

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

June 9, 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 BUDGET PUBLIC HEARING OF MAY 21, 1986
- 8:15 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
1. Proclamation of Appreciation
2. Mayor Del Giudice's comments
- 8:25 ADDITIONAL AGENDA ITEMS
- 8:30 GENERAL CITIZENS' REMARKS (those not directed at items for Council action)
- 9:00 ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson
Ordinance adopting Fiscal Year 1986-87 City Budget, Special Revenue Budget, and Use of Federal Revenue Sharing Funds
Citizens comments
Council action
- Ordinance (Code amendment) setting City Tax Rate for FY 1986-87
Citizens comments
Council action
- Ordinance approving City Employees Pay Plan for FY 1986-87
Citizens comments
Council action
- Second reading of Ordinance reprogramming funds to hire consultant to study tenant conversion of Park Ritchie Apartments
Citizens comments
Council action
- First Reading of Budget Amendment #4, FY 1985-86 City Budget
Citizens comments
First Reading
- Ordinance awarding bid and appropriating funds for Public Works Roadway Crack and Joint Sealing Machine
Citizens comments
Council action
- Discussion of Montgomery College's proposed purchase of O'Neill Property
Citizens comments
Council action

ADJOURN

REMINDER: Monday, June 16, -- CANCELLATION of Council Worksession
Monday, June 23, 8:00 PM -- Regular Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
June 9, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Acting Dir. of Housing Svcs. Austin
Councilmember Haney	
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:00 P.M. on Monday, June 9, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember Haney moved approval of the Minutes of the Budget Public Hearing of May 21, 1986; duly seconded by Councilmember d'Eustachio. Councilmember Bradley commented that at one point in the meeting, near the beginning, when she and several other Councilmembers began to speak simultaneously, there was no reflection in the record that she had tried to make a statement, which she perceived as strange -- said perhaps a notation could have been made that there were multiple parties speaking. The minutes were approved unanimously.

Mayor Del Giudice explained he had a Proclamation to present, which he hoped all in attendance would keep secret so that it could be presented as a surprise later in the week. He related that Dr. Quelet would be leaving his position as principal at the intermediate school; the Proclamation established June 13, 1986 as a day to honor him; he moved its approval, duly seconded by Councilmember d'Eustachio. Upon request, the Mayor read the Proclamation and noted there would be a ceremony at the school on June 13 from 9:00-10:30 A.M. in Dr. Quelet's honor. The Proclamation was approved by unanimous vote.

PROCLAMATION
(attached)

The Mayor commented on the huge success of the June 8 Takoma Old Town Festival and congratulated all those who participated in making it so -- particularly the committee, City staff member Dan Neal who devoted so much time and energy to planning, and Rudy Arredondo who acted as Master of Ceremonies for the activities. He noted that the presence of the National Guard at the festival generated some controversy; said while they, like any other group, had every right to participate, he and others did not feel it appropriate for them to bring in and display a mortar and other military equipment. He commented that it was unfortunate that, when approached about their display, in particular the mortar, the Guard chose to pack up and depart the festival.

ADDITIONAL AGENDA ITEMS

The Mayor noted there was one item he had requested be discussed in Executive Session; Mr. Wilson asked that agenda item 3, an ordinance approving the City employees pay plan for FY 1986-87, be placed at the end of the agenda for consideration; the Mayor commented that to date, no such ordinance had been provided; in response to query, he stated that was the item he had wished to discuss in Executive Session.

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

Jim Neri, 8202 Roanoke Avenue: said he thought the City should either raise the 5% rent increase lid or do away with rent control altogether because of the increase in assessments; said that although the state has a set rate, assessments continue to go up, as well as WSSC rates. He commented he wished the City would spend some money on paint to mark streets 40' from the intersection and other traffic indicators -- did not think that had been done for the last 5 years at least. He noted that he logs tickets in the police department as a volunteer and did not think it fair for citizens to be ticketed when such markings are not clear.

Mrs. Ramsey, representing 7777 Maple Avenue: read verbatim Acting Housing Director Austin's June 3 memorandum to the City Administrator detailing the 6/3/86 evacuation of tenants from 7777 Maple Avenue due to flooding and

related problems. She turned over to staff a number of complaint forms filled out by tenants and related to the incident, to be forwarded to the Housing Services Department. Councilmember Williams inquired concerning the status of air conditioning in that building; response was that the air conditioning is on and functioning only during the hours that the office there is open, otherwise it is turned off. Mr. Austin stated the major unit in the basement was inspected and is working properly, however, individual units in apartments still need to be checked to ascertain they are functioning properly. He said there is a problem with the backup system -- normally when the heat is really intense, two systems are needed, and without that backup system there would be a problem cooling the building if the temperature is very high. He said Mr. Vito, the air conditioning contractor with whom management had an arrangement, had assured him that the problem with the backup system would be corrected, so that at peak times the building can be cooled to a comfortable temperature. Councilmember Williams noted a problem with the air conditioning at 7611 Maple Avenue which was reported to him the same date as the problem occurred at 7777; wondered whether that had been remedied. He said on that same date, at Park Ritchie at 12 P.M., the outside temperature was 80 degrees, the inside was 86 degrees; on a subsequent date, the inside temperature was 10 degrees higher than outside; at a still later date, there was a 20 degree difference between the two with the inside the higher. He said it appeared the building was actually being heated. Mr. Austin stated that to his knowledge, no complaints had been registered with Housing concerning that building -- if they were notified, they would respond and check out the system. He pointed out that the outside temperature had nothing to do with whether or not the air conditioning was functioning. In response to query from Councilmember Bradley, Mr. Austin stated that the BOCA Code does not address either heating or air conditioning in terms of the effectiveness required for it to be considered functional; he pointed out that the east coast courts had not recognized lack of air conditioning as a health hazard and commented concerning the need for additional legislation in that area. He explained briefly how he determines, when checking, whether a system is working properly.

Juanita Nunn, 7777 Maple Avenue: concerning the air conditioning, she stated a tenants' meeting was held the evening of June 6, at which time it was off and also off the entire weekend following. She related she had lived in the city since 1970; said the apartment buildings are deteriorating rapidly -- said for the past 4 years, it had been the same story over and over again -- when the tenants' association gets up in arms, the owners change management, they request time extensions from Housing Services and they are granted. She said she was thoroughly disgusted, thought it was time the City really does something constructive about the situation, such as strict enforcement and imposition of fines, particularly for repeat offenders such as 7777 Maple. She said the tenants' association there had contacted an attorney and, if at all possible, would try to bypass the City because it was felt they were not getting a fair shake from City government -- that if the housing laws were strictly enforced it would be a fine city in which to live.

Sam Abbott, 7308 Birch Avenue: stated he had been asked by telephone to come to 7777 Maple Avenue on June 6, which he did, and listened to numerous complaints concerning the June 3 evacuation of the premises; beyond that, he said, for half an hour there was turmoil of the most intense and chaotic nature related to tenants' efforts to get Council's attention to their problems. He said from listening to the current meeting, it appeared to him that what was needed was not legislation, but an infusion of common sense. He pointed out that checking meters and instrumentation of the air conditioning system in the major unit located in the basement of the building gave absolutely no indication of the effect of the system in the individual apartments -- said that should be thoroughly checked out prior to signing off that an air conditioning system is functioning properly. He noted that same approach should be used for determining proper functioning of central heating systems.

Brint Dillingham, Carroll Avenue: commented that since March he had been inquiring periodically whether a letter had been sent from the Mayor, as promised, to the management at 7611 Maple Avenue -- asked if that had been dispatched. The Mayor responded in the negative, explaining that he had an unresolved question about a possible conflict between City and state law, may refer same to Corporation Counsel. He said it appeared the management

company may be operating under state law, with the view that state law allows them to charge individuals late fees immediately following the date the rent was due. He said while he and Mr. Austin had discussed the situation awhile back, they had not within the past week due to other pressing matters. Mr. Dillingham pointed out that 2 months or more had elapsed since the promise was made to send the letter; he noted the Mayor's vocation was that of attorney-at-law, with some experience in the Housing law field noted in his campaign literature. He commented on the availability of City attorneys to ask for resolution of the question referred to; said all that was really required was the writing of a letter concerning City policy on vacancy decontrol, among other things. He remarked that Councilmember Iddings had originally proposed the sending of the letter, and said that he, at least and to his credit, had verbalized his position to the building management at a tenants' meeting. He drew a comparison between the rapid and effective action and attention afforded the recent situation concerning proposed purchase by Montgomery County of the Davis property on New York Avenue (in an affluent section of the City) for use by Montgomery College, and that afforded this situation, adversely affecting lower income tenants, which has been allowed to drag on for more than two months without resolution. The Mayor responded, pointing out that there are questions concerning the intent of the City's vacancy decontrol regulations and how they've been applied, and suggestions that they may require clarification. He acknowledged he may not have been as diligent as he should have been concerning the subject letter, however, pointed out that there are other needs and matters of significance to the tenants to which he had devoted a good deal of time and energy within the past two months. Mr. Dillingham commented that while he concurred there may be some confusion concerning vacancy decontrol, he said there appeared to be a Council consensus of opposition to vacancy decontrol and that could certainly have been expressed in writing to the management of that apartment building. He referred to a Letter to the Editor in the June Newsletter (signed by Councilmembers d'Eustachio, Haney and Iddings) responding to a previous letter from former Mayor Abbott and concerning the activities of City lobbyist, Bruce Bereano; he inquired whether Mr. Bereano submitted a detailed narrative report to the City in addition to his bill for services. Mr. d'Eustachio responded that the bills themselves, plus perhaps a few letters, were the bulk of written material available concerning Mr. Bereano's activities. Mayor Del Giudice added that Mr. Bereano had submitted the report required under the Maryland Reporting Requirement for Lobbyists, which is filed each year at the end of the legislative session and reflects the lobbying activities of each lobbyist. Brief dialogue ensued concerning Mr. Bereano's fees and his basis for them.

A. J. Mitchell, 7600 Maple Avenue: pointed out that his building was constructed in such a manner that there was no chance of being comfortable without air conditioning, no means of getting cross-ventilation, no exhaust fans -- and that system needs repairs -- has not worked properly since he has lived there. He said the way the process is working in the City, the landlord can get through an entire summer without having to provide air conditioning for the tenants. He said he thought the time had come for the City to adopt a right of first refusal ordinance and strongly urged that Council do so. He said, based on research of records at Rockville, that a lot of the landlords on Maple Avenue are making a killing in profits on those buildings. He presented the Mayor and Council with a copy of the framework for the District of Columbia's Right of First Refusal Law, hoped it could be used as a guide for implementing something similar in the City, and volunteered to assist in any way he could in so doing. Councilmember Williams concurred with statements made by Mr. Mitchell, said one of the favored tactics of building owners was to change management companies and then ask that the new company be given a chance to improve conditions. He said COLTA had gone out of their way to assist building owners and had disregarded tenants in the process; said the creation of a slum area was well underway due to existing conditions and longstanding flaws in the process -- and this is the case despite Takoma Park having some of the strongest housing laws in the State of Maryland according to one of the property management companies operating in the City. He said these adverse conditions continue on year after year despite laws because the buck continues to be passed among those in command with no concrete action being taken. He noted a personal loss of faith in, and substantial frustration over, the City's housing processes being a successful tool for addressing tenants' problems.

