

CITY OF TAKOMA PARK, MARYLAND

Public Hearing and Regular Meeting of the Mayor and Council

April 28, 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 REGULAR COUNCIL MEETING OF APRIL 14, 1986
- 8:15 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
Proclamation designating May 1986 as Buddy Poppy Month
- 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) Public Hearing and First Reading of a Third Amendment to FY 1985-86 City Budget
Citizens comments
First Reading
- 9:10 (2) Discussion/decision of Special Exception No. S-1170, Accessory Apartment located at 16 Philadelphia Avenue (Hearing: 1:30 PM, 5-19-86, COB, Rockville)
Citizens comments
Council action
- 9:20 (3) Resolution for additional appointments to the City Traffic Committee
Citizens comments
Council action
- 9:30 (4) Continued discussion re condemnation proceedings for 6801 Westmoreland Avenue
Citizens comments
Council action
- 9:45 (5) Resolution of support for revised Tri-Party Agreement pertaining to Fire Service for the City and authorizing Mayor to sign Agreement
Citizens comments
Council action
- 10:15 (6) Resolution to establish a Newsletter Review Committee, with members to be appointed on an annual basis
Citizens comments
Council action
- 10:30 (7) Second Reading of an ordinance accepting proposal from Selig Associates, Inc. to perform personnel classification, factoring & compensation projects
Citizens comments
Council action
- 10:45 (8) First Reading of an ordinance awarding bid and contract for park improvements for Jackson/Boyd and Eastridge Parks
Citizens comments
First Reading
- 11:00 (9) Ordinance accepting bid and awarding contract for 1986 Street Improvements
Citizens comments
Council action

ADJOURN

REMINDER: 6:30 PM, Tuesday, April 29 -- Budget Worksession - Administration (con't.),
Housing and Recreation Depts.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
April 28, 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 City Council met at 8:05 P.M. on April 28, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a moment of silence was observed commemorating Mrs. Evelyne Ferry, a lifelong resident of the City who recently passed away.

The Mayor noted that approval of the Minutes of April 14, 1986 would be deferred until the next regular council meeting as their preparation had not been completed in time to allow for adequate review.

Mayor Del Giudice presented and read a Proclamation designating May 1986 as Buddy Poppy Month in the City. Sam Parren of VFW Post No. 350 accepted the Proclamation on behalf of the VFW, and introduced the Post's Poppy Queen.

PROCLAMATION
(attached)

The Mayor commented on having recently attended a significant Washington Metropolitan Area Council of Governments meeting at which discussion centered around where that organization now was and in what direction they wish to proceed in coming years; he said a strategic planning committee was formed to address that issue, and commented there was recognition that new priorities needed to be examined. Following brief expansion on that subject, he referred to the proposed change in structure for provision of legal services for the City and the recently-formed committee that would be addressing that issue. He said that in recent discussions with Corporation Counsel Tom Gagliardo, it was learned that Mr. Gagliardo's departure from City service would be accelerated from what had been anticipated, and he presented for consideration a resolution expressing appreciation and recognition to Mr. Gagliardo for his service to the community. He moved passage of the resolution, duly seconded by Councilmember Iddings, carried unanimously (Councilmembers d'Eustachio, Sharp and Williams absent). It was noted that Mr. Gagliardo was not present for passage of the resolution, due to fulfilling a prior commitment at another meeting, however, would be in attendance later in the evening.

RESOLUTION #1986-38
(attached)

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

Mary D'Ovidio, 7324 Piney Branch Road, representing the House & Garden Tour: related that the House & Garden Tour was upcoming on Sunday, May 4, from 1-5 P.M., and encouraged all who could to attend. She pointed out that a lot of effort is expended on this event; funds raised benefit a number of City functions, e.g., the Tree Commission, Art in Public Places, the Library, Takoma Artists' Guild, etc. She presented a brochure and ticket to each elected official and expressed hope they would attend. Councilmember Sharp commented the tour deserves a lot of credit, not only for their contributions to the groups mentioned by Ms. D'Ovidio, but for their work in preserving the historic areas of the City and spurring their renovation. Councilmember Haney, too, expressed special thanks to the House & Garden Tour membership.

A. J. Mitchell, Park Ritchie, 7600 Maple Avenue: referred to the many hours Park Ritchie tenants have spent in appearing before the Mayor and Council; commented that at the current point in time it was hard to understand why a resolution was passed authorizing the expenditure of City funds for legal assistance in the situation when no one appeared for the hearing in Federal Bankruptcy Court on April 25 to represent the City's interests in the

proceedings. He said tenants question the sincerity of the City's commitment to enforcing City laws, upon which the case is based. He said that as a result of the hearing in bankruptcy court, it is business as usual, status quo--Mr. Gerald Lilienfield is still in possession of Park Ritchie, operating in his usual fashion. He commented tenants had hoped the court proceedings would bring them some relief, however, they were a total farce--Mr. Lilienfield was portrayed as being the suffering party, others were either inadequately represented or not represented at all. He said the money spent by the City was a total waste, would have been better spent on sending an exterminator to Park Ritchie or for some other purpose. He said tenants are left uninformed as to what is going on, are the last to know any pertinent information.

Mayor Del Giudice responded he was unaware a hearing in the case was scheduled for April 25, did not know why the City was not represented; he said he had been aware a motion by Eureka (the mortgage holder) to lift the stay on a foreclosure had been pending and wondered if that was the motion that was heard; response was affirmative. Councilmember Bradley raised questions whether or not the tenants had their own legal counsel.

Greg Hamilton, Park Ritchie: stated the tenants do have legal representation; said he testified at the hearing on behalf of the tenants, whom he said were asked to support Eureka in lifting the stay in order to get the building away from Mr. Lilienfield. He said the City had been asked to support the tenants' position, an opportunity had finally been afforded for the City to discuss the problems experienced with the Park Ritchie. He said the hearing went on for about 4-1/2 hours, Mr. Lilienfield's position was that the City was well-involved in supporting his motion for rehabbing the building. He said Attorneys DeNovo and Stolker, who were retained by the City, will not communicate with tenants on the basis that there is a conflict of interest. He said it was claimed at the hearing that the 900+ existing code violations in the building are all in vacant units--said that was hearsay and what was needed was for someone from Housing Services to testify on that. He corroborated that the outcome of the hearing was that the motion to lift the stay on foreclosure was denied, Mr. Lilienfield was permitted to take \$40,000 of the rent escrow money to use as payment to Eureka, and there is another motion that would let him sell the building which is currently worth 3.8 million dollars (Mr. Lilienfield financed it for 4 million from Eureka, immediately put a million dollars on top of that and turned it over to his limited partnership). He said Mr. Lilienfield had drawn \$115,000 out of the property because of his general partnership, \$8,000 for his limited partnership, and had only put up \$800. cash to purchase the building. Mr. Hamilton stated the Judge threw out the bankruptcy that Mr. Lilienfield filed in Baltimore, the case was dismissed. Mr. Hamilton said the bottom line was that the tenants needed the City's support, and it is needed on the consent agreement concerning repairing the roof the building--the specified time frame for provision of a contract has not been adhered to. He reiterated the tenants' disappointment at the failure on the part of the City to have representation at the April 25 hearing.

