

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

March 10, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Comm. & Ec. Dev. Coordinator Neal
Councilmember Haney	Police Chief Fisher
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Levy	Asst. Corporation Counsel DeNovo
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:05 P.M. on March 10, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Council Meeting Minutes of February 10, 18, 24 and 26, 1986 were presented for approval, which was moved collectively by Councilmember Iddings, duly seconded by Councilmember d'Eustachio, carried unanimously.

Mayor Del Giudice presented city resident James A. DiLuigi with a plaque expressing appreciation and commemorating his exemplary performance and representation of the City in his capacity as Chair of the Citizens' Advisory Committee for the Sligo Creek Facility Project. Mr. DiLuigi expressed gratitude and thanked all those others, including several from the City, who participated in the project along with him; he said they were all equally entitled to recognition for their efforts and dedication. Councilmember Haney congratulated Mr. DiLuigi, thanked him for his efforts and involvement, not only on this project but others in the city as well.

The Mayor commented briefly on current events in Annapolis, related that the zoning bill went before the Prince George's Bi-County Committee, the City's amendments were presented, and the bill will again come before that committee for action on 3/11. It will go before the Montgomery County Senate Delegation on 3/12, and before the entire Prince George's House of Delegates Delegation on 3/15. He related that the Peace Park bill will go before the Montgomery Senate Delegation on 3/11. Concerning the Unification bill, he stated that would be coming up before the Prince George's Bi-County Committee on 3/18, and on 3/21 before the entire Prince George's House of Delegates Delegation. He said the Unification, Peace Park and Tax Districting bills did pass the entire Montgomery House of Delegates. In response to query, he stated that the Tax Districting bill passed by the Montgomery contingent was the one approved by the county council (did not include the amendments proposed by the City; however, efforts are still being made to have those amendments included in the bill).

Councilmember Haney related that for the third year in a row, the City has been named a Tree City, U.S.A. by the National Arbor Day Foundation; if this continues, after five years, a crystal award will be presented.

Councilmember Williams expressed concern that the City may suffer a loss of tenants due to rent increases, referred to numerous calls received concerning a recent 15% increase at 7611 Maple Avenue. He questioned whether the ability of the tenants to pay was taken into consideration when the decision was made; said good tenants are being priced out of the ability to live in the City. He commented he had spoken with some COLTA members who did not agree with the decision, but were in the minority and did not comprehend the motive for approving the increase; he remarked that removal of the Mayor and Council as an appeal body in the process had rendered the people helpless. Councilmember Bradley related that in her ward, residents had commented on a landlord being permitted (by COLTA) a rent increase in excess of 5% despite allegedly major outstanding code violations; she asked that the subject be scheduled for worksession discussion at the first available opportunity. The Mayor commented that while he and Council may have removed themselves from the appeal process, they still establish the pertinent law, and if there are loopholes, then those should be examined.

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

Valerie Nelson, Chairman of Birchwood Apts. Tenants' Assn., 636 Houston: commented concerning tenants' associations and the fact that their numbers are growing in the city and they are becoming more vocal on issues, said this could be the beginning of a grassroots movement. She gave a lengthy statement concerning lack of followup and enforcement by Housing, said



landlords are getting away with continuing violations and pointed out problems tenants encounter in filing and pursuing complaints; however, noted the fact that the Housing Services Department is snowed under, severely under-staffed for the existing responsibilities and workload, and lacking in sufficient budget funds to properly do the job. She stated that the existing situation in the City regarding housing is dismal; many of the worst landlords reside outside the city and don't care about it, are content to buy buildings as a short-term investment, let the property run down and then unload it, and, despite provisions of the City Code, they have a good chance of getting away with their mode of operation. She asked that the Mayor and Council substantially address the plight of City tenants in the upcoming budget cycle, including restructuring and more personnel for Housing Services, as well as increased and strict enforcement of the Housing Code.

Alan B. Thornton, 1104 Kingwood Drive: expressed support for Ms. Nelson's statement(s); said he, too, felt enforcement was lacking. He related a situation concerning the house next door to his which is a rental property; said prior tenants (electrical contractors) were evicted last fall, there is a substantial amount of junk and debris on the property and efforts to have it removed have been futile for the most part. Additionally, he commented that there is an abandoned automobile with D.C. tags parked on the street, between 1102 and 1104, which was red-tagged by the police department last November and still remains with nothing further having been done about it, despite inquiries having been made by Mr. Thornton of the police. He said he could not believe it could take over 4 months to complete the necessary paperwork to have the vehicle towed away.

Brint Dillingham, 7018 Carroll Avenue: inquired whether a statement of hours expended against the retainer fee had yet been received from the City lobbyist, Bruce Bereano; response from the Mayor was negative, expense billings have been received but not hours against the retainer. Following dialogue, the Mayor asked that staff communicate to Mr. Bereano the need for submission of a specific breakdown of hours spent against the retainer, including on which legislation the time was spent; he said that should be received by the first week of April.

Wayne Upton, 7600 Maple Avenue: commented that Montgomery County Ride-On flash passes have been available at various locations, including libraries, in the county since December; hoped that perhaps they could be made available at the City library for the convenience of City residents. Consensus was that staff would look into the possibility of so doing.

In connection with comments made by an earlier speaker, Councilmember Williams stated he was very perturbed with the way rental properties are going in the City; said the momentum that was present in the beginning to keep rental properties from becoming slums seems to have deteriorated, lost its original direction. He reiterated that rent decontrol as set forth in the City ordinance needs to be investigated; the question was raised at an earlier meeting and a response is due at the next worksession. He commented that Congressman Barnes' and Senator Bainum's offices are investigating Section 8 double standard problems, which exist in the city, and also the State's Attorney is investigating 60 day notice no cause evictions, which are legal but questionable in that another law states that retaliatory evictions are unlawful. It would appear that the 60 day notice no cause evictions provide the landlord with a weapon to use against tenants. He referred to UMAAC, Upper Maple Avenue Advisory Council, a group of community leaders who are very familiar with and active in dealing with local problems, particularly in the rental area. Mr. Williams emphasized the need for the Mayor and Council to address the existing problems in the housing area; said one approach would be to dismantle the department and turn the responsibility back over to the county, however, there are other alternatives, and hoped that extreme would not be necessary. For informational purposes, the Mayor noted that pre-budget meetings open to the public would commence on March 11, with Housing, Administration and Public Works budgets being on the agenda; those meetings to continue on March 19 addressing Library, Police and Recreation departments. In that connection, Councilmember Bradley noted the need to examine and realign priorities during the budget process, rather than just looking at numbers and adding dollars.

Councilmember Sharp moved that, in view of the length of the agenda, item 9 concerning establishment of a board of directors for the Newsletter be



postponed until the March 17 worksession at which time it could be addressed in Special Session, duly seconded by Councilmember d'Eustachio. Councilmember Iddings inquired why the issue could not be rescheduled for the regular meeting of March 24, at which time more people would be likely to be in attendance. The need for lengthy, in-depth discussion of the subject was noted. Councilmember Iddings stated he would vote against the motion as he felt it should be discussed at the worksession, but held over for action at the March 24 regular meeting. The question was called, the motion carried with Councilmembers Bradley and Iddings voting Nay, balance of Council voting Aye. In response to query, the Mayor stated that citizen participation would be permitted when the issue is addressed in Special Session at the March 17 worksession.

**ITEMS FOR COUNCIL CONSIDERATION:**

**1. Ordinance to award Police Department Micro Computer Bid.**

Following brief explanatory comment by Mr. Wilson, Councilmember Iddings moved an amendment to Section 3 of the ordinance to correct the spelled-out dollar amount; the amendment was accepted as editorial. Brief discussion ensued, including response from Chief Fisher to a couple of technical questions posed at an earlier point in time by Councilmembers. The Chief also noted he had contacted and received favorable comments from several other local users of the system. Following discussion of the hardware and software and warranties on same, Mr. Wilson responded to query from the Mayor, stating that only one reading of the ordinance was required as the legislative body at an earlier point in time approved application for the grant. Adoption was moved by Councilmember d'Eustachio, duly seconded by Councilmember Levy. The roll call vote was recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSTAINED: None.

ORDINANCE #1986-7  
(attached)

**2. Resolution to retain outside counsel pertaining to the bankruptcy of the owners of Park Ritchie Apartments, 7600 Maple Avenue.**

Asst. Corporation Counsel DeNovo reported that she and Co-Counsel Richard Stolker, had, this date, reached the 50 hour time limit (for their combined time expended) as specified in the resolution. She related that the first meeting of creditors in the case was scheduled for March 13 and time for a hearing at that meeting had been requested. The Judge will not schedule the hearing until the Motion is formally filed, which she said she and Mr. Stolker intend to do on March 11. Ms. DeNovo stated that the services of an expert structural engineer had been engaged, and perhaps another roofer specializing in large jobs, to testify as expert witnesses in the case. For the record, the Mayor noted that Ms. DeNovo had advised him earlier in the day that the 50 hour limit would probably be reached or exceeded this date. In response to query, Ms. DeNovo explained the need for the two separate individual witnesses, i.e., that the structural engineer could diagnose the problem, but could not make cost estimates on what was needed. Additionally, she pointed out that it is best to have an independent witness who would not be interested in bidding on the actual work to testify on the problem. In response to query, she said it would be very difficult to estimate total hours that would be expended on the case, said it was certain the Motion to Appoint a Trustee would be strongly opposed and there have been indications that there would be other motions filed as well. Councilmember Bradley inquired whether, were the trusteeship denied, needed repairs on the building could be ordered by the Court, to which Ms. DeNovo responded in the affirmative. She explained that the Court has the power to order the Park Ritchie Limited Partnership to effect repairs which are required to preserve the building, or for the safety or well-being of the tenants (or both); and that may well be what occurs. In response to query from Councilmember Sharp, she stated that the \$500 specified in the cost schedule for one 1/2 day for the structural engineer/inspector had been expended, as well as some additional time spent in consultation with her after the actual inspection which took most of the half-day. She said that additional time spent in detailed written preparation for testimony (at \$50/hr.) should not exceed 8 hours. Mr. Sharp noted the need for Council to address how much expense they are willing to incur in addition to what has been spent to date on the case. In this regard, Ms. DeNovo pointed out that once she and Mr. Stolker enter their appearances in the case, they are subject to the direction of the Court to do whatever the Court wishes, regardless of the amount of work it may require. Councilmember Williams commented he did not feel there was much choice in the matter



at the current point in time short of the City abdicating responsibility and allowing such situations to occur undeterred. He moved passage of the resolution, duly seconded by Councilmember Haney. Councilmember Iddings concurred with the need to pursue the matter, not only for the sake of the tenants of the building, but for the City as well, however, he said the expenditures should be closely monitored and suggested amending the resolution to increase the initial number of hours from 50 to 75 and make provision for periodic reports on the situation. In response to a question posed, the Mayor stated that Attorney Stolker's hourly rate is \$75.00. Ms. DeNovo pointed out that is not his standard hourly rate and that he considers the difference as a contribution in the public interest. She also remarked that it was requested that the Motion to Appoint a Trustee be heard on an emergency basis, but the Judge would not make a decision until the motion is filed. Following dialogue concerning approaches to amending the resolution as desired, the Mayor moved, in the second resolve clause, striking and inserting the word "intervals" immediately following "...50 hour limit...", changing the period at the end of the clause to a comma and immediately following it inserting the words "subject to report to the full Council." The amendment was duly seconded by Councilmember Bradley, carried with Councilmember Williams Abstaining (as a resident of the subject building), balance of Council voting Aye. Passage of the resolution, as amended, was moved by Councilmember Iddings, duly seconded, carried, with Councilmember Williams temporarily absent, balance of Council voting Aye.

RESOLUTION #1986-20  
(attached)

**3. Resolution in support and approving commitment of funds for Takoma Artists Guild proposal for Municipal Building Art Gallery.**

Councilmember Haney commented that the proposal contained in the resolution was the revitalization of an idea brought before the Council several years ago by TAG; he remarked that the City being home for a significant number of artists, this project would be an appropriate expression by the City of support for permanent public commitment to the artists of the community. The Mayor commented on the walls of the public buildings in Annapolis being used for art displays. Thomas Morris, a member of TAG, spoke, explaining what is projected and the materials that will be required.

Norman Greene, 6712 Westmoreland Avenue, member of TAG: said if the resolution is passed, the gallery space could be a great asset to the artists of the community because a local outlet for showing their work is badly needed; he said it could be a stepping stone to acquiring other space in the City for displaying artwork. He elaborated on the lack of any place in close proximity to the City for local artists to display their work. Councilmember Iddings praised TAG and their work and efforts. He expressed regret, however, that while he could support use of the public space for the gallery, he could not, at this time, support use of public funds for the purpose outlined and suggested several alternatives. Councilmember Bradley expressed support, thought Council had approved money for the purpose several years ago. In response to query from former Mayor Abbott, Mr. Wilson stated that the City is insured under a blanket policy for theft of paintings, however, the deductible is \$250; he said a directive has been (re)issued to use waivers (signed by the owner and waiving any claim against the City for loss, theft, damage). Mr. Morris commented that Montgomery County has its own private collection of artwork which is insured, however, when they accept pieces from artists for display, the artist must sign a waiver - he said that is the typical arrangement. He explained that \$1,200 was allocated several years ago at the request of TAG for the purpose of building glass and wood display cases to be located in the Municipal Building and used by the artists to show their work, however, said it was found that appropriate and useful cases could not be built for the amount set aside, so the money was not used.

Tim Smith, 7016 Sycamore Avenue: suggested the money from the City for the project could be augmented by charging a commission on any artworks sold; however, Councilmember d'Eustachio pointed out that administrative costs involved would probably preclude that approach.

Councilmember Bradley commented she would wish to see some guidelines for the displays in the near future, prior to implementation. The Mayor pointed out that the possibility of setting up an arts commission to work with TAG and assist in procedures, etc., had been preliminarily discussed in worksession. Passage of the resolution was moved by Councilmember



Haney, duly seconded by Councilmember Levy, carried with Councilmember Iddings voting Nay, Councilmember Williams temporarily Absent, balance of Council voting Aye. On behalf of TAG, thanks were expressed to the Mayor and Council. Economic and Community Development Coordinator Neal commented he would like to commend Thomas Morris, who is also a City employee, for his efforts in decorating the Housing Rehab office at his own expense and on his own time.

RESOLUTION #1986-21  
(attached)

4. Ordinance awarding contract for study of commercial revitalization/State Highway Administration issues in Takoma Junction (Federal Grant Funding).

