

PLEASE NOTE THAT THE AGENDA ITEM TIMES INDICATED BELOW ARE SUGGESTED TIMEFRAMES. ITEMS MAYBE TAKEN UP SOONER OR LATER THAN THE TIMES INDICATED, BASED ON COUNCIL DELIBERATIONS.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

January 12, 1987

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
- 8:02 PLEDGE
- 8:05 ADOPTION OF MINUTES OF NOVEMBER 10, 1986 REGULAR COUNCIL MEETING AND NOVEMBER 17, 1986 SPECIAL SESSION
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- ADMINISTRATIVE REPORTS
- 9:00 (1) Second Reading of an ordinance establishing Stop Signs on Kennebec Avenue at Roanoke Avenue
Citizens comments
Council action
- 9:10 (2) Second Reading of an ordinance establishing Stop Signs on Maple Avenue at Erie Avenue
Citizens comments
Council action
- 9:15 (3) Discussion of Montgomery County Subdivision Plan #7-86025: 25 Pine Avenue (Dan Neal)
Citizens comments
Council action or Council discussion
- 9:25 (4) First Reading of an Ordinance to award demolition contract to Demolition Unlimited for 6801 Westmoreland Avenue Avenue
Citizens comments
Council action
- 9:45 (5) Resolution authorizing the rehiring of Bruce Bereano as City's lobbyist
Citizens comments
Council action
- 10:00 (6) First Reading of an Ordinance authorizing additional Code Enforcement Officer position for Department of Housing Services
Citizens comments
Council action
- 10:15 (7) Approval of departmental bid requests for: Recreation Department 15-passenger, 1-Ton Van
Citizens comments
Council action
- 10:25 (8) Approval of departmental bid requests for: Public Works Department Single-Axle Dump Truck
Citizens comments
Council action

(OVER)

- 10:35 (9) Approval of departmental bid requests for:
Public Works Department 3/4-Ton Pick-up Truck
Citizens comments
Council action

- 10:45 (10) Resolution appointing of new Chair and new member to Historic
Preservation Committee
Citizens comments
Council action

- 10:55 (11) Resolution revising date Revenue Advisory Task Force Committee
reporting date
Citizens comments
Council action

ADJOURNMENT

REMINDERS:

- Monday, January 19, 1987, 7 - 8:30 PM -- Dr. Martin Luther King, Jr.
Commemoration Celebration,

- Tuesday, January 20, 1987 -- Council Worksession

- Monday, January 26, 1987 -- Regular Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

January 12, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Bradley	Deputy City Clerk Jewell
Councilmember d'Eustachio	Economic & Comm. Dev. Coord. Neal
Councilmember Iddings	Community Dev. Coordinator McDonough
Councilmember Levy	Code Enforcement Supervisor Clayton
Councilmember Sharp	Public Works Director Robbins
Councilmember Williams	Corporation Counsel Silber

ABSENT: Councilmember Haney

The Mayor and City Council convened in regular session at 8:08 P.M. on January 12, 1987, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Mayor noted the death during the holiday season of a longtime resident, Mrs. Fern Forshee, wife of former Councilmember Forshee. A moment of silence was observed in her memory.

The Minutes of the 11/10/86 Regular Council Meeting and the 11/17/86 Special Session were presented for approval. Councilmember Sharp asked that on page 5, paragraph 2, line 9, of the November 10 Minutes, the reference stated as being made by him to an "omission" be stricken inasmuch as it was not clear to what that language referred and did not accurately express his position. On page 7 of those same Minutes, Mr. Sharp stated that in the paragraph relating Mike Mead's comments, he felt certain that Mr. Mead had remarked on the reason for retaining the comparability provision in the Code, i.e., if that provision were not there, landlords could raise rent on a vacant unit to the statutory maximum whether they needed it or not; whereas, under the existing provision, they could only raise it to a level comparable to that of other comparable units within the building. Mr. Sharp said he felt that statement to be significant enough as a policy matter for reflection in the Minutes as a part of legislative history. In response to the Mayor, and paraphrasing Mr. Mead, Mr. Sharp said that if you didn't have such a provision, landlords would be more inclined to increase an occupied apartment to the statutory maximum every year, whether they needed the additional income or not -- he suggested inclusion of that language as an amendment to those Minutes. Councilmember d'Eustachio moved approval of the Minutes, collectively, as amended; the motion was duly seconded by Councilmember Iddings, and carried unanimously.

Mayor Del Giudice noted that the Council would not be meeting on Monday, January 19, due to the holiday -- that worksession would be conducted instead on January 20. He commented that at 7 P.M. on January 19 the City's Martin Luther King, Jr. Commemorative Observance would be held at the Municipal Building; he urged all to attend. He related that the Navy Concert Band would be performing at 8 P.M. on January 21 at Takoma Academy, noting that it was the first time that band had visited the City in 16 years and commented that the City Recreation Department was sponsoring the activity in conjunction with Takoma Academy -- he encouraged all who could to attend and enjoy the music. He noted the recent resignation of the Superintendent of Education in Montgomery County, Wilmer S. Cody, and said the Board of Education was in the process of developing their criteria for selecting his replacement. He related that the City had been asked to participate in the process and he would be distributing copies of correspondence received to members of the Council. For information of the public, he announced details of a forum to be held on January 24 to discuss the criteria and selection process for that position with the county; again encouraging those interested to attend. In conclusion, he noted receipt from members of The Great Peace March, as a token of appreciation to the City, of an inscribed wooden stanchion which he said may be put in Jequie Park along with the tree donated to the City by that group, or may be retained in the Municipal Building or elsewhere.

CITIZENS' COMMENTS: (not directed at items for Council action)

Marc Elrich, 8110 Roanoke Avenue: referred to recently attending a Maryland Low Income Housing Coalition meeting, and explained that the coalition was working to have 4 or 5 bills introduced before the state legislature, some of which would have a direct bearing on problems experienced in the City. He presented copies of two of the pieces of legislation -- one which strengthens the landlord-tenant retaliatory conduct provisions of state

subsequently died of injuries sustained in the incident -- he noted she, too, was a victim of white racism. Councilmember Levy thanked Mr. Upton for his remarks; she commented Clarence Boatman, a member of the committee planning the Martin Luther King, Jr. Commemorative Observance in the City, was present and suggested Mr. Upton speak with him about including something as suggested in the event.

Lou D'Ovidio: commented that an item relating to noise from Ride-On buses was on the January 13 County Council agenda; he said other neighborhoods also have concerns, and Rosemary Hills was requesting that the noise be reduced and diminished in their community. He said he felt it would be appropriate and timely for the City to join with that community since Takoma Park had held a lengthy meeting a couple of years ago expressing such concerns to Mr. McGary of the County Transportation Department and nothing had happened in the interim to address the problem. He said, according to the news media, the county is buying 60 new buses, and perhaps a request should be made that some of those be used in Takoma Park and that they be quieter than the older vehicles. He urged that the City submit comments for consideration at the aforementioned January 13 meeting. Councilmember Levy remarked that Council had discussed the matter at the last worksession and consensus was that the City should participate. The Mayor remarked that the County Council would be holding a public hearing on the capital improvements budget on January 22, and one of the issues he intended to address was the plan to buy new buses, quieter buses, and to ask that some of them be put in service in Takoma Park.

Tom Gagliardo, 704 Maplewood Avenue: said while he did not personally know what occurred between Mr. Davidson and the Housing staff, he would trust that the City Administrator, who bears responsibility for such things, would handle it, and, should he fail to do so, the Mayor and Council who are elected to oversee City administration, will handle the situation. He said he was disturbed about the handling of the matter to date, that the resignation of an employee over such an incident would cause one to draw the inference that the citizen was in the wrong; however, he said he had spoken with Ms. Jones and it would be her prerogative to either share or not share her reasons with the Council for her resignation from her job. He said Ms. Jones' reasons may or may not be different from what had been presented, however, it would behoove City administration to find the truth of the matter, and if there were problems with Housing, those should be resolved -- if Mr. Davidson caused a problem, that was something else. He said, however, he concurred with Ms. Levy's and Mr. Williams' comments concerning City services generally.

ITEMS FOR COUNCIL ACTION:

1. Second Reading of an ordinance authorizing installation of stop signs on Kennebec Avenue at Roanoke Avenue.
2. Second Reading of an ordinance authorizing installation of stop signs on Maple Avenue at Erie Avenue.