Marc Elrich, 8110 Roanoke Avenue: noted that the housing problems in the City are of long standing; he concurred that the City has some of the toughest housing laws on the books and said it was time that they were strictly enforced. Concerning the Park Ritchie, he referred to a meeting of a few weeks prior with the Mayor, Attorneys DeNovo and Stolker, Councilmember Williams, a few Park Ritchie tenants, at which current happenings and pursuit of the co-op option for that building were discussed. He said it was indicated at that meeting that Attorney Stolker had approached Montgomery County in search of a buyer for that building; said he understood from tenants that 4 potential buyers have looked at the building, and said that gives a sense of urgency to introducing right of first refusal legislation in the City if, indeed, the City is serious about giving the tenants the co-op option, so that if a buyer comes along with a bona fide offer the tenants will have that right. He said he also felt it important that the City instruct Mr. Stolker not to go to the county looking for buyers at this point in time, if the City is really sincere about researching the feasibility of the tenants forming a co-op. He noted that one of Mr. Stolker's comments was that the county would be more than happy to provide money for a developer to rehab the Park Ritchie, however, would frown on using money for tenant co-op conversion. He said he felt the City needs to make a strong statement to the county that they consider tenants to be legitimate developers of their buildings if they choose to go cooperative and that they should be treated the same as any other developers who propose to rehab and maintain low to moderate income housing. He said that would help increase the viability of the project the Park Ritchie tenants are proposing. The Mayor commented that he felt what Mr. Stolker intended to convey was that developers are approaching the county -- not that he, Mr. Stolker, was going out actively seeking developers -- and that the county had informed him of that situation. He said that in a recent conversation with Mr. Stolker, it was stated that Mr. Stolker would convey to county authorities that the City intended to proceed, along with Eureka, to explore the feasibility of the tenant conversion. He concurred, however, that as more and more developers approach the county, there would be a need for diligent vigilance on the matter as well as a guarantee of the right of first refusal for the tenants. Councilmember Iddings commented that, based on a recent conversation with Richard Ferrara, Montgomery County's Director of Housing and Community Development, the City has a real problem with the county in relation to limited equity cooperatives, and some real effort would be needed to address that situation. He said that wasn't the case a few years ago when limited equity co-ops, the taskforce, etc., were proposed in the City; however, he said Mr. Ferrara was very straightforward in stating he did not consider Rosemary Hills a model, that it has serious problems -- particularly tenants who are too active and very radical -- thus, his concern about limited equity co-ops. Mr. Iddings said the message he gave Mr. Ferrara was that the case at hand is in Takoma Park and what the City is interested in is empowering tenants by giving them ownership of their building, and that is what the City would wish to discuss with the county -- not the subject of bringing in new developers who will make promises that will not be fulfilled. He said the county was not responsive as they were a few years ago, perhaps there was a political problem involved which needs to be addressed. He, too, concurred that the ongoing housing problems in the City are attributable to lack of enforcement of the applicable stringent laws; however, noted the recent reorganization of the Housing Department which it was believed would beneficially alter that situation.

ITEMS FOR COUNCIL CONSIDERATION:

1. Second reading of ordinance reprogramming funds to hire consultant to study tenant conversion of Park Ritchie apartments.
Councilmember Sharp moved adoption, duly seconded by Councilmember Haney. Councilmember Williams inquired whether the ordinance specifically addressed Park Ritchie only or whether it might be applied, if appropriate, to other rental units in the City. The Mayor responded that while this ordinance applied specifically to Park Ritchie, it was hoped it would serve as a model, providing information for other tenant groups who might wish to take similar action; said it would serve as a training mechanism not only for tenants, but also for City staff and others involved in the project. Mr. Williams commented he would support adoption of the ordinance. Councilmember Bradley commented that, at first reading of the ordinance, it was specified that the RFP scope of services would include staff training; said she would hope to see that RFP and be assured that such provision was made and would be adhered to. Councilmember Haney expressed thanks to the Park

Ritchie Tenants' Association, particularly Greg Hamilton, A. J. Mitchell, Karen Mitchell, and others -- said they had demonstrated outstanding leadership and perseverance in addressing the situation in their building. The Mayor noted that Eureka Federal Savings & Loan had agreed to share the cost of hiring the consultant for the feasibility study; they would be putting up \$5,000. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: None; ABSTAINED: None.

ORDINANCE #1986-17
(attached)

Councilmember d'Eustachio commented briefly on the amendment, during first reading of the ordinance, removing Section 2., which would have provided for the City coming up with the entire \$10,000 required for the feasibility study; was pleased that Eureka had decided to come up with the \$5,000, matching the City's investment in the effort, and that the situation had been successfully negotiated. In response to query from Councilmember Bradley, City staff member John Rogers stated that a draft RFP was being worked on, was about 75% complete, however, Eureka's Attorney, Daniel Litt, had highly recommended proceeding, at least in part, with C.I.H. who has a track record in the field, as well as perhaps several co-op consultants. He noted the City, certainly, has control over the consultant(s) chosen to perform the study. Mr. Wilson noted that a potential highly recommended contractor had been identified and, while the Mayor and Council's approval would obviously be required to bypass the bid process, going through that process would add 4 to 6 weeks onto the time frame in a situation where time is of the essence. Councilmember Iddings inquired whether the tenants had examined C.I.H.'s credentials and felt that firm would be responsive to the idea of limited equity co-ops; Mr. Rogers responded that he understood that they do have tenant cooperative conversion experience; said he had requested that Mr. Litt forward a resume of the company and its principals, including an evaluation packet. Mr. Iddings asked that David Freed's opinion of C.I.H. be solicited, inasmuch as he has expert experience in the field.

Greg Hamilton, Park Ritchie: asked that the City, in addition to the \$5,000 being put up for consulting services, ensure that knowledgeable representation is provided to assist in guiding the tenants' association appropriately.

The Mayor asked that, when Mr. Rogers received the resume and information packet from Mr. Litt, copies be provided to the tenants' association as well as Mayor and Council. Mr. Wilson commented that by June 13, all information, including a timetable and the resumes for C.I.H., should be in hand, and City staff recommendations ready for presentation on June 23; at that point in time, a decision could be made to waive the RFP process, if so desired. Dialogue ensued concerning possible need for an ordinance to award a contract, and the time frame in which that document could be prepared and presented. Councilmember Iddings asked that Corporation Counsel examine materials concerning right of first refusal and give Council an opinion as to what authority the City would have under state law to enact such legislation.

Sam Abbott, 7308 Birch Avenue: commented that while he had asked earlier for material on the budget, it was not until the current meeting that said material was provided; he pointed out that no information concerning the pay plan was included. He asked that Council not take any action on the budget until at least June 23, to allow citizens time to review the information.

2. Discussion of Montgomery College's proposed purchase of O'Neill Property.

The Mayor commented that it was his understanding that while the county would be holding a hearing on this matter on June 10, no final action would be taken at that time, and the record would remain open until June 12. He noted that North Takoma Citizens' Association would be meeting on June 10 with college officials.

David Weisman, 7701 Takoma Avenue: stated that North Takoma Citizens' Association opposed purchase of the subject property by Montgomery College and cited reasons for the opposition; he commented the house on the proper-

ty is structurally sound and could be remodeled for use, however, were it demolished, the lot could never be built on again due to its size. He read a copy of a May 1986 memorandum from County Executive Gilchrist to County Councilmember Hanna, in which Mr. Gilchrist recommended against purchase of the O'Neill property by Montgomery College. In response to query from Councilmember Sharp, Mr. Weisman noted that the property is located outside the City boundary.

Dr. Joseph Lerner, 7708 Takoma Avenue: spoke at length in opposition to purchase of the property by Montgomery College, and asked that City Council request the County Council not to authorize funding for acquisition of the property and convey their express opposition to the proposal.

Councilmember Levy commented on having received several phone calls from area citizens who were not totally opposed to acquisition of the property by the college.

Morelyn Weisman, 7701 Takoma Avenue: said she had been an opponent of college expansion for many years, was one of the people involved in getting the college to sell the Carroll House back to a private owner for renovation. She noted the college had originally intended demolishing that house and using the property for greenspace; said what that institution hoped to do was chip away at the neighborhood bit by bit, buying properties as they became available, until they owned much of the neighborhood. She said that, while the O'Neill property was not in the City, it is just across the line in Silver Spring, and purchase of it by the college would begin the encroachment process into a residential neighborhood for the purpose of unnecessary land acquisition.

Councilmember Levy moved that the county be asked to postpone the proposed acquisition to allow for further study because of community opposition to encroaching development by Montgomery College, duly seconded by Councilmember Haney. Ms. Levy expressed a reluctance to out and out oppose the acquisition by the college; said she was not convinced that the Takoma Park Campus, at any rate, did not take the best interests of the community into consideration in their planning. Councilmember Iddings spoke against the motion on the basis that he felt the City should be strongly opposed to the proposed acquisition by the college. Dr. Lerner suggested that a given period of time be specified for the requested postponement, e.g., 60 days. Ms. Levy accepted that amendment to her motion, as did the seconder. Councilmember Bradley pointed out that inasmuch as the decision the county will be making would be a budget decision, e.g., whether or not to appropriate money for the purchase, a request might be made by the City that the actual purchase be postponed, but not the budget decision.

Sam Abbott, 7308 Birch Avenue: urged that Council request the 60-day postponement by the county; said the reason the college was trying to move across the line into Silver Spring to acquire property was because they would not meet the kind of opposition there that they had experienced in Takoma Park. He said he could not believe that Rod Davis would have offered his property for sale to Montgomery College.

The question was called on the motion to request a 60-day postponement by the county; the motion carried with Councilmember Iddings voting Nay, balance of Council voting Aye.

3. Ordinance adopting Fiscal Year 1986-87 City Budget, Special Revenue Budget, and Use of Federal Revenue Sharing Funds.

Councilmember Williams moved that the first three agenda items, including this one, pertaining to the City budget be deferred until the June 23 meeting to afford citizens an opportunity to examine the proposed budget, duly seconded by Councilmember Bradley. Councilmember Bradley inquired how Council could adopt a budget without a pay plan for employees being provided, in light of salaries being a substantial portion of the budget. Councilmember Sharp commented the pay plan would be a commitment as to how the monies would be expended, and that decision did not have to be made immediately. The Mayor commented that the actual amounts, including 3.5% COLA, 3% merit, and 2% to cover reclassification, had been included in the budget, however, questions concerning timing had not been resolved. Councilmember Bradley noted she had stated at a prior meeting that she felt there were cuts that could be effected to avoid the proposed \$.025 tax rate increase. Councilmember d'Eustachio pointed out that Council had been

working on the budget since early March, had had more than 14 public sessions on the matter, every budget document had been made available to the public at the meetings/hearings; he commented on the notable lack of public attendance at those budget meetings, with the exception of Robert and Abby Mandel who attended regularly (noted for the record that former Mayor Abbott was not present at many of those budget meetings). Councilmember Haney commented that the maker of the motion to defer was rarely present at the budget hearings; Mr. Williams pointed out that he had prefaced his motion with the fact that he had been approached by several citizens and asked to move for the deferment.

