

Regular Meeting of the Mayor and Council

May 12, 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 AND 28, 1986
- 8:15 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:25 ADDITIONAL AGENDA ITEMS
- 8:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)
- ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson
- 9:00 (1) Resolution designating Acting Corporation Counsel (Susan Silber)  
Citizens comments  
Council action
- 9:15 (2) Resolution designating Acting Director of Department of Housing  
Services (Anthony Austin, currently Assistant Director of Department  
of Housing Services)  
Citizens comments  
Council action
- 9:30 (3) Resolution to establish a Newsletter Review Committee  
Citizens comments  
Council action
- 10:00 (4) Resolution to establish a Revenue Task Force  
Citizens comments  
Council action
- 10:30 (5) Second readings of ordinances awarding bids and contracts for park  
improvements for (1) Jackson/Boyd Neighborhood Park, and (2)  
Eastridge Neighborhood Park  
Citizens comments  
Council action
- 10:45 (6) Second reading of a Third Amendment to the FY 1986 City Budget  
Citizens comments  
Council action
- 11:00 (7) Ordinance accepting bid and awarding Library re-roofing contract to  
Unique Construction Co. of Rockville, Maryland  
Citizens comments  
Council action
- 11:15 (8) Ordinance accepting bid to replace Library carpeting  
Citizens comments  
Council action

ADJOURN

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REMINDER: Thursday, May 15, 1986, 8:00 PM - Public Hearings:

- Budgets for Police and Recreation Departments
- Revenue Sharing Funds Proposed Use
- Constant Yield Tax Rate

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
May 12, 1986

CITY OFFICIALS PRESENT:

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

The Mayor and City Council met at 8:05 P.M. on May 12, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, approval of the Minutes of April 14 and 28, 1986 was moved by Councilmember Haney, duly seconded by Councilmember d'Eustachio, carried unanimously.

The Mayor commented that on Saturday, May 17, from 12-4 P.M., a number of area citizens' associations would be cooperating in an effort to clean up Longbranch and Sligo Creeks; he encouraged all those interested to attend and participate and noted that refreshments would be served following the cleanup. He related that officials of the City and the two Counties would be signing the Tri-Party Agreement concerning provision of fire service on May 19 at 9:00 A.M. at the Municipal Building and invited interested persons to attend.

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

Frances Phipps, 7210 Holly Avenue: referred to a conversation with the Mayor earlier in the day concerning property on New York Avenue across from Montgomery College which is allegedly being offered for sale to the college. Mayor Del Giudice explained that the property was lots 3 and 4 on Block 69, and related some of the background history of that block vis-a-vis Montgomery College and the battle citizens fought some years ago against that institution in order to preserve the residential character of the neighborhood from expansion by the college. He said it appeared that the owner of the two aforementioned lots, Roderick Davis, had made an offer to sell them to the college. Mayor Del Giudice related that he had spoken to County Executive Gilchrist, who expressed concern that the City had not been informed by the college of the offer from Mr. Davis and said he would have a member of his staff contact the City. Thereafter, he said, Daniel Neal received a call from Mr. Hutchison, the County Capital Improvement Program Manager, who stated that the Capital Improvement Program would be voted on by the County Council on May 13; thus, if the City were going to take a position on this issue, it would have to be communicated to the county early on the morning of May 13. The Mayor said it did appear that the college had been knowledgeable of the offer for about a month and a half, and funds for purchase of the property had been included in the county's budget as an addition to the Capital Improvement Program. Ms. Phipps emphasized that it was crucial to block the purchase at its present point and noted that in the 1970's the college had pledged not to acquire any additional properties in Block 69; she suggested contacting County Councilmembers Hanna and Crenca and making them aware that the City had not been advised of this development. The Mayor noted that the property in question was zoned residential in the Master Plan, as well as being located within the Historic District. Ms. Phipps pointed out that it could not be assumed that the historic value of the structures on the property would be a deterrent to the college, based on the approach they had taken with the Carroll House, e.g., letting it deteriorate to the point they could claim it was a safety hazard and required demolition. She emphasized the importance of historic properties remaining in private ownership due to maintenance, operating and use problems encountered when they become publicly-owned.

Councilmember Haney commented he felt it incumbent upon the Mayor and Council to take a position opposing the proposed purchase of the property by the college; said from the pre-Council discussion he thought there was a consensus on that. Councilmember Levy suggested a resolution be composed expressing Council's opposition to purchase of the property by the county for use by Montgomery College. Councilmember Bradley commented she thought it important that County Councilmembers, as well as Historic Preservation

staff, be contacted immediately by phone and apprised of the City's position.

Sharon Bond, property owner on Block 69: said that, aside from wanting to retain the residential character of the neighborhood, the house located on the property in question is beautiful, unique, has been very well preserved and maintained; there is a beautiful stand of huge old oak trees on the property which would have to go if the college were to build there. She said construction by the college on that property would be a real loss to the City.

Councilmember Bradley moved that Council go on record as opposing the County's proposed Capital Improvement Budget amendment for funds to purchase Lots 3 and 4 of Block 69, adjacent to Montgomery College, in Takoma Park. The motion was duly seconded by Councilmember Levy and carried unanimously.

Sherelyn Ernst, 7303 Cedar Avenue: related that the Tot Lot Committee had organized a neighborhood gathering on Sunday, May 18, 2-4 P.M., and extended an invitation to the Mayor and Council to attend for the purpose of hearing area citizens' views on park use(s) for the City-owned Siegler property.

Arthur Karpas, 6916 Westmoreland Avenue: commented that condemnation proceedings for 6801 Westmoreland Avenue had been continued from the last meeting to the current one, however, was not on the agenda. Mr. Wilson explained that the interior inspection was performed last week, and Constructive Alternatives, the contractor, was contacted. He said information from both of those sources would have to be attached to the ordinance, which had been put in draft form but not reviewed by Corporation Counsel. He said all documentation would be finalized and on the agenda for the May 19 worksession and the May 27 regular Council Meeting.

Brint Dillingham, 7018 Carroll Avenue: inquired concerning the status of the letter to the management of 7611 Maple Avenue, about which he had asked at the last several meetings. The Mayor responded that the letter was in draft form, composed by himself and Tony Austin, and he anticipated it being sent out within the week.

Councilmember Iddings, who had arrived at the meeting following the discussion concerning Block 69, related a conversation earlier in the day with County Councilmember Rose Crenca who expressed opposition to the purchase of the property by the county for the college and said she would make County Council aware of the City's position prior to their vote on the CIP Program. Mr. Iddings expressed concurrence with Council's unanimous position of opposition adopted earlier.

ITEMS FOR COUNCIL CONSIDERATION:

1. Resolution designating Acting Corporation Counsel (Susan Silber). Councilmember Sharp moved passage, duly seconded by Councilmember Williams. Councilmember Iddings suggested amending the resolution by inserting at the end of the resolve clause the language "or until a permanent Corporation Counsel is appointed." The amendment was accepted as editorial by the maker and seconder of the motion for passage. During discussion, Councilmember Sharp commented he would support, in the event Ms. Silber were not appointed to the permanent position, that there be an overlap/transition period under Ms. Silber's guidance for the permanent appointee. The Mayor noted that September 9, the first regularly scheduled Council Meeting in that month, was designated in the resolution as the date of expiration of Ms. Silber's duties because that was the anticipated date that a permanent appointment would be made. The resolution, as amended, was passed with Councilmembers d'Eustachio and Haney temporarily absent, balance of Council voting Aye.

RESOLUTION #1986-40  
(attached)

2. Resolution designating Anthony Austin, currently Assistant Director of Department of Housing Services, as Acting Director of that department.

Councilmember Bradley moved passage, duly seconded by Councilmember Williams, carried, with Councilmembers Haney and Levy temporarily absent,

balance of Council voting Aye.

RESOLUTION #1986-41  
(attached)

**3. Resolution to establish a Newsletter Review Committee.**

Councilmember Bradley moved passage, duly seconded by Councilmember Iddings, who noted that the resolution incorporated one substantive change from the original, which was the expansion of the review committee from 5 to 7 members. Councilmember Sharp moved amending the resolution as outlined in his document dated 5-9-86 and disseminated with the resolution, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio spoke in favor and support of an advisory group to the editor. Mr. Sharp commented he had tried, in authoring his amendments, to address concerns voiced by various Councilmembers during discussions of the issue, so that a consensus could be reached. Responding to query from Councilmember Bradley, Mr. Sharp stated that under his amendment(s), the editor would have the discretion to either consult or not consult with the advisory group; he explained at length the reasons why his amendments did not in effect relieve the Mayor and Council of responsibility for the Newsletter. Councilmember Iddings expressed support for the amendments based on the fact that the advisory committee's role would be primarily that of a sounding board for the editor if he so chose -- the group would not report or have feedback to the Mayor and Council, would not interfere either with the authority of the editor to compile the Newsletter or the Mayor and Council to establish policy therefor. He noted the need to bring the issue to a final solution and thought the proposed resolution and amendments would serve that purpose. He proposed amending the last resolve clause of Mr. Sharp's amendments by inserting after "...a change in the editorship of the Newsletter...", the language , or whenever the editor requests; which was accepted as editorial change by the maker of the motion to amend and its seconder. Consensus was that the first amendment would remain as written, allowing for appointment of either four or five members to the committee.

David Prosten, 6625 Eastern Avenue: asked for clarification concerning how appointments would be made to the advisory group. In ensuing dialogue, Mr. Sharp commented that he had attempted to address the concern that the editor have people on the committee with whom he could work well. Mr. Prosten opined that, in essence, the amendments provide the editor with veto power over who serves on the group; he said he did not see the sense in, or the need for, the proposed advisory group. Arthur Karpas pointed out that in the first resolve clause of the resolution, seven-member committee might be a more appropriate designation in light of the fact the body will be comprised of five citizens plus two Councilmembers; Mr. Karpas' suggestion was accepted as an editorial amendment. Councilmember Bradley reiterated comments voiced during prior meetings concerning a difference in philosophical viewpoints, i.e., interested volunteers who would wish to participate/work with the editor, and who would naturally evolve into an informal advisory group (for which she had expressed a preference), versus appointees; she said she would be voting against the amendments. The motion to amend carried with Councilmembers Bradley and Levy voting Nay, balance of Council voting Aye. Following additional comment by Councilmember Sharp, the question was called on passage of the resolution, as amended; the resolution passed by unanimous vote.

RESOLUTION #1986-42  
(attached)

**4. Resolution to establish a Revenue Task Force.**

Councilmember d'Eustachio moved passage, duly seconded by Councilmember Sharp. Councilmember Bradley presented amendments authored by herself; two proposed "Whereas" clauses were accepted as editorial amendments. She moved amending the resolution by insertion of two resolve clauses, duly seconded by Councilmember Haney. Following brief discussion, the vote was taken on the amendments, which were accepted unanimously. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1986-43  
(attached)

Discussion returned to the Davis property/Block 69 issue. Councilmember Iddings reiterated highlights of his conversation with County Councilmember

Rose Crenca; he said it was his understanding that the property owner, Rod Davis, was residing in Florida. Frances Phipps related speaking with County Councilmember Scott Fosler; said he could not assure her that he would support the City's position on the issue. She said she thought the City was going to have to be very vigorous and aggressive on the issue -- a resolution and phone calls would not be sufficient. In response to query, the Mayor stated that County Executive Gilchrist had endorsed the purchase; it is his recommended budget that will be presented to the County Council. Lengthy discussion ensued concerning primarily who from the City would attend the next day's meeting at which County Council would vote on the CIP budget and, if any opportunity were afforded, make the City's position known. Consensus was that City staff representatives, those elected officials who could, and those citizens who could be notified and wanted to participate would attend. Other strategies, such as phone calls and mailgrams to county officials were also encouraged. The resolution expressing the unanimous position adopted at an earlier point in the meeting by the Mayor and Council on the issue, and which was composed by staff in the interim period, was presented and approved.

RESOLUTION #1986-44  
(attached)

5. Second reading of a Third Amendment to the FY 1986 City Budget.  
Adoption was moved by Councilmember Haney, duly seconded by Councilmember d'Eustachio, carried, with the roll call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Levy, Sharp and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember Iddings.

ORDINANCE #1986-12  
(attached)

6. Second readings of ordinances awarding bids and contracts for park improvements for (1) Jackson/Boyd Neighborhood Park, and (2) Eastridge Neighborhood Park.

Adoption of the ordinances collectively was moved by Councilmember Bradley, duly seconded by Councilmember Haney, carried, with the roll call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Levy, Sharp and Williams; NAY: None; TEMPORARILY ABSENT: Councilmember Iddings.

ORDINANCES #1986-13 & #1986-14  
(attached)

7. Ordinance accepting bid and awarding Library re-roofing contract to Unique Construction Company of Rockville, Maryland.

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

ORDINANCE #1986-15  
(attached)

8. Ordinance accepting bid to replace Library carpeting.

Mr. Wilson pointed out the need for addition of the statement concerning non-nuclear involvement to the ordinance; the Mayor moved to insert language at the end of Section 6 stipulating that submission of the required affidavit by the contractor be a provision of the expenditure, duly seconded by Councilmember Levy. The amendment carried with Councilmembers Bradley and Iddings temporarily absent, balance of Council voting Aye. Councilmember Williams moved adoption of the ordinance, duly seconded by Councilmember Haney, carried, with the roll call vote recorded as follows: AYE: Councilmembers d'Eustachio, Haney, Levy, Sharp and Williams; NAY: None; TEMPORARILY ABSENT: Councilmembers Bradley and Iddings.

ORDINANCE #1986-16  
(attached)

It was noted that additional bids had been solicited on the Library carpeting as requested in a prior meeting; Jack Allen had declined to bid, another bid received was \$1,000 higher than Custom Carpet Shop's price.

Upon motion, duly seconded, the meeting adjourned at 9:40 P.M., to reconvene in regular session at 8:00 P.M. on Tuesday, May 27, 1986.

Introduced by: Councilmember Sharp

Adopted: 5-12-86

RESOLUTION NO. 1986-40

WHEREAS, due to the resignation of the City's Corporation Counsel, Thomas Gagliardo, and the appointment and process established by Resolution No. 1986-35 adopted April 14, 1986, to select a new Corporation Counsel, the City of Takoma Park is in need of a Corporation Counsel to fill the many various legal needs; AND

WHEREAS, the Mayor has recommended Ms. Susan C. Silber, to temporarily serve as Corporation Counsel; AND

WHEREAS, Ms. Silber is a highly qualified practicing attorney in Takoma Park, and she formerly served the City as Assistant Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Md. do hereby appoint Susan C. Silber as Acting Corporation Counsel with the duties as such to expire on September 9, 1986.