In response to comments by Mr. Mitchell, Councilmember Sharp remarked that the agreement referred to was the result of pressure brought to bear by the tenants and the City, reinforced by the City's retention of legal counsel to specifically work on the Park Ritchie case, thus the money was not totally wasted, whether or not anyone wanted to argue whether full worth had been gotten for the expenditure. He, too, questioned why the City was not represented at the hearing, however, said he was confident the Mayor would present information on that when it was available. In response to query from Mr. Haney, Mr. Hamilton stated that Linda Haspel (Legal Aid) and the tenants' association had been notified two weeks prior to the hearing. In a different vein, he referred to a COLTA decision on case #311 which involved a female tenant in the building; said the lady was awarded \$389 in the case, which was not appealed, however she had not received the money. He said he went to Housing Services on her behalf, however, was informed that they would have to cite the landlord with a \$100 municipal infraction, which could take 6-8 weeks to get a court date set--in the meantime, despite COLTA's decision and award, the woman cannot get her money. He said this was a prime example of lack of enforcement, with which Councilmember Sharp concurred and said he had long contended that the City's legal efforts need to be directed toward enforcement, defense of tenants' rights in court, if necessary, until the landlords get the mes-

sage. Mr. Hamilton pointed out that the landlord had not been fined by Housing for the eleven days the elevator was out of service and asked that he be cited for that and every other violation, otherwise no progress would be made. Following additional dialogue, the Mayor stated he would try to ascertain on the next day's date (4/29) why the City was not represented at the hearing and would contact Mr. Hamilton thereafter. Additionally, Mr. Hamilton pointed out that the question of what company would be managing the building must be addressed; despite that issue being a part of the aforementioned agreement, Ms. DeNovo, who signed the agreement on behalf of the City, had stated she was not going to get involved in that element. Mr. Hamilton stated he fully supported the City having in-house corporation counsel to assist tenants in addressing some of these problems. Mr. Mitchell commented he had thought the money appropriated for legal counsel was to build the case in preparation for going to court, thus his disappointment at no one being present to represent the City at the hearing. The Mayor concurred, saying that it did not benefit either the City or the tenants to spend the kind of money and effort that had been spent on this issue to reach an agreement, if one of the parties were going to be allowed to circumvent the agreement.

Clarence Boatman, 133 Ritchie Avenue: congratulated and expressed appreciation to City personnel for getting junk/abandoned vehicles which had been a longstanding eyesore cleared away from Ritchie Avenue; he commented there is a remaining problem at 140 Ritchie--some of the cars had been towed from there, some ticketed, however, there are a number remaining--he said he felt there was potential that an illegal garage business was being conducted there and had been for a long time. He asked that the City take enforcement action. He asked whether the City's tree ordinance was being enforced, to which response was affirmative, and explained that he had a tree on his property that would have to be cut. Councilmember d'Eustachio commented favorably on the effective enforcement of the abandoned vehicle ordinance; however, noted that the alleged illegal garage operation was a zoning problem over which, after July 1, the City would have enforcement power. He suggested that, if nothing were done in the interim, Mr. Boatman contact the City immediately following July 1 so that action could be taken. Mr. Boatman emphasized that he had no personal problem with the man living at 140 Ritchie, but was concerned about the adverse effect of the situation on the neighborhood.

Brent Dillingham, 7018 Carroll Avenue: referred to his request sometime ago for a detailed breakdown on which legislation the City lobbyist, Bruce Bereano, had devoted time and was paid by the City, including how much time on each issue. The Mayor responded that it was very clear from accounting documentation that the major portion of Mr. Bereano's time was spent working on the zoning legislation; some time toward the end of the legislature was devoted to Municipal Infraction legislation; some time early in the sessions was spent on the unification bill. In response to query, the Mayor stated it was anticipated the initial retainer of \$2,500 might be exceeded somewhat in Mr. Bereano's final billing. Concerning the unification bill, he stated his understanding was that the legislation received an unfavorable recommendation from the Bi-County Committee, the full delegation's vote was 13-7 supporting the committee's unfavorable position; full information on the vote is public information and will be obtained. Mr. Dillingham inquired whether the letter mentioned in the last several meetings that was to be sent to management of 7611 Maple Avenue had gone out, to which the Mayor responded in the negative, explaining that some details needed to be ascertained from tenants prior to so doing, and that would be done in the coming week and the letter sent if still needed.

ITEMS FOR COUNCIL CONSIDERATION:

1. Public Hearing and First Reading of a Third Amendment to FY 1985-86 City Budget.

Following brief discussion, the Mayor noted this item would be on the May 12 agenda for second reading. Councilmember Iddings commented favorably on the budget amendment procedure which had not been regularly done under prior administrations; said it provides a clearer ongoing control of expenditures. Councilmember d'Eustachio concurred with Mr. Iddings' remarks, also commented that the monthly financial statements provide very helpful information and interested citizens can obtain a copy from the Accounting office.

Sam Abbott: inquired whether there were sufficient funds in the FY 1986

budget to cover the transfers, to which Mr. Wilson responded in the affirmative. Asst. City Administrator Habada pointed out that it was distressing that under item o., it was necessary to deplete the General Contingency Fund by about \$80,000 in order to cover insurance increases, leaving about \$40,000 in that fund for expenditure for the balance of the fiscal year. In response to query from Mr. Sharp, she explained that the revenue from the hospital bond issue was reflected in the monthly financial statements, but had not been appropriated. Councilmember Haney moved acceptance for first reading, duly seconded. The ordinance was accepted for first reading.

ORDINANCE #1986-
(attached)

2. Discussion/decision of Special Exception No. S-1170, Accessory Apartment located at 16 Philadelphia Avenue (Hearing: 1:30 P.M., 5-19-86, COB, Rockville).

Mr. Wilson noted that the county's inspection report would not be available until April 30; in light of the hearing date not being until May 19, he suggested the item be deferred following any comments until receipt of the aforesaid report. Additionally, he noted receipt from 7301 Hancock Avenue of an expression of opposition to granting of the Special Exception, based on the fact that the apartment was not there originally and the opponent had concern about it being approved. For the record, the Mayor noted that the property owner, Mr. Johnathan Weiss, did attend a worksession and discussed the request with the Council at some length. Councilmember Iddings remarked that, based on past experience, if a City position is expressed too near the hearing date, the comment may be disregarded; he asked that if the item is deferred until May 12, the Board of Appeals be notified immediately that the City's comments will be forthcoming on May 13 and it would be desired that they be made a part of the record. The Mayor commented that, alternatively, the issue could be addressed at the May 5 worksession in Special Session; he suggested that when the county is contacted, they be made aware that it is their inspection report holding up the City's proceedings and, for that reason, they should hold the record open for the City's submission. Councilmember Bradley moved to table the item, duly seconded by Councilmember Iddings, carried unanimously.

3. Resolution for additional appointments to the City Traffic Committee.

Councilmember Haney noted that the blank space indicating no alternate member for Ward 6 should not appear as John Dupree, 7204 13th Avenue, was appointed to fill that vacancy. Councilmember Bradley moved passage of the resolution to appoint the three named individuals to the committee, duly seconded by Councilmember Haney, carried unanimously. Councilmember Iddings noted that the vacancy on the committee indicated in Ward 2 was pending an appointment that the Old Takoma Citizens' Association had been asked to make.

RESOLUTION #1986-39
(attached)

4. Continued discussion re condemnation proceedings for 6801 Westmoreland Avenue.

Mr. Wilson related that no communication had been received from either the property owners or their attorney; he reminded that two weeks ago the City was advised that settlement was expected momentarily in the long-pending lawsuit and had postponed proceedings on that basis. The Mayor stated that a new ordinance to move ahead with condemnation proceedings had not been prepared for the current meeting, however, that would be completed and ready to act upon at the May 12 meeting.