Councilmember Bradley moved adoption of the ordinances, collectively, duly seconded by Councilmember Williams.

Timothy Nulty, 8107 Roanoke Avenue: remarked he lives about 50 yards from the junction of Roanoke and Kennebec and said that in the 10 years he had lived there, 3 children had been struck and severely injured at that intersection. He commented that Kennebec is a major cut-through from Prince George's County/Langley Park area to Silver Spring, is heavily traveled and the traffic is fast moving; said the street is narrow and parking is allowed on one side, visibility is very poor, and one portion lacks a sidewalk. He said there have been vehicle accidents as well, but the danger to children is particularly bad. He expressed strong support for the stop sign installation.

John Price, 8111 Roanoke Avenue: commented he lives about 70 yards from the intersection; he echoed Mr. Nulty's remarks and said he had witnessed the third time a child was struck (and very nearly killed); he urged the stop signs be installed without delay.

Councilmember Bradley commented that both stop sign installation requests resulted from a neighborhood meeting of well over a year ago; she said she had commented at prior meetings regarding the length of time the Traffic Committee took to respond to the requests, thus would not repeat those remarks. She did say she hoped the committee had now worked out their

ground rules and requests would not take so long to get through that group. Councilmember Iddings noted that Section 3 of both pieces of legislation stated that the ordinance would become effective upon adoption -- he said it was customary that the law become effective upon installation of the signs in stop sign ordinances; he moved that change as an amendment, duly seconded by Ms. Bradley. Mr. Iddings concurred that a lengthy period had transpired since submission of the request for stop signs at those intersections; he suggested that Public Works be directed to make the installations a priority item; he asked that they be erected by January 19. The motion to amend carried by unanimous vote. Consensus of the Council was that Public Works be directed to have the signs installed by January 19. The ordinances, as amended, were adopted collectively by roll call vote as follows: AYE: Councilmembers Bradley, d'Eustachio, Iddings, Levy, Sharp and Williams; NAY: None; ABSENT: Councilmember Haney.

ORDINANCES #1987-1 and #1987-2
(attached)

3. Discussion of Montgomery County Subdivision Plan #7-86025,
25 Pine Avenue.

Economic & Community Development Coordinator Daniel Neal briefly summarized the proposed subdivision plan, noting that staff's recommendation was that the Council support the proposal. He introduced Phyllis McDonough, a member of his staff.

Councilmember d'Eustachio remarked that construction was currently occurring on the subject property; he inquired whether this was an "after the fact" discussion. Mr. Neal said he had not been out to the site, however, if a building permit had been issued, foundation work could be legally occurring on lot 11, which is a buildable lot; he said he would check it out. Following brief dialogue, Mr. Neal said if the owners were crossing the line onto lot 12, that would be illegal, however, he would have to view the situation to see what was occurring. In response to query, Mr. Neal stated neighbors were contacted by letter, one response was received and that individual had no problem with the proposal so long as there was no change in the zoning of the property from R-60. Additionally, he said, a call from the property owner was received, notifying she would be unable to attend the meeting, however, would be willing to respond at a later time to answer any questions, if so desired. Councilmember d'Eustachio, in whose ward the property is located, commented that his only concern was whether construction was presently occurring. In response to questions raised about the hearing date, Ms. Habada related that the City received notification of the subdivision plan the first week in December and is allowed 60 days in which to respond, thus, there was still ample time. Phyllis McDonough related that she had called and spoken to the property owner, who had stated to her that construction was currently taking place on lot 11 and that they have a valid building permit for the construction; the reason for wishing to combine the lots was so that it would be considered one lot and remove the potential of subdividing lot 12 sometime in the future. Mr. d'Eustachio remarked that, in that case, he had no objections and moved that the City support the proposed subdivision; the motion was duly seconded by Councilmember Iddings and carried by unanimous vote.

4. First Reading of an ordinance to award demolition contract to
Demolition Unlimited for 6801 Westmoreland Avenue.

Councilmember d'Eustachio moved acceptance for first reading, duly seconded by Councilmember Iddings. Corporation Counsel Silber requested a report from Code Enforcement Supervisor Condie Clayton concerning the present condition of the property.

Mr. Clayton related he had visited the premises earlier in the day, about 3:30 P.M., and had observed the front door to be makeshift and not properly secured, which would permit easy access into the house; he said the windows on both sides of the building (east and west) were still covered by plywood; the support brackets on the basement door, which were in place at an earlier date, had been removed; the rear plywood door was still in place; a second story window was still missing, as was a window on the east side of the building. He said it appeared there had been some activity inside the building, however, he was not able to enter the premises to be certain. He said he was unable to reach the MacDonalds to gain permission to enter the building. In response to query from the Mayor, Mr. Clayton related that earlier on, there was a 2' x 4' and some cinderblocks braced against the

steps leading down to the basement and, in turn, against a piece of plywood keeping the basement entry secured -- that had been removed, as had other braces that had earlier been in place. He said the building was less secure than at the time of his earlier report in October. In response to query from Councilmember Williams, he said he did not have the impression that anyone had been inside working on the building.

The Mayor noted receipt of a report from Daniel Neal concerning a recently negotiated agreement between the MacDonalds and Mr. Guzman, the contractor working as an agent for Wheeler Enterprises. Mr. Neal commented he had made further attempts to reach Mr. Wheeler to try to ascertain the relationship between Wheeler Enterprises and Alfredo Guzman, however, had been unsuccessful -- Mr. Wheeler was out of town and expected to return on January 13. In addition, Mr. Neal said he had spoken with Mrs. Walter in the County Inspection Office, who told him that two inspections were made on the property in August 1986 -- one for the framing, which was disapproved because it was not finished, and the other for the electrical hookup -- the heavying up of the service to the house was approved, but not the rough-in wiring because it was not yet completed either. He said, according to Mrs. Walter, the permit would run 6 months from the date of the county inspection (August 11), which would make it valid through February 11, 1987.

Brenda MacDonald, daughter-in-law of the property owners: inquired why, when construction has been begun, demolition was being considered. The Mayor responded that, at the time a contract for demolition was put out for bids, work on the house had stopped; he said evidence appeared to indicate that there had been no further work on the house since the issue was last before the Council. He said while the City understood a loan had been procured and a contract signed for additional work to be done, no evidence had been seen of work actually taking place on the property. Ms. MacDonald stated she had been on the subject premises with her mother-in-law the prior week, that work was going on inside the house in the basement and also on the living room and dining room ceilings, however, the work was proceeding slowly. She said some items raised by Mr. Neal at an earlier point were not understood by the contractor, who intended to contact Mr. Neal for clarification. She said the contractors had also been working on the stairs leading from the basement to the first floor and those from the second floor to the attic and also replacing windows. In response to query from the Mayor, she stated that Mr. Guzman had been doing the work. The MacDonald's daughter, Irene, stated that she resides at 7611 Maple Avenue, Apt. 611, phone 891-3718, work phone 571-2020, and if the City's inspector wished to reach a family member, he could call her. Additionally, she related that her mother's home phone is 434-3299 and the inspector could have reached her in order to get permission to enter the premises -- she was at home all day. She said her father had paid Mr. Guzman \$8,500 and provided a receipt therefor as proof. She said, if necessary, she would stay off work to ensure that the contractor did the work, however, pointed out that if she missed time from work she would be fired from her job. She said that while her parents did not get a loan from GMAC as originally intended, they did get a loan from another source. Mr. Neal inquired whether the City could be given some sort of proof of the MacDonalds having the money in the bank to complete the work; Mrs. MacDonald related, through her daughter, that she did not have the pertinent paperwork with her to reflect that, but could bring it in on the next day's date. For purposes of the record, Corporation Counsel Silber asked whether Mr. and Mrs. MacDonald would be willing to put whatever additional money they got from the loan to secure the renovation in some sort of assured account only to be drawn on for purposes of the renovation so that the City would have the assurance that it would not be spent on other things. Mrs. MacDonald, with her daughter translating, said that the money could be drawn out of the account and turned over to the City, with the proviso that the City pay the contractor when the work is completed; the Mayor commented that, essentially, that statement addressed the previous question -- that provision could be made that the money would be spent only for the renovation work on the property. Corporation Counsel Silber stated that she wanted to emphasize the importance of the MacDonalds having legal representation in this matter, and that between that attorney and herself, representing the City, these details could be worked out. Councilmember Sharp commented he wished to make it clear that he would oppose the City holding money for anyone, approving construction work, etc. Following brief comment by Councilmember Levy, the Mayor remarked that the issue of money arrangements would be most