MAY 12, 1986.

Introduced by: Councilmember Bradley

Adopted: 5-12-86

RESOLUTION NO. 1986-41

WHEREAS, due to the resignation of Mrs. Dedra Tyree, the City's Director of the Department of Housing Services, effective May 2, 1986, the City of Takoma Park must fill the vacancy created by the resignation; AND

WHEREAS, the Mayor and Council have selected Anthony L. Austin, currently Assistant Director of the Department of Housing Services, to fill the vacancy, until it is determined what action will be taken to fill the position on a permanent basis.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Md. do hereby designate Anthony L. Austin as Acting Director of the Department of Housing Services until a permanent appointment is made.

MAY 12, 1986.

RESOLUTION NO. 1986-42

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 seven-member "Newsletter Review Committee" be appointed consisting of five citizens of the City of Takoma Park and two members of the City 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 31st of each year EXCEPT THAT the terms of the 1986 committee shall begin on May 15, 1986 and expire on December 31, 1986; AND

BE IT FURTHER RESOLVED THAT once every six (6) 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 thirty (30) days; AND

BE IT FURTHER RESOLVED THAT that the 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; AND

BE IT FURTHER RESOLVED THAT the Committee shall prepare and report to the Mayor and Council no later than September 30, 1986 a proposed mission statement and any proposed changes to the Newsletter guidelines.

BE IT FURTHER RESOLVED THAT a Newsletter Advisory Group consisting of (four)/(five) citizens of the City of Takoma Park will be appointed by the Mayor and Council, after consultation with the editor, for the purpose of providing advice to the editor regarding the operation of the Newsletter, should the editor desire to request advice from the Group; AND

BE IT FURTHER RESOLVED THAT the Group shall be appointed for terms of two years beginning January 1 of each even-numbered year, EXCEPT THAT the members appointed in 1986 shall serve from the time of their appointment until December 31, 1987; AND

BE IT FURTHER RESOLVED THAT vacancies within the Group shall be filled by the Mayor and Council after consultation with the editor and shall serve the remaining term of the departing member; AND

BE IT FURTHER RESOLVED THAT the terms of the Group members shall end whenever there is a change in the editorship of the Newsletter, or whenever the editor requests, and members will be reappointed or replaced by the Mayor and Council after consultation with the new editor for the remainder of the terms of the previous Group members.

RESOLUTION NO. 1986-43

- WHEREAS, the City of Takoma Park is embarked on a major effort of economic revitalization and capital improvement; AND
- WHEREAS, the federal government is reducing the amount of funds it makes available to localities through Community Development Block Grants, revenue sharing, and other programs; AND
- WHEREAS, the City of Takoma Park will not be able to provide through taxes all of the funds required for its economic development and capital improvement needs; AND
- WHEREAS, it is necessary for the City of Takoma Park to manage its financial resources in such a manner as to maximize their use while also insuring that the effects of such management are neither socially nor economically injurious to the residents of the City; AND
- WHEREAS, it is also necessary for the City of Takoma Park to seek out and accumulate information about all appropriate sources of taxation and other forms of public unding such as municipal bonds; AND
- WHEREAS, it is the responsibility of the City of Takoma Park to analyze the relative sources of its present tax revenues and, to the extent possible, develop strategies to anticipate projected tax revenues and other public monies.
- NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby establishes a Revenue Advisory Committee whose purpose is to seek out and accumulate information about additional sources of income for the City; AND
- BE IT FURTHER RESOLVED THAT the committee seek out and accumulate information about the various sources of tax revenues and other public monies currently available to the City of Takoma Park; AND
- BE IT FURTHER RESOLVED THAT the committee research the use of municipal bonds and other public revenue financial tools; AND
- BE IT FURTHER RESOLVED THAT the Committee may be assigned other secondary tasks relating to the financial affairs of the City of Takoma Park as the Mayor and Council may deem appropriate and also that the Committee may take upon itself such other financially related matters as it deems appropriate; AND
- BE IT FURTHER RESOLVED THAT the Committee shall consist of seven citizens of the City of Takoma Park to be appointed by the Mayor, based on recommendations by members of the Council; AND
- BE IT FURTHER RESOLVED THAT the City Administrator shall make available to the Committee whatever reasonable amount of staff support it needs to carry out its mandate; AND
- BE IT FURTHER RESOLVED THAT the Committee shall report to the Mayor and Council its findings and recommendations by December 31, 1986. Should the Committee require additional time to complete its report, it shall make a written request to the Mayor and Council which shall vote on the request; AND
- BE IT FURTHER RESOLVED THAT upon acceptance of its report by the Mayor and Council, the Committee shall cease to exist.

MAY 12, 1986.



# City of Takoma Park, Maryland

OFFICE OF THE CITY COUNCIL  
TELEPHONE 270-1700



7500 MAPLE AVENUE  
TAKOMA PARK, MD. 20912

Introduced: Councilmember Bradley

Enacted: 5-12-86

## RESOLUTION 1986- 44

WHEREAS, the property lots 3 and 4 at 703 New York Avenue in Block 69 is of great historical significance to the City of Takoma Park and Montgomery County, having been built by a physician as a summer home in the early 1890's as part of B.F. Gilbert's resort development of North Takoma, and later resided in for many years by Mr. Grabill, a respected county engineer who built many of Montgomery County's roads, AND;

WHEREAS, this property includes an impressive house in the Queen Anne architectural style, with an unusual porch and porte-cochere that wrap around the entire first floor, and the original carriage house and mature trees and landscaping, AND;

WHEREAS, the property (including the more recent cottage on the adjacent lot) is in the Takoma Park Historic District, AND;

WHEREAS, the property is zoned R-60 and any institutional use would adversely impact on the other residential properties on Block 69, all of which are included in the Takoma Park Historic District, AND;

WHEREAS, during the 1970's the College pledged to limit further expansion of the Takoma Park campus and certainly to inform the City of its intentions prior to actions to implement expansion of the campus, AND;

WHEREAS, these properties are currently on the tax rolls of the City of Takoma Park and Montgomery County and the purchase of these two lots by Montgomery College would decrease the already limited tax base of the City by placing these properties in a tax exempt category,

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of Takoma Park do unanimously oppose the allocation of County CIP funds for the purchase of these two residential lots for conveyance to Montgomery College.

ORDINANCE NO. 1986-12

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.

ORDINANCE NO. 1986- 13

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- 14

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.

May 7, 1986

Introduced by: Councilmember Williams

Adopted: 5-12-86

ORDINANCE NO. 1986- 15

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

SECTION 1. THAT on April 14, 1986, Ordinance No. 1986-9 was adopted by the Mayor and Council approving the appropriation of monies set aside in the FY 1985-86 City Budget for the hiring of a consultant to provide technical assistance for the replacement of the City Library roof; AND

SECTION 2. THAT as part of the technical assistance contracted for, the consultant, Moisture Protection Systems Analysts, Inc., solicited bids from ten qualified contractors; AND

SECTION 3. THAT five bids were received and publicly opened at 2:00 PM, May 7, 1986, with Unique Construction Company, of Rockville, Maryland, meeting all specification requirements; AND

SECTION 4. THAT Unique Construction Company has submitted the required notarized affidavit certifying that the company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved.

SECTION 5. THEREFORE THAT the bid of Unique Construction Company for replacement of the City Library roof for the following amounts, but not to exceed \$29,700, is hereby accepted:

|   |                  |
|---|------------------|
| Base Bid:   | \$28,700.00      |
| Performance Bond:   | 500.00           |
| Unit price for removing<br>& replacement of any<br>damaged deck | 2.00/square foot |
| Unit price for installation<br>of traffic pads                  | 1.50/square foot |

SECTION 6. THAT the funds not to exceed \$29,700 to cover the contract be appropriated from Capital Budget Account #995.

MAY 12, 1986.

Introduced by: Councilmember Williams

ORDINANCE NO. 1986-16

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 carpeting in the City Library; AND

SECTION 2. THAT bids were solicited from three qualified vendors, including one vendor currently under contract with Montgomery County; AND

SECTION 3. THAT two bids were received, with Custom Carpet Shop, Inc., under contract with Montgomery County setting a specific price for the carpeting required, submitting the lowest bid of \$7,785.60; AND

SECTION 4. THAT in accordance with Section 2-44(e) of the City Code, 1972, as amended, the City will join in a cooperative purchasing agreement through Montgomery County, with Custom Carpet Shop, Inc. to provide carpeting and installation at the City Library; AND

SECTION 5. THAT the contract price for the materials and labor required for replacing the carpeting in the City Library, as stated in Section 3, above, of \$7,785.60, is hereby accepted.

SECTION 6. THEREFORE THAT funds in the amount of SEVEN THOUSAND SEVEN HUNDRED EIGHT-FIVE DOLLARS AND SIXTY CENTS (\$7,785.60) be appropriated from the Capital Budget, Acct. #995, to cover the materials and labor; provided, however, that Custom Carpet Shop, Inc. first provide the affidavit required under the Nuclear Free Zone Act.

MAY 12, 1986.

THE CITY OF TAKOMA PARK, MARYLAND

Public Hearings: Departmental Budgets for  
Housing Services and Administration,  
Special Revenue Budget, Proposed Use of Revenue Sharing Funds  
May 21, 1986

CITY OFFICIALS PRESENT:

|                                 |                             |
|---------------------------------|-----------------------------|
| Mayor Del Giudice               | City Administrator Wilson   |
| Councilmember Bradley           | Asst. City Admin. Habada    |
| Councilmember d'Eustachio       | Acting Director DHS Austin  |
| Councilmember Haney             | Ec. & Com. Dev. Coord. Neal |
| Councilmember Iddings           |                             |
| Councilmember Levy              |                             |
| Councilmember Sharp             |                             |
| EXCUSED: Councilmember Williams |                             |

The above-referenced hearings convened at 8:00 P.M., Wednesday, May 21, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following brief explanatory remarks by the Mayor, the hearing commenced.

HOUSING SERVICES DEPARTMENT:

Mr. Wilson referred to significant revisions effected to this portion of the budget, including the Mission Statement, Goals and Objectives, as well as a new organizational plan and accompanying documentation. He noted his recommendations were in alignment with those of the Acting Director of the department, with the exception of the Salary line item, which was adjusted by the addition of cost-of-living and merit increases for employees, as well as a pay plan adjustment and calculation. In terms of the total budget amount, he said that figure was somewhat less than originally proposed due to downward adjustments in positions and the reconfiguration of positions.

Anthony Austin, Acting Director of DHS spoke, explaining that under the proposed reorganization, the distinct division of the department between COLTA and Code Enforcement responsibilities would be altered; responsibility would be allocated in-house versus field related, allowing for better coordination of assignments because duties would be more recognizable on an ongoing basis. For instance, a Code Enforcement Officer will realize that his/her primary job function is field work, therefore, any prolonged office presence would have a negative impact on that individual's job productivity. He said the administrative service staff would be responsible for in-house services, e.g., records management, handling telephone inquiries in a consistent manner, maintenance of a professional environment in which citizens could resolve, with departmental assistance, a variety of housing problems. He stated he anticipated that field time for Code Enforcement Officers would double, possibly triple, under the proposed plan -- versus the 25-30% they now spend in the field -- the benefits of which would be obvious. He referred to the 4 departmental goals for the year, including code enforcement, administrative services, staff support to COLTA, and educational outreach, and spoke concerning new departmental initiatives. He commented concerning the rental Licensing program which went into effect April 1, 1986 and which it is anticipated will bring in revenue amounting to approximately \$125,000., as well as \$25,000.-\$30,000. owed to the City for refuse and registration charges which some landlords were failing to pay. He pointed out the importance of aggressive continuing monitoring for excessive rent increases, the need for improved/upgraded administrative services in the logging, handling, and followup of complaints. Cost tracking in relation to the inspection process was mentioned and expanded upon, and development of a staff performance evaluation process which would reflect both quality and quantity of work, as well as ongoing staff training. He noted that it was proposed that Housing Services would have open hours at least one night per week to allow for residents to review files, receive assistance, and have questions answered, and that service would be provided by the proposed Administrative Supervisor as a part of their job. He noted that related to the restructuring of the department was the proposal to restructure space, which would require alteration of the use and configuration of the back meeting room in the Housing Services area. One issue that would require immediate attention, he commented, was the development of administrative procedures for receiving and processing complaints. Related to COLTA, he said monthly activity reports would be furnished for publication in the Newsletter so as to keep the community informed. During the upcoming year in relation to educational outreach, he



said a video presentation which had been projected for last year would be accomplished, landlord/tenant brochures would be made up and distributed, pertinent articles would be published monthly in the Newsletter. He summarized the major initiatives and goals for the department for the coming fiscal year; said he felt they could realistically be realized under the proposed reorganization plan.

In response to query from Councilmember Sharp, it was noted that there was no correlation between revenue from the Licensing program and cost to the City to fund Housing Department's budget; all revenue goes into the General Fund, rather than being allocated for use by the department that generated it. In response to query from Councilmember Sharp, he stated that detection and investigation of excessive rent increases should not require major staff time once the department's data base is in place. Mr. Sharp commented, in connection with the reconfiguring of the meeting room and space allocation mentioned, that the police department had made an earlier request concerning work space which had been postponed pending the proposed comprehensive analysis of space in the building. In response to query from Councilmember d'Eustachio, Mr. Austin affirmed that existing personnel occupying positions, such as Code Enforcement Officers, under the proposed reorganization, would have to reapply for those positions in competition with any other individuals applying for the position(s); Mr. Wilson noted that would particularly be true for the supervisory position. In response to query from Councilmember Haney, Mr. Austin explained that the proposal to initially disseminate one thousand landlord/tenant brochures was based on budgetary considerations, as well as the fact that an initial limited distribution would allow for input and revision of the publication.

Mayor Del Giudice noted it would be appropriate to include development and enforcement of a zoning plan and policy, in conjunction with county authorities, under major initiatives for the Housing Services Department. Additionally, he suggested the addition of working with and assisting other City departments involved in the development of alternative housing solutions. In responding to various questions posed by Councilmember Bradley, Mr. Austin stated his awareness of the need to identify areas that would require legal assistance and project legal time requirements for those issues. Councilmember Iddings commented that he had now been through a number of City budget cycles; he complimented and commended Mr. Austin on his excellent preparation and presentation; he asked that Mr. Wilson make staff aware at an interdepartmental staff meeting that Mr. Austin's budget presentation was a model, reflecting Council's wishes in a clear and concise manner.

