CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 10, 1986
8:00 PM

AGENDA

8:00 CALL TO ORDER: Mayor Del Giudice

ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

8:05 PLEDGE

APPROVAL OF COUNCIL MINUTES OF JANUARY 13 AND JANUARY 27, 1986

8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

8:20 ADDITIONAL AGENDA ITEMS

8:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

9:00 (1) Second reading of an ordinance to establish a handicap parking space for 6901 Woodland Avenue
Citizens comments
Council action

9:10 (2) Resolution of Appreciation for James Arisman, former chair of the Commission on Landlord-Tenant Affairs
Citizens comments
Council action

9:20 (3) First Reading of an ordinance awarding City towing contract to G & G Towing Company
Citizens comments
First Reading

9:30 (4) Resolution to dispose of two 1976 Honda motorcycles
Citizens comments
Council action

9:40 (5) First Reading of an ordinance amending COLTA appeal process
Citizens comments
First Reading

10:00 (6) First Reading of an ordinance approving contract for a temporary editor for the City Newsletter
Citizens comments
First Reading

10:15 (7) Discussion of PG/MC 20-86, Independent Zoning Authority for City
Citizens comments
Council discussion

10:45 (8) Discussion of PG/MC 24-86, Property Tax Rate Differentials, Bi-County Municipal Corporations
Citizens comments
Council discussion

11:15 (9) Corporation Counsel/City Clerk Discussion

ADJOURN

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 10, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
EXCUSED: Councilmember Williams

Asst. City Administrator Habada
Housing Director Tyree
Corporation Counsel Gagliardo

The Mayor and Council convened at 8:18 P.M. on February 10, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Council Minutes of January 13 and 27, 1986 (including Special Sessions convened on January 6 and 21) were presented for approval. Councilmember Bradley commented that the Minutes of 1/27, on page 4 following the recorded vote on the Grasmere Place Ordinance, failed to make note of her comment that very likely Council would be hearing about the subject again. Councilmember Iddings asked that on page 3 of the Minutes of 1/13, an amendment be effected reflecting Councilmember Bradley's negative vote on tabling of the resolution appointing two citizen representatives to the City's Cable Board pending interviews of the applicants by Council; he also asked that Councilmember Williams' abstention on the same issue be noted [for the sake of thoroughness and so as not to discriminate, the record should also reflect Councilmember Sharp's negative vote on the issue]. The aforementioned Minutes, as amended, were collectively moved for approval, duly seconded, carried unanimously.

The Mayor commented there would be a hearing/worksession on the evening of February 13 at the County Office Building in Rockville, concerning the county proposal (as a part of the proposed Capital Improvement Budget) to consolidate/relocate the Takoma Park and Silver Spring fire stations. He noted public participation would be limited, however, encouraged attendance by all who could to demonstrate their continued opposition to the proposal. He commented he would be meeting with various concerned factions prior to that date to discuss individual presentations to be made. Because of the lack of opportunity for input at the upcoming meeting, he suggested that community association leaders mail their comments directly to County Councilmembers David Scull, William Hanna, and Neal Potter. Councilmember Bradley commented that County Councilwoman Rose Crenca would be attending; pointed out that Ms. Crenca had made a motion, which was voted down 4-3, for a dedicated public hearing on the issue -- the upcoming worksession/hearing with limited participation was in lieu of Ms. Crenca's proposal. The Mayor noted, for the record, that he sent a letter to Councilmember Scull, Chair of the committee, offering the use of the Takoma Park Municipal Building and Council Chambers for the upcoming meeting, but the offer was apparently declined. Mayor Del Giudice commented on meeting with Prince George's County Executive Glendening, having previously met with Mr. Gilchrist, and now hoped that joint meetings with the two County Executives could be arranged for the purpose of discussing issues of mutual concern and interest. He commented that Mr. Glendening remains opposed to unification, however, expresses a willingness to try to resolve some of the problems created for the City by its bi-county status, particularly the fire station financial support issue, and to that end, it is planned to get City and County staff together to hopefully come up with a solution. Concerning zoning, he said Mr. Glendening indicated a willingness to work with the City on whatever plan it is decided to put before the legislature.

Councilmember Bradley asked that a discussion of the City budget process be scheduled for the next worksession; she pointed out that a time frame for a draft budget should be set up, broad parameters in terms of direction need to be addressed. She commented that in the last two issues of the Newsletter, her articles had been slightly modified, in that the title of the column, as submitted, was altered. She conceded that, under the Guidelines, all elected officials' columns were to be labeled "opinion," however, commented that the alteration should have been done uniformly, rather than hers being singled out and changed, purportedly by former Councilmember Gail Dalmat, acting as a proofreader. Ms. Bradley reminded that Ms. Dalmat during her term in office had strongly opposed any elected official being in a position to affect editorial decisions, and stated she hoped that with the appointment of a temporary, and subsequently a permanent,

editor for the Newsletter, such individuals would not be proofreading the material. In terms of her own column, Ms. Bradley stated she would like to be assured that only the editor would be reading it prior to publication and she would gladly proof her own material, would wish to be apprised of any changes made.

For the record, Councilmember Iddings noted that in recent weeks two City residents had been appointed to Montgomery County committees: Tom Gagliardo to the Health Planning Commission, and Paul Mok to the Historic Preservation Commission; he extended congratulations to both.

ADDITIONAL AGENDA ITEMS:
Resolution appointing two members to COLTA (Habada)

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: inquired concerning status of a request to Pepco for high intensity lighting on Westmoreland Avenue and related cost(s). He reminded that he had appeared several times before the Council on this issue, and asked that it be followed up and information relayed to him. Councilmember Iddings commented that it had been learned that Pepco charges a higher maintenance cost on such lighting, as well as installation charges for conversion -- a not inconsiderable amount per light. He said, to his remembrance, the police department and public works department were directed to get together and furnish accurate cost figures and recommendations concerning the lighting. The Mayor commented that the City Administrator would be asked to ascertain the status of the request.

Wayne Upton, 7600 Maple Avenue: reminded of the upcoming Black History Month Observance on February 24, at which Congressman Parren J. Mitchell would be honored, passed out copies of a recent article about Congressman Mitchell from The Baltimore Evening Sun; he disseminated copies of and commented on an article concerning racism in Cleveland, Ohio.

Phil Vogel, 7117 Garland Avenue: commented concerning a building in his neighborhood (7503 Garland Avenue, owned by Patner) which is zoned R-55 (single family occupancy), yet continues to be used as a multi-family dwelling, without a use and occupancy permit. He related some of the zoning history of the structure and asked that the City apply pressure for the county to take appropriate enforcement action. He complained concerning the tardiness in convening the council meeting, said it is an affront to the citizens who show up on time for the meeting. The Mayor commented concerning lack of a quorum for the pre-Council meeting, causing that meeting to run later than anticipated. Concerning the Patner property, Councilmember Iddings commented that a great deal of effort was expended by previous Council relative to that property and he asked that staff be directed to follow up on getting enforcement of the rulings.

Alida DeGuarra, Lee Avenue: related a prior incident wherein a speeding car almost struck her -- did, in fact, graze her foot -- when she was crossing the intersection of Grant and Maple Avenues at night. She said the driver, a woman, stopped her vehicle and was very apologetic, stated she had not seen Ms. DeGuarra. Ms. DeGuarra said that the police, initially, discouraged her from making a report of the incident, thought it could be settled between themselves. Ms. DeGuarra stated she felt that to be a very dangerous intersection for several reasons: its proximity to the traffic light and people speeding to make the green light, its extreme darkness at night; she thought there should be a flashing warning light installed there and/or a stop sign. The Mayor suggested that might be an issue for the Traffic Committee to address; Councilmember Iddings concurred and also commented that police reports on such incidents should not be discouraged because if there is no report, statistics will not be accurate.

COMMUNICATIONS:
Asst. City Administrator Habada noted two upcoming COLTA hearings scheduled for February 12 -- #TP-327, Munson vs. Segal, 6815 Eastern Avenue, and #TP-329, Borgan vs. Murphy Associates, 8210 Roanoke Avenue.

ITEMS FOR COUNCIL CONSIDERATION:
1. Second reading of an ordinance to establish a handicap parking space for 6901 Woodland Avenue.
Ms. Habada noted that one phone call was received -- from a gentleman on Holly Avenue inquiring when the handicap space on that street (in front of

7301) would be removed; the response to him was that it would be addressed at the current meeting. Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Haney. The roll call vote was recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #1986-3
(attached)

2. **Resolution of Appreciation for James Arisman, former Chair of the Commission on Landlord-Tenant Affairs.**
Councilmember Sharp introduced and read the resolution, duly seconded by Councilmember Iddings, carried unanimously.

RESOLUTION #1986-7
(attached)

Councilmember Sharp moved addressing the Additional Agenda Item (scheduled to be #10), COLTA Appointments, at this point in the meeting; duly seconded, carried unanimously.

3. **COLTA Appointments.**
Councilmember Iddings read and moved passing the resolution, duly seconded by Councilmember Sharp, who pointed out that Mr. Seekins and Ms. Cruise have been serving as alternates on COLTA and, under the ordinance, have the opportunity to move up if so desired, which they are now doing. Councilmember Haney commented he would be abstaining on the vote due to not having had an opportunity to interview Ms. Schweber. Mr. Sharp commented he felt the new appointees were very qualified to serve, was glad they had come forward and offered their services to the City. The question was called, the motion carried with Councilmember Haney Abstaining, balance of Council voting Aye.

RESOLUTION #1986-8
(attached)

4. **First reading of an ordinance awarding City towing contract to G & G Towing Company.**
Councilmember Iddings noted that Corporation Counsel had not received the draft ordinance and contract until Friday evening, thus necessitating his reviewing/reworking them over the weekend, which was not appropriate considering it had been known for a couple of weeks that the ordinance would be considered at the present meeting. Mr. Gagliardo spoke concerning his draft ordinance, which he pointed out could be a model for future ordinances concerning acceptance of bids. He recommended acceptance for first reading of his draft ordinance at the current meeting, with amendments to both it (if desired) and the contract to be effected in the two-week interim prior to second reading. Councilmember Iddings supported Mr. Gagliardo's statements concerning his draft ordinance, and moved its acceptance for first reading, duly seconded by Councilmember Bradley, carried.

