

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

April 14, 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 SPECIAL SESSION OF MARCH 17 AND REGULAR COUNCIL MEETING MINUTES OF MARCH 24, 1986
- 8:15 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS  
Proclamation establishing April 13-19, 1986 as Liberty Week
- 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) Continued proceedings re condemnation of 6801 Westmoreland Avenue  
Citizens comments  
Council action
- 9:15 (2) Ordinance accepting proposal from Selig Associates, Inc. to perform personnel classification, factoring & compensation projects  
Citizens comments  
Council action
- 9:30 (3) Resolution supporting Tri-Party Agreement pertaining to fire service in City  
Citizens comments  
Council action
- 10:00 (4) Committee Appointments: Nuclear Free Zone Committee, Open Space Committee, and Personnel Operations Review Committee  
Citizens comments  
Council action
- 10:15 (5) Continued discussion of In-House Corporation Counsel position  
Citizens comments  
Council discussion
- 10:45 (6) Resolution to appointment members of Corporation Counsel Committee  
Citizens comments  
Council action
- 11:00 (7) Resolution establishing Farmers Market and rules for operation/participation for 1986 season  
Citizens comments  
Council action
- 11:10 (8) Ordinance approving consulting contract with Engineering & Technical Consultants, Inc. to provide technical assistance for re-roofing of City Library (funding authorized in FY 85-86 budget)  
Citizens comments  
Council action
- 11:20 (9) Ordinance accepting bid of Custon Carpet Shop, Inc. to replace carpeting in City Library (funding authorized in FY 85-86 budget)  
Citizens comments  
Council action

ADJOURN

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
April 14, 1986

CITY OFFICIALS PRESENT:

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

The Mayor and Council convened at 8:05 P.M. on April 14, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Minutes of the March 17, 1986 Special Session and March 24, 1986 Regular Council Meeting were presented for approval. Councilmember Sharp pointed out that on page 3 (1st full paragraph, lines 7-8) of the March 17 Minutes, the draft referred to was authored by himself and Mr. Haney (not d'Eustachio). Additionally, he noted that on pp. 7-8 of the March 24 Minutes, Linda (Haskell) should be Linda Haspel; on page 7, he felt in the recounting of Rino Aldrighetti's statements that the need for "management" to take control (1st sentence) would be better stated, for purposes of clarification, as the need for Mayor and Council to take control. Councilmember Iddings pointed out that on page 8, 3/24/86, the owner of Lickety Split (identified as Bennie Green) is Brenda Greenen. Approval of the two sets of Minutes, as amended, was moved by Councilmember Haney, duly seconded, carried unanimously.

Mayor Del Giudice referred to the rehabilitation process the Statue of Liberty has been undergoing and the fact that its centennial anniversary is upcoming this year; he noted that the State of Maryland had proclaimed the week of April 13-19, 1986 as Liberty Week, and presented a Proclamation he had prepared declaring the same time period as Liberty Week in the City of Takoma Park. Following his comments concerning the appropriateness of recognizing such a commemorative period in light of the City being a declared sanctuary for Salvadoran and Guatemalan refugees seeking freedom, he noted that a number of activities are planned country-wide in October celebrating the Statue of Liberty and the principles for which she stands, and said it would be fitting for the City to participate in some appropriate fashion. He moved approval of the Proclamation. Councilmember d'Eustachio commented he was particularly pleased concerning the City's Proclamation and participation -- that his 4 grandparents had entered the country through Ellis Island, had passed the Statue of Liberty; he seconded the Mayor's motion, which carried by unanimous vote.

PROCLAMATION  
(attached)

Councilmember Bradley commented she had been under the impression that a resolution establishing a Newsletter Review Committee, authored by herself and Councilmember Iddings and presented at a worksession, was going to be included on the present agenda, which it was not. Following brief discussion, consensus was that it would be scheduled for the April 28 regular Council meeting and included on that agenda.

GENERAL CITIZENS' REMARKS (not directed at items for Council action)  
Gerald Berney, 600 block Boston Avenue: referred to City ordinances adopted in the last couple of years concerning storage of vehicles; said he had lived in the city for 12 years, prior to that in Silver Spring for 22 years. He related having had a police officer issue him a warning notice a couple of weeks ago for having more than one unregistered motor vehicle on his premises, and went on to explain that the vehicles were two unregistered motorcycles, one of which was a recent gift for his wife that he had not yet registered, the other a project he was working on. He said both were stored on the front porch due to lack of a basement and insufficient lot space to permit building a garage. He stated he was very angry, felt some of the existing laws were an infringement on his personal freedom on his own premises, an invasion of privacy, and excessive; he said an undue burden is placed on the police, who have other more important duties to

pursue, and pointed out that such laws can be abused by vengeful neighbors filing retaliatory complaints. He did comment that the police officer was very polite, his handling of the situation was above reproach. He said that in order to retain the diversity of the community, such laws should either not be enacted, or be modified.

Alice Trembour, 7304 Birch Avenue, on behalf of Pat Slater & Sherelyn Ernst: Related that a couple of weeks ago, prior to the initial meeting of the Thomas/Siegler Committee, she and the other two named individuals were invited, apparently in error, to join the committee. She said their names were not included in the Newsletter article on the subject and, upon inquiry about the omission, they were told that a mistake had occurred when the membership invitation was proffered. She said all three attended the initial meeting regardless and reiterated the wish to have membership status in light of the fact they represent 450 individuals in the immediate area of the subject property who signed a petition, which is a matter of public record, requesting inclusion of a Tot Lot on the premises. She said an appeal was made to the Committee Chairman, Mr. Iddings, to allow at least one of the three to join the committee, and he, in turn, referred them back to the Mayor and Council. She reiterated the appeal for representation of the Tot Lot group on the Thomas/Siegler Committee. Councilmember Bradley commented that she would decline to comment, having favored representation on the committee for the Tot Lot group, otherwise would do so.

David Prosten, 6625 Eastern Avenue: commented there still appeared to be a problem with notification of meetings and/or their cancellation. He related believing a budget hearing to be scheduled for a particular night in late March-early April and coming to the building, only to find no meeting nor any notice of cancellation; ensuing discussion was too lacking in specifics to reveal the source of the confusion about the meeting Mr. Prosten had thought was to take place, however, the Mayor pointed out that the official agenda did not call for a budget-related meeting on either of the two dates mentioned by Mr. Prosten; he noted budget review meetings would be occurring every Tuesday from the present time until May 5; some will be public hearings and will be noted in advance in the Newsletter. Mr. Prosten commented on generally not receiving Council Meeting agendas until Monday (the day of the meetings), around 6 P.M. when he returns home from work; asked that serious consideration be given to mailing those notices more in advance. En ensuing dialogue pointed out that draft agendas are ready on Wednesdays, and were citizens willing to accept the tradeoff of not having the finalized version (which may contain additions or deletions), staff's procedures could probably be altered to accommodate mailing those out on Wednesday. Postal delivery delays attributable to the fact that the city's mail is taken to Gaithersburg for sorting prior to being returned to the city for distribution were noted. Mr. Prosten suggested utilizing the City's cable TV channel for agenda publication and notices as well.

Naomi Turner, 7667 Maple Avenue, #1001: reminded the Mayor she had waited a week or more to hear back from him concerning a matter she had discussed with him in his office--had not yet heard and wondered if anything was going to be done. Mayor Del Giudice responded that, given the nature of the subject, he would speak with her later.

Brent Dillingham, 7018 Carroll Avenue: referred to Ms. Trembour's earlier remarks and noted that, with the exception of Councilmember Bradley, no responses were offered. He referred to Councilmember Iddings' nominating speech for Mayor Del Giudice during the election campaign, in which he made a statement emphasizing that one of the pluses of electing Mr. Del Giudice would be the ushering-in of the politics of inclusion; said since no one else had done so, it would be appropriate for Mr. Iddings to make a motion to include a Tot Lot representative in the membership of the Thomas/Siegler Committee; Mr. Iddings declined to do so. Mr. Dillingham remarked that in the aforementioned nomination speech, Mr. Iddings had also expressed a wish that there be an end to public diatribes, tongue-lashings; Mr. Dillingham referred to the discussion at the 3/24/86 meeting (refer to Minutes for that meeting) involving Rob Schware and questions raised concerning the Thomas/Siegler property. He said Mr. Schware met with a barrage of what was, at times, fairly ugly criticism in response to legitimate inquiries. He said that encounter could instill in some a hesitance to raise legal questions at meetings out of concern for the sort of response to which they might be subjected. Concerning tenants' problems at 7611 Maple Avenue, Mr.