Sam Abbott pointed out that, under state law, the budget did not have to be adopted until the last day of June. He commented on the lack of Newsletter publicity afforded the current proposed budget and related meetings/hearings, asked that budget adoption be postponed for two weeks.

Brint Dillingham commented that it was not unusual, unfortunately, for budget hearings to be poorly attended by the citizenry; he said, however, that the current meeting was the first at which a complete budget document had been made available and did not think there could be any possible harm in postponing adoption for two weeks to allow citizens time to examine the document.

Councilmember Bradley reiterated that the proposed budget contains a \$.025 tax rate increase, felt that even though the cutting process is time-consuming, it should be continued so that increase would not be necessary. She commented that the piecemeal presentation of the budget this year had been quite confusing, versus dealing with a complete document from the beginning; she said that perhaps as an experiment that was alright, however, thought it demonstrated the need for the complete document throughout the budget process. Councilmember Sharp commented he knew substantial staff work went into the budget preparation and said while there had been some criticism of its form, perhaps Council should have provided more leadership/guidance as to what was wanted. He said while he was not enthused, he was willing to listen if there were proposals for additional budget cuts; said he was concerned about dipping too much into reserves in the proposed budget, felt it would be futile to try to cut capital improvements further, however, thought programs could be assessed more seriously. He noted that the reason the tax rate increase is as modest as it is is because the revenue from the Washington Adventist Hospital Bond Issue will be expended. He pointed out those monies would not be there for use next year and without some program cuts, there would have to be an additional tax increase.

Tom Gagliardo commented that the elected and appointed City officials need to present the citizens with a complete budget package and to explain in broad policy terms programatically what is being funded, pointing out any changes from prior years. He noted the lack of any executive summary accompanying the proposed budget.

Councilmember Levy stated she would vote in favor of postponement, however, would want some outreach to citizens informing them both of the delay in adopting the budget and the fact that the budget packet is available for their examination; hoped that in subsequent years, more citizen participation in the budget process could be solicited and encouraged. Councilmember d'Eustachio pointed out that there was a 4-page budget summary available to citizens, though not entitled "executive budget summary."

Adele Bunoski commented she had attended and participated in a number of the budget hearings, felt adequate opportunity had been afforded for public participation; hoped if the budget adoption was postponed, it would not be for the purpose of making capricious or arbitrary cuts in programs to reach some magic figure.

In response to query, Mr. Wilson explained that administratively, the postponement could generate difficulties in that the City has an obligation to both counties to provide them with basic information so they can create the City's tax bills; additionally, a delay will be created in tax rebates for those citizens who qualify for them. He said these complications are not earth-shattering and can be overcome in one way or another, however, do exist.

The vote on the motion to postpone was recorded by roll call as follows:
AYE: Councilmembers Bradley, Levy, Sharp and Williams; NAY: Councilmembers
d'Eustachio, Haney and Iddings; ABSTAINED: None.

4. First reading of Budget Amendment #4, FY 1985-86 City Budget.

Councilmember d'Eustachio moved acceptance for first reading, duly seconded
by Councilmember Haney, carried unanimously.

ORDINANCE #1986-
(attached)

5. Ordinance awarding bid and appropriating funds for Public Works
Roadway Crack and Joint Sealing Machine.

Following brief personal opinion remarks concerning the budget process from
Messrs. Dillingham and Iddings, Councilmember Iddings moved adoption of the
ordinance, duly seconded by Councilmember Sharp. The roll call vote was
recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Id-
dings, Levy, Sharp and Williams; NAY: None; ABSTAINED: None.

ORDINANCE #1986-18
(attached)

Councilmember Iddings moved to adjourn the meeting, duly seconded. Council-
member Haney pointed out that he had his hand up, wishing to make a motion
to recess for the purpose of discussing the budget, which Councilmember
Bradley stated she would second. The motion to adjourn was defeated 4-3,
with Councilmembers d'Eustachio, Iddings and Williams voting Aye, balance
of Council voting Nay. Councilmember Haney made his motion for a recess to
discuss the budget, duly seconded. That motion carried, with Councilmember
Bradley voting Nay, Councilmember Williams Abstaining, Councilmember Iddings
temporarily absent, balance of Council voting Aye. The Mayor and Council
recessed at 10:50 P.M., to reconvene at 11:20 P.M.

Upon reconvening of the meeting, Councilmember Levy moved to reconsider
postponement of the budget adoption ordinance, duly seconded by Councilmem-
ber Sharp. The Mayor noted that during the budget process, he and Council-
members received 3 complete budget packages, all of which were available
for the public; the one presented at the current meeting was the 4th
complete package, prepared following two budget reconciliation meetings.
Councilmember Levy commented she felt bringing the budget issue back to the
table would allow discussion of additional materials received; she noted
she was a proponent of partial lease-purchasing, which she would like to
discuss further. The motion to reconsider postponement of budget adoption
carried with Councilmembers Bradley and Williams voting Nay, balance of
Council voting Aye. This put the question of whether or not to postpone
same back on the table; the motion to postpone again carried, with the roll
call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio,
Iddings and Williams; NAY: Councilmembers Haney and Sharp; ABSTAINED:
Councilmember Levy.

Upon motion, duly seconded, the meeting adjourned at 11:35 P.M., to
reconvene in regular session at 8:00 P.M. on June 23, 1986.

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

WHEREAS, on July 1, 1983, Dr. Thomas E. Quelet became principal of Takoma Park Intermediate School, formerly Takoma Park Junior High School; AND

WHEREAS, Dr. Quelet has worked diligently toward improving the communication flow for students, faculty, parents, administrators and the community at-large; AND

WHEREAS, during his tenure at the school, student test scores for all subjects have improved tremendously because of his high expectations for students and staff which have inspired them to live up to their potential; AND

WHEREAS, he has fostered and participated in a wide variety of extracurricular activities; AND

WHEREAS, during his three years as principal, Dr. Quelet has operated with an "open-door" policy, being accessible to the entire school community, including staff, students, and parents; AND

WHEREAS, he has promoted the concept of a "team effort", that includes everyone connected with the school community; AND

WHEREAS, Dr. Quelet is highly respected in the school community and greatly appreciated by the staff and students of the Takoma Park Intermediate School.

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

JUNE 13, 1986 - DR. THOMAS E. QUELET DAY

in the City of Takoma Park; AND

BE IT FURTHER PROCLAIMED THAT the Mayor and Council, students, staff and community wish him well in his future position as principal of Richard Montgomery High School; AND

BE IT FURTHER RESOLVED THAT the citizens of the City of Takoma Park want to express their gratitude and appreciation to Dr. Quelet for his outstanding service to the community.

JUNE 9, 1986

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Introduced by: Councilmember Sharp
Drafted by: Daniel Neal

1st Reading: 5-27-86
2nd Reading: 6-9-86

ORDINANCE NO. 1986-17

- 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.

ADOPTED June 9, 1986.

ORDINANCE NO. 1986-

Budget Amendment No. 4

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. Appropriate \$9,995 to Revenue Account Number 474 to budget for State Department of Transportation Grant.
- b. Decrease revenue appropriation for Urban Development and Assistance, Account Number 430, by \$55,100.

Expenditure Amendments

- a. Transfer the following amounts from Account number 510, Salaries - City Admin. and Staff, to the designated accounts:
 - 1. \$5,000 to Account number 510.1, Temporary Assistance
 - 2. \$2,000 to Account number 530, Newsletter
- b. Transfer \$2,600 from Account 572, Codification of City Laws, \$3,000 from Account 570.2, Zoning and Land Use, and \$900 from Account number 570.4, COLTA Enforcement, to Account number 570.8, Miscellaneous Litigation.
- c. Decrease appropriation of Account number 597.6, Takoma/Langley Streetscape by \$31,000.
- d. Decrease appropriation of Account number 599.6, Capital Outlay/Forest Park by \$24,100.
- e. Transfer \$2,500 from Account number 963, Interest - Certificate of Indebtedness, and \$1,500 from Account number 967, State Retirement - Unfunded Liability to Account number 972, Building and Contents - Fire Insurance.
- f. Transfer \$30,000 from Account number 991, General Contingency Fund, \$4,600 from Account number 1,000, Unappropriated Funds and \$2,000 from Account number 994, Hospitalization to Account number 976, City Property Liability.
- g. Increase appropriation of Account number 995, Capital Expenditures by \$9,995 for Police Computer.
- h. Redesignate \$9,400 FY 86 in Federal Revenue Sharing Funds formerly designated for purchase of an Police unmarked vehicle and \$1,600 formerly earmarked for speedhumps, towards the purchase of a Crack Filling machine.

Introduced by: Councilmember Iddings

Adopted: 6-9-86

ORDINANCE NO. 1986- 18

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

SECTION 1. THAT the Fiscal Year 1986 City Budget set aside \$15,600 for the purchase of a Crack Filling Machine for the Public Works Department; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised for two consecutive weeks in two weekly newspapers of local circulation; AND

SECTION 3. THAT bids were publicly opened at 3:00 P.M., May 28, 1986 with the low bid having been received from S. M. Christhilf & Son, Inc. for the crack filling machine at \$19,596; AND

SECTION 4. THAT S. M. Christhilf & Son, Inc. has submitted the required notarized statement certifying that 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 S. M. Christhilf & Son, Inc. for the crack filling machine, for the sum of NINETEEN THOUSAND, FIVE HUNDRED NINETY-SIX DOLLARS (\$19,596) is hereby accepted; AND

SECTION 6. THAT \$15,600 be appropriated from the Capital Expenditures Account #995 and \$3,996 be transferred from Public Works Account #885 to Capital Expenditures Account #995.

