

Regular Meeting of the Mayor and Council
April 10, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Ec. & Community Dev. Director Neal
Councilmember Leary	Community Planner Schwartz
Councilmember Martin	Public Works Director Giancola
Councilmember Sharp	Corporation Counsel Silber

ABSENT: Councilmember Douglas

The Mayor and City Council convened at 8:08 P.M. on Monday, April 10, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember d'Eustachio moved approval of the Minutes of the March 27, 1989 Council Meeting, as written; the motion was duly seconded by Councilmember Hamilton and carried by unanimous vote.

The Mayor noted that Partners for Prevention, the 5th annual Maryland State alcohol and drug abuse conference, would be held on Thursday, April 20 and Friday, April 21, at the B.W.I. Holiday Inn and that Councilmember Hamilton, Calvin Avant and City Outreach workers would be attending. He commented that if there were others interested in attending, Mr. Hamilton could furnish additional information.

In conjunction with Fair Housing Month in the area, the Mayor noted there would be an Interagency Fair Housing Coordinating Forum held on April 13 from 9 a.m. to 4 p.m.; DHS staff would be attending, as well as Councilmember Hamilton, and additional information could be gotten from Housing Services for those interested in participating. Mayor Del Giudice pointed out that item #1 of the published agenda was a Proclamation declaring April as Fair Housing Month in the city and joining other local governments and communities in its celebration. He moved passage of the resolution, duly seconded by Councilmember Hamilton. The Proclamation was passed by unanimous vote.

PROCLAMATION
(attached)

Councilmember d'Eustachio presented and read a resolution he had drafted which recognized Councilmember Hamilton's efforts and achievements in the field of fair housing and expressed congratulations to him for the honor of being chosen by Montgomery County to receive their Fair Housing Award. He moved its passage, duly seconded by Councilmember Elrich. The resolution was passed with Councilmember Hamilton abstaining, balance of those present voting Aye.

RESOLUTION #1989-34
(attached)

The Mayor noted that Lou D'Ovidio was present and asked that he come forward and accept, on behalf of the county government, a copy of the Proclamation just previously passed. Mr. D'Ovidio explained that he was present representing Suburban Maryland Fair Housing as a member of the Board, and noted that he was also a member of the Interagency Fair Housing coordinating group. He congratulated Councilmember Hamilton on being the recipient of the county's Fair Housing Award and said he looked forward to its presentation later in April. Mr. D'Ovidio pointed out that the Suburban Maryland Fair Housing Agency would also be sponsoring a series of events during April, including an awards ceremony on April 18 at Cedar Lane Unitarian Church, at which a number of people would be honored for their efforts. In addition, he noted the group would be holding its annual awards dinner on May 24, at which a special award would be presented to a member of the community who had done a great deal of work regarding fair housing. Mr. D'Ovidio thanked the elected body and accepted a copy of the City's Proclamation.

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

Brint Dillingham, 7018 Carroll Avenue: related his ongoing quest since early December for certain information from DHS. He briefly reiterated his areas of concern, including landlords' compliance with reporting requirements, the impact to date of the county Phaseback Law on the city, and the number of petitions received from landlords over the past 5 years for rent increases above the rent stabilization level and details of those petitions. He pointed out those particular things were included as DHS initiatives in the City's current budget and money was appropriated to study them; some of them were addressed in the Housing Taskforce's 1987 report; the reporting requirement for landlords had been on the books since 1983. He commented it appeared that by now the information should be current and readily available, however, that was apparently not the case, and moreover, he had been astonished to receive a letter from DHS in March which requested that he pay for information regarding the number of petitions received for extraordinary rent increases between 1984 and 1988 and details of the petitions. He said he thought it quite bizarre to ask that any citizen pay for information that had been provided for in the City budget; alternatively, he suggested perhaps he should be reimbursed for the time and effort he had had to put forth to try and get answers to things that had been set forth as departmental initiatives. Mr. Dillingham pointed out that budget hearings for Housing Services would soon be coming up and said he would like to have the information he had requested prior to those hearings. He again asked the elected body's assistance in ensuring that all the information he had requested was provided to him, noting that a portion of what he had originally requested had been furnished. He said that what he had requested was not simply related to some obscure, arcane personal interest, but was something that citizens and the elected body needed in order to make important decisions on housing matters.