Dillingham referred to Mr. Iddings' request at the 3/24/86 meeting that a letter from the City which might assist in alleviating some of those problems, addressed to management of that apartment building, be sent. He said that as of April 7 that had not been done and inquired whether it had been accomplished to date, to which the Mayor responded in the negative, stating that other matters had taken precedence and that would be accomplished in the near future. The Mayor commented he did not think it entirely appropriate for the elected officials to engage in the type of bantering between themselves and citizens that occurred at the 3/24/85 public session and to which Mr. Dillingham referred. He said he, in fact, at the end of Mr. Schware's comments left the chair, spoke with Mr. Schware in the hall and tendered an apology to him because he felt his own questions and comments to be inappropriate. He continued on to say that the microphone was there for citizens to address the Mayor and Council, raise questions about what the elected officials do or fail to do, ask to have situations looked into that are of importance and concern to residents. He stated that citizens deserve better than to be mishandled, treated rudely, and said that, to a degree, the proper function of General Citizens' Comments needs to be considered and better recognized by all concerned; to the extent that attempts are made to engage one another in disputes and arguments (which are probably best left for one-on-one conversations), baiting occurs and personal assault type situations, such as happened at the 3/24/86 meeting, take place. He said he hoped that sort of behavior could be avoided, that there are important questions and issues to be dealt with, and hopefully exchanges could be kept on that level.

For the record, Councilmember Haney commented concerning the use of time in the interim since the 3/24/86 Council Meeting; he pointed out that Councilmember Williams and the Mayor had met with tenants from 7611 Maple Avenue a number of times, however, he expressed concern that Mr. Dillingham's comments could have an adverse effect on those ongoing discussions. Mr. Dillingham stated he did not think there was anything particularly wrong with heated debate, either among Councilmembers, or between Council and citizens; however, did think it hypocritical to make personal behavior a campaign issue and then engage in the same sort of behavior that was criticized. He said he still did not quite understand why the aforementioned letter to management at 7611 Maple Avenue had not yet gone out. An unidentified female in the audience commented that the reason was that nobody cared about the people down on Maple Avenue, and that was the whole thing in a nutshell. Councilmember Levy commented it had been she who proposed an amendment to include a Tot Lot Committee representative on the Thomas/Siegler Committee; said she favored that and felt those people should be included on the committee.

ITEMS FOR COUNCIL CONSIDERATION:

1. Continued proceedings re condemnation of 6801 Westmoreland Avenue.

Mr. Wilson related recent contact between Marc Emden, the MacDonald's (property owners') attorney, and City staff. He said Mr. Emden had indicated that settlement in the long-pending lawsuit was anticipated on 4/11/86, and that he would advise the City of the outcome, asking that the City's proceedings be postponed until 4/28/86 so that final and positive settlement would have been reached prior to coming before the Council. Councilmember d'Eustachio commented he would be willing to accept that recommendation, however, asked that a corrected condemnation proceeding be prepared by staff that could be held in readiness to move ahead with in two weeks if nothing to preclude that occurred in the interim; he noted that the process had now dragged on for a long, long time. He moved tabling the issue for two weeks, duly seconded by Councilmember Bradley.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: thought if he remembered correctly, the proposal concerning the subject property was to demolish the house and reuse the existing foundation to rebuild; he said if that was indeed the plan, then there was no reason to delay because whether the owner had it demolished, or the City did so and billed the owner, it could be done in a timely fashion. Following brief discussion, the motion to table was put to a vote and carried unanimously.

2. Resolution supporting Tri-Party Agreement pertaining to fire service in City.

Phil Vogel, 7117 Garland Avenue: commented he lived in the Prince George's section of the City, so was particularly interested in the Agreement. He

referred to a recent Washington Post article on the fire service issue and questioned the accuracy of statements contained therein; he inquired just how much, as a Prince George's homeowner, it would cost those residents per \$1,000 assessed valuation to retain the fire house at its present location. Mayor Del Giudice stated it would cost those residents approximately \$.27/\$100. assessed valuation to retain the fire station and provide fire and rescue service; he said the City had been advised that was the Montgomery County Consolidated Fire Tax District tax rate for the next fiscal year. He explained that the City would be the taxing agent for fire service, will apply across-the-board (to all City property owners) the \$.27/\$100. tax, and then turn the money over to Montgomery County. He said county taxes for Prince George's residents will go up, the county will make an in-lieu of services payment to the City; it is projected the amount will be approximately what the City charged P. G. residents last year for City services provided. He pointed out that Montgomery County residents of the City have always paid for fire service (last year approx. \$.32/\$100. for that service)--Prince George's sector residents have not. He pointed out that this year the Consolidated Fire Tax District tax rate was going down approximately 5 cents from last year's rate, however, could go back up in coming years. The ensuing dialogue and discussion concerning taxes in relation to the counties and what was going to occur was both complex and confusing; the Mayor, in attempting to clarify the situation, stated to Mr. Vogel that the fire service would cost him no more than it will cost Montgomery County residents of the City, however, as opposed to last year, Mr. Vogel's (and other Prince George's [City] residents') taxes will reflect a minimal \$.27/\$100. increase for fire service. In response to query from Mr. Vogel, the Mayor stated that the Tri-Party Agreement had not yet been put into legal language, was an administrative document upon the principles of which the major principals have reached an accord. In response to query, he stated the present form of the agreement is a draft, the formal agreement will hopefully be signed by all the principals when it is in final form. Mr. Vogel, pursuing his questions, inquired whether the draft agreement had been examined by an attorney representing the City's interests, to which the Mayor responded in the affirmative -- Mr. Roger Titus, who had represented the City in a lawsuit against Montgomery County involving fire service; he went on to state that approximately \$200 had been expended on Mr. Titus' involvement with the agreement and Council had been so apprised. Mr. Vogel inquired how a resolution could be passed expressing support for an agreement that was not finalized; the Mayor reiterated his explanation voiced at an earlier point concerning the process the parties had gone through involving numerous drafts and language modifications, and the fact that the resolution expresses support for the reaching of an agreement and the principles contained therein; he briefly summarized those principles. He said that, for the term of the agreement, the fire station (#2) would remain at its present location in the City; he explained that the term of the agreement was six (6) years with an option for renewal thereafter by the involved parties. Mr. Vogel concluded with the statement that he did not feel the pending agreement had been well-publicized, did not think the City was getting its moneys worth, and did not believe much of what he had heard at the current meeting.

Sam Abbott, 7308 Birch Avenue: said it was only a year ago that the City Council rejected a proposal that was virtually the essence of the current draft agreement; concerning the court case referred to by Mayor Del Giudice, he stated that lawsuit was not related to fire service, that Roger Titus was hired to prevent Montgomery County from deducting \$100,000+ from their payment to the City for services provided by the City (not the County). He said if Mr. Titus were hired to work on the agreement, it should be done by ordinance, as was the case when he was retained to represent the City in the aforementioned lawsuit. In response to query from Mr. Abbott, the Mayor stated that City Administrator Wilson and Assistant City Administrator Habada represented the City at the meetings of the involved parties pertaining to the agreement, they reported back to him and discussions took place concerning what occurred in the meetings. He said Council had been kept informed during the draft process following the City's first receipt of the document, which was draft #3. Upon request from Mr. Abbott, Mr. Wilson stated that the biggest difference in the situation this year versus last year was that Prince George's County had stipulated they would be willing to make a cash payment to the City, the same as Montgomery County does, so that a uniform tax rate can be applied to the entire City. He concurred that, in other details, the prior administration of elected officials had come close to accord on the same or

similar principles, but the cooperation and involvement of all the required parties had not occurred. Mr. Abbott stated that year after year, as Mayor, he was perplexed as to how the tax situation differences between the two counties were resolved; he said he had yet to understand, but continued to believe the City should be removed from the obligation -- the two equal jurisdictions, Prince George's and Montgomery Counties, should be the parties upon whom the burden rests to reach agreement. He pointed out that during his tenure as Mayor, he advocated filing a suit against the two counties to remove the City from the obligation. He inquired whether the amount the City receives from P. G. County would be a percentage of the lump sum set aside to be divided among the 28 municipalities in that county (as in the past), to which response was affirmative and that the City only knows one year at a time what the actual amount will be. Mr. Abbott opined that could affect the pending agreement and it could be terminated by any of the parties. He said it appeared to him that the City Newsletter should be utilized to publicize the proposed agreement and citizens' comments on the issue solicited. Along with that publication, he said the City Administrator should publish the exact effects of the agreement on a house assessed at \$75,000; \$100,000; etc., so that a couple of cases could be seen illustrating exactly what residents of the two counties can expect. Prior to so doing, he said it would be premature to pass any resolution authorizing the agreement.