ADOPTED June 9, 1986.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

June 23, 1986

8:00 PM

AGENDA

CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams

PLEDGE

ADOPTION OF COUNCIL MEETING MINUTES OF MAY 27, 1986

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

CITIZENS' COMMENTS (those not directed at items on the Council agenda)

PUBLIC BRIEFING on proposed City Peace Park, by M.C. Carolyn, Artist

ADMINISTRATIVE REPORTS

- (1) PUBLIC HEARING and Second Reading of Ordinance - FY 1985-86 Budget Amendment #4
Citizens comments
Council action
- (2) Ordinance adopting Fiscal Year 1986-87 City Budget, Special Revenue Budget, and Use of Federal Revenue Sharing Funds
Citizens comments
Council action
- (3) Ordinance (Code amendment) setting City Tax Rate for FY 1986-87
Citizens comments
Council action
- (4) Ordinance approving City Employees Pay Plan for FY 1986-87
Citizens comments
Council action
- (4) Second reading of an ordinance setting date for Show Cause Hearing for 6801 Westmoreland Avenue
Citizens comments
Council action
- (5) Appointment of interim Cable Television Coordinator
Citizens comments
Council action
- (6) Consideration of contract with City Newsletter Editor, Reid Baron
Citizens comments
Council action
- (7) Discussion of Site Plan #85112, Cohen Property, New Hampshire Ave.
Citizens comments
Council action

ADJOURN

REMINDERS: Monday, June 30, 1986, 7:30 PM - Council Worksession

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
June 23, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Acting Housing Director Austin
Councilmember Haney	Police Captain Wortman
Councilmember Iddings	Recreation Director Ziegler
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened at 8:12 P.M. on June 23, 1986 in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Council Meeting Minutes of May 27, 1986 were presented for approval. Councilmember Haney noted for the record that the spelling (on page 11) of Bruce "Weddle" was incorrect and should be Weidle; he moved approval with the noted correction, duly seconded by Councilmember Sharp, carried unanimously. (Transcriber's note: the C & P Telephone Directory and 1986 Haines Directory indicate the spelling of the individual's surname as "Weddle.")

The Mayor referred to his and Council's recent attendance, in Ocean City, at the Maryland Municipal League Annual Convention, and noted that Councilmember Bradley had been elected an at-large member of the league's Board of Directors; he extended congratulations on behalf of all.

ADDITIONAL AGENDA ITEMS:

Resolution pertaining to termination of former Housing Services Director Tyree (Wilson);
Proposed variance at 113 Sheridan Avenue (Iddings);
Mr. Wilson requested that item (5), appointment of an interim Cable Coordinator, be deferred until June 30.

CITIZENS' COMMENTS (not directed at items on the Council agenda)

Greg Hamilton, Park Ritchie, 7600 Maple Avenue: expressed serious concern about drugs being sold to young people on the streets of the City and asked the Mayor and Council's assistance in eliminating the problem. Councilmember Williams corroborated Mr. Hamilton's remarks and referred to several recent drug-related arrests made by the police department. Police Captain Wortman, in response to query, acknowledged that his department had some information on the situations referred to. Councilmember Williams commented on the problem being widespread, throughout the country, however, said that with the police department's track record in that area, he felt sure substantial attention would be devoted to the concerns expressed.

Brint Dillingham: inquired whether the letter to the management of 7611 Maple Avenue, about which he routinely inquires at each meeting, had yet been written and sent. The Mayor responded in the negative, briefly explained why, and noted he had received some additional information while he was out of town in Ocean City that would be included in the letter. The ensuing dialogue was much the same in content as that noted in Council Meeting Minutes over the last couple of months, however, the Mayor did note that some legal clarification had been received concerning the question of the ability of a landlord to charge a tenant a late rent fee prior to expiration of a waiting period. Councilmember Iddings suggested perhaps Mr. Dillingham would wish to assist by drafting the letter for the Mayor to edit and dispatch. In response to repeated remarks by Mr. Dillingham that some elements of the citizenry were receiving expedited attention to their problems based on economic factors, Mr. Iddings stated that examination of the record would clearly reflect that there had been no lack of concern for the tenants on Maple Avenue and their problems; he noted tenant-related situations that had been expeditiously addressed and resolved within the past few months, most requiring the expenditure of considerable amounts of both staff and elected officials' time. Mr. Dillingham conceded that credit was certainly due the City for efforts made on behalf of tenants, however, said a commitment was made that the letter in question would be sent and that had not, to date, been done; he assured he would continue to raise the question until the letter was dispatched as promised.

A. J. Mitchell, 7600 Maple Avenue: noted that the swimming pool at Park Ritchie was not open; said while he had thought people would be able to use the Piney Branch pool during the summer, he had found that would be closed all summer, with the exception of the "early bird swim" session from 6-8 A.M., due to a shortage of trained lifeguards. He said the City Recreation Department was going to try to locate some qualified lifeguards in hopes the situation could be altered. Councilmember Levy commented she felt the City should take a stand on this issue because other county pools, such as White Oak, were not closed; she asked that the question be raised with the county of how lifeguards' time is allocated, why it could not be divided among the pools in order to keep all of them open at least part of the time. Mr. Mitchell pointed out that a significant part of the problem was the \$4./hr. wage that the county pays lifeguards, despite all the hours of training required to qualify for the position; he commented that it was disappointing to find out, with no notification to either the City or the public, that the pool would not be open for use. Recreation Director Ziegler concurred with Mr. Mitchell's comment concerning the \$4./hr. wage and said that was the crux of the problem -- people with the appropriate training and certification could earn substantially more at private pools. Councilmember Bradley suggested that a forcible complaint in the form of a letter from the Mayor and/or City Administrator be registered with the appropriate county officials concerning the closing of the Piney Branch pool and any possible or anticipated closing of the Longbranch pool.

Wayne Upton, 7600 Maple Avenue: reminded that earlier in the year, he had asked that the possibility of the library selling Ride-On flash passes be looked into -- said they are not, to date, available there. He said he thought the speed hump process should be reexamined, particularly in relation to Ride-On bus routes because of the discomfort caused when the buses traverse them; suggested that two speed humps between Tulip and Carroll on Maple be removed in light of that block being 50% commercial, and noted that there are a total of 6 speed humps the Ride-On has to cross on Maple. Mr. Wilson affirmed that the library had been approached about making Ride-On passes available for purchase and they, or possibly some other City department, would likely be doing so soon.

Tina Jackson, 7513 Maple Avenue, Vice-Pres. of Tenants' Assn.: related numerous problems/code violations in the apartment building including non-functional smoke detectors, elevator intermittently (but frequently) out of service since January, unsanitary conditions in the stairwells and stairways that are hazardous to health and safety, mailboxes broken. She said since new management took over, the building had deteriorated rapidly; said there is no building security, a small child was molested in the basement in December but the incident was covered up rather than publicized so that others could take precautionary measures. She asked Council's assistance in resolving some of the cited problems. Councilmember Levy commented that she, Acting Housing Director Austin, and members of the tenants' organization from the building would be meeting within the coming week to begin a process of addressing the existing violations. Concerning the broken mailboxes in the building, Councilmember Williams remarked it was the responsibility of the postal service to see that they were fixed and asked that the appropriate City department contact them and ask that be done. He commented on the role slum landlords play in the deteriorating housing in the City and said this building is another example of the recurring problem under which the tenants suffer and pay. In response to query, Ms. Jackson stated that a formal complaint had been filed with Housing Services. Councilmember Iddings commented that the tenants having formed an association was a good move, that the sort of problems cited are dealt with far more effectively when tenants are united.

Ellery Denison, 7207 13th Place: concurred with remarks by Councilmember Iddings that the existence of tenants' associations has considerable impact on how well buildings are maintained. He inquired whether the Peace Park handouts captioned "Takoma Park Newsletter" were official City materials. The Mayor responded that they were reprints of Newsletter articles and had been copied by the artist, M. C. Carolyn, involved in the project. Mr. Denison commented that if they were reprints, for the sake of clarity, they should be so marked, particularly if they were for use in a fundraising effort. Councilmember Bradley noted that the prior Council had passed a Resolution of support, endorsing the Peace Park Project, and had hoped it could move forward through fundraising efforts. Mr. Denison commented favorably on the New Hampshire Avenue mural.

Sam Abbott, 7308 Birch Avenue: inquired whether elevator inspections were still a state function, which Tony Austin affirmed was the case. Mr. Abbott inquired concerning Housing's procedure in relation to out of service elevators and reporting same to the state, and whether the state had been contacted concerning the non-functional elevator at the Edinburgh House. Acting Housing Director Austin related that he had received a complaint concerning the elevator at 7513 Maple Avenue approximately two weeks prior, an inspection was conducted which revealed the elevators to be inoperable, the building owner was given 24 hours in which to get a contractor on the premises to effect repairs. He said the owner was diligent in getting a contractor busy on the job, and progress was monitored up until the prior week. He said Housing had requested detailed inspection reports from the state on any elevators located in buildings within the City, however, did not have one for 7513 Maple despite the fact it was inspected within the past six months (he had requested a copy of same). He said Housing had experienced problems with the state to the extent that they sometimes had to actually go to Baltimore to get needed information. He said the elevator situation at 7513 Maple required aggressive enforcement, however, the only action Housing was empowered to take was to issue an order that it be repaired; the extent of their inspections is to ascertain only whether or not it is functioning. It was suggested that, in view of the problems being experienced at 7513 Maple, the state be asked to respond and inspect the elevator there. Councilmember Bradley commented that perhaps the state should be asked to routinely inspect certain known problem elevators as a batch when one of their inspectors is in the Takoma Park area. Councilmember Levy commented that, under some conditions, non-functional elevators present a health hazard to tenants, e.g., the elderly, heart patients, pregnant women, etc.

Greg Hamilton, Park Ritchie: commented the elevators in his building had been out of order off and on for the past year; said Housing had to send someone to Baltimore to get a copy of the elevator inspection report for the Park Ritchie. He said the City is getting the runaround from the state in relation to elevators, however, the state claims they do not have enough manpower to inspect more frequently. Councilmember Williams commented that there should be some requirement placed on the building owners that once an elevator is repaired, it function properly for some given period of time (perhaps 30 days), otherwise, it would be considered as not having been repaired and the appropriate fine would be imposed. Mr. Austin commented he would be looking closely not only at the elevator problems in the City, but also boilers, which are also inspected by the state, and would be coming to the City Administrator and/or the Mayor and Council for assistance in trying to get improved services from the state, or approval for the City to play a more effective role in ensuring that these items are properly maintained.

Claudette Thomas, Pres. of Edinburgh Tenants' Assn.: confirmed that the elevator problem had been going on since January, but in the past 2 months had worsened critically; said despite repairs being made to the elevator, it would consistently be back out of service, often within a matter of hours. She said she had a copy of an inspection report done in November 1985 -- the owner was given until January 1986 to correct code violations, however, did not have any evidence of a reinspection having been done. She said she was told by the Housing Inspector that as long as the owner was doing some work on the elevators, a fine could not be imposed. She said she had heard a rumour that the owner of Edinburgh House had \$400,000 to rehab the building, the parking lot had had work done on it, however, she said there were far more important issues that should be addressed first, such as the elevators, lack of security. Councilmember Iddings commented that if, as pointed out earlier, smoke detectors were non-functional, Housing should respond first thing tomorrow and cite the landlord for that serious violation. Councilmember Bradley noted the County Fire Marshal should be notified concerning the non-functional smoke detectors as well.

