Aldrighetti will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period November 1983 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Rino R. Aldrighetti and express gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 18, 1985.

\_\_\_\_\_  
Stephen J. DelGiudice  
Mayor

ATTEST: \_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

Introduced by: Councilmember D'Eustachio

R E S O L U T I O N

#1985-33

WHEREAS, as of this date, Councilmember Gail B. Dalmat will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, her service to the City as Councilmember during the period November 1983 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Gail B. Dalmat and express gratitude for her valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 18, 1985.

\_\_\_\_\_  
Stephen J. DelGiudice  
Mayor

ATTEST: \_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

Introduced by: Councilmember Levy

R E S O L U T I O N

#1985-34

WHEREAS, as of this date, Councilmember Louis H. D'Ovidio will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period March 1982 to date.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland do hereby take recognition of the accomplishments of Louis H. D'Ovidio and express gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

NOVEMBER 18, 1985.

\_\_\_\_\_  
Stephen J. DelGiudice  
Mayor

ATTEST:

\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

RESOLUTION 1985-35

WHEREAS, a number of major human services programs including Federal Compensatory Education Programs (Chapter I) are threatened with severe cutbacks under a proposed amendment to the extension of the federal government's debt ceiling; AND

WHEREAS, this Gramm-Rudman Amendment proposes a reduction of forty percent (40%) in funds for Chapter I which provides funds for local school districts to provide reading and math instruction to disadvantaged children by providing Instructional Assistants, Instructional Materials and Enrichment Programs to identified schools; AND

WHEREAS, Chapter I funding is based on the number of students who qualify for free and reduced lunch which then allows all low-achieving students to receive Chapter I services; AND

WHEREAS, the impact of Chapter I funding benefits not only Identified Chapter I students, but all students in these schools; AND

WHEREAS, all elementary schools in Takoma Park and eight out of nine elementary schools in the Blair Cluster receive Chapter I funds and services.

NOW, THEREFORE, BE IT RESOLVED THAT the Takoma Park City Council is opposed to the proposed reduction of Chapter I funds as the result of the Gramm-Rudman Amendment.

AND, BE IT RESOLVED that copies of this Resolution be transmitted to the Congressional and Senatorial delegations representing the City of Takoma Park, Maryland.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

November 25, 1985

8:00 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice  
ROLL CALL: Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams

PLEDGE

MAYOR DELGIUDICE'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

- (1) Show Cause Hearing pertaining to why 6801 Westmoreland Avenue should not be declared a nuisance and be condemned  
Citizen comments  
Council action
- (2) Ordinance establishing Budget Amendment No. 2  
Citizen comments  
Council discussion
- (3) Resolution authorizing disposal of specific Public Works vehicles  
Citizens comments  
Council action

ADJOURNMENT

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The Regular Council Meeting will be followed by a Council Worksession



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
November 25, 1985

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Asst. Housing Director Austin
Councilmember Haney	Police Captain Wortman
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:07 P.M., on November 25, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Del Giudice nominated Councilmember Iddings to serve as Mayor Pro Tem, duly seconded, carried. Mr. Iddings expressed appreciation for the trust the Mayor was according him.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)  
Grace Kornke, 8402 Flower Avenue: spoke concerning the increased incidence of crimes occurring in her neighborhood and said the situation is very frightening; she remarked that news of the incidents spread by word of mouth, but nothing had been noted in the newspapers. She commented that neighbors had met and were in the process of forming a Neighborhood Watch; said they had requested help from county police and asked assistance from Takoma Park Police, particularly in the form of increased foot and car patrol in the area.

Councilmember Bradley commented that the police department had recently provided an updated log on crime incidents; said everyone in that area is concerned, likened the situation to an epidemic, and noted it was important that concentrated attention be given that community by both county and city police. Councilmember Iddings noted there had also been an increase in crime in his area, around the Metro. He remarked that several years ago the police department employed a plainclothes strike force which was effective and suggested consideration might be given to doing so again.

Abby Mandel, 7003 Woodland Avenue: related that Prince George's County is proposing to close down four field offices of their Social Services Department which serve low income individuals in applying for food stamps and medical assistance. She asked that the City write to the Director of Social Services for the county and register a protest against the planned closings. She stated the field offices had been in existence for more than ten years, were in the far reaches of the county -- Laurel, Ft. Washington, Bowie, and District Heights, and that a real need exists for those offices to be kept open. She commented that Montgomery County is only now about to commence this type of Social Services outreach program. She remarked that the mailing of food stamp or medical assistance applications was just not feasible, and pointed out the lack of accessibility to remaining offices in terms of time and distance that elderly and infirm individuals would have to travel to reach them, as well as the monetary cost of the travel. In response to query, she stated that the offices that would remain open would be those located in Hyattsville, Palmer Park, and Camp Springs.