Councilmember d'Eustachio inquired whether the City Administrator supported maintaining Housing and Economic & Community Development as separate departments versus an earlier reorganization proposal which would have combined the two, to which Mr. Wilson responded in the affirmative. Mr. d'Eustachio commented that the police department had recently instituted a time-tracking system for officers, similar to what Mr. Austin was proposing for code enforcement officers, which would hold individuals responsible for logging their on-duty activities; he expressed support for instituting that accountability control. Councilmember Levy echoed Mr. Iddings' comments, said she particularly liked the section of Mr. Austin's presentation entitled "Educational Outreach," which she said she considered top priority, especially the current listing of all codes for general distribution.

#### CITIZENS' COMMENTS:

Mr. Mandel: inquired where code inspectors were reflected on the organizational chart provided, to which Mr. Wilson responded that those positions were indicated as "Code Officer." He inquired concerning the former departmental Director, Dedra Tyree; Mr. Wilson explained that Ms. Tyree was no longer in the City's employ, Mr. Austin is presently Acting Director of the department.

Leslie Agro, Pres., Neighborhoods Together: praised the initiatives outlined in the departmental budget presentation; said it seemed apparent that DHS was becoming more responsive not only to the Council, but to citizens' organizations such as the one she was representing; hoped the proposed departmental reorganization would assist in accelerating accomplishment of the outlined goals and objectives. She said that N.T.I. was pleased that there would be an emphasis placed on alternative housing, i.e., low equity cooperative housing; said that tenants in the City are

interested in ownership; unless the tenant population can be stabilized, the element of diversity in the community will be lost. She said that N.T.I. wants it made very clear to landlords in the City that they will be held accountable for maintaining their buildings to code standards, violations will not be tolerated, nor extensions for corrections granted. She noted it would be very helpful for the City's Hispanic population if there were some bi-lingual individuals on staff to facilitate communication. She asked that in some fashion progress reports be made on accomplishment of Housing's outlined goals and objectives.

Eva Phillips, Vice-Pres., Neighborhoods Together: stated that having lived in the City for 6 years and both managed and resided in apartment buildings, she was aware of both sides of the situation. She praised and expressed support for the objectives outlined by Mr. Austin.

Valerie Nelson, Birchwood Apts. Tenants' Assn.: praised Mr. Austin's presentation, said she was very much encouraged.

Ginja Carter, Director, Neighborhoods Together: inquired whether it would be necessary to hire temporary help to assist in data input to build the department's data base; to which Mr. Wilson responded that was a possibility. He stated, responding to further inquiry, that there were several points related to the COLTA process in the Code that would require immediate attention, a longterm review would be performed by a proposed task force.

Councilmember Haney commented on his hope that with the enthusiasm being generated by the proposed departmental changes, increased initiative would be demonstrated by Housing staff versus routine response to complaints. He suggested the possibility of having volunteers assist with data input for the computer data base. Related to the language barrier encountered with some tenants as mentioned earlier, Councilmember Bradley commented that was one reason making it very important that excessive rent increases be closely monitored because some people who cannot communicate well are fearful of making complaints; she noted the need to address the writing of COLTA decisions during the budget process. Councilmember Sharp commented that one of the problems with Park Ritchie was that the owner thought everything was negotiable, there were numerous ongoing violations and apparently he thought he would never be brought to task on them; he expressed concurrence with earlier comments that enforcement should be strict and landlords made aware that ongoing violations will not be tolerated; he urged that uniformity in inspections be made a priority. Following brief discussion concerning new positions created under the reorganization, consensus was that staff could move ahead with instituting search procedures, e.g., advertise in the upcoming Newsletter, to fill the vacancies, however, hiring could not occur prior to budget adoption.

#### ADMINISTRATION:

In response to query from the Mayor, Mr. Wilson stated that salary increases proposed for the Asst. City Administrator and Director of the Department of Economic & Community Development would be in conformance with those for other employees, i.e., merit and COLA and any impact generated by the pay plan adjustment. The Mayor noted that some department heads are more highly paid than the Assistant City Administrator; he said he felt that the ACA position should be recognized for the responsibility assumed by that individual and urged that serious consideration be given to upgrading her salary appropriately. Additionally, he suggested that the present salary level of the person who would be Director of Economic & Community Development would be inappropriate for that position. Mr. Wilson suggested that for those individuals who had exhibited extraordinary performance in their positions, an additional 3% increase above and beyond the merit and COLA would be appropriate. The Mayor recommended that, however it was accomplished, the performance of the two aforementioned individuals in their positions be recognized salary-wise. Following brief discussion, consensus was that the subject would be further discussed as a personnel matter in Executive Session at the June 2 worksession.

In response to questions raised by Councilmember d'Eustachio concerning the proposed City Clerk/Office Manager position indicated on the organizational chart, Mr. Wilson spoke outlining reasons for altering prior chain of command/reporting responsibility for that position, and stated he felt that with the proposed organizational flow, work could be accomplished more

efficiently and with less potential divisiveness due to separation of responsibility. He referred to a process recently initiated and commenced by a City office employee, e.g., computerized indexing of Council meeting minutes, which will facilitate the Clerk's job as well as any research required of the records of actions of the Mayor and Council, and major discussion topics at those meetings. Councilmember Bradley expressed reservations concerning inclusion of the position as a member of the City Administrator's staff versus a separate entity reporting to the Mayor and Council in conformance with past organizational practice.

Concerning the Executive Secretary position, Mr. Wilson stated he envisioned that individual providing services to himself as well as the Corporation Counsel, if in-house, and commented that the organizational chart should properly reflect Corporation Counsel as being directly responsible to the Mayor and Council (by addition of a solid line on the chart). Councilmember Iddings commented he had envisioned legal services as more of an administrative function, rather than a separate entity, perhaps being reflected as a sub-function box of the Asst. City Administrator's position on the chart in terms of control, with the understanding that the individual's work flow would emanate from various sources. He suggested that perhaps cable television should be examined with an eye to incorporating that function under the Library, in view of its purpose of disseminating information, as well as being an entertainment medium. He said while the organizational chart was an improvement over previous ones, he felt it still required some polishing. Councilmember Haney expressed support for Mr. Wilson's concept of administration structure, as well as function and provision of services; he said he thought efficiency would be improved.

Abby Mandel, 7003 Woodland Avenue: supported salary review in Executive Session of the two positions previously mentioned; pointed out in response to earlier comments that it is to be expected that longtime employees will be earning higher salaries as a part of their longevity. She complimented the quality of City employees, but said there are too many -- that the administrative budget is topheavy, has grown and expanded too much, probably in part due to necessary expansion into new fields; however, she stated she did not personally support an economic development department -- if those jobs were federally-funded, they would be phased out in a year or so, and did not think a department based on those funds should be created. She commented in opposition to the Newsletter and the allocation of funds to support it. Councilmember Levy rebutted Mrs. Mandel's comments concerning Economic & Community Development and suggested she ask for a copy of Mr. Neal's responsibilities and initiatives to examine -- said she thought that might favorably alter her opinion; she said the department name belies the total scope of the department. Councilmember Iddings concurred that administration might appear topheavy, however, pointed out that the budget itself and departments had grown over the past 12 years, administration had grown to track that increase, but not excessively or in an unplanned manner, in his opinion. He pointed out that Cable and Economic & Community Development had been lumped in with Administration in this proposed budget, which might make the sum appear larger than normal. Councilmember Bradley briefly referred to the history of Economic & Community Development in the City, how it came into being under a former Administrator; said it was not anticipated at that time that it would ever grow into a department. Mr. Wilson commented that, given the environment of the City and its people, he did not think there was any serious risk of ongoing departmental expansion in the City government; he noted he felt expansion that had occurred thus far had been a mutual endeavor--staff had not voluntarily and on its own sought out areas in which to create more work. The Mayor remarked that had occurred, at least in part, due to citizens' requests for services.

Adele Bunoski, 311 Elm Avenue, Cable TV Board: referred to the Board's budget recommendations which had already been presented to Mayor and Council and the City Administrator; said the proposed amount for video tape would be prohibitive, limiting production efforts and programming which it had been hoped could be expanded; she urged an increase for that item be considered. Additionally, she pointed out that a \$700. decrease in the Miscellaneous Contingency Fund was proposed; said as operations expand, it would be advantageous to maintain at least the status quo in the amount previously allocated. She remarked she had pointed out earlier the need for a line item for maintenance; said there was a real possibility that the City would have to assume responsibility for maintenance of the video equipment, related that others have already experienced equipment problems

where they were held responsible for paying for repairs in order to regain possession of their equipment when Tribune-United refused to pay. She asked that money allocated to wire the Council Chamber for cable purposes during the last fiscal year be carried over into the new fiscal year since that project had not yet been accomplished. In addition, she asked that more funding be allocated for interns to participate in the program if at all possible, which might offset the need for more staffing. She stated that the goals the Cable Board has for the City's station were to increase the amount of municipal and community programming, expansion of the out-reach program to attract volunteers for the station, encouragement of creation of programming representing the interests of City groups and organizations, establishment of training sessions, and possibly the improvement of existing facilities with creation of a studio space. She noted from the survey done, that of the 35% of respondents who were cable subscribers, 3/4 made regular use of the community bulletin board which indicated a good level of useage of that medium; 26% of respondents indicated they would be interested in being trained in use of video equipment, and 21% indicated affiliation with groups whose activities could and should be promoted on the City's cable channel. She expressed optimism that desired goals for the coming year could be achieved if funding were adequate. She responded to questions raised by Councilmember d'Eustachio and others concerning equipment maintenance, the related experiences of other cable participants, and possible options for maintaining the equipment. Councilmember Bradley asked that the Cable Board consider formulating a five-year projection of capital improvements, equipment repair/replacement costs, etc., and suggested fundraising as a means of supplementing monies allocated from the City budget; she commented she did not feel the City budget could support a major elaborate television system. Ms. Bunoski noted that it was hoped the City station would in time become self-supporting; fundraising, including a membership drive, was anticipated in the coming year. Concerning Mr. Iddings' suggestion of putting cable organizationally under the Library, she expressed interest and asked that the Cable Board be notified for participation purposes if a future discussion of that subject were scheduled. Following mention by Councilmember Sharp of the possibility of placing cable under the Recreation Department organizationally, the Mayor commented that, as a long-range idea, he and Mr. Wilson had discussed the concept of incorporating Cable, the Library, and Recreation all under a Community Services Department, however, that would be not be in the immediate future should it occur.

Robert Smith, 640 Kennebec Avenue: spoke concerning the initial hopes for cable and the problems which had slowed realization of those hopes; said once those problems, both local and county, were resolved, he felt channel 24 would be able to surpass initial expectations and become a model of community television and citizen cooperation of which Takoma Park could be proud. He said it must be remembered that the City's channel was still in its infancy and would require financial assistance until it had been afforded sufficient opportunity to become more self-supporting. Councilmember Bradley inquired whether the City was providing the video tape for all programming, or whether independent/volunteer producers were providing a portion for their programs, to which Mr. Smith responded that he and other volunteers had provided tapes, there had been some donated to the City channel; however, he said in order to maintain quality, more than the budgeted amount would be required, particularly if municipal programming were increased, which is a major goal for the upcoming year. Councilmember d'Eustachio commented on the small percentage of households in the City having cable (approx. 1,500 - primarily single-family dwellings), said of those, he felt very few watch channel 24; he said he feared the City would be spending money, in a year where many programs are being cut back, on an item (cable) on which it would see little or no return, particularly in light of the cable situation in the county. He said he would not vote in favor of cable if it meant giving up the City's Youth Worker, raising taxes, or going without adequate equipment for Public Works, which were very real choices that would have to be examined. He suggested that the Cable Coordinator position be made a half-time position; said he would support equipment maintenance, provision of tape for volunteer programmers; however, until questions surrounding the continued viability of cable in the county are resolved, which he did not anticipate in the very near future, he could not support the requested budget expenditures. Mr. Smith responded to Mr. d'Eustachio's comments, pointing out not only the interest exhibited by many community organizations in participating in channel 24, but noted that Takoma Artists' Guild had produced a 30-minute tape related

to the Municipal Gallery exhibit, and said cable hoped to do some youth-oriented programming as well. He pointed out that if Council failed to support the City's channel, Tribune-United could make a decision to remove it and there would be no second chance for municipal programming. Mr. d'Eustachio opined that it was only a matter of time, pending turnover of operation by Tribune-United to Houser, until municipal channels would be eliminated anyway. Councilmember Sharp commented he agreed with Mr. d'Eustachio to the extent he felt the City could considerably reduce the cable budget and still protect its interest in channel 24; he said he had no forecast for the future of the station, however, did not wish to spend the amount requested in the proposed budget for cable.

Bruce Moyer, 37 Philadelphia Avenue: suggested that perhaps Council should have addressed cable problems and their management several months prior; he noted the positive achievements in the department within the past year, and pointed out that channel 24 is available to +20,000 cable viewers county-wide rather than only City viewers; said it has the potential to project an image, a persona, of the City county-wide. He noted the competent, devoted, professional membership of the City's Cable Board. On the negative side, he commented not only on management problems, but particularly on lack of municipal government programming and coverage. He stated he felt the county's franchise problems were very close to being resolved, signing of an agreement which would turn the operation over to Houser and which would preserve 13 channels, including Takoma Park's, Rockville's, and the MML channel, was imminent; the system would probably be limited to about 70 channels total, and current monies for community programming would be preserved. He emphatically stated that what was needed for the City's channel was competency in management, supervision and operation, as well as commitment by City departments to take a larger share of participation in the production of municipal programming and involvement of citizens in programming production and policy determination. He said that if channel 24 were going to survive, the proposed budget was pretty much bare bones. He empathized with Councilmembers' desire to cut the budget where possible, but said one full-time staff person for the department was absolutely essential for the operation. He said he did not believe the salary should be increased, however, more money should be made available for internships to increase support staffing. He pointed out that no mention had been made of the amount in franchise fees already received by the City; Mr. Wilson stated that amount was about \$1,600-\$2,500 to date, however, nothing for the last six months because Tribune-United was holding up money while negotiations were taking place. Mr. Moyer commented there should be grant money to provide for equipment maintenance and that should be requested in the future. He noted there was existing policy regarding tape use, but was uncertain whether it was being enforced.