Adele Bunoski, 311 Elm Avenue, Chair of City Cable Board: referred to the proposed deferral of appointment of an interim cable coordinator; said the Mayor and Council had known for at least a month that the present cable coordinator would be leaving at the end of the fiscal year and, despite an apparent general concurrence on the need for a transition period involving both the present and incoming coordinators, if the appointment was deferred, that would preclude having any sort of transition period between the two. She said it was her understanding the interview process had been

completed, and inquired why the matter was being deferred. Mr. Wilson commented that an alternative option had surfaced, but had not yet been put forth for the Mayor and Council to consider, e.g., hiring two part-time interim cable coordinators which might provide greater coverage for activities than one person could provide. Ms. Bunoski commented that the Cable Board had examined that possibility, and had done so with the Council; she said the sense of the Board was that that option would not be as viable as one full-time individual filling the position, with support being provided by volunteers. On behalf of the Board, she urged that the interim position be filled by one paid full-time individual, with, perhaps, a reassessment after the interim period, if so desired. The Mayor pointed out that while deferral was the recommendation, that had not been formally done, thus the item would be coming up at a later point in the agenda for consideration.

PUBLIC BRIEFING ON PROPOSED CITY PEACE PARK

M. C. Carolyn, the artist who conceived and proposed the Peace Park, commented she had been worked closely with both the current and prior Mayor and Council, and read her proposal which she said the elected officials had already heard, submitting her landscape plans for the garden in the process. She noted all funding would be from contributions; a campaign of public appeals would be augmented with a variety of business and matching funding approaches. She explained her plans in depth, describing the pieces of sculpture and representations. She related that during the last legislative session, Senator Bainum introduced a bill for matching funding for the project, which was tabled, thus the money will not be received; however, she said it was hoped a bill would be presented to the legislature again in the next session and, hopefully, funding secured. She noted the Peace Park bank account would be handled through the Takoma Artists' Guild; said to date, she had personally covered all expenses herself. Councilmember d'Eustachio remarked that it should be clarified that fundraising efforts would be through Takoma Artists' Guild, that it was not a City function; he volunteered he would ensure that a bill for funding did again go before the state legislature and would do whatever he could to assist in getting it passed.

ITEMS FOR COUNCIL CONSIDERATION:

1. Public Hearing and Second Reading of Ordinance - FY 1985-86

Budget Amendment #4.

Asst. City Administrator Habada noted an editorial amendment to item j., to indicate to which account the funds would be transferred. Councilmember Bradley moved adoption, duly seconded, carried. The roll call vote was recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Idings and Sharp; NAY: None; ABSTAINED: None; TEMPORARILY ABSENT: Councilmembers Levy and Williams.

ORDINANCE #1986-19
(attached)

2. Ordinance adopting Fiscal Year 1986-87 City Budget, Special Revenue Budget, and Use of Federal Revenue Sharing Funds.

Brint Dillingham, 7018 Carroll Avenue: pointed out that the appropriations listed in SECTION 1. of the ordinance appeared to be short approximately \$30,000 of adding up to the reflected total of \$5,600,247. Ms. Habada stated she would check budget figures and ascertain the reason for the inconsistency.

Judy Cornelius, 7126 Carroll Avenue: said she understood citizens had been "chided" by the elected officials at the last meeting for not exhibiting more interest/participation in budget meetings; spoke at length in a vitriolic fashion concerning the budget process and the numerous meetings/hearings required, lack of a complete budget package for public examination throughout the process, and said then citizens had to beg for a two week extension to examine the budget once it was made available. Councilmember Levy commented she hoped Ms. Cornelius' remarks could be construed as constructive criticism and hoped perhaps the budget process could be approached in a different fashion next year. Councilmembers Sharp and Haney made brief comments rebutting Ms. Cornelius' remarks.

Concerning the question of budget figures raised earlier by Mr. Dillingham, Ms. Habada explained that an item amounting to \$30,297 -- General Fund Transfer to Special Revenue Fund -- had erroneously been omitted in typing.

Wayne Upton, 7600 Maple Avenue: suggested that next year, summary budget information be published in the Newsletter and citizen participation in the process be solicited and encouraged.

Ed Hutmire, 21 Columbia Avenue, representing the Recreation Council: raised questions concerning funds appropriated in FY 1985-86 to renovate the municipal gym at the fire house, and about the proposed purchase of a van for use by the Recreation Department. The Mayor stated that a final response had not yet been received as to whether or not the City would be receiving grant money to purchase the van, however, if that were not the case, then that purchase would be a high priority capital purchase in the upcoming fiscal year. It was noted that funds for renovation of the municipal gym were not included in the FY 1986-87 budget, which was, of necessity, a bare bones budget where some cuts had to be made and it was felt the van was of a substantially higher priority than the gym renovation. It was noted that there were questions concerning the original understanding with the fire department about eventual return of the gym for municipal recreational purposes that would have to be raised with that department and resolved. Councilmember Levy commented she would like next year during the budget process to hear from citizens supporting the return of the gym to municipal recreational use and its renovation for that purpose. Councilmember Haney suggested a citizen poll might be taken through the Newsletter of whether or not citizens support reopening of the gym for public use. Mr. Hutmire expressed hope that the Mayor and Council would assist the Recreation Council in reminding the fire department that the loan of the gym had been considered temporary, and that the City would want it returned for municipal recreational use. Councilmember Bradley pointed out the need to address not only the initial cost to renovate the gym, but ongoing maintenance and other related costs, and said the pros and cons of that program would have to be assessed in relation to the budget.

Susan Bray, 61 Walnut Avenue: said she concurred with some comments made earlier about the budget process; she suggested that the prior year's budget might be made available to citizens as a reference during the budget process and to formulate questions and suggestions for improvements. She said while she could not always attend the meetings, she would like feedback on a notification basis, of what is occurring during the budget process. She commented on the devastating increase in insurance rates for municipalities over the last year or so, which has adversely impacted Takoma Park's and other cities' budgets.

Tom Gagliardo, 704 Maplewood Avenue: complimented staff on preparation of the budget materials provided at the current meeting and pointed out there were considerably more citizens present than at the meeting two weeks prior. He raised questions concerning what negotiations had occurred between the City and the two counties in relation to in lieu of services payments, why the two counties had come up with such disparate rebate formulas, and how the apparently sizeable inequity would be adjusted. Following a brief explanatory response from Councilmember d'Eustachio, Mr. Gagliardo stated that the point he was trying to make was that it appeared both counties were underpaying the City -- Prince George's more than Montgomery -- and that if there were to be any significant tax relief for City taxpayers, it would have to come when the counties begin to rebate what they truly owe the City. He suggested that a significant amount of time and attention should be devoted to resolution of that situation, negotiations concerning that matter should be given a very high priority and the City should approach the counties with some demands for justice. Mr. Wilson commented that it appeared that the next big fight on the agenda for the City would be with the counties for equity in their rebate formulas. He said that, in terms of expenditures, both counties' formulas shortchange the City. Mr. Gagliardo noted having received conflicting information from Montgomery County concerning fire tax rebates to business property owners in the City; said that, as well as a couple of other points raised a couple of weeks ago, was of significant concern to Old Town business owners. Mr. Wilson responded that, to his understanding, the tax was applied to private and business property uniformly; however, said he would ascertain from the county exactly what the situation would be. Mr. Gagliardo remarked that the proposed budget in actuality contains an 8.3% increase in expenditures which he felt should have been clearly and openly stated to the citizenry, preferably in the City Newsletter. Ms. Habada responded to questions raised concerning amendments to the payscale, stating that the executive position of City Administrator was listed separately in order to make that

position distinctive in the plan; two other positions were listed separately in order to streamline and clean up the payscale covering grades 6 through 25, under which the vast majority of City positions fall. Mr. Gagliardo inquired concerning funding for the Old Town Festival, gazebo concerts, and foot patrol officer in Old Town; he noted that the business association states that the foot patrol officer had not been seen in the Old Town area for some time. Mr. Wilson and Councilmember Iddings both stated that there is a foot patrol officer, however, that individual's time is divided among various locations in the City and not restricted only to Old Town. Councilmember d'Eustachio commented that particular officer also performs other duties, as required and as assigned, including recently devoting attention to enforcement of the abandoned vehicle ordinance. It was pointed out that the festival and concerts referred to were funded with CDBG monies set aside for promotional purposes. Daniel Neal explained that \$9,000 was allocated for the festival next year -- monies generated primarily from booth space rental fees, T-shirt sales, etc.; he said the gazebo concerts had been funded by CDBG Year 9 promotion funds which had been virtually depleted, however, it was hoped some other way of funding the concerts, perhaps private sponsorship, would be found.

Greg Hamilton, 7600 Maple Avenue: posed questions about legal expenses as reflected in the budget, in particular, line item 570.8 Miscellaneous Litigation, and why budgeted amounts were not more in line with actual expenditures. The Mayor commented that funds for legal expenses had not really been allocated because the provision of legal services was still under committee consideration. It was noted that both the Park Ritchie case and the suit against Montgomery County incurred substantial litigation expenses during the past year. In response to query from Mr. Hamilton, Mr. Wilson stated that there would be a Housing Services employee on-call (carrying the beeper) all year in the coming fiscal year, thus the increased budget allocation for emergency on-call. Brief dialogue ensued concerning the new Administrative Aide position in Housing Services, with Mr. Wilson responding to questions concerning the work hours and duties of that individual. He also responded to questions about the Housing Rehab Coordinator position, which it was noted would become a full-time position as of July 1, with duties to include multi and single-family housing, energy programs, and other related rehab programs. Councilmember Bradley commented she had envisioned that position as being devoted primarily to rehabilitation of multi-family housing; the Mayor remarked it was hoped that subject, in which the City is now becoming active, would be an area of primary concern for the person filling the position. Ms. Bradley commented that if that were indeed the case, it should be specifically stated as a requisite of the position. Councilmember Sharp commented that, to his remembrance, there was a consensus among the Council when that position was discussed, that 1/2 of the individual's time would be devoted to multi-family housing rehab, the other 1/2 time spent on other projects under the direction of Daniel Neal.

Pat Saumweber, 519 Philadelphia Avenue, Chair of North Takoma Cit. Assn.: expressed thanks to the elected officials and staff for all the work and effort expended on budget preparation; said while she could not attend all the pertinent meetings due to other commitments and despite good intentions, she was not angry with the way the budget process was conducted; said while perhaps improvements could be made, she felt a good job was done.

Attorney Thomas De Caro, representing a group of City employees: posed questions about the two payscales furnished, e.g., one with a 3.5% COLA but reflecting no longevity steps, and one reflecting two longevity steps but no COLA -- in effect, he asked whether salary decreases were going to be proposed for people already in longevity steps, whether those steps would be "grandfathered," or how that issue would be addressed. Mr. Wilson responded that there would be no recommendations made to reduce anyone's salary, regardless of where they are in the payscale. He pointed out that, obviously, something was going to have to be done to ensure that ordinances and practices are in conformance with each other, and said it was hoped a recommendation for achieving that could be made within the next day or two. He commented that the process for dealing with longevity was considerably confused and compounded when longevity was inserted in the payscale plan.

Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Iddings. Councilmember Bradley referred to the original

draft of the ordinance which reflected budget increase percentages by department and enumerated those increases; she said she had not envisioned ending up with an 8.3% overall increase, and would still like to effect further budget cuts. In response to questions raised by her concerning the fire tax and the City's tax rate, Mr. Wilson stated that some action would have to be taken at the current meeting in order to forward information required under the Tri-Party Agreement for fire service to the County Council on the next day's date; he said his recommendation would be to go with the 27.2% fire tax rate that had been projected all along, and if the County Council decided to lower the rate, it would be to the City's benefit. Councilmember Bradley remarked that it appeared the fire tax figure stated would generate a \$.025/\$100 assessed valuation increase in the City tax rate; she pointed out that revenues from taxes had already increased due to increased assessments and said she would move, realizing there may be no seconder of the motion, that the City tax rate not be increased; no second offered. She moved eliminating four capital purchase items (sand spreader, computer, library book drop, computer software) totalling \$14,797; Councilmember Iddings duly seconded the motion, but commented that Ms. Bradley's last-minute political grandstanding was unfair, put the entire rest of the Council in the light that they did not favor effecting cuts in the budget, which he said was untrue, that most Councilmembers had proposed various cuts during budget discussions.

Tom Gagliardo remarked he felt Ms. Bradley had adequately explained her perception that there would be no increase in the tax rate and subsequent realization that the proposed budget which had been moved for adoption does, in fact, increase the tax rate \$.025/\$100 assessed valuation. He said, in fact, that the published official statement in the Newsletter was that there would be no tax rate increase. Mr. Gagliardo commented that the trend appeared to be that whatever the total adopted budget figure was for the last year was considered to be sacrosanct, and in budget deliberations what the negotiations boiled down to was what the percentage increase would be; he noted the difficulty presented to the older population and those on fixed incomes (of whom there are many in Takoma Park) by tax increases. Councilmember Iddings commented that Ms. Bradley's contentions concerning lack of adequate information and figures throughout the budget process could not be substantiated; he referred to figures furnished to all Councilmembers and dated April 4 which he said were discussed. Ensuing brief dialogue between Mr. Iddings and Ms. Bradley appeared to reflect conflicting perceptions of what had occurred during those Council discussions.

Pat Saumweber: said she did not feel it to be intrinsically bad that the budget reflects an increase, that you get what you pay for -- the quality of residents' lives in the City is affected by the services provided for in the budget. Councilmember Bradley commented that this was the 5th budget process in which she had participated, expressed frustration that each year the total budget had increased, and elaborated on some causative factors for past increases. She referred to past proposed budget work documents which reflected the choices of a "hold even" budget, a percentage decrease budget, and a percentage increase budget, broken down by department and line item, and reflecting the monetary impact of those choices. She said that approach facilitated the budget process and choices to be made. Councilmember Sharp commented that he, too, favored additional cuts to the proposed budget, however, not the specific ones proposed by Ms. Bradley. He noted that during budget discussions, other cuts had been proposed by himself as well as other Councilmembers, and it was not fair for anyone to project the image that there was only one Councilmember interested in effecting further cuts. He did, however, point out that a very substantial amount of time had been expended on the budget, it was late in the process to try to reach agreement on further cuts, and he felt the current document reflected the compromises upon which Council had been able to reach consensus. Councilmember Levy stated her awareness of people on fixed incomes, said she did not fully support the recommended tax increase, and had favored lease/purchase as an option for partially funding the proposed budget versus effecting additional cuts to what she stated was a "bare bones" budget; said she would not support any further cuts.

Judy Cornelius: said she did not feel the citizens are getting what they are paying for; said there were tradeoffs that could be made and urged that further cuts be discussed publicly and effected to avoid a budget increase -- if that meant postponing budget adoption for two more weeks, then that should be done. She said she had looked at the proposed budget and was not

confident that it was cut to the bone.

Jim Neri, 8202 Roanoke Avenue: said the City tax rate should not be increased, that the increased state assessments were burden enough for the taxpayers to have to bear; he elaborated on the effect of the increased state assessments on properties and the additional revenue that would be generated thereby. He noted he was a landlord of a small apartment building and, with the rent stabilization in effect, could not recoup through rent charges the additional taxes he would be paying. He referred to revenue the City receives from Refuse and Registration fees, License fees, which landlords must pay. He elaborated briefly on cuts and changes in programs he felt could be made in order to save the City money.

Dennis Fruitt, 706 Devonshire Road: said it seemed abundantly clear to him that a great deal of time had been spent in budget deliberations, however, he was not at all surprised at some of the last minute propositions.

The question was called on Councilmember Bradley's motion to cut capital improvement items totalling \$14,797. The motion was defeated with Ms. Bradley voting Aye, Councilmember Williams Abstaining, balance of Council voting Nay.

Councilmember Haney moved that the ordinance be amended to allocate \$3,000 under Government Administration - Economic & Community Development - for assisting in funding the salary, for the coming year only, of the individual assigned to the continuing Takoma/Langley Revitalization effort. Ms. Habada pointed out that the state was going to be providing \$10,000 in grant money to fund that person's salary, however, if it were desired to fund an additional \$3,000, it would be better to transfer that from another account rather than increasing the budget. Councilmember Haney withdrew his motion.

The question was called; the ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy, Sharp and Williams; NAY: Councilmember Bradley; ABSTAINED: None.

ORDINANCE #1986-20
(attached)

3. Ordinance setting City Tax Rate for FY 1986-87.

Adoption was moved by Councilmember d'Eustachio, duly seconded by Councilmember Iddings. Tom Gagliardo suggested that the credit system not be deleted, as had been the practice the last couple of tax years. He said in all fairness, taxpayers should get a credit for the money returned to the City by the county in which they live. He said while the differential between the counties is not now as great as it once was, it still exists. He commented it was his understanding that the tax credit does apply to both personal and real property, and if credit was not given to personal property taxpayers in the last couple of years, then the City owes those taxpayers some money and will have to consider how that debt might be funded. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Levy and Sharp; NAY: Councilmembers Bradley and Williams; ABSTAINED: None.

ORDINANCE #1986-21
(attached)

Councilmember d'Eustachio moved that Council adjourn temporarily for the purpose of convening in Executive Session to discuss possible litigation. Councilmember Haney noted a request to defer agenda item (7), Site Plan #85112 for the Cohen Property on New Hampshire Avenue, to the June 30 Special Session, at which time the citizens' committee would be prepared to present a position. Mr. Wilson noted the need for Council to reach some consensus on that matter so that Corporation Counsel could be given direction in terms of preparation. Consensus was that agenda item (5), appointment of interim cable coordinator, would remain on the agenda. Council adjourned temporarily at 11:30 P.M., reconvened at 11:50 P.M.

4. Ordinance approving City Employees Pay Plan for FY 1986-87.

Mr. Wilson stated that there was a draft ordinance in preparation which might alleviate some of the concerns raised about the longevity issue. For that, and other reasons related to the classification study currently

underway, including the need for a new pay plan more consistent in regard to steps and grades, he said staff was, quite frankly, not prepared to make a specific recommendation. He said the two alternative pay plans provided for the current meeting were intended as a stopgap to allow some Council action as an interim measure, if so desired. Councilmember Haney moved that the ordinance be deferred to the June 30 Special Session, duly seconded by Councilmember Levy. Councilmember Iddings suggested that special notices of intent to adopt the pay plan on that date be disseminated; he said it should be made clear to the employees that the budget is the controlling document in relation to pay, and that a 3.5% COLA had been provided for in the budget and would be reflected in the pay plan when adopted. He noted that the issue at hand was to adopt an ordinance separating the longevity issue from the pay plan because, in actuality, they are two separate entities and should be treated as such in the Code. Sam Abbott inquired in what step the City Administrator was, and who makes that determination. Mr. Wilson responded that he was in Grade 29, step G, where he had been for the last 2 years; said the Mayor and Council are responsible for evaluation of his performance and any salary adjustment. Mr. Wilson pointed out that he had not had a step increase during his 2+ year tenure with the City, nor had he been evaluated, which was promised 6 months after his date of hire, nor had any agreement been drawn concerning maintaining his services. He noted those items were going to have to be addressed soon. Mr. Abbott commented that, as Mayor, he had appointed a committee comprised of 3 Councilmembers to evaluate the City Administrator's performance, however, they could not reach agreement on a procedure, and he did not feel it reasonable to place himself in the position of being criticized by Council opponents for antagonistic pressures against the Administrator.

Sgt. Jack Goetz, Police Dept.: inquired concerning the status of merit increases.

Mr. Wilson responded that the adopted budget contained funds for a 3% merit increase for up to 75% of all of the current employees. He said the assumption had been that some employees would not be eligible for such an increase due to not receiving evaluations that would qualify them, however, it appeared that percentage would not be as high as anticipated, and should additional money be required to fund the merit increases, his recommendation would be that the line item amount in the budget be increased as necessary. The Mayor noted that the question of deferral of merit increases would be addressed, and would include consideration of whether the deferral should be until such time as the reclassification study now underway is completed and the new structure in place. He said that issue would be discussed at the June 30 meeting if the decision was to defer adoption of the pay plan until that date. Tom Gagliardo inquired whether department heads receive regular step increases. Mr. Wilson responded that, to his knowledge, the answer was negative -- last year, no step increases were given, and this year, it would be at the discretion of the Mayor and Council whether their appointees, including himself, receive such increases. The question was called on the motion to defer action on the proposed pay plan ordinance to June 30; the motion carried unanimously.

5. Second reading of an ordinance setting date for Show Cause Hearing for 6801 Westmoreland Avenue.

Mr. Wilson noted the revised timetable provided would set July 14 as the date for the Show Cause Hearing; he related Acting Housing Director Austin had made several attempts to contact the property owners and ask them to provide the City with specifics concerning renovation, however, had been unsuccessful and neither they, nor their representative, were present at the current meeting to provide such information. He recommended that Council proceed with the revised timetable. Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Sharp.

Susan Stevens, 6800 Westmoreland Avenue, representing WACO & neighbors: related inconsiderate behavior on the part of the owners of the subject property directed toward their neighbors, as well as unpleasant remarks that could be construed as threats. She pointed out, as a reminder, that the property owner had been compensated twice for his loss -- both from his homeowner's policy and then through a suit filed for damages, yet had not applied funds toward restoring the property. She said it seemed apparent the owner was doing the minimum he could get by with when maximum pressure was applied by the City, and it was feared he would do a "skin" job on the

house and turn it into a slum rental. She urged that Council move ahead with the condemnation process as rapidly as possible.