Councilmember Iddings commented that last year, County Executive Gilchrist's recommendation was to accept the \$.18/\$100. that Prince George's was rebating to citizens for fire service (when Montgomery County residents were paying \$.32/\$100.); he said it was because of transigence on the City's part (led by then-Mayor Abbott) that Mr. Gilchrist later backed away from that proposal and demanded a full \$.32/\$100. payment. Former Mayor Abbott commented that his was the unanimously-adopted City position. Councilmember Bradley commented she had historically supported the City acting as a conduit in the situation, if required, but said she felt there had to be a formal agreement ensuring there would not be double taxation of Prince George's residents, as well as retention of the fire station at its current location and provision of the current level of service. She expressed concern regarding whether or not the draft agreement ensured that the current level of fire and rescue service will be maintained. She raised questions concerning whether or not "assessable property" as used in the agreement actually means taxable property, or whether it means all assessable property including churches, colleges, schools, etc. (which are tax-exempt). Ms. Bradley asked whether a clause providing for automatic renewal of the agreement, absent notification a specified period in advance by one of the parties, could be inserted in Section 1.; she thought that had been done on other contracts and felt it would be beneficial. Concerning the Default clause, she pointed out there should be insertion of some sort of requirement for notice prior to any action prejudicial to the welfare of the City being taken. She expressed concern about Prince George's County's shifting policy from year to year in relation to the tax process, which could adversely affect the longterm stability/reliability of the agreement. She said while she would be willing to vote on certain principles, she could not support presently voting on legal language of the agreement; thought the issue had not been sufficiently discussed from the perspective of what would happen if the City did not enter into the agreement. She supported publication of material as suggested by Mr. Abbott in the upcoming issue of the Newsletter, which will come out prior to the April 28 Council Meeting, with continued discussion at that meeting.

Mayor Del Giudice commented he felt Ms. Bradley's suggestion concerning automatic renewal to be beneficial; said there would be no requirement for the City to make up any difference in the formula for non-taxed property, perhaps the addition of clarifying language concerning the usual assessed tax base and assessed value was required. He stated that questions concerning level of service still remain, current thinking is that there is need for some language in paragraph 2 requiring that the City's fire service be guaranteed a level of service equal to that provided throughout the Consolidated Fire District. He pointed out that when the City signed over its responsibility for the fire station in 1974 to the County, it relinquished most local control to the County which, under County Code, has authority to control levels of service within the Consolidated Fire Tax District. He said under the agreement, the aforementioned language could probably be inserted to ensure that the City would be treated as fairly as everyone else in the County. Councilmember Bradley additionally asked that an

attempt be made to provide language specifying what Prince George's County was going to do as clearly as what had been provided concerning Montgomery County's role.

During continuing dialogue, questions were raised concerning the projected tax rate for the City; Mr. Wilson stated that figures used in budget worksessions amounted to \$1.80/\$100. assessed valuation, which included the fire service. He explained that that amounted to \$1.53 (across the City) for all services other than fire service plus the \$.27/\$100. for fire service.

David Prosten: stated he was glad he lived in the Montgomery County section of the City because he could not follow a substantial amount of the current discussion, nor did he think the majority of Councilmembers could easily comprehend and follow the complex and involved manipulations concerning the tax rate and the effect of the agreement thereon, particularly when presented verbally. He urged that information be published in the Newsletter and opportunity afforded for citizen input. It was noted that the issue at hand had been ongoing for a number of years. The Mayor pointed out that a deadline does exist, if resolution of the problem is anticipated, in that the Montgomery County Council believes that in order to accomplish what is called for in the agreement, an amendment to their Code relative to the tax system would have to be adopted allowing them to charge a reduced rate to Montgomery County citizens of the City (allowing the City to raise its taxes by that equivalent amount); he said that legislation is now before the County Council, which was why he had asked that Council support in spirit the approach and philosophy of the agreement. Mr. Prosten reiterated his request that the issue be publicized in the Newsletter prior to Council taking action; did not think a 30-day delay would seriously impact the situation. In response to query posed by Councilmember Haney, the Mayor stated that the proposed resolution does a bit more than express the City's support for the principles engendered in the agreement; however, if that were what Council desired, then the resolution could be appropriately amended. In ensuing discussion, Councilmember Iddings commented that there is a tendency for Council to become too involved in process, straying from the main point of the issue; he said he felt the main issue currently being considered is whether the City wants the present fire station to continue in a guaranteed existence for six years versus commencement of a process to relocate it somewhere in Silver Spring. He pointed out the issue had been discussed on numerous occasions and the clear consensus was a desire to retain the fire station at its present location; the primary need now was to examine whether the Tri-Party Agreement would achieve that end. He noted that in worksession, and other, discussions it had been made clear to Councilmembers representing Prince George's wards of the City that the agreement would, in effect, raise taxes and institutionalize a form of double taxation for Prince George's residents, in that they would be taxed by the county for fire service (as well as by the City), but the county (Prince George's) would not be providing them that service. He said he had received and examined several drafts of the agreement and felt, if Councilmembers representing Prince George's residents were going to back off on the issue, the time to do so would have been at some earlier point, rather than waiting till the eleventh hour when Montgomery County's emergency legislation was due to go before the County Council on tomorrow's date. He expressed concern about how the City backing off could affect other issues pending with the county; and said that if the City did not proceed with the agreement, he felt a viable resolution of the problem could be kissed goodbye and the process of anticipating and grieving loss of the fire station ad infinitum would commence again. Councilmember Sharp concurred with Mr. Iddings' statements concerning tax increase and a form of double taxation and the fact that he had periodically raised those points, however, Mr. Sharp stated that he did expect that Council would take steps toward eliminating that patently-unfair double taxation. Councilmember Bradley reiterated earlier statements that she did not think a two-week delay or tabling of the resolution would have serious longterm adverse effects; said in light of questions she raised earlier, she would not vote for the resolution as presented, however, if Councilmember Haney wished to move amendments relative to informal suggestions he made earlier, she would be open to consideration of them. Councilmember Haney stated that, in light of Mr. Iddings' comments, with which he concurred, he would decline to offer any changes. He said he felt confident of the efforts put forth by Mr. Wilson, Ms. Habada, and the Mayor, on behalf of the City and its best interests, in the negotiations with the counties. He commented that

Prince George's residents with whom he had spoken voiced support for doing whatever was necessary to save the fire station, including raising taxes, as long as the amount was not exorbitant. He said he believed that, in lieu of the agreement, Montgomery County would expedite the process to close and relocate Station #2. Councilmember d'Eustachio remarked that he had spoken with numerous citizens of his ward, all of whom seemed to understand that retention of the fire station would entail a tax increase for Prince George's residents of the City; he said he did not feel the closing and relocation of the fire station to be an idle threat; the county has the power to do so should they so choose. He concurred with passage of the resolution expressing support for the basic principles of the agreement, as well as publication of information in the Newsletter, and pointed out that, should sufficient reason to do so arise, there was no reason why Council could not reverse their position and he would be prepared to do so if necessary.

Mayor Del Giudice commented he felt that an ongoing problem concerning fire service in the City was the fact that any agreement had involved two, rather than three, parties; said alteration of that factor is one of the major benefits of the current draft agreement, despite the fact that it comes accompanied by costs, as well as a certain amount of inequity. He explained, however, that the inequity in the tax system is not limited to the double taxation aspect referred to in relation to Prince George's residents and fire service, but exists in the overall picture of the tax structure of both counties in relation to the amount of money they turn over to the City for services provided. He said isolating the fire service issue in this regard would not benefit the overall picture; the mandate is to address the entire problem system-wide with both counties. He emphasized the need to move ahead if there were to be hope of preserving the fire station at the present location, and deal with the overall tax system issues as a separate agenda. For the record, Councilmember Bradley repeated that she supported the concept of the City being a conduit for the transfer of monies between the counties for fire service, however, could not support some of the language of the resolution as presented due to concern about some of the details in the current draft agreement. Following iteration of the basis of her concerns, primarily past history related to various agreements/contracts, she moved to table the resolution; no second was offered. Following comment by Mr. Sharp that the negotiation process was still going on, the agreement was not in final form, and there should be no bar to expressing support for the basic principles, the Mayor stated that he was going to temporarily take the resolution off the table in order to avoid detaining any longer representatives from Selig Associates who were present in connection with another agenda item.