Economic and Community Development Coordinator Neal spoke, giving background concerning acquisition of the grant, what will be accomplished using those funds and the purpose(s) and objectives. He said the Takoma Junction Revitalization Steering Committee had endorsed the concept of hiring the contractor currently doing the design work in Takoma Junction, Constructive Alternatives, Inc., to do the study funded by the grant. He noted that it had been ascertained that CDBG funds would be acceptable as the matching funds required. In response to questions raised at an earlier meeting, he stated the contract is for professional services, thus, could be awarded without going through the competitive bid process. He said normally 3 quotations would be sought, unless it were something which could not be provided by another source, which is the case in this instance, given that the contract Constructive Alternatives is already performing will count as the matching funds required by the grant. Mr. Neal commented that Constructive Alternatives would be working in conjunction with The Townscape Institute, Inc. of Cambridge, Mass., as well as a yet to be identified traffic engineer (who would have to meet with the approval of the City), and the MMSDA Task Force. Councilmember Iddings emphasized that the selection of the traffic engineer would be critical to the success of the study; it should be someone who takes all factors into consideration, including pedestrian and bicyclists' safety, environmental impact, rather than just the expeditious movement of traffic. Mr. Neal concurred that the goals of the local community would be quite different than State Highway's primary concern of expeditiously moving traffic through the area; said those issues would have to be resolved by planners and traffic engineers in a series of meetings. Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. In response to query, the City Administrator stated the ordinance required only a single reading for adoption. Mr. Neal commented that Corporation Counsel Gagliardo had requested him to state, for the record, that Mr. Gagliardo had not been asked for a legal opinion on the matter. Following brief dialogue and questions raised by Councilmember Sharp as to whether the CDBG funds could appropriately serve as matching funds, Mr. Wilson stated that the law was amended to allow local governments to use CDBG funds as local match. The question was called, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; ABSTAINED: Councilmember Williams; TEMPORARILY ABSENT: Councilmember Bradley. Mr. Neal stated that it was expected the study would be completed 12-14 weeks after signing of the contract, and copies would be provided.

ORDINANCE #1986-8  
(attached)

5. Appointments to City Traffic Committee.

As appointees from Ward 2, Councilmember Iddings nominated Alan Solomon, 7118 Maple Avenue, as Primary Representative; Jonathan Weiss, 19 Philadelphia Avenue, as Alternate (additional primary member to be named after consultation with Old Takoma Citizens' Association). Councilmember d'Eustachio named as Primary Representatives from Ward 3 Gail Dalmat, 7003 Poplar Avenue, and Timothy Smith, 7016 Sycamore Avenue; Daphne White, 512 Ethan Allen Avenue, Alternate, and requested that he personally be considered as a Council Representative. From Ward 6, Councilmember Haney recommended Mary Ralston, 1210 Elson Place, as Primary Representative (other primary and alternate member to be supplied at later date). From Ward 5, Councilmember Bradley named Nancy Wheeler, 8211 Roanoke Avenue, and Mark Fisher, 700 Erie Avenue, as Primary Representatives; Tim Nulty, 8107



Roanoke Avenue, Alternate. Passage of the resolution was moved by Mayor Del Giudice, duly seconded by Councilmember Haney, carried unanimously.

RESOLUTION #1986-22  
(attached)

6. Resolution re appointments to Thomas/Siegler Advisory Committee.

The Mayor noted that members designated on the resolution were nominated by the various associations; one at-large member was nominated by Councilmember Sharp, no other nominations were received from Councilmembers. He noted that Olive Kreinbihl, an at-large citizen nominee, operates a child care nursery, specializes in the care of pre-school children. The Mayor moved passage of the resolution, duly seconded by Councilmember Iddings.

Brint Dillingham: referred to prior discussions on the issue in which the appointment of persons with a direct interest in the property being appointed to the committee, as well as possible conflict of interest, was raised; he noted, despite those discussions and despite the individual's concurrence with being a non-voting member, the inclusion of Kristina Kiehl as a voting member of the committee. Additionally, he pointed out that while statements have been made that the money involved in purchase of the property is not City money, the fact is that the \$112,000 used for the acquisition was City money which will be replaced eventually by state money.

Patricia Slater, Birch Avenue: asked that the names of committee members be published in the Newsletter, as well as dates, time(s) and location(s) of meetings, so that interested citizens may attend and participate. Councilmember Levy concurred with the importance of so doing, particularly in light of the number of citizens who had communicated to her an interest in a Tot Lot on the property and who are not represented on the committee. Councilmember Iddings remarked on the possibility of putting notices of the meetings on the Cable TV bulletin board as well.

Rino Aldrighetti, 7213 Central Avenue: felt some people were being left out of the process (i.e., those wanting Tot Lot); did not think it would be unreasonable to include 1 or 2 seats on the committee for those individuals.

Councilmember Bradley commented she would be abstaining on the vote for reasons previously stated (the committee is not inclusive of maximum citizen elements). Councilmember Haney also expressed concern about lack of a representative of those people wanting a play area for young children on the property, however, understood Councilmember Levy would represent those persons' concerns. In response to questions raised, the Mayor reiterated that he had sent a memo to Councilmembers requesting nominees from the various wards (other than wards 1 and 2) for the at-large seats, however, had received only one response, as stated earlier. The question was called, the resolution passed with Councilmembers Bradley, Levy and Williams Abstaining, balance of Council voting Aye.

RESOLUTION #1986-23  
(attached)

7. Resolution approving creation of an In-House Corporation Counsel position.

Corporation Counsel Gagliardo read a prepared statement, particularly detailing how other municipalities obtain legal services, comparing salaries of attorneys working for the federal government, as well as the counties and state's attorneys' offices in the counties, and estimating the overhead and expenses for an in-house City attorney. He emphasized that he neither favored nor opposed creation of such a position in the City. He posed a number of questions that should be answered in the course of making a decision on the feasibility of the proposal, and suggested that serious consideration be afforded an alternative mentioned by City Administrator Wilson some time ago and outlined in Mr. Wilson's memorandum dated 3/7/86. In ensuing dialogue, Councilmember Iddings commented that a bill had not been submitted by Mr. Gagliardo to date this fiscal year; Mr. Gagliardo responded he had furnished reports regularly, the division of work had remained the same as in the past 3-1/2 years, and budget figures fairly accurately depict the time allocation. In response to query, he commented on time spent on litigation. There was lengthy discussion of expense issues in connection with legal services, including malpractice insurance,



on which Asst. Corporation Counsel DeNovo spoke, commenting on the cost. She urged that the Mayor and Council seriously consider questions raised by Mr. Gagliardo prior to making any decision. She stated she felt it important that it be made clear that the consideration of whether or not to have in-house counsel vs. outside retained counsel was entirely separate from any issue concerning current counsel, in that both she and Mr. Gagliardo had resigned effective the end of the current fiscal year, with the interim being a transition period. Ms. DeNovo commented she thought it particularly important for overhead costs to be considered in relation to in-house legal counsel, many of which are not immediately visible, but appalling in dollar amounts required. She posed additional questions for consideration prior to any final decision-making, and, in conclusion, urged that a careful needs study be performed. The Mayor spoke concerning salary ranges for lawyers, said what he had envisioned was someone with 3-5 years' experience, with an interest in and dedication to public service and desirous of a salaried position with assured income. He commented, in relation to public service, that he was aware of 2-3 graduating students a year who go into working for legal services, making no more than \$12,000-\$14,000 a year - some lawyers who devote their services to that line of endeavor make no more than \$30,000 after 5-10 years. He said that was the sort of individual he had hoped to find to fill the proposed position with the City. He and Mr. Gagliardo both commented and concurred on the need to sort out the things that would be done by a City Attorney and what related tasks would be done by staff - there has not been a clear delineation in the past despite efforts on the part of all concerned.

Former Mayor Abbott commented that young lawyers who work for a pittance out of their dedication do so for causes, such as civil rights, immigration, the women's movement, etc., not as staff attorneys for municipal governments having a \$5,000,000+ budget. He inquired of Mr. Gagliardo whether he was aware of any other municipality similar in size to Takoma Park that has an in-house staff attorney, to which Mr. Gagliardo responded that, to his knowledge, the only one was Rockville, which is considerably larger than the City (population of approximately 43,000) and has four part-time attorneys. Councilmember Iddings commented that the former City Clerk had acquired para-legal skills and had the capability of drafting ordinances and other legal functions; said there is a need to discuss that vacant staff position in relation to the proposed staff attorney position; expressed skepticism about the City having an in-house attorney and commented on the tendency to create sufficient work to occupy whatever amount of work time is available from such a staff person, which is not always good. He stated that, in light of the number of unanswered questions on the issue, he felt it would be premature to pass the resolution committing the City to acquiring an in-house Corporation Counsel.

Patrick Hyde, 7307 Flower Avenue, COLTA Chairman: related his credentials and the fact that he is an attorney by profession; expressed support for the resolution, said it would be a step in the right direction for the City. He said he understood, based on his experience, that municipalities generally have in-house attorneys; he did note that the cities in which he had resided were outside the State of Maryland. He commented that he believed that COLTA would profit from the City having in-house counsel; said COLTA decisions should be reviewed for legal sufficiency by that individual prior to issuance, monitored by that person after issuance, defended if an appeal to the decision is taken to state court, and enforced in state court if the parties fail to appeal or comply with the decision. He opined that without such support, COLTA could become merely a part of the "toothless bureaucracy," referred to by a Park Ritchie tenant recently in conversation with the press. He did state he did not think the City would get someone to adequately represent their interests for \$75/hour, that the position salary-wise would end up costing in the area of \$50,000 per year. He said there are excellent, experienced lawyers who prefer government employment, do not like private practice, e.g., staff lawyers at the Justice Department, and whose salaries are on the average of \$50,000. In response to query from Sam Abbott as to the city in which Mr. Hyde had resided and which had its own in-house counsel, it was noted he had lived in the state capitol of Wisconsin, Madison, while in law school.

Clarence Boatman, 133 Ritchie Avenue: said from listening to the discussion, it appeared Council was lacking complete information on the issue, had not thoroughly discussed projected cost of the proposal in detail, noted the need for support staff for in-house counsel. He said Mr. Gagliardo's points and suggestions should be carefully weighed in view of



his experience with the City, and any decision should be deferred until questions raised have been answered.

Susan Bray, 61 Walnut Avenue: noted the lack of a cost analysis for the proposal; said she would wish to see that prior to any action being taken. She stated there appeared to be a number of factors that had not yet been considered in relation to the proposed position; inquired what goals, particularly in regard to litigation, a staff attorney would be directed to pursue. As an aside, she commented on occasionally not receiving meeting agendas until sometime after the meeting has occurred; Councilmember Iddings remarked that the postal service in the Takoma Park/Silver Spring area has problems; the Mayor noted that mail for the community is sent outside the area for sorting prior to being returned for distribution.

Councilmember Haney commented that points raised merit further research, thought and discussion; he said he would at a later point move tabling the issue for further discussion. Councilmember Sharp expressed support for the resolution; he said it would, in effect, set up a committee to address many of the points that have been raised and report back to the Mayor and Council. He noted that figures for current expenditures for legal services would be needed to make any sort of prudent decision on the issue. Concerning the need to hire outside counsel for specialized issues, he commented that would probably occasionally be the case whether Corporation Counsel were an in-house position or otherwise. He supported statements made by Mr. Hyde, particularly in that there are a number of city government functions in which he said an in-house counsel could be of great assistance, especially monitoring of various issues which simply could not be done by someone not on-site every day. He stated he would support the resolution, would vote against any motion to table. Tim Smith pointed out from the audience that, despite comments by Mr. Sharp, the committee referred to in the resolution is a selection committee, not an advisory committee; he agreed with Ms. Bray that it would be premature to pass the resolution. Councilmember d'Eustachio commented he had intended to put forth several amendments to the resolution; said it appeared that examination of the overall operation of the office of Corporation Counsel needs to be done in light of the absence of a City Clerk. He said the City Administrator had been instructed to examine the duties performed by the City Clerk, with, essentially, an eye to eliminating that position and reapportioning the duties of that office to appropriate personnel. He said that, having been prepared to pass the resolution with appropriate amendments, he would urge that if it were tabled, there be a clear understanding that cost studies would move ahead rapidly - with, perhaps, a three-week time limit for completion. Councilmember Bradley opined that the Corporation Counsel and Assistant Corporation Counsel positions are, essentially, political appointments, and she expressed support for that concept on the basis that the chief elected official should have legal counsel they trust and with whom they feel comfortable working. She pointed out that legal services needs could alter based on the goals set by the Mayor and Council; said she would support a motion to table - the resolution was premature and, possibly, unnecessary. She emphasized the importance of a good working rapport between the elected officials and the City Attorney; pointed out that if the individual is paid a retainer versus salary, there is always the opportunity to save some money, given proper administrative controls and coordination. Ms. Bradley expressed concern about the vacancy in the City Clerk position, said she would support a motion to table, would volunteer to work with, or on, a legal services assessment committee assigned to come up with specific recommendations.

Sam Abbott, former Mayor: said that if the new Mayor and Council intend, as it would appear, to work toward establishment of a new City department, they should make the cost made known to the public through the City Newsletter.

Councilmember Haney moved tabling the resolution until March 31, duly seconded by Councilmember d'Eustachio. Councilmember Bradley asked that the maker of the motion temporarily withdraw it so as to allow Mayor Del Giudice, as a courtesy, to speak concerning the resolution, which he authored; Mr. Haney concurred. The Mayor commented he was encouraged by the discussion, a number of issues had been brought up that need to be examined, including the legal services needs of the City and how the citizens can best be served; he said he had no particular individual(s) in mind to fill the proposed position; said he had found the information concerning Rockville's part-time in-house counsels intriguing, perhaps the



proposal to hire a single in-house attorney was premature and two part-time individuals would be more feasible. He remarked on the need for rigorous enforcement of housing and code laws in the City, as well as legal assistance in the handling of zoning authority, for which the City is currently lobbying in Annapolis. He, too, commented that regardless of whether the City has in-house or retained counsel, there would remain, from time to time, the need for specialty lawyers for certain cases. He pointed out that some of the questions raised, such as what the desired legal services would cost, could not be readily answered until an attempt was made to procure those services; also made note of the fact that if there is an in-house attorney on the premises, it would be more feasible, as a part of administrative procedure, to routinely have that individual check over contracts and other documentation requiring legal scrutiny versus sending it out to be done at \$75./hour.

Councilmember Bradley stated she would wish, at the appropriate point, to move discussion of formation of a legal services advisory committee, to be scheduled for the upcoming worksession on 3/17. Councilmember Haney moved tabling the resolution until March 31, duly seconded by Councilmember d'Eustachio. Councilmember Iddings reiterated that detailed information would be needed concerning duties performed by the City Clerk, including those of a paralegal nature, clerical, etc., and how they have been apportioned since the vacancy in that position. City Administrator Wilson stated that there is a need for identifying both priorities and general direction concerning this situation in relation to all City departments, as well as a need for he and his staff to apprise the Mayor and Council of how the situation has been dealt with over the past 6-8 months in terms of picking up slack, taking on the burdensome task of trying to fulfill multiple tasks beyond the scope of general administration. He noted that, to date, that has been done without complaint, however, did not think that situation could continue without additional staff. He pointed out that issues of vital interest are raised at each and every meeting that require extensive staff followup, and current staff cannot carry the current workload much longer.