The question was called; the ordinance was adopted by roll call vote recorded as follows: AYE: Councilmembers Bradley, d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; ABSTAINED: Councilmember Levy.

ORDINANCE #1986-22
(attached)

The Mayor noted, for the record, that the Show Cause Hearing would be scheduled for the July 14 meeting.

6. Appointment of interim Cable Television Coordinator.

Mr. Wilson referred to his comments made earlier in the meeting in relation to this item; he noted the several diverse functions currently required to be performed by the coordinator and said a full measure of control would be needed for proper performance. He said that when he sat on the Cable Board a few months ago, there was what appeared to be a full-blown document ready for adoption and referred to as a manual for the operation, however, said he had not since seen that document and to his knowledge it had not been executed. He emphasized the need and his concern for carefully monitored maintenance and useage control of the City's cable equipment. Councilmember Levy commented she felt the position, despite being an interim measure, should be filled by one individual -- that division of responsibility by appointing two part-time coordinators would increase the difficulty of management, exacerbate confusion. In response to query, Mr. Wilson stated the 3 individuals he had recently interviewed for the position were only interested in it on a part-time basis.

Alida DiGuarra: in response to earlier comments concerning certification by the county, she spoke at length, explaining the training processes she had undergone in order to be certified, the history of the certification requirements; she said to fill the interim coordinator position with 2 part-time individuals would be a grave error, that one capable, knowledgeable individual was needed -- preferably someone who had been involved with the City's channel 24 long enough to know what had been going on and was aware of all the different aspects of the situation. She strongly urged that Council move ahead without delay on effecting an appointment to the position.

Councilmember Bradley moved that one full-time individual be appointed to fill the position, from the present time until such time as a decision is made concerning permanent staffing of the cable office; she stipulated that the appointee would report directly to the City Administrator, that during the interim period, there would be no expansion of the present scope of cable, no new programs or policies initiated, the primary objective would be to put the department in order. The motion was duly seconded by Councilmember Williams. Brief dialogue ensued concerning the agreed-upon appointment process.

Adele Bunoski: endorsed the motion on the floor; asked that the Council define the scope of the interim period so that whomever was appointed would have some indication of the time frame for planning purposes. She pointed out that Robert Smith, who had been working with channel 24 for 8 months, was an applicant for the position on a full-time basis, had been interviewed for it previously. Councilmember Bradley noted, in brief dialogue with Ms. Bunoski, that there were problems with the role of the Cable Board that would have to be addressed and resolved at some point. In responding to further remarks from Ms. Bunoski, the Mayor noted that Mr. Wilson had wished to interview the 3 part-time applicants for the position, there had been a need to address how the position would be filled, e.g., with 2 part-time persons or 1 full-time; he noted that if the decision were to appoint one full-time coordinator, there was only 1 individual who had applied on that basis. Councilmember Iddings proposed deferring the issue to the June 30 meeting on the basis that staff had not had an opportunity to present written proposals and recommendations for Council's review. Tom Gagliardo commented on the botched state of cable television, however, said channel 24 should be gotten on the air without delay and with something on it for viewers to see. Mr. Wilson, in response to Mr. Iddings, stated that his verbal presentation had covered just about anything he would have to offer on the issue, however, could be put in writing, if so desired. The ques-

tion was called on Ms. Bradley's motion; the motion carried 5-2. Based on passage of Ms. Bradley's motion, Mr. Wilson commented that there had been only one full-time applicant throughout the current process who had been considered for the position, namely Robert Smith, and he recommended his appointment to fill the interim position. Councilmember Levy moved that Robert Smith be appointed interim cable coordinator, duly seconded by Councilmember d'Eustachio, carried with Councilmember Iddings temporarily absent, balance of Council voting Aye. The Mayor suggested that Mr. Wilson meet as soon as possible to work out contract particulars with Mr. Smith, and report back to the Mayor and Council at the June 30 worksession.

7. Consideration of contract with City Newsletter Editor, Reid Baron.

Councilmember Sharp raised questions concerning the reason for, and wisdom of, the inclusion of the hold harmless clause in the contract. The Mayor stated that under the clause in Section 6, the City could disclaim liability for several specifically stated reasons, which differed somewhat from proposed state legislation put forward by the MML.

Tom Gagliardo commented that, in light of comments in recent months concerning the deteriorating quality and coverage of the publication, the proposal to enter into a contract with the person who had been acting as editor appeared ill-advised, plus the apparent questions concerning liability. Following brief dialogue concerning the allegation of derogatory comments from Councilmembers about the Newsletter's quality, Councilmember d'Eustachio moved authorizing the signing of the contract, duly seconded by Councilmember Haney. The Mayor pointed out that a Resolution was previously passed appointing Mr. Baron permanent editor, that the contract was a formalization and setting forth of the terms of that appointment.

Sam Abbott: reiterated questions raised at a prior meeting concerning Mr. Baron's duties and salary, as well as pasteup charges for the publication. He commented that there was no budget allocation reflected for pasteup, which apparently would amount to approximately \$4,800/yr. He inquired whether there was a basis for an allegation he had heard that any budget deficit would be made up by cutting the number of pages per issue and/or number of issues per year. Mr. Wilson pointed out that the Scope of Services in the contract defines Mr. Baron's role; he noted that a summary of work required to prepare each Newsletter over the last 12 months had been disseminated to the Mayor and Council and offered to provide Mr. Abbott with a copy of that document. The Mayor noted that during budget deliberations, a suggestion had been put forth to consolidate two Newsletter issues during the summer months, however, that proposal was rejected because of lack of publicity and citizen input and the FY 1986-87 budget provides for 12 issues.

Following a brief disruptive exchange of antagonistic remarks between audience members and elected officials, Councilmember Sharp commented he would vote against signing of the agreement because he was opposed to the hold harmless clause contained therein. The question was called; the motion to authorize signing of the contract carried with Councilmembers Bradley, d'Eustachio, Haney, Iddings and Levy voting Aye; Councilmember Sharp voting Nay; Councilmember Williams Abstaining.

AGREEMENT
(attached)

Councilmember Haney moved to defer original agenda item (7), Discussion of Site Plan #85112, Cohen Property, New Hampshire Avenue, to June 30; duly seconded, carried unanimously.

8. Resolution pertaining to termination of employment of former Housing Services Director Dedra Tyree.

Councilmember Iddings moved passage, duly seconded. Mr. Iddings commented that the resolution clarifies Council's intent, over the last two months, to terminate Ms. Tyree's employment with the City. He explained that some difference of opinion had arisen concerning whether or not Ms. Tyree had submitted a resignation. The resolution passed with Councilmember Williams temporarily absent, balance of Council voting Aye.

RESOLUTION #1986-47
(attached)

9. Proposed variance at 113 Sheridan Avenue.

Councilmember Iddings related that apparently the builder had commenced construction on a single-family dwelling without a building permit, and located 11 feet closer to the front lot line than allowed by the zoning code; said the foundation and part of the first floor had already been completed, and neighbors are very upset about the situation. He said an expedited hearing before the Board of Appeals occurred on June 19; at the request of City staff, the Board agreed to hold the record open until June 26 to afford the City an opportunity for input.

Belle Ziegler, 109 Sheridan Avenue: said she thought the neighbors were primarily disturbed by the fact the owner proceeded with construction and asked for the variance after the fact; said she understood he applied for a building permit in May which was refused. She noted that provision of any off-street parking would be an impossibility on that property, referred to the congested parking situation already existing on that street; said a substantial additional amount of landfill would be required to build on the property and move the structure back 11 feet. Councilmember Iddings commented he believed the property owner had been involved in at least one other instance of building on a sub-standard lot in the City, was concerned about people knowingly proceeding without permission and after the fact requesting a variance; he moved that the City express opposition to granting of the variance, duly seconded by Councilmember Levy. In relation to the fill dirt being brought in to render the lot buildable, Councilmember Haney remarked on the possible violation of county sedimentation control laws. Councilmember Bradley commented that the property owner should not be given any special consideration as he was not following the prescribed permit process. The motion to oppose granting of the variance carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 1:05 A.M., to reconvene in regular session at 8:00 P.M. on July 14, 1986.

ORDINANCE NO. 1986-19

Budget Amendment No. 4

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. Appropriate \$9,995 to Revenue Account Number 438 to budget for State Department of Transportation Grant.
- b. Decrease revenue appropriation for Urban Development and Assistance, Account Number 430, by \$370,358.

Expenditure Amendments

- a. Transfer the following amounts from Account number 510, Salaries - City Admn. and Staff, to the designated accounts:
 1. \$5,000 to Account number 510.1, Temporary Assistance
 2. \$2,000 to Account number 530, Newsletter
- b. Transfer \$2,600 from Account 572, Codification of City Laws, \$3,000 from Account 570.2, Zoning and Land Use, and \$900 from Account number 570.4, COLIA Enforcement, to Account number 570.8, Miscellaneous Litigation.
- c. Decrease appropriation of Account number 597.6, Takoma/Langley Streetscape by \$31,000.
- d. Decrease appropriation of Account number 597.2, Capital/Outlay, Construction by \$88,000.
- e. Decrease appropriation of Account number 598.5, Takoma Junction Capital Outlay/Construction by \$227,258.
- f. Transfer \$2,742 from Account number 598.5, Takoma Junction Capital Outlay/Construction to Account number 598.2, Takoma Junction Design.
- g. Decrease appropriation of Account number 599.6, Capital Outlay/Forest Park by \$24,100.
- h. Transfer \$10,000 from Account number 858.1, Gas, Grease, Oil-FW, \$13,000 from Account number 885, Salaries, to Account number 860, Consumable Items.
- i. Transfer \$5,000 from Account number 885, Salaries to Account number 895, Streets Subcontract Work.
- j. Transfer \$2,500 from Account number 963, Interest - Certificate of Indebtedness, and \$1,500 from Account number 967, State Retirement - Unfunded Liability, to Account number 972, Building and Contents - Fire Insurance.
- k. Transfer \$31,000 from Account number 991, General Contingency, \$4,600 from Account number 1000, Unappropriated Funds and \$2,000 from Account number 994, Hospitalization to Account number 976, City Property Liability.
- l. Increase appropriation of Account 995, Capital Expenditures by \$9,995 for the purchase of a police computer.
- m. Reappropriate \$9,400 in FY86 Revenue Sharing Funds, originally designated for the purchase of an unmarked police vehicle, and \$1,600 of FY86 Revenue Sharing Funds designated for Speed humps towards the purchase of a Crack filling machine.