Arthur Karpas, 6916 Westmoreland Avenue: referred to his request a couple of meetings ago that it be ascertained what Constructive Alternative's proposal was re reconstruction of the property--whether they proposed razing the existing building and rebuilding on the old foundation or not--he asked whether that had been checked out. Mr. Wilson stated he would have to check with staff--they may have done that, but he did not have the information at hand. Mr. Karpas pointed out that if it were planned to raze the building anyway, then it simplifies the City's decision. The Mayor noted, for the record, that based on Asst. Corporation Counsel's recommendation made some time ago, the City wished to arrange for an in-

spection of the interior of the premises, which would be done in the next two weeks; he commented that, to date, neither the City nor the county had made such an inspection. Councilmember d'Eustachio emphasized his wish to have appropriate documentation ready to proceed for the May 12 meeting; he said the neighborhood had suffered long enough in this situation; he moved that the item be continued to the May 12 regular council meeting, duly seconded, carried unanimously.

5. Resolution of support for revised Tri-Party Agreement pertaining to Fire Service for the City and authorizing Mayor to sign Agreement.

Mr. Wilson noted that the Montgomery County Council would be meeting on Thursday, May 1st, for the purpose of reviewing all relevant documents; the subject will be before the GSA Committee (Government Structure Automation and Regulations Committee) under the Deferred Capital Improvements Program, which he said he assumed related to withdrawing the current agenda item for inclusion in the 5-year plan of a new location for the current fire station serving the City. He said, should Council move ahead with the documentation at hand, it would be forwarded to the County Council on the next day's date.

In response to query from Sam Abbott, Mr. Wilson explained that the primary change in the current draft from former one(s) was that language in Section 3 concerning payment of penalties had been deleted due to being irrelevant; there were some wording additions in Section 4, as well as several other instances, to make the language more inclusive. He said the section pertaining to default was amended to make it applicable to both counties as well as the City. He stated that the section pertaining to unification was changed so that no problem would arise in the event unification should come to pass and become effective in the middle of a fiscal year. Additionally, the term of the agreement was altered to provide for renewal/extension after the initial six-year period. In response to further query from Mr. Abbott, Mr. Wilson explained that any contract could be breached, however, the default clause discouraged that inasmuch as it provides that the defaulting party, if found at fault in the course of resulting litigation, would be liable for all costs of the litigation. He said the changes enumerated had been conveyed to the counties, the agreement at hand is the actual document to be signed (draft #9). Councilmember Bradley commented she did not feel the agreement renewal language conveyed her proposal of April 14 concerning automatic renewal. She related that she still had problems with the general approach to the situation; said, as someone else had expressed to her, it was the wrong agreement for the right purpose-- everyone is committed to keeping the fire station at its present location, however, how the City goes about doing that has been the nature of the debate. She related having researched 1984-85 council meeting minutes, and said essentially the same agreement was discussed therein and, if not rejected, was approached more cautiously; many felt that even if the City acted as a conduit for funds, the dispute was basically between the two counties. She expressed concern about how the Mayor and Council's successors ten years down the line would feel about the current agreement were it entered into, the longterm effects. She stated that unless new information were presented, she would not be inclined to support the resolution and/or signing of the agreement; said Prince George's residents of the City would be the ones hurt--would be paying more for fire service than other residents, which would tend to emphasize the division of the city; however, did support the fact that Montgomery County deserved to be paid for service they provide.

Arthur Karpas, Westmoreland Avenue: said the document appeared to be a very good working agreement and congratulated the Mayor and Council; said it had been a long time in coming, saves the City from an imminently terrible situation. He said, although the agreement contained potential inequities, it seemed to have far fewer and less marked ones than other proposed alternatives.

Rino Aldrighetti, 7213 Central Avenue: inquired whether the current draft of the agreement would allow the City to have a uniform across-the-board tax rate or whether modification to the tax for one part of the city would be required as in the past. Councilmember d'Eustachio responded that the tax rate would be uniform city-wide; said all city residents would be paying the same amount to the City for fire service--it is projected that amount will be \$.27/\$100. During ensuing dialogue, the Mayor reiterated explanations of how the two counties would be handling taxes in relation to

the agreement, how county taxes may be affected, and noted that what Prince George's would do tax-wise was largely unknown, i.e., whether they would raise taxes for their residents of Takoma Park, and, if so, how much. Mr. Aldrighetti urged that Council postpone taking action on the issue until the situation is clarified to a greater extent, and in the interim, seek input from Prince George's constituents--he expressed concern that the proposed arrangement would be unfair to those residents, that a distinction between Prince George's and Montgomery County residents would be created. Councilmember Iddings pointed out that in discussions that took place in prior years concerning similar possible arrangements with the two counties, a major difference was an inability to get Prince George's County to the bargaining table on the issue; following some controversy on the subject, Mr. Iddings concurred that Prince George's did enter into discussions, but no agreement acceptable to all parties was reached. Councilmember d'Eustachio stated he had talked at length and in depth on the subject with many, many of his constituents and all had expressed support for the agreement and commented that if it cost them a few more dollars they were willing to pay rather than face the alternative of losing the fire station. Mr. Aldrighetti reiterated opposition to Council moving ahead with the agreement; said Prince George's citizens need to be made more aware of its implications, that escalating taxes would affect the diversity of the community, would drive people out of the city.

Dennis Knessi, Pres. of TPVFD: thanked the Mayor and Council for all their efforts put forth to resolve this issue; he pointed out that the fire department was under time constraints if the agreement were not signed--said there was a May 15 deadline on that. Concerning the awareness of constituents, he said when fire department personnel were out talking to citizens' groups about the down county fire station, people asked what happened to the agreement proposed last year and said they were willing to pay for what they get. He said that was the consensus he, as well as other fire department members, were receiving from Prince George's residents of the city. He urged that Council pass the resolution without delay, and reminded that if the agreement were not signed in a timely fashion, the proposed allocation in the county budget for consolidation/relocation of the fire station would most likely be reinstated. He said he had been advised that if Council passed the resolution, County Executive Gilchrist would send a representative to the GSA Committee on May 1 and ask that the consolidation/relocation proposal be removed from the proposed budget, and that 2 career personnel positions which are needed because of the decline in volunteer personnel and which have been temporarily placed on hold at TPVFD be reinstated in the budget, which would allow that department to provide increased/improved service. He empathized with City officials in that he felt the issue was a political battle between the counties and the City was caught in the middle, with relocation of the fire station being used as a threat; however, again strongly urged Council to pass the resolution because if the issue was not brought to closure now, he did not think another opportunity would be afforded. He expressed confidence that once the agreement were put into effect and had a proven track record, there would be no difficulty in continuing it from year to year.

Councilmember Haney expressed support for the agreement; said he felt it was the best deal that could be made under the circumstances and serves the interests of all parties involved. In response to comments made by Mr. Aldrighetti, he said that one circumstance that had altered the situation this year was the fact that Montgomery County had made it quite clear that, in lieu of some sort of agreement being reached, they would proceed in a timely fashion with concrete plans to consolidate and relocate the fire station. He, too, said he had talked extensively with constituents concerning the issue, had made a point of making it clear to them that retention of the fire station at its current location and with the same level of service to the entire city may cost a few dollars more. He commented that resolution of this issue could be viewed as an incremental step toward unification of the city, as could zoning authority.

Councilmember Bradley commented that, in effect, stating the issue as having to pay more money to avoid losing the fire station was oversimplification; she said she did not feel that other alternatives/strategies had been adequately explored, and went on to compare the situation with the threatened closing of Takoma Park Junior High School a few years ago. She said she felt there was a political will to work further on the issue, rather than just accepting what the counties offered; reiterated that the

current agreement was the same agreement put forward in previous years, the only difference being that Prince George's County officials, for whatever reason, had decided to be more cooperative/supportive. She said she felt it to be a form of blackmail, that the City had not fully tested its powers to fight for preservation of the fire station which is, essentially, an historical institution rather than capitulating to the counties. She reiterated she did not feel the agreement provided a longterm solution to the problem.