Responding to query from Councilmember Sharp, Mr. Dillingham explained that what he had requested was the number of petitions filed by landlords during the years 1984-88 for extraordinary rent increases, which landlords filed them, what the results were, i.e., how many were granted or denied, when those granted were granted, the amount asked for and the amount given, which buildings were involved. He said he had been given the information for 1987, was given the number of cases pending for 1988, however, was given number of petitions only for 1984-86 and was told if he wanted further details he would have to pay a \$36 fee for the information because it took considerable time to compile the data. He said a staff member and staff time had been budgeted to update the COLTA digest, it was a necessity that it be done, and citizens should not be charged for updated information. He said one important piece of information had surfaced in the letter he received in March, i.e., that about 20% of landlords had not complied with the reporting requirements for rent increases, which he thought was a fairly high percentage out of 354 buildings. He suggested that those buildings wherein the landlords had not complied be posted by the City with a notice to tenants that the landlord had not complied and that they should not be subject to a rent increase due to that failure and that they should contact DHS if such an increase were imposed; alternatively, he said the individual tenants in such buildings should be notified in writing by the City. Mr. Dillingham pointed out it would have been beneficial if the elected body had known there was a 20% failure to comply with City requirements among landlords at the time the rent stabilization level was addressed. Additionally, from the little information he had gotten, he said it appeared that when landlords petitioned for extraordinary rent increases, they usually got them and got about 60-70% of the amount they asked for.

Mayor Del Giudice said he felt it appropriate that DHS staff be directed to respond to the elected body regarding the information Mr. Dillingham had requested and also regarding the cost issue for any of it. He said it was standard practice to charge individuals for Xerox copies of file material, however, if that was not what was being cited, then it should be looked into. Mr. Dillingham affirmed he was aware of the Xerox charge, had no problem with that, however, this was another sort of charge apparently. The Mayor assured that the matter would be looked into.

ITEMS FOR COUNCIL ACTION:1. Resolution to Appoint Members to Cable Board.

The Mayor noted that Noreene Wells, current Chair of the Cable Board was present at the meeting, and that the nominees, if appointed, would be filling vacancies currently existing on that body. Councilmember Hamilton moved to table the resolution definitely until the April 24 Council Meeting, based on the fact that there was need to ensure that the vacancies were filled according to proper procedure under the ordinance, including interview of the nominees by the Council. Councilmember d'Eustachio duly seconded the motion, noting that the move to table the item in no way cast any aspersions on those nominated or their qualifications to serve, but that the elected body needed to ensure that proper process occurred and that the Cable Board would be constituted so as to represent all those interests in the City it was originally intended to represent.

Noreene Wells, Chair of Cable Board: addressing Councilmember Hamilton, said he had been called a number of times to come to the Board's meetings, and the nominees had been presented at Cable Board meetings; she said she hoped he would attend the next night's meeting, if possible. Ms. Wells apologized for not having gotten material typed up and distributed earlier regarding the nominees. She explained that George Ray, III, had been unable to attend the present meeting due to a prior commitment, but introduced and presented Jessica Fusillo and Casey Garhart. Ms. Wells explained that the vacancies to be filled consisted of two elected and one appointed positions. Following brief dialogue, the motion to table carried with one abstention, balance of Council voting Aye. The Mayor thanked Ms. Wells and the nominees for their attendance, and said the elected body would try to speed the process along so that the existing vacancies could be filled.

2. Resolution Authorizing the Proposed Agreement With Thomas Oliff to Redevelop Property at 723-725 Erie Avenue.

Economic & Community Development Director Neal referred to his memorandum and copies of a draft resolution which would authorize execution of the draft agreement between the City and Mr. Oliff. He said the agreement set forth the terms under which the property on Erie Avenue owned by Mr. Oliff would be developed, including streetscape improvements, a facade improvement of the existing 2 buildings on the property, and the proposed construction of a new building adjoining the existing properties and containing about 2,000 sq. ft. Mr. Neal pointed out that the only change in the agreement since the last worksession discussion was the addition of a caveat requested by Mr. Oliff stating that if he were unable to build the proposed additional building for \$75 or less per square foot, then he would not be bound to constructing the building. He explained that Mr. Oliff did not want to be bound under the agreement to constructing the building regardless of cost, and said he felt that to be reasonable and that he felt certain the building would be constructed for substantially less than the specified cap of \$75/sq. ft. Mr. Neal related that, as had been requested, special efforts were made to contact members of the neighborhood; he said he had spoken numerous times to Greg Cutini, President of the Between the Creeks Neighborhood Association, and had provided him with copies of the available material on the proposal for distribution to interested persons in the community. Mr. Neal said neighborhood response had been generally positive, there were no objections of which he was aware, and the only concern Mr. Cutini had asked be conveyed was one expressed by adjoining property owners that good and attractive screening be provided around the new building. He said the site plan was not really very specific about that item, did not specify height of the fence, its material, etc., and that was intentional because it was something that would be designed by the architect for the project, Travis Price. He pointed out, however, that under the City's Facade Regulations, the plans for any additional construction on the site would be subject to City approval, so the City would have control over specifications for the development; thus, specifications for the fence could be adequately addressed at a future point in the process. Mr. Neal noted that the facade building permit had been issued to Mr. Oliff and he was commencing arrangements with his contractor to get that work underway as soon as he could gain approval from the City. Mr. Neal reminded that there was a commitment on the part of the City contained in the agreement to aggressively and

diligently exercise the City's best efforts to assist Mr. Oliff in obtaining below market rate financing for the project. He said his intent would be to spend some time getting an application filed either with MHRP or with SALT, or some other appropriate public financing agency, prior to the end of April.