ORDINANCE NO. 1986-20

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

SECTION 1. THAT in accordance with Sec. 1.14 of the Charter of Takoma Park, Maryland, the budget for Fiscal Year 1986-87 is hereby approved and adopted for the year beginning July 1, 1986, said budget providing estimated revenues of FIVE MILLION, FOUR HUNDRED NINETY-THREE THOUSAND, TWO HUNDRED THIRTY-TWO DOLLARS (\$5,493,232), transfers of ONE HUNDRED SEVEN THOUSAND, FIFTEEN DOLLARS (\$107,015), and an expenditure appropriation as follows:

	<u>FY87</u>
Public Works	\$1,538,839
Police Department	1,478,810
Government Administration	592,877
Library	270,401
Recreation	196,922
Housing	175,953
Non-Departmental	963,778
Debt Service	119,610
Capital Outlay	232,760
General Fund Transfer to Special Revenue Fund	30,297
	<u>\$5,600,247</u>

including a General Contingency Account in the amount of ONE HUNDRED NINE THOUSAND, SIX HUNDRED FORTY-SIX DOLLARS (\$109,646): AND a Capital Improvement Reserve Fund in the amount of FIFTY-FOUR THOUSAND, NINE HUNDRED THIRTY-TWO DOLLARS (\$54,932) as designated Unappropriated Reserve.

SECTION 2. THAT the City Administrator be hereby authorized to transfer funds to the 1986-87 budget from the following balances:

a. 1985-86 unappropriated surplus	\$ 90,000
b. Capital Reserve Fund, prior years accounts	<u>17,015</u>
TOTAL	\$107,015

SECTION 3. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federally or State-funded community development projects with Revenues of SEVEN HUNDRED TWO THOUSAND, SIX HUNDRED FORTY-SEVEN DOLLARS (\$702,647) and an Expenditure appropriation of SEVEN HUNDRED TWO THOUSAND, SIX HUNDRED FORTY-SEVEN DOLLARS (702,647); AND

SECTION 4. THAT the City Administrator is hereby authorized to compute salaries for all City employees as related to various departments and disburse accordingly; to pay all rentals on the first of each month and bills monthly, discounting such bills as possible; AND

SECTION 5. THAT all capital outlay items be expressly authorized by the Council with the exception of professional services costing less than one thousand dollars (\$1,000) and items costing less than two thousand five hundred dollars (\$2,500), funds for which shall be properly authorized.

SECTION 6. THAT Federal Revenue Sharing Funds of \$25,500 will be earmarked for the following Capital Projects:

Municipal Building Engineering Study	\$ 9,000
Pick-up Truck, 3/4 Ton	11,500
Computer Software	2,500
Microcomputer	<u>2,500</u>
TOTAL:	\$25,500

Introduced by: Councilmember d'Eustachio

Enacted: 6-23-86

ORDINANCE NO. 1986-21

WHEREAS, the City Council is charged by Sec. 1.9 of the City Charter to establish a tax rate on or before the last day of June in each year.

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

SECTION 1. THAT Sec. 11A-2 and 11A-3, Chapter 11A, "Taxation, of the Code of Takoma Park, Maryland, 1972 as amended, be further amended to read as follows:

SEC. 11A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1986, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property, as such value is determined by the State Department of Assessments and Taxation, at the rate of \$1.785 per \$100.00 assessed valuation, including an equivalent of 27.2 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County.

ADOPTED JUNE 23, 1986.

Introduced by: Councilmember d'Eustachio

1st Reading: 5-27-86

2nd Reading: 6-23-86

ORDINANCE NO. 1986-22

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

- 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, July 14, 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.

ADOPTED THIS 23rd DAY OF June, 1986.

DRAFT DRAFT DRAFT DRAFT

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 19____, by and between the City of Takoma Park, Maryland, a municipal corporation, hereinafter referred to as the "CITY", and _____ Reid S. Baron _____, hereinafter referred to as the "INDEPENDENT CONTRACTOR", witnesseth:

WHEREAS, the CITY desires an Editor for the City Newsletter to coordinate, schedule and complete production of the Newsletter on a monthly basis; AND

WHEREAS, the INDEPENDENT CONTRACTOR desires to furnish such editorial services to the CITY.

NOW, THEREFORE, in consideration of the premises and promises hereinafter contained to be kept and performed by the respective parties, it is agreed as follows:

1. The INDEPENDENT CONTRACTOR agrees to perform the duties and assume the responsibilities of the CITY'S Newsletter Editor, as outlined in the attached Scope of Services, a copy of which is attached hereto as Exhibit A and made a part hereof by reference. The INDEPENDENT CONTRACTOR shall be under the direction and supervision of the Mayor and Council. The work of the INDEPENDENT CONTRACTOR shall be overseen by the Mayor and City Council.
2. The INDEPENDENT CONTRACTOR shall be compensated by the CITY at the rate of FIVE HUNDRED DOLLARS PER MONTH, and shall be paid upon

----- refers to deletions.

Underscoring refers to revisions.

submitting an invoice on a monthly basis. The INDEPENDENT CONTRACTOR shall be compensated in accordance with payment procedures governing the CITY'S Accounting Division.

3. The CITY agrees to reimburse the INDEPENDENT CONTRACTOR for such supplies as needed to perform the job as City Newsletter Editor, with approval of purchases to be given by the City Administrator. The INDEPENDENT CONTRACTOR shall be compensated in accordance with payment procedures governing the CITY'S Accounting Division.
4. The performance of work or services under this Agreement may be terminated in whole or in part, whenever the Mayor and Council shall determine that termination is in the best interest of the CITY. In such event, the CITY shall be liable only for payment in accordance with the compensation provisions of this contract for work or services performed or furnished or committed prior to the effective date of termination. The CITY shall give the INDEPENDENT CONTRACTOR thirty (30) days notice of such termination. Termination hereunder shall be effected by personal or mail delivery to the INDEPENDENT CONTRACTOR of a written notice of termination at the INDEPENDENT CONTRACTOR'S residence or place of business. The INDEPENDENT CONTRACTOR may terminate this Agreement at any time by giving the CITY thirty (30) days written notice.
5. This Agreement shall be in force from July 1, 1986 to June 30, 1987. ~~and shall~~ be subject to modification at the written request of either party This Agreement constitutes the complete understanding of the parties hereto and shall not be modified except by written consent of the INDEPENDENT CONTRACTOR and the CITY.

----- refers to deletions.

Underscoring refers to revisions.

6. The INDEPENDENT CONTRACTOR shall be held harmless from any liability resulting from his performance as the CITY'S Newsletter Editor.
6. The CITY shall assume all reasonable legal fees and costs of any suit or legal action brought against the INDEPENDENT CONTRACTOR alleging liability arising from the INDEPENDENT CONTRACTOR'S performance of his duties as described in Exhibit A; AND
The CITY shall hold the INDEPENDENT CONTRACTOR harmless from all liability for judgements based on the INDEPENDENT CONTRACTOR'S performance of his duties as set forth in Exhibit A, provided however, that the CITY shall be entitled to disclaim such liability if, in the CITY'S opinion or if specifically found by a court, the INDEPENDENT CONTRACTOR'S liability was based on his wanton recklessness or willful or malicious misconduct.
7. This Agreement shall not be binding on the City of Takoma Park, Maryland until approved by the Mayor and Council and countersigned by the Mayor.
8. No assignment of this Agreement shall be binding on either of the parties without the written consent of the other.

----- refers to deletions.

Underscoring refers to revisions.

IN WITNESS WHEREOF, the parties have executed this Agreement by causing the same to be signed on the day and year first written above.

ATTEST:

CITY OF TAKOMA PARK, MARYLAND

James S. Wilson, Jr.
City Administrator

Stephen J. Del Giudice
Mayor

Date: _____

ATTEST:

INDEPENDENT CONTRACTOR

Reid S. Baron

Date: _____

----- refers to deletions.

Underscoring refers to revisions.

Newsletter Editor

SCOPE OF SERVICES

The editor will have overall responsibility for the production of an eight (8) to sixteen (16) page monthly tabloid which includes news, letters to the editor, announcements, useful information from city departments, and messages from the Mayor and City Council of Takoma Park. He will work closely with community groups and individual citizens, as well as administrative and elected officials to achieve this goal.

Specifically, the editor's duties will include: collection of materials for inclusion in issues, news selection, writing, re-writing, and copy editing, specification of material sent for typesetting, proofreading copy, and producing a dummy layout of each issue which will be suitable for paste-up. He will be responsible for coordinating his editorial activities with typesetting, paste-up, printing, graphic arts, and any other mechanical personnel as may be required for the Newsletter's production.

In addition, the editor will have some involvement in coordinating distribution and in consulting with the City administration, Mayor and Council with respect to organization of the Newsletter's production system.

Once said bodies are selected, the editor will work in conjunction with the Newsletter Advisory Committee to produce his publication, which he understands will be periodically subject to evaluation by the Newsletter Review Committee in light of the City's Newsletter Guidelines and an overall Mission Statement.*

* Mission Statement to be developed.

RESOLUTION NO. 1986- 47

- WHEREAS, Mayor Stephen Del Guidice and City Administrator James Wilson met with Mrs. Dedra Tyree, the City's Director of the Department of Housing Services on April 29, 1986, and agreed that Mrs. Tyree would resign; and
- WHEREAS, Mrs. Tyree's statement of the terms surrounding her resignation on May 2, 1986, was inconsistent with the Mayor and City Administrator's understanding of the terms; and
- WHEREAS, Mrs. Tyree acknowledged her acceptance of the City's terms by accepting the City's severance payment which included administrative leave and accumulated other leave; and
- WHEREAS, The Council adopted Resolution No. 1986-41 on May 14, 1986, which appointed Anthony L. Austin as Acting Director of the Department of Housing with the understanding that Mrs. Tyree had already resigned, effective May 2, 1986; and
- WHEREAS, The Council's intent in appointing an acting director was to have Anthony Austin direct the Department in place of anyone else effective May 2, 1986; and
- WHEREAS, Mrs. Tyree now maintains that she did not resign and was not terminated by Resolution No. 1986-41; and
- WHEREAS, The Council has the discretion under Section 2-381 of the Code to terminate the Director of the Department of Housing; and

WHEREAS,

The Council has legitimate reasons to exercise its discretion to terminate Mrs. Tyree and discussed them in April 1986.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Takoma Park, Maryland, that Resolution No. 1986-41 is ratified as a termination of Mrs. Tyree effective May 2, 1986, by amending Resolution No. 1986-41 by adding:

"BE IT FURTHER RESOLVED, that to the extent that there is any doubt that Mrs. Tyree resigned effective May 2, 1986, the Mayor and Council remove her from office and terminate her employment with the City effective May 2, 1986; and

BE IT FURTHER RESOLVED, that to the extent that a court might determine that the Mayor and Council lack the power to remove and terminate Mrs. Tyree effective May 2, 1986, in Resolution No. 1986-41, adopted on May 12, 1986, the Mayor and Council ratify Resolution No. 1986-41 as a removal and termination of Mrs. Tyree effective May 12, 1986; and

BE IT FURTHER RESOLVED, that to the extent that a court might determine that Resolution No. 1986-41, as amended by this Resolution, did not remove and terminate Mrs. Tyree on May 2, 1986, or May 12, 1986, the Mayor and Council remove and terminate Mrs. Tyree effective immediately."

June 23, 1986.