Councilmember Sharp expressed support for the resolution; said he did not view the agreement as a capitulation. He commented he did not see amendments to the agreement proposed by Ms. Bradley at an earlier meeting as substantive enough to alter what she viewed as a capitulation. He pointed out that the agreement did not in any way endorse a tax increase on the Prince George's side of the City; under the terms of the agreement, City taxes would decrease; however, any increase in county taxes is not addressed. He also noted that double taxation does not occur only in relation to the fire tax--that the county collects tax on all services and does not rebate all of it to the City, and the City collects money on those same services; he said this occurs with both counties. He said he hopes and expects Council will address the issue of double taxation, but not only in regard to one specific service. Following ensuing dialogue between Mr. Sharp and Ms. Bradley in which she summarized a number of her concerns about the agreement, Mayor Del Giudice responded, explaining that some amendments proposed earlier by Ms. Bradley were raised with the counties but concurrence on those changes could not be reached in all cases.

Mr. Aldrighetti stated that if, in examining the tax issue, there indeed exists an inequity between the two sections of the city, then that inequity should be shared equally by all city residents because its basis will lie in City action taken. Mr. Iddings pointed out that the \$.18/\$100. tax benefit enjoyed by Prince George's residents last year was not shared equally with all city residents. He stated he would be voting in favor of the agreement, felt it was a workable agreement and that the City was in no position to reach such an accord a year or two ago. He said he did not think the agreement was a final resolution of the fire station issue, however, would provide time for in-depth further examination. Lacking this agreement, he said he felt the bottom line would be that the Prince George's section of the City would not be provided adequate fire service; on the Montgomery side, there would be a painful process to determine location of the necessary down county fire station, perhaps culminating in choice of a location that would necessarily provide a reduced level of service, not only to Takoma Park but to large areas of Silver Spring. He commented that an additional feature of the agreement was that it provided for a city-wide tax rate that would be comprehensible versus the byzantine process in prior years and noted, too, the need for Council to address the double taxation issue as a separate agenda.

Clarence Boatman, 133 Ritchie Avenue: inquired whether the agreement would limit the City in negotiating on other or related issues; to which Mr. Wilson responded in the negative. Mr. Boatman commented, in that event, perhaps at the end of six years, an even better agreement could be negotiated. Councilmember Bradley commented it was her understanding it would take the county 5 years, in the event the agreement were not signed, to effect closure and relocation of the present fire station; thus, the agreement only buys the City an additional year of time.

Sam Abbott: said that, as pointed out over and over again, the City withdrew from furnishing fire service in 1974; the current situation is between the counties, and while Prince George's had not reimbursed Montgomery County for fire service furnished to their residents of the City, Montgomery County was not innocent of negligence in that they did not bill Prince George's County for the service. He said the City had not exhausted its resources to fight the issue, and suggested litigation. Following lengthy dialogue between Mr. Abbott and Councilmember Iddings, Mr. Abbott commented that the alteration in position of some Councilmembers who formerly opposed the City entering into this agreement indicated a lack of integrity and did not bode well for municipal government.

Councilmember d'Eustachio extended apologies to Mr. Aldrighetti for lack of patience with some of his earlier comments offered. He said he felt the agreement accomplished some goals the City had been working toward for some

time, e.g., a unified tax system; he said he concurred with some comments made by Mr. Iddings, and that the fire issue, in actuality is a Montgomery County major issue involving volunteer fire companies and a centralized county fire system. Concerning the perceived inequity for citizens in the agreement, he said he felt that inequity was only a part of a much larger problem which should be addressed in its entirety rather than piecemeal. He said the \$355,000+ payment that the City will receive from Prince George's County is a relatively reasonable portion of the payment in lieu of services, e.g., that payment represents about 35%, or roughly 1/3, of the total revenue the City has budgeted for payments in lieu of services, which is in the right direction. He said he felt the agreement was a good agreement and, given the alternatives, was the best choice the City could make.

Mayor Del Giudice noted it was apparent that there was a basic disagreement in how resolution of the problem could best be approached; however, he pointed out that times change, circumstances alter; he said there was a very serious proposal to not fund two badly-needed paid positions at TPVFD, to cease operation of one of the fire trucks, and to relocate the station-- he said he considered those propositions to be very real, and that the only valid alternative to the agreement would be litigation. He pointed out that he did not feel that statements made by the Judge in the course of the City's lawsuit against Montgomery County related to the withholding of revenue sharing funds were a basis for any claim that service had to be provided to Prince George's residents of the City from Station #2 which is physically located in Montgomery County; he said it would be well within Montgomery County's authority to relocate the fire station outside City limits and still provide service to the Montgomery County portion of Takoma Park, and while that could not be accomplished overnight, it could be done. He noted that Montgomery County cannot at present provide any guarantees about level of service as that is currently an issue countywide, particularly in that levels of service vary, are not consistent, throughout the county and noted that would be a factor that would require close monitoring. He stated that under prior agreements, the City was a third party beneficiary, not a signatory; under the current proposed agreement, the City would be a party, would be in the middle acting as a conduit. Concerning the pursuit of litigation as an alternative, he pointed out that the City's position as a third party beneficiary under prior agreements would be very precarious; said Montgomery County was not convinced there ever was a legitimate prior agreement because none was ever endorsed by County Council(s). He said the proposed agreement improves the City's legal standing; as a recognized party to the agreement, the City would have the right to sue if things are done inappropriately. Councilmember Bradley asked that an alternative suggested by her be acknowledged, i.e., political action through public pressure; she read verbatim from 1985 Council Meeting Minutes portions concerning the fire tax issue in which a consensus was reached by Council that the City would be willing to act as a conduit between the counties, but that those two political bodies would have to enter into an agreement to ensure that the City would not be caught in the middle. In response to query from Ms. Bradley, the Mayor stated that draft #9 of the agreement had not been reviewed by Mr. Titus, the attorney who reviewed prior drafts on behalf of the City, however, his suggested changes were incorporated in drafts, though not all were accepted by the counties-- particularly regarding level of service, which is something the county cannot or will not guarantee anywhere in the county. Councilmember Levy commented she would be voting in favor of the agreement, despite feeling there were some inequities in it; said the majority of citizens in her ward with whom she had communicated expressed that they felt it to be a decent agreement, though not perfect. Councilmember Haney moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Upon request, the vote was taken by roll call and recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: Councilmember Bradley; EXCUSED: Councilmember Williams.

RESOLUTION #1986-37
(attached)

The Mayor referred to Resolution #1986-38, passed earlier in the meeting, expressing appreciation to Corporation Counsel Tom Gagliardo, who was now present. Mayor Del Giudice read and officially presented the resolution. Councilmember Bradley commented she did not feel the resolution did full justice to the contributions made to the City by Mr. Gagliardo; she elabo-

rated on accomplishments effected during Mr. Gagliardo's tenure and thanked him, said she was sorry he was leaving the City's employ, however, hoped he would continue to be involved. Mr. Gagliardo accepted the resolution and expressed thanks to all, particularly the Mayor and Council; said he really appreciated the resolution and good wishes expressed. He said he was satisfied with the job he had done for the City, hoped others would judge him kindly and would feel that his contributions had been significant.