Councilmember Levy spoke in support of channel 24; she said she had been impressed by the enthusiasm and abundance of free labor donated to the City by the Cable Board, as well as the professional qualifications of its members; thought if Council examined the list of anticipated future programming for the channel, they would be greatly reassured. She urged support for the proposed budget. Mr. Wilson noted that cable franchise fees received by the City to date were \$3,565 rather than the amount stated earlier. Councilmember Iddings commented he felt television to be pernicious, did not own one, and thought when the "Decline and Fall of the United States Empire" was written around year 4000, television would be considered to be a causative factor; however, said he would support the proposed budget and additional expenditure for some tape; he said he thought it was probably politically important to maintain at least the current level of cable effort in the City. Councilmember Haney asked that Cable Board members be present during budget adoption to lend their support and assist in rebutting criticisms voiced concerning expenditures for cable.

#### SPECIAL REVENUE BUDGET:

Mr. Wilson noted that this budget was incorporated under the Economic & Community Development portion of the budget because functionally that was the most appropriate placement. Ms. Habada noted Economic & Community Development's operating budget was funded by this item with the exception of \$31,000 which is transferred from City funds. Councilmember Iddings expressed a preference for reflecting the Economic & Community Development budget in an alternate manner and briefly explained his reasons. Ms. Habada stated she would examine Mr. Iddings' request with the City audi-

tors. Councilmember Bradley asked that the county be pressed to move forward with the Between the Creeks project, that it remain a priority one item, as well as Erie and Piney Branch improvements; she commented in favor of adequate staff support for the Open Space Program and any subsequent or related projects. Additionally, she noted efforts should be made to get CDBG monies promised to the City by the county released.

In response to query from Councilmember Levy, Daniel Neal stated that this year's Takoma Old Town Street Festival was not in the proposed budget, would cost approximately \$6,000 and would be funded by remaining monies from a contract with Montgomery County to promote Old Town, dating back to Year 9 CDBG funds. In the proposed budget, he pointed out that the \$9,000 indicated as revenue from the festival included the amount anticipated to come in from rental of space at the festival in FY 1987 plus monies rolled over from this year's event to the next year's line item. Ms. Levy suggested, for next year's festival, the running of a shuttle bus from the Maple Avenue corridor to the festival, to encourage participation by all segments of the community.

Councilmember Bradley spoke in support of inclusion of funding (either reallocation of funds or seeking new funds) for a multi-family housing specialist to address issues under that subject area. She commented she supported appropriate compensation to employees for their jobs, but would prefer keeping Economic & Community Development as a division rather than making it a City department.

USE OF REVENUE SHARING FUNDS:

Mr. Wilson noted that \$25,500 in RSF had been promised to the City, which would probably be the last received. Councilmember Iddings commented he would wish to see a breakdown of the computer software the police department wanted to buy with a portion of these funds. It was noted this software had been described at an earlier point in time, was programming that went along with the computer system purchased by that department. Mr. Iddings opined that the cost was exorbitant, was not sure there was not software available which was less expensive and which would perform the necessary function(s).

Upon motion, duly seconded, the public hearings adjourned at 11:30 P.M., with the Mayor and Council to reconvene in regular session at 8:00 P.M. on May 27, 1986.

CITY OF TAKOMA PARK, MARYLAND

Public Hearing on Proposed Fiscal Year 1986-87 Budgets for  
Public Works and Library Departments, Proposed Capital Improvements Program  
and Regular Meeting of the Mayor and Council

TUESDAY, May 27, 1986

7:30 PM

AGENDA

- 7:30 CALL TO ORDER: Mayor Del Giudice  
ROLL CALL: Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams
- 7:35 PLEDGE
- 7:40 APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING OF MAY 12, 1986
- 7:45 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 7:50 ADDITIONAL AGENDA ITEMS
- 8:00 PUBLIC HEARINGS:  
(1) Fiscal Year 1986-87 Proposed Public Works Department Budget  
Citizens comments  
(2) Fiscal Year 1986-87 Proposed Library Department Budget  
Citizens comments  
(3) Fiscal Year 1986-87 Proposed Capital Improvements Program  
Citizens comments
- 9:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)
- ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson
- 9:45 (1) First reading of an ordinance establishing a date for Show Cause  
Hearing for consideration of declaring 6801 Westmoreland Avenue a  
nuisance  
Citizens comments  
First Reading
- 9:55 (2) Proposed Resolution for appointment of City Newsletter Editor  
Citizens comments  
Council action
- 10:10 (3) Proposed Contract re appointment of City Newsletter Editor  
Citizens comments  
Council action
- 10:20 (4) Proposed Resolution establishing a Rental Housing Taskforce  
Citizens comments  
Council action
- 10:30 (5) Resolution regarding reprogramming of funds to hire consultant to  
study tenant conversion of Park Ritchie  
Citizens comments  
Council action
- 10:45 (6) Discussion of Preliminary Subdivision Plan #1-85212, Austin Place  
Citizens comments  
Council action

ADJOURN

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REMINDER: Monday, June 2, 7:30 PM -- Council Worksession

Tuesday, June 3, 8:00 PM -- FINAL BUDGET WORKSESSION

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
and  
Public Hearing on Proposed FY 1986-87 Budgets for Public Works  
and Library Departments, Proposed Capital Improvements Program  
May 27, 1986

CITY OFFICIALS PRESENT:

|                           |                                 |
|---------------------------|---------------------------------|
| Mayor Del Giudice         | City Administrator Wilson       |
| Councilmember Bradley     | Asst. City Administrator Habada |
| Councilmember d'Eustachio | Library Director Arnold-Robbins |
| Councilmember Haney       | Public Works Director Robbins   |
| Councilmember Iddings     |                                 |
| Councilmember Levy        |                                 |
| Councilmember Sharp       |                                 |
| Councilmember Williams    |                                 |

The Mayor and Council convened at 7:43 P.M., Tuesday, May 27, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the May 12, 1986 Regular Council Meeting Minutes were moved for approval, as written, by Councilmember Levy, duly seconded by Councilmember Haney, carried unanimously.

Mayor Del Giudice commented that the zoning bill was signed this date by Governor Hughes, a copy should be received by the City soon for display. He noted the efforts of VFW Post 350 and thanked them for their assistance in arranging the May 26th Memorial Day Service held in the City honoring city residents Mr. John W. Coffman and Sgt. Christopher Thornton. Additionally, he expressed thanks to the Public Works Department for their work and ensuring that the park was ready for the services.

Councilmember Bradley commented that at the May 22 MML meeting, it was reported the county and Tribune-United had reached some sort of agreement concerning any modifications to the existing cable franchise; she said copies of available documentation would be made available for examination; it appeared municipal channels would remain status quo, it was unclear what would remain of the grant to the Montgomery Community Television Project; essentially, new transformers and black boxes would be provided which would assist in getting cable to the rest of the City but slow things down. She noted the City would be receiving a bill from MML for approximately \$22.00 as our share of attorneys' fees regarding this matter.

Councilmember Williams noted receipt of a speed hump petition from 117 Lee Avenue for forwarding to the Traffic Committee.

PUBLIC HEARINGS:

(1) Fiscal Year 1986-87 Proposed Public Works Department Budget.

Mr. Wilson presented his recommendations and noted any significant variations from departmental requests. It was noted that under Repair Shop, line item 860, the requested amount and City Administrator's recommendation had inadvertently been omitted during typing. Public Works Director Robbins referred to his memorandum dated 15 May 1986 in which he had indicated accounts he felt were underfunded, which he anticipated could have serious consequences -- he noted many were repair accounts, and projected the anticipated results of cutting those accounts. He emphasized and elaborated upon the note on page 2 of his memorandum stating that building maintenance problems left uncorrected often generate additional repair expense and when a number are left to accumulate, they become, in effect, an unfunded liability for the City. Concerning line item accounts covering Outside Labor and Parts, particularly those relating to maintenance of police department vehicles, he noted that State Police had taken a minimum of several hundred of their Chrysler vehicles off the road due to front end maintenance costs and pointed out City vehicles would likely be experiencing increased costs for similar problems when their Chrysler vehicle warranties expire. He pointed out that accounts covering purchase of tires, tubes and batteries for vehicles could not realistically be cut -- in terms of safety as well as legal operation, there was no choice concerning replacement of bald, damaged tires. He commented similarly concerning proposed cuts in funding for consumables which are used to maintain City vehicles, pointed out repair costs would soar if vehicles were not properly maintained. He noted refuse disposal fees were anticipated to increase during the coming year, thus that account could not



realistically be cut from the past year's actual amounts; asked that those figures be reassessed.

Robert Mandel, 7003 Woodland Avenue: inquired why gas & diesel fuel figures were not reflected in the City Administrator's Recommended Budget for departments other than Public Works and Police, to which Mr. Robbins responded, explaining that new pumps were installed in February, realistic projections could not be made at the current time. He said expenditures would be covered by the Public Works budget and based on the fact that the new pumps will tally for individual vehicles, a more exact breakdown can be made at a later date. He reiterated in response to Mr. Mandel that the omission of amounts for line item 860 was a typographical error; account 859, shop equipment repair, was dropped -- monies for that will come out of the spare parts account.

Abby Mandel, 7003 Woodland Avenue: expressed concern that the Mayor and Council ensure that hourly workers are paid enough that their income is above the poverty level; she noted that the salary indicated for the parks laborer at \$14,600 was barely above that level; said the position for government buildings at \$12,600 was too low -- employees should not be so lowly paid that they have to seek government assistance to survive. She urged that Mr. Robbins' remarks concerning maintaining City buildings be carefully considered and heeded. She said she did not mind paying taxes, even if it were necessary to raise them, if the money were expended in a sensible and reasonable way. She expressed support for an additional worker for parks, urged that they be properly maintained. She commented she hoped the increase reflected in the salaries line item over the last few years was an indication of increased pay for existing employees and not an increase in numbers of employees.

Councilmember d'Eustachio raised the question of passing an ordinance which would require homeowners to sort their newspapers out from regular trash, which could result in a savings to the City in refuse disposal fees; response to the suggestion was favorable. Councilmember Sharp inquired whether an estimate had been made of revenue that would be generated by imposing fees for heavy pickups; Mr. Robbins responded that would require considerable tracking and paperwork, in light of limited personnel and existing workload had not been pursued. He commented briefly on the increase in heavy pickups, such as appliances, which were apparently abandoned/dumped on private property and left for the City to pick up. Mr. Sharp commented he hoped that necessary maintenance on buildings and vehicles would be done, whether or not the requested budget amount was allocated and regardless of whether the budget was "in the black" at the end of the fiscal year. Mr. Robbins stated that if the proposed budget were adopted, he would make every effort to keep the budget in the black as long as there was an understanding with the Mayor and Council that if it were necessary to go into the red, appropriate adjustments would be made. In response to query from the Mayor, Mr. Robbins stated that the increase in line item 807, maintenance of office machines, was attributable to the increase in machines to be covered, e.g., computer and copying equipment, additional typewriter, etc. The Mayor inquired whether there would be any way of piggyback contracting with COG for custodial supplies; Mr. Robbins assured he would look into that possibility. Concerning the lubricant dispenser requested under capital improvements, Mr. Robbins stated it would limit ground spillage which creates a safety hazard, however, did not expect it to significantly decrease consumption. Councilmember Bradley commented on the concept of increased tracking of maintenance costs, including time, supplies and parts, on individual vehicles; to which Mr. Robbins responded, pointing out that in order for such information to be of real value, a computer data base and comprehensive management of same would have to be implemented; he pointed out his department was only beginning to get into computerization and there was a vast store of information to be input. Dialogue followed concerning utilization/analysis of data that could be done using the computer; Mr. Robbins noted one important accomplishment would be easy identification of high-failure parts/components. Ms. Bradley noted that the cost-effectiveness of time tracking/accountability of mechanics' time should be examined to ensure that the existing system was not costing more in recording time than was justified. In response to query from Ms. Bradley, Mr. Robbins stated he did not feel there were any areas in the Public Works proposed budget where cuts could be effected without having a deleterious effect on services provided. Ms. Bradley commented briefly on Montgomery County's proposal to increase solid waste

disposal fees which she said would be of critical importance to the City if it were implemented; suggested the subject might be discussed at the June 2 worksession. Councilmember Haney inquired concerning public response to the "Adopt a Park Project;" Mr. Robbins stated a letter was disseminated last fall, only one response was received -- from the Upper Maple Avenue Coalition expressing support. Mr. Haney commented favorably concerning a similar program in which he had participated in D. C., and the money saved the D. C. Public Works Department by that effort. He hoped the subject could be further discussed at a later point in time with the objective of generating community interest and participation in the project for the City parks. Councilmember Williams commented that UMAC was still awaiting further word from Public Works concerning the project.

(2) Fiscal Year 1986-87 Proposed Library Department Budget.

Mr. Wilson noted that his recommendations for the department included the addition of a half-time Library Assistant position, and a general 5% increase in the operating budget. Councilmember Sharp inquired whether the proposed 3% merit increases for employees would be across-the-board, to which Mr. Wilson responded in the negative, stating that there would be exceptions based on departmental recommendations. He said that formal evaluations would probably not be completed for departments other than police, which have already been done -- reliance would be placed on department heads' recommendations based on the individual employee's performance. He said that prior to next year's budget deliberations, a full-blown evaluation process would be in place. Councilmember Iddings commented that one way to ensure that across-the-board merit increases are not given would be to cut the allocated amount by 1/2, 2/3, etc.

Robert Mandel, 7003 Woodland Avenue: expressed skepticism concerning employee evaluations, and related personal experiences/observations based on former federal government employment.

Abby Mandel, 7003 Woodland Avenue: complimented the service and personnel of the Library; said that department is much utilized and enjoyed by the community and urged approval of the proposed budget, including the additional half-time position. She strongly supported the two day a week morning hours in effect, as well as having the Library open on Saturdays during the summer.