Councilmember Elrich noted that one concern that had been expressed was that nothing from the neighborhood associations be construed as supportive of any future variance that might be required for the new building, because they would wish to know more specifics prior to any variance being approved. Mr. Neal pointed out the site plan was conceptual, and any variances would be subject to approval by the Board of Appeals. He said what was proposed was quite close to what could be built, however, under the existing zoning code and was what Mr. Oliff intended to build, provided the cost was not exorbitant -- and there was no reason to think it would be. He said there was no need for the City to think it was making any final determination regarding variances since Mr. Oliff had not applied for any to date. He said that did not totally preclude the possibility of a variance being sought if it were, for instance, found that it would be beneficial to have the fence higher than 6 ft., but did not foresee in light of what was proposed the need for any number of variances. The Mayor commented that it appeared to him that were a site plan proposed which required a variance, then the City would be free to oppose granting of the variance, should it so choose; Mr. Neal remarked he would concur with that, that the proposed agreement was fairly specific to the presently proposed site plan which could be built without need for any variances.

Councilmember d'Eustachio commented that the legislative history of the proposal should indicate that it was the Council's intent not to set a precedent regarding any future variance that might be applied for; he said what had been represented by City staff and by Mr. Price was that no variances were required. He said Council would be approving the site plan on the basis that that was the case, and the results might be different if it were found that a variance were required in order to construct the building. For that reason, judgment would automatically be reserved on any variance that might be proposed in conjunction with the project in future.

Councilmember Martin inquired whether, if Mr. Oliff decided not to construct the proposed new building, he might also decide not to demolish the quonset huts on the property. Mr. Neal pointed out that in the agreement, Mr. Oliff committed to demolishing those structures; he said he would note, however, that it was not an ironclad agreement, but rather the expression of a means to a mutual end requiring a close good faith working relationship between Mr. Oliff and the City, with the end result being a nicely redeveloped property. He pointed out that if one chose to do so, there were always ways out of fulfilling an agreement. He said, however, if for any reason, Mr. Oliff did not build the new building and did not tear down the quonset structures, there were then other avenues the City could pursue to pressure him to remove them.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Elrich commented it had been a longstanding concern of the neighborhood that something be done with the subject piece of commercial property, that the quonset huts be removed; he said he and others in the community were happy to see what was occurring, and appreciated Mr. Neal's active and aggressive efforts to revitalize the Flower-Erie area. The resolution was passed by unanimous vote.

RESOLUTION #1989-35
(attached)

3. Resolution Effecting Minor Revisions to Resolution #1989-30 Re Council Position On Montgomery County Subdivision Application No. 1-88317 Takoma Junction Center.

Councilmember Elrich recused himself from addressing this item. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Responding to query from Councilmember Martin, Community Planner Lisa Schwartz explained that the 2 lots

referred to in the 4th "Whereas" clause of the resolution did not include the residential lot because that lot was not a part of the subdivision agreement. Ms. Martin commented that in paragraph 3 of the "Resolve" clause, there was need to clarify the language regarding the easement to the City. The Mayor suggested that within the bracketed language which was being added, the word such be inserted, so as to read [...such as indicated...]. The mover and seconder for passage accepted that amendment as editorial. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1989-36

(attached)

4. Resolution Approving Concept of Phase I of Peace Park Proposal.

The Mayor noted that a request had been received from M. C. Carolyn, the artist/author of the proposal to table the item indefinitely. He explained that Ms. Carolyn had recently met with City staff and had discussions with them regarding her proposal, however, an architect working with her had not yet had the opportunity to do likewise and she would want that to occur. Mayor Del Giudice noted that the item had been advertised as appearing on the current meeting's agenda, and invited any citizens who had attended for the purpose of speaking on the item to do so.