ORDINANCE #1986-
(attached)

5. **Resolution to dispose of two 1976 Honda motorcycles.**
Councilmember Haney moved passage, duly seconded. Councilmember d'Eustachio remarked he would oppose passage of the resolution as the subject vehicles were purchased at a time when there were discussions concerning increased police presence in the community, getting officers out of their cars and more in touch with the people of the community; funds were allocated for an officer to patrol on foot in parts of wards 3 and 5, with the subject motorcycles to be used to get around from one area to another. He said the police department has consistently resisted any program that would get officers out of their cars; the policy issues behind the desire to dispose of the vehicles have not been presented or discussed. Councilmember Haney commented that disposal of the motorcycles was brought up during the last budget cycle, said they are in such a serious state of disrepair that it would be more cost effective to buy new ones than to repair them; he pointed out the very low power (125 cc) of the engines which makes them ineffective on uphill grades; said while he could support having motorcycles for the purpose(s) outlined by Mr. d'Eustachio, perhaps the purchase of more powerful ones (e.g., 250 cc) should be considered. Councilmember Bradley commented that she too recalled discussions concer-

ning the need/desire for foot patrol in certain areas; would like to have reassurance that it would, indeed, not be cost effective to repair the vehicles, and, additionally, would hope that discussions would be reinitiated in the upcoming budget process concerning foot patrols. Councilmember Iddings commented that, in light of the vehicles being certified unsafe for use, he would support disposing of them; however, noted recent receipt of the police department's annual report and said, in view of the amount they are asking for in the upcoming budget, they might be asked to reconsider the use of motorcycles. He additionally noted that they claim to have a full-time foot patrol officer. Mr. d'Eustachio stated that he would not support putting anyone on an unsafe vehicle, but wondered with the low mileage on the vehicles what had caused such serious deterioration. The question was called; the resolution was passed with Councilmembers d'Eustachio and Bradley voting Nay, balance of Council voting Aye.

RESOLUTION #1986-9
(attached)

6. **First reading of an ordinance amending COLTA appeal process.** Councilmember Bradley pointed out that there was one appeal, consolidated #'s TP-270, TP-286, and TP-292, she felt should be heard by Mayor and Council in light of the fact it was filed in July 1985 and inadvertantly delayed. The Mayor pointed out that the ordinance as drafted would require that all cases go directly to a court of competent jurisdiction. Corporation Counsel Gagliardo commented that the intent was that any cases pending as of September 23, 1985, or filed within 60 days thereof, would be heard by a court of competent jurisdiction, thus the provision for refiling the appeal within the inserted specified time frame (March 31, 1986 suggested). In the course of ensuing dialogue, it was noted that the aforementioned consolidated case was the only one pending which was lodged before September 23, thus it would not be out of line to make an exception and hear that one case, which, for various reasons, might be advisable. In the event the consensus should be to proceed along those lines, Corporation Counsel suggested appropriate language amendments to SECTION 1. of the ordinance. The Mayor questioned whether additional language should be included to clearly state that in all claims where an appeal was not filed prior to September 23, 1985, parties are to take any appeal directly to a court of competent jurisdiction and indicate a date for so doing; he referred to a case involving the Park Ritchie wherein a final decision was rendered and subsequently an appeal filed, and said perhaps those parties should now be advised to go directly to court. It was noted that appeal was not filed until December 1985.

A. J. Mitchell, Park Ritchie: said that COLTA's decision did not address all requests, which was why an appeal to that decision was filed. He said he did not understand what they would take to court, questioned whether the entire case would have to be reheard. Following brief discussion, Mr. Gagliardo suggested that any questions concerning that particular case be referred back to staff for resolution.

Councilmember Sharp commented he felt the consolidated appeal filed in July should be heard by Mayor and Council, the ordinance accepted for first reading including the amended language suggested by Mr. Gagliardo; he so moved and noted that the fourth "Whereas" clause would require amendment to be in conformance. Language to amend that portion was supplied by Mr. Iddings and accepted. Councilmember Bradley raised questions concerning the equity of changing the process, inquired whether COLTA or DHS staff are indicating to people when and with whom an appeal should be filed. Housing Director Tyree commented that based on the September amendment, they are being referred to courts of competent jurisdiction. The Mayor commented that additional information may be needed from staff concerning the Park Ritchie appeal mentioned earlier. The question was called; the ordinance, as amended, was accepted for first reading with Councilmembers Bradley and Levy Abstaining, balance of Council voting Aye. Councilmember Sharp requested that the consolidated appeal filed in July be scheduled for hearing by the Mayor and Council as soon as possible. The Mayor responded that it could be tentatively, but not firmly, scheduled prior to final adoption of the ordinance. Ms. Tyree commented that any tentatively scheduled hearing date for the case should be far enough in the future to allow for notification through publication for two consecutive weeks.

Mr. Sharp suggested March 13 as a tentative date for the hearing.

ORDINANCE #1986-
(attached)

7. First reading of an ordinance approving contract for a temporary editor for the City Newsletter.

David Prosten, 6625 Eastern Avenue: referred to his service on the Newsletter Guidelines Committee; expressed concern about what was occurring, said Council's intent was not clear. He commented he felt the quality of the Newsletter had declined, oversight had been lacking; opined that there had been more violations/abuses of the guidelines in current months than could be documented in the entire time span in which former Mayor Abbott served as editor. He inquired what, in the currently contemplated action, would ensure compliance with the guidelines henceforth.

Councilmember Haney referred to Council's appointment in January of a committee, including himself and Councilmember Williams, as well as several citizens, to look at hiring a new editor. He empathized with Mr. Prosten's comment concerning current quality of the publication and related that, following meetings of the committee, consensus, for a number of reasons, was to readvertise for a permanent editor. Mr. Prosten reiterated that it was not clear what was going to be done to ensure adherence to the Newsletter Guidelines. The Mayor commented that under a temporary arrangement, the typesetter had been acting as editor with citizen volunteers and City staff doing proofing of copy; the Newsletter has, in effect, been a rudderless ship since last July, and what is now proposed is aimed at finding someone to provide some concrete guidance, at least on a temporary basis until a more permanent appointment can be made. Mr. Prosten pointed out that enforcement of the guidelines is the responsibility of the Mayor and Council. Councilmember Iddings commented that what Council is now doing amounts to oversight; he said it has been recognized that there have been violations of the guidelines, steps toward correcting the problem are now being taken. Councilmember d'Eustachio pointed out that the individual being proposed in the ordinance for temporary editorship has expressed an interest in the position, can be held accountable for performance and adherence to the guidelines, which has not been the case in the interim period.

Patricia Slater, 7410 Birch Avenue: commented the typeset on Ms. Bradley's column heading and signature was smaller, less significant than that of other Councilmembers; she inquired by what authority Ms. Dalmat had designated the typeset for that column and effected editorial changes, and asked what action had been or will be taken to correct such political editing. Councilmember Haney commented that the temporary editor proposed in the ordinance, if appointed, would be solely doing the editing henceforth. Ms. Slater reiterated that the changes made in Ms. Bradley's column by Ms. Dalmat were obviously political, and again inquired by what authority she effected them.

The Mayor commented that what occurred was a direct result of the Newsletter being a rudderless ship, without direction; said decisions have, perhaps, been made by persons without proper authority; it is hoped the ordinance will rectify that situation by providing a responsible person in authority and accountable for what occurs. Councilmember Bradley commented on the need for the Mayor and Council to periodically evaluate the Newsletter, including compliance with the guidelines; she said one question in her mind was to whom the editor reports -- if the City Administrator is designated, then the editor actually becomes a staff person, and responsibility of the Mayor and Council is delegated. She emphasized the need for implementation of the guidelines and their fair application to all. She also stated emphatically that the typesetter's performance should in no way be impugned by changes that had occurred, as it may not have been clarified to her that she was functioning as temporary editor. The Mayor concurred, stating that the typesetter had been acting in a de facto role.

Councilmember Sharp commented he had no wish to have recurring Newsletter debates, hoped the committee, which has done an excellent job, could move forward to provide a board of directors responsible for the Newsletter so that elected officials could be distanced from the process. It was noted that the amount per issue discussed with Mr. Reid Baron, the proposed temporary editor, had been $550 rather than $500. Councilmember Haney suggested that Council convene in Special Session at the February 18 work-

session to adopt the ordinance so that the editorship could be effective in time for the March issue; he moved acceptance for first reading, duly seconded by Councilmember d'Eustachio. Councilmember Iddings asked that if the ordinance were going to be adopted at the worksession, agendas so announcing be mailed out; consensus was that be done. In response to query from Ms. Bradley, the Mayor stated that consensus at the last worksession was that the temporary editor would report directly to the City Administrator; it was noted that money to pay for the service would be coming from the Newsletter Account, which is within budget to date. It was also noted that Mr. Baron was chosen from the names submitted in response to the July editor recruitment. In response to query, it was stated that the typesetting fee would remain as before and is based on the size, layout, etc. of the particular issue. Councilmember Levy expressed the hope that those responsible would familiarize themselves with the guidelines so there would be no recurrences of the recent situation. The question was called, the ordinance was accepted for first reading by unanimous vote. Councilmember Bradley moved that the Mayor establish a Newsletter evaluation committee to do an appropriate evaluation of the last eight issues of the Newsletter in order to provide guidance to the temporary and permanent editors as they come on board, duly seconded by Councilmember Haney. The Mayor stated if it were acceptable, he would prepare a formal resolution to that effect and present it at the February 18 worksession for consideration. Following additional dialogue, Ms. Bradley moved tabling her motion, duly seconded by Councilmember Haney, carried unanimously.

ORDINANCE #1986-
(attached)

8. Discussion of PG/MC 20-86, Independent Zoning Authority for City. The Mayor noted that the bill is currently before the state legislature, having been submitted by Senator Bainum and Delegate Kirchenbauer; the legislation would create independent zoning authority for the City. He referred to Councilmember d'Eustachio's lengthy memorandum on the subject dated 2/10/86, which Mr. d'Eustachio summarized. He referred to conversations with Delegates Maloney and Ruben, both of whom stated, essentially, that PG/MC 20-86, as written, has no chance of passage through either the Prince George's or the Montgomery County Delegation this session, or likely ever; both delegations are extremely hesitant to grant zoning powers to municipalities. Rockville and Laurel were mentioned as examples of the type of development that occurs when municipalities have that authority.

Lou D'Ovidio, 7324 Piney Branch Road: did not think the City's bi-county status would present legal problems relative to zoning so long as whatever procedures were adopted were applied city-wide; he pointed out that is done in other areas, e.g., COLTA procedures, condo legislation, rent stabilization, etc. In terms of competence, he did not feel the counties' performance was above reproach, or that the City could not likely do a better job in some areas, including sensitivity to the wishes of the citizens. He commented that trying to get zoning authority for the City had long and repeatedly been talked about; it would be a pity to not fight for it now that it is conceivably within reach.

Councilmember Iddings commented that questions of development in the City could best be addressed by the City itself. He suggested that some of the questions raised in Mr. d'Eustachio's memorandum could best be met by offering amendments to the present bill, rather than a substitute piece of legislation. Concerning the time frame for assumption of authority by the City, he suggested that transfer be stated as becoming effective when administrative implementation is ready, rather than on July 1, 1986. Concerning costs involved, he stated the bill could be amended to ensure that the full costs were reimbursed to the City through the double taxation process. In terms of liability, he said the City would be liable if it assumed enforcement responsibility, and commented that assuming liability is one of the costs of running a City in the present day and age; he did not feel liability to be a valid argument against assuming zoning authority. He said that any legal difference(s) in the procedures of the two counties would require administrative resolution; supported statements made by Mr. D'Ovidio concerning the practice of adopting certain county legislation and applying it city-wide for the sake of uniformity. Councilmember Levy expressed concern about the legal complexities of the zoning process and the cost to the taxpayer of the City assuming this authority; she expressed reluctance to move ahead without serious consideration being given those points.