Councilmember Haney inquired whether thought had been given to having instructional videotapes available, such as home repair, automobile repair, etc., which are not readily available elsewhere. Ms. Arnold-Robbins commented that proposal was made a couple of years ago, however, in light of costs it appeared to be more feasible to rely on the county libraries' videotape selections. Mr. Haney commented instructional videotapes might be included in the planned "Gifts to the City" catalogue. In response to query from Councilmember Bradley, Ms. Arnold-Robbins stated that a primary responsibility of the proposed half-time position would be the children's room of the Library; Ms. Bradley expressed support for that as a part of the long-range plan, and inquired whether there was a need to specifically allocate funds to effect any space utilization plans based on the consultant's report in the coming year. Ms. Arnold-Robbins noted recent receipt of a proposal from space planning consultants concerning accomplishment of a space analysis for the Library which would include a number of tasks to be completed, and would carry a total price tag of \$2,700. She noted the firm was Michaels Associates, based in Virginia, and that they specialize in Library planning and design. Councilmember Iddings referred to mention made at the May 12 budget hearings of putting cable TV under the Library department; Ms. Arnold-Robbins concurred that would be a feasible idea, however, pointed out that lacking an addition to the existing building there was not sufficient space to house that division. Mr. Iddings commented his thinking had been more along the lines of administrative, rather than physical, placement of cable -- which could mean leaving the office at its present location, but having it administratively responsible to the Library.

(3) Fiscal Year 1986-87 Proposed Capital Improvements Program.

Mr. Wilson noted that capital improvements had been prioritized based on prior discussions. He referred to the item concerning street lighting and parking meters, and commented briefly on street lighting recommendations for wards 3 and 5. In light of these items being so intimately related to the question of the financial mechanism that would be applied to implement

the budget, he suggested deferring discussion until the June 2 worksession. He noted that \$9,000 was the projected amount for upgrading of street lighting in ward 3; if ward 5 was also included, the total for both would be \$19,200. He noted that the primary issue to be considered in this portion of the budget was the order of prioritization, and whether there were items included that should not be, or items omitted that should be included. He referred to a memorandum from Public Works Director Robbins clarifying questions raised concerning whether it was cost-effective to buy stump grinding equipment, said the response was negative, however, using a crawler-loader might be considered. Mr. Robbins explained that a crawler-loader was a piece of equipment which has been rented each year; said it could be termed a bulldozer with a bucket on the front rather than a flat blade. He said it is used in grading, but has primarily been used to haul tons of leaf mulch; said purchasing a used one versus the yearly renting would be cost-effective.

In response to a request from the Mayor, Mr. Wilson explained the lease-purchase program being considered as a means to fund the capital improvements program. He said that in the course of staff preparing a five-year projection for this program, it became apparent that equipment was wearing out faster than it was being replaced, in turn affecting the maintenance budget. He commented that in the past, capital improvements had been funded by a combination of CDBG monies, general revenue sharing funds -- pointed out that general revenue money had all but dried up and CDBG funds are dwindling fast, thus, the need to find an alternate means of financing this budget. He spoke in support of lease-purchasing as being very effective for short-term investments, e.g., equipment and improvements such as roofs, extensions of space, building modernization/upgrading, etc. He summarized the financial process that would be implemented and carried over the next five years if this approach were taken. He said lease-purchasing at the current point in time would be a stopgap measure; could not be recommended as an ongoing option. He said what is currently being faced is a backlog of needed capital improvements which have developed/accumulated over a period of time, and phasing it out over a 3 to 5 year period would be one way of dealing with it. In response to query from Councilmember Iddings, he stated that the 2% of the budget per year which is set aside in a special reserve fund (currently amounting to about \$141,000) was not included in the current proposed budget. Mr. Iddings commented that perhaps the inclusion of some of that money in the capital improvements budget should be examined. Councilmember Bradley commented that it was her remembrance that money was set aside for major improvements, such as infrastructure, with the knowledge that federal funds would be drying up. She suggested the use of the accrued money be addressed by the Revenue Task Force, with citizen input; hoped those funds would be used for some purpose more long-lasting than 3 to 5 years. She commented on the serious need for sidewalk, curb and gutter repairs, and installation of same where none exist; hoped some of those accumulated funds could be spent for that purpose. Councilmember Iddings commented that it appeared there would either have to be significant cuts in the capital improvement program or a tax increase in order to fund it, and reiterated that use of some of those accumulated funds should be examined; he reminded that when that fund was initiated, it was earmarked for capital improvement expenditure at some point in time. The Mayor reminded that in the May 12 budgetary public hearings, mention was made of using a portion of Revenue Sharing Funds for capital expenditures, which would reduce the projected outlay.

Robert Mandel, 7003 Woodland Avenue: said the idea of lease-purchasing did not appeal to him because what it amounted to was the supplier giving the City an unsecured loan; the cost of some of the items mentioned would include a high-risk kind of interest, which could be computed by comparing the cash price versus the lease-purchase cost. He said the total cost would probably exceed that incurred by a bank loan. He expressed support for raising taxes to the extent necessary to pay for needed items in cash.

Dennis Seekins, 8217 Roanoke Avenue: inquired concerning proposed CDBG projects in ward 5, particularly the sidewalk down to Sligo Creek Parkway. Ms. Bradley reminded that Mr. Seekins had recently re-proposed an item originally requested by the CDBG CAC, i.e., creation of one or two cut-throughs from Roanoke Avenue down to Sligo Creek Park because there is essentially little or no access for the major part of Roanoke Avenue. She stated that Dan Neal had retrieved the Citizens' Advisory Committee's figures estimating \$7,500 for one such access path, using limited amounts

of asphalt and winding, rather than using steps -- versus the \$30,000 estimate gotten from a contractor who proposed the use of concrete with steps. Mr. Seekins asked that this item be reconsidered and hoped something could be done in the coming year toward accomplishment. The Mayor commented this would probably be discussed at the June 3 budget worksession in connection with Capital Improvements and monies the City received from the WAH bond issue; Mr. Wilson asked that Capital Improvements be added to the June 2 worksession agenda also.

Public Works Director Robbins noted that the small Hudson Avenue right-of-way is no longer owned by the City; Ms. Bradley noted Sligo Station, the condo people, now own it. She thanked Mr. Robbins for the work he did on the Wabash cut-through and on street lights.

Concerning Mr. Wilson's lease-purchase proposal, Councilmember d'Eustachio commented he was inclined to agree with Mr. Mandel's remarks, did not like the idea of funding operating expenses with borrowed money; said vehicle replacement is an ongoing, yearly, operating expense -- something like replacing a roof is somewhat different in that it involves a large amount of money, is actually a part of a building. Concerning leasing versus borrowing, he pointed out that leasing does carry certain tax benefits for the lessor which are passed on to the lessee (the City). Councilmember Iddings commented he could not, from an accounting standpoint, agree with Mr. d'Eustachio's characterization of capital items as operating expenses. He pointed out that something such as a dump truck is subject to depreciation, which true operating expenses are not. The Mayor asked that Mr. Wilson notify department heads of the upcoming schedule for further discussion of capital improvements and advise them that if they had arguments to present on any items it should be done at those meetings. Councilmember Bradley asked that, even though those discussions would occur at the June 2nd and 3rd worksessions, arrangements be made for staff to take detailed and accurate notes for both public and Council reference. Mayor Del Giudice reminded that final budget adoption was scheduled for the June 9 regular Council meeting. Councilmember Iddings inquired what budget documentation would be provided for citizens at the June 9 meeting and referred to the detailed packets provided in prior years; said he thought it was helpful for citizens to have the budget accompanied by line item explanations which help to clarify and illuminate the overall picture. He expressed appreciation to the Mandels for their interest and participation in the budget process each year, however, commented on the disappointing overall lack of attendance and input from citizens on this subject.

GENERAL CITIZENS' REMARKS: (not directed at items for Council action)  
Patrick Donnelly, 7002 Sycamore Avenue: spoke concerning a pending Special Exception for 7003 Sycamore Avenue for a day care center; said the hearing was scheduled for June 5, he and the majority of other neighbors on Sycamore are opposed to granting of the Special Exception. He said the day care center which is located in a residential-type 3-bedroom home presently has authorization for 26 children; granting of the requested exception would authorize a 50% increase to 40 children. He said the facility generates substantial traffic problems during dropoff and pickup times, parking is congested, during snowy winter times it is a real mess. He said he was informed Prince George's County was supposed to notify the City 30 days in advance of any Special Exception hearing, but apparently that had not been done; said he suspected the timing of the case was to try to get it through prior to the City's zoning authority becoming effective July 1. He asked that the City request a postponement on the grounds of lack of advance notification; said he had a petition of opposition signed by a number of residents. Councilmember d'Eustachio moved that Council pass a resolution expressing opposition to granting of the Special Exception; he said while it could be argued the facility is offering a community service, the increase being asked is simply not reasonable in a single-family house located in a residential neighborhood. Ms. Habada confirmed that the City had not received notification from the county of the requested exception, however, commented they are generally pretty faithful about notifying the City. She said the case involves a minor site plan revision; the Planning Board has the authority to grant modifications to a site plan that has been originally submitted during a Special Exception process. She said that the information she was given during a telephone conversation with the county was that the proposed site plan alteration involved a change in parking to accommodate an increase in the number of children. She said she was informed that the Health Department regulates the day care, usually that

department has given preliminary approval prior to a case going to zoning. She pointed out that the case is not going through the zoning Special Exception process all over again, what is being requested is a minor site plan revision, which the Planning Board has the authority to grant without it going before the Hearing Examiner. She said the county did state it is standard process for them to notify the City on any change, and a postponement could be requested on the basis of omission of that notification. Councilmember Levy remarked she would wish to know from Modern Care Nursery why they want to increase the number of children prior to expressing opposition; said she was very aware of the lack of day care, as well as the lack of parking and traffic congestion. Additionally, she wanted to know whether the day care center is subsidized by Prince George's County or where their funding comes from. Councilmember Bradley expressed agreement with Ms. Levy's comments, said she would endorse a postponement of the hearing to allow for gathering of additional information and to hear the other side of the story from the owners of the day care center. She referred to a day care center located in her neighborhood which had expanded over its original capacity, and the situation there, said she suspected the counties were channeling funds and pressing for increased day care facilities in residential neighborhoods, and perhaps the goal could be not to discourage this needed service but to encourage their location, particularly sizeable ones, in more appropriate areas. Councilmember d'Eustachio moved that a postponement of the hearing be requested, duly seconded by Councilmember Bradley. Mr. d'Eustachio noted that if a postponement were not granted, when the issue is discussed at the June 2 worksession, he would oppose granting of the Special Exception, not on the basis of having day care centers existing in residential areas, but because he could not support their expansion when there were already parking and traffic congestion problems. Mr. Donnelly pointed out that most of the people using the day care center are neither residents of the neighborhood nor the City; concerning available day care facilities, he noted that the J. Enos Ray School (less than 1/4 mile from the day care center under discussion) has a massive such facility. The question was called, the motion carried with Councilmember Haney Abstaining due to having missed a portion of the discussion, balance of Council voting Aye. Mr. Donnelly agreed to provide staff with a copy of the petition he mentioned earlier; it was noted staff should contact the owners of the day care facility, as well as neighbors, that a postponement was being requested and, if not granted, the issue would be addressed at the June 2 worksession.

#### ITEMS FOR COUNCIL CONSIDERATION:

1. First reading of an ordinance establishing a date for Show Cause Hearing for consideration of declaring 6801 Westmoreland Avenue a nuisance. Councilmember d'Eustachio reminded this residence was one of those affected several years ago when gasoline was inadvertently pumped into the sewer system causing explosions and fires; had been involved in a lengthy series of insurance and court disputes while the City and neighborhood had waited for resolution. He said in the course of the past week he had noticed a major cleaning out of the premises, with a substantial amount of things being hauled away; in the course of conversation with the owner, had been advised that court settlement was imminent and negotiations were taking place with the contractor to proceed with necessary renovation/reconstruction. He suggested the ordinance be accepted for first reading, with second reading to be tabled for a month to afford the property owners an opportunity to continue with the progress they appear to be making; he so moved. He commented that Acting Housing Director Austin had talked with the owner, was aware of the situation and would monitor progress being made. The motion was duly seconded by Councilmember Bradley.

Nancy O'Brien, 6805 Westmoreland Avenue: wanted assurance that once the property was reoccupied it would be maintained and kept up to code standards; said in the past it had been a mess; she wanted a deadline for evidence of concrete progress being made, which the Mayor stated would be June 23rd, at which time second reading of the ordinance would occur if warranted.

Arthur MacDonald, 6801 Westmoreland Avenue: stated his lawyer had advised him this date that the case had been settled, insurance money would be forthcoming within the week. He said he had the contract ready to commence rebuilding the house and that would probably begin within the next two weeks. The Mayor noted that if the City did proceed with second reading of the ordinance, a public hearing process would be instituted, thus, there

would be no final decision on June 23.

Norman Greene, 6712 Westmoreland Avenue: said the neighborhood's major concern had been the three-year time period that the property had been vacant and neglected; was encouraged to see some action now taking place and, from talking with the owner, thought the MacDonalds would now move forward with reconstruction. He said that, with the City's assistance, he would like to see a construction schedule made up, including steps to be taken in accomplishing the task. In response to query from the Mayor, Mr. Austin stated that a copy of Housing's inspection report on the property was provided to Mr. MacDonald the previous Friday. The question was called; the proposed ordinance was accepted for first reading.

ORDINANCE #1986-  
(attached)

2. Proposed Resolution for appointment of City Newsletter Editor.

On behalf of the Newsletter Editor Selection Committee, on which Councilmembers Haney and Williams served, Mr. Haney related that 10 applications were received for the position. That number was narrowed down, using specified criteria and based upon work samples submitted, to 4, and then 3, through the interview process, final candidates. Following additional interviews and reference checks, the committee's recommendation was that Reid Baron, the current temporary editor, be appointed permanent editor. Mr. Haney moved passage of the resolution, duly seconded by Councilmember Levy. Councilmember Sharp moved amending the resolution by deleting (at least at the current time) the last resolve clause, in order to allow for more in-depth examination of the contract referred to; the motion was duly seconded by Councilmember Bradley. The motion to amend carried with Councilmember Iddings Abstaining, balance of Council voting Aye. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1986-45  
(attached)

Reid Baron, who was present in the audience, was introduced. The Mayor expressed thanks to those citizens who served on the Newsletter Editor Selection Committee. In light of the amendment to the resolution which concerned the Newsletter Editor's contract with the City, Councilmember d'Eustachio moved tabling item (3) of the published agenda, duly seconded by Councilmember Bradley, carried unanimously. Consensus reached earlier was that the contract and its language would be addressed at the June 2 worksession.