**3. Ordinance accepting proposal from Selig Associates, Inc. to perform personnel classification, factoring and compensation projects.**

Following introductory remarks by Mr. Wilson, Councilmember d'Eustachio repeated questions to the City Administrator which he had posed at the last worksession concerning the proposed projects, their ultimate ongoing usefulness to the City, and similar work performed by the firm for other counties and municipalities. Mr. Wilson stated he had received some material from Ocean City, as well as having been in contact with two other municipal references given by Selig; he said they were all very reassuring concerning effectiveness and ongoing use of the system by the City. In response to query, he stated that dollar figures for salaries should be available for use in the budget process by latter May at the latest, and that in order to make appropriate adjustments to the existing pay plan, the cost to the City would be approximately \$60,000. Councilmember Iddings referred to his question raised in worksession concerning pay inequity, i.e., how the City could be sure they did not perpetuate such discriminatory inequities against women, minorities, etc., under the proposed approach. Mr. Selig responded that the way that is avoided is by factoring all positions with the same measuring tools. Councilmember Haney commented he would be voting in favor of the ordinance and congratulated Mr. Wilson and Ms. Habada for their work on this issue; he said accomplishment of this project is long-overdue in the City. He spoke favorably of similar changes that had occurred in recent years in the federal government. For the record, Mr. Iddings commented he supported the effort to regularize the payscale; had recognized a lack there during his first term on the Council; he said, however, that he would abstain from the vote because he was not satisfied the system would be a value-free measuring tool, thought it would be socially abjective and would reflect the shared cultural prejudices; said in absence of



specific corrective techniques, he did not believe the approach would really address some of the issues he had raised under the term pay equity. He said he did wish to see a process such as this one occur this year because he felt it to be vital for personnel. Councilmember Bradley commented she heartily endorsed the addressing of pay equity and pointed out that one of the members of the Personnel Review Committee, which will be working with staff, is considered an expert in pay issues and surely the equity factor would be examined. Mr. Wilson pointed out that the current budget does not contain a specific line item for this contractual expenditure; suggested acceptance of the ordinance for first reading, with second reading to be scheduled for April 28, unless Council wished to pass the ordinance as an emergency piece of legislation based on time constraints, or, alternatively, convene in Special Session on April 21 during worksession for second reading. Mr. Iddings commented that prior to second reading, the nuclear-free statement clause should be added to the ordinance. The ordinance was accepted for first reading, as moved by Councilmember d'Eustachio.

ORDINANCE #1986-  
(attached)

Discussion concerning the proposed resolution pertaining to the Tri-Party Agreement resumed. Following recapitulation by the Mayor of the points on which he felt there to be a consensus among the Council, Councilmember d'Eustachio suggested the first resolve clause of the resolution be changed by inserting the words in principle following "...City of Takoma Park agree...", and deleting the words [and confirm]; and, further, deleting the second resolve clause in its entirety. It was noted that, in light of the resolution not yet having been moved for passage, the changes could be accomplished editorially. Councilmember d'Eustachio moved passage of the resolution, as amended, duly seconded by Councilmember Sharp; carried unanimously (Councilmembers Levy and Williams Excused). It was noted that the Mayor would return to Council at a later point in time for authorization prior to the signing of the final version of the agreement, with publication of the final version in the Newsletter and opportunity for citizen input.

RESOLUTION #1986-31  
(attached)

4. Committee Appointments: Nuclear Free Zone Committee, Open Space Committee, and Personnel Operations Review Committee.

Mayor Del Giudice presented the following names of applicants for membership on the Nuclear Free Zone Committee and recommended their appointment: Sharon Levy (March 1, 1988); Robert Z. Alpern (March 1, 1988); Michael F. Havelin (March 1, 1987); Michael Hasty (March 1, 1987); Reuben Snipper (March 1, 1988); Andrea Di Lorenzo (March 1, 1988); Morris Rodenstein (March 1, 1987). The Mayor noted that there were additional applicants who had expressed interest in serving on the committee, including Sam Abbott, Christopher Huff, and a couple of others.

Sam Abbott: spoke heatedly concerning his exclusion from membership on the committee, referring to the "sleaze factor," and pointing out his longterm, in-depth interest in the issue of nuclear weaponry. In response to query, Mayor Del Giudice stated it was his prerogative to nominate the appointees, Council's to affirm their concurrence by making the appointments, if that were the consensus. Following additional dialogue, Mr. Abbott commented that the matter had been handled in a "scummy" way, his qualifications to serve had been disregarded in the decision, and if Council approved the appointments they would be endorsing something that would really prove to the citizens that a dramatic turnaround is, in effect, being made.

Morris Rodenstein, 8205-B Roanoke Avenue: said he had heard a rumor that the current situation might occur, which was why he made a point of being present for the meeting. He commented that, regardless of any personal differences between the present and former Mayors, the effectiveness of the committee would be lessened by not having Sam Abbott as a member. He referred to former Mayor Abbott's trip to Japan last summer to represent the City; said he feels Mr. Abbott symbolizes what the City has become in its efforts to become a Nuclear Free Zone, and to treat him in this manner did not reflect favorably on the present Mayor. He urged that Mayor Del Giudice reconsider his decision.

David Prosten: said he did not know what the intent was in excluding Mr. Abbott as a nominee, however, it did not appear to be consistent with what Mayor Del Giudice had projected as wanting for the City. He pointed out that during his lengthy tenure as Mayor, Mr. Abbott had been, essentially, the father of the nuclear free legislation in the City as well as being known throughout the country and in many parts of the world for his involvement and activity in the anti-nuclear movement. He said that if what was proposed went through, it would be viewed by all as sheer vindictiveness and the most base sort of politics, would be a disservice to all; despite the competence and capability of the nominees, he said none had credentials and knowledge to compare with Sam Abbott's, let alone the energy he has to devote. He urged that the Mayor consider a modification, perhaps an enlargement of the committee, or that, alternatively, the Council take it upon themselves to rectify the situation.

Councilmember Haney commented he would support the Mayor's nominations, would oppose any motion to include Mr. Abbott on the committee. He spoke favorably concerning Mr. Abbott's accomplishments toward furthering the anti-nuclear and peace movements; said his exclusion from the committee would not preclude his continued participation and, perhaps, leadership participation in related organizations, e.g., Nuclear Free America. Mr. Haney stated his position was based on actions of Mr. Abbott, such as when he was representing the City in Japan, his taking, for distribution, copies of the original, rather than the amended, version of the City's Nuclear Free Ordinance, which he stated did not reflect well on Mr. Abbott's character to serve and further the cause. Additionally, Mr. Haney related his remembrance of then-Mayor Abbott leaving (abdicating his responsibility) in the midst of a meeting when the vote on amending the Nuclear Free Ordinance was contrary to his personal wishes, and, subsequently when appointments were to be made to the Nuclear Free Committee, then-Mayor Abbott chose not to appoint members. For these reasons, Mr. Haney stated he felt Mr. Abbott should be precluded from being selected to serve on the committee.

Brent Dillingham: inquired whether the Mayor perceived the possibility of enlarging the committee as suggested by Mr. Prosten, to which Mayor Del Giudice stated that such an amendment would have to be accomplished by ordinance. He said his hope was that Council would proceed with the appointments; the committee, once in place, could recommend membership enlargement, if so desired, and Council would have to consider the request; however, he did not personally support enlargement beyond the present seven members. Mr. Dillingham opposed the exclusion of Mr. Abbott from the committee on the bases cited by Mr. Haney. Brief dialogue took place between Mr. Dillingham and Councilmember Iddings, followed by Mr. Dillingham relating a short allegory and ending with the remark that the outcome of the situation, in essence, rested in the hands of Mayor Del Giudice and Councilmember Iddings.

Councilmember Bradley commented that the situation at hand was the sort that makes one tire of, if not bemoan, politics. She said she comprehended some of the reasons Mr. Abbott was not nominated, but did not think they would stand the test. She said she was aware that Councilmember Levy (who had left earlier due to illness) had suggested and hoped for expansion of the committee so that not only Mr. Abbott, but the others who had applied and not been nominated, could participate. She said she had learned through experience the truth of a concept voiced by Mr. Abbott--that when you have highly-structured appointed committees, some of the people who can contribute constructively are lost. She said she thought Ms. Levy, as well as herself, would support either the appointment of Alternates to the committee, or at least allowing the other applicants to participate in an ad hoc way, or until such time as amendment of the ordinance could be effected. She expressed the hope that personal/political differences could be worked out and put aside for the betterment of the community, and interjected the reminder that the campaign slate of some of those presently sitting as elected officials touted the politics of inclusion. Councilmember d'Eustachio commented that had Mr. Abbott utilized the same eloquence as some of the other speakers, or expressed his willingness to work on the committee, rather than the approach he did take, he would have supported his inclusion on the committee; he related incidents from his family background that indicated a basis for sensitivity to being referred to as "scum" [political scum]. He said he, too, would like to think that all could work together, could have a "class act" in the City, however, did not think crude, rude, disruptive displays could possibly further that goal.