6. Resolution to establish a Newsletter Review Committee, with members to be appointed on an annual basis.

Councilmember Bradley moved passage of the resolution, duly seconded by Councilmember Iddings. Councilmember Sharp commented he felt the resolution did not go far enough; said it did not cover areas Councilmembers Bradley and Iddings, who authored this resolution, had stated on prior occasions they would wish to see addressed--including a mission statement for the Newsletter to be prepared by the already-established Newsletter Review Committee; said despite earlier comments questioning the need to set up a committee to review the Newsletter when there has already been one established, what the proposed resolution does is exactly that; he expressed a preference for the two-committee approach (one for advisory purposes to the editor, the other a review committee) in some earlier draft resolutions, and urged that provision be made for a body to whom the editor can go for advice. He moved amending the proposed resolution to delete Council representation on the committee, in light of the fact that the committee will be reporting to the Council (first resolve clause), and increase the number of citizens from three to five. The amendment was duly seconded by Councilmember d'Eustachio. Councilmember Haney expressed support for the amendment. Councilmember Levy opposed the amendment on the basis that as the Newsletter is a function of the City, Council should have direct impact on that committee. Councilmember Iddings expressed concurrence with Ms. Levy, said the Newsletter is not only a vehicle for citizens, but for City government and Council; he raised questions concerning the propriety of Council proceeding on this issue in the absence of Councilmember Williams, who was a member of the previous Newsletter Review Committee, as well as the Newsletter Editor Selection Committee. Councilmember Bradley concurred with Ms. Levy's and Mr. Iddings' comments; said she did not think Council should abdicate responsibility by delegating all authority for the Newsletter; she moved to table the resolution, duly seconded by Councilmember Iddings. Following discussion, Ms. Bradley withdrew her motion to table, accepted by the seconder. Rino Aldrighetti emphasized the importance of the committee operating with a mission statement, as mentioned earlier; he also stated he felt it very important that Council be represented on the committee. The question was called on Mr. Sharp's proposed amendment; the amendment passed with the roll call vote recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Sharp and Mayor Del Giudice; NAY: Councilmembers Bradley, Iddings and Levy; EXCUSED: Councilmember Williams. Councilmember Levy commented that the amendment altered the thrust of the resolution, that what was now up for consideration was really a quite different document. Councilmember Bradley concurred, and withdrew her original motion for passage of the resolution; the seconder of her motion agreed.

Councilmember Haney moved passage of the resolution, as previously amended, duly seconded by Councilmember d'Eustachio. Councilmember d'Eustachio moved to amend the resolution by insertion of language from an earlier draft, to read as follows: "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." As an additional and separate resolve clause, he moved adding appropriate language that would charge the original 5-person review committee to be appointed with responsibility for development of a mission statement, and, perhaps, more complete guidelines. Councilmember Haney duly seconded Mr. d'Eustachio's proposed amendments.

Councilmember Sharp commented he would not wish to see the issue resolved by a 4-3 vote; said he thought agreement could be reached, that he was not unalterably opposed to having a couple of Council representatives on the review committee although he did not think that the optimum structure for the group. He said he did strongly support the concept of the three-member

advisory committee. Rino Aldrighetti suggested that perhaps the logical approach would be to create the committee with both roles for the present time. He said formulation of a good mission statement by the committee would require the editor to perpetuate the Newsletter by developing a staff of volunteer citizens, and those citizens would most likely take on the role of the advisory committee. He supported inclusion of Council representatives on the initial committee, with that committee's primary goal to be the putting together of a mission statement for the Newsletter, with a mandate that the mission statement include the involvement of citizens in a meaningful staff role. Councilmember d'Eustachio emphasized that his basic intent was that the editor have a group to whom he could go for advice, answers on policy questions, other than the Mayor and/or Council or City Administrator, however that was achieved. Councilmember Sharp pointed out that if members of the review committee also functioned as advisors to the editor, their objectivity would be compromised in that they would be reviewing issues on which they had offered advice; he said he still viewed that as a sensible concept. Councilmember Bradley reiterated she would not be interested in any approach wherein Council abdicates responsibility for the Newsletter; she said she supported the advisory group as an interim measure to provide assistance to the new editor, however, thought volunteers could fill that role. She said she did not think Council should lock itself into any one approach, other than the review committee which was a necessary function, until a permanent editor was chosen, which was likely to be within the next few months. She emphasized that the review process, necessarily, had to be an after the fact function, and would furnish guidance to the editor and others involved in the publication. A. J. Mitchell of Park Ritchie, speaking from the audience, urged that Council not participate in the Newsletter committee(s), based on problems he perceived elected officials would have in retaining objectivity on political issues. Following dialogue between Councilmember Bradley and Mr. Mitchell, Rino Aldrighetti remarked that, in the past, when the Newsletter was fulfilling its role in the city, there were a couple of councilmembers on the review committee. He said that was not a problem, that the current problem was the lack of definition and energy. Councilmember Haney reiterated support for omitting Council representation on the committee(s); said the review report is submitted to the Council and every opportunity is afforded at that point for comment. He said he felt debate on the review would be skewed by having members of the Council sit on the committee. Councilmember Iddings emphasized the importance of the mission statement for the Newsletter; said he had no problem with involvement of elected officials in the process because he saw the Newsletter, at least in part, as a political vehicle for politicians to reach out to the citizens on important issues. He said he felt that focusing on different sorts of committee structures that reflect different perceptions of what the mission of the Newsletter ought to be was probably not the best approach and was why discussions on the issue continue to flounder. Following a suggestion by Mr. Iddings that the issue be scheduled for worksession debate at the earliest possible opportunity, and an attempt be made at that time to come up with a consensus, Mr. d'Eustachio withdrew his motion for passage of the resolution, as amended, with the withdrawal accepted by the seconder. Consensus was that the issue would be scheduled for the May 5 worksession. The Mayor noted that the matter was previously scheduled for worksession discussion, however, no consensus was reached or expressed. Mr. Aldrighetti expressed disappointment at the continuance--said he had perceived Council being close to consensus on some points, including the need for a mission statement; he reiterated support for inclusion of Council representation on the committee(s). Councilmember Bradley reiterated her wish to have the already-existing review committee do a review and evaluation of most-current past issues of the publication; she said that, as well as recruiting volunteers to assist the editor, were the points most important to her.

Brent Dillingham: pointed out that a couple of issues back in the Newsletter, there were articles authored by Councilmembers stating that the zoning bill had passed, when actually, it did not pass until a week later; he inquired how that happened. Councilmember d'Eustachio responded that the gun was jumped; the Mayor explained that due to amendments, the bill was delayed in the legislative process; however, concurred that two Councilmembers were a bit premature in their Newsletter articles, probably because of the Newsletter submission deadline which is generally a couple of weeks prior to its publication and distribution. In response to query,

Mr. d'Eustachio stated that the Newsletter articles were fairly accurate despite their prematurity.

RESOLUTION #1986-
(attached)

7. Second reading of an ordinance accepting proposal from Selig Associates, Inc. to perform personnel classification, factoring & compensation projects.

Councilmember Haney moved adoption of the ordinance, duly seconded by Councilmember Sharp. In response to query, it was noted that the required affidavit of non-nuclear involvement had not yet been procured from Selig; Councilmember Sharp noted the need for a consistent boiler plate statement concerning non-nuclear involvement, and in conformance with the Nuclear Free Zone Ordinance, for inclusion in all City legislation where it is pertinent. The Mayor moved amendment to Section 2. inserting language making the proviso that Selig Associates file with the City the affidavit required under the Nuclear Free Zone Act, duly seconded by Councilmember Haney. The motion to amend passed with Councilmembers Levy and Bradley temporarily absent, balance of Council voting Aye. The ordinance was adopted by roll call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Levy and Sharp; NAY: None; ABSTAINED: Councilmember Iddings; EXCUSED: Councilmember Williams.

ORDINANCE #1986-10
(attached)

8. First readings of ordinances awarding bid and contract for park improvements for Jackson/Boyd and Eastridge Parks.

Mr. Wilson, in response to questions raised previously, stated 11 phone calls had been made to try to ascertain why the bid response was not greater on these projects; he enumerated reasons given by 4 firms responding to the calls to date. Upon motion, duly seconded, the ordinances were accepted for first reading.