Dorothy Cichello, 7320 Piney Branch Road: asked that a citizens' committee be constituted and members appointed to study the plans submitted for the proposed Peace Park; she said the architect's drawings depicted drastic changes in the grounds of the Municipal Building and surrounding area, and were cause for alarm. She said apparently the replacement of the azalea gardens and brick walls with perennial gardens that require constant maintenance had not been given much thought; the proposal to plant trees near the Municipal Building and Library which would ultimately reach a height of 75 ft. would be a devastating move and it was doubtful the trees would survive. She pointed out that making complete use of the Library grounds would deprive citizens of activities that now occur there, e.g., antique shows, flower shows and sales, etc. She said a qualified committee comprised of local artists, gardeners and landscape architects should be appointed, with input from the horticulture club, historic preservation group, and the azalea committee to review the entire plan for safety, maintenance, and feasibility; the police and fire departments should also review the plans from the safety point of view. She said current maintenance to the grounds consisted of watering and mulching the established plantings, which, due to lack of Parks personnel had not been done well in the past. She said what was being proposed should not be begun without generous citizen input, and inquired, once such a project were started and, should it not be finished due to depletion of funds, who would be responsible for cleaning up the mess that would be left behind.

Clarence Boatman, 133 Ritchie Avenue: inquired about which areas would be impacted by the Peace Park proposal; said he had thought it was the Veteran's Park in the triangle across Philadelphia Avenue. The Mayor explained that there were plans to do some additional planting and landscaping in a later phase of the project at that location, however, Phase I was to take place primarily on the grounds around the Municipal Building and the Library. He said those plans, particularly the sculpture pieces that would be placed in front of the Municipal Building, had been discussed for quite some time, but, as Ms. Cichello had pointed out, the architectural design plan was relatively new. He said the Council had listened to various presentations and looked at a variety of drawings, but a refined and fairly comprehensive version of the proposal had not been presented until recently. He said the fact that no Council had ever to date approved a particular design concept put the elected body in somewhat of a Catch 22 situation because Ms. Carolyn was trying to raise funds for the project and it was difficult to get commitments to fund something that was not a definite design. He said he did feel there was a need to make some decisions, however, that did not preclude other factors such as public debate and citizen input. Mr. Boatman expressed concurrence with Ms. Cichello's commentary about what would happen if the project got underway and could not be completed because of running out of funds and said that provision should be made so the taxpayers would not be penalized in order to

remedy such a situation.

Councilmember d'Eustachio moved to table the item indefinitely, duly seconded by Councilmember Hamilton; the motion carried by unanimous vote. The Mayor noted the subject would be considered and discussed more at worksession.

5. First Reading of Draft Administrative Regulations Ordinance.

The Mayor noted the elected body had been working on this item for some time; the draft ordinance at hand reflected changes made at the last worksession and incorporated into the prior draft by Corporation Counsel. Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Hamilton. Councilmember Sharp commented there were a number of stylistic changes he would wish to suggest; the Mayor asked that any such changes be submitted for distribution in the Friday packet, prior to the next week's worksession. The Mayor explained that this was a major piece of legislation which would take the City government a major step into its future operation; the City was previously very much governed and supervised by its elected body -- this would take the operation more away from that and closer to a Council/Manager form of government wherein the Council still set policy and guidelines but those were administered and put into operation on a day to day basis by the City Administrator and departmental staff. He said the ordinance would set forth a process by which the City Administrator and departments, in particular, would have to provide notice to the public when they set out to take action or to implement guidelines that would affect policy. He said it was somewhat archaic, for instance, that under the current City Code, the Mayor and Council still had to make the decision of whether to install a stop sign at a particular intersection in the city -- the majority of municipal governments no longer operated that way; a number of such decisions could be made by either the City Administrator or the appropriate department official after appropriate public notice, comment, and consideration. He noted this legislation would also set the stage for something that all agreed needed to be done, i.e., a major revision and updating of the City Code. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1989-
(attached)

6. First Reading of Fiscal Note Ordinance Re-enactment.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Elrich. Assistant City Administrator Habada explained that the legislation would remove the sunset date from the original legislation which was enacted 2 years ago initiating the fiscal note process requiring a fiscal note impact statement prior to adoption of City ordinances. She explained that the sunset date on the original legislation was last December; the ordinance at hand would reenact and reestablish the process. She explained that the City Treasurer would no longer be responsible for preparation of fiscal notes; the City Administrator or that individual's designee would be the responsible party. In addition, it would not be necessary to prepare fiscal notes on items which had been included in the City's fiscal year budget. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1989-
(attached)

6. Ordinance Awarding Contract for Barrier Free Doors.

The Mayor noted this was a budgeted item, would require only a single reading for adoption. Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Sharp. Ms. Habada asked that in Section 2. of the ordinance, the language be changed to read that the purchase in the amount of \$_____ be charged to the Capital Expenditures Account #995, rather than that funds to ever be charged to that account. The suggestion was accepted as an editorial amendment. The Mayor noted that expenditure of these appropriated funds would cover purchase and installation of doors for the Municipal Building and Library that would make them more accessible to the handicapped. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Hamilton and Sharp; NAY:

None; ABSENT: Councilmembers Douglas, Leary and Martin.

ORDINANCE #1989-12
(attached)

The Mayor noted that Councilmember Douglas was not