Councilmember d'Eustachio suggested that a resolution stating Mayor and Council's opposition to the closings be prepared; Mayor Del Giudice commented he would be happy to sign a letter, but favored the suggested resolution. It was decided, at the suggestion of Councilmember Bradley, that Asst. City Administrator Habada would retire and prepare the resolution, which would be acted upon at the end of the agenda.

Arthur Karpas, 6916 Westmoreland Avenue, speaking for WACO: referred to a letter forwarded last July to the Mayor and Council and City Administrator concerning crime in the area and asking for several specific types of assistance; he reiterated those requests. He commented that a brief, but uninformative, response had been received from Sgt. Rosenthal of the Police Department; a brief conversation with Mr. Wilson had revealed that a crime prevention code for the City

was in process, however, he had not noted any change having occurred in the problem on Westmoreland, nor had a letter to area residents asking that they keep foliage on their property cut back been sent out as requested. He asked that the cited problems be addressed and the community organization be kept abreast of what is occurring.

Councilmember d'Eustachio requested that Mr. Karpas provide the City with specific addresses where overgrown foliage presents a problem, however, it was noted that probably the most effective approach would be to send a letter to all residents rather than singling out particular properties. Councilmember Bradley remarked that the police department was formulating recommendations concerning lighting in relation to crime prevention, and suggested that perhaps Council should renew discussions on the subject of streetlighting in the City. Councilmember Iddings commented that a report was received earlier from Public Works Director Robbins concerning the cost of converting to high-intensity streetlighting citywide, which noted that there would be no cost savings by converting and a substantial conversion cost would be incurred. Mr. Wilson elaborated on the cost of conversion and why that occurs, however, noted that the expenditure could be justified by circumstances in specific areas of the city. Mr. Karpas reiterated his request for a letter from the City outlining plans being formulated to address the three specific problem areas on Westmoreland cited in the aforementioned July letter. Mayor Del Giudice commented that Mr. Robbins' report referred to earlier was only recently received and should be placed on a December worksession agenda for discussion, along with other issues concerning the crime problem, etc.

Wayne Upton, 7600 Maple Avenue: disseminated background information on a political candidate in Baltimore whom he wished to recommend as a possible speaker for the City's Black History Month observance in February, should it be decided to continue that practice.

Councilmember Williams spoke in favor of continuance of the observance, said it was educational and beneficial; he commended and expressed gratitude for Mr. Upton's efforts and participation in last year's program. Following additional discussion, Mayor Del Giudice asked that the subject of Black History Month observance in the City be placed on a December worksession agenda and a resolution designating February 1986 for that event be prepared. Dialogue continued, with Councilmember Bradley suggesting that the matter be handled in two parts, i.e., the resolution designating Black History Month be prepared and considered, and the City's program of observance be addressed, perhaps by a committee; Councilmember Levy concurred with formation of such a committee, volunteered she would be happy to participate, and so moved, duly seconded by Councilmember Bradley. Councilmember Iddings thanked Mr. Upton for all the time and effort he had expended relative to Black History Month, however, suggested that there were people in Prince George's and Montgomery Counties who might have a closer connection to Takoma Park, and might be more appropriate to have as speakers at such a program; he named several such individuals and remarked that was something the committee could address. The question was called, the motion carried unanimously.

Robert Mandel, 7003 Woodland Avenue: asked that officials pull their microphones closer when speaking so that their comments would be more audible.

Dennis Seekins, 8217 Roanoke Avenue: concurred with earlier comments concerning area crime, but spoke particularly about the situation at Piney Branch Road and Flower Avenue, specifically, a rough element engaged in loitering, public drinking, harassment of passersby. He said police response had been excellent, however, wondered if they could not do something about those individuals hanging about, half-drunk, leaning against storefronts, and impeding traffic on the sidewalk, especially right outside the county liquor store. Police Captain Wortman commented that what the police could do depended on certain elements of the law; said there were certain misdemeanor citations that could be issued, depending upon what sort of drug (or alcohol) the individual had used, whether the use could be proven, and various other circumstances. The jurisdictional division in that area was discussed, with Councilmember Bradley commenting it would be

helpful to pressure county police to do their share there; Mr. Seekins suggested perhaps the City could write a letter to County Executive Gilchrist asking for increased enforcement on the Montgomery County side of that intersection. In response to query from Councilmember Levy, Mr. Seekins stated his neighborhood did not presently have a Crime Watch program in effect; Ms. Levy commented it would probably be beneficial for residents to meet and institute such a program in cooperation with Sgt. Rosenthal of the police department.