ORDINANCE #1986- & #1986-
(attached)

9. Ordinance accepting bid and awarding contract for 1986 Street Improvements.

It was noted that this being a budget item, only one reading would be required for adoption. Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Haney. Councilmember d'Eustachio requested that cost figures for gravel surfacing a foot path on First Avenue between Allegheny and Westmoreland be furnished; Ms. Habada responded that would be done. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #1986-11
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:43 P.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, the Veterans of Foreign Wars of the United States annually conduct a fund-raising campaign by the selling of Buddy Poppies; AND

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of their sales are used exclusively for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans; AND

WHEREAS, the wearing of a Buddy Poppy is mute evidence of our appreciation of those who have risked or lost their lives in defense of the principles upon which our Nation was founded; AND

NOW, THEREFORE, I, Stephen J. Del Giudice, Mayor of the City of Takoma Park, Maryland, join with the City Councilmembers to proclaim the month of May 1986 as

BUDDY POPPY MONTH

which has been set aside for the official distribution of these symbols of sacrifice in the City of Takoma Park by the members and Auxiliary of Takoma Park Post No. 350 of the Veterans of Foreign Wars.

April 28, 1986.

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator



Introduced by: Mayor Del Giudice
and Councilmember Iddings

RESOLUTION NO. 1986- 38

WHEREAS, Thomas J. Gagliardo has served the City of Takoma Park as Corporation Counsel since October, 1983; AND

WHEREAS, he has professionalized and enhanced legal services rendered to the City; AND

WHEREAS, he has always been available to the citizens of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby express their gratitude and recognition for the significant contribution to our community by Thomas J. Gagliardo.

APRIL 28, 1986.

Stephen J. Del Giudice
Stephen J. Del Giudice
Mayor

ATTEST:

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



Introduced by:

1st Reading: 4-28-86
2nd Reading:

ORDINANCE NO. 1986-_____

Budget Amendment No. 3

SECTION 1. BE IT ORDAINED AND ENACTED by the City Council of Takoma Park, Maryland that the Fiscal Year 1986 Budget be amended as follows:

Revenue Amendments

- a. A revenue budget line item "Tree Permits" is created with a designated budget Account number of 424 and an appropriation of \$100.
- b. A revenue budget line item "Parking Permits" is created with a designated Account number of 425 and an appropriation of \$1,800.
- c. Appropriate \$6,116 to Revenue Account Number 446 to budget for Enhanced Traffic Safety Enforcement funds received from the State of Maryland.
- d. Increase Revenue Account #447 Program Open Space by \$131,679.
- e. Increase Revenue Account 472, Copying, by the amount of \$5,000 to include revenue received by the Library.
- f. A revenue line item "SHA Grant" is created for the Takoma Junction traffic study with a designated Account number of 449 and an appropriation of \$16,000.
- g. Decrease revenue appropriation for Urban Development and Assistance, Account number 430, by \$126,993.
- h. Increase revenue appropriation for Revenue Sharing Funds, Account number 431 by \$62,428.
- i. Decrease revenue appropriation for Horse Racing, Account number 411, by \$10,000.
- j. Increase revenue appropriation for Protective Inspection Fees, Account number 454 by \$16,000.

Expenditure Amendments

- a. Transfer \$6,000 from Account number 570.7, Legislation - City Ordinances, and \$5,000 from Account number 572, Codification of City Laws, to Account number 570.8, Miscellaneous Litigation.
- b. Decrease appropriation of Account 597.3, Engineering Consultant, by \$7,660.

Expenditure Amendments (contd.)

- c. Decrease appropriation of Account 597.4, Capital Outlay/Construction, by \$109,333.
- d. Increase appropriation to Account 598.2, Design - Streetscape and Facade by \$16,000 to cover SHA grant expenses.
- e. Transfer \$10,200 from Account number 598.4, Acquisition, to Account number 598.2, Design - Streetscape and Facade.
- f. Appropriate \$115,068 to Account number, 599.3, Acquisition/Community Development Parks.
- g. Increase appropriations of Jackson/Boyd Program Open Space project, Account number 599.5.1 by the amount of \$11,688.
- h. Increase appropriations of Eastridge Program Open Space project, Account number 599.5.2 by the amount of \$4,923.
- i. Increase appropriations of Jackson-Boyd Park Park project, Account number 599.5.5 by \$3,896.
- j. Increase appropriations of Eastridge Park project, Account number 599.5.6 by \$1,641.
- k. Increase appropriations of Account number 626, Printing by \$1,800 for Permit Parking printing.
- l. Transfer \$11,339 from Unappropriated Funds, Account number 1000 to Account number 640, Police Liability Insurance.
- m. Transfer \$19,200 from Account number 830, Salaries-Building Maintenance and \$3,200 from Account 836, Overtime, to Account 836, Subcontract Work.
- n. Increase appropriation of Account number 957, Copying by \$5,000.
- o. Transfer the following amounts from Account number 991, General Contingency, to the designated accounts:
 - 1. \$1,175 to Account number 970, Fidelity Bonds.
 - 2. \$12,300 to Account number 973, Motor Vehicle Insurance
 - 3. \$53,100 to Account number 975, Motor Vehicle General Liability Insurance.
 - 4. \$15,000 to Account number 977, Excess Liability
- p. Decrease Account number 974, Special Contractors Insurance by \$154.
- q. Increase appropriations of Account number 995, Capital Expenditures by \$60,024.
- r. Increase appropriation of Account number 889, Repair Materials by \$2,404.

RESOLUTION NO. 1986-39

WHEREAS, on March 10, 1986, the City Council adopted Resolution No. 1986-22, appointing members to the Takoma Park Transportation Planning and Policy Committee (Traffic Committee); AND

WHEREAS, a full complement of members were not available for appointment on March 10, 1986, and additional members must be appointed to provide for representation of all City wards, with the additional members to fall under the provisions set forth in Resolution No. 1986-22.

WHEREAS, Councilmembers have provided nominees to fill the vacant positions on the Committee.

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:

WARD 2 _____ (P)

WARD 4 Ralph Thompson, 7611 Maple Ave., #308 (P)
Karen Mitchell, 7600 Maple Avenue (P)
Kevin Morris, 7611 Maple Ave., #608 (A)

WARD 6 _____ (P)
John Dupree, 7204 - 13th Avenue (A)

WARD 7 _____ (A)

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

Attachment

City Council
Mayor DeStefano

RESOLUTION NO. 1986-37

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 to and confirm the terms and conditions set forth in the draft agreement, a copy of which is attached hereto and hereby made part of this resolution.

BE IT FURTHER RESOLVED THAT the Mayor is hereby authorized to execute this agreement on behalf of the Council at a time and place mutually agreed to by the other parties to this agreement.

APRIL 28, 1986.



Montgomery County Government

ROCKVILLE, MARYLAND 20850

Charles W. Gilchrist
County Executive
(301) 251-2500
TTY 279-1083

MEMORANDUM

TO: William E. Hanna, Jr., President, Montgomery County Council
FROM: Charles W. Gilchrist, County Executive *Charles W. Gilchrist*
SUBJECT: Takoma Park Fire Service Reimbursement Agreement

Attached please find the agreement worked out among Montgomery County, Prince George's County, and the City of Takoma Park regarding reimbursement for fire service that Montgomery County provides to the Prince George's County section of Takoma Park. In addition, I am attaching a draft resolution which the Council may use to indicate its support of this agreement.

I endorse the agreement fully and urge your support of it. It represents a fair balance of the interests of all three parties and has been negotiated through a long series of good faith discussions this spring. I am very pleased that we have achieved this consensus among our three governments on this matter, and I commend to you the constructive contribution made to this agreement by Mr. Glendening's Office and by Mayor DeGiudice.