As noted by the Mayor, consensus was that formation of a citizens' legal services committee would be examined at the worksession; the motion to table carried with Councilmember Sharp voting Nay, balance of Council voting Aye. (Note: Councilmember Levy had departed the meeting at an earlier point in the discussion.)

RESOLUTION #1986-  
(attached)

**8. Resolution to establish an Open Space Committee.**

Councilmember Bradley moved passage, duly seconded. Councilmember Sharp commented that it would be appropriate to publicize establishment of the committee in the next issue of the Newsletter and afford people an opportunity to express interest in serving. Following discussion, consensus was that recommendations for membership on the committee be addressed in Special Session at the April 7 worksession, with the aforementioned prior publicity in the Newsletter. The need for an editorial change in the resolution was noted -- changing the specified date from March 19 to April 7, 1986. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1986-24  
(attached)

**9. Resolution to reconstitute Personnel Operations Review Committee.**

Consensus was that the committee would be comprised of no more than 7 members; editorial changes to resolve clauses of the resolution to be effected, changing "Wednesday, March 19, 1986" and "March 24, 1986" to April 7, 1986 and deleting "by March 25, 1986." Councilmember Sharp moved passage, duly seconded by Councilmember Bradley, carried unanimously.

RESOLUTION #1986-25  
(attached)



**10. Resolution of support for Federal Revenue Sharing Program.**

Passage was moved by Councilmember Iddings, duly seconded by Councilmember Sharp, carried unanimously.

**RESOLUTION #1986-26**  
(attached)

**11. Ordinance to award consultant contract for Library Roof.**

Councilmember Bradley moved adoption, duly seconded by Councilmember Haney. Councilmember Iddings moved to table, in light of the amount of money involved for the service to be provided. Mr. Wilson pointed out there was a time factor involved which would affect whether or not the project could be included with another sizeable one in the area scheduled for April or May. Councilmember Sharp moved postponement to allow for further discussion, duly seconded, carried unanimously.

**12. Resolution to dispose of 1972 Ford Torino.**

Councilmember Haney moved passage, duly seconded, carried unanimously.

**RESOLUTION #1986-27**  
(attached)

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



ORDINANCE NO. 1986 - 7

WHEREAS: It has been determined by the Chief of Police that a basic automated system to integrate and analyze traffic safety information, including data on accidents, citations and roadways is vital to the management of traffic safety; and

WHEREAS: The Chief of Police applied for a Federal grant to purchase microcomputer hardware and software for an Integrated Traffic Records System through the State of Maryland Highway Safety Project; and

WHEREAS: Federal funds have been obligated to the City of Takoma Park, Maryland, in the amount of Ten Thousand Dollars (\$10,000) as of November 1, 1985, through the Maryland Highway Safety Project #85097, for an Integrated Traffic Records System; and

WHEREAS: Bids were solicited from qualified bidders and advertised twice in two newspapers of local circulation, bids having been publicly opened at 2:00 p.m. on February 21, 1986; and

WHEREAS: Upon consideration by the Chief of Police, the three (3) vendors submitting bids were found to be qualified bidders; and

WHEREAS: Bids from three bidders were found to comply with the requirements set forth in the RFP; and

WHEREAS: 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 the bidder entered nuclear-free forms; and

WHEREAS: The Chief of Police has determined that the bid from CISCO, Inc. is a responsive and compliant bid meeting the requirements set forth in the RFP and reasons set forth in Exhibit A, and that it is in the best interests of the City of Takoma Park to accept said bid and award the contract to CISCO, Inc.;



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

Section 1. Bid awarded to CISCO, Inc. The bid of CISCO, Inc., dated February 18, 1986, and submitted in response to a solicitation for bids by the City of Takoma Park, Maryland, be accepted and a contract consistent with terms of said solicitation and bid be awarded to CISCO, Inc.

Section 2. Prohibitions and Exclusions. The contract to be awarded in accordance with Section 1 above shall not violate Ordinance No. 2703.

Section 3. That funds to cover this contract in the amount of Nine Thousand, Nine Hundred Ninety-Five Dollars and No Cents (\$9,995.00) be charged to the City's Capital Expenditure Account, Line Item #995, pending forwarding Reimbursement Claim Form TS-1 to Maryland State Highway Safety Project, for reimbursement of the award in Grant Project 85-097.

Section 4. Effective Date. This ordinance shall be effective upon enactment.

ADOPTED MARCH 10, 1986.



RESOLUTION 1986- 20

WHEREAS, the owner(s) of the Park-Ritchie Apartment building which is located at 7600 Maple Avenue, has filed for bankruptcy under Chapter 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 protect the health, safety and welfare of the tenants during the interim period; AND

WHEREAS, The Assistant Corporation Counsel has recommended that Mr. Richard Stolker, an eminently qualified attorney of the law firm Bonnin & Stolker be appointed as Co-counsel to assist with preparation of the City's bankruptcy case for placing the Park-Ritchie Apartments in the hands of a court appointed trustee.

NOW THEREFORE BE IT RESOLVED that the City Council of Takoma Park, Maryland appoints Mr. Richard Stolker as Co-counsel to work with the Assistant Corporation Counsel for the sole purpose of preparing the City's case on the Park-Ritchie bankruptcy and acting on

BE IT FURTHER RESOLVED that a limit of 50 hours is authorized by the Council for legal work on the Park-Ritchie bankruptcy case with a review of the case at 50 hour limit intervals to be undertaken by the Mayor and City Administrator and approval of hours beyond the 50 hour limit given by the Mayor, subject to report to the full Council.

BE IT FURTHER RESOLVED that Mr. Stolker's hourly rate of compensation will be the same as that of the Assistant Corporation Counsel.

RESOLUTION 1986- 21

WHEREAS, the Takoma Artists Guild (TAG) of Takoma Park requested that the City allocate \$1,000 to establish and maintain an ongoing public gallery of professional visual artists on the first floor hall of the Municipal Building.

WHEREAS, TAG has agreed to provide \$570 to match the City's commitment to the art gallery project

WHEREAS, the use of the first floor in City Hall will bring artwork to the citizens and visitors of Takoma Park on a daily basis.

NOW THEREFORE BE IT RESOLVED that the City Council accepts TAG's art gallery proposal and hereby approves the expenditure of \$1,000 towards the art gallery project.



ORDINANCE NO. 1986-8

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

SECTION 1. THAT the City of Takoma Park, Maryland, has been awarded by the State of Maryland \$16,000.00 in Federal funds as a matching grant for the purpose of funding a study of commercial revitalization in Takoma Junction and elsewhere insofar as such locally sponsored activities affect and are affected by Maryland State Highway Administration standards procedures and policies, which study is more thoroughly described in a study proposal developed by the Maryland Main Street Development Association (MMSDA); AND

SECTION 2. THAT the City has currently under contract to perform various commercial revitalization related services in Takoma Junction the firm of Constructive Alternatives, Inc.; AND

SECTION 3. THAT, in conjunction with MMSDA and the Maryland Main Street Center, the City has determined that Constructive Alternatives, Inc., is duly capable of performing the subject study, and that their existing contract with the City of Takoma Park is sufficient to satisfy the State of Maryland's requirement that their \$16,000.00 grant be equally matched by the City of Takoma Park.

SECTION 4. THEREFORE, THAT the proposal of Constructive Alternatives Inc., to perform the subject study for a total fee of \$16,000.00, to be paid for with the grant money received from the State of Maryland, is hereby accepted and the City Administrator is authorized to execute any and all appropriate contract documents necessary to carry out the proposed study.

ADOPTED MARCH 10, 1986.



RESOLUTION NO. 1986-22

WHEREAS, Ordinance No. 2639, adopted by the Takoma Park City Council on October 25, 1982, established the Transportation Planning and Policy Committee, informally referred to as the Traffic Committee, for the purpose of informing the City Council on traffic and transportation issues; AND

WHEREAS, the aforementioned ordinance provides for the representation of two citizen representatives and one alternate from each ward, three Councilmembers, one being appointed by the Mayor as chair, and the Chief of Police and/or the Director of Public Works, who shall serve as ex-officio members; AND

WHEREAS, the names of certain individuals, by ward, have been placed in nomination by Councilmembers.

NOW, THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the Transportation Planning and Policy Committee and whose terms of office will expire on the City's municipal election day:

Council Representatives:

Staff Representatives:

Councilmember Carl Iddings, Chair	:	Chief of Police Fisher
Councilmember Paul d'Eustachio, Ward 3:		Director of Public Works Robbins
Councilmember		

WARD 1      Sharon Wolchick, 7217 Holly Avenue      (P)  
                  Stuart Tenhoor, Philadelphia Avenue      (P)  
                  Jean Narayanan, 7415 Piney Branch Road (A)  
                  Barry Jackson, 7328 Piney Branch Road (A)

WARD 2      Alan Solomon, 7118 Maple Avenue      (P)  
                  \_\_\_\_\_ (P)  
                  Jonathan Weiss, 19 Philadelphia Ave. (A)

WARD 3      Gail Dalmat, 7003 Poplar Avenue      (P)  
                  Timothy Smith, 7016 Sycamore Avenue (P)  
                  Daphne White, 512 Ethan Allen Avenue (A)

WARD 4      \_\_\_\_\_ (P)  
                  \_\_\_\_\_ (P)  
                  \_\_\_\_\_ (A)

WARD 5      Nancy Wheeler, 8211 Roanoke Avenue (P)  
                  Mark Fisher, 700 Erie Avenue (P)  
                  Tim Nulty, 8107 Roanoke Avenue (A)

WARD 6      Mary Ralston, 1210 Elson Place (P)  
                  \_\_\_\_\_ (P)  
                  \_\_\_\_\_ (A)

WARD 7      Mary Jean Brady, 903 Jackson Avenue (P)  
                  Les Stefanski, 709 Auburn Avenue (P)  
                  \_\_\_\_\_ (A)

-----  
 (P) = Primary Member  
 (A) = Alternate Member



RESOLUTION NO. 1986-23

**Resolution to officially appoint nominees to serve on the Thomas/Siegler Development Advisory Committee**

WHEREAS, Resolution No. 1986-2, adopted by the Takoma Park City Council on January 13, 1986, established the Thomas/Siegler Development Advisory Committee for the purpose of developing options and making recommendations for the development, management and maintenance of the Thomas/Siegler property; AND

WHEREAS, the aforementioned resolution provides for the representation of certain organizations and for three (3) nominations by the Mayor; AND

WHEREAS, the names of certain individuals have been placed in nomination by the pertinent organizations and by the Mayor.

NOW, THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the Thomas/Siegler Development Advisory Committee for such time as is required for the Committee to fulfill its purpose, as established in Resolution No. 1986-2:

VOTING

MEMBERS:

- Ellen Marsh Old Takoma Citizens' Association
- Mary Ann Leary North Takoma Citizens' Association
- Joseph Faulkner Historic Takoma, Inc.
- Mary Dean Historic Preservation Committee
- Susan Stevens Takoma Artists' Guild
- Carolyn Thomas Arts Center Committee
- Harold Phipps Horticulture Club
- Kristina Kiehl Owner, Thomas/Siegler House
- James Douglas Neighbor (Mayor's Nominee)
- Dennis Fruitt At-Large (Mayor's Nominee)
- Olive Kreinbihl At-Large (Mayor's Nominee)

CHAIR

- Councilmember Carl Iddings Ward 2
- Councilmember Sharon Levy Ward 1

NON-VOTING MEMBERS:

- Daniel Neal Takoma Park Economic and Community Development Coordinator
- Belle Ziegler Takoma Park Director of Recreation



Introduced by:

Adopted:

Resolution No. 1986- \_\_\_\_\_

A resolution approving creation of an In-House Corporation Council position.

WHEREAS, the City of Takoma Park, Maryland, a full service City has experienced in recent years a significant increase in litigation and a concurrent increase in costs for legal services; AND

WHEREAS, legal services have traditionally been provided by outside counsel under retainer and/or contract with services provided on a part-time basis; AND

WHEREAS, the City has assumed a more active role as a local governing institution establishing codes of conduct in areas such as housing, ethics, trees and vegetation, streets, refuse and law enforcement which have increased the City's need for legal counsel; AND

WHEREAS, there has been a proliferation of federal, state, county and special jurisdiction legislation requiring review by legal counsel; AND

WHEREAS, the litigious nature of our society has caused an extraordinary increase in insurance costs due to claims and the litigation of claims that have caused an ever-increasing exposure for the City and an increasing need to monitor these claims and suits more directly; AND

WHEREAS, the needs cited above occurring on a daily basis, require the increased presence and availability of legal counsel by the Mayor and Council, the City Administrator, the City Clerk, the City Treasurer, the Department Heads and other responsible senior staff.

NOW THEREFORE BE IT RESOLVED by the City Council of Takoma Park, Maryland that the Office of Corporation Counsel be established by ordinance, and that the City Administrator is hereby directed to prepare an amendment to the position classification plan to include the position of Corporation Counsel and prepare a draft job description for Mayor and Council approval; AND

BE IT FURTHER RESOLVED that the Mayor and Council establish and appoint a Advisory Selection Committee of no more than nine (9) voting members to include the Mayor or his designee, the City Administrator, Councilmembers and one citizen from each of the other wards and said committee may also have as non-voting members representatives from the police and housing departments.



MEMORANDUM

TO: Mayor and Council  
FROM: James S. Wilson, Jr. City Administrator  
SUBJECT: In-House Corporation Counsel Option  
DATE: March 7, 1986

As a result of continued inquiry of other municipalities about subject, an option has been identified that merits consideration.

The City of Rockville has an in-house group of city attorneys. There are four of them. The unique quality of this arrangement is that they all work part-time, 20 hours a week. There are several advantages to this arrangement:

Stability - The current City Attorney, Paul Glasgow has been with the City 14 years. He worked nine years as an assistant city attorney before being appointed city attorney. His predecessor worked for the city 16 years, and was also promoted after several years of experience with the city. The current group of three assistants have been with the city 10, 7, and 4 years respectively. Turnover has been at a minimum.

Flexibility - This arrangement allows for stable growth of and development of beginning attorneys within municipal law practice. It also permits these attorneys to develop their own private practice, if they wish, outside the city responsibility. This in turn, has allowed for less pressure to leave public service while at the same time broadening the experience base of all involved. Further, it allows the city to pay attorneys according to their experience. Salaries may be negotiated on this basis.

The range of salaries is from \$30,000 to \$60,000+. With a half-time arrangement, an experienced and highly qualified attorney would reach \$30,000+ and a beginning attorney start at \$15,000. Hours may be arranged in such a way as to cover requirements of the function. Office space could be shared as well. The positions would be salaried exempt positions that would provide the incumbents with the usual fringe benefits.