appropriately left to staff, the MacDonalds, and the attorneys. Councilmember d'Eustachio suggested proceeding with acceptance of the ordinance for first reading, pointing out that it did not tie the Council's hands should the situation change; additionally, he said he supported the concept of Corporation Counsel and the MacDonald's representative working out the suggested financial details, with the matter to be scheduled for the next worksession for presentation of a progress update on the situation. Councilmember Sharp reiterated he did not feel the City need be involved in working out any financial details; in terms of assurances, he said something could certainly be written and transmitted to City staff. Councilmember Bradley commented that, in general, she agreed with Mr. Sharp; she inquired whether there was any indication when an inspection would be done of the inside of the premises. The Mayor responded that with the telephone numbers furnished earlier, arrangements could be made by Mr. Clayton to do such an inspection. Mr. Sharp asked that the inspection be done prior to the next worksession, and that if someone was working on the interior of the house, an effort be made to properly secure the doors rather than leaving them in a condition affording easy access. In response to query from Councilmember Williams, the MacDonald's daughter stated that she did understand what had transpired. The ordinance was accepted for first reading by majority vote (Councilmember Levy voting Nay, balance of Council voting Aye). The Mayor emphasized that this was a preliminary step -- a first reading -- a second reading and adoption would have to occur prior to demolition, thus, the property owners would have some time to try to resolve the situation. Councilmember Iddings remarked that while he had been a strong supporter of removing the existing blight on the Westmoreland Avenue neighborhood, he was concerned about the obvious language barrier between the property owners and the City. Ms. Habada pointed out that two City Public Works employees, Juan Torres and Carlos Correa, were both fluent in Spanish; she remarked that Mr. Torres had interpreted at an earlier meeting with the MacDonalds, and that Mr. Correa was present at the current meeting. Councilmember Levy expressed concerns similar to Mr. Iddings' and noted the importance of the people involved being made to precisely and correctly understand what was occurring. Mr. Correa was asked to meet with the MacDonalds in the hallway and ensure that they understood what had been said and what had occurred during the course of the discussion.

ORDINANCE #1987-
(attached)

5. Resolution authorizing the rehiring of Bruce Bereano as City's Lobbyist.

The Mayor summarized the major points of the resolution and moved its passage, duly seconded by Councilmember Iddings. Mr. Iddings commented that he felt last year's lobbying services marked an improvement in the level of those services conducted in Annapolis, as demonstrated by the reversal of the prior trend on the unification bill, as well as the success on the zoning bill. He said unification was a difficult issue requiring repeated demonstration by the City that it was serious about the issue, and retaining Mr. Bereano would be one way of so doing, as well as an appropriate way of dealing with other issues of interest to the City. He said he was pleased that the City had the opportunity of again hiring Mr. Bereano to work on its behalf.

Ginja Carter, Neighborhoods Together: inquired whether the lobbyist might put some of his efforts toward the desired changes in state law concerning 60-day no cause evictions. The Mayor responded that would be something the Council might discuss and decide upon; he said Mr. Bereano was used on several different efforts last year. Ms. Carter inquired whether citizens wishing to do so could lobby on certain issues with, perhaps, some advice concerning methods/strategies from Mr. Bereano; response was in the affirmative. The Mayor remarked that Mr. Bereano had expressed a willingness last year to meet with and advise citizens wishing to lobby, and he would probably again be agreeable to doing that. Mr. Bereano affirmed he would.

Wayne Upton: inquired why the City should be paying a lobbyist when there are elected state officials -- delegates and senators -- whose job it is to represent their constituents residing in the City. He asked why the Mayor and Council could not communicate directly with those officials. He noted there was some discussion of that point last year, and said it was still an issue. Councilmember Levy suggested that perhaps Mr. Bereano could comment on that.

Mr. Bereano confirmed that there are 6 delegates and 2 senators who represent the City of Takoma Park in addition to their other constituents. He explained that a lobbyist spends his full time among the legislative body advocating, watching and promoting the interest(s) of his client(s); the delegates and senators, on the other hand, have obligations and responsibilities other than those to Takoma Park -- those can, in some instances, be conflicting. He said he felt those legislators representing constituents in the City to be very responsive to Takoma Park; he said he had worked closely with them and they had been very helpful, but, sometimes they find they don't have the degree of flexibility to lobby as could someone outside the legislature, or they find that pressure from someone outside that body can assist and augment what they are trying to do internally. He commented on his efforts of last year on behalf of the City, pointing out that he has various relationships that he has developed over the years that are unique and special and which he, as well as Mayor Del Giudice, had utilized. He said the elected officials representing the City in the state legislature were in no way remiss, however, they can act only within the confines of the institution, and outside assistance can be very instrumental and successful. Councilmember Levy inquired whether her understanding was correct that members of the Council could contact Mr. Bereano directly with concerns of their constituents; Mr. Bereano confirmed that was also his understanding last year, so long as the issue was within the confines of what he was supposed to do for the City. Councilmember Bradley asked that Mr. Bereano provide the City with a list of his clients or a copy of the report he is required to file; he affirmed that he would. Councilmember Sharp inquired how Mr. Bereano would handle the situation should a piece of legislation come up that the City would feel one way about and another of his clients the opposite. Mr. Bereano stated that he would discuss the matter with both clients who would be affected to see whether the issue could be resolved and, in the event it could not, then he would not be able to represent both entities. He said, however, that he could not imagine such an instance occurring, and stated that he felt very strongly, both as a lawyer and as an individual, about avoiding any conflicts or even the appearance thereof. Should there be such an occurrence requiring resolution, however, he said the client he would keep would be the one who had first retained his services.

Lou D'Ovidio: expressed support for the concept of the City hiring a lobbyist; he said he felt a positive step was taken last year in letting the people in Annapolis know the City is serious about certain issues about which there is strong feeling. He said, hopefully, in time some of the other municipalities would get as serious as Takoma Park about issues impacting them and agree to participate in jointly sponsoring the hiring of someone for representation in Annapolis. He said he strongly supported the continued hiring of a lobbyist by the City to represent their interests before the legislature.

Kevin Johnson-Kiconas, 8510 Flower Avenue: commented that apparently a lot of money was involved in lobbying; he inquired what would happen in the event someone offered Mr. Bereano substantially more money per hour to lobby against an issue that would benefit the City -- unification, for instance. He said, to his knowledge, most lobbyists go with whoever pays them the most money and ethical, moral, and practical considerations were not paramount to them. Councilmember d'Eustachio commented that after working with Mr. Bereano last year, he would take his word for his stance as stated on that question, i.e., that he would stay with the client who had first retained him.

Councilmember Williams referred to a newspaper article published some months back concerning lobbyists; he said he was surprised to learn there were about as many lobbyists as Representatives on Capitol Hill, and dismayed at the amounts of money and influence involved. He said apparently there was good basis for having a lobbyist represent one's interests, and his own major concern was elimination of the 60-day no cause evictions.

Mr. Bereano reiterated his loyalty to Takoma Park, and said that money would not be a consideration to him. He said that, even if he were not retained by the City in future, should another group appear and ask him to represent them on a matter that would adversely affect Takoma Park, he would decline despite no longer being retained by the City. He explained that, as a lawyer, he would not lobby against a former client and elaborated on his moral and ethical considerations in that regard.

Councilmember Bradley commented that she had abstained from voting on the hiring of Mr. Bereano last year. She said that this year, on the one hand, she would like to vote in the affirmative, however, still had some philosophical reservations -- not about a lobbyist, per se, or about Mr. Bereano personally, but partly in relation to some of his other clients, e.g., the tobacco industry. She said she had heard comments from some citizens about why the City was hiring such an expensive lobbyist. She noted unification was an important issue last year, was still so this year, and she remained dedicated to working toward that goal, however, no legislative strategy for the City had yet been developed or any priorities set. She said while this was not a vote about which she could feel a 100 percent certainty, she would be voting in the negative -- based on intuitive feelings on the issue.