I am advised that the City Council intends to pass a resolution Monday night, April 28, 1986, endorsing this agreement and authorizing the Mayor to execute it. In addition, I believe Prince George's County is prepared to execute this agreement also.

I urge the Council to join with me in supporting this agreement. Following passage of a resolution endorsing the agreement, and enactment of Bill 21-86 amending our municipal revenue sharing (tax duplication) program, we can execute the agreement and place it in effect for FY 87.

CWG:psa

Attachment

cc: County Executive Glendening
Mayor DeGiudice

Resolution No.: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Takoma Park Fire Service Reimbursement

Background:

1. Montgomery County has sought for several years to obtain fair reimbursement for a portion of the costs of providing first-due fire and rescue service to the Prince George's section of Takoma Park from Station 2 at Philadelphia and Carroll Avenues.

2. Negotiations have now been completed among Montgomery County, Prince George's County, and the City of Takoma Park yielding the attached agreement which provides, in part:

- Montgomery County will continue to provide first-due fire and rescue service to the entire City of Takoma Park, including the Prince George's section, from Station 2 at Philadelphia Avenue and Carroll Avenue through June 30, 1992;
- The City of Takoma Park will pay annually to Montgomery County a sum of money equal to that obtained by multiplying the Montgomery County Consolidated Fire Tax District tax rate times the assessments on all properties within the City; and,
- Montgomery County will levy a general County property tax on all assessments of properties in the Montgomery County section of the City at a rate that is lower than the general County property tax on assessments outside of the City by the amount of the tax rate established for Consolidated Fire Tax District for the same taxable year.

3. The attached agreement will take effect upon execution by all three parties and the enactment of emergency bill number 21-86 by the Montgomery County Council. This bill would amend the County's Municipal Revenue Sharing (tax duplication) program in a manner compatible with this agreement.

4. The County Executive has endorsed the attached agreement and has advised the County Council that Prince George's County also endorses the agreement.

5. The Mayor and Council of the City of Takoma Park have endorsed the attached agreement as evidenced by the attached City Council resolution number _____ dated _____.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council endorses the attached agreement among Montgomery County, Prince George's County, and the City of Takoma Park which provides for the provision of first-due fire and rescue services by Montgomery County to the entire City of Takoma Park from Station 2 at Philadelphia Avenue and Carroll Avenue, and the reimbursement by the City to Montgomery County of a portion of the costs associated with that first-due service.

This is a correct copy of Council action

Kathleen Freedman, Secretary
County Council

AGREEMENT

THIS AGREEMENT is made by and among the City of Takoma Park (City), a Maryland municipal corporation; Montgomery County, Maryland, (Montgomery), a chartered County of the State of Maryland; and Prince George's County, Maryland, (Prince George's County), a chartered County of the State of Maryland, to provide first-due response fire and rescue services to the entire city of Takoma Park and to provide partial reimbursement to Montgomery County, Maryland, for the cost and expense of providing these services.

1. TERM OF AGREEMENT. This agreement takes effect upon execution by all three parties and the enactment of Emergency Bill No. 21-86 by the Montgomery County Council. This agreement will remain in full force and effect for a term of six years, ending on the 30th day of June, 1992. Upon expiration of the original term, this agreement may be extended by written agreement of the parties on or before March 1 of 1992 and March 1 of each subsequent year for additional one-year terms.

2. SERVICES TO BE PROVIDED. Subject to all provisions of Chapter 21 of the Montgomery County Code, "Fire and Rescue Services", Montgomery County will continue to provide from Station #2 first-due fire and rescue services to the Montgomery County section and the Prince George's County section of the City of Takoma Park during the term of this agreement.

3. PAYMENT FOR SERVICES. The City agrees to pay to Montgomery County annually a sum of money equal to that obtained by multiplying the Montgomery County Consolidated Fire Tax District tax rate times the assessments on all properties within the City. By November 1 of each taxable year, the City shall pay to Montgomery County eighty-five percent (85%) of the monies, with the remaining fifteen percent (15%) of the monies to be paid by the following February 1, as reimbursement for a portion of the cost and expense of fire and rescue services provided to the City by Montgomery County.

4. TAX LEVY/TAX DIFFERENTIAL/GRANT IN TAKOMA PARK AND PRINCE GEORGE'S COUNTY. Prince George's County agrees to divide the municipal tax reimbursement or differential to which Takoma Park is entitled under applicable Prince George's County and State law into two parts:

- a. PART ONE will be a tax differential or credit based on the property tax rate calculated for fire service, in recognition of the fire tax levied by the City and paid to Montgomery County for fire and rescue services; and
 - b. PART TWO will be a payment based on the remaining tax differential or credit multiplied by the assessable property in the Prince George's section of the City.
5. TAKOMA PARK TAX LEVY. The City of Takoma Park agrees to levy a uniform City-wide property tax rate for all City services, including fire and rescue services.
6. MONTGOMERY TAX LEVY/TAX CREDIT
- a. If the conditions in 6. b. below are met, Montgomery County will
 - (1) (Phase I) levy a general County property tax on all assessments of properties in the Montgomery County section of the City at a rate that is lower than the general County property tax on assessments outside of the City by the amount of the tax rate established for the Consolidated Fire Tax District for the same taxable year; or,

(2) (Phase II) grant, after the enactment of State enabling authority and the enactment by the Council of local law, a tax credit or differential to all properties within the Montgomery County section of the City equal to the Consolidated Fire Tax District tax rate on the assessments of all properties in the Montgomery County section of the City.

b. The Montgomery County Council will set the lower general County property tax rate in paragraph (a)(1) or will grant the credit in paragraph (a)(2) above when the City provides satisfactory written documentation, by June 15 annually, to the County Council that:

(1) the City has levied for the next taxable year a general municipal property tax on all assessments of properties in the City at a rate equal to the rate proposed to be set for the Consolidated Fire Tax District for the next taxable year; and

(2) the City will collect and remit the amount specified in paragraph #3 above to Montgomery County for partial payment of the cost and expense of fire and rescue services within the City.

7. LOCATION OF FIRE STATION. Montgomery County agrees to provide fire and rescue services from Station 2 at Philadelphia Avenue and Carroll Avenue for the term of this agreement.

8. BINDING. This agreement shall be binding on the parties, their successors, and assigns.

9. DEFAULT

a. During the term(s) of this agreement, the failure of any party to perform its obligations under this agreement shall constitute a material breach of this agreement, for which in any legal action the party held in breach of its obligations under this agreement shall be held liable for all cost and expense of such litigation, including reasonable attorney fees, and the party in default shall be liable for interest on any payment found due and owing by a court at a rate of eight percent (8%) per year from the date on which the payment was due.

b. If at any time payment under paragraph #3 above is not made by the City, Montgomery County will no longer be bound by this agreement to provide first-due service to the Prince George's section of the City or to keep Station 2 at its Philadelphia Avenue - Carroll Avenue location.

10. UNIFICATION. Unification of the City of Takoma Park into either County upon the vote of City citizens in a binding referendum established by State legislative action shall terminate this agreement as of June 30 of the taxable year in which unification takes effect.
11. GOVERNING LAW. This agreement is governed by the laws of the State of Maryland and the applicable provisions of the Montgomery County, Prince George's County, and City of Takoma Park Codes.
12. ORIGINALS. All copies of this agreement signed and approved by the appropriate parties on behalf of the City, Montgomery County and Prince George's County are deemed to be originals.
13. OTHER AGREEMENTS. This agreement does not modify, alter, or replace any existing mutual aid agreements entered into by these parties with other jurisdictions, nor does this agreement modify, alter, or replace any existing agreement, procedures, programs or policies except to the extent required to carry out the intent of this agreement.