Sam Abbott, 7308 Birch Avenue: inquired concerning the layout the editor would be submitting to the printer, to which Mr. Baron responded that he edits copy and does the dummy layout - the typesetting and camera-ready boards are done by Johanna Vogelsang. In response to query from Mr. Abbott, Mr. Wilson stated that Ms. Vogelsang's fees were approximately \$400 for an 8-page edition, \$600/12 pages. Mr. Abbott noted that would add up to about \$900 a month for an 8-page Newsletter, based on Mr. Baron's \$500/edition fee plus Ms. Vogelsang's fee; he noted the cost of delivery amounts to \$535/month. Following dialogue in which Mr. Abbott pointed out it appeared that costs for producing the Newsletter could amount to as much as \$1,000 per issue, Mr. Iddings commented he would wish to see a cost breakdown for the publication provided for the June 2 worksession.

3. Proposed Resolution establishing a Rental Housing Taskforce.

Councilmember Bradley commented that the resolution documented an idea that had been mentioned and examined on a number of occasions, and which many now feel is the opportune time to implement. She elaborated on the intent of the resolution and purpose of the taskforce; hoped that a process would be initiated involving a series of public briefings and meetings; she moved passage of the resolution, duly seconded by Councilmember Williams. Councilmember Iddings moved amending the resolution by the addition of language to the second resolve clause; Councilmember Bradley countered she felt the addition proposed by Mr. Iddings was already inherent in what was stated. Councilmember Sharp duly seconded Mr. Iddings' proposed amendment. The amendment was passed with Councilmember Bradley voting Nay, balance of Council voting Aye. The Mayor commented that the City does need the taskforce created by the resolution, however, probably needs even more a standing committee which would perform a continuing, ongoing review of the

City's housing and related policies. Councilmember Sharp urged, based on earlier discussions of the issue, that a member of COLTA be appointed to the taskforce. Councilmember Williams commented he had been approached by a tenant member of COLTA requesting appointment to the taskforce. Ms. Bradley commented on her rationale for supporting formation of a taskforce, rather than a standing committee, at the current point in time.

Ginja Carter, Neighborhoods Together: expressed concurrence with Ms. Bradley's comments supporting formation of the taskforce, with perhaps outgrowth of a standing committee at a later time. In response to query from Ms. Carter, the Mayor stated that it had been recognized that much of the tenant population was concentrated in wards 4 and 5, thus the 7 tenant members specified in the resolution would not be tied to 1 member representative from each ward, however, an attempt would be made to have broad-based representation.

The question was called; the resolution, as amended, was passed by unanimous vote.

RESOLUTION #1986-46  
(attached)

4. Ordinance regarding reprogramming of funds to hire consultant to study tenant conversion of Park Ritchie.

The Mayor noted the proposed ordinance was composed by a City staff member as an outgrowth of a meeting held about ten days previously, in which numerous parties involved in the Park Ritchie bankruptcy situation, as well as representatives from Neighborhoods Together, participated. He noted a meeting the current date between City staff, Attorney Richard Stolker, and Daniel Litt, the Bankruptcy Counsel for Eureka Federal Savings & Loan, at which, among other things, what role Eureka might be interested in playing in the process, including sharing the cost of hiring a consultant, was discussed. He moved acceptance of the ordinance for first reading, duly seconded by Councilmember Sharp. Councilmember d'Eustachio raised questions concerning Section 2, as related to Section 1, of the proposed ordinance having a possible adverse effect on the City's bargaining position in the situation. Daniel Neal explained that time was of the essence, both to the citizens and to the bank (Eureka), and that was the real bargaining point in the matter; he said that Eureka understood that if the City were the prime hirer of the consultant, there would be a number of steps that would have to be gone through, including the adoption of an additional ordinance to award a contract. He said Daniel Litt, Eureka's Counsel, had examined the proposed ordinance and opined that he felt Eureka would be receptive to investing some money in getting the services of a qualified conversion specialist, however, final formal approval was not yet given. Mr. Litt had stated he should have definite word within a week on whether Eureka would put up some money for the purpose. Mr. Neal commented briefly on the payment arrears to Eureka involving a large monthly sum (on which they are losing interest), which makes them eager to do something about the property.

Councilmember d'Eustachio moved amending the ordinance by deletion of Section 2., duly seconded by Councilmember Haney. Councilmember Bradley inquired whether, based on various prior precedents, the approach of making a no-interest or low-interest loan (basically to the tenants) of the additional \$5,000 mentioned in Section 2. might not be considered, if necessary. Mr. d'Eustachio noted that proposal would be contrary to his intent that Eureka come up with that \$5,000. Councilmember Iddings pointed out that in some prior similar loans, such as that to the Save Our Schools group, some rather complex accounting problems were generated.

A. J. Mitchell, Park Ritchie: pointed out that the tenants have been putting money into an escrow fund; wondered whether a portion of that could be used for the purpose. The Mayor pointed out that money might be encumbered by the bankruptcy process, might require court permission to use any of it and gaining that permission might be time-consuming. He commented that the City had been in contact with county authorities who seemed to have some interest in seeing the building rehabbed, however, they appeared to be more interested in seeing that done with a private developer than a tenants' group -- for that reason, he said it was hoped the City could move forward fairly quickly so that if there were county money available there would be a chance of getting some of it for the rehab. Mr.

d'Eustachio remarked that his intent in proposing the amendment was not to provoke a lengthy discussion, that Section 2, were it deleted, could be reinserted at the next meeting or thereafter, if that were necessary or desirable. Mr. Mitchell referred to a number of items at Park Ritchie requiring repair and which would cost, including air conditioning and other mechanical things, for which money may be used out of the escrow fund. He said tenants had noted an article in The Journal concerning the City being contacted by the county with an offer of assistance re the Park Ritchie. The Mayor commented that was why it was hoped the feasibility study could be accomplished and would show that the tenants can properly take over and operate the building. Councilmember Haney asked that Daniel Neal ascertain whether or not it would be legally possible to use part of the rent escrow money for the feasibility study, which Mr. Neal stated he would do. Councilmember Bradley stated what was wanted was for staff to pursue all available options for provision of the second \$5,000, with additional discussion to occur at either the next worksession or next regular Council Meeting. In response to query from Councilmember Iddings, Daniel Neal related that Attorneys DeNovo and Stolker had stated to him that adoption of the proposed ordinance with one reading would present no problem for the City; however, reiterated that it should be known within a week whether or not Eureka would put up the second \$5,000. The question was called on the amendment which would delete Section 2. and carried, with Councilmember Bradley Abstaining, balance of Council voting Aye.

Dennis Seekins, 8217 Roanoke Avenue: said that, speaking both as a landlord and a member of COLTA, he supported what the City was doing; said slums, slum landlords are a real problem and something had to be done to get the message across that the City would tolerate neither.

The question was called on the ordinance, as amended, which was unanimously accepted for first reading.

PROPOSED ORDINANCE #1986-  
(attached)

5. Discussion of Preliminary Subdivision Plan #1-85212, Austin Place. Mayor Del Giudice noted this item had been briefly discussed in worksession in relation to the agenda, with consensus being that time limits for speakers should be imposed, allotting 10-15 minutes maximum for one representative from each side of the dispute to present their position, and citizens commenting thereafter be limited to 3 minutes each; followed by a period in which the major presenters could respond to specific questions. He said he knew Council would have some questions, but would attempt to keep those to a minimum.

Joyce Shoepach, owner of the Austin Place property: summarized the history of the situation; related that in January 1985 the property was put on the market for sale; on 2/19/85, she signed a contract to purchase with a verbal open-ended agreement that she could explore whether or not the lot was buildable; she noted that at the time she signed the contract, no other purchase offers had been made. She said that after signing the contract she communicated with neighbors, telling them what she planned, and found that their feelings and responses were varied, as might be expected. Thereafter, she said, a great deal of misinformation was circulated and escalated a lot of people's feelings on the issue. She cited and quoted from documented information from a number of authoritative sources rebutting various distorted and erroneous claims that had been made concerning buildability of the land by opponents of its development. Ms. Shoepach referred to Resolution 1985-19 which was passed in July 1985 and amended in October 1985. At the time of passage, she noted Council's position was the community should make a good faith effort to purchase the land, after which she waited for 90 days, at the end of which she formally notified the citizen group involved in the dispute that they would have to make an offer immediately, otherwise her intent was to proceed with building plans -- they offered to purchase the land for \$17,500 to the Porters (then-current owners of the property), \$3,700 to Ms. Shoepach to relinquish her contract to purchase. Ms. Shoepach stated she had researched land values in the City, that buildable lots in the Historic District are selling for \$3./sq. ft., which would place the value of the Austin Place property at \$73,000, if buildable. As an aside, she commented if those opposing its development did not really think the lot was buildable, she did not think they would be putting forth the efforts they have. She related that the aforementioned



Resolution, as stated earlier, was amended in October 1985, again stating that Council expected the community to make a vigorous and good faith effort to purchase the property; in December, the Porters advised Ms. Shoepach they did not wish to wait any longer, told her she could either buy the land at once for \$37,500, or buy it after it had been declared a buildable lot for the market value (which she could not afford). She said that, based on her time invested and personal opinion formed from research and information provided by reliable and authoritative sources, she decided to take a chance and proceed with the purchase. The Preservation Committee was notified of the change in ownership, which did not preclude their making a further offer to purchase the land. She commented that she loves the piece of land or she would not still be pursuing construction on it. Referring to maps and drawings, she explained the configuration of the property and the house she hopes to construct, emphasizing the consideration given in design to preserving the land, environs and large old trees; in response to query from the audience, she stated the house would contain 2,600 sq. ft. of space. In response to query from the Mayor, she stated the only trees that would be cut would be one dead tree and one sickly, dying one which the Director of Public Works had already examined and recommended removing. In response to query from Councilmember Bradley, the Mayor stated that the City Staff Report included in the packet of material concerning Austin Place was prepared by Asst. City Administrator Habada, following and based upon her review of Park & Planning's files.

Alan Abrams, 7316 Willow Avenue, representative of Old Takoma Citizens' Association: related that he and other neighbors, recognizing their lack of expertise in the planning field, had pooled resources and hired an expert in such matters, Tom Brown, a Planning Consultant in Silver Spring and Vice President of Planning for VIKA Engineering in Bethesda. He said Mr. Brown would be presenting and interpreting why OTCA opposed resubdivision/development of the Austin Place property.

Tom Brown: stated his organization had met with citizens, conferred with staff of WSSC and Park & Planning; said his concerns, from the planning point of view fall into two categories -- 1) general compatibility, e.g., whether what is proposed would be compatible with the immediate surrounding area, and 2) general lack of documentation in relation to the county's adequate public facilities ordinance, which raises issues with regard to the Planning Board and the review process. He explained that the aforementioned ordinance applies to the Montgomery County portion of the City, and said that he saw two areas for concern, e.g., counting Austin Place, an undeveloped paper street with no plans that it be developed as access to the property, and the proposition of using the 10' wide easement which passes through someone else's property as the driveway. He said his concern about Austin Place may have legal implications which should perhaps be investigated by the City prior to taking a position; he said in the event the property was developed as proposed and, at some later date, sold, the new owner might be able to compel the City to develop the access. He said if the current proposal were approved by the City, what would be granted would be substandard access and that might later develop into a situation involving liability for the City. Concerning adequacy of the facilities in relation to the storm drainage system, he said he had been advised by citizens of flooding conditions sometimes occurring, which led him to an investigation of WSSC's storm drainage system which crosses the property in question and serves many of the other properties in the area. He said a box culvert runs through the property to a manhole in the area of Valley View and Maple; said it appeared the applicant's engineering report used the topography of the land on which to base the watershed (where the water comes from that is served by the storm drainage system). He said the system is so old that WSSC does not have plans on it, however, at the top of the drainage shed it appeared there were a number of large pipes that enter into the box culvert, which might be one reason for flooding occurring -- the box culvert may not have sufficient capacity to carry the necessary amount of water from higher elevations during heavy downpours. He said that during a site inspection from Mr. Abrams backyard, he noticed the cast concrete box culvert pipe had been punctured in several places, which he understood was done by the applicant's engineer in order to get down and look inside the pipe. He went on to explain that old terra cotta pipes run from roof drains of houses all along Maple and Willow Avenues and empty into the culvert; over a long period of time, he thought a silt buildup had occurred in the culvert at the lower elevations, which would cause the occasional flooding experienced, which results in wetness in area

basements. He said the area of the culvert he suspects may be impaired is lower in elevation and farther downstream than the applicant's property, may not have been examined by the applicant's engineer, and that was a concern to him in that he did not feel there was adequate documentation to demonstrate that the proposed development could be supported with regard to the county's adequate public facilities ordinance. Mr. Brown continued, enumerating the reasons he did not feel development of the lot to be compatible with the surrounding area, including the fact that it is a pipestem-shaped lot (noted approval of development of this lot could be precedent-setting for development of many other interior "super lots" in the City). He said the Master Plan appeared to him to suggest that subdivision of lots in the City should be consistent in character, shape and size with existing lots in existing neighborhoods. He said the proposed placement of the house would put it in a very dominating position to homes on Willow Avenue, looking down on their properties; said he felt that would diminish the actual and sale value of those existing homes. He noted that the Police Department's memo recommended additional lighting for the property, as well as suggesting a burglar alarm system; said the additional lighting would of necessity intrude on the backyards of the aforementioned existing residences.

Councilmember Sharp referred to a memorandum dated 5/27/86 from Keith Elder of WSSC and inquired whether Mr. Brown had seen it, to which Mr. Brown responded in the affirmative and said he had spoken to Mr. Elder this date also; he said he thought what Mr. Elder was saying was that the physical integrity of the storm water system was okay, however, did not feel that he addressed the question of whether the system was adequate to carry the volume of water that is generated. He said he had also been in contact with the Department of Environmental Protection; their attitude was that an additional residence would not add a significant amount of storm water runoff, however, if the existing system is already inadequate, then additional development should not be permitted. He pointed out that in two recent court cases, Planning Board decisions on zoning had been overturned because they permitted development to proceed when it had been reasonably well demonstrated that the existing storm water management systems were not adequate, even though the additional amount of runoff would be slight. He stated he believed it was the intent of the adequate public facilities ordinance to require that before development can proceed, whether it be one house or ten thousand, that the facilities that are owned and maintained by the public are adequate to handle the additional development.

Larry Silverman, 512 Tulip Avenue: commented he had resided in the City for about 9 years, said Mr. Brown's objections concerning the storm management system appeared to be largely based on conjecture; stated he thought the house proposed by Ms. Shoepach was tasteful, would be an attractive addition to the area; commented that the opponents had had every opportunity to purchase the property and should either put up the money required to do so or withdraw.