Marc Elrich referred to the history of the unification issue before the state legislature, reminding that 4 years ago when citizen participation was at its peak, the vote in the legislature was very close -- the bill almost passed; however, he said in the interim, participation by citizens has decreased and the vote has been generally less favorable, with some improvement being shown last year due to the efforts of "One City, One County." He expressed support for busing citizens to Annapolis for the purpose of lobbying versus hiring a paid individual to do so, particularly considering the knowledge of and experience with the issue of the City's elected officials. The Mayor commented that in his experience working with Mr. Bereano last year, he found Mr. Bereano's knowledge of some of the intricate aspects of the process that occur out of the public view to be very valuable. The resolution passed by majority vote with Councilmember Bradley voting Nay, balance of Council voting Aye.

RESOLUTION #1987-1
(attached)

6. First Reading of an Ordinance authorizing additional Code Enforcement Officer position for Department of Housing Services.
Councilmember Williams moved acceptance for first reading, duly seconded by Councilmember Iddings. Mr. Williams commented that this was a first move toward trying to ensure that the Housing Services Department was adequately staffed, that additional attention would be devoted during the upcoming budget process; he noted the current staff shortage in that department. The Mayor noted that the position authorized under the ordinance would be funded out of the existing budget line item for salaries which contains an adequate amount due to departmental vacancies; he said, however, it would become an additional position to be funded in the next fiscal year's budget. The ordinance was accepted for first reading by unanimous vote.

ORDINANCE #1987-
(attached)

In response to query from Councilmember Williams, Councilmember Iddings stated that staff would proceed with advertisement of the position, as discussed in worksession, so that the process would not be detained pending second reading on January 26.

Ginja Carter commented she was glad to see the budgeted funds being expended to hire staff for the department and inquired how lengthy the hiring process was expected to be; Mr. Iddings, acting as Mayor Pro Tem, responded he was not familiar with the City's hiring process and suggested she contact Mr. Wilson for his response on that. Ms. Carter asked whether anyone had looked into how inspections would be accomplished now that the City was down to one Code Enforcement Officer; Mr. Iddings commented that clearly the City would have a problem meeting housing inspection requirements; again responding, he said the Council had not directed Mr. Wilson to prioritize the problem, that it was intended a Director would be hired for the department shortly.

7. Approval of departmental bid request for: Recreation Department 15-passenger, 1-ton Van.
Mayor Pro Tem Iddings commented this was a budgeted item, thus the ordinance would require a single reading only for adoption. Asst. Councilmember Sharp moved adoption, duly seconded by Councilmember Williams. City Administrator Habada related that the lowest bid had been selected, that \$15,000 had been budgeted for the expenditure, however, the bid came in at \$15,603 and the shortfall would be transferred from the Contingency Fund. Respond-

ing to Mr. Iddings, she related that application was made to the Redskin Foundation last fall for a grant which would fund the item, however, the request was turned down, after which the bid process was instituted. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Iddings, Sharp and Williams; NAY: None; ABSENT: Councilmembers Bradley, Haney and Levy.

ORDINANCE #1987-3
(attached)

8. Approval of departmental bid request for: Public Works Department Single-Axle Dump Truck.

Councilmember Sharp moved adoption, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio suggested editorially amending Section 3. of the ordinance to insert the correct dollar amount of the bid submitted by the low bidder, District International Trucks. Councilmember Iddings inquired concerning the manufacturer of the dump truck; response from Public Works Director Robbins was that International Harvester, now known as Navistar, had manufactured the vehicle and that the firm was legitimate (in conformance with the City's Nuclear Free Ordinance). Mr. Robbins stated that people he had talked with at Weber-White, where the City purchases trash trucks, and Central GMC, had so advised him. Additionally, he pointed out this was the last manufacturer making the specified size of truck, and that they were not on the list of nuclear-associated firms. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Iddings, Sharp and Williams; NAY: None; ABSENT: Councilmembers Bradley, Haney and Levy.

ORDINANCE #1987-4
(attached)

9. Approval of departmental bid request for Public Works Department 3/4-ton Pickup Truck.

Adoption of the ordinance was moved by Councilmember Sharp, duly seconded by Councilmember Williams. In response to query, Mr. Robbins stated the make of the truck to be supplied was Dodge. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Iddings, Sharp and Williams; NAY: None; ABSENT: Councilmembers Bradley, Haney and Levy.

ORDINANCE #1987-5
(attached)

10. Resolution appointing new Chair and new member to Historic Preservation Committee.

Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Williams. Councilmember Iddings remarked he had worked closely with Caroline Alderson on this committee, as well as others, and said she was very knowledgeable about historic preservation matters and works for the National Trust; additionally, he said she leads Smithsonian Tours through Takoma Park as a part of the Smithsonian Associates Program and remarked the City was very fortunate to have Ms. Alderson volunteer her time to chair this committee. The resolution was passed by unanimous vote.

RESOLUTION #1987-2
(attached)

11. Resolution revising reporting date for Revenue Advisory Committee.

The Mayor noted that the reporting date set forth in the original resolution passed prior to final appointment of members to the committee. He related having met with the committee and said that their efforts had gotten underway, commenting that there appeared to be a substantial amount of expertise within the group. He related briefly the issues the committee would be examining, and suggested he thought they would be ready to make a report in four months but probably not sooner, with the exception, perhaps, of interim preliminary reports, particularly in relation to budget issues. Councilmember Sharp suggested insertion of July 1, 1987 as the reporting date, which would not preclude interim reports, and pointed out the specified date would also be the termination date of the committee; Councilmember d'Eustachio suggested June 30, 1987 as being more appropriate, inasmuch as that would be the end of the fiscal year. Mr. Sharp accepted Mr. d'Eustachio's recommendation and moved insertion of the June 30 date and passage of the resolution, duly seconded by Councilmember d'Eustachio; the

motion carried unanimously.

RESOLUTION #1986-43 (as amended)
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:20 P.M., to reconvene in regular session at 8:00 P.M. on January 26, 1987.

- SECTION 1. THAT all vehicles traveling both north and south-bound shall come to a complete stop on Kingsway Avenue at its intersection with Sparrow Avenue; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install the stop signs, stop lines, and necessary warning signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon installation of the appropriate signage; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this 12th day of January, 1987.

Introduced by: Councilmember Bradley

1st Reading: 1-12-87
2nd Reading: 1-12-87

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

- SECTION 1. THAT all vehicles traveling both north and south-bound shall come to a complete stop on Kingsway Avenue at its intersection with Sparrow Avenue, and that a warning sign ("Stop Ahead") shall be placed on Kingsway Avenue, south-bound, near the crest of the hill; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install the stop signs, stop lines, and necessary warning signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon installation of the appropriate signage; AND
- SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this 12th day of January, 1987.

Introduced by: Councilmember Bradley

1st Reading: 12-8-86
2nd Reading: 1-12-87

ORDINANCE NO. 198 7-1

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

- SECTION 1. THAT all vehicular traffic, both east and west-bound, shall come to a complete stop on Kennebec Avenue at its intersection with Roanoke Avenue; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install the stop signs, stop lines, and necessary warning signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon installation of the appropriate signage; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this 12th day of January, 1987.

Introduced by: Councilmember Bradley

1st Reading: 12-8-86
2nd Reading: 1-12-87

ORDINANCE NO. 198 7-2

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

- SECTION 1. THAT all vehicular traffic, both north and south-bound, shall come to a complete stop on Maple Avenue at its intersection with Erie Avenue, and that a warning sign ("Stop Ahead") shall be placed on Maple Avenue, south-bound, near the crest of the hill; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install the stop signs, stop lines, and necessary warning signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon installation of the appropriate signage; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this 12th day of January, 1987.

DRAFT

DRAFT

Introduced By:

ORDINANCE NO. 1987-

WHEREAS, Takoma Park Ordinance No. 1986-39 established that the premises at 6801 Westmoreland Avenue are a nuisance and a menace to the community, and authorized City staff to move forward with demolition of the building at 6801 Westmoreland Avenue; AND

WHEREAS, bids for the demolition of this property were publicly solicited; AND

WHEREAS, in response to this solicitation one (1) bid was received from Demolition Unlimited, this in the amount of Fifty Eight Hundred Dollars (\$5,800.00); AND

WHEREAS, Demolition Unlimited has been determined to be a qualified bidder and its bid to be responsive; AND

WHEREAS, the Mayor and Council find that it is in the public interest to award a contract to Demolition Unlimited to demolish the premises at 6801 Westmoreland Avenue;

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

SECTION 1. THAT a contract in the amount of FIFTY EIGHT HUNDRED DOLLARS (\$5,800.00) is awarded to Demolition Unlimited, in accordance with the applicable bid documents, for the purpose of demolishing the premises at 6801 Westmoreland Avenue.