Accountability - Legal staff would be present on a regular scheduled basis in City Hall. Clerical staff and other required support would be furnished by the City and would be shared when feasible. Substantive policy issues, ordinances, contract preparation, easements, etc. and consultation to staff would be provided as needed. Mayor and Council would direct the preparation of ordinances recommended by the Administrator in consultation with senior staff. Procedures could be set up for more routine matters through the combined efforts of the City Attorney/Corporation Counsel and the Administrator and senior staff. Various roles and responsibilities of key administrative positions could be more effectively sorted out and formalized with this kind of arrangement.



Resolution 1986-24

Resolution to establish Open Space Citizens Advisory Committee for the purpose of assisting/advising in the preparation of an Comprehensive Open Space Master Plan for the City of Takoma Park.

WHEREAS, Maryland Program Open Space funding for development of an Open Space Master Plan was included in the FY 86 Budget in recognition of the need for a master plan to guide the City in planning for the preservation, development and/or expansion of open space/parks to serve residents of the City of Takoma Park.

WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint special committees as the Council may determine and that the Mayor shall designate a chairperson of such committees as he may determine; AND

WHEREAS, there is a need to establish a working committee charged with the responsibility of:

- a. Reviewing consultant proposals for preparation of an Open Space Master Plan with recommendations to City Council on the contract award.
- b. Assisting the consultant by its pre-drafting of the City's overall goals and objectives.
- c. Reviewing the preliminary findings of the consultant and preparing newsletter articles describing same and convening no less than three public meetings in different locations in the City to receive public comment.
- d. Presenting their recommendations/findings to Mayor and Council prior to final adoption of the Open Space Master Plan.

NOW THEREFORE BE IT RESOLVED THAT the Open Space Citizens Advisory Committee is formed with representation as follows:

- a. One appointee from each of the City's wards who shall be recommended to the Mayor by the Council representative of each ward. Said recommendations shall be made to the Mayor no later than 7 April 1986.
- b. One appointee from the Recreation Council.
- c. One appointee from the Tree Commission.
- d. Three non-voting members to include the Director of Recreation, the Economic and Community Development Coordinator and the Director of Public Works.

BE IT FURTHER RESOLVED that the groups as noted in b. and c. above shall be asked to forward names of their nominees to the Mayor no later than 7 April 1986, for their appointment by Mayor and Council to the Open Space Citizens Advisory Committee.

BE IT FURTHER RESOLVED THAT the Mayor and Council will hold a public hearing to review the Committee's and consultants final recommendations at an appropriate time and place.



RESOLUTION 1986- 25

Resolution to reconstitute the Personnel Operations Review Committee for the purpose of assisting in the review of personnel procedures and policies.

WHEREAS, Section 1.5 of the City Charter does empower the Mayor to appoint Special Committees as the Council may determine and that the Mayor shall designate a chairperson of such committees as he may determine; AND

WHEREAS, there is a need to establish a working committee charged with the responsibility of:

- a. Reviewing the City's payscale for suggested improvements.
- b. Reviewing staff prepared RFP for the purpose of hiring a consultant for a reclassification study.
- c. Reviewing consultant proposals for the reclassification study.
- d. Reviewing drafts of the personnel manual.

NOW THEREFORE BE IT RESOLVED THAT the Personnel Operations Review Committee be reconstituted no later than April 7, 1986 with representation from Takoma Park citizens knowledgeable of the personnel field.

BE IT FURTHER RESOLVED THAT Councilmembers shall submit their nominations to the Mayor no later than April 7, 1986 for appointment with the understanding that the committee shall be reconstituted with no less than five members and no more than 7 members.

BE IT FURTHER RESOLVED THAT City staff is directed to draft a Request for Proposal for the purpose of soliciting consultant proposals for preparation of a reclassification study.



RESOLUTION 1986- 26

WHEREAS, the Federal Revenue Sharing program is a shining example of effective use of federal and local authority for the respective tasks each does best; AND

WHEREAS, under the concept of federalism, the federal government with its enormous tax base advantages, provides revenue sharing, AND

WHEREAS, local government, with its realistic view of the problems and needs of local communities, makes decisions on spending the money; AND

WHEREAS, since 1972, federal intrusions into local government activities have multiplied with requirements such as the Fair Labor Standards Act now making federal labor regulations applicable to employees of local government and placing handicapped and environmental regulations on local government as well; AND

WHEREAS, local governments are now subject to federal antitrust laws and the federal government has specifically interfered with local control over cable television; AND

WHEREAS, while all of the above federal regulations and laws are well-intentioned, they nonetheless make enormous fiscal demands on cities, and all told, the federal government has not provided additional financing or taxing authority to meet federal requirements.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby declare their support for the Federal Revenue Sharing program and ask that the members of the Maryland Congressional Delegation support renewal of the Federal Revenue Sharing program.

BE IT FURTHER RESOLVED that this Resolution be forwarded to all members of the Maryland Congressional Delegation.



Introduced by: Councilmember Haney

Adopted: 3-10-86

RESOLUTION NO. 1986-27

WHEREAS, permission has been requested by the Department of Public Works to dispose of a 1972 Ford Torino; AND

WHEREAS, the 1972 Ford Torino has considerable body deterioration as well as other irreparable damage, also any parts that are in operable condition are of no value to the Public Works Department Repair Shop.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council do hereby authorize the disposal of the following vehicle for the reasons listed above:

1972 Ford Torino, Serial No. 2B27S131076, Title No. 2633028.

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



*City of Takoma Park*  
*Takoma Park, Maryland 20912*

OFFICE OF THE  
MAYOR

April 30, 1986

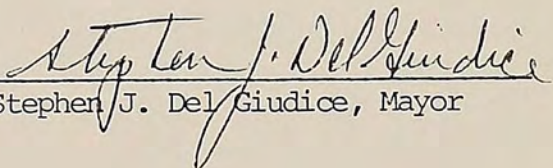
DECISION OF MAYOR AND COUNCIL  
as Appeal Body in  
Case Nos. TP-290, TP-286, TP-292  
(consolidated)

The above enumerated consolidated cases came before the Mayor and Council on March 13, 1986 for hearing of the appeal filed by the landlord, Mr. Martin Ellman.

As indicated in the minutes, attached hereto and incorporated herein, the appellant failed to appear in person or by representative, failed to submit any evidence or argument in support of the appeal, and failed to request a continuance of the appeal hearing.

Wherefore, upon proper motion, the Mayor and Council did and hereby upholds the decisions of the Commission on Landlord-Tenant Affairs in consolidated cases nos. TP-290, TP-286 and TP-292; and

Mr. Martin Ellman is hereby ordered to comply with COLTA's order of July 2, 1985 in the above consolidated cases, attached and incorporated herein, by authority of the Mayor and Council of the City of Takoma Park, in accordance with § 6-80.16 of Ordinance No. 2732, as adopted September 10, 1984.

  
Stephen J. Del Giudice, Mayor

cc: M. Ellman, Respondent  
C. Randolph, Complainant  
COLTA Chairman Hyde  
DHS Director Tyree  
Members of Appeal Body  
Corporate Counsel Gagliardo



Brief Minutes  
Appeal Hearing  
Case Nos. TP-270, TP-286 and  
TP-292 (consolidated)  
March 13, 1986

Appeal of Case Nos. TP-270, TP-286 and TP-292 (consolidated), Randolph vs. Ellman, 612 Kennebec Ave., called to order at 7:55pm. Quorum made up of Councilmembers Bradley, D'Eustachio, Haney, Iddings and Mayor Del Guidice.

Attended by: Carol Randolph, tenant/complainant. Neither landlord Martin Ellman, the appellant, nor a representative of the landlord was in attendance. Hearing was scheduled to begin at 7:30pm.

Pursuant to Section 1-13 of the City Code, the landlords notice of the hearing was advertised in both the Montgomery and Prince George's Journal newspapers, during the weeks of March 3 and 10. The landlord submitted no evidence, nor requesting, in writing, and continuance of the proceeding.

Primary area of dispute: the landlord's failure to refund the tenant \$255.80, as awarded by COLTA in its formal decision, and order in Case No. TP-270.

Complainant Randolph stated that she agreed with COLTA in all three cases. Though the landlord complied by rolling back the rent, as ordered in TP-270 and rescinding the quit and vacate notice, subject of Case No. TP-292, he has yet to refund the money. TP-286, concerning an air conditioning charge, was dismissed by COLTA with prejudice.

\*\*\*Motion by Councilman Iddings, that given the landlord's absence, the appellate body upholds COLTA's decision in Case Nos. TP-270, TP-286 and TP-292 (consolidated), passed unanimously.

An order will be prepared and forwarded to the respondent accordingly.

The hearing adjourned at 8:05.



CITY OF TAKOMA PARK  
COMMISSION ON LANDLORD-TENANT AFFAIRS

IN THE MATTER OF:	)	
	)	
Martin Ellman	)	
	)	
Landlord	)	
	)	
and	)	Case No. TP-270/286/292
	)	(Consolidated)
Carol Ann Randolph	)	612 Kennebec Avenue
	)	
Tenant	)	
	)	

OPINION AND ORDER

I. PRELIMINARY STATEMENT

Following the failure of informal adjustment, a full public hearing on the above matter was held by a three-member panel of the Commission of Landlord-Tenant Affairs (COLTA) on June 26, 1985. (The hearing had originally been scheduled for June 12, 1985. It was postponed at that time because the panel was concerned that the landlord, having failed to pick up the certified letter notifying him of the hearing, may not have been aware that the hearing had been scheduled.) The three-member panel had been authorized by the Commission on Landlord-Tenant Affairs at its June 5, 1985 meeting to render a final decision in this case. At the same meeting the Commission also voted to consolidate cases TP-270, TP-286, and TP-292. There were three issues to be addressed: (1) whether the landlord illegally raised the tenant's rent in excess of the rent control limits and without COLTA approval pursuant to Article 7, Section 6-80.17(c) of the Takoma Park Code; (2) whether an increase in air conditioner use fees was illegal under the Takoma Park Code; and (3) whether a 30-day quit and vacate notice for alleged cause constituted unlawful retaliation by the landlord pursuant to Article 7, Section 6-80.18(b) of the Takoma Park Code.

The complainant, Carol Ann Randolph of 612 Kennebec Avenue, Apartment 202, appeared and gave testimony in addition to the written documentation she submitted along with her complaints. Also giving testimony in support of the complainant's case was Lisa Crothers, the former resident manager of the building in which the complainant lives.

The landlord, Martin Ellman, did not appear, send a representative, or submit a written response to the complaint. The panel asked the COLTA Coordinator about the efforts that had been to notify the landlord about the hearing. The Coordinator stated that both a first class letter and a registered letter (which was returned to the City of Takoma Park as unclaimed by Mr. Ellman) had been sent to Mr. Ellman; in addition, he was personally served by Accurate Legal Services, Inc. of Washington, D.C. The Coordinator also stated that Accurate Legal Services, Inc. reported to her that Mr. Ellman had assaulted the process server by chasing that person with an ax. As a result Accurate Legal Services indicated to the Coordinator that they would no longer accept assignments from the City of Takoma Park to serve Mr. Ellman. The Coordinator further stated that she had spoken with Mr. Ellman on the telephone two days before the hearing at which time Mr. Ellman indicated that he would be unable to attend and wanted the hearing postponed. However, because the hearing had already been postponed once and the notice to vacate issued by the landlord matured on June 30, the panel determined that the hearing should continue as scheduled.

The tenant's oral testimony reiterated the information contained in the documents she had previously submitted. Specifically, she testified about a dispute between herself and



the landlord as to whether she should be assessed a late fee for the April, 1985 rent. She contended that she attempted to pay the April rent directly to the resident manager as was the usual practice. As a result of a change in resident managers, however, she contends that the new one was not available for the first nine days of April. She therefore mailed the rent check directly to the landlord, but it was not postmarked until April 12. The landlord assessed her a late fee for paying her rent past the tenth of the month. In response, she complained to him (Exhibit 4 to TP-292) about the tone of his earlier letter (Exhibit 3 to TP-292) and stated that she felt she deserved better treatment because of her past reliability in paying the rent on time. She also stated that she believed the landlord to be retaliating against her for the "January" complaint (i.e., TP-270) she had filed with COLTA. The landlord responded to this in a letter dated May 6, 1985 (Exhibit 5 to TP-292) in which he stated that he had reviewed her past payment history and found fourteen instances within the last two years in which the rent was received after the first of the month. As a result he was assessing late fees for each of those instances for a total of \$123.00. She testified that her response to this demand (Exhibit 10 to TP-292) pointed out:

(1) that in none of the instances the landlord cited was the rent payment made after the tenth of the month;

(2) that the Takoma Park Code prohibits an assessment of a late fee unless the rent is paid ten days past the date due;

(3) that the landlord's stated policy stipulates that late fees will not be charged until after the tenth of the month; and

(4) that the landlord had never previously attempted to collect the late fees and was therefore precluded from doing so now.

Within two weeks of this correspondence to the landlord, she stated that he issued her a notice to vacate the apartment (Exhibit 7 to TP-292).

Regarding excess rent charges, the tenant stated that after she was notified of the outcome of LA-12 (which was a petition to COLTA by Mr. Ellman requesting approval to raise rents at 612 Kennebec in excess of the 5% limit contained in the Takoma Park code), she became aware for the first time that the landlord may have illegally raised her rent in February, 1984. At that time the rent had been increased from \$286.00 to \$315.00 or 10.1%. This is more than double the 5% limit contained in the Takoma Park Code. The subsequent rent rise of 7.6% authorized in LA-12 was, for the complainant's apartment, based on a rental amount of \$315.00. Complainant contends that this should be rolled back as well.

The tenant next testified about a "back-door" rent increase (i.e. an increase in the air conditioner use charge). The complainant noted that in previous years the landlord had charged \$20.00 a month for four months, for a total of \$80.00. In 1985, however, the landlord imposed a one-time fee of \$100.00, payable in June. The tenant complained about this effective increase of \$5.00 a month and about the requirement that she pay all at once even though she was on a month-to-month lease and therefore not legally bound to live in the apartment the entire summer.

The former resident manager, Lisa Crothers, also testified on behalf of the complainant.

At the end of the testimony the panel held the record open until Friday, June 26, 1985, to receive from the tenant a copy of the cancelled check for the payment of the April, 1985 rent. The panel also directed the COLTA Coordinator to notify Mr. Ellman that during this two-day period he would have an additional opportunity to provide evidence in support of his position.



The three-member panel (Commissioners Hyde, Keker, and Sharp) has carefully considered all the evidence presented in this consolidated action and has voted unanimously as follows:

(1) that the landlord has engaged in retaliation in issuing the notice to quit and vacate;

(2) that the tenant's rent has been illegally raised, that the tenant's rent is to be reduced to \$323.12 a month, and that she is due a refund of \$255.80; and

(3) that there is insufficient evidence to establish that the \$100.00 electricity charge was illegal under the Takoma Park Code and that this portion of the consolidated complaint is dismissed without prejudice.