Sam Abbott rebutted Mr. d'Eustachio's comments; said he did not call him "scum," had never had any discussion on a one-to-one basis with him, and Mr. d'Eustachio had not cast any vote on the issue at hand. Mr. Abbott said he speaks as he does and will go to his grave so doing, just as emphatically. He said he did not know what was "bugging" Mr. d'Eustachio. In response to Mr. Haney, he stated he did take the original version of the ordinance to Japan for distribution because he opposed the amendment and still does; he said any elected official, once the vote is taken, is not bound to accept the decision. He said if he were ever again an elected official, and as a citizen, he would move to change that situation. He spoke at length concerning events surrounding the amendment to the original ordinance, said he had been falsely characterized to a writer as being an opponent of the boycott provision. In conclusion, he pointed out that people respond in different ways to issues affecting them emotionally; hoped that those who could maintain unaltered decorum and well-modulated voices under stress would always retain the ability to do so; he hoped that neither Mr. d'Eustachio nor anyone else would misconstrue remarks made by him as personal reflections on their ancestry, and perceive that as a justification for excluding him from membership on the committee. Councilmember Iddings remarked he wished to respond to some factual errors Mr. Abbott made in his comments; he related his remembrance of events concerning the amendment to the original ordinance; concerning the false characterization to which Mr. Abbott alluded and which had been used in a book, he said he and others clearly recalled then-Mayor Abbott's initial opposition to "the sweeping nature" of the ordinance and preference for a simple resolution such as Garrett Park had enacted. Mr. Abbott denied Mr. Iddings' recollection of his reaction to the ordinance, said he supported and was exhilarated by the ordinance when it was presented and gave Mr. Iddings credit, particularly for the boycott provision. He said what he did object to was a new Council, without opportunity for discussion, having to vote on the issue.

Mr. Dillingham pointed out that there appeared to be double standards--that while some Councilmembers apparently chose to take personal offense at remarks made by Mr. Abbott, those same individuals appeared to feel free to make similarly cutting comments that could be taken personally by former Mayor Abbott, if he so chose. He urged that the elected officials not indulge in hypocrisy in the form of double standards, and cited some specific examples of language used by Councilmembers in recent public meetings that could be construed as crudity.

In response to Mr. Rodenstein's earlier remark, Mayor Del Giudice stated that if there were a rumor concerning his committee nominations circulating, it was completely unfounded. He said he had a very difficult time making a decision; it was not made lightly and required a considerable amount of thought. He said he could be wrong, his judgment could be poor, but the decision was one he made and had recommended. He went on to explain that he felt Sam Abbott to be very committed, knowledgeable about the issue, and that he would remain committed and active whether or not he were on the committee; however, he said he felt an opportunity for participation would be provided those appointed, some of whom may not have been involved in the past and several of whom are fairly new residents to the City. He said he had only reached his final decision earlier this date, so if there was a rumor, it may have been the fact that Mr. Abbott had applied and was being considered; he pointed out that the reason the resolution was disseminated without names designated was because he had not yet reached his decision. Councilmember Haney moved passage of the resolution with the names specified by the Mayor, duly seconded by Councilmember Iddings; carried unanimously (Councilmember Bradley temporarily absent; Councilmembers Levy and Williams Excused).

RESOLUTION #1986-32  
(attached)

Mayor Del Giudice presented the resolution to appoint members to the City's Open Space Advisory Committee; he said nominees were various individuals suggested by members of the Council and included the following: Alice Trembour, Ward 1 (Alternate Esther Geiger); Alan Abrams, Ward 2; no nominees received to date from Wards 3 and 4; Gail White, Ward 5 (Alternate Ellen Micah); Janice Martin, Ward 6; no nominee received from Ward 7; Edward Hutmire, Recreation Council; Georgine Prokopik, Tree Commission; Belle Ziegler, Director of Recreation; Richard Robbins, Director of Public

Works; Daniel Neal, Economic & Community Development Coordinator. Councilmember Bradley commented this was a very important issue, the committee is one being revitalized from 3 years ago, and hoped Councilmembers who had not done so would proceed with making their nominations without further delay. She hoped the committee would not have to wait for a full complement of members to meet, in light of pending obligations. Councilmember Haney moved passage of the resolution with the membership nominated to date, duly seconded; carried unanimously (Councilmembers Levy and Williams Excused).

RESOLUTION #1986-33

(attached)

Mayor Del Giudice presented the names of the nominees to the Personnel Operations Review Committee, including Arthur Bunyan, Nancy Ricks, Ed Longen, Christine Owen, and Laurie Dubrow. Councilmember Sharp moved passage of the resolution, duly seconded, carried unanimously (Councilmembers Levy and Williams Excused).

RESOLUTION #1986-34

(attached)

5. Continued discussion of In-House Corporation Counsel position.

Councilmember d'Eustachio commented that the issue had been discussed numerous times, that a number of proposals had been put forth that could be synthesized, still allowing for leeway and flexibility in approach. He said he leaned toward the Rockville model, wherein two attorneys would be hired on retainer, with a specific set of duties; but he would not preclude other arrangements suggested, particularly from attorneys perhaps wishing to submit proposals and suggestions to the City for consideration. He noted that the next agenda item would be appointing members to a committee to begin to look at the situation, commence development of criteria, and make recommendations to Council, and he said he would support that. Councilmember Haney expressed concurrence with Mr. d'Eustachio's comments. In response to questions raised, the Mayor pointed out that there was not a resolution currently on the table concerning the Corporation Counsel position--there had been one distributed some time ago, however, it had not been very clear-cut, left a lot of questions unanswered. Councilmember d'Eustachio reiterated support for moving ahead with appointment of committee members, who could then sit down with the Mayor and Council at a worksession and be apprised of the officials' views and wishes in the situation prior to proceeding with their assignment(s). The Mayor commented he felt it would be necessary to give the committee a clear understanding of what they are to do and how to proceed; he said a number of the legal needs of the City had become clear during discussions and it would be necessary to conclude those discussions and pass along the conclusions to the committee prior to their commencing work. He summarized the options for provision of legal services that had been presented and discussed to date; said a preference would need to be expressed to the committee to afford them some guidance. Councilmember d'Eustachio commented it would be his assumption that the Mayor would chair the committee, lending his guidance, and would keep Council apprised as the process moved forward. Councilmember Iddings commented he felt there was a need to set some priorities concerning the kind of lawyers the City wants; said the RFP should be drafted with some flexibility because it is not known that the responses will include exactly what is required for the City. He said he agreed with Mr. d'Eustachio in leaning toward the multi, part-time Corporation Counsel(s); however felt the advertisement should be worded in a flexible manner so a variety of responses will be forthcoming, affording a wide range from which to choose. He said there should be some specific tasks set for the committee, including drafting of a job description for the position. He pointed out that the City Code describes in detail the duties of Assistant Corporation Counsel, but nowhere is Corporation Counsel mentioned, which will have to be rectified. Additionally, he said criteria will need to be prepared by the committee, and a request for proposals, to be reviewed by Council. He said the committee would probably also be involved in the placing of the advertisement, as well as the screening and ranking process; said Council would have to decide how the screening and ranking would be done, whether it would be desirable to have the committee recommend a single top candidate, the top four candidates, or a ranking of all candidates. Finally, he said it would have to be decided what sort of interviewing process would be utilized and when it would take place. Coun-

councilmember Sharp concurred with Mr. Iddings' comments concerning the need for the committee's work to be reviewed by Council and the need for Council to provide direction; said he had hoped a decision would be reached at the current meeting concerning the approach to be taken to provide the City's legal services, felt the committee would be better able to proceed once that decision was made. He referred to information submitted by him to Council last month, outlining duties he foresaw, costs, and addressing arguments raised against in-house counsel, and urged that those opposing that concept do an in-depth cost analysis of in-house versus outside contract legal services. He remarked that the Rockville model had a certain appeal, particularly if it were found a part-time in-house individual could meet the City's needs. Councilmember Bradley thanked Mr. Sharp for his memo which she said was helpful, however, still wanted additional information and analysis which had been anticipated from staff, in order to better assess the City's needs and costs that would be involved in fulfilling them. She related her knowledge of Rockville's legal services situation and how it had evolved. Mr. d'Eustachio commented that, as an accounting principle, legal services costs, regardless of how they are supplied, should be directly allocated and related to each City department and so reflected in budget documentation. Mr. Wilson commented that he had sent a memo to all department heads asking that they project their requirements for legal counsel, at least as related to anticipated litigation, as well as other possible needs. The Mayor referred to Mr. Sharp's memo and summarized a few duties and responsibilities he felt would need to be included under those to be performed by counsel. Councilmember Bradley commented she did not think that all of the responsibilities mentioned in connection with corporation counsel needed necessarily to be handled by a lawyer, or even a paralegal, but could be done by competent administrative personnel; she expressed a concern that if it were decided to have staff, in-house counsel, that initial step could progressively expand into a City legal department.