SECTION 2. THAT the City Administrator is authorized and directed to execute the necessary agreement and related documents necessary to complete the demolition of the premises at 6801 Westmoreland Avenue.

SECTION 3. THAT funds in the amount of FIFTY EIGHT HUNDRED DOLLARS (\$5,800.00) be allocated from Budget Account No. _____ to pay for said services.

SECTION 4. THAT such other funds necessary to properly demolish the premises at 6801 Westmoreland Avenue be allocated from Budget Account No. _____ and expended.

SECTION 5. THAT all expenses incurred by the City to demolish this property shall constitute a lien against the owners real property at 6801 Westmoreland Avenue and shall be duly collected in accordance with the law.

MEMORANDUM

TO: Mayor and Council

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

FROM: Daniel J. Neal, Economic and Community
Development Coordinator *DJN by Dgm*

RE: 6801 Westmoreland Avenue

DATE: 9 January 1987

Questions were raised at last Monday's worksession about Mr. MacDonald's contract with Mr. Alfredo Guzman to complete the renovation of 6801 Westmoreland Avenue. The following is provided in response to these questions:

- o According to the Maryland Home Improvement Commission (MHIC), Mr. Guzman has a valid subcontractor's license (No. 26604). This license is valid through June, 1987. There are no complaints against him on file. Mr. Guzman tells me he is not bonded. Bonding is not required in order to hold a subcontractors license.
- o Wheeler Enterprises has a valid prime contractor's license (No. 19013). This is valid through June, 1987. There are no complaints on file against him. Wheeler Enterprises is bonded.
- o According to Ms. Mary Quattro, a supervisor at the Montgomery County building permit office, the permit and file for 6801 Westmoreland Avenue are in order. The permit, of which I now have a copy, expires on 11 January 1987. The only confusion here is that the permit information indicates that the contractor is Wheeler Enterprises. Mr. Alfredo Guzman signed permit papers for Wheeler Enterprises as an agent and also signed the contract (on Wheeler Enterprises stationery) with Mr. MacDonald. My question is: is Mr. Guzman an authorized agent for Wheeler Enterprises, empowered to sign contracts, thereby making Wheeler Enterprises the contractor? Mr. Wheeler has been out of town this week - attempts to reach him have failed.
- o Ms. Quattro has promised to notify the City if the MacDonald's file for a new permit or an extension of the permit they have now.
- o A draft ordinance awarding a demolition contract to Demolition Unlimited is attached. Ms. Quattro pointed out that should the City proceed with demolition, a County permit will be needed.

- o Mr. Clayton of Department of Housing Services will inspect the subject property prior to Monday night's Council Meeting, provided that the MacDonalds grant access and permission. Failing that, at minimum a "windshield survey" of the property will have been done by the meeting.

- o A copy of the Council's agenda for 12 January 1987 has been forwarded to the MacDonalds via certified mail.

DJN:imr

Attachment a/s

cc: Condie Clayton
Susan Silber, Corporation
Counsel
Paula Jewel, Deputy Clerk

Date: January 12, 1987

RESOLUTION NO. 1987 - 1

WHEREAS, In January 1986, the Council entered into a one year contract with Mr. Bruce Bereano of the law firm of Bereano & Resnick of Annapolis, Maryland for lobbying services, AND

WHEREAS The City of Takoma Park has interests in upcoming bills, specifically, the unification issue and possibly state road permit parking, as well as other legislation, AND

WHEREAS, Mr. Bereano contacted the City in December of 1986 offering to make his lobbying services available to the City for the upcoming year, AND

WHEREAS, Mr. Bereano proposes to enter into a contract for 1987 based on the same fees as contractd in 1986, for services desired--a retainer fee of \$2,500 against an hourly billing of \$125 plus reimbursement for reasonable expenses incurred; AND

WHEREAS, The City was pleased with the past year's lobbying service provided by Mr. Bruce Bereano.

NOW THEREFORE BE IT RESOLVED, that the Council enter into a contract for lobbying services for the year 1987; AND

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into a contract with Mr. Bereano for lobbying services proposed for the year 1987, said contract to be reviewed by the Mayor and Council on a monthly basis for cost review, AND

BE IT FURTHER RESOLVED, that this contract be filled against Budget Account Number 570.3-Lobbying.

Date: January 12, 1987

Upon motion by _____, duly seconded by _____,
the following ordinance was introduced.

ORDINANCE NO. 1987- _____

AN ORDINANCE TO AUTHORIZE AN ADDITIONAL CODE ENFORCEMENT OFFICER I POSITION FOR THE DEPARTMENT OF HOUSING SERVICES.

WHEREAS, position vacancies in the Department of Housing Services have created a surplus in Departmental salary accounts; AND

WHEREAS, the Department of Housing Services needs additional staffing to assist with implementation of the Housing Code of the City of Takoma Park in order to deal with the backlog of Code inspections;

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

SECTION 1. THAT a Code Enforcement Officer I position is hereby added to the Departmental roster for FY 87.

SECTION 2. THAT the City Administrator is authorized to advertise to fill the additional Code Enforcement Officer I position.

Adopted this _____ day of _____, 1987

- YEA:
- NAY:
- ABSENT:
- ABSTAIN:

Introduced by:
Councilmember Sharp

ORDINANCE NO. 1987- 3

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

- SECTION 1. THAT the Fiscal Year 1987 City Budget set aside \$15,000.00 for the purchase of a one-ton 15 passenger van for the Recreation Department; AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised for two consecutive weeks in a weekly newspaper of local circulation; AND
- SECTION 3. THAT bids were publicly opened at 4:00 P.M., January 7, 1987 with the low bid having been received from Colonial Dodge, 11411 Rockville Pike, Kensington, Maryland, for one one-ton Dodge 15 passenger van at \$15,603.00; AND
- SECTION 4. THAT Colonial Dodge has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND
- SECTION 5. THEREFORE THAT the bid of Colonial Dodge for a one-ton Dodge 15 passenger van, Model B350-1987, 360 Cid V-8 engine, for the sum of FIFTEEN THOUSAND, SIX HUNDRED THREE DOLLARS (\$15,603.00) is hereby accepted; AND
- SECTION 6. THAT funds to cover this purchase be appropriated from the capital expenditures account #995.

Adopted this 12th day of January, 1987.

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

- SECTION 1. THAT the Fiscal Year 1986-87 City Budget earmarked \$32,000 in the Capital Budget for the purchase of one SINGLE AXLE DUMP TRUCK 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 2:00 P.M., January 7, 1987, with the low bid of \$ 29,800.00 having been received from District International Trucks AND
- SECTION 4. THAT the bid of District International Trucks for one Single Axle Dump Truck; AND
- SECTION 5. FURTHER that District International Trucks 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; AND
- SECTION 6. THAT funds to cover this purchase in the amount of TWENTY NINE THOUSAND, EIGHT HUNDRED DOLLARS (\$29,800.00) be charged to the Capital Expenditures Account, #995.

Adopted this 12th day of January, 1987.

ORDINANCE NO 1987 - 5

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

- SECTION 1. THAT the Fiscal Year 1986-87 City Budget earmarked \$11,500 in the Capital Budget for the purchase of one 3/4 TON PICK-UP TRUCK 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 2:30 P.M., January 7, 1987, with the low bid of \$10,743.00 having been received from Bob Banning Motors AND
- SECTION 4. THAT the bid of Bob Banning Motors for one 3/4 Ton Pick-Up Truck is hereby accepted; AND
- SECTION 5. FURTHER that Bob Banning Motors 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; AND
- SECTION 6. THAT funds to cover this purchase in the amount of TEN THOUSAND, SEVEN HUNDRED FORTY THREE DOLLARS (\$10,743.00) be charged to the Capital Expenditures Account, #995.

Adopted this 12th day of January, 1987.