ITEMS FOR COUNCIL CONSIDERATION:

1. Show Cause Hearing pertaining to why 6801 Westmoreland Avenue should not be declared a nuisance and be condemned.

Mayor Del Giudice explained that the hearing affords an opportunity for the owners and/or their representative(s) to present testimony as to why the property should not be declared a nuisance and condemned.

Arquimedes MacDonald, son of property owners: stated that his parents and their attorney felt that no action should be taken by the City against the property so long as a court case related to that property was pending in the Montgomery County Circuit Court; said he had spoken both to the attorney and the Clerk of the Court, and both indicated that settlement of the case could be expected by January 1986 -- the Statute of Limitations (3 years) for the filing of any further lawsuits against the defendants in the case expires prior to that time. He stated that if, or when, settlement is made in the case, his parents would restore the property.

Councilmember d'Eustachio commented on the prolonged period of time the case had dragged on, the fact that the neighborhood was upset by the state of the property, and he inquired what sort of evidence could be presented that the case would in fact be settled as claimed and that the house would be restored in a timely fashion.

Arquimedes MacDonald translated comments made by his mother, stating that Takoma Park was her home and that was where she would choose to live; the family had attempted to comply with City ordinances and alleviate those things about which complaints had been made; offered that the City might inspect the house and property at any time, if so desired. She stated the gate to the property had been secured with a chain and lock, however, neighbors had notified her several times about the gate being open -- off its hinges (she presented a length of heavy chain which had apparently been cut through); at one point in time, the gate was removed from its hinges by parties unknown. He related that the MacDonald's attorney, Marc Emden had written to Mr. Wilson concerning the expected settlement date; he produced a letter from the Montgomery County Circuit Court explaining the delays in the case and stating whom to contact in the Court concerning the case.

Corporation Counsel Gagliardo commented that there were many who filed suit against Sickler and Dayton Transport, and that they were likely waiting to ensure that all suits had been filed prior to making settlement; once the Statute of Limitations expires on December 16, no further claims can be filed and an assessment can be made by the defendants. Mr. Gagliardo noted that WSSC, among others, was a plaintiff in the case, said it appeared to be fairly complex litigation, and it would be quite understandable that an individual family would be unable to obtain speedy settlement.

Arquimedes MacDonald commented on the hardship involved in trying to work daily, carry on with everyday life, in addition to attempting to cope with all the problems generated by the explosion and fire on the Westmoreland Avenue property; said if the family had the means, no one would have to ask them to take care of their property. In response to query, Mr. Wilson stated he had spoken to Attorney Marc Emden at least twice, had a letter from him substantiating statements concerning the expected settlement date and amount. In response to query from Councilmember Levy, Mr. MacDonald stated that the attorney had two estimates made of the amount of money that would be required to restore the house to its original state and it was expected that the settlement would cover that. In response to query from Councilmember Williams, Asst. Housing Director Austin stated that the only things that had been done to the property since it sustained damage was boarding up of the structure and citation of Code violations related to trash

and abandoned vehicles, as noted in Ordinance 1985-64 which instituted the current proceedings; he said structural damages were outlined in his memorandum dated October 4, 1985; he had not been inside to inspect the structure, however, believed it to be pretty well gutted. In response to query as to whether sale or demolition of the house would preclude a plaintiff receiving full damages as recompense, Mr. Gagliardo stated it probably would not since the loss was incurred by the owners at the time of the fire and that loss would be the amount owed to the plaintiffs by the defendants, any sale of the property would not reduce the amount that they are entitled to recover.