## II. FINDINGS OF FACT

Regarding the issue of retaliation: the panel determined that the evidence clearly established that the landlord's May 22 quit and vacate notice was retaliation for the tenant's challenge to the landlord's late fees claims. The panel also accepted the tenant's contention in her April 26 letter (Exhibit 4) that the landlord was predisposed to retaliate against her because of her previously filed complaint. It was obvious to the panel from both the tone and content of landlord's May 6 letter (Exhibit 5), that his action was in response to the tenant's complaint about the late fee assessed for the April, 1985 rent. When the tenant raised statutory and contractual objections to the landlord's demands (See Exhibit 6) and refused to pay, the landlord responded within two weeks with a notice to vacate. The panel finds this a clear instance of retaliation.

Regarding the issue of an illegal rent rise, the panel determined that the February 1, 1984 rent increase from \$286.00 to \$315.00 was in excess of Takoma Park's 5% limit and that the landlord had not received COLTA approval for any additional amount. The maximum monthly rent the landlord is entitled to charge the tenant for the time period February 1, 1984 to January 31, 1985 is \$300.30, a 5% increase above \$286.00. For the excess rent charged in the time period just mentioned, the landlord must rebate the tenant \$176.40. The panel decided that the \$300.30 level is the proper level upon which the subsequent approval granted in LA-12 for a 7.6% rent increase per unit ought to be based. This means that effective February 1, 1985 the landlord was entitled to raise the rent on the tenant's apartment to \$323.12 per month. The tenant has thus been overpaying by \$15.88 per month since February, 1985. As a result, for the months February-June, 1985, the landlord owes the tenant \$79.40. When added to the \$176.40 noted above, as of the date of this order, the landlord owes the tenant \$255.80. Additionally, the landlord may not charge the tenant any more than \$323.12 per month rent until February 1, 1986. At that time, the Takoma Park Code permits him to raise the rent 5% and seek COLTA approval for any additional increase he may wish to make.

Regarding the claim of a "back-door" rent increase, the panel did not feel that the tenant had shown the landlord to have acted illegally under the Takoma Park Code.

## III. CONCLUSIONS OF LAW

A landlord may increase rents in excess of 5% only after receiving approval to do so from the Commission on Landlord-Tenant Affairs. The landlord will be required to refund any rent increases illegally imposed.

A tenant may exercise rights conferred in Article 7 of the Takoma Park Code, including a refusal to make payments illegally demanded, without a landlord taking retaliatory action, including harassment or eviction, against him or her.



IV. ORDER

The landlord is hereby ordered to rescind the notice to quit and vacate, to pay the tenant \$255.80, and to reduce the tenant's rent to \$323.12 within 15 days of the receipt of this order. The tenant's complaint that the landlord illegally raised her rent by increasing the air conditioning use fee is dismissed without prejudice. Failure to comply with this order is a municipal infraction under Section 6-80.1(c)(1)(B) of Article 7 of the Takoma Park Code and shall result in a fine of \$100.00 under Section 6-80.1(c)(3) of Article 7 of the Takoma Park Code. Pursuant to Section 6-80.16 of Article 7 of the Takoma Park Code, either party may appeal this Order to the Mayor and Council within 10 days of the receipt of notification. Under Section 6-80.16, such receipt is presumed to occur four days after mailing of this decision.

COMMISSION ON LANDLORD-TENANT AFFAIRS  
Date: July 2, 1985

By: *Commissioner Ed. Sharp*



CITY OF DENVER, COLORADO  
DEPARTMENT OF CITY AND COUNTY ADMINISTRATION  
MARCH 17, 1986

March 14, 1986

MEMORANDUM

TO: Mayor and Council

FROM: James S. Wilson, Jr., City Administrator

SUBJECT: Special Session and Worksession, Monday, March 17, 7:30 PM

**7:30 PM SPECIAL SESSION**

Resolution to establish a City Newsletter Board of Directors  
Citizen Comment  
Council action

**WORKSESSION**

- \* (1) Discussion of Preliminary Subdivision Plan--7106 Holly Avenue  
(conversion of two lots into one for the construction of a new home)
- (2) Continuation of Pre-Budget Session:  
Government Administration
  - Economic & Community Development Division
  - Cable Television Division
- \* (3) Jaszenko Update
- \* (4) Discussion of City Housing Codes -- rent increase research
- (5) Continued discussion of In-House Corporation Counsel Committee

\* Pertinent items attached to agenda.

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NOTES: The Cable Board Budget Committee will be meeting in the Conference Room at 7:30 PM, Monday, March 17th.

6:30 PM, WEDNESDAY, March 19th -- Pre-Budget Session: Library, Police and Recreation Departments



CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council  
March 17, 1986

CITY OFFICIALS PRESENT:

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

The Mayor and Council convened in Special Session on Monday, March 17, 1986 at 7:40 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of addressing a proposed resolution to establish a City Newsletter Board of Directors.

Councilmember d'Eustachio commented that he and Councilmember Bradley had composed an alternative resolution, approaching the situation from a slightly different perspective than the original. He explained that, in essence, the alternate proposal would create two bodies which could be overlapping or one a sub-set of the other -- one a strictly advisory group to the editor upon whom the editor could call when a need arises, the other a review committee. He pointed out that this arrangement would provide the editor with a group to whom he could refer for advice, as well as a group who would perform specified reviews of the publication, ensuring that objectives are being met and operation is within the guidelines.

Councilmember Bradley commented that the review committee had, at an earlier point in time, been referred to as the Newsletter Evaluation Committee; this group is basically required by the editorial policy established during adoption of the guidelines. She said she would have hoped that the editor could feel free to come to the Mayor and Council with any problems, however, in light of prior discussions concerning involvement on the part of elected officials, it was felt it would be helpful to the editor in his performance to have several individuals to whom he could go for advice, i.e., the advisory committee. Mr. d'Eustachio pointed out that the proposed resolution, contrary to earlier proposals, specifically stated that the primary responsibility for the content, layout and production of the Newsletter would remain with the editor -- there would not be an oversight body, per se. In response to query from Councilmember Levy, he stated that his intent concerning citizen appointees was that they would be selected through the usual process of Councilmembers suggesting individuals to the Mayor, who would then compose a resolution making appointments and present it to the Council for passage. Councilmember Sharp, in commenting, noted that there appeared to be a reluctance to establish a Board of Directors for the Newsletter, paralleling that body which exists for Cable TV. He said language making that provision appeared to have been deleted from the current draft resolution, and questioned why creation of such a body would be so disadvantageous. In response to earlier questions raised by Councilmember Levy, Councilmember Bradley stated that consideration was given to adding a section to the resolution which would state that the editor would be encouraged and/or required to recruit volunteers wishing to write, do photos, artwork, etc., for the publication; thus there would be a third element of citizen participation. Responding to Mr. Sharp, she stated she felt there was a substantial difference between Cable TV and the Newsletter -- different sort of production, different skills required, different resources, etc. She said the Cable Board is charged with setting policy outlining how the public access part of the cable channels and related resources are used to produce programs; she said they do advise the Mayor and Council regarding other kinds of programming. The only way there would be a parallel, she said, would be if 50% of each issue of the Newsletter were allocated for citizens' use only and a Board of Directors were set up to operate that 50% portion. Councilmember d'Eustachio apologized to his colleagues for not providing copies of the draft resolution more in advance of the meeting; he said he would be willing to accept tabling the resolution until the next regular meeting in order to afford more time for consideration. He commented on the inherent differences between Cable TV and the Newsletter, including the fact that cable is a brand new field, new ground is being broken, whereas the Newsletter is long-standing with substantial precedent and prior experience in



its background. He commented on the role perceived for the Advisors to the Editor, which would be simply as the name implies, advisory.

Councilmember Haney remarked that reasons for having a Board of Directors for cable, but not for the Newsletter, did not seem clear. He pointed out that, as with Cable Board members, several citizens could be elected during City elections (commencing with the next election) rather than all appointments being made by the elected officials. He said he envisioned the Board performing a number of functions -- initially, reviewing policy guidelines for needed additions or deletions, and, in their role as a review body, ensuring that the guidelines are maintained. He stated he could see Council input, but not a need for Council participation, in the function of either a review committee or a Board of Directors. Councilmember Bradley stated she felt the Newsletter was the Mayor and Council's responsibility; rather than depoliticizing control of the publication, having an elected Board of Directors would politicize the Newsletter far more than has been alleged to date. Mr. Haney pointed out the membership would be partially, not entirely, elected. Ms. Bradley reiterated her opinion that elected members would further politicize the publication.

Rino Aldrighetti, 7213 Central Avenue: stated the issue at hand is one near and dear to his heart; did not support editorial by committee as apparently proposed in the first draft resolution. He said the Council is politically responsible for the Newsletter, did not think another level of bureaucracy should be created -- if intermediaries to lend assistance were required, that should be done with a light hand; the primary goal should be that the Newsletter be a quality publication, which it has been in the past despite some problems. He commented that it is currently pap, which is not the fault of the editor, but requires addressing by the Council in order to provide missing elements, to inject controversy -- not only negative, but positive as well. He opined that a great deal of time should not be expended on composing resolution(s) to cover the issue, but that Council should make a decision concerning what they want the editor to accomplish, what instructions he should be given; he emphasized the need to encourage community participation from writers, photographers, neighborhood associations, etc.

David Prosten, 6625 Eastern Avenue: asked for additional clarification regarding the proposed function of a Board of Directors. Councilmember Haney stated he envisioned a combination of what the advisory committee and the review committee proposed in the earlier draft resolution would do. Councilmember Sharp commented he thought one function of the Board would be to provide interpretation of the guidelines, when necessary; he pointed out that while the editor needs to have a certain amount of discretion in placement of material, etc., there may be times when questions arise and he requires someone to whom he can refer for advice. Additionally, he said, such a body could be instrumental in soliciting the contribution of various talents from among the citizenry, could review the guidelines and make recommendations to the Mayor and Council. Mr. Prosten commented that obviously the function of a Board had not been finalized, was presently ill-defined and confused. He expressed concern that if the Board were jointly responsible with the editor, under editorial policy established by the Mayor and Council, for all aspects of the Newsletter operation and review, more difficulty would be created for the editor. He supported an earlier statement by Mr. Aldrighetti that an editor should be gotten who Council felt could do the job, let him do the job, and if it isn't done to Council's satisfaction, then another editor be gotten. Mr. Sharp commented that approach implies that the editor would have no need for anyone to whom he could refer questions, which he thought unlikely, and he did not think Council should fill that role. Mr. Prosten stated he felt, if an editor were competent, which the temporary editor appears to be, a constant barrage of questions need not be anticipated; he suggested that advisors to the editor should be Councilmembers, since the ultimate responsibility for the publication lies with that body.

Mayor Del Giudice referred to the earlier mention of tabling the resolution, and in light of the hour and other worksession agenda items to be addressed, said that suggestion might be kept in mind during any further comment.

Mr. Aldrighetti commented he felt that citizen participation solicited and encouraged by the editor would be a superior approach to the involvement of



an elected and/or appointed committee, which could tend to have a chilling effect.

Councilmember Levy commented that the process involving a Board of Directors appeared too formal and cumbersome for the desired end result, i.e., a quality Newsletter; she pointed out that formation of such a body creates a number of additional questions to be addressed. She said she would favor the draft resolution proposed by Councilmembers Bradley and d'Eustachio, in that it was more informal and would achieve the desired results. Councilmember Sharp pointed out that the draft proposed by himself and Mr. d'Eustachio did not anticipate immediate election of members, but rather appointments, with elections of members occurring at the next City election.

Councilmember Iddings commented the Newsletter and what to do about it had been a perennial issue during his tenure on the Council. He said he had pointed out several years ago during discussion that the Council could not hide from the fact that the Newsletter is their responsibility; they have to decide what they want to do with it, what kind of publication they want it to be. He stated he felt it should be viewed as an expression of the political will of the Council, the direction in which Council wants the City to proceed. He said he did not think that either of the resolutions put forth to date accomplished that purpose; the hiring of a good editor and Council making it perfectly clear what they want to see in the Newsletter would do that. He said both proposed resolutions attempt to insulate Council from responsibility for the Newsletter. Councilmember Bradley said that while she had commented earlier that she would hope an editor would feel free to consult Council with questions, she perceived that the majority of Council did not share that feeling, thus the Advisors proposed in the current resolution would fill the role of persons with whom the editor could discuss questions.

The Mayor commented he thought there might be a significant political, philosophical issue underlying the surface, to a degree pertaining to the recurring question about the Newsletter being a reflection of a current administration or Council. He said his personal feeling would be that the elected officials should retreat to a degree from an expectation that the Newsletter be an expression of the political will of a particular group of individuals; he said that not only those individuals, but others as well, should have access and be involved in the City's Newsletter. He said he felt the question is there, and either a mechanism is needed to deal with it, or the elected officials need to deal with it personally and directly. He said that, personally, he would envision a Board of Directors or a Review Committee addressing some of the issues, such as, whether the guidelines are adequate. He pointed out the guidelines appear to address the negative, i.e., what cannot be done, without stating what can be done or clearly laying out editorial policies and issues (such as advertising -- whether or not there should be paid advertising, which could be an alternative means to assist in supporting the publication, and to whom a fee might be charged for advertising). He said the Newsletter in its recent format was very much a political organ, and he was not convinced that the citizens would not wish to see it removed from that sort of political control and role, which he felt could be accomplished by having some sort of Board of Directors with staggered terms, thus ensuring, to a degree, a greater and more direct citizen role in the control of a public access medium. He said he thought that was part of the construction and mechanism of the Cable Board; pointed out that there was some continuity to that board that would survive potential political changes in power. He encouraged Council to seriously consider the issue and questions raised, and decide how they would wish to proceed.

Councilmember Sharp moved tabling the resolution(s) until the next regular Council Meeting, March 24, 1986, duly seconded by Councilmember Bradley, carried unanimously.

DRAFT RESOLUTIONS #1986- (draft #1) and #1986- (draft #2)  
(attached)

Upon motion, duly seconded, the Special Session adjourned at 8:45 P.M., to reconvene, following a short break, in worksession.



Introduced by:  
Michael K. Haney  
Edward F. Sharp

DRAFT #1

Enacted:

RESOLUTION 1986-

WHEREAS, the Takoma Park Newsletter is an important element in the political, social, economic and cultural life of Takoma Park; AND

WHEREAS, the Mayor and Council previously adopted an "Editorial Policy" for the Takoma Park Newsletter, which requires that the Council shall review the operations of the City Newsletter under this editorial policy on a semi-annual basis; AND

WHEREAS, the Mayor and Council have recently appointed a Newsletter Editor Advisory Committee, have upon that committee's recommendation appointed a new temporary editor and have further charged this committee to accept and review applications for the purpose of nominating a permanent Newsletter Editor; AND

WHEREAS, the Mayor and Council and citizens of Takoma Park have expressed their desire to remove politics from the management of the Newsletter; AND

WHEREAS, it is in the best interest of the citizens, community and the Newsletter to remove the Mayor and Council from sole responsibility and control of the operations of the Newsletter; AND

WHEREAS, the Newsletter as a public access media should be managed in a fashion similar to Takoma Park's Cable TV Channel.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby declares its desire to establish a Board of Directors for the Takoma Park Newsletter which will be responsible with the Editor, under Editorial Policy established by the Mayor and Council, for all aspects of the Newsletter operation and review thereof; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council hereby enlarges the Newsletter Editor Advisory Committee by two additional citizen members and directs that committee to review under existing editorial policy all editions of the Newsletter published since the last such review and report its findings to the temporary editor and Mayor and Council; AND

BE IT FURTHER RESOLVED THAT the Newsletter Editor Advisory Committee at the time it nominates a permanent editor shall recommend to the Mayor and Council a proposal for the composition, method of selection, duties, responsibilities and role for a Newsletter Board of Directors.