INTRODUCED BY: Councilmember Iddings

RESOLUTION NO. 1987- 2

- WHEREAS, The Takoma Park Historic Preservation Committee is a standing committee of the City; AND
- WHEREAS, Ms. Mary Dean, 1985-86 Chairperson of the Committee recently moved her residence to Connecticut, and has therefore resigned the committee; AND
- WHEREAS, the Committee has nominated Ms. Caroline Alderson to replace Ms. Dean as TPHFC Chairperson; AND
- WHEREAS, Ms. Alderson has served as a TPHFC committee member for the past two years; AND
- WHEREAS, THE TPHFC has also nominated Mr. Edmund Kirby-Smith as a candidate for the committee member vacancy left by Ms. Dean; AND
- WHEREAS, Mr. Edmund Kirby-Smith is a resident of Takoma Park and is familiar with commercial and residential renovations, restorations, and new constructions, preservation planning, legislation development, environmental review, and a variety of other areas that would greatly benefit the TPHFC.
- NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council concurs with the TPHFC committee's nominations as noted above; AND
- BE IT FURTHER RESOLVED, that Ms. Carolina Alderson is hereby appointed Chairperson of the the Takoma Park Historic Preservation Committee for the year 1987; AND
- BE IT FURTHER RESOLVED, that Mr. Edmund Kirby-Smith is hereby appointed a new member of the Takoma Park Historic Preservation Committee.

Enacted January 12, 1987.

Introduced by: Councilmember Sharp

Adopted: 5-12-86
Amended 1-12-87

RESOLUTION NO. 1986-43

- WHEREAS, the City of Takoma Park is embarked on a major effort of economic revitalization and capital improvement; AND
- WHEREAS, the federal government is reducing the amount of funds it makes available to localities through Community Development Block Grants, revenue sharing, and other programs; AND
- WHEREAS, the City of Takoma Park will not be able to provide through taxes all of the funds required for its economic development and capital improvement needs; AND
- WHEREAS, it is necessary for the City of Takoma Park to manage its financial resources in such a manner as to maximize their use while also insuring that the effects of such management are neither socially nor economically injurious to the residents of the City.
- NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby establishes a Revenue Advisory Committee whose purpose is to seek out and accumulate information about additional sources of income for the City; AND
- BE IT FURTHER RESOLVED THAT the Committee may be assigned other secondary tasks relating to the financial affairs of the City of Takoma Park as the Mayor and Council may deem appropriate and also that the Committee may take upon itself such other financially related matters as it deems appropriate; AND
- BE IT FURTHER RESOLVED THAT the Committee shall consist of seven citizens of the City of Takoma Park to be appointed by the Mayor, based on recommendations by members of the Council; AND
- BE IT FURTHER RESOLVED THAT the City Administrator shall make available to the Committee whatever reasonable amount of staff support it needs to carry out its mandate; AND
- BE IT FURTHER RESOLVED THAT the Committee shall report to the Mayor and Council its findings and recommendations by June 30, 1987. Should the Committee require additional time to complete its report, it shall make a written request to the Mayor and Council which shall vote on the request; AND
- BE IT FURTHER RESOLVED THAT upon acceptance of its report by the Mayor and Council, the Committee shall cease to exist.

Amended: January 12, 1987

PLEASE NOTE THAT THE AGENDA ITEM TIMES INDICATED BELOW ARE SUGGESTED TIMEFRAMES. ITEMS MAY BE TAKEN UP SOONER OR LATER THAN THE TIMES INDICATED, BASED ON COUNCIL DELIBERATIONS.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

January 26, 1987

8:00 P.M.

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
- 8:02 FLEDGE
- 8:05 ADOPTION OF MINUTES OF NOVEMBER 24, 1986 REGULAR COUNCIL MEETING
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- CITY ADMINISTRATOR'S COMMENTS -
9:00 - Auditor's Reports
- ADMINISTRATIVE REPORTS
- 9:05 (1) Second Reading of an Ordinance to award demolition contract to Demolition Unlimited for 6801 Westmoreland Avenue
Citizens Comments
Council Action
- 9:30 (2) Public Briefing on the Post Office and Proposed Amendment to the Sector Plan for Silver Spring CBD and Vicinity
Citizens Comments
Council Action
- 9:50 (3) Resolution appointing Susan Weiss as Housing Department Director
Citizens Comments
Council Action
- 10:10 (4) Approval of Ordinance awarding contract to Heritage Building and Renovation, Inc. for Police Department Holding Cells construction
Citizens Comments
Council Action
- 10:20 (5) Approval of Resolution authorizing disposal of wrecked Police Department Car No. 7
- 10:25 (6) Resolution appointing additional member to Revenue Advisory Committee
Citizens Comments
Council Action

REMINDERS

- * Tuesday, January 27 - Montgomery County MML Dinner
- * Monday, February 2 - Council Worksession
- * Thursday, February 5 - County Annual Growth Policy Public Hearing
- Silver Spring Sector Plan Hearing
- * Monday, February 9 - Council Meeting
- * Monday, February 16 - George Washington's Birthday-City Offices Closed
- * Tuesday, February 17 - Council Worksession
- * Monday, February 24 - Council Meeting

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 27, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Williams
City Administrator Wilson
Assistant City Administrator Habada
Deputy City Clerk Jewell
ABSENT: Councilmembers Bradley and d'Eustachio

The Mayor and Council convened the Regular Council Meeting at 8:00 PM on January 27, 1987, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the Regular Meeting of November 24, 1986 were presented for approval. Councilmember Sharp requested amendment of the minutes, Item 2, page 2, Resolution appointing members to Revenue Taskforce. He noted that his suggestion of extending the deadline to July was the date the Revenue Task Force was to submit their report to the Mayor and Council, not the deadline for appointments to be extended. The minutes were adopted as amended.

Mayor Pro Tem Iddings announced that Mayor Del Giudice would be arriving shortly and that Councilmembers d'Eustachio and Bradley would be absent; d'Eustachio had a personal matter to attend to and Bradley was attending the Montgomery County Maryland Municipal League dinner in Annapolis. Iddings commented on the outstanding job our Public Works Department has done in handling the snow removal and sanding of the City's streets. He and other councilmembers remarked that they received many compliments from City residents on the job well done.

Mr. Wilson commented on the Auditor's report and the Management Letter and entered these documents into the record. Mr. Wilson also entered into the record that City Staff involved in the Mike Davidson incident on 12/24/86 have prepared a written report on such incident, this being distributed to Mayor and Council in last week's packaging. Mr. Wilson commented that he also was able to rearrange schedules for testifying at the CIP budget hearings as follows: Mayor Del Giudice will testify on 1/28 and Councilmembers Iddings and Haney will testify on 1/29.

Citizens' Comments

Kenneth Lucas, Resident and Former Employee with Takoma Park Police Department: addressed the Council regarding the matter of his employment/past employment with the City for 14 years. He mentioned that he and his attorney have written many letters to the past mayor and council regarding this situation and has not received adequate resolution from these inquiries. Mr. Lucas stated that in 1983 he was injured in the line of duty and consequently was forced to retire effective January 1st due to that injury. Mr. Lucas complaints were: that he was denied a promotion for doing his job in protecting the City, that he received workmen's compensation for only 6 months, and had to resort to part-time employment to survive; for 2 1/2 years he received no pay from the City or State; he had accumulated approximately 8 months of compensation time and was forced to use this leave at a straight pay scale instead of time and a half; when he was processing his retirement paperwork, he learned the City had not placed him in the retirement system until after he'd been here for 1 1/2 years and had to re-purchase that time at cost of \$1300 (which he had to borrow); he learned only by chance that someone within the City had terminated his employment on 4/4/85; he was denied his right to carry forward health benefits; he was excluded from receiving the Christmas bonus the City issued in lieu of pay raises 2 years ago. Mr. Lucas continued that the years he worked for the City were thoroughly enjoyable but the past three years have been the worst of his life. He said that the current police administrator denied his request for light duty status and has been unfair in dealing with matters of this nature. He informed the police chief he would be taking this matter up with the Mayor and Council, he then proceeded to the squad room and was "visiting" his fellow employees when he was escorted from the police department, told that he was not welcome and to call to get permission to be on the premises in the future. He asked for a written apology from the police chief and that the Mayor and Council direct the chief in affording him the retirement credentials due him.