In response to query, Mr. MacDonald stated his parents intend to rebuild the home for single-family use; they want it restored to its original state and have made initial contact with builders, however, have not drawn up plans. He said the family attorney has the name of the contractor who will do the work. Mr. Gagliardo pointed out that it is incumbent on the City to produce its evidence as to why it feels the building is not habitable and afford the owners the opportunity to question or challenge that evidence. In light of absence of the owners' attorney, he suggested the Mayor and Council might wish to consider alternatives for handling the matter. In response to query from the Mayor, Mr. Wilson stated that he believed the owners' attorney had been provided with copies of all pertinent reports and documents; he suggested the hearing be carried over to the December 9 meeting to afford the owners' lawyer an opportunity to provide additional information and substantiate verbal information. Councilmember d'Eustachio commented that the owners' attorney should have been present, said his absence puts the City in a bind; he said he would concur with carrying the hearing over, but was not pleased; expressed concerns about the situation dragging on endlessly and the hazard the property presents, particularly to children, in its current condition. He said he and other neighbors would not be willing to wait for any prolonged period for some concrete evidence of intentions, he would personally be willing to wait until January, but not much longer.

Mr. Arthur MacDonald spoke concerning having secured his property, posted it "no trespassing," and questioned why people entered the property illegally; he said it was not children doing the trespassing, and cited incidents that had occurred.

Arthur Karpas again spoke on behalf of WACO; he said that group had discussed the intolerable situation numerous times; after it had continued for more than two years, they had requested that the City institute condemnation proceedings. He said neighbors tolerated the situation for two years because they understood the hardships the MacDonalds were undergoing because of their loss, said many people in the neighborhood went out of their way to lend assistance and moral support. He said neighbors finally felt it had become apparent that the MacDonalds were pursuing the interests of their property loss, and were willing to do so at the expense of the community. He reiterated comments about the neglected state of the property, said one reason people illegally entered the property was to tip over and empty barrels of standing rainwater in which mosquitoes were breeding, he had heard that the reason the gate was removed was so that the police could come in and remove abandoned vehicles. He commented the property is now close to being in compliance with the City Code, the majority of hazards having been removed, but only recently and after application of a great deal of pressure from neighbors and City officials. He stated neighbors do not believe that the MacDonalds intend to rehabilitate the property and said they base that on: 1) the removal of plantings from the premises, 2) structural information and opinions contained in Asst. Housing Director Austin's report, based on an assessment made from outside the structure. He said it appeared the structure was not rebuildable and, thus, would not be a loss to the owners and probably would benefit the neighbors if it were razed, and to do so at an early date would be advantageous to the neighborhood. He stated that having had no opportunity to confer with the community, he would be sticking his own neck out, but thought people would condone a small (1-1/2 to 2 month) delay in order to allow appropriate legal proceedings, however, he emphasized that neighbors have already sustained a great deal of abuse and feared that the situation could spiral into a more dangerous and unpleasant one; he urged that the process move forward in a timely fashion and anything more than a

small delay not be condoned. Councilmember Levy questioned whether it would be helpful if the MacDonalds' architect/contractor produced plans for rebuilding; Mr. Karpas responded that it possibly would, if it could be shown that rehabilitation of the structure was feasible; he stated, in response to query, that no one had asked them why they had removed plantings from the premises -- communication with the owners had not been amicable.

Councilmember Bradley inquired whether the situation might be handled productively as had one on Carroll Avenue originally boarded up and scheduled for demolition, but in which staff worked closely with the owners to ensure work proceeding according to schedule, after requiring projected timetables for completion of various phases of the rehabilitation. Asst. Housing Director Austin pointed out that case was further along in proceedings -- the owners had money in hand to effect rehabilitation, were willing to come forward with a timetable for achieving specific improvements. He said that after December 9 and a meeting with the owners' attorney, it would be more appropriate to sit down and discuss a time frame. He said the property had been properly secured (boarded up), however, being vacant, problems would probably continue with people trespassing. He stated emphatically that his report, while it stated the building was unfit for human habitation, contained no statement as to whether it could be rehabilitated or not. He said he had not felt it necessary to enter the building, that it was obvious the fire had had a balloon effect, sweeping up the outside walls of the structure to the roof.

Arquimedes MacDonald remarked that he had to depart, however, wanted to point out prior to leaving that his mother loved plants and had a great many of them; she had sustained an injury that would prevent her traveling to the property on Westmoreland to care for them, thus they had been dug up and moved to the current residence, which would have been necessary prior to winter anyway as they were houseplants. He supplied his home phone number and said he would be happy to arrange for anyone wishing to do so to inspect the property inside or out; he agreed the house is uninhabitable in its present condition, the fire occurred as described by Mr. Austin, however, the floor is also burned -- looks like charcoal.

JoAnn Hamer: questioned where and how the information was gotten that the structure was uninhabitable and/or could not be rebuilt. She asked whether a committee would be formed to give an opinion, and asked that each Councilmember inspect the property and give their individual opinions. It was pointed out that while Mr. Austin's report stated the property was presently uninhabitable, whether or not it could be rehabilitated was a point of dispute and he had not addressed it one way or the other.