Councilmember Haney commented he did not feel the City would be ready to assume the responsibility for zoning on July 1, 1986, were the bill to pass as currently written. He pointed out there are no guarantees spelled out as to how the City would be reimbursed; expressed concern about the cost of additional staff that would be required. Mr. d'Eustachio commented that it was projected that only one zoning inspector would be required for enforcement; given the time spent trying to get the county to enforce the laws, did not think the additional administrative burden would be great if the City were given enforcement authority; thought there would/should be some level of reimbursement from the counties for that service. In ensuing dialogue, the Mayor pointed out that perhaps language should be included in the bill stating the authority of the City to appeal to a court of competent jurisdiction any final decision overriding the City's position on a case. Mr. d'Eustachio responded, commenting that had not been overlooked, but he had purposely excluded such provision and explained why. The Mayor suggested amending the first resolve clause of the resolution to refer to either a payment in lieu of service from the counties to the City or a tax differential to citizens.

Councilmember Iddings commented that having zoning authority (enforcement), in the absence of having zoning power, would not be the panacea envisioned. He said it would prove to be a lot of added expense and the City would not be much better off than before. He cited a number of instances substantiating his claim; commented he had not encountered any problem in responsiveness from county zoning enforcement personnel, however, if a situation is in compliance with zoning regulations, then their hands are tied. He emphasized that effectiveness would lie in having the authority to determine permitted land uses in the community. Councilmember Levy reiterated concerns about expense, referred to the lack of public debate on the issue, and again expressed reluctance to move ahead on such a momentous issue without more public input.

In response to Ms. Levy's comments, former Councilmember D'Ovidio pointed out that this is the second year that the bill has been before the legislature, the issue has been discussed intermittently for at least four years. Concerning implementation, he said that laws are frequently written specifying an implementation date a year to a year and a half hence, thus it should present no problem to deal with that factor; he pointed out that was done in the City's implementation of COLTA. Concerning the cost to the City, he said perhaps some services are presently being provided that are less important and could be dispensed with in favor of zoning. He inquired whether any contact had been made with Gaithersburg and/or Rockville to see what their process involves; he commented that Gaithersburg has their own planning board comprised of individuals appointed by the Mayor and Council much like Takoma Park's COLTA; said it should be ascertained what the cost is to those municipalities that have zoning power.

The Mayor suggested that what Council could do would be to come up with a date they felt to be realistic for implementation of full zoning power, perhaps July 1987 or January 1988, and institute other amendments as interim measures.

Councilmember Bradley commented on the complexity and the many aspects of zoning; she questioned the political feasibility of the issue, wondered what the chances would be of an amended version of the bill being passed. Councilmember d'Eustachio responded that it was his perception that the bill, as written, had no chance at all; if amended as suggested, it would probably pass the Prince George's delegation with no trouble, and it would be a close fight in the Montgomery delegation.

Corporation Counsel Gagliardo inquired whether the question of the City having zoning enforcement authority could not be settled by an executive agreement with the Executive of one or both of the two counties, rather than through a bill, if that was what was desired. Councilmember d'Eustachio remarked that realistically what had to be decided was whether to settle for something less than the ideal of full zoning power for the City (i.e., zoning enforcement authority and some veto power) or for nothing at all (which would probably be the case if the bill goes forward unamended, based on comments from delegates of the two counties). He pointed out that the proposed resolution clearly states that the acceptance of partial authority by the City does not preclude later asking for full authority, such an approach might even strengthen the City's position, provide more leverage. During the course of ensuing discussion concerning possible

liability in the event of down-zoning, Councilmember Iddings commented it was his understanding that were the City sitting as a district council adopting a master plan for a given area, it would have sovereign immunity in terms of the decision made; potential suits would more likely be related to spot zoning issues.

Passage of the resolution was moved by Councilmember d'Eustachio, duly seconded by Councilmember Haney. The Mayor moved amending the first resolve clause, inserting language at the end to read provided that the City receive from the counties a payment in lieu of service, or that the citizens receive a tax differential as provided by state law. Councilmember Iddings expressed a commitment to upholding the goal of prior Councils to gain full zoning power for the City; he suggested supporting the legislation as written, and having the amendments to fall back on if necessary.

Councilmember Iddings proposed amending the third "Whereas" clause, adding language following "...vested in the City..." to state ,as reflected by Council Resolutions as adopted by previous Mayors and Councils; Councilmember Bradley asked that the word "certain" be struck from that same clause; both of those amendments were accepted by the maker and seconder of the motion for passage as editorial amendments.

Following complex dialogue and proposed changes, Councilmember d'Eustachio proposed that the first "Whereas" clause be amended by the deletion of "...rapidly developing...", insertion in its place of ...bi-county...; and addition following "...and..." of that bi-county status causes unique problems for land use planning within the municipality, and. He noted that in the second "Whereas" clause the words "...is a bi-county city..." should be deleted.

Concerning the amendment to the first resolve clause proposed earlier by the Mayor, consensus was that the language of the amendment be altered, deleting "...and provided that the City receive..." and inserting in its stead ...and the City will be eligible to receive... At this point in time, in response to query put forth by the Mayor, consensus was that all amendments so far put forth would be accepted as editorial amendments. Councilmember Iddings proposed, and it was accepted, an amendment to the last resolve clause which would delete "...now should not be construed to mean that..." and "...cannot or will not be requested by the City...", and inserting after "...land use planning power..." will not preclude the City from seeking (additional powers in the future). Following additional discussion, Councilmember Bradley noted for the record that she had reservations but was willing to go with the program and try it, however, had concerns about the eventual outcome. Councilmember Iddings echoed Ms. Bradley's statement, said he could support the resolution if it were viewed as a step toward the long range goal of achieving zoning authority for the City. Following additional dialogue, the question was called, the resolution, as amended, was passed unanimously.

RESOLUTION #1986-10
(attached)

Following brief discussion, consensus was to defer the scheduled Corporation Counsel/City Clerk discussion until the February 18 worksession. Councilmembers Sharp and Levy left at this point in the meeting.

9. **Discussion of PG/MC 24-86, Property Tax Rate Differentials, Bi-County Municipal Corporations.**
The Mayor noted that this legislation should probably appropriately go forward in conjunction with the zoning bill; he commented that the Montgomery County Council is particularly interested in the City's position on the bill as an indicator on how we want to proceed. He said he had prepared some substitute language for portions of the bill, attempting to address concerns the City would have in trying to get just compensation, which he read and expounded upon, responding to questions raised by various Councilmembers. During the course of discussion, Councilmember Iddings commented he felt the language, in order to be palatable to the counties, could be reduced to a statement of principles, i.e., that the City cannot support a bill which corrects one inequity by forcing imposition of another inequity on residents. Councilmember d'Eustachio complimented the proposed language pointing out its precision, stating exactly what was meant, despite being complex reading; he said for purposes of presenting the legis-

lation to citizens, a resolution could be prepared stating principles. The Mayor suggested that rather than taking a vote at the current meeting on exact language, he would like to work further on the language; draft language could be presented to Montgomery County officials for consideration and comment at the upcoming February 13 meeting, or forwarded to them; he said that meantime a resolution could be drafted endorsing the principles contained in the proposed language for amending the bill. Councilmember Bradley suggested that County Councilmember Neal Potter, particularly as sponsor of the bill, as well as for other pertinent reasons, be contacted first, and then Councilmembers Scull and Hanna, and that the City's position be expressed in a straightforward manner. Comment was made that perhaps the proposed language should also be run by County Executive Glendening and members of the Prince George's Delegation for reaction and comment. Ms. Habada commented that if the legislation could be viewed as a bi-county plan, supporting a tri-party agreement, to resolve existing problems, perhaps that would ease conflicts within the two delegations; the Mayor concurred and stated that was his hope, noted the bill does require that there be agreement. Councilmember Iddings commented that in communicating with Montgomery County officials he felt a positive attitude toward the bill should be expressed, but the idea conveyed that certain technical amendments for purposes of clarification are required to ensure that additional inequities are not created. Councilmember Bradley moved that the Mayor and Council's policy on the issue shall be that new tax inequities shall not be created nor maintained, and that legislation shall be worked toward based on the principle of fair payment for services received, duly seconded, carried unanimously. Consensus was that Mr. Iddings' suggestion concerning the City's position on the bill be conveyed by the Mayor as stated, but not included in Ms. Bradley's formal motion.

Upon motion, duly seconded, the meeting adjourned at 12:40 A.M., to reconvene in regular session at 8:00 P.M. on February 24, 1986.

Introduced by: Councilmember d'Eustachio

1st Reading: 1-27-86
2nd Reading: 2-10-86

ORDINANCE NO. 1986-3

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

SECTION 1. THAT it has been determined that there is a need for the establishment of a parking space expressly for the handicapped on Woodland Avenue, 6900 block; AND

SECTION 2. THAT it has come to the attention of the City Administration that the need for the handicap parking space located on Holly Avenue is no longer required.

SECTION 3. THEREFORE THAT Ordinance No. 2714, adopted by the Mayor and Council on March 26, 1984, specifically Section 3, be repealed and reenacted as follows:

Sec. 2. THEREFORE THAT in conformance with Sec. 13-64(a)(10) of the Code of Takoma Park, Md., 1972, as amended, the following sites are hereby designated, subject to annual review, for the exclusive use of vehicles displaying a special registration plate or permit issued to the disabled by any state or the District of Columbia:

~~(a) On Elson Court, 1 parking space at or near 1311 Elson Court;~~

(a) ~~(b)~~ West side of Hickory Avenue, 1 space opposite 22 Hickory Avenue;

(b) ~~(c)~~ On Kingwood Drive, 1 space in front of 1108 Kingwood Drive;

~~(d) On Holly Avenue, 1 parking space in front of 7301 Holly Avenue;~~

(c) ~~(e)~~ On Hickory Avenue, 1 parking space in front of 35 Hickory Avenue;

(d) On Woodland Avenue, 1 parking space opposite 6901 Woodland Avenue.

SECTION 4. FURTHER THAT any person issued a citation in violation of this ordinance shall be subject to a fine of $50.00 for each violation as prescribed in Sec. 13-64(a)(10)(A) of the Code of Takoma Park, 1972, as amended.

(----------) denotes deletions.

(underlining) denotes additions.