The Mayor presented and moved (duly seconded) the proposed membership for the Corporation Counsel Advisory and Selection Committee, including: The Mayor, the City Administrator, one City Councilmember, and five citizens including Pat Hanrahan, Robert Frederick, Rick Robinson, James Arisman, and Tim Smith. He noted that a resolution is in the draft process to appoint the nominees. In response to query, he stated he would hope that an RFP would be ready to be sent out within the next month at the latest, with distribution in the City Newsletter; if it were ready sooner, other advertising sources would be utilized. He said he would try to convene the committee within the next two weeks to commence work. As Council representative on the committee, he nominated Councilmember Sharp.

Greg Hamilton: referred to the number of committees being formed; said a number of citizens from Ward 4 have expressed interest in serving on various of the committees, however, do not have adequate representation and inquired how those people wishing to get involved can do so. He said that not only have people asked the Councilmember representing that ward to submit their names (which he has failed to do), but that the individual is not in contact with the people in the ward, nor does he attend the Council Meetings. The Mayor suggested, in light of earlier discussion concerning possibility of enlarging the committee presently being formed if so desired, that Diane Jenkins of Ward 4 be asked to serve on the committee. He said that ward should have representation in light of legal issues that arise there and he felt Ms. Jenkins would be an able representative for the citizens. The Mayor noted he had been approached by Karen Mitchell from Ward 4 concerning her interest in serving on the Traffic Committee, and when the additional nominations were submitted from other wards, the appointment process would move ahead. In response to query, the Mayor stated he would make it clear to Councilmember Williams that, absent the submission of any nomination from him, he (the Mayor) would proceed with nominating Ms. Mitchell himself; however, he would not do so without first apprising Mr. Williams of his intent.

Phil Vogel: inquired whether an advertisement had been run in the Newsletter soliciting applicants for the corporation counsel committee, to which the response was negative. He said he felt a mistake was being made, that with elected officials making the committee membership nominations, what they would get would be people who would tell them what they want to hear; reiterated he thought upcoming committee nominations should be publicized in the Newsletter. He reiterated comments made earlier relative to the

wording of agenda items being imprecise, e.g., that the wording of agenda item #6 made it appear that a resolution would be passed to appoint members to the designated committee, rather than the actual appointments being effected. Councilmember d'Eustachio responded that, in essence, that item had pretty much developed as Mr. Vogel had witnessed; he said that is one drawback to the concept of disseminating draft agenda, in that there is a certain amount of flexibility and it cannot always be foreseen how certain items would develop or what action would be taken. He explained that Council discussed the issue in pre-Council session, had generated the list of nominees at that time. Following brief discussion, Mr. Vogel reiterated he did not feel committee appointees should be those chosen to reflect a mirror image of the elected officials' views. Councilmember Iddings tendered an apology to Mr. Vogel for some flippant responses he had made earlier to some of Mr. Vogel's comments. The question was called on the motion to pass the resolution appointing the designated committee members and carried unanimously (Councilmembers Levy and Williams Excused).

RESOLUTION #1986-35  
(attached)

Sam Abbott inquired whether a copy of the specifications for the Library carpeting (agenda item #9) was given to Jack Allen (a City business owner) prior to deciding to enter into a cooperative purchasing agreement through Montgomery County to purchase the carpeting. Mr. Wilson explained that this was a direct piggyback arrangement with the county's supplier, was not put out to bid. Mr. Abbott commented that in that event, it was not known that the procurement would be at any lesser price than Jack Allen would have furnished carpet meeting the specifications. He urged that local merchants be given consideration in purchasing. Councilmember Iddings expressed whole-hearted agreement with Mr. Abbott's comment; said he thought this was illustrative of a problem that had arisen from modification last year to the purchasing ordinance, which he felt staff had misinterpreted. He said that in relation to the technical assistance for re-roofing the Library, only one bid was received and staff had to be directed to get additional ones. He said he did not feel the purchasing ordinance adopted last year was intended to circumvent competitive bidding, was intended to streamline the process, yet ensure that there was still a competitive process. Mr. Wilson pointed out that the carpeting could not be installed until the roof was taken care of, suggested a two week postponement of the item, allowing accomplishment of what Mr. Abbott had suggested; Council concurred. Mr. Wilson commented that the purchasing ordinance was open to varying interpretation, which was one reason procurement procedures are needed, but they haven't been addressed due to the press of other business.

6. Resolution establishing Farmers Market and rules for operation/participation for 1986 season.

Following introductory comments by Councilmember Iddings, Councilmember Haney moved passage, duly seconded by Councilmember d'Eustachio, carried unanimously (Councilmembers Levy and Williams Excused; Councilmember Bradley departed at an earlier point in the meeting).

RESOLUTION #1986-36  
(attached)

7. Ordinance approving consulting contract to provide technical assistance for re-roofing of City Library (funding authorized in FY 85-86 budget).

Councilmember Iddings inquired whether the contractor had signed the appropriate paper work in relation to the Nuclear Free Ordinance; to which Mr. Wilson responded in the negative, stating that could be made a provision of adoption. The Mayor suggested editorial amendment of Section 5 of the ordinance to delete the period at the end and insert ";provided, however, that Moisture Protection System Analysts, Inc. file with the City the required Affidavit under the Nuclear Free Zone Ordinance." Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Haney. The roll call vote was recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings and Sharp; NAY: None; EXCUSED: Councilmembers Bradley, Levy, and Williams.

ORDINANCE #1986-9  
(attached)

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

P R O C L A M A T I O N

WHEREAS, during the past two years, major renovations have been taking place at the Statue of Liberty and Ellis Island in preparation for the centennial celebration of Lady Liberty in 1986; AND

WHEREAS, there are many commemorations and activities taking place throughout our Nation celebrating freedom, opportunity and the rich ethnic heritage of our great land, as symbolized by Lady Liberty; AND

WHEREAS, the Maryland Ethnic Heritage Commission, established by the Governor, has designated the week of April 13 through 19, 1986 as Maryland's Liberty Week; AND

WHEREAS, the City of Takoma Park is a melting pot of ethnic and cultural diversity; AND

WHEREAS, Lady Liberty welcomes the immigration of people in pursuit of economic, political and social freedom on behalf of the United States, in recognition of which the Mayor and Council, on October 28, 1985, declared Takoma Park a Sanctuary for Salvadorans and Guatemalans seeking such freedoms in America, "Land of the Free."

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby designate the week of

April 13 through 19, 1986

as

LIBERTY WEEK IN THE CITY OF TAKOMA PARK

and join with the State of Maryland and other communities throughout our Nation in celebrating our heritage of liberty and ethnic diversity.

APRIL 14, 1986

REVISED per 4-14-86 Council discussion; required non-nuclear involvement statement.

Introduced by:

1st Reading: 4-14-86  
2nd Reading:

ORDINANCE NO. 1986-

WHEREAS, classification and subsequent establishment of a pay plan is needed for FY 1986-87; AND

WHEREAS, The Selig Associates, Inc., have submitted a proposal to perform classification, factoring and compensation projects for the City of Takoma Park at a cost of \$2,740 plus or minus ten percent; AND

WHEREAS, Selig Associates, Inc. have satisfactorily completed similar projects for the City of College Park, Town of Centerville, Harford County, Queen Anne's County, Somerset County and Caroline County; AND

WHEREAS, the proposal has been reviewed by the Mayor and Council; AND

WHEREAS, the proposal includes factoring of job classes by an employee-administrative committee which will establish a classification plan with justifications; AND

WHEREAS, the Selig proposal includes training of City staff that will leave the City with the in-house capability of undertaking future classification utilizing the factoring method.

WHEREAS, The Selig Associates, Inc. will submit the required notarized affidavit certifying that they are not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT in accordance with Section 2-42(a) of the City Code, 1972, as amended

SECTION 1. THAT the proposal of The Selig Associates, Inc. for professional services is hereby accepted at a cost of \$2,740 plus or minus ten percent of said amount.