Arquimedes MacDonald stated that, as soon as settlement was made in the pending lawsuit, the property would be rehabilitated as quickly as possible; he pointed out that whether or not his parents had moved plants from the premises was a personal matter. Following additional dialogue, Councilmember d'Eustachio moved that the hearing be held over until the January 20 worksession, at which time Council could convene in Special Session; the motion was duly seconded by Councilmember Bradley. Councilmember Levy commented it would be helpful to Council if plans for rebuilding could be furnished; Councilmember Iddings expressed concerns that on January 20 there would be excuses furnished for additional delays and the City would be in the same quandary as to whether or not the owners are going to rehab the house. Mr. Arthur MacDonald assured that if a monetary settlement were not received, the property would be sold, however, he had worked hard to purchase the home and he hoped not to have to sell it. Councilmember Bradley commented she hoped City staff would remain in close contact with the owners and their attorney in the interim period, particularly so that any safety problems could be addressed without delay.

The MacDonald's daughter spoke, relating reasons why her parents had not immediately rebuilt the house; she said the insurance settlement they received amounted to about \$50,000, it would have cost \$90,000 to rebuild; a loan was first approved and subsequently denied by the City. She related the hardships they had been through.

In response to query, Mr. Gagliardo stated there should be no problem with reconvening the hearing at a worksession, so long as public notice were given and a Special Session convened; he said he would confer with the owners' attorney concerning settlement possibilities and keep Mayor and Council advised of information received. The question was called on the motion to carry the matter over to January 20, carried unanimously. Councilmember Iddings reiterated that Council would want the MacDonalds to furnish concrete plans for rebuilding the house in the event they receive settlement, and, should they not receive the expected amount, the City would have to pressure for sale of the property.

2. Ordinance establishing Budget Amendment No. 2.

Mayor Del Giudice suggested the item be deferred to the December 2 meeting to allow for proper publication, which had not occurred due to a delay in transmission to the press; Councilmember Iddings so moved, duly seconded, carried unanimously.

3. Resolution authorizing disposal of specific Public Works vehicles.

Councilmember Haney moved passage, duly seconded by Councilmember Sharp. Mr. Sharp questioned whether Council might wish in future to discontinue dealing with this type of legislation; it was noted that such a procedural change would require amending the City Code. The question was called, the resolution passed unanimously.

RESOLUTION #1985-36  
(attached)

4. Resolution opposing closing of certain specified Prince George's County Social Services Field Offices.

Councilmember Haney read the resolution and moved editorially amending the first resolve to read "...the Mayor and City Council" rather than "...the City Council." He moved passage of the resolution, as amended, and asked that dissemination include the media for publicity purposes. The motion was duly seconded by Councilmember Sharp, carried unanimously.

RESOLUTION #1985-37  
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:45 P.M., to reconvene after a short recess in worksession, and in regular session at 8:00 P.M. on December 9, 1985.

Introduced by: Councilmember Haney

Adopted: 11-25-85

RESOLUTION 1985- 36

WHEREAS, The Director of Public Works has reported that there are three vehicles that are beyond economical repair and requests permission to take from those vehicles parts which are useable and dispose of the remains.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT authorization is hereby given to dispose of the following Public Works Vehicles:

- (1) 1971 White Refuse Truck, Serial No. BB001A707428
- (2) 1970 Ford Dump Truck, Serial No. F61DEH32236
- (3) 1968 Ford Sedan, Serial No. 8M51X114812

ADOPTED BY THE MAYOR AND COUNCIL NOVEMBER 25, 1985.

Introduced by: Councilmember Haney

RESOLUTION 1985-37

WHEREAS, Prince George's County has operated field offices of the Department of Social Services which have served low income families of the County for over 10 years; AND

WHEREAS, the County is now planning to close four field offices and limit the services provided, to the existing three regional offices; AND

WHEREAS, Prince George's County geographically, has a very large county area with pockets of poverty in far corners of the County; AND

WHEREAS, Prince George's County does not offer adequate public transportation that would enable low income families to reach any one of the three regional offices,

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Takoma Park express their opposition to such closings of the field offices that have adequately served low income families and individuals in Prince George's County for over ten years,

BE IT FURTHER RESOLVED that this Resolution be forwarded to Prince George's County elected officials to register our concern about the proposed action to close field offices of the County Department of Social Services.

ADOPTED this 25th day of November, 1985.