Introduced by: Councilmember Sharp

RESOLUTION
#1986-7

WHEREAS, James Arisman has served the City of Takoma Park for three years as an exemplary chairman of the Commission of Landlord-Tenant Affairs; AND

WHEREAS, James Arisman has worked tirelessly for the promotion of sound landlord-tenant relations; AND

WHEREAS, James Arisman has contributed selflessly, and without compensation, to help build a citizen-staffed commission to resolve landlord-tenant disputes; AND

WHEREAS, James Arisman has deep commitment to the principle of citizen-based dispute resolution which has been the hallmark of his tenure as chairman of the Commission of Landlord-Tenant Affairs.

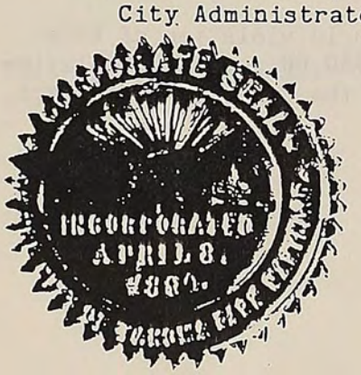
NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby express their thanks and commend James Arisman for the great efforts he has put forth toward improving the City of Takoma Park.

FEBRUARY 10, 1986.

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator



Introduced: Councilmember Sharp Adopted: 2-10-86

RESOLUTION NO. 1986-8

WHEREAS, there are two vacancies on the City's Commission on Landlord-Tenant Affairs that need to be filled, one for a Landlord representative and one for a representative from the General Public; AND

WHEREAS, Dennis Seekins and Armentha Cruise have applied to serve on the Commission as Landlord and General Public representatives respectively; AND

WHEREAS, Claudine Schweber and Lloyd Johnson have applied to serve as alternate Commission members as Landlord and General Public representatives respectively.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland does hereby appoint the following persons as representatives for the vacant seats on the Commission on Landlord-Tenant Affairs:

(1) Dennis Seekins, Landlord representative
(2) Armentha Cruise, General Public representative
(3) Claudine Schweber, Landlord alternate
(4) Lloyd Johnson, General Public alternate.

Adopted this 10th day of February, 1986.

1st Reading: 2-10-86
2nd Reading:

Introduced by:

Ordinance No. 1986-

Whereas: The City of Takoma Park in the enforcement of its laws and the State Motor Vehicle Code and in the discharge of its obligations to the public has reason to occasionally remove motor vehicles; and

Whereas: It has been determined by the Chief of Police that it is cost effective to contract with a private entity to tow vehicles at the direction of and on behalf of the City; and

Whereas: Bids were solicited as advertised as evidenced by Exhibits "A" [copy of request for proposal] and "B" [copy of newspaper advertisement] attached hereto and incorporated herein by reference; and

Whereas: Bids were received from Silver Spring Towing Company (?), G&G Towing Company and Schwartz and Bowie Towing Company [insert the correct legal name of all bidders], copies of which are on file with the City Clerk; and

Whereas: Upon consideration by the Chief of Police, [insert correct legal name of bidders] were found to be qualified bidders; and

Whereas: Bids from [insert the correct legal name] were found to comply with the requirements set forth in Exhibit "A"; and

Whereas: [List all eligible bidders] were deemed not be nuclear weapons manufacturers or to be doing business with nuclear weapons manufacturers and to be eligible to receive contracts from the City of Takoma Park, in accordance with Ordinance No. _____, commonly referred to as the "Nuclear Free Zone Ordinance"; and

Whereas: The Chief of Police has determined that the bid from G&G Gulf, Inc., t/a G&G Towing, indicates that it will perform the services required by the City as set forth in Exhibit "A" at less cost than any other bidder, [add any other factors for selecting the successful bidder], and that it is in the best interest of the City of Takoma Park to accept said bid and award a contract to G&G Gulf, Inc., t/a G&G Towing,

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

Section 1 Bid awarded to G&G Gulf. The bid of G&G Gulf, t/a G&G Towing, dated _____, and submitted in response to a solicitation for bids. dated _____, which are attached hereto as exhibits, be accepted and a contract consistent with the terms

of said solicitation and bid be awarded to G&G Gulf, Inc., t/a G&G Towing.

Section 2. Mandatory Contract Clauses. The contract to be awarded in accordance with Section 1, above, shall contain the following clauses [specify].

Section 3. Prohibitions and Exclusions. The contract to awarded in accordance with Section 1 above shall not [specify restrictions, if any].

Section 4. Authority of Administrator to Negotiate, etc. The City Administrator is hereby authorized to negotiate and enter into a contract consistent with the terms of this ordinance and to execute any and all documents necessary to give effect to this ordinance.

Section 5. Effective Date. This ordinance shall be effective upon enactment.

Introduced by: Councilmember Haney Adopted: 2-10-86

RESOLUTION NO. 1986-9

WHEREAS, the City, through the Police Department, owns two ten year old Honda Motorcycles, which have been put to good use over the years; AND

WHEREAS, at this time, due to their age and the now-standard safety requirements, which they do not meet, it has been determined that they are no longer cost-effective.

NOW, THEREFORE, BE IT RESOLOVED THAT the following City vehicles will be disposed of during a City auction, to be held by the Police Department this year:

1976 Honda Motorcycle, Vehicle # CT901700009, Title # 5842694

1976 Honda Motorcycle, Vehicle # CT901700613, Title # 5842693.

BE IT FURTHER RESOLVED THAT the two vehicles listed above shall also be removed from the City's insurance policies.

Introduced by:

1st Reading: 2-10-86
2nd Reading:

ORDINANCE NO. 1986-

WHEREAS, the Mayor and Council amended Section 6-80.16 of the Takoma Park City Code by Ordinance No. 1985-50, effective September 23, 1985; AND

WHEREAS, said ordinance provided that any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs (COLTA) may appeal to a court of competent jurisdiction, instead of to the Mayor and Council; AND

WHEREAS, questions have been raised concerning whether appeals filed before the above mentioned effective date of Ordinance No. 1985-50 are properly appealable to the Mayor and Council or to a court of competent jurisdiction; AND

WHEREAS, it was the intention of the Mayor and Council, in enacting Ordinance No. 1985-50, that all pending cases be heard by a court of competent jurisdiction, except those cases where an appeal had been properly pending before September 23, 1985; AND

WHEREAS, it is the intention of the Mayor and Council that no person otherwise entitled to an appeal be deprived of such because of the enactment of Ordinance No. 1985-50.

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

SECTION 1. To the extent necessary to assure that no party otherwise entitled to an appeal be deprived of their right of appeal, any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs (COLTA) whose appeal was properly pending before the Mayor and Council on or before September 23, 1985 shall have his or her appeal heard by the Mayor and Council.

SECTION 2. This ordinance shall become effective _____.

2/18/86

NOTE: This ordinance has been revised to reflect amendments made during the Council meeting of Feb. 10, 1986.

1st Reading: 2-10-86

Introduced By: Adopted:

ORDINANCE 1986-

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

SECTION 1. THAT Mr. Reid Baron is appointed temporary newsletter editor on a contractual basis for a minimum period of three (3) months and for no more than four (4) months;

SECTION 2. THAT Mr. Baron will be responsible for newsletter editing, layout and proofing at a cost not to exceed five hundred dollars ($500) per issue;

SECTION 3. THAT the Newsletter Committe will develop a job description for the permanent part-time editor on or before February 18, 1986;

SECTION 4. THAT the availability of a contract for part-time newsletter editor be advertised in the March issue of the City newsletter;

SECTION 5. THAT the Newsletter Committee will interview and test potential candidates and recommend a candidate to the Mayor and Council by April 21, 1986.

Adopted this _____ day of _____, 1986

Introduced by: Councilmember d'Eustachio
Adopted: February 10, 1986

RESOLUTION #1986-10

WHEREAS, the City of Takoma Park is a bi-county suburban municipality where planning and land use issues are of great importance to its residents, and that bi-county status causes unique problems for land use planning within the municipality, and

WHEREAS, the City of Takoma Park has a history of successfully providing a substantial array of services to its citizens, independent of Prince George's and Montgomery Counties, and

WHEREAS, the Mayor and Council and citizens of the City of Takoma Park believe that powers over land use planning and zoning should be vested in the City, as reflected by Council Resolutions as adopted by previous Mayors and Councils.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland believe that bill PG/MC 20-86 now pending before the Maryland State legislature should be amended so that the City will receive all zoning enforcement authority currently held by Prince George's and Montgomery Counties, and the City will be eligible to receive from the counties a payment in lieu of service, or the citizens a tax differential as provided by state law, and

BE IT FURTHER RESOLVED THAT PG/MC 20-86 should be amended to state that any Planning Board, District Council, or Appeal Board action pertaining to a case within the City that is contrary to an action taken by the Mayor and Council should require a majority of greater than 2/3 of the membership of that County body to take effect, and

BE IT FURTHER RESOLVED THAT all other land use powers should be retained by the appropriate county until such time as the Mayor and Council shall approach the State legislature to request additional authority, and

BE IT FURTHER RESOLVED THAT this partial transfer of land use planning power will not preclude the City from seeking additional powers in the future.

FEBRUARY 10, 1986

Special Meeting of the Mayor and Council
TUESDAY, February 18, 1986
7:30 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice

Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

1. Second reading of an ordinance approving contract for a temporary editor for the City Newsletter
   Citizens comments
   Council action

2. Second reading of an ordinance amending the COLTA appeal process
   Citizens comments
   Council action

ADJOURNMENT

- -

The Special Council Meeting will be followed by a Council Worksession

- -

MEETING REMINDERS:

Wednesday, February 19, 8:00 PM: Public Hearing on proposed Cable Television Contract Modifications requested by Tribune-United Cable of Montgomery County

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council
February 18, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Sharp
Councilmember Williams
ABSENT: Councilmember Iddings
Councilmember Levy

City Administrator Wilson
Asst. City Administrator Habada
Corporation Counsel Gagliardo

The Mayor and City Council convened at 7:45 P.M. on Tuesday, February 18, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

ITEMS FOR COUNCIL CONSIDERATION

1. **Second reading of an ordinance approving contract for a temporary editor for the City Newsletter.**
City Administrator Wilson reported on a letter received from Johanna Vogelsang, who has been temporarily composing the City Newsletter for several months, which outlined the duties of typesetting and camera ready paste-up that she would continue doing for the Newsletter at her regular fee. Councilmember Haney, member of Newsletter Editor Selection Committee, agreed with Ms. Vogelsang's outline of duties and noted that Mr. Reid Baron, the proposed temporary editor, would be doing the layout (dummy-form) and editing, should the ordinance be approved. Discussion ensued concerning the appointment of a permanent editor, which the Newsletter Selection Committee is working on. Councilmember Haney stated that the Committee felt it was necessary to readvertise for the position of permanent editor since the previous advertisement in the Newsletter has been published in July 1985; that since that time, there may be other interested parties that may wish to apply; also noted that the July 1985 advertisement was inaccurate in stating the complete scope of the position.

Councilmember Haney moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Sharp and Williams; NAY: None; ABSENT: Councilmembers Iddings and Levy.