Mayor Pro Tem Iddings commented that he's sure the past few years have been a hardship for Mr. Lucas and that City Staff would look into the matter. A copy

of Mr. Lucas' statement was forwarded to the Deputy City Clerk for distribution among the appropriate officials. City staff was directed to review the issues raised by Mr. Lucas and to provide the Mayor and Council with responses.

Brint Dillingham: commented that the City's Newsletter distribution system has yet to be working and questioned whether City Staff have done anything about it; there are still quite a few apartments and neighborhoods that are not receiving the Newsletter regularly. City Administrator Wilson pointed out that the Newsletter Editor had held a meeting with the groups that distribute the Newsletter to hopefully resolve the problems. Councilmember Williams suggested that City Staff contact Juanita Nunn, 270-5712 to find out whether UMAAC is on the list for distribution of the Newsletter and the Council agendas.

Wayne Upton: shared with the Mayor and Council a resolution that he drafted. The resolution states that the Takoma Park City Council urges Congressman Hoyer and Congresswoman Morella to support and become co-sponsors of the National Peace Garden bill. Councilmember Williams suggested that the language in the first "Whereas" clause should include the Hispanic race and that the "Resolved" clause be amended to include the urging of Senators as well as members of Congress. Mr. Upton commented that he has already corresponded with the Congress members in support of this bill. Council directed Mr. Upton to keep City Staff informed of any response to his correspondence and this issue might go on for worksession discussion on 2/2 and possible resolution reading at the council meeting on 2/9, once the language has been perfected.

ITEMS FOR COUNCIL ACTION:

(Councilmember Iddings moved to postpone the first scheduled item re 6801 Westmoreland Avenue, as it was only @8:40 p.m.; this would give pertinent staff and citizens more time to arrive.)

1. Post Office and Proposed Amendment to the Sector Plan for Silver Spring CBD and Vicinity. The Mayor noted that this was discussed at length at the Council's worksession on January 20. Dan Neal is preparing testimony for the February 5th public hearing on growth policy. There were no citizen comments.

2. Resolution appointing Susan Weiss as Housing Department Director. Councilmember Williams moved for this appointment, seconded by Councilmember Sharp. Councilmember Iddings gave a brief background on the process involved to establish a committee to select a department director and how this committee met with various job applicants and what they based their selection requirements on. Iddings also gave a brief overview of Ms. Weiss' background. Ms. Weiss was chosen from a highly competitive field of qualified candidates. She comes to Takoma Park from Ames, Iowa where she directed the housing/tenant affairs service. He, as well as other councilmembers were pleased with the selection of Ms. Weiss. City Administrator Wilson further commented that Ms. Weiss has already secured housing in Takoma Park as well as telephone service and would be relocating to the City by February 9th, if not earlier. The resolution was unanimously adopted with all councilmembers present voting Aye. It was noted and entered into the record that a memo from Councilmember Paul d'Eustachio stated his pleasure to recommend to his fellow councilmembers to vote in favor of the appointment of Ms. Weiss. Mr. d'Eustachio's memo also commends the search committee that brought her name before the Council for their outstanding work on this matter.

RESOLUTION NO. 1987-3

(attached)

3. Approval of Ordinance awarding contract to Heritage Building and Renovation, Inc. for Police Department holding cells construction. Iddings moved for adoption of this ordinance, further seconded by Councilmember Haney. Mr. Wilson noted for the record that since this is in the Budget, a one-time reading only was necessary for approval. Citizen Brint Dillingham questioned how much would the construction cost and whether there is such a need for interviewing rooms, and how often would they be used. Mr. Wilson replied that the cost to turn these holding cells into interview rooms is \$3,750; the quantitative data regarding actual use of the interviewing rooms was not available but could be made available if there was a request for it. The ordinance was approved with all councilmembers present voting "Aye".

ORDINANCE NO. 1987-6

(attached)

4. Resolution authorizing disposal of wrecked Police Department Car No. 7. Mr. Wilson opened that a resolution of this type is standard in that it removes budgeted equipment from the inventory. Mayor Del Giudice noted his understanding that the vehicle's suspension was the cause of the problem and questioned whether the car's parts would be kept for evidence purposes since Chrysler was the make of the car. Mr. Wilson confirmed that the Chrysler suspension was suspected as the cause of the loss of control of the vehicle and he will check into whether the parts will be kept for investigative and evidence purposes. The resolution was adopted unanimously by Councilmembers present.

RESOLUTION NO. 1987-4
(attached)

5. Resolution appointing additional member to Revenue Advisory Committee. Councilmember Iddings moved for adoption of said resolution, seconded by Councilmember Haney. Councilmember Iddings gave a brief background on the nomination of Ms. Cindy Kahan, who is a resident of Ward Three. The Resolution was unanimously adopted with all councilmembers present voting "Aye". Iddings noted that the date of adoption on the Resolution needs to be changed from January 26th to January 27th.

RESOLUTION NO. 1987-5
(attached)

(9:06 p.m. - Ten minute recess. At 9:16 p.m., the Westmoreland Issue came before the Mayor and Council.)

6. Second Reading of an Ordinance to award demolition contract to Demolition Unlimited for 6801 Westmoreland Avenue. Mr. Wilson pointed out to the Mayor and Council and noted for the record that they had before them a reinspection status report from Code Enforcement Condie Clayton and a memo from Councilmember Paul d'Eustachio. Mr. d'Eustachio's memo urged fellow councilmembers to vote in favor of the second reading of this ordinance and that any further delays granted at this point will be further delays in reaching a solution to this problem. Councilmember Iddings referred to Mr. Clayton's report and the history of the issue. He moved for "tabling" the matter until the Council Meeting on March 9; this was seconded by Councilmember Haney. Mr. Clayton's report (copy attached) and Councilmember d'Eustachio's memo regarding this issue were hereby incorporated into the record. The next stage for completion of structural work is mid-February and the final work is to be completed by mid-March. The Council noted that consideration would be given for the fact that construction time may have been lost to recent inclement weather. Councilmember Iddings questioned whether the property is located in Montgomery or Prince George's County. Mr. Clayton responded that it is in Montgomery County. The Motion to table the ordinance until March 9th carried with all present voting "Aye".

Mayor Del Giudice noted the minimum amount of time it took to conduct this Council meeting probably due to the weather conditions which kept a lot of citizens from attending. He then called for an Executive Session to immediately follow adjournment of tonight's council meeting.

Upon motion, duly seconded, the meeting adjourned at 9:26 p.m.

City of Takoma Park, Maryland

DEPARTMENT OF HOUSING SERVICES
270-8900



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

26 January 1987

MEMORANDUM

TO: Mayor and City Council
THRU: James S. Wilson, Jr.
City Administrator
FROM: Condie M. Clayton
Code Enforcement Supervisor
SUBJECT: 6801 Westmoreland Avenue
Reinspection Status Report

On 17 January 1987 Condie M. Clayton of the Code Enforcement Division of the Department of Housing Services responded to the premises of 6801 Westmoreland Avenue. Once at that location, I spoke with Mrs. MacDonald, her daughter, and son-in-law Mr. & Mrs. Lumpuy.

None of the persons in attendance had keys to unlock the doors. After waiting approximately 45 minutes, we attempted to locate the home improvement contractor, Mr. Alfredo Guzman. Mr. Guzman's children informed Mrs. Lumpuy and myself that their parents were not home and they expected to see them later that evening. Messages were left with the children and I then took the MacDonald family to their destination at which time Mrs. Lumpuy assured me that she will obtain the keys from the contractor. The reinspection was then rescheduled for the next day.

On 18 January 1987, I again met with the MacDonald's at 10:30 a.m. at 6801 Westmoreland Avenue. Present at the meeting was Mrs. J.M. MacDonald and her 14 year old daughter - Karen. We were able to effect entry into the structure and filed the report below.

The basement portion of the house is compartmentalized into the following rooms moving from the rear stairway toward the front of the house - right to left. The laundry room and the bathroom occupies this section. Opposite these two (2) room is the family room/library. The remaining space will occupy two bedrooms. This is the front part of the house.

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Violations as noted by the then Housing Director, Anthony Austin, disclosed the following as of 14 May 1986.

Complete Basement: Violations PM-602.3 Electrical system constitutes a hazard to occupant(s) due to extensive fire damage as exhibited by melting wiring from the circuit breakers from the basement to the first floor.

Corrective Actions Ordered: Completely rewire electrical system per Montgomery County Electrical Code.