SECTION 2. THAT the City Administrator is hereby authorized to enter into a contract with The Selig Associates, Inc. for the professional services proposed in the March 17, 1986 proposal received from The Selig Associates, Inc.

Adopted this \_\_\_\_\_ day of April, 1986.



RESOLUTION #1986-31

A RESOLUTION IN SUPPORT OF AND FOR BECOMING A PARTY TO A TRI-PARTY AGREEMENT BETWEEN TAKOMA PARK, MONTGOMERY AND PRINCE GEORGE'S COUNTIES PERTAINING TO FIRE SERVICE FOR THE CITY OF TAKOMA PARK.

WHEREAS, at the direction of the Chief Executive Officers of Takoma Park, Montgomery County, and Prince George's County, senior staff from the respective jurisdictions convened for the purpose of preparing an equitable agreement for the delivery of fire service to all of Takoma Park; AND

WHEREAS, said staff have drafted a fire service agreement that meets the requirements stipulated by the respective Chief Executive Officers; AND

WHEREAS, the Mayor and Council of Takoma Park have reviewed, revised, and re-reviewed the several drafts required to develop the final agreement; AND

WHEREAS, the agreement meets the basic requirements of the City, namely securing the delivery of fire service from the Takoma Park Volunteer Fire Department's present location for a minimum of six years, and a taxing mechanism that will allow the City to equitably and uniformly tax its citizens for fire service, as well as all other services provided by the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park agree in principle to the terms and conditions set forth in the draft agreement, a copy of which is attached hereto and hereby made part of this resolution.

RESOLUTION NO. 1986-32

WHEREAS, Section 8A-12, Nuclear-Free Takoma Park Committee, of the Takoma Park Code, 1972, as amended, sets forth the provisions for establishment and duties of a Nuclear-Free Takoma Park Committee, to oversee implementation of and adherence to the Takoma Park Nuclear-Free Zone Act; AND

WHEREAS, the aforementioned section of the City Code states that the Committee will consist of seven (7) Takoma Park residents, who shall serve two (2) year terms, with the exception of three (3) members, who shall serve one (1) year terms; AND

WHEREAS, that the seven committee members shall have collective experience in the areas of science, research, finance, law, peace and ethics; AND

WHEREAS, the Committee shall appoint its own chair and establish its own bylaws, both subject to approval by the Mayor and Council; AND

WHEREAS, the Committee shall have the duties and responsibilities as set forth in Section 8A-12(c) of the City Code, 1972, as amended; AND

WHEREAS, certain individuals have submitted applications to the Mayor for appointment to the Committee, to be confirmed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the applications of the following individuals are hereby accepted by the City Council and those individuals are appointed to serve on the Nuclear-Free Takoma Park Committee, with terms of office as noted below:

COMMITTEE MEMBERS	TERM EXPIRES
(1) Sharon Levy	March 1, 1988
(2) Robert Z. Alpern	March 1, 1988
(3) Michael F. Havelin	March 1, 1987
(4) Michael Hasty	March 1, 1987
(5) Reuben Snipper	March 1, 1988
(6) Andrea DiLorenzo	March 1, 1988
(7) Morris Rodenstein	March 1, 1987

Introduced by: Councilmember Haney

Adopted: 4-14-86

RESOLUTION NO. 1986-33

WHEREAS, ON March 10, 1986, the Mayor and Council adopted Resolution No. 1986-24, establishing an Open Space Citizens' Advisory Committee, which set forth specific membership and responsibilities for the Committee; AND

WHEREAS, the aforementioned Committee membership is to consist of one appointee from each ward of the City, to be recommended by their respective Councilmember, one appointee from the Recreation Council and Tree Commission, and three non-voting members to include the Director of Recreation, Economic and Community Development Coordinator, and the Director of Public Works; AND

WHEREAS, the Committee chair shall be designated by the Mayor; AND

WHEREAS, the names of the following individuals have been submitted by Councilmembers to the Mayor for appointment to the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the Open Space Citizens' Advisory Committee:

COMMITTEE MEMBERS

WARD 1 Alice Trembour (Alternate: Esther Geiger)

WARD 2 Alan Abrams

WARD 3 \_\_\_\_\_

WARD 4 \_\_\_\_\_

WARD 5 Gail White

WARD 6 Janice Martin

WARD 7 \_\_\_\_\_

Edward Hutmire, Recreation Council

Georgine Prokopik, Tree Commission

Belle Ziegler, Director of Recreation

Richard Robbins, Director of Public Works

Daniel Neal, Economic & Community Development Coordinator

\*: Chair

NOTE: Chair not designated as of 4-14-86.

RESOLUTION NO. 1986-34

WHEREAS, ON March 10, 1986, the Mayor and Council adopted Resolution No. 1986-25, reconstituting the Personnel Operations Review Committee, and setting forth specific membership and responsibilities for the Committee; AND

WHEREAS, Councilmembers were to submit names of individuals for appointment to the aforementioned Committee, which is to consist of not less than five (5) members, nor more than seven (7) members; AND

WHEREAS, the Committee chair shall be designated by the Mayor; AND

WHEREAS, the names of individuals listed below have been submitted to the Mayor by Councilmembers for appointment to the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the Personnel Operations Review Committee:

COMMITTEE MEMBERS

- (1) Arthur Bunyan
- (2) Nancy Ricks
- (3) Ed Longen
- (4) Christine Owen
- (5) Laurie Dubrow
- (6) \_\_\_\_\_
- (7) \_\_\_\_\_

\*: Chair

Introduced by: Mayor Del Giudice

Adopted: 4-14-86

RESOLUTION #1986-35

WHEREAS, The Charter and Code of Takoma Park, Maryland, 1972, as amended, under Article 2., Sec. 2-10., empowers the Mayor or Council to appoint such special and standing committees as may be deemed necessary; AND

WHEREAS, that same aforementioned section of the Code provides that the duties of said committee may be prescribed by the Mayor or Council at the time of establishment or subsequent thereto; AND

WHEREAS, a need has arisen for a group, comprised of both elected officials, City staff, and citizen representatives, to commence a process aimed toward procuring legal services for the City that are both proficient and cost-effective; AND

WHEREAS, prior to commencement of work, guidelines outlining specific tasks and goals of the committee shall be formulated and presented to the Mayor and Council for approval; AND

WHEREAS, the names of qualified citizens who might serve on the committee have been placed in nomination by the Mayor and Councilmembers for membership on the committee.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council shall appoint members to a special committee to be known as the Corporation Counsel Advisory and Selection Committee.

BE IT FURTHER RESOLVED THAT the following individuals are hereby appointed to serve on the Corporation Counsel Advisory and Selection Committee:

Mayor Del Giudice  
City Administrator Wilson  
Councilmember Sharp  
Pat Hanrahan  
Robert Frederick  
Rick Robinson  
James Arisman  
Tim Smith  
Diane Jenkins

Introduced by: Councilmember Haney  
Drafted by: Daniel Neal

RESOLUTION 1986 - 36

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers Market in Takoma Old Town for the past four years; AND

WHEREAS, the Takoma Park Farmers Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the community as a whole; AND

WHEREAS, the Mayor and Council of the City of Takoma are therefore desirous of continuing to sponsor and coordinate the Takoma Park Farmers Market;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the document entitled "TAKOMA PARK FARMERS MARKET GUIDELINES, 1986 SEASON," attached hereto and made a part of this resolution by reference, is hereby adopted and approved.

Approved by the Mayor and Council of the City of Takoma Park, Maryland this 14th day of April, 1986.

Mayor: \_\_\_\_\_  
Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

GUIDELINES  
1986 SEASON

I. ELIGIBILITY REQUIREMENTS:

- A. All persons who actually produce the fruits, vegetables, plants, herbs, flowers, baked goods, jellies, jams, honey and/or other products that they intend to sell in the Takoma Park Farmers Market are eligible to sell at this market.