ORDINANCE #1986-4
(attached)

2. **Second reading of an ordinance amending the COLTA appeal process.**
Discussion ensued concerning the amendments made to the ordinance during the first reading process on February 10, 1986. It was noted that Councilmembers did expect to hear appeals that were filed prior to the September 23, 1985 enactment date of Ord. No. 1985-50 (which removed the Mayor and Council from the COLTA appeal process and substituted courts of competent jursidiction), but that appeals filed after the September 23, 1985 date should be directed to file with the courts. Councilmember Sharp moved to amend the ordinance to clarify with whom appealants should file based on the date they filed the appeal; motion to amend the ordinance was seconded by Councilmember Williams; the amendment was accepted unanimously by the Councilmembers present. Upon motion by Councilmember Sharp, duly seconded, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Sharp and Williams; NAY: None; ABSENT: Councilmembers Iddings and Levy.

ORDINANCE #1986-5
(attached)

Upon motion, duly seconded, the Special Meeting adjourned at 8:12 P.M.

Introduced by: Councilmember Haney

1st Reading: 2-10-86
2nd Reading: 2-18-86

ORDINANCE NO. 1986-4

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

SECTION 1. THAT Mr. Reid Baron is appointed temporary newsletter editor on a contractual basis for a minimum period of three (3) months and for no more then four (4) months;

SECTION 2. THAT Mr. Baron will be responsible for newsletter editing, layout and proofing at a cost not to exceed five hundred fifty dollars ($550.00) per issue;

SECTION 3. THAT the Newsletter Committee will develop a job description for the permanent part-time editor on or before February 18, 1986;

SECTION 4. THAT the availability of a contract for part-time newsletter editor be advertised in the March issue of the City newsletter;

SECTION 5. THAT the Newsletter Committee will interview and test potential candidates and recommend a candidate to the Mayor and Council by April 21, 1986.

Introduced by: Councilmember Sharp

1st Reading: 2-10-86
2nd Reading: 2-18-86

ORDINANCE NO. 1986-5

WHEREAS, the Mayor and Council amended Section 6-80.16 of the Takoma Park City Code by Ordinance No. 1985-50, effective September 23, 1985; AND

WHEREAS, said ordinance provided that any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs (COLTA) may appeal to a court of competent jurisdiction, instead of to the Mayor and Council; AND

WHEREAS, questions have been raised concerning whether appeals filed before the above-mentioned effective date of Ordinance No. 1985-50 are properly appealable to the Mayor and Council or to a court of compentent jurisdiction; AND

WHEREAS, it was the intention of the Mayor and Council, in enacting Ordinance No. 1985-50, that all pending cases be heard by a court of competent jurisdiction, except those cases where an appeal had been properly pending before September 23, 1985; AND

WHEREAS, it is the intention of the Mayor and Council that no person otherwise entitled to an appeal be deprived of such because of the enactment of Ordinance No. 1985-50.

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

SECTION 1. To the extent necessary to assure that no party otherwise entitled to an appeal be deprived of their right of appeal, any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs (COLTA) whose appeal was properly pending before the Mayor and Council on or before September 23, 1985 shall have his or her appeal heard by the Mayor and Council, and any person who appeals a final COLTA action to the Mayor and Council after September 23, 1985 and the effective date of this ordinance shall not be heard by the Mayor and Council. Such person shall have a right to file an appeal directly to a court of competent jurisdiction on or before March 31, 1986 notwithstanding any contrary provision of law or regulation.

SECTION 2. This ordinance shall become effective upon enactment.

Introduced by: Coun. Iddings Adopted: 2-19-86

RESOLUTION NO. 1986-11

WHEREAS, Tribune-United Cable has requested modification of its cable television franchise agreement with Montgomery County and various municipalities, including Takoma Park, under 47 U.S.C. Sec. 545; AND

WHEREAS, Tribune-United, under 47 U.S.C. Sec. 545, must demonstrate that it is "commercially impracticable" to comply with the franchise requirements pertaining to facilities and equipment in order to be entitled to changes inits cable franchise; AND

WHEREAS, the Cable Office, Office of the Chief Administrative Officer, Montgomery County, in its report to the County Executive, dated February 10, 1986, has recommended on the basis of all evidence and testimony submitted by Tribune-United and others that the request of Tribune-United be denied.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Takoma Park, Maryland, on the basis of all evidence and testimony submitted by Tribune-United and others, hereby finds that the modification request of Tribune-United should be denied for the reasons set forth in the aforementioned report of the Cable Office.

BE IT FURTHER RESOLVED THAT THE City of Takoma Park urges that the County Executive and the County Council deny Tribune-United's request for the reasons set forth in the Cable Office report.

Adopted this 19th day of February, 1986.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 24, 1986

TAKOMA PARK'S BLACK HISTORY MONTH COMMEMORATION
7:30 PM

Celebration in Song by Elder Wintley Phipps

Proclamation establishing week of February 23 to March 1, 1986 as
Lee A. Jordan Week

Resolution Recognizing Accomplishments of Congressman Parren J. Mitchell

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 DEL GIUDICE'S COMMENTS AND PRESENTATIONS

1. Resolutions of Recognition to PFC Melissa Kendall, 1985 Police Officer of the Year; PFC Barbara Strickland and Pvt. Scott McAuley, 1985 Meritorious Service Awards
2. Letter of Appreciation from Park Ritchie Tenants Association
3. Memorial Resolution for former Councilmember James F. Holland

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

(1) Second reading of an ordinance awarding City towing contract to G & C Gulf, Inc.
Citizens comments
Council action

(2) Resolution re bankruptcy of owners of Park Ritchie Apartment Building
Citizens comments
Council action

(3) Resolution committing matching City funds for Neighborhoods Together tenant organizing project
Citizens comments
Council action

(4) Resolution approving creation of an In-House Corporation Counsel Position
Citizens comments
Council action

(5) Resolution in support of Montgomery County proposal to tear down billboards
Citizens comments
Council action

(6) Resolution in support of State bills pertaining to pesticide applications
Citizens comments
Council action

ADJOURNMENT

- -

REMINDER:
2/24/86, 7:00 PM - Reception honoring police officers receiving 1985 service awards (to be held in Police Department Lobby)

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 24, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Asst. City Administrator Habada
Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Levy
Councilmember Sharp
Councilmember Williams
EXCUSED: Councilmember Iddings

The Mayor and Council convened at 7:46 P.M. on February 24, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, following a reception held in the Police Department Lobby in honor of police officers who were recipients of 1985 service awards.

Following the pledge, resolutions of congratulations to the three officers were presented and read. Passage of Resolution #1986-13 was moved by Councilmember Bradley, duly seconded, carried unanimously.

RESOLUTION #1986-13
(attached)

Resolution #1986-14 was moved for passage by Councilmember Haney, duly seconded, carried unanimously.

RESOLUTION #1986-14
(attached)

Councilmember Bradley moved passage of Resolution #1986-12, duly seconded, carried unanimously.

RESOLUTION #1986-12
(attached)

In light of the inclement weather (snow emergency plan in effect) the balance of the scheduled meeting was cancelled, to be rescheduled. Upon motion, duly seconded, the meeting adjourned at 8:00 P.M.

RESOLUTION NO. 1986-13

WHEREAS, Police Chief A. Tony Fisher has bestowed a 1985 Meritorious Service Award on Officer SCOTT McAULEY; AND

WHEREAS, Officer McAuley was selected for making nine "in view" criminal arrests among 35 total criminal arrests for serious offenses in 1985; AND

WHEREAS, one suspect he charged with Assault With Intent to Murder was wanted by the FBI.

NOW, THEREFORE, BE IT RESOLOVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby express pride in and offer warm congratulations to Officer McAuley for his fine achievements in the year 1985.

FEBRUARY 24, 1986

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

CORPORATE SEAL
INCORPORATED
APRIL 8.
1890.
THE CITY OF TAKOMA PARK, MARYLAND

RESOLUTION NO. 1986-14

WHEREAS, Police Chief A. Tony Fisher has bestowed a 1985 Meritorious Service Award on Private First Class BARBARA STRICKLAND; AND

WHEREAS, Officer Strickland was selected for tireless work on latchkey children and other special school presentations, for initiative in obtaining private funding for special projects, and for upgrading Crossing Guard training.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby express pride in and offer warm congratulations to Officer Strickland for her fine achievements in the year 1985.

FEBRUARY 24, 1986

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

CORPORATE SEAL
INCORPORATED APRIL 8, 1890.
THE CITY OF TAKOMA PARK, MARYLAND

RESOLUTION NO. 1986-12

WHEREAS, Police Chief A. Tony Fisher has selected Private First Class **MELISSA KENDALL** to be the department's **1985 POLICE OFFICER OF THE YEAR**; AND

WHEREAS, last September 11, Officer Kendall arrived at a scene of chaos and confusion and did immediately begin mouth-to-mouth resuscitation of a three year old child who had fallen 47 feet from a balcony, thereby saving the child's life; AND

WHEREAS, Officer Kendall was also selected for aggressive policing and a high number of criminal arrests.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby express pride in and offer warm congratulations to Officer Kendall for the fine achievements which make her

Takoma Park's Officer of the Year.

FEBRUARY 24, 1986

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

CORPORATE SEAL
INCORPORATED
APRIL 8,
1890.
THE CITY OF TAKOMA PARK MARYLAND

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 26, 1986
8:00 PM

TAKOMA PARK'S BLACK HISTORY MONTH COMMEMORATION

Proclamation establishing week of February 23 to March 1, 1986 as Lee A. Jordan Week

Resolution Recognizing Accomplishments of Congressman Parren J. Mitchell

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 DEL GIUDICE'S COMMENTS AND PRESENTATIONS
1. Resolution of Condolence for former Councilmember James F. Holland

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

(1) Second reading of an ordinance awarding City towing contract to G & C Gulf, Inc.
Citizens comments
Council action

(2) Resolution re bankruptcy of owners of Park Ritchie Apartment Building
Citizens comments
Council action

(3) Resolution committing matching City funds for Neighborhoods Together tenant organizing project
Citizens comments
Council action

(4) Resolution approving creation of an In-House Corporation Counsel Position
Citizens comments
Council action

(5) Resolution in support of Montgomery County proposal to tear down billboards
Citizens comments
Council action

(6) Resolution in support of State bills pertaining to pesticide applications
Citizens comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 26, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams
EXCUSED: Councilmember Bradley

City Administrator Wilson
Asst. City Administrator Habada
Police Lieutenant Wortman
Recreation Director Ziegler
Corporation Counsel Gagliardo

The Mayor and Council convened at 8:05 P.M. on February 26, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of addressing those agenda items originally scheduled for 2/24/86, the major portion of that meeting having been cancelled due to inclement weather.