Introduced by: Councilmember Bradley  
Councilmember d'Eustachio

Resolution 1986-\_\_

WHEREAS, the Takoma Park Newsletter is an important element in the cultural, social, political, and economic life of Takoma Park, and

WHEREAS, the Mayor and Council have previously adopted an "Editorial Policy" for the Takoma Park Newsletter, which requires that the Council shall provide for the review of the operations of the Newsletter under these editorial policies on a regular basis.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland that three "Advisors to the Editor" be appointed to assist the editor with questions regarding the content and/or production of the Newsletter, or any other matters that the editor feels the need for guidance with, but that the primary responsibility for the content, layout, and production of the Newsletter shall remain with the editor, and

BE IT FURTHER RESOLVED, that a "Review Committee" consisting of two Councilmembers and at least three, but no more than five citizens be appointed to review Newsletter issues from \_\_\_\_\_ to \_\_\_\_\_, in relation to the existing editorial policy guidelines, and this Committee's first report shall be due by the first regular meeting of the Mayor and Council in May, 1986, and then shall be charged with a second review six months after the appointment of a permanent editor, and shall conduct annual reviews thereafter, and

BE IT FURTHER RESOLVED, that the "Review Committee", if it so deems appropriate, may examine the oversight and review process, and make recommendations to the Mayor and Council as to ways this process may be improved upon as a part of the May, 1986 review, and

BE IT FURTHER RESOLVED, that the "Review Committee" shall remain in place to hear any formal complaints of violation of the existing guidelines that may arise between reviews of the Newsletter



CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

March 24, 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
- 8:10 APPROVAL OF MINUTES OF MARCH 10, 1986
- 8:15 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:25 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) Preliminary Subdivision Plan No. 1-86081, 7106 Holly Avenue  
(combining two lots into one for construction of new home)  
Citizens comments  
Council action
- 9:10 (2) Silver Spring Center Citizens' Advisory Board Appointment  
Citizens comments  
Council action
- 9:20 (3) Resolution opposing reductions in Community Development Block  
Grant funding  
Citizens comments  
Council action
- 9:30 (4) Resolution to establish City Newsletter Board of Directors  
Citizens comments  
Council action
- 10:00 (5) Continued discussion of In-House Corporation Counsel position  
Citizens comments  
Council discussion
- 10:30 (6) Nuclear Free Zone Committee Appointments  
Citizens comments  
Council action

ADJOURN



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
March 24, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Corporation Counsel Gagliardo
Councilmember Haney	Asst. Corporation Counsel DeNovo
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:20 P.M. on March 24, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Del Giudice commented that Councilmember d'Eustachio was attending a meeting with Daniel Neal in Rockville representing the City in relation to CDBG funding requests, and would be arriving a bit late for the Council Meeting.

Approval of the March 10, 1986 Council Meeting Minutes, as written, was moved by Councilmember Haney, duly seconded by Councilmember Levy, carried unanimously.

The Mayor commented that the bill currently in Annapolis, which, if passed, would give the City a greater role in zoning authority, as well as enforcement power, had passed the House of Delegates and would now proceed to the State Senate. He presented a resolution addressing the MML Legislative Agenda which he had prepared in response to a request from the league that municipalities contact their legislators and endorse the agenda. Councilmember Bradley moved passage of the resolution, duly seconded by Councilmember Sharp. The Mayor pointed out that the league is opposing two bills concerning Annexation, which would place additional requirements on citizens in an area wishing to annex into a municipality, and also allow citizens adjacent to, but outside, the particular area to block the annexation. Councilmember Iddings commented that the City got an Attorney General's opinion related to the unification bill which would be pertinent, and asked that a copy of that document be forwarded to MML so that if the bill goes to the Senate, MML can present the argument that it is unconstitutional. He said the opinion essentially states that people outside an affected area do not have a right to control people within an affected area. Mr. Iddings commented he had questions about items (4) and (5) of the resolution, bills concerning Municipal Elections, and would not feel comfortable endorsing those; he moved amending the resolution by striking those two items, duly seconded by Councilmember Bradley. Ms. Bradley commented that rather than appearing to oppose municipal colleagues by expressing a negative opinion, she would prefer that the items be deleted but no opinion expressed, with which Mr. Iddings concurred. Corporation Counsel Gagliardo expressed serious reservations concerning item (1), the Local Government Torts Claims Act, which would limit municipal liability. The question was called; the proposed amendment carried unanimously. The Mayor commented that he shared some of Mr. Gagliardo's concerns about the Torts Claims Act, however, said he felt interests of individuals had to be weighed against the best interests of the municipalities in adopting a position; he said he would personally support the bill. The question was called; the resolution, as amended, passed unanimously.

RESOLUTION #1986-28  
(attached)

For the record, Mayor Del Giudice noted that the unification bill had failed to move out of the Prince George's County Delegation Bi-County Committee, would have to be presented to the full delegation in the current week or it would, in effect, be pocket-vetoed by the Prince George's Delegation. Essentially, the bill is in limbo.

Corporation Counsel Gagliardo reported on the status of the Jacszenko case, 7411 Baltimore Avenue. He related that in court, this date, Mr. Jacszenko entered into an agreement and stipulation before Circuit Court Judge McKenna, which the Judge adopted as his own Order and Injunction. He summarized the provisions and related fine(s) imposed for failing to carry out the court's orders. He said Mr. Jacszenko had been found to be in



contempt of prior orders for 60 days, and was fined \$6,000., which was stayed unless he should again violate the order, in which case he would forfeit, without recourse, the entire \$6,000. He said Mr. Jacszenko had been enjoined from conducting any business on the premises in violation of City or county Codes, or storing vehicles or related parts on the property in violation of the codes. He stated, by Court Order, the City now has authority to enter the property, and remove at Mr. Jacszenko's expense, any vehicles or related parts which he has failed to remove. Mr. Gagliardo said the case is scheduled for review before Judge McKenna on May 15, however, if there are any violations by Mr. Jacszenko in the interim, he was instructed to immediately file a Motion with the Court and fines and/or jail would be imposed on the defendant. In response to query, Mr. Gagliardo stated the Court instructed Mr. Jacszenko to clean up the premises immediately; as of March 25, any violation would constitute violation and cause forfeiture of the \$6,000. Mr. Gagliardo suggested that the City enter the property on March 25, tow any vehicles, and assess Mr. Jacszenko the cost of so doing. The Mayor suggested a followup meeting be held between himself, the City Administrator, Police Department and Mr. Gagliardo to discuss the City's approach. Mr. Gagliardo referred to his lengthy memo, amounting to guidelines, opining what the City now could or could not do regarding the situation.

ADDITIONAL AGENDA ITEMS:

Additional Traffic Committee Appointments (Haney)  
Tri-Party Proposed Agreement (Wilson)

GENERAL CITIZENS' REMARKS:

Timothy Lee, 16 Cleveland Avenue: urged that Council move ahead, arrange for cleanup of 7411 Baltimore first thing in the morning and bill Mr. Jacszenko for it; said there is no excuse not to do so since the City now has a Court Order.

Ellen McMurdy, 12 Cleveland Avenue: thanked Mr. Gagliardo for negotiating what she felt was an outstanding agreement in the case; she said the neighbors are pleased. Noting the extended time the situation had dragged on, she urged that the City move ahead now without delay.

Art McMurdy, 12 Cleveland Avenue: said he did not think Mr. Jacszenko would voluntarily comply, that the City will have to show it means business by proceeding without delay to remove illegal/junk vehicles and parts; he urged that the property be cleaned up immediately so that any additional violations committed can easily be documented.

Councilmember Haney suggested, based on prior occurrences, that the police be asked to stand by when any City personnel enter the property. Following brief discussion, the City Administrator was directed to ascertain from Public Works and the Police Department, based on their schedules, what steps could be taken on March 25; Councilmember Bradley asked that if nothing could be done on that date, a specific work plan including dates be developed, and Council be given an update on the situation at the March 31 worksession. Mr. Gagliardo concurred with statements made by Mr. McMurdy that Judge McKenna "went the extra mile" on this case, for the City to not proceed at once and do what they are now legally permitted to do would be an embarrassment.

Rob Schware, 7304 Birch Avenue: stated that the Council is required by law to hold a public hearing to determine the use of the Siegler property on Tulip Avenue; he pointed out that he had requested, over two months ago, details of when and where such a public hearing was held, how it was advertised, etc., and to date no response had been received. He inquired what was going to be done, said he had learned from a City staff member that no public hearing was ever held on the matter. The Mayor commented that the information he had from Daniel Neal, the aforementioned Staff member, was that no formal, noted and advertised public hearing was held, however, under the previous Mayor and Council, numerous public sessions, hearings, and discussions at regular Council Meetings and worksessions did take place on the purchase of the property and its potential uses. Mr. Schware reiterated his wish to have all details concerning the advertisement and holding of the required public hearing supplied, so it could be ensured that all legal requirements had been met and ownership of the park property would not be in jeopardy. In response to query, Corporation Counsel Gagliardo stated that there is a statutory requirement for a public hearing, but the State Code, while it uses the terminology, does not define



it. He stated he had not been supplied with the facts of what the City did or did not do in the process of acquiring the property, thus could draw no legal conclusion on the issue. Following dialogue with Mr. Schware, the Mayor stated he would ask staff to compile an exact chronology of every single meeting in which the Siegler property was discussed prior to its acquisition, with a proviso that Corporation Counsel review that information.

Councilmember Iddings stated he did not believe a formal public hearing on the matter was held. He commented that Open Space properties such as Jackson/Boyd, Eastridge, Sister City Lot which is in the process of being acquired, are reviewed by program managers who are state appointees and work for the state; the funds are not spent in a vacuum. The state employees scrutinize and check off the process undergone to ensure that state requirements for Program Open Space have been met. He pointed out that the aforementioned properties had met all requirements, and the project manager for the state had stated he did not discern a requirement by the state for the type of advertised formal public hearing to which Mr. Schware referred; it is not used in the State of Maryland. He said his procedures did not include a duly-advertised public hearing, as interpreted by Mr. Schware from his reading of the state law, and on which Corporation Counsel had commented state law is imprecise in that it lacks definition. Councilmember Sharp, with the Mayor's support, suggested and encouraged that Mr. Schware refer the issue and his concerns to the Attorney General's office, stating that office might provide an opinion and save the City the expenditure of considerable time and money. The Mayor reiterated his earlier direction for an exact report of all meetings, discussions, etc. on the issue, to be prepared by staff, and assured Mr. Schware a copy would be provided to him. Councilmember Iddings pointed out there were also Park and Planning meetings pertaining to the subject, as well as some on the county level. Councilmember Haney pointed out that in light of the questions raised concerning the Siegler property, all other park properties acquired in the City with Open Space funds should be similarly examined. In response to query, Mr. Schware stated he had discussed the issue with his next-door neighbor, former Mayor Abbott, however, at the time he was not a resident of the City, otherwise would have raised his questions at an earlier point in time. Councilmember d'Eustachio commented on the amount of time, as well as cost, of preparing a detailed research report on the issue as outlined; Councilmember Haney remarked he would prefer not to see City staff, or money, used for that purpose; rather, would wish that Mr. Schware bring the attention of the Attorney General and let that office decide whether or not the City is in violation. Councilmember d'Eustachio pointed out the alternative of now holding the sort of public hearing to which Mr. Schware referred, however, pointed out that most people, including Mr. Schware, would not be aware the hearing was to take place as they don't read the back pages of the Sentinel for legal notices, whereas, City public meetings are regularly publicized both in the Newsletter and through agenda mailings. Councilmember Bradley commented that she believed the City was reimbursed for both the Eastridge and Jackson/Boyd properties some time ago when settlement occurred, therefore, apparently state criteria for Open Space projects were met. She said it was her understanding that the City had not yet billed or requested reimbursement for the Siegler property, thus none had been received to date, and the Sister City Lot is still in the acquisition process. Councilmember Levy commented it appeared everyone was criticizing Mr. Schware for trying to adhere to the letter of the law, yet when she, at a prior point in time, proposed amending the resolution to include a member from the Tot Lot Committee on the Siegler Property Committee, she was voted down with the argument that the Tot Lot faction was not really a committee. She said that now, Mr. Schware, who was a member of the Tot Lot Committee and had wanted to participate in the Siegler Property Committee, was being unjustly criticized for wanting to follow the requirements of the law.

Alice Trembore, 7304 Birch Avenue: expressed support for a Tot Lot on the Siegler Property; asked that notification of meetings of the Siegler Committee be publicized in advance. Councilmember Iddings, Chair of the committee, stated there would be an article in the April issue of the Newsletter detailing the initial meeting; he said he had added Ms. Trembore's name, along with Shereilyn Ernst and Pat Slater, to the mailing list for meeting notification. In response to query from Ms. Trembore regarding funds to develop the property, Mr. Iddings stated that during discussions early in the process, consensus was that, for the foreseeable future, minimal public funds would be expended on developing the property, thus development will be a problem and alternative means of raising funds will have to be



sought. Given those problems, Ms. Trembore raised questions about the feasibility of spending \$112,000 in public funds for purchase of the land; the Mayor suggested she read back over the minutes of meetings containing discussions relevant to the property. Following complaint by Ms. Trembore of difficulty in obtaining back copies of minutes pertaining to specific subjects, the Mayor stated he would ask that staff, in compiling the detailed report of meetings on the Siegler Property, make copies of those minutes available to her. Mr. Iddings noted that the upcoming initial mailing to the committee would contain some of the minutes requested.