FOR CITY OF TAKOMA PARK:

Mayor Date
City Council approval
Resolution No. _____ dated _____.

FOR PRINCE GEORGE'S COUNTY:

County Executive Date
County Council approval
Resolution No. _____ dated _____.

FOR MONTGOMERY COUNTY:

County Executive Date
County Council approval
Resolution No. _____ dated _____.

Introduced by: Councilmember Bradley
Councilmember Iddings

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 in July 1983, 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, that a five-member "Newsletter Review 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 the members of the Council, AND

BE IT FURTHER RESOLVED, that the terms of appointment for members of this committee shall be made on an annual basis to commence on January 1st and to expire on December 31 of each year EXCEPT THAT the terms of the 1986 committee shall begin on May 15th, 1986 and expire on December 31, 1986; AND

BE IT FURTHER RESOLVED, that once every six months beginning with the July 1986 issue, the Newsletter Review Committee will convene for the purpose of reviewing the past six issues of the Newsletter for conformance to existent editorial policy guidelines as established by the Mayor and Council EXCEPT THAT the 1986 committee shall review Newsletter issues from May 1985 through and including the June 1986 issues and make such report to the Mayor and Council within 30 days.

AND BE IT FURTHER RESOLVED that the Review committee shall hear and report to the Council complaints of violation of the existing editorial policy guidelines that may arise between the semi-annual reviews.

Introduced by: Councilmember Haney

1st Reading: 4-14-86

2nd Reading: 4-28-86

ORDINANCE NO. 1986-10

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., provided that The Selig Associates, Inc. file with the City the affidavit required by the City's Nuclear-Free Zone Act, as amended.

Adopted this 28th day of April, 1986.

.Introduced by:

ORDINANCE NO. 1986-

WHEREAS, funds have been appropriated in the Takoma Park FY 1985-86 Budget for the construction of the Jackson/Boyd Neighborhood Park; AND

WHEREAS, in accordance with Chapter 2, Article 4 Sections 2-40 through 2-49 of the Takoma Park Code, bids were solicited from qualified bidders, an Invitation to Bid having been published once in The Washington Afro-American, three times in The Montgomery Journal and three times in The Prince George's Journal; AND

WHEREAS, the three (3) bids received in response to the City's Invitation to Bid were opened publicly at 3:00 P.M. on 14 March 1986 at the Takoma Park Municipal Building; AND

WHEREAS, a bid review committee determined that two (2) of these bidders did not submit qualified bids; AND

WHEREAS, the bid review committee and the City's Economic and Community Development Coordinator have determined that the bid received from the one remaining bidder, Peak, Inc., is a qualified, compliant, responsive and responsible bid meeting the requirements set forth in the bid documents, and that it is in the best interests of the City of Takoma Park to accept said bid, with certain modifications, and award the contract to Peak, Inc; AND

WHEREAS, Peak, Inc., has agreed to remove certain items from its bid at the City's request, thereby reducing its bid from SIXTY SEVEN THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS (\$67,517.00) to FIFTY NINE THOUSAND THREE HUNDRED SEVENTEEN DOLLARS (\$59,317.00); AND

WHEREAS, Peak, Inc., has been deemed not to be a nuclear weapons manufacturer, or to be doing business with nuclear weapons manufacturers and to be eligible to enter into contracts with the City of Takoma Park in accordance with Ordinance No. 2703 and the bidder has validated this in writing;

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

SECTION 1. Bid awarded to Peak, Inc. THAT the revised bid of Peak, Inc., in the amount of FIFTY NINE THOUSAND THREE HUNDRED SEVENTEEN DOLLARS (\$59,317.00) be accepted and a contract consistent with the bid documents be awarded to Peak, Inc.

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

SECTION 3. That funds to cover this contract in the amount of FIFTY NINE THOUSAND THREE HUNDRED SEVENTEEN DOLLARS (\$59,317.00) be charged to the City's FY86 Budget, line items #599.5.1, #599.5.3, and #599.5.5, as appropriate.

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

ORDINANCE NO. 1986-

WHEREAS, funds have been appropriated in the Takoma Park FY 1985-86 Budget for the construction of the Eastridge Neighborhood Park; AND

WHEREAS, in accordance with Chapter 2, Article 4 Sections 2-40 through 2-49 of the Takoma Park Code, bids were solicited from qualified bidders, an Invitation to Bid having been published once in The Washington Afro-American, three times in The Montgomery Journal and three times in The Prince George's Journal; AND

WHEREAS, the three (3) bids received in response to the City's Invitation to Bid were opened publicly at 3:00 P.M. on 14 March 1986 at the Takoma Park Municipal Building; AND

WHEREAS, only one bid, submitted by Peak, Inc., was received by the City; AND

WHEREAS, the bid review committee and the City's Economic and Community Development Coordinator have determined that the bid received from Peak, Inc., is a qualified, compliant, responsive and responsible bid meeting the requirements set forth in the bid documents, and that it is in the best interests of the City of Takoma Park to accept said bid, with certain modifications, and award the contract to Peak, Inc.; AND

WHEREAS, Peak, Inc., has agreed to remove certain items from its bid at the City's request, thereby reducing its bid from FIFTY NINE THOUSAND EIGHT HUNDRED EIGHTY FIVE AND 50/100 DOLLARS (\$59,885.50) to FIFTY THOUSAND EIGHT HUNDRED EIGHTY FIVE AND 50/100 DOLLARS (\$50,885.50); AND

WHEREAS, Peak, Inc., has been deemed not to be a nuclear weapons manufacturer, or to be doing business with nuclear weapons manufacturers, and to be eligible to enter into contracts with the City of Takoma Park in accordance with ORDINANCE NO. 2703 and the bidder has validated this in writing;

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

SECTION 1. Bid awarded to Peak, Inc. THAT the revised bid of Peak, Inc., in the amount of FIFTY THOUSAND EIGHT HUNDRED EIGHTY FIVE AND 50/100 DOLLARS (\$50,885.50) be accepted and a contract consistent with the bid documents be awarded to Peak, Inc.

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

SECTION 3. That funds to cover this contract in the amount of FIFTY THOUSAND EIGHT HUNDRED EIGHTY FIVE AND 50/100 DOLLARS (\$50,885.50) be charged to the City's FY 86 Budget, line items #599.5.2, #599.5.4, and #599.5.6, as appropriate.

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

ORDINANCE 1986-11

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

- SECTION 1. THAT the year 11 Community Development Block Grant program set aside \$88,000 for the execution of certain Public Works projects; AND
- SECTION 2. THAT bids were solicited from qualified contractors by advertising in the Washington Post Classified Section, the Blue Report and the Dodge Report; AND
- SECTION 3. THAT a pre-bid conference was held on April 9, 1986 at 2:00 PM at the Municipal Building; AND
- SECTION 4. THAT the bids were opened April 16, 1986 at 2:00 PM in the Municipal Building for the following street improvements:
- Installation of curb, gutter, driveway aprons, a foot path and surface course on First Avenue between Allegheny and Cockerille Avenues;
- Installation of curb, gutter, driveway aprons and bituminous surface on Geneva Avenue between Hilltop Road and Ritchie Avenue.
- Installation of curb, gutter, driveway aprons and reconstruction of a portion of Elm Avenue at Westmoreland Avenue; AND
- SECTION 5. THAT 4 bids were received, with D & F Construction Company of Arlington, Virginia having submitted the low bid of EIGHTY EIGHT THOUSAND, FIVE HUNDRED AND THIRTY SEVEN DOLLARS (\$88,537).
- SECTION 6. THEREFORE THAT the bid of D & F Construction Company for the work described above and as noted in the bid package is hereby accepted and the City Administrator is authorized to execute the appropriate contract documents.

Adopted April 28, 1986.