Following the pledge, Mayor Del Giudice read a Proclamation establishing the week of February 23 to March 1, 1986 as Lee A. Jordan Week, in honor of Mr. Jordan's outstanding dedication and contributions to the community, and expressing appreciation to him. Councilmember Williams commented on Mr. Jordan's longstanding and productive devotion to working with and helping the youth of the community. Councilmember Haney pointed out that while many are aware of the Junior High field being named in honor of Mr. Jordan, they may not be aware that the field exists primarily because of the efforts of Mr. Jordan in getting the community involved some years back in clearing the area so the field could be made useable for athletic purposes. Councilmember Iddings pointed out that Mr. Jordan personally did a lot of the physical labor involved in clearing for the field.

PROCLAMATION
(attached)

The Mayor referred to Resolution #1985-39 which was passed sometime ago, was published in the Newsletter, and expressed thanks and congratulations to Congressman Parren J. Mitchell for his achievements. He commented that a member of the Congressman's staff was unable to be present for the current meeting, however, the resolution will be delivered by the City. Wayne Upton disseminated copies of several articles concerning Mr. Mitchell and spoke briefly concerning not only Congressman Mitchell, but a number of other Mitchell family members having significant accomplishments. He pointed out that in Baltimore, the family is sometimes referred to as "the Black Kennedys." He also noted the quality assistance rendered Mr. Mitchell by members of his staff.

Councilmember Williams commented on the 5th annual Black History Month breakfast hosted by Congressman Steny Hoyer, at which Parren Mitchell was the key speaker. He said Mr. Mitchell's speech pointed out that Black people have not reached a cut-off point, a plateau, there remain many things that must be accomplished; he said Black persons must not become lax, too comfortable, and ignore what is going on around them.

Mr. Lee Jordan expressed thanks to the Mayor and Council; he referred by name to some of the young people he had worked with in years gone by and the success they had enjoyed in their chosen careers. Mayor Del Giudice thanked Mr. Jordan and his family members for being in attendance.

The Mayor read a resolution of condolences commemorating former Councilmember James F. Holland, who recently passed away. Councilmember d'Eustachio moved passage, duly seconded by Councilmember Haney, carried unanimously.

RESOLUTION #1986-15
(attached)

Councilmember Haney related speaking with former Councilmember D'Ovidio who had pointed out several bills pending before the state legislature that would be of interest to persons living in rental housing units. He said that in the state senate, $7,000,000 has been removed from the budget for the weatherization program in which the City has participated and which has benefitted both single-family and multi-family home owners; he said it will

be coming up before the House Appropriations Committee and anyone wishing to contact the Chair of the committee should call Nancy Kopp at 858-3502 (toll free to Annapolis). He also pointed out there would be two bills going before the House Ways and Means Committee, chaired by Ida Ruben: 1) a rental assistance subsidy program for up to one year for low income residents, House Bill 712, and 2) House Bill 483, a proposal for a state-wide liveability code for renters.

Councilmember Williams referred to decontrol of rent on vacant apartments, under the City Housing Code, allowing rent increases on those units; he mentioned a recent meeting at which he was astonished to learn that some rents had gone as high as $900. He inquired during what time period that particular section of the code was discussed and adopted, thought that subsequent provision had been made permitting only a 5% increase on vacant units to new occupants; asked that staff research questions he raised and that the matter be placed on a worksession agenda during the coming month. In the course of discussion, Councilmember Iddings pointed out that the section of the code mentioned was part of the original ordinance, adopted prior to Mr. Williams' election to Council; he said the situation referred to would fall under the comparable rent provision which allows a landlord to raise rent on a vacant apartment to whatever amount comparable units are renting for.

The Mayor commented that Councilmember Bradley, who was unable to be in attendance, had requested that no action be taken on agenda item number (4), a resolution which would approve creation of an in-house Corporation Counsel position. Councilmember Levy moved that the item be tabled; consensus was to do so and reschedule it for the first regular Council Meeting in March (3/10/86). Ms. Levy commented on receipt of a number of calls from residents requesting tabling and rescheduling in light of the recent meeting cancellation/rescheduling and lack of sufficient time for adequate advance notification; she also noted her desire for feedback on the proposal from the current Corporation Counsel.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Former Councilmember Gail Dalmat: read a statement she had prepared, rebutting charges voiced at recent meetings, that she, acting as a volunteer proofreader for the City Newsletter, had effected changes in copy submitted for Councilmember Bradley's column without proper authorization. She specifically asked that the statement be made a part of the public record and, accordingly, a copy is attached hereto.

STATEMENT
(attached)

Brint Dillingham, 7018 Carroll Avenue: inquired what the Mayor, Councilmembers, and/or the City lobbyist have been doing recently concerning the unification effort; wondered whether any invoices have been received to date from Mr. Bereano. Councilmember d'Eustachio responded that the primary efforts recently have been directed toward zoning authority for the City (Senator Bainum's Bill, PG/MC 20-86). He referred to the City-proposed amendments to that bill that were recently presented in resolution form; said the language for them had been polished in conjunction with Mr. Bereano and Sen. Bainum's aide, will shortly be introduced to the Prince George's Delegation and then to the Montgomery County contingent; stated his outlook for their passage was optimistic.

Mr. d'Eustachio commented that another issue to which time had recently been devoted was the Peace Park Bond Issue, another pending bill (also sponsored by Senator Bainum) , under which the State of Maryland would issue $120,000 worth of bonds which would be matched by private funds and donations raised by City residents for a sculpture garden park located within the City. Concerning unification, he said that bill is being worked on, is being held before the Bi-County Committee on the Prince George's side; he said City efforts are currently directed toward assessing possible support resources for the bill. Concerning financial bills to date from Mr. Bereano, the Mayor remarked one bill had been received, the retainer fee has not yet been depleted and only one minor additional charge, a delivery fee for hand-carried documents, was reflected. Following additional dialogue, Councilmember d'Eustachio asked that a brief memo be prepared by staff outlining specifically the amount of the retainer expended to date and against which issues time was charged, as well as other associated charges such as telephone, delivery charges, etc. In response

to query, it was noted that the unification bill would be moved forward from the committee where it is now being held, essentially, at the request of the City. Mayor Del Giudice commented on a current effort initiated by County Councilmember Rose Crenca to arrange a meeting between City elected officials, representatives of One City, One County, and representatives of the Montgomery County Council. He pointed out that in the last year and to date, the Montgomery County Council had not taken a position for the bill and it is hoped they can be persuaded to do so, which would strengthen the City's position before the legislature. He remarked that, additionally, it appeared there might be an opportunity to address the Prince George's County Council on the issue.

Concerning questions raised about Montgomery County Council's review of amendments offered by the City to the Potter Tax Bill (PG/MC 24-86), Asst. City Administrator Habada related attending the meeting. She said it was indicated that the county had no real problem with the proposed amendments with the exception of the portion addressing the City being reimbursed at the providing county's rate, which they thought would kill the bill. Post-meeting discussion with county staff appeared to indicate that Montgomery County wants the equivalent tax rate that they would normally collect for fire service but have little expectation of getting all of it out of Prince George's County; their assumption seemed to be that they would get part from P. G. County and the rest from the City. The Mayor noted that City staff will be meeting with county staff on Monday, 3/3/86, to discuss a number of important issues, including the fire tax situation, and to try to come up with an agreed upon means of resolving the financial problems. Councilmember Iddings remarked that under the tax differential bill, the City had requested an audience before the Prince George's County Council for the purpose of addressing the fire tax issue among others; he inquired when that would occur. The Mayor responded that the City had been advised by the Chairman's office that a public forum will take place, the City will be notified and afforded an opportunity to testify; that will be separate and apart from the upcoming March 3 meeting.

ITEMS FOR COUNCIL CONSIDERATION:

1. **Second reading of an ordinance awarding City towing contract to G & C Gulf, Inc.**

Councilmember Iddings inquired whether the winning bidder had supplied the required affidavit certifying its non-nuclear affiliation; Police Lieutenant Wortman responded in the affirmative. Mr. Iddings moved amending the 7th "Whereas" clause of the ordinance to indicate that the aforementioned affidavits had been supplied as mandated by the Nuclear Free Ordinance. In response to query from former Councilmember Dalmat, Police Lt. Wortman stated that G & C is located on Garfield Road in the Montgomery Hills area of Silver Spring. Councilmember Haney duly seconded Mr. Iddings' proposed amendment, carried unanimously. Mr. Haney moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio, carried. The roll call vote was recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; EXCUSED: Councilmembers Bradley and Levy. (Councilmember Levy departed the meeting prior to this point.)

ORDINANCE #1986-6
(attached)

2. **Resolution re bankruptcy of owners of Park Ritchie Apartment Building.**

Greg Hamilton, Pres., Park Ritchie Tenants' Assn.: referred to a meeting earlier in the evening which included Alan Crankston, the attorney for Mr. Lilienfield, owner of Park Ritchie. He said Mr. Crankston is trying to retain Kaufman Realty in the building and asking that tenants turn their escrow rents over to them, which tenants are presently refusing to do; also the owner has appealed the tenants' COLTA decision to the Circuit Court in Montgomery County, tenants are in the process of filing a cross appeal to the COLTA decision and attempting to get enforcement. He said one of the main reasons for getting the COLTA decision was to prove the management conditions tenants have been living under for the last two years; housing violations have still not been abated. He urged the Mayor and Council to pass the proposed resolution without delay as the tenants need help. In brief ensuing discussion, it was noted that the receiver/trustee, when appointed by the bankruptcy court, would receive rents and oversee management of the building until such time as the bankruptcy case is settled. Councilmember Sharp commented he was pleased to see the City taking a more

vigorous legal approach to aiding tenants in the City; would like to ensure that Corporation Counsel be present in Circuit Court to represent COLTA when the case mentioned by Mr. Hamilton is heard, despite the fact the City is not considered a party to the proceedings.

Diane Jenkins, Park Ritchie: stated she had been summoned to court in relation to a COLTA decision; referred to a letter she had sent this date addressed to the Mayor concerning that issue and the City's position on following through on COLTA decisions; she expressed support for Mr. Sharp's comments.

Councilmember Haney voiced support for Councilmember Sharp's suggestion that Corporation Counsel be in court for the aforementioned hearing. In response to query, the Mayor stated it was his understanding that Asst. Corporation Counsel DeNovo was in the process of preparing the draft of the Motion to be filed on behalf of the City in the bankruptcy proceedings, as well as supporting documentation; those should be ready for review quite soon. He commented that another party in the case is considering filing a motion which would remove the case to a Maryland bankruptcy court. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Haney, carried unanimously. Councilmember Iddings asked that the record reflect the sense of the Council that it is desired that Corporation Counsel participate in the Park Ritchie COLTA appeal as well.