Margaret Gray, 7413 Maple Avenue: related that she lived below the Austin Place property; her neighbor's house had been for sale, had not sold due to a water problem in the basement which had structurally damaged the house causing floors to slope; said the water problem had existed over the years, additional construction would add to the trouble.

Nancy Shallhorn, 7401 Maple Avenue: said she hoped all Councilmembers had viewed the property in question from Willow Avenue -- those homes are physically situated at a much lower elevation than her own. She commented briefly on the unanticipated obstacles that can be encountered in constructing a house on a lot; noted that the 10' wide driveway access is next to her property, she and her husband had paved about a 3' wide strip of it; said large trucks would have a lot of trouble gaining access to the property, a lot of foliage would have to be trimmed back.

April Anderson, 7115 Sycamore Avenue: said that, having listened to both sides of the issue, as a citizen, she would not oppose development of the property; did not think the opposition had presented a very strong case.

Bruce Weddle, 7315 Maple Avenue: said Council, in making a decision on all the issues involved, would have to consider what message they would be giving to potential land developers in the City; said he did not think equity to the owner of the property need be a consideration any longer,

that the Porters bought it for speculation purposes, the present owner bought it knowing that opposition to development existed and knowing that the City Council had some concerns; he said Ms. Shoepach had chosen to proceed at her own risk. He emphasized that he did not feel that the shape and character of the lot were in conformance with either county requirements or the City's Master Plan. He urged that Council make a statement to the Park & Planning Commission that development of the lot would not conform to applicable codes, then the owner would have to apply for a waiver in order to build. He said he felt the other issues presented were confusing, that all Council had to decide upon was whether the lot conformed with the Master Plan, which he did not think was the case.

Linda Donnell, City resident & architect for Ms. Shoepach: pointed out that the 10' wide access strip was Ms. Shoepach's property, was not an easement, nor a driveway belonging to a neighbor. Additionally, she noted that pipestem lots are currently being developed in the City, that a lot is being subdivided behind the stilt house on Tulip Avenue and, in that case, the access driveway is owned by the front lot owner; thus, a precedent has already been set for developing pipestem lots -- she said they exist all over the city and building continues to be allowed on them. She stated that in designing the house, every effort was made to keep the land intact and consider the drainage; she said, if Ms. Shoepach did not build, unless neighbors bought the land, it is large enough that it would be worth someone's while to buy it, construct Austin Place, and put in multi-family dwellings on the property. In response to query from the Mayor, Ms. Shoepach confirmed that the 10' wide access that had been referred to as an easement was, indeed, owned by her and a part of her piece of land.

Delores Milmo, 7212 Cedar Avenue: stated that the very reason some neighbors are opposing development of Ms. Shoepach's lot was based on the subdivision of the lot behind the stilt house on Tulip mentioned by the prior speaker -- she said that lot should never have been subdivided -- it did set a precedent. She noted that the driveway for that particular lot was 25' wide, which meets county requirements for street frontage for the lot. She said when Ross Wells, the developer for that lot, presented his plan, he stated that only one major tree would be removed -- to date, she said seven major trees had been removed for either his or the Stilt house.

Sandra Egan, 9 Valley View Avenue: stated her home abutts the property owned by Ms. Shoepach; said she and her husband not only do not oppose, but wholeheartedly support, Ms. Shoepach's right to build on the land. She said that, having carefully examined both sides of the issue, there did not appear to be validity to the opposition and the real issue seemed to be that those individuals wished to continue to enjoy the extra backyard space that they had for years. She noted that concerning the loss of open space argument presented by some, the property was not accessible enough, nor appropriate for, general public use. She said that, in talking with neighbors, everyone is not opposed, a number thought the house would be an attractive addition to the neighborhood, and she urged that Council recommend approval of the proposed resubdivision.

Sue Carroll, 7107 Holly Avenue: stated she did not oppose the proposed resubdivision.

Lynn Scheider, 311 Tulip Avenue: related her property was very similar to Ms. Shoepach's; expressed support for the proposed resubdivision.

Lynn Motley, 7316 Willow Avenue: emphasized that approval of the proposed resubdivision would be precedent-setting and expressed opposition thereto.

Sam Abbott, 7308 Birch Avenue: asked for clarification of Mr. Brown's credentials. He pointed out that the terra cotta pipes used for drainage are the responsibility of the individual property owner who should work out a satisfactory solution with WSSC; said that the fact the area occasionally floods should have no bearing on the resubdivision unless it could be proven that an additional residence would exacerbate the situation. He noted that WSSC had done extensive lining of their drain pipes in the City, particularly in the older areas. He encouraged Council to recognize that the terra cotta pipe situation is the individual owner's problem, and base their decision on whether or not the additional residence would worsen the

storm water drainage situation which, from all available documentation, did not appear to be the case. He referred to prior arguments with the county concerning "super lots" in the City, and commented that each case had to rest on its own merits; said he had no problem imagining arguments that would defeat any proposition to put another street between most of those big blocks, however, said the situations differ and went on to address the one on Tulip, as well as the overall question of development and its relation to the tax base and declining population of the City. He pointed out that the topography of Takoma Park did not lend itself to subdivision in exact grids, nor had that been done; said he did not oppose Ms. Shoepach's proposal, did not foresee any damage to the City or the neighbors by what she intends to build on the property which would otherwise be waste.

Ralph Porter, former owner of the Austin Place property: stated the property was intended as a buildable lot for a single-family home dating back to when all the other homes on the block were built by Mr. Austin. He said what apparently stopped a residence being constructed on that lot at that point in time was Mr. Austin's untimely death. He said he did not comprehend what the fuss was about the storm drain, that it drained through Ms. Shoepach's property and prior to the proposed resubdivision no problem had been brought to light. He noted there was no basis for discriminating against construction on a lot because of it being larger than the minimum amount of square footage required for building.

Councilmember Bradley read verbatim a statement from former Councilmember Rino Aldrighetti, who could not be present due to being out of town on business. Therein, he said that the former Council by resolution had set a deadline for the group of neighbors opposing the resubdivision to make a vigorous and good faith effort to purchase the property at a reasonable and negotiated price from the owner, which, for reasons of which he was not cognizant, had not occurred. He noted that the last Council dealt with the Austin Place resubdivision issue for a very long time after it surfaced following the neighbors' failure to purchase the property when it was placed on the open market. He said he perceived the situation as being a debate between the rights of a pre-existing majority to enjoy a beautiful setting versus the rights of private property owners to alter that setting; opined that the other issues under discussion need to be viewed in that context, and advised Council to make their decision on that basis.

Angela Bednarczyk, 7211 Cedar Avenue, representing Historic Takoma: read a statement from Karen Fishman, President of the organization, which stated opposition to the proposed resubdivision plan and said that, because of the lot's non-conformance to the county's subdivision code, approval would create a precedent permitting development of backyards among the many other long-developed lots in Takoma Park.

Lynn Motley commented that, according to City records, in 1978, former Mayor Abbott opposed the resubdivision proposal submitted by the Porter brothers for one dwelling, as did the City Council at that time. She said that the Planning Board and Commissioners are dealing daily relative to the county's concerns -- thought it interesting and important that several of the Commissioners spoke of the threat of precedent in connection with the case at hand. In response, Ralph Porter explained that a prospective buyer of the property in 1978 submitted a resubdivision plan to divide the property into two lots, which was turned down; another plan submitted by his brother, Colin, was withdrawn quite soon after submission -- to his knowledge, never came before the Council for comment. Mr. Abbott pointed out that in 1978 he was not Mayor, had spoken as a citizen against a proposal submitted by a couple from Annapolis who wanted to divide the property into two lots.

In response to query from Councilmember Bradley, Ms. Shoepach stated that the City's Historic Preservation Committee did not comment or take a stand on the proposed resubdivision in light of the fact it would not be visible from the street. She said she spent a long time before the county's organization, precedent was thoroughly discussed and the President of the group, Bobbie Hahn, stated that if she thought any precedent would be set by the resubdivision that would be detrimental to Takoma Park, she would vehemently oppose it; however, she vehemently supported Ms. Shoepach's proposal. Ms. Shoepach stated that if she thought she were creating any precedent harmful to the City, she would not be pursuing the matter. In

response to query from the Mayor, she stated she felt the things that distinguish her property from other similar interior lots in the City were the fact it had existed in its entirety for over fifty years, has legal and adequate access, as well as legal and adequate street frontage.

In response to a request from Councilmember d'Eustachio that City staff's recommendation be clarified, Ms. Habada stated that her examination of the file on the matter turned up nothing that would strongly support approval (however, nothing to strongly support the opposite position either), revealed a lack of significant pieces of information, including information from WSSC, from the fire and police departments. She said she questioned the Department of Environmental Protection's recommendation of approval because they do not have jurisdiction over the City -- WSSC does -- thus, her recommendation that the County Planning Board be asked to delay action based on the fact that correct procedural referrals had not been made, thus proper responses/recommendations could not be made. In response to query, Ms. Shoepach stated Lt. Jarboe of the fire department had examined the access driveway and said that it might be a little tight, but he thought a fire truck could get down the driveway; also, she was prepared, if need be, to meet conditions stated in the Montgomery County Fire Code by installing a sprinkler system.

Councilmember Iddings commented that since he had been a member of Council, there had always been confusion about Park & Planning's resubdivision processes, and it seemed clear that, as it applied to the City, their process was a mish-mash that the City would have to have clarified prior to assuming its zoning authority role on July 1. He said he felt the issue to be concentrated upon was the lot's compatibility, and cited as a precedent a prior request in ward 5 that had been turned down on that basis; he additionally cited a resubdivision proposal on Poplar and Lake that the former Council opposed and which was rejected; said as a policy-making body, the City Council has a history of opposing, and opposing successfully, the proposed sort of resubdivision; said he saw no reason not to continue that consistent policy. He noted that Austin Place is an undeveloped (paper) street owned by the City and used as a driveway by a family residing on Valley View; said the City needs to decide what to do with some of the existing paper streets in that they are of no value to the City and raise questions of liability related to maintenance and to the possibility of being pressured into some sort of eventual development. Councilmember d'Eustachio pointed out that the real issue in the resubdivision proposed at Poplar and Lake and mentioned by Mr. Iddings was that it would have created 3 substandard lots (40' wide, rather than the required 50'); he moved that Council take no position on the proposed resubdivision and convey that stance to the county; he summarized the issues that had been raised and gave his rationale for his motion. Councilmember Sharp duly seconded the motion. Councilmember Bradley stated that, while she would support the motion, she believed, and had from the beginning, that the lot was a buildable lot, and she would have supported a motion that Council support the proposed resubdivision. She spoke in support of the resubdivision; said she did not feel support/approval of the resubdivision would be precedential in that this lot has a history to it, could not realistically be equated with the "super lots" referred to. Councilmember Haney commented that on the prior Council, it was understood that the Councilmember representing the ward in which a particular issue, such as a resubdivision proposal, was physically located would be the individual introducing the motion on that issue; hoped the present Council might adhere to that concept in future. He said he was sorry a motion had been made to take no position on this resubdivision, as he had hoped Council would take a position of opposition; said he had personally opposed the resubdivision from the beginning; he said the fact that 16 out of the 17 adjacent property owners opposed development of the property was significant to him. He said one intended task for the Open Space Committee was to research such undeveloped areas in the City, talk with neighbors, and get a sense of whether those parcels should be allowed to be developed or remain in their natural state. He commented that as attractive as the proposed house is in its design, he was persuaded by Mr. Brown's arguments concerning compatibility, and did not feel the house to be appropriate and compatible with the surrounding neighborhood. Despite assurances given concerning the trees on the property, he said he had concerns about unintentional damage that occurs to the trees, particularly their root systems, during construction on any land, and which often shows up at a later time. He said he felt the house, if built, would adversely affect actual property values of all the

surrounding homes, as well as impacting the view from those homes. Councilmember Williams commented that he would have liked to see the Council take a position on the issue pro or con, and his position would have been to support Ms. Shoepach's right to build on her property; said he felt the arguments presented by the opposition to be on the weak side and lacking reasonable documentation. He pointed out that the county will make the final decision, regardless of what Council says, however, noted that a great amount of time had been expended (over 3 hours at the current meeting) to come up with no position on the issue, which he felt to be an abdication of responsibility to the community. Mayor Del Giudice commented he tended to agree with Mr. Williams' remarks concerning the taking of no position, however, if that lack reflected a general division, perhaps no position was the best alternative; however, he said that, for policy reasons, that caused him concern. He pointed out that on July 1 the City would be assuming a role in zoning, and there would be issues to face that would require officials to take a stance and let their position be known. He stated that if he had a vote on the issue at hand, he would vote in the negative due to his concern about what might happen in other parts of the City, including the Prince George's section of the City where some of the largest lots are located; said he would hate to give the message to developers that the City would allow or support interior block development, and he felt more and more pressure would be brought to bear to permit that. He said he felt Ms. Shoepach to be completely honest in her presentation and intentions, however, feared the precedent that approval would set. He said he was also concerned about the question of City liability related to Austin Place and other paper streets. He noted there were policy questions to be faced and addressed by Council concerning these issues. Councilmember Levy commented she felt resubdivision proposals had to be examined on a case by case basis, and, in some, the factor of economic necessity would have to be considered. She said she was convinced the lot was buildable, was impressed with the lengths to which Ms. Shoepach had gone to consider the environment and its preservation; she said it appeared to her that the term "policy" was quite general and could vary depending on the case being considered. Councilmember Iddings stated he would vote against the motion; felt Council should be taking a position and his personal position was opposition; said a policy issue was involved that needs to be addressed, e.g., does the City want interior lots developed or not. He said he felt Council owed a decision not only to the citizens, but to Ms. Shoepach. Councilmember d'Eustachio reiterated he did not think all the required information to make a reasonable decision had been furnished; said he did not feel the time had been wasted, both sides had been heard, and there did not seem to be a clear black and white case upon which to base a decision, particularly in that technical questions are involved that Council does not have the expertise to answer. He said he did not think the case involved the setting of precedent. Councilmember Sharp stated he saw the taking of no position as expressing the fact that the two sides of the issue presented essentially a toss-up, thus allowing the issue to proceed as a technical matter to be resolved based on its technical merits; essentially, he said, he thought the remaining question was whether the lot was buildable. Councilmember Bradley pointed out that the option of Council voting to express no objection had not been mentioned; she commented that at the time the neighbors were encouraged to purchase the property, it had seemed appropriate to her that each property owner purchase the portion adjoining their land, thus increasing the size of their own lot and, in turn, their property value. She concurred with Ms. Levy's earlier statement that each case must be considered individually based on its merits. The question was called on the motion, which carried. The vote, upon request, was by roll call and recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Levy and Sharp; NAY: Councilmembers Haney, Iddings and Williams; ABSTAINED: None.