Annie Colston, 7611 Maple Avenue: stated that the apartment building in which she resides is being operated under Virginia law by Gates, Hudson & Associates. She related that COLTA had not notified tenants that their rent would be increased 15%, despite promising they would let them know. Councilmember Sharp commented that COLTA did hold a hearing and voted to permit the rent increase requested by the landlord; said he thought it would be the responsibility of Housing Services, not COLTA, to communicate information to the tenants. He stated that COLTA's opinion in the case had not yet been written, but had been orally communicated to the landlord so the increased rents could be imposed. Councilmember Williams affirmed that there was not yet a written COLTA opinion--said he had requested a copy last week and been so advised. He questioned, in the absence of a formal written opinion, how an effective date had been decided upon; Mr. Sharp explained that, in some cases, depending upon circumstances, rent increases could be approved retroactive; additionally, he pointed out that if a retroactive rent increase was going to go into effect, it benefits the tenants to be aware of it as early as possible so they can plan ahead financially to meet it. Dialogue ensued concerning lack of proper notification to tenants and whose responsibility that should be, as well as the time delay in COLTA's decisions being formally written. In connection with the latter, it was noted that the members of COLTA donate their time and efforts on a volunteer basis. Mr. Sharp remarked that if it were a mandate that COLTA decisions be written more quickly, paid personnel would probably have to be hired to do so. Mr. Williams stated he would wish to see the opinion to see upon what basis the rent increase was granted; he said now that the rent has been increased 15%, some tenants are also receiving 60-day notices and "little dirty notes" to get out. He said the landlord has a gravy train -- has the 15% increase approved by COLTA, decontrol of rent on vacant apartments under the code, and can again raise rent on apartments from which tenants are evicted. Upon request, Mr. Gagliardo, responded to the question of vacancy decontrol of rent; he said it appeared it was being misconstrued, as written, had been debated before the Council numerous times, and should perhaps be rewritten for clarification; he explained what he felt to be the original intent of the law. Concerning accomplishment of written COLTA opinions, he stated there is a due process question involved -- no appeal can be filed by the losing party until the opinion is issued, which could prejudice the rights of the losing party because they have no recourse until the official opinion is issued. Councilmember Iddings opined that the problem with vacancy rent decontrol is not with clarity of the ordinance, but with the fact that the City has never been provided the information necessary to enforce it. He said once Licensing is fully into effect, the City will have information from the landlords specifying what their rents are (and have been), so it can be computed whether the rents are legal -- lacking that information, enforcement is difficult, if not impossible. Mr. Sharp commented the language of the ordinance could be made clearer; did not think COLTA had ever had a test case on vacancy rent decontrol, which would be important. He said he did not think 7 weeks for COLTA to complete a written opinion would, at the present time, be harmful in the Maryland Courts to due process. Mr. Williams commented that landlords have been having a field day raising rents on vacant apartments to incoming tenants because of confusion about the law; he asked that a draft of new language clarifying the situation regarding rent decontrol on vacant apartments be prepared for presentation at the next worksession; said his recollection from the past was that rent could be raised 5% on a vacant apartment, however, somewhere along the line that had changed. Councilmember Iddings remarked to Mr. Williams that he (Williams) was advised over a year ago concerning vacancy decontrol in the form outlined by Mr. Gagliardo and by himself, and that Mr. Williams denied its existence despite its adoption in 1980. Councilmember Bradley said her interpretation, as well as that of others who had read the law, had been similar to that of Mr. Williams. She related problems in her ward, said tenants will soon be appearing to voice complaints; she said there was a six-month delay in tenants of the Tuscan, 657 Houston Avenue, getting a written COLTA decision



on a defective tenancy. She said it did not seem equitable that all parties in a case would not be notified at the same time, and as soon as possible after a decision is rendered. Councilmember Sharp commented that notification appeared to be an administrative function, there was no reason why Housing Services could not send out notification letters following rendering of a decision, and when he served on COLTA that was the practice. Councilmember Bradley commented on the need for provision of direction, as well as a more timely and orderly process, not only to paid staff, but to volunteers. The Mayor stated he felt that subject was of import such that it should be scheduled for consideration at an upcoming worksession; he said he had many questions about the situation and propriety of many aspects of the process. Ms. Colton remarked that at the hearing it was stated as long as violations exist, there could be no rent increase, however, she said despite renovation, there are bare wires all over the building. In responding, the Mayor pointed out that while the Mayor and Council need to know these things for policy reasons, they have removed themselves from the appeal process; however, once a written decision is received from COLTA, tenants have a right to take their appeal to the courts. Ms. Colston stated she had been walking 8 flights of stairs daily since March 4 due to lack of any elevator service in the building, which was substantiated by other tenants in the audience.

William Simms, 7611 Maple Avenue: inquired how tenants could protect themselves from harrassment to move once their lease had expired; he said management could fabricate claims about tenants and then tell them to move out. He related that had happened to him and said he had received a 60-day notice to quit and vacate; said that is done so management can raise the rent on the vacant apartment. Councilmember Iddings commented that Licensing would give the City a tool to prevent that occurrence; he said that up until now the City had been powerless because the landlord, under state law, has the right to issue those 60-day notices, despite the fact it seems unfair. Mr. Simms stated that Housing told him there was nothing they could do because once the lease had expired, the landlord could legally tell them to leave. In response to query from the Mayor, he affirmed that he had participated in the COLTA hearing; he said those tenants who did so were the ones being harrassed by management. The Mayor asked that Mr. Simms go to Housing, and he would see that the Director of that department is directed to interview him and other tenants who participated in the hearing and have reason to believe they are being harrassed; the Mayor said that there may be reason to believe that the landlord is taking action which may be retaliatory, which would be a violation of the code.

Mary Grice, 7611 Maple Avenue: confirmed allegations of other residents; said many of the tenants did participate in the COLTA hearing in December and did speak out against management; she said nasty comments and innuendos voiced by the rental agent to tenants appear retaliatory in nature. She expressed disappointment with COLTA; said when she received notice of the rent increase from management, she called Dedra Tyree 3 different times, leaving messages each time, and on the 3rd call making it known she would be at work only until 4 P.M. She said Ms. Tyree returned her call at 4 P.M., when she had already left; she mentioned difficulty in getting a direct answer to questions, said tenants should have been informed by COLTA of their decision. She stated that residents had been advised that their best recourse would be to form a tenants' association, which they were going to do; and if it were necessary to fight for their rights, they would do so.

Theodore, 7611 Maple Avenue: related paying rent in January in advance of the due date with a money order for which a receipt was given and in February receiving a notice of failure to pay the rent; he said the rental agent lost the money order in her desk and asked that he pay the rent amount in cash and go to his bank and get reimbursement for the lost money order. He said he thought the situation very unfair, and that he had been given 30-day notice to move out; said he had 3 children (all the same sex) and a 2-bedroom apartment which was claimed by management to be inadequate. He said he had been without a refrigerator for some time despite complaints made to the rental agent. He stated he needed legal assistance, said that a lot of the tenants have problems, and asked that the City assist in reaching a solution. In response to query, he stated that the rent problem cited had been resolved. The Mayor commented that there are a number of questions concerning rent levels and increases that will have to be addressed; he expressed concern and disappointment about comments voiced related to the reception citizens have been receiving from



the City's Department of Housing Services -- they seem to be receiving quick answers without thorough investigation or interviews. He said even an initial and cursory examination of the facts suggests that the decisions and advice people are being given from that department are wrong, which is a situation the elected officials will have to deal with. He pointed out, however, that there are some remedies, and advice in certain situations, that the City cannot provide--particularly in the area of legal advice.

Andrea Washington, 7611 Maple Avenue, #308: said she and her husband had both suffered harrassment on numerous occasions when entering and leaving the building; she explained that for lack of anywhere else to play, her daughter plays in the courtyard outside the balcony which the rental agent states is not permitted. She raised questions concerning rents on ground-floor units, whether rents on those could be raised, and to what level. She voiced complaints about broken locks and no effort being made to repair them, despite promises from management.

From a rent roll prepared by the landlord and submitted to COLTA, Mr. Gagliardo pointed out that 1-bedroom units currently occupied are going for \$355-\$367.50; several are listed as vacant, and the rent indicated for those in the "new rent" column is \$525. He said that clearly depicts the leapfrogging effect on rent comparability, which is not comparable at all. From rent receipts, Mr. Gagliardo pointed out that Mr. Simms had received a 17% increase in his rent last November, before COLTA even heard the case. He cited other discrepancies noted by tenants, including late fees incorrectly assessed, and said the situation is outrageous.

Ms. Washington commented further on lack of response from her landlord concerning the broken locks mentioned earlier, and in response to query from the Mayor, said that Mr. Lum of Housing had advised her there was nothing that department could do. Councilmember Bradley commented that there was an obvious need for the City to assist tenants in finding out what their legal options are; she pointed out that Legal Aid, for one, could assist them both individually, and as a group, and that there are other alternatives as well. She said it needed to be made clear that Housing Services and COLTA are not the only routes available, and particularly in the area of legal aid, other alternatives might be better. Ms. Washington, in the course of ensuing dialogue, stated that many tenants are afraid to complain or fight the system for fear of losing their homes.

Mayor Del Giudice commented that there appeared to have been created a false impression that the City is omnipotent, all powerful, in the situation; he said while the City has attempted to move forward in the area of housing law, there is a limit to the City's authority. Other authorities involved have to be considered, including the state and state law, the state court systems. He said the areas over which the City has jurisdiction, such as Housing Services and City personnel and procedures, will be addressed; however, again advised that tenants identify other sources of specific assistance available to them as well.

Naomi Turner, 7667 Maple Avenue: said the people in 7611 Maple are being retaliated against; she said they have waited for years for their apartments to be fixed up; now that cosmetic surgery has been done on the building, management is trying to get rid of the old tenants so they can bring in new tenants and raise the rents.

Phyllis Gardner, 7611 Maple Avenue, #202: stated she had asked for a larger apartment last November, and had been harrassed continually since; she related the series of events, culminating in a 60-day notice to vacate by March 31. She said she had provided all documentation on her case to Dedra Tyree, who said COLTA would not hear the case, did not pass the information along to Mr. Hyde, the Commissioner of COLTA, and advised her to let management know when she could move out. She said management had harrassed her through her children concerning where they can and cannot play, had removed her name from her mailbox. Councilmember Williams commented that after Ms. Gardner went to Housing and was told COLTA refused to hear her case, she went to court and won the case hands down. He said he had lost confidence in COLTA and was reluctant to even send anyone to Housing; he said complaints are rejected by Housing if the form is not considered to be properly filled out; he said if there are discrepancies, staff should help people rather than turn them away. He said he was not convinced that code violations were abated prior to COLTA's decision, pointed out that the still non-functional elevator was one of the violations.



Carolyn Bryan, 7611 Maple Avenue: related being harrassed by management; said her rent was raised from \$360 to \$410, she got a letter in February stating that she would have to pay \$460, since the additional \$50 had not been paid the prior month; said management personnel were very nasty when questioned about it. She said she got an eviction notice in January, as well as notice that she had to pay a \$28 court fee, which they told her to disregard; however, she said she has again received notice to pay the \$28. She said there were numerous repairs needed in her apartment, but she was afraid to complain much because she feared being told to vacate. In response to query from the Mayor, she verified that she had testified at the COLTA hearing.

Vivian Trawick, 7611 Maple Avenue, #504: stated she did not testify at the COLTA hearing; however, she said she had advised management that if the mice in the building were not gotten rid of, she would contact the Health Department. She said after that, she was harrassed, accused of making too much noise; echoed comments of other speakers concerning needed repairs in her unit and that management wants to get old tenants out so they can raise rents on units.

Elbert Gardner, 7611 Maple Avenue, #202: echoed comments of earlier speakers concerning harrassment from the rental agent; said he had been given a 30-day notice to vacate, went to court, and the case was thrown out of court. He said he had recently received a 60-day notice to quit and vacate by March 31; did not want to move, but did not know what to do. Councilmember Iddings commented that it was going to have to be made very clear to management and the owners of the building that giving tenants notice in order to be able to raise rent on units is illegal. The Mayor suggested that Mr. Gardner (and others) file a claim with COLTA alleging retaliation, illegal rent increases. He said, as a group, tenants should consult a lawyer concerning the March 31 quit and vacate notices; pointed out that many of the group may qualify for free legal assistance, and said he would be willing to assist in directing them where they could go for help. Mr. Iddings commented that Housing Services should not be relieved of fulfilling their role/responsibility in the situation; he said that if the economic incentive to get rid of tenants were removed, the situation would be altered. Mr. Gagliardo commented, as mentioned by the Mayor at an earlier point, that Linda Haskell of Legal Aid would be an appropriate person to consult; he noted she was advising some of the Park Ritchie tenants on their situation; he, too, advised that a complaint of retaliatory eviction be filed with COLTA.

Rino Aldrighetti, 7213 Central Avenue: emphasized the need for management to take control of Housing Services and ensure that it moves in the desired direction, otherwise the City would be impotent in these situations. He empathized with the tenants' situation, said as a taxpayer, he questioned the worth of having a Housing Department the way it is currently set up-- either control of it should be gotten or it should be done away with entirely and turned back over to the county. He said the City should bring in Legal Services to talk with the tenants and sponsor the meeting. He said what is occurring in that building (7611) is gentrification.

Greg Hamilton, Pres., Park Ritchie Tenants' Assn.: said the COLTA process, in the experience of Park Ritchie tenants, has been a long, discouraging process. He said they are in the same situation they were in 2 years ago when it all began; still being harrassed every day. He said there are 4 COLTA decisions that nobody can do anything with because under the bankruptcy everything is stayed; another hearing is coming up soon, but even if an award is given tenants, nothing can be done. Concerning rents, he said Park Ritchie tenants had suffered the same situation, same harrassment, as the tenants of 7611; he noted that tenants of Park Ritchie are withholding their rents as long as serious violations exist, those funds are being held in escrow. The Mayor commented that, with proper legal advice, tenants of 7611 might be able to do the same; he asked that prior to leaving the meeting, tenants of 7611 meet informally and appoint several representatives; said the City would try to set up a meeting with Legal Aid to meet with those individuals.

Mr. Gagliardo reiterated that those people with eviction notices should go to Housing Services tomorrow and file retaliatory eviction complaints. Mr. Iddings stated he felt that an initial meeting sponsored by the City with all the tenants currently present, as well as representatives from Housing Services, Legal Aid, and Corporation Counsel would be very worthwhile. Ms.



Bradley concurred, said those people having eviction notices would be the ones requiring immediate legal assistance; she urged that the tenants of 7611 form a tenants' association without delay; she, too, commented on the need to get Housing's act in order, including their options for directing people to avenues for legal assistance. She said that in addition to addressing vacancy rent decontrol in the City's ordinance, one of the City's legislative initiatives should be fighting the 60-day quit and vacate notices at the state level. For purposes of notification, the Mayor reiterated his request that the tenants choose several representatives whom the City can contact and who will, in turn, notify tenants. In response to query, he stated that, his schedule permitting, he would be happy to attend meetings held to address the existing problems. In ensuing dialogue, Ms. Bradley stated she was aware of an upcoming request from tenants that Housing personnel be available at least one night a week after 5 for a minimum of a couple of hours to respond to questions and receive complaints; she suggested that one of the next few evenings be set aside for that purpose, with an appropriate staff member present. The Mayor asked that Mr. Wilson contact Linda Haskell of Legal Aid for the purpose of setting up a meeting as mentioned earlier. Mr. Gagliardo volunteered that, were Ms. Haskell not available, as long as he was not engaged in representing COLTA which might present a conflict of interest, he would volunteer to represent the tenants pro bono. Mr. Iddings reiterated his request that a letter from DHS go out immediately clarifying the City's vacancy rent decontrol laws, with a copy hand-delivered to Mrs. Anderson, the rental agent at 7611 Maple Avenue (the Mayor to review the letter prior to dispersal). Mr. Williams asked that the letter include clarification of the occupancy definition, particularly in regard to newborn-3 months old children, in light of the fact complaints he had received made it appear landlords were misconstruing that section of the ordinance. He summarized at length the problems voiced and needing to be addressed, asked that rent increases at 7611 be stayed until such time as tenants have been formally notified in writing of the COLTA decision--Mr. Gagliardo stated the Mayor and Council would not be empowered to do so, COLTA would have to do that. Both Mr. Gagliardo and the Mayor voiced reservations about the propriety of a rent increase based on the oral communication of a COLTA decision, subsequently followed by a letter of confirmation, without a formal written COLTA decision. In response to the Mayor's earlier request, the following names were supplied to staff as tenant contacts/representatives from 7611: Mary Grise, Mary Lee, Annie Colston, Vivian Trawick, and William J. Simms.

Bennie Green, owner of Lickety Split, and Travis Price, Co-Chairs of Takoma Old Town Business Association: reported on reactivation of the association; said they will be meeting on the second Tuesday of each month at 7:30 P.M., public invited, and meeting announcements will be in the Newsletter. They commented concerning plans and activities for the area and the association's involvement; voiced concerns about the need for street cleaning in the area, particularly around the Electric Maid, and about the number of meter parking tickets being issued by City police in the Old Town area. Mr. Price commented he felt more discretion should be exercised in issuing citations for expired meters when there are numerous empty meter spaces. He also asked that changing the meters to ten cents for 20 minutes, with time up to an hour maximum, be considered--and that days and times the meters are in effect be clearly posted. Mr. Iddings commented he thought the most recent estimate to rework those meters was \$5,000; said the issue would come up in the course of budget discussions; he suggested the association's comments concerning meters be submitted in a letter directed to Police Captain Wortman (with copies to Mayor and Council); said the police department is in the process of examining how the parking meters should be timed and their best utilization. He commented that part of the problem in Old Town was that parking enforcement had been sporadic, rather than consistent. Mr. Price commented that members of the association would wish to participate in the planning process for the Carroll/Laurel intersection; additionally, he noted the deterioration at the Exxon station site at Carroll/Tulip, the need for cleanup, increased enforcement there. Concerning the proposed new post office, he noted that as the situation now stands, it would probably be helpful if the City emphasized to the Postal Service the desire to have it located within the city. Concerning the trash situation around the Electric Maid, Mr. Iddings commented on the need for building and business owners to take responsibility for the sidewalk areas and keep them clean and free of debris; he hoped the business association would take a hand in promoting that role.



Alan Abrams, 7316 Willow Avenue: referred to the proposed resubdivision of the Austin property; left some documentation with the Mayor and Council and asked that time be scheduled for details to be presented before Council once more; he said a county hearing date had not yet been set, but notification could be received any day.

ITEMS FOR COUNCIL CONSIDERATION:

1. Preliminary Subdivision Plan No. 1-86081, 7106 Holly Avenue (combining two lots into one for construction of new home).  
Councilmember Iddings moved that the City express no objection to the proposed plan, duly seconded by Councilmember Bradley; carried unanimously. Michael Kirby, owner of the property was present.

2. Resolution effecting appointment to Silver Spring Center Citizens' Advisory Board.  
Passage of the resolution appointing Patricia A. Slater who had volunteered to fill the vacancy was moved by Councilmember d'Eustachio, duly seconded by Councilmember Bradley; carried unanimously. It was noted that Ms. Slater was very well-qualified to fill the position and had agreed to report back to Council on a routine basis.

RESOLUTION #1986-29  
(attached)

3. Resolution opposing reductions in Community Development Block Grant funding.  
Passage was moved by Councilmember Iddings, duly seconded; carried unanimously.

RESOLUTION #1986-30  
(attached)

4. Resolution to establish City Newsletter Board of Directors.  
Draft resolution #3, authored by Councilmembers Sharp and d'Eustachio was presented; Mr. Sharp commented that the earlier draft authored by himself and Councilmember Haney was being withdrawn with the concurrence of both. He moved passage of draft resolution #3, duly seconded by Councilmember d'Eustachio. Councilmember Iddings inquired whether something so convoluted should not be put in ordinance form and the committees made official City committees, similar to the Traffic Committee and others; he commented that the resolution seemed Byzantine, cumbersome; he said it appeared the resolution was an attempt to avoid the Mayor and Council having to make a decision as to what they want the Newsletter to be by setting up numerous committees with divided/fragmented authority. Councilmember Levy expressed concurrence with Mr. Iddings' comments, would not vote affirmatively. Mr. Sharp rebutted Mr. Iddings' comments, explaining the purpose and intent of the proposed committees. Councilmember Bradley pointed out that the review committee had been previously established, supported reactivation of that body; she expressed a number of questions concerning Council's true basic intent regarding handling/management of the publication and concluded that she was not prepared to vote on the current proposed resolution. Councilmember Haney commented that, in terms of the review process, he did not feel it appropriate for two members of the Council to be included on that committee; also did not think the review should occur during or close to election month. Councilmember d'Eustachio stated that neither board, either advisory or review, would have the power to either set or enforce policy; he explained and gave justifications for the roles of the two groups.

Rino Aldrighetti: expressed support for comments made by Councilmembers Iddings, Bradley and Levy. He said the resolution seemed "heavy," could bury the Newsletter. He emphasized the need to generate enthusiasm and participation, involve people in the process, rather than setting up an involved bureaucratic structure. He urged that Council "kill" all three versions of the resolution to date.

Following very lengthy dialogue between Mr. Aldrighetti and various Councilmembers, including discussion of portions of the various draft resolutions presented to date, the Mayor commented that the resolution did not remove ultimate responsibility for the Newsletter from the Mayor and Council. He pointed out that while the publication may be considered an organ of City government, it is an organ of the citizens whose taxes fund



it. He said he did not feel any damage was done to the role of the Mayor and Council in the issue by formation of an advisory committee to review policy questions and make recommendations, particularly since it would be comprised of a rotating membership of citizens. He pointed out that committee would primarily address questions brought before them by the editor of the Newsletter. Councilmember Iddings reiterated concerns about setting up a committee which would essentially remove Council from the operations of the editorship of the publication; additionally, he stated he felt the resolution to be premature, that the current editor being new in the position needs the support of and direct interaction with Council to discern what is wanted, rather than an intermediary body. In the course of ensuing dialogue, Councilmember Iddings reiterated the resolution was premature, said it was redundant in setting up a review committee that was already set up by resolution and could be reactivated for the purpose of conducting a review of the last 8-10 Newsletter issues; additionally, he suggested that committee be directed to prepare a mission statement for the Newsletter for consideration and discussion.

Following proposal of several possible amendments to the resolution, Councilmember d'Eustachio withdrew his second to the original motion for passage, and asked that the public record reflect that the onus was now on the Councilmember from Ward 2 to do something about the issue. Councilmember Haney then seconded the original motion to pass the resolution. He moved amending the resolution by deleting the 4th and 5th resolve clauses, duly seconded by Councilmember Sharp; amendment defeated 4-3. The question was called on the original motion, with the roll call vote recorded as follows: AYE: Councilmembers d'Eustachio, Haney and Sharp; NAY: Councilmembers Bradley, Iddings, Levy and Williams.

RESOLUTION #1986-  
(attached)

In light of the late hour, the remainder of the agenda (items 5 and 6) was postponed, to be rescheduled at a later date.

Upon motion, duly seconded, the meeting adjourned at 12:45 A.M., to reconvene in regular session at 8:00 P.M. on April 14, 1986.



RESOLUTION NO. 1986-28

WHEREAS, the City of Takoma Park is a member of the Maryland Municipal League;  
AND

WHEREAS, the Maryland Municipal League through its Legislative Committee has adopted a legislative agenda endorsing or opposing certain bills now before the Maryland Legislature, to wit:

ENDORISING

- (1) Local Government Torts Claims Act, HB 724, SB 557;
- (2) Municipal Infractions, HB 1592;
- (3) Law Enforcement Officers' Bill of Rights - Hearings HB 439, SB 100;
- (4) Property Tax - Constant Yield Tax Rate - Municipal Corporations, HB 432, SB 364; AND

OPPOSING

- (1) Annexation, HB 1462 and HB 1750; AND

WHEREAS, the respective adoption and or defeat of the above outlined legislation is in the best interest of the City of Takoma Park and other municipalities in the State of Maryland.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park do hereby wholeheartedly endorse the legislative agenda of the Maryland Municipal League; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council's endorsement of the Maryland Municipal League's legislative agenda be communicated by letter to the Senators and Delegates representing the citizens of Takoma Park.



Introduced by: Councilmember d'Eustachio

Adopted: 3-24-86

RESOLUTION NO. 1986-29

WHEREAS, the City of Takoma Park has had City representation on Montgomery County's Silver Spring Center Citizens' Advisory Board for many years; AND

WHEREAS, at the present time, a vacancy exists for the City seat on the board which needs to be filled; AND

WHEREAS, Ms. Patricia A. Slater, a resident of the Montgomery County section of the City, has offered her expertise and time to serve as the City's representative on the Board; AND

WHEREAS, Ms. Slater's expertise includes a varied background in housing, youth and recreation, women's issues, work with senior citizens and labor groups.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park do hereby endorse the application of Ms. Patricia A. Slater to serve as the City's representative on the Montgomery County Silver Spring Center Citizens' Advisory Board.

BE IT FURTHER RESOLVED THAT the endorsement of Ms. Slater be forwarded on to the Montgomery County Executive for consideration and appointment.



RESOLUTION NO. 1986-30

WHEREAS, the Community Development Block Grant (CDBG) Program is an exemplary federal program which effectively uses federal and local authority to accomplish the respective tasks that each does best; AND

WHEREAS, the CDBG Program has, since 1974, provided funding for creative community development programs which eliminate and prevent slums and blight and which principally benefit low and moderate income persons; AND

WHEREAS, funds from the CDBG Program are in fact used throughout the City of Takoma Park, the Counties of Montgomery and Prince George's, the State of Maryland and, indeed, the entire Nation to implement many projects which successfully serve to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, primarily for persons of low and moderate income and in a manner consistent with local needs and priorities; AND

WHEREAS, the Reagan Administration is proposing major reductions in the CDBG Program for FY 1986; AND

WHEREAS, the CDBG Program has already been reduced by ten percent (10%) from FY 1985 levels and, due to the addition of new eligible entitlement jurisdictions, the cuts anticipated will exceed ten percent (10%); AND

WHEREAS, the Reagan Administration is proposing to impose an additional \$500,000,000.00 deferral on the CDBG Program which would result in a minimum twenty six percent (26%) cut in CDBG funds available in FY 1987 to entitlement communities; AND

WHEREAS, these proposed cuts in the CDBG Program will seriously jeopardize, and in some cases eliminate, the ability of local entitlement communities to carry out much-needed community development projects of benefit to low and moderate income citizens.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of Takoma Park do hereby declare their support for the continuation of full funding for the CDBG Program.

BE IT FURTHER RESOLVED THAT the Mayor and Council fully support an impoundment resolution by Congress to overturn the proposed deferral of \$500,000,000.00 in CDBG funds for federal FY 1986.

BE IT FURTHER RESOLVED THAT this Resolution be forwarded to all members of the Maryland Congressional Delegation, to appropriate County officials and to the President of the United States.



Introduced by: Councilmember d'Eustachio  
Councilmember Sharp

RESOLUTION 1986-

- WHEREAS, the Takoma Park Newsletter is an important element in the political, social, economic, and cultural life of Takoma Park; AND
- WHEREAS, the quality of the Newsletter can be enhanced by the existence of a committee available to provide guidance to the editor regarding the Newsletter should the editor choose to seek it; AND
- WHEREAS, the Mayor and Council's formulation of policy regarding the Newsletter can be enhanced by the existence of a committee to which the Mayor and Council can refer general policy directives for the development of proposals to implement those policy directives; AND
- WHEREAS, the Mayor and Council previously adopted an "Editorial Policy" for the Takoma Park Newsletter, which requires that the Council shall review the operations of the City Newsletter under this editorial policy on a semi-annual basis.
- NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that a "Newsletter Advisory Committee" ("Advisory Committee"), consisting of citizens of the City of Takoma Park, none of whom shall be members of the Mayor and Council or city staff, be appointed by the Mayor based on recommendations made by members of the Council; AND
- BE IT FURTHER RESOLVED THAT the terms of appointment for members of this committee shall be two years to commence on January 1 of each even-numbered year and to expire on December 31 of the next succeeding odd-numbered year, EXCEPT THAT the terms of the first members appointed to the committee shall commence as soon as possible after the passage of this resolution and shall expire on December 31 of the next succeeding odd-numbered year after their appointment; AND
- BE IT FURTHER RESOLVED THAT the Advisory Committee shall be available to consult with and provide advice to the Newsletter editor on any matter regarding the Newsletter that the editor, at his or her discretion, chooses to bring to the Advisory Committee's attention; AND
- BE IT FURTHER RESOLVED THAT the Advisory Committee shall develop policy proposals regarding the Newsletter based on directives given to the Advisory Committee by the Mayor and Council; AND
- BE IT FURTHER RESOLVED THAT the Advisory Committee may initiate



policy proposals regarding the Newsletter to submit to the Mayor and Council; AND

BE IT FURTHER RESOLVED THAT a five-member "Newsletter Guidelines Review Committee" ("Guidelines Committee") be appointed consisting of three citizens of the City of Takoma Park and two members of the Council. The members shall be appointed by the Mayor with the citizen appointments based on recommendations made by members of the Council; AND

BE IT FURTHER RESOLVED THAT the terms of appointment for citizen members of this committee shall be two years to commence on January 1 of each even-numbered year and to expire on December 31 of the next succeeding odd-numbered year, EXCEPT THAT the terms of the first members appointed to the committee shall commence as soon as possible after the passage of this resolution and shall expire on December 31 of the next succeeding odd-numbered year after their appointment. To the extent possible, the Council participants shall rotate from meeting to meeting; AND

BE IT FURTHER RESOLVED THAT once every six months beginning in May, 1986 the Guidelines Committee will convene a meeting for the sole purpose of reviewing the immediate past six issues of the Newsletter for conformance to whatever editorial policy guidelines are in existence; AND

BE IT FURTHER RESOLVED THAT within three weeks of the semi-annual meetings, the Guidelines Committee shall report to the Mayor and Council on the findings of their review; AND

BE IT FURTHER RESOLVED THAT the Guidelines Committee shall hear formal complaints of violation of the existing editorial policy guidelines that may arise between the semi-annual reviews.