RESOLUTION #1986-16
(attached)

3. **Resolution committing matching City funds for Neighborhoods Together tenant organizing project.**
Ginja Carter, Director, Neighborhoods Together: thanked the Mayor and Council; hoped the organization would be successful in gaining the cooperation and assistance of the counties in their project; she noted they would be meeting with Prince George's County on Friday, February 28. Councilmember Iddings moved passage, duly seconded by Councilmember Williams, carried unanimously. Councilmember Iddings commented on having gotten a verbal commitment from the county a year and a half ago for approximately $10,000 toward a planning effort for limited equity co-ops; he said, unfortunately, at that time the effort could not proceed due to opposition on City Council, however, felt a willingness on the part of Montgomery County to participate in progressive and innovative approaches to methods of improving tenants' living conditions had been indicated. Ms. Carter remarked that N.T.I. hopes to undertake the project mentioned by Mr. Iddings during their 1987 funding cycle under a grant.

RESOLUTION #1986-17
(attached)

4. **Resolution in support of Montgomery County proposal to tear down billboards.**
Councilmember Haney referred to copies available of material related to the issue; in a humorous vein, he related a request made to the City by the Rollins Billboard Company some time back for removal of trees planted by the City in Takoma Junction as a part of the beautification project. Mr. Haney moved passage of the resolution, duly seconded by Councilmember Iddings, carried unanimously. Councilmember Iddings pointed out that while Council supports Montgomery County's efforts in this regard, the Facade Ordinance would also mandate removal of the billboards from Takoma Junction by the end of the project there.

RESOLUTION #1986-18
(attached)

Councilmember Iddings commented that in a copy of an article supplied by Mr. Haney, there was reference that since 1968, Rollins had been prohibited from making repairs to billboards; however, they did, in December of 1985, repair those in Takoma Junction by replacing the panels. He asked that it be ascertained, based on the earlier prohibition, how they were permitted to do so. It was noted that the county would be advised, and a copy of the City's resolution forwarded.

5. **Resolution in support of State bills pertaining to pesticide applications.**
Councilmember d'Eustachio urged passage of the resolution supporting the

state legislation by the Mayor and Council; he said the state bills are not primarily regulatory, are essentially "right to know" pieces of legislation for the protection of citizens. Following brief discussion concerning pesticides and their use, he moved passage, duly seconded by Councilmember Haney; carried unanimously.

RESOLUTION #1986-19
(attached)

Concerning the earlier discussion re Corporation Counsel participating in the Circuit Court COLTA appeal case, Mr. Sharp inquired whether that participation would be limited to that case or would apply in all such cases, to which the Mayor responded that further consideration and discussion on the subject would be required, perhaps some form of legislation, including the setting forth of guidelines or policy; however, decisions would probably have to be made on a case by case basis. As a reminder, he remarked on the need, in the very near future, to make appointments to certain specified City committees, and needing nominations for some of those.

Upon motion, duly seconded, the meeting adjourned at 9:25 P.M., to reconvene in regular session at 8:00 P.M. on March 10, 1986.

PROCLAMATION

WHEREAS, Lee A. Jordan, a resident of Takoma Park for sixty-six years, was one of the original organizers and charter members of the Takoma Park Boys Club, and has given generously of his time, efforts and financial support since 1937 to the youth of the community, fostering the development of physical fitness of boys and girls and instilling in youth the meaning of sportsmanship, dedication, brotherhood, respect and love; AND

WHEREAS, "Mr. Lee", known as the unofficial mayor of Takoma Park, has been active in the Parker Memorial Baptist Church since 1924, a charter member (1965) of the Takoma Park Recreation Council, was the first Takoma Park resident to serve on the Montgomery County Recreation Board, and has served many civic and service organizations over the years; AND

WHEREAS, Mr. Lee as the Honorary Grand Parade Marshal in the July 4th parade when the theme was "Your Community - Get Involved", he has also received many awards for outstanding leadership to the youth of the community, to name a few - the Outstanding State Physical Fitness Leadership Community Service Award, the U.S. Jr. Chamber of Commerce Standard Packaging Award for Physical Fitness Leadership, the State of Maryland Physical Fitness Participation Award, Certificates of Appreciation and plaques from the City of Takoma Park and the Parker Memorial Baptist Church, the Montgomery County Baseball Association's John Brawner Memorial award, and the Coach of the Year Award; AND

WHEREAS, on June 6, 1981, the Takoma Park Junior High School athletic field was named in Mr. Lee's honor in appreciation and commendation for the skill, integrity and devotion that characterized his contribution to the youth of the community; AND

WHEREAS, Mr. Lee spent 37 years as a building services manager at Montgomery Blair High School and Takoma Park Junior High School before his retirement in 1973, while still working with the young people coaching baseball, basketball, football and soccer, teaching Sunday school, operating a teen club and working with his church and community organizations; AND

WHEREAS, Mr. Lee was not only a leader in the Black community but an outstanding leader throughout the whole Takoma Park area.

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland, on behalf of its members, the employees of Takoma Park and the citizens of this community do express to Lee A. Jordan sincere and profound appreciation and thanks for his many years of untiring and valuable service to the youth of this community; AND

BE IT FURTHER PROCLAIMED THAT the week of February 23, 1986 be proclaimed as **LEE A. JORDAN WEEK** in the City of Takoma Park, Maryland.

FEBRUARY 24, 1986

CORPORATE SEAL
INCORPORATED
APRIL 8,
1890.

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Introduced by: Councilmember d'Eustachio Enacted: 2-26-86

RESOLUTION OF CONDOLENCE

#1986-15

WHEREAS, it was with profound sorrow that the City Council learned of the passing of James F. Holland, former Councilman of the City of Takoma Park, on January 3, 1986; AND

WHEREAS, Mr. Holland conscientiously served the City of Takoma Park from 1980 to 1982 as Councilman of the Third Ward, served as Chairman of the City's Community Development Block Grant Citizens Advisory Committee, served on the Community Improvement Board and represented the City on the Montgomery County Community Development Citizens Advisory Committee; AND

WHEREAS, he took an active interest and part in civic affairs and gave freely of his time; AND

WHEREAS, his passing will be sorely felt by the members of his family, his many friends and associates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that with the death of James F. Holland, the City and its citizens have lost a true, loyal and devoted friend of the City.

BE IT FURTHER RESOLVED THAT the Mayor and Council do hereby declare their deepest regret at the untimely passing of James F. Holland, and do hereby convey to his family the sincere sympathy and condolences of this Mayor and Council, and that a copy of this resolution be presented to his family.

FEBRUARY 24, 1986

_____
Stephen J. Del Giudice
Mayor

ATTEST:

_____
James S. Wilson, Jr.
City Administrator

TO: Mayor and City Council
FROM: Gail Dalmat
RE: City Newsletter and Alleged Tampering
DATE: February 26, 1986

I am here tonight to confess my guilt. I have proofread the Newsletter for about 6 volunteer hours per month since last summer.

I am guilty of letting my committment to the City Newsletter outweigh 'political wisdom' when the former mayor abandoned the Newsletter last year.

I am guilty of overlooking run-on sentences, run-on articles, run-on columns and even split infinitives in the interest of avoiding accusations of tampering or manipulation, while also helping the City to avoid embarrassment by my detection of over 100 typos each month that I have proofread the Newsletter.

I am guilty of trying to prevent gross disregard of the Newsletter guidelines--frequently by individuals who were party to the 1983 acceptance of the guidelines, and who ought to have known better and cared more.

And yes, I am guilty of differential treatment of Lynne Bradley's columns. When, in her usual succinct manner she submitted a column twice as long as guidelines permit, the typesetter and I decided to leave it alone, and not have Ms. Bradley cut it. And when Ms. Bradley submitted her column in the format of an article, the typesetter and I discussed options for indicating that it was "clearly labelled as 'Opinion'." Newcomer to the City Council, Mr. D'Eustachio thought of his own title, "The View from Ward 3," which filled the requirement nicely. Another newcomer, Sharon Levy identified her column "News from Ward 1."

And by the way, I am guilty of almost total ignorance in terms of the size of print, called "points," I am told by an acquaintance in the printing business. If I had noticed a difference in print size I would have asked the typesetter about it, but the purpose of my review, as stated before, was solely the prevention of typos and gross departures from the guidelines.

I am guilty of caring about this community. I wish there were more people as guilty as I. I am innocent, however, of petty vendettas and of ignoring the guidelines.

I trust that this statement will clarify the areas of my guilt and innocence, and that I will hear no more untrue rumors on the subject.

I have attached pages from Roget's Thesaurus in the hopes that they may provide elected officials with ideas for titles for their future columns.

Introduced by: Councilmember Haney

1st Reading: 2/10/86
2nd Reading: 2/26/86

ORDINANCE #1986-6

WHEREAS, The City of Takoma Park in the enforcement of its laws and the State Motor Vehicle Code and in the discharge of its obligations to the public, has reason occasionally to remove motor vehicles; and

WHEREAS, It has been determined by the Chief of Police that it is cost effective to contract with a private entity to tow vehicles at the direction of and on behalf of the City; and

WHEREAS, Bids were solicited as advertised as evidenced by Exhibits "A" and "B" attached hereto and incorporated herein by reference; and

WHEREAS, Bids were received from G & C Gulf, Inc. and Swartz and Bowie Towing, Inc., and opened and reviewed publicly on October 9, 1985, copies of which are on file with the City Clerk's office; and

WHEREAS, Upon consideration by the Chief of Police, both bidders were found to be qualified bidders; and

WHEREAS, Bids from both bidders were found to comply with the requirements set forth in Exhibit A; and

WHEREAS, Both bidders were deemed not to be nuclear weapons manufacturers or to be doing business with nuclear weapons manufacturers, and to be eligible to receive contracts with the City of Takoma Park, in accordance with Ordinance No. 2703, commonly referred to as the "Nuclear-Free Zone Ordinance" and that both bidders submitted the appropriate affidavits certifying their status as non-nuclear weapons manufacturers; and

WHEREAS, The Chief of Police has determined that the bid from G & C Gulf, Inc. indicates that it will perform the services required by the City as set forth in Exhibit A at less cost than any other bidder, and that it is in the best interest of the City of Takoma Park to accept said bid and award a contract to G & C Gulf, Inc.,

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

SECTION 1. Bid awarded to G & C Gulf. The bid of G & C Gulf, dated September 20, 1985, and submitted in response to a solicitation for bids by the City of Takoma Park, which are attached hereto as exhibits, be accepted and a contract consistent with the terms of said solicitation and bid be awarded to G & C Gulf, Inc., t/a G & G Towing.

SECTION 2. Mandatory Contract Clauses. The contract to be awarded in accordance with Section 1 above, shall contain the standard clauses attached hereto as Exhibit C.

SECTION 3. Prohibitions and Exclusions. The contract to be awarded in accordance with Section 1 above shall not violate Ordinance No. 2703.

SECTION 4. Authority of Administrator to Negotiate, etc. The City Administrator is hereby authorized to negotiate and enter into a contract consistent with the terms of this ordinance and to execute any and all documents necessary to give effect to this ordinance.

SECTION 5. Effective Date. This ordinance shall be effective upon enactment.

ADOPTED FEBRUARY 26, 1986.

11. The Mayor and Council reserve the right to reject any and all bids, and to readvertise.

12. The City of Takoma Park is an equal opportunity employer and does not discriminate on the basis of physical or mental handicap which is unrelated in nature and extent to the performance of the job.