Upon motion, duly seconded, the meeting adjourned at 12:45 A.M., to reconvene in regular session at 8:00 P.M. on June 9, 1986.

RESOLUTION NO. 1986- 46

WHEREAS, over 60% of the residents of the City of Takoma Park live in multi-family, rental property; AND

WHEREAS, it benefits the public health and safety of all residents of the City of Takoma Park to have decent, economical rental and multi-family housing for all; AND

WHEREAS, the City of Takoma Park has established a variety of housing policies and a Department of Housing Services in support of decent rental and multi-family properties; AND

WHEREAS, the City of Takoma Park wishes to insure that its housing policies further the goal of maintaining a diverse and stable population while insuring quality housing for all.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby establishes a Rental Housing Taskforce whose purpose is to seek out and accumulate information about the status and quality of all rental and multi-family housing in the City as well as seek out information about the needs of residents of the City's rental and multi-family properties; AND

BE IT FURTHER RESOLVED THAT the Taskforce shall review all appropriate City policies, ordinances, and procedures relating to rental and multi-family housing, shall assess the effectiveness of those policies, ordinances, and procedures, and shall develop a series of public discussions and briefings to assess how the City may improve and maintain its rental and multi-family housing stock; AND

BE IT FURTHER RESOLVED THAT the Taskforce shall consist of up to thirteen residents, including at least seven tenants, of the City of Takoma Park to be appointed by the Mayor based upon nominations from members of the Council; AND

BE IT FURTHER RESOLVED THAT the City Administrator shall make available to the Taskforce whatever reasonable amount of staff support from the Department of Housing Services or other departments that may be necessary in addition to whatever assistance the Committee itself will solicit from citizens; AND

BE IT FURTHER RESOLVED THAT the Taskforce shall make periodic reports to the Mayor and Council and shall make its final report regarding options and recommendations related to housing policies including legislative and administrative initiatives and related statements of goals and objectives no later than January 16, 1987; AND

BE IT FURTHER RESOLVED THAT upon acceptance of its report by the Mayor and Council, the Taskforce shall cease to exist.

Introduced by: Councilmember Haney

Adopted: 5-27-86

RESOLUTION NO. 1986-45

WHEREAS, on January 13, 1986, the Mayor and Council adopted Resolution No. 1986-4, establishing and appointing members to the Newsletter Editor Selection Committee; AND

WHEREAS, the Committee solicited applications through the City Newsletter by advertisement in the March 1986 issue with ten applications received, and prospective candidates interviewed by the Committee; AND

WHEREAS, the interview process included specific criteria such as news judgement, layout skills, management of production process, copy-editing, and technical quality; AND

WHEREAS, with the use of the criteria set forth above, the Committee narrowed down the field of candidates that met the standards, and has therefore recommended to the Mayor and Council that Mr. Reid Baron, currently Temporary Editor of the City Newsletter, be appointed as the permanent Editor for a period of one year, beginning July 1, 1986 and ending June 30, 1987.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council do hereby accept the Newsletter Editor Selection Committee's recommendation for the appointment of Mr. Reid Baron as Editor of the City Newsletter; AND



Introduced by:

1st Reading: 5-27-86

2nd Reading:

ORDINANCE NO. 1986-

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

- SECTION 1. THAT it has been reported to the Mayor and Council by the City Administrator that the building named in Section 2, below, is in a condition which menaces the lives of persons residing in the neighborhood of the building and does not allow for occupation due to extensive fire damage, as specifically set forth below; AND
- SECTION 2. THAT the building described in Section 1, above, is located at 6801 Westmoreland Avenue, on Lot 8, Block 18, Pine Crest Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 4355 at Folio 6300, Tax Account #1060145, Arthur M. and J. N. MacDonald, 1019 Ruatan Street, Silver Spring, Maryland 20903, owners of record; AND
- SECTION 3. THAT the building referred to in Sections 1 and 2, above, is presently in violation of sections of the City of Takoma Park Housing Code, as specifically cited in the City Housing Inspection Report, a copy of which is attached hereto as Exhibit A; AND
- SECTION 4. THEREFORE THAT the Mayor and Council hereby authorize that legal proceedings be instituted under Article 6, Chapter 6, Section 6-63 through 6-66, of the Takoma Park City Code, 1972, as amended; AND
- SECTION 5. THAT the Mayor and Council hereby set the date of Monday, June 23, 1986, at 8:00 PM, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Md., as the time and place for a hearing as to the condition of the aforementioned building, and that Arthur M. and J. N. MacDonald shall on that date show cause as to why the building at 6801 Westmoreland Avenue should not be declared a nuisance; AND
- SECTION 6. THAT the City Administrator is hereby instructed to give notice within ten days of adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with the provisions of Article 6, Chapter 6 of the Takoma Park City Code.

# City of Takoma Park, Maryland

DEPARTMENT OF HOUSING SERVICES

TELEPHONE NO: 270-5900

REMISES IN VIOLATION:

6801 WESTMORELAND AVENUE

DATE:

May 14, 1986

OWNER'S NAME AND ADDRESS:

Arthur M. and J. M. MacDonald  
1019 Ruatan Street  
Silver Spring, Maryland 20903

LICENSE: N/A Montgomery Co.

Subdivision: Pinecrest  
Block 18, Lot 8

PHONE:

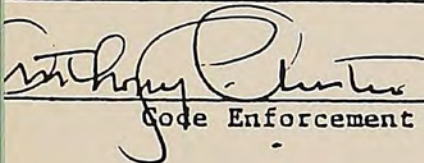
434-3299

An inspection of the above premises revealed violations of the Local Laws and Ordinances of the City of Takoma Park, Maryland, Municipal Code 1972, as amended, as listed below:

You are hereby notified to comply with the provisions of the law referred to and to correct the deficiencies on or before \_\_\_\_\_.

FAILURE ON YOUR PART TO COMPLY WITH THIS NOTICE WILL MAKE IT NECESSARY TO TAKE ACTION IN ACCORDANCE WITH THE PROVISIONS OF THE LAW.

| SECTION    | VIOLATIONS  | CORRECTIVE ACTIONS  |
|------------|---|---|
| PM-602.3   | <u>BASEMENT:</u><br>Electrical system in this structure constitutes a hazard to any occupant due to extensive fire damage as exhibited by melted wiring from circuit breaker continuous to first floor fixtures   | COMPLETELY REWIRE ELECTRICAL SYSTEM PER MONTGOMERY COUNTY ELECTRICAL CODE         |
| PM-601.3   | <u>HEATING/HOT WATER:</u><br>Heating equipment and water heating device are not properly functioning in order to maintain a room temperature of 68 degrees F. and a water temperature of not less than 110 degrees F. due to extensive fire damage<br><br>NOTE: Water service discontinued at time of inspection (5/7/86) | REPAIR OR REPLACE FURNACE AND HOT WATER TANK WITH APPROVED CONNECTION TO GAS LINE |
| PM-302.3.7 | Stairway to basement extensively burned and charred. Stringers, treads and hand-rail unsafe and incapable of supporting the loads to which it is subjected  | REPLACE ENTIRE STAIRWAY   |
| PM-302.4   | Basement windowpanes broken out (metal frames)  | REGLAZE   |

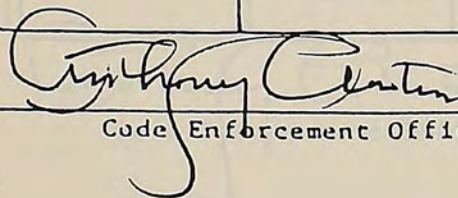
  
Code Enforcement Officer

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PREMISES IN VIOLATION, continued

6801 WESTMORELAND AVENUE

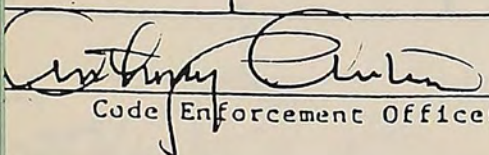
| SECTION   | VIOLATIONS  | CORRECTIVE ACTIONS  |
|-----------|---|---|
|           | <u>MAIN LEVEL:</u>  |   |
| PM-303.2  | The supporting structural member (wood girder) is not structurally sound showing evidence of fire damage which renders it incapable of carrying the imposed load  | REPLACE GIRDER  |
| PM-303.21 | Flooring (joist and deck) on main level between hallway cold air return vent continuous to rear of house (approximately 10 square feet) is badly charred--evident by visual observation from basement               | REPLACE ALL DAMAGED WOOD WITH NEW   |
| PM-303.21 | Floor covering (carpeting throughout house, ceramic tile in bathroom, linoleum in kitchen) badly worn and fire damage   | REPLACE ALL FLOOR COVERING, CLEAN AND REGLAZE BATHROOM FLOOR TILE   |
| PM-303.21 | Living room/Dining room/Bathroom and both Bedroom ceilings are smoke damaged  | CLEAN AND REPAINT CEILINGS  |
| PM-303.21 | Kitchen ceiling burned completely through   | REPLACE CEILING   |
|           | <u>SIDE WALLS:</u>  |   |
| PM-303.21 | Side walls damage not evident by visual observation; however, the fire pattern in relationship to type of construction indicates serious structural damage  | COMPLETELY RECONSTRUCT SIDE WALLS TO MAKE STRUCTURALLY SOUND AND TO CARRY THE LOADS TO WHICH THEY ARE SUBJECTED |
|           | NOTE: The feature which identified this type construction is that the studs are continuous from sill to top plate. Ceiling joist bear on 1" x 4" ribbon strips which have been let into the inside edge of the stud |   |

  
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REMISES IN VIOLATION, continued

6801 WESTMORELAND AVENUE (continued)

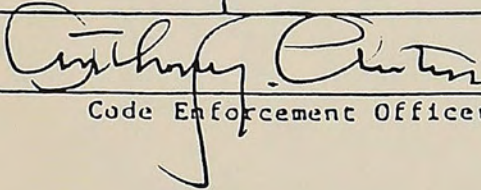
| SECTION    | VIOLATIONS  | CORRECTIVE ACTIONS  |
|------------|---|---|
|            | <p>In balloon framing, blocks are placed between the joist to serve the dual purpose of solid bridging and fire stopping. Solid bridging holds the joist ends in line. Fire stopping prevents the vertical and horizontal spaces from acting as flues in the event of fire.</p> |   |
|            | <p><u>INSIDE WALLS:</u></p>   |   |
| PM-303.21  | <p>Living room /Dining room, Hallway and Back Bedroom walls exhibit holes in drywall</p>  | <p>REPLASTER, CLEAN AND REPAINT WALLS</p>                             |
| PM-303.21  | <p>Kitchen walls burned down to wood lath</p>   | <p>DRYWALL AND FINISH</p>   |
| PM-302.4.2 | <p>Windowpanes throughout house are broken out</p>  | <p>REGLAZE</p>  |
| PM-302.4   | <p>Window frames throughout house are fire damaged</p>  | <p>REPLACE ALL WINDOW FRAMES</p>                                      |
|            | <p><u>ENTRANCE/EXIT DOORS:</u></p>  |   |
| PM-302.4   | <p>Rear exit door off hinges and completely destroyed</p>   | <p>REPLACE DOOR</p>   |
| PM-302.4   | <p>Front entrance door fire damaged</p>   | <p>REPLACE DOOR</p>   |
|            | <p><u>ROOF/ROOF MEMBERS:</u></p>  |   |
| PM-302.3.3 | <p>Roof deck structurally damaged due to fire leaving two (2) holes each approximately 5 feet square along right middle portion</p>   | <p>REPLACE ALL DAMAGED DECK AREA WITH NEW WOOD, PAPER AND SHINGLE</p> |

  
Code Enforcement Officer

PREMISES IN VIOLATION, continued

6801 WESTMORELAND AVENUE (continued)

| SECTION    | VIOLATIONS  | CORRECTIVE ACTIONS                        |
|------------|---|---|
| PM-302.3.3 | <p><u>ROOF/ROOF MEMBERS (continued):</u></p> <p>Roof structural members are structurally damaged by fire as visually observed from kitchen. Ceiling, joists, rafters and collar beam badly fire damaged</p> <p>NOTE: Attic area only observed from rear section of house.</p> | REPLACE ALL FIRE DAMAGED MEMBERS WITH NEW |

  
Code Enforcement Officer

Introduced by:  
Drafted by: Daniel Neal

ORDINANCE NO. 1986-

WHEREAS, The Park Ritchie apartment building has evidenced serious and continuing violations of the City's housing code which threaten the health, safety and welfare of the building's occupants; AND

WHEREAS, the owner of the property, Park Ritchie Limited Partnership, has filed for bankruptcy under Chapter 11 of the U.S. Bankruptcy Code and the principal secured creditor, Eureka Federal Savings and Loan, intends to seek foreclosure of the property, conditions which call into question the fiscal and social viability of the building under the current circumstances and, therefore, its continuance as part of the City's precious housing stock; AND

WHEREAS, the City of Takoma Park is committed to helping to develop a workable and equitable means of solving the serious problems facing The Park Ritchie and its tenants in a manner which is beneficial to the tenants, the property owner, the owner's creditors and the citizenry of Takoma Park as a whole; AND

WHEREAS, the City in principle supports the concept of tenant's equity as a means toward providing decent and affordable housing for citizens; AND

WHEREAS, time is of the essence in the matter of The Park Ritchie; AND

WHEREAS, after extensive consultations with the City's Assistant Corporation Counsel and bankruptcy Counsel, officers of the Park Ritchie Tenants' Association, Inc. (PRTA), other tenants of The Park Ritchie, PRTA's attorney, the principal secured creditor's attorney, the Mayor and City Council, and Montgomery County staff, City staff have recommended that a qualified consultant be engaged to perform an analysis as to the financial, social and legal feasibility of the conversion of The Park Ritchie to a tenant-owned cooperative as a means toward alleviation of The Park Ritchie's problems and, if feasible, to develop in conjunction with City attorneys a reorganization plan which could effect such a conversion.

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

SECTION 1. THAT the City Administrator is authorized to reprogram and expend up to Five Thousand Dollars (\$5,000.00) of the Housing Rehabilitation Revolving Fund as a matching share contribution toward the expenses incurred by a creditor, for the hiring of an appropriate consultant, provided that the consultant hired meets with the approval of the City and The Park Ritchie Tenants' Association, Inc.