II. GENERAL RULES:

- A. All products sold must be grown or produced by the vendor. The resale of items purchased by the vendor shall not be permitted.
- B. Items allowed for sale shall include fruits, vegetables, berries, nuts, plants, herbs, flowers, baked goods, honey, jams and jellies. Other items may be allowed for sale only with explicit authorization, in writing, of the City of Takoma Park's Economic and Community Development Coordinator.
- C. All persons intending to sell in the Farmers Market must, prior to participation in the Market, file an application with the City's Economic and Community Development Coordinator verifying that they are the actual grower or producer of the specific items which they intend to sell in the Farmers Market. Professional farmers must submit written verification of their grower/producer status from their Cooperative Extension agent with their application form. All vendors shall allow the Economic and Community Development Coordinator to inspect their production facilities as necessary. Only persons with an approved application shall be permitted to sell in the Farmers Market.
- D. All vendors participating in the Farmers Market must comply with the sanitary rules and regulations imposed by the Montgomery County Health Department and are responsible for obtaining whatever licenses and/or permits are necessary to comply with County, State and Federal rules and regulations.
- E. All approved applicants who sell goods in the Farmers Market are required to pay rent for the market space which they utilize. This rent shall be paid to the City of Takoma Park in accordance with the schedule of rents set forth below. Rent shall be assessed on a per diem basis and shall be due and payable on each market day. Rents from each approved vendor shall be collected by the designated Market Manager, who shall be responsible for the recording of all rent due and all rent paid. The designated Market Manager shall, on each Monday following a market day convert all rent collected on the previous market day into the form of a check payable to the City of Takoma Park and shall forward this check to the City's Economic and Community Development Coordinator for deposit in the appropriate City account. The Market Manager's records of rent due and rent paid shall be open to inspection by the City at all times. Vendors who do not pay their rent may be denied the right to sell in the Farmers Market in the future.
- F. All authorized vendors participating in the Farmers Market shall be individually and severally responsible to the City for any loss, personal injury, deaths, and/or any other damage that may occur to the City as a result of the vendors' negligence or that of its servants, agents, and employees, and all vendors hereby agree to indemnify and save the City harmless from any loss, cost, damages, and other expenses suffered or incurred by the City by reason of the vendors' negligence or that of its servants, agents and employees; provided that the vendors shall not be responsible nor required to indemnify the City for negligence of the City, its servants, agents and employees. No insurance is provided by the City of Takoma Park to participants in the Farmers Market. It is recommended that each vendor be self-insured.
- G. The Farmers Market will operate on the north side of Laurel Avenue, along the side of the Seventh-Day Adventist Church. The Farmers themselves shall be responsible for the space allocations to vendors within the market area. The vendors shall pick up and set up the barricades for blocking the street from traffic and shall return them to where they were found after each market.
- H. The Farmers Market will operate from 10:00 a.m. to 2:00 p.m. every Sunday from May 18, 1986 until November 23, 1986.
- I. The setting up of the market may begin at 9:30 a.m. on market day, and no earlier. Selling may not begin before 10:00 a.m.
- J. All vendors shall be responsible for the cleanliness of their selling area. All vendors agree to keep the market area reasonably free of any debris generated by the market activity.
- K. Any complaint against any vendor regarding the origination of their produce or goods must be directed to the attention of the City in writing.

(Continued on Reverse Side)

if and when the City finds said vendor in violation of any of the aforementioned rules and eligibility requirements.

III. RENT SCHEDULE:

In accordance with section II.(e). above, all vendors shall pay rent for their market space based upon the following schedule:

- A. Producers/Growers of fruits, vegetables and/or plants:
  1. Professional Producers/Growers; Non-Residents: \$8.00 each market day.
  2. Takoma Park Residents: \$4.00 each market day.
- B. Producers of baked goods, honey, jams, etc. only:
  1. Professional Producers; Non-Residents: \$5.00 each market day.
  2. Takoma Park Residents: \$3.00 each market day.

IV. MODIFICATIONS:

The Council of the City of Takoma Park reserves the right to revise the General Rules, Eligibility Requirements and/or Rent Schedule as it deems appropriate.

APPLICATION FORM - TAKOMA PARK FARMERS MARKET

NAME: \_\_\_\_\_ TELEPHONE NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME OF THE FARM (if applicable): \_\_\_\_\_

PLACE WHERE THE PRODUCE/GOODS IS GROWN/PRODUCED: \_\_\_\_\_

TYPES OF PRODUCE/GOODS TO BE SOLD: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PROPOSED SELLING DATE(S): \_\_\_\_\_

NAME OF YOUR COOPERATIVE EXTENSION AGENT: \_\_\_\_\_

AGENT'S ADDRESS: \_\_\_\_\_

AGENT'S TELEPHONE NO. \_\_\_\_\_ VERIFICATION DATE: \_\_\_\_\_

CITY'S INSPECTION DATE: \_\_\_\_\_ BY: \_\_\_\_\_

I hereby acknowledge that I am the actual grower/producer of the produce/goods that I intend to sell in the Takoma Park Farmers Market. I have read the terms specified by the City on the reverse and agree to abide by them. I understand that if I or anyone representing me fail to so abide, the City can withdraw my Application. I also understand that these terms may be revised by the City, and I must abide by the new terms in order to continue my participation in the Farmers Market.

\_\_\_\_\_  
Applicant's Signature Date

FOR OFFICE USE ONLY

DATE OF APPLICATION \_\_\_\_\_

APPLICATION APPROVED ON (date): \_\_\_\_\_

FOR THE FOLLOWING DATE(S): \_\_\_\_\_

SELLING LOCATION ASSIGNMENT: \_\_\_\_\_

\_\_\_\_\_  
Economic and Community Development Coordinator

APPROVED:

\_\_\_\_\_  
Montgomery County Division of Licensure and Regulation



4-2-86

MEMORANDUM

TO: Mayor and Council

VIA: James S. Wilson, Jr. City Administrator

FROM: Daniel J. Neal, Economic and Community Development  
Coordinator

RE: Guidelines for Takoma Park Farmers Market 1986

DATE: 27 March 1986

Attached for your review and approval are the proposed guidelines for the 1986 Season of the Takoma Park Farmers Market. These guidelines are precisely the same as those adopted and used by the City last year with the exception that I am proposing a slight increase in the rental fees we charge. This increase is justified, I believe, by the growth and commercial success of the market. This proposed increase would still put our market fees below those of many other open-air markets in the area, some of which are as high as \$15.00/day. The proposed increases are as follows:

Type of vendor	1985 Rental Fee	Proposed 1986 Rental Fee
A. Producers/Growers of fruits, vegetables and/or plants:		
1. Professional Producers/Growers; Non-Residents:	\$7.00/day	\$8.00/day
2. Takoma Park Residents:	3.00/day	4.00/day
B. Producers of baked goods, honey, jams, etc. <u>only</u> :		
1. Professional Producers; Non-Residents:	3.00/day	5.00/day
Takoma Park Residents:	1.50/day	3.00/day

Last year's guidelines were approved and adopted by resolution. This still seems to be a perfectly reasonable and appropriate way to govern the market, so I am suggesting that this be done for the 1986 market, assuming you have no problems with the market or the proposed guidelines. A resolution to this effect has been drafted and is attached.

The market is, I think, quickly becoming a local institution that the entire community looks forward to each Spring. The Takoma Old Town Business Association, at its last meeting, was most eager to see the market resume this year. Many others have inquired about its return, as well. Thus, I highly recommend our continued support and sponsorship of the market.

Aside from a few organizational meetings and the time we spend promoting and publicizing it, the market pretty much runs itself. At present, revenues generated by the market go into our general fund to offset "general City expenses" such as extra police surveillance, street cleaning, etc. Direct promotional expenses are paid for with CDBG funds budgeted for the promotion of Takoma Old Town. In FY88, when we will have no more CDBG funds for promotion, we may need to consider channelling some of the market revenues into an account for market promotion. But, for now, our direct expenses are well-covered by CDBG promotion funds we have available.

I will be happy to answer any questions you may have about the market and its operations. Thanks for your time and consideration.

DJN:imr  
Attachment a/s

ORDINANCE NO. 1986-9

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

- SECTION 1. THAT the Fiscal Year 1985-86 City Budget, Capital Improvements, set aside funds for the replacement of the roof of the City Library; AND
- SECTION 2. THAT it has been determined that technical assistance is required to begin and follow through on the roof replacement; AND
- SECTION 3. THAT due to the severe nature of problems existing with the Library roof, it has been determined that the regular process of advertising for bids from consultants would be forgone to allow time-savings in replacement of the roof; AND
- SECTION 3. THAT quotations were solicited from three local consultants to provide technical assistance in design and bidding, construction and warranty inspections; AND
- SECTION 4. THAT the most appropriate quote of \$2,320.00, made by Moisture Protection Systems Analysts, Inc., to provide the above technical assistance in Section 3, is hereby accepted.
- SECTION 5. THEREFORE THAT funds in the amount of TWO THOUSAND THREE HUNDRED TWENTY DOLLARS AND NO CENTS (\$2,320.00) to cover the consulting contract be appropriated from the Capital Budget, Acct. #995; provided, however, that Moisture Protection System Analysts, Inc. file with the City the required affidavit under the Nuclear Free Zone Ordinance.