Work Completed: The electrical wiring in this section of the house is approximately 80-85% completed. The electrical covers, boxes and switches are absent and need to be put in place.

Heating/Hot Water: Violations PM-601.3 Heating equipment and water heating device are not properly functioning to maintain room temperature of 68 degrees F and a water temperature of 110 degrees F.

Corrective Action Ordered: Repair or replace furnace and hot water tank with approved connection to gas line.

Work Completed: Gas lines are in but the services remains terminated at the service junction by the gas company. The water lines are also in but they too remain non-functional. Note: They are still absent of both a hot water heater and furnace.

Stairway: Violations PM-302.3.7 Stairway suffered extensive damaged; stringers, treads and handrail unsafe and could not support load they designed to carry.

Corrective Action Ordered: Replace entire stairway.

Work Completed: Stairway has been replaced; however, there remain some concern as to whether they conform with the requirements of the County Building Code: Note: the risers and treads are 12" each causing a somewhat steep grade.

Basement Windows: Violation PM-302.4 Basement window panes were broken out.

Work Completed: All the windows on the basement level have been replaced.

Main Level: Violations: PM-303.2 The supporting structural member (wood girder) showed evidence of fire damage which would render it incapable of carrying the imposed load.

Corrective Action Ordered: Replace girder.

Work Completed: The girder(s) have been replaced with new 2"x10"s. This will enable the supporting structural member to carry the demands of the imposed loads which will be forthcoming.

Flooring: Violation PM-303.21 The joist and deck (hallway cold air return) is badly charred.

Corrective Action Ordered: Replace all damaged wood with new wood.

Work Completed: All damaged wood has been replaced with new materials.

Floor Covering: Violation PM-303.21 Floor covering (carpeting throughout the house, ceramic tile in bathroom, linoleum in kitchen) was badly damaged.

Corrective Action Ordered: Replace all floor covering, clean and reglaze bathroom floor tiles.

Work Completed: The deck has been replaced with plywood. The owners still must replace and install carpet throughout the house, linoleum in the kitchen and tile in the bathroom.

Living room/Dining room/Bathroom and Bedrooms: Violations: PM-303.21 Smoke damage is visible in the ceiling of all the rooms.

Corrective Action Ordered: Clean and repaint the ceilings.

Work Completed: The dry wall (ceiling) has been removed and still needs to be replaced.

Kitchen Ceiling: Violations PM303.21 Ceiling completely burned.

Corrective Action Ordered: Replace ceiling.

Work Completed: The damaged ceiling has been removed. The ceiling dry wall has not been replaced.

Side Walls: Violations: PM-303.21 Fire pattern indicates serious structural damage.

Corrective Action Ordered: Completely reconstruct side walls to make structurally sound and to carry the loads they are designed to carry.

Work Completed: The damaged studs have been removed/replaced. However, the fire stops are not in place.

Inside Walls: Violations: PM-303.21 Living room/Dining room, Hallway and back Bedroom walls exhibit holes in drywalls.

Corrective Action Ordered: Replaster, clean and repaint walls.

Work Completed: The damaged walls are removed. The drywall is not in place.

Kitchen Walls: Violations: PM-303.21 Kitchen walls burned down to wood lath.

Corrective Action Ordered: Replace drywall and finish same.

Work Completed: The damaged walls were removed. The drywall is not in place.

Window Panes: Violations: PM-302.4.2 The window panes throughout the house are broken.

Corrective Action Ordered: Reglaze.

Work Completed: All the windows are replaced with new windows.

Window Frames: Violations: PM-302.4 All the frames in the house were damaged.

Corrective Action Ordered: All the window frames were replaced with new frames.

Entrance/Exit Doors: Violations PM-302.4 Rear door off hinges and completely destroyed. Front entrance door fire damages.

Corrective Action Ordered: Replace doors.

Work Completed: The front and rear doors were replaced with solid core wood doors.

Roof/Roof Members: Violations PM-302.3.3 Roof deck structurally damaged leaving two (2) holes approximately 5 feet. Roof structural members are damaged by fire.

Corrective Action Ordered: Replace all damaged deck area with new wood, paper and shingle. Also replace all fire damaged members with new material.

Work Completed: The damaged deck area and the roof structural members have been replaced/repared or supported.

After checking the construction site the following observations were noted. Inspection of the masonry walls verify that the wall does not require reinforcement. The framing studs meet the minimum size, grade, type and quality. Additionally they are spaced and nailed properly. However there is a need for bridging (firestop) to serve as a reinforcement as well as to prevent the vertical spaces from acting as flues in the event of a fire.

Introduced By: Councilmember Williams

Adopted: 1-27-87

RESOLUTION #1987-3

WHEREAS, Due to the resignation of Mr. Anthony Austin, the City's Director of the Department of Housing Services, effective September 26, 1986, the City of Takoma Park must fill the vacancy created by the resignation, AND

WHEREAS, The Mayor and Council on November 10, 1986 appointed the Housing Director Selection Committee for the purpose of recruiting, interviewing and recommending finalists to the Mayor and Council, AND

WHEREAS, The Housing Director Selection Committee recommended three finalists to the Mayor and Council on January 5, 1987, AND

WHEREAS, The Mayor and Council have conducted personal interviews with each of the three candidates and reviewed the references of each candidate; AND

WHEREAS, After due deliberation, Mayor and Council have selected Susan Weiss, formerly the Executive Director of the Ames, Iowa Tenant-Landlord Services, for permanent appointment to the position of Director of Housing Services for the City of Takoma Park, Maryland.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park, Maryland do hereby designate and appoint Susan Weiss, as Director of the Department of Housing Services at Grade 21, Step A, of the City Pay Plan, effective no later than February 9, 1987, and hereby instruct the City Administrator to complete the administrative processes required to implement this appointment.

INTRODUCED BY: Councilmember Iddings

ORDINANCE NO. 1987-6

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

- SECTION 1. THAT the FY-1987 City budget provided funds for the Police Department holding cell improvements; AND
- SECTION 2. THAT bids were solicited from three qualified construction firms, the lowest being that of Heritage Building and Renovation, Inc., with a bid of \$3,750; AND
- SECTION 3. THAT this firm has successfully completed work for the Police Department in the past, and has previously submitted the affidavit required under the Nuclear-Free Zone Act; AND
- SECTION 4. THAT the work on remodelling the cell block is needed to comply with current standards set by the City of Takoma Park's insurance broker, Markel Service, Incorporated; AND
- SECTION 5. THAT the contract price for the material and labor for remodelling of the cell block will be \$3,750.00; AND
- SECTION 6. THAT in accordance with Section 2-44(a) of the City Code, this procurement is exempt from competitive bidding.
- SECTION 7. THEREFORE THAT a contract be awarded to Heritage Building and Renovation, Inc. for THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$3,750.00) and that this cost be charged to the Capital Budget, Budget Account Number 995.

Adopted by the Mayor and Council on January 27, 1987.

Council Meeting Minutes, 1/27/87
ATTACHMENT

RESOLUTION 1987 - 4

WHEREAS, the Chief of Police has reported that Car #7, which was wrecked on November 20, 1986, is beyond economical repair, and requests permission to take from the vehicle parts which are useable and dispose of the remains;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT authorization is hereby given to dispose of the following police department vehicle:

ONE 1986 WHITE CHRYSLER SEDAN,

Serial No. 1P3BB2658GX551737

ADOPTED BY THE MAYOR AND COUNCIL: January 27, 1987

Council Meeting Minutes, 1/27/87
ATTACHMENT

RESOLUTION: Additional Appointment to Revenue Advisory Committee
INTRODUCED BY: Councilmember Iddings

Adopted: January 27, 1987

RESOLUTION No. 1987-5

WHEREAS, the City Council adopted Resolution No. 1986-43 on May 12, 1986, establishing the Revenue Advisory Committee; AND

WHEREAS, on November 24, 1986, initial appointments were made to the Committee; AND

WHEREAS, on December 15, 1986, names of additional qualified citizens were appointed by the Mayor and Council for membership on the committee; AND

WHEREAS, the name of an additional qualified citizen who might serve on the committee has been placed in nomination by Councilmembers for membership on the committee.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby make the following additional appointment to the Revenue Advisory Committee:

Cindy Kahan

Adopted this 27th day of January, 1987.