CITY OF TAKOMA PARK, MD.
Invitation to Bid
Sealed bids to provide the City with a Vehicle Towing Contract will be received until 2:00 PM, October 9, 1985, at which time they will be publicly opened in the Office of the City Administrator, 7500 Maple Ave., Takoma Park, Md. Information and specifications may be obtained by calling 270-1700. The Mayor and Council reserve the right to reject any or all bids and to readvertise. Persons doing business with the City are required to certify they are not knowingly or intentionally engaged in activities involving nuclear weapons or their components, or the sale of merchandise produced by companies so involved. The City is an equal opportunity employer and does not discriminate on the basis of physical or mental handicap which is unrelated in nature or extent to performance of job.
Mayor and Council
1t 9/27

OFFICE OF

exhibit - B

Record Publishing Company

THIS IS TO CERTIFY, that the annexed advertisement of

CITY OF TAKOMA PARK - Invitation to Bid

was published in the SUBURBAN RECORD NEWSPAPER, weekly newspaper published in Montgomery County, Maryland once a week for one successive weeks before the 28th day of Sept 19 85

Record Publishing Company

BY Joyce Figlak

exhibit A

City of Takoma Park, Maryland

TELEPHONE 270-1700

7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

CITY OF TAKOMA PARK, MARYLAND

INVITATION TO BID
on
Vehicle Towing Contract

The City of Takoma Park is accepting bids for a one year exclusive contract for the towing of abandoned, impounded and disabled motor vehicles.

Sealed bids must be received before 2:00 PM, Wednesday, October 9, 1985. Mail or deliver to:

City Administrator
City of Takoma Park
7500 Maple Avenue
Takoma Park, Maryland 20912

Bids will be opened and reviewed publicly at the above address on Wednesday, October 9, 1985 at 2:00 PM.

Please contact Captain Daniel Wortman, Takoma Park Police Department, at 270-1100, for further information.

Vehicle Towing Contract Bid

September 18, 1985

exhibit A

BID SPECIFICATIONS

1. Bidders must be licensed tow truck companies, qualified to conduct business in the State of Maryland.
2. Bidders must possess a current Maryland Wrecker's License.
3. Bidders must provide the following information regarding their insurance coverage:
   (a) Amount of Liability Insurance: $ Certificate of Insurance Included
   (b) Amount of Collision Insurance: $ _____
   (c) Amount of Comprehensive Insurance: $ _____
4. Bidder's officers, drivers, and assistants must be bonded up to a minimum of $10,000.
5. Bidders must be capable of responding to calls for service within twenty (20) minutes, twenty-four (24) hours a day.
6. Bidder's storage facilities must be accessible upon one (1) hour's notice, to representatives of the City and for release of stored vehicles to owners, twenty-four (24) hours per day, seven (7) days per week.
7. Bids will apply to the following specific areas:
   a. Towing charges for vehicles towed between 0600 and 2300 hours: $ 30.00
   b. Towing charges for vehicles towed between 2300 hours and 0600 hours: $ 35.00
   c. Towing charges for abandoned autos: $ 10.00 (per auto)
   d. Storage charges per day for impounds, if stored on tow company's lot for 60 days: $ 10.00
   e. Storage charges per day for abandoned autos if stored on tow company's lot for 60 days: $ No Storage to City on any abandoned Cars.
   f. Towing charges for City vehicles including police vehicles (24-hrs. per day) $ N/C (per vehicle)
8. Bidders must provide an inventory of trucks and major equipment, and the number of qualified assistants.
9. A copy of proposed contract terms, a description of past service needs, and applicable City laws on bidding are available on request.
10. The City of Takoma Park is a designated Nuclear-Free Zone. Persons doing business with the City are required to certify that they are not knowingly or intentionally engaged in activities involving nuclear weapons or their components, or the sale of merchandise produced by companies so involved. THE ENCLOSED AFFIDAVIT ON NON-NUCLEAR INVOLVEMENT MUST BE COMPLETED AND RETURNED WITH THE BID, TO BE CONSIDERED A VALID BID DOCUMENT.

CITY OF TAKOMA PARK
INVITATION TO BID

Sealed bids to provide the City with a Vehicle Towing Contract will be received until 2:00 PM, October 9, 1985, at which time they will be publicly opened in the Office of the City Administrator, 7500 Maple Ave., Takoma Park, Md. Information and specifications may be obtained by calling 270-1700. The Mayor and Council reserve the right to reject any or all bids and to readvertise. Persons doing business with the City are required to certify they are not knowingly or intentionally engaged in activities involving nuclear weapons or their components, or the sale of merchandise produced by companies so involved. The City is an equal opportunity employer and does not discriminate on the basis of physical or mental handicap which is unrelated in nature or extent to performance of job.

9-26-85-11 PC Post 9-26-85 Mayor and Council

County Council Hearin

A COUNTY NEWSPAPER OF RECORD

779-2900

The Prince George's **Post-Sentinel**

P.O. Box 207
Hyattsville, Md. 20781

City of Takoma Park
7500 Maple Avenue
Takoma Park, Md. 20912

INVOICE NUMBER №

DATE Sept. 26, 1985

CITY OF TAKOMA PARK
INVITATION TO BID

Sealed bids to provide the City with a Vehicle Towing Contract will be received until 2:00 PM, October 9, 1985, at which time they will be publicly opened in the Office of the City Administrator, 7500 Maple Ave., Takoma Park, Md. Information and specifications may be obtained by calling 270-1700. The Mayor and Council reserve the right to reject any or all bids and to readvertise. Persons doing business with the City are required to certify they are not knowingly or intentionally engaged in activities involving nuclear weapons or their components, or the sale of merchandise produced by companies so involved. The City is an equal opportunity employer and does not discriminate on the basis of physical or mental handicap which is unrelated in nature or extent to performance of job.

9-26-85-11 Mayor and Council

N
een published in THE PRINCE
d in the invoice below.

Beverly Camelot
egal Advertising Manager

TOTAL AMOUNT $18.60

Invitation To Bid
Purchase Request No. 16717

Date or dates of publication

Sept. 26, 1985

THIS IS AN INVOICE—PAYMENT DUE IMMEDIATELY

NOTICE: If receipted bill is required for verification of payment, return duplicate with remittance. Duplicate certificate of publication has been mailed to the Register of Wills, Upper Marlboro, Md., if Notice to Creditors is involved.

PLEASE SHOW INVOICE NUMBER ON REMITTANCE

Introduced by: Councilmember Sharp Enacted: 2-26-86

RESOLUTION 1986-16

WHEREAS, the owner(s) of the Park-Ritchie Apartment building which is located at 7600 Maple Avenue, has filed for bankruptcy under Charter 11 of the U.S. Code; AND

WHEREAS, the City of Takoma Park has an interest in the bankruptcy proceedings because a $90,000 municipal violation citation is still outstanding and the City is listed as creditor in the bankruptcy documents; AND

WHEREAS, the City of Takoma Park also has an interest in the bankruptcy proceedings to ensure the building is properly maintained during the interim period;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and City Council of Takoma Park, Maryland do instruct the Assistant Corporation Counsel to proceed with legal action in the appropriate Federal Courts, with the filing of a motion requesting that the Court appoint a receiver/trustee to take over operation of the Park Ritchie Apartments.

Introduced by: Councilmember Iddings Enacted: 2-26-86

RESOLUTION 1986-17

WHEREAS, the Marianist Foundation have approved disbursement of $5,000 to Neighborhoods Together, Inc. for a tenant organizing project, contingent upon approval of additional funding for the project from Montgomery County, Prince George's County and the City of Takoma Park; AND

WHEREAS, the City Council of Takoma Park recognize the long history of Neighborhorhoods Together's organizing accomplishments in this Community, including the successful Block 69 fight to protect Victorian homes in Ward 1 from demolition due to the proposed expansion of Montgomery College; the specific efforts to save the Carroll House on Takoma Avenue; the successful efforts to obtain approval for permit parking around Montgomery Community College; the successful efforts to obtain approval for construction of a new Takoma Elementary School; the successful efforts in 1977 to reduce overcrowding at the Carole Highlands Elementary School; AND

NOW THEREFORE BE IT RESOLVED, that the City Council does commit to contribute $5,000 to Neighborhoods Together, Inc. for their tenant organizing project.

BE IT FURTHER RESOLVED that this commitment is contingent upon Neighborhoods Together obtaining additional funding from Montgomery and Prince George's County for support of their tenant organizing project.

BE IT FURTHER RESOLVED that the Mayor and Council are committed to assist Neighborhoods Together in approaching the two Counties to request funding from the Counties.

Introduced by: Councilmember Haney Enacted: 2-26-86

RESOLUTION NO. 1986- 18

WHEREAS, the Federal Highway Beautification Act of 1965 was passed with the intent of ridding our nation's roadways of billboard blight; and

WHEREAS, the billboard industry has successfully lobbied against the provisions of that legislation, including such provisions which enabled cities and states to legally remove existing billboards and prohibit the placement of new signs; and

WHEREAS, Montgomery County has been involved in legal action against the billboard industry since 1968 to remove existing billboards and prohibit new billboards in the county; and

WHEREAS, the Mayor and City Council of Takoma Park find the presence of billboards within the city limits to be a form of visual pollution and antithetical to the residential and small town character of our city,

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of Takoma Park that they endorse the staff report of the Planning Board of Montgomery County to remove all existing billboards in the county, and

FURTHERMORE, that the Mayor and City Council encourage the County Executive and County Council of Montgomery County to declare a moratorium on the construction of any new billboards in Montgomery County.

Enacted: 2-26-86

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1986-19

WHEREAS, The rapid increase in the usage of pesticides in homes and residential areas, and the corresponding increase in the possibility of accidental exposure to these materials is becoming a matter of great community concern, and

WHEREAS, Many of these pesticides are known to be highly toxic to humans, especially small children, pregnant women, and hyper-sensitive individuals, even in extremely small doses, and

WHEREAS, Because of this toxicity, many individuals wish to protect themselves and their children from accidental exposure to these pesticides, and

WHEREAS, During application of pesticides it is not generally possible to completely control unintended overspray, wind drift, and other migration of these materials, and

WHEREAS, After application, it is often not possible to keep unknowing individuals, particularly children, out of contact with the treated area, and

WHEREAS, Because of overriding health and safety concerns, individuals wishing to protect themselves and their children from unintended exposure to pesticides have a right to know, both in advance and after the fact, that the application of these toxic materials has occurred.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the City of Takoma Park, Maryland believe that Senate Bill No. 245 and House Bill No. 1524 effectively address the issue of prior and post notification, and can substantially lessen the possibility of accidental exposure to pesticides by Maryland citizens, and

BE IT FURTHER RESOLVED, That the Mayor and Council recognize that this legislation is in the best interests of the citizens of Maryland and urge its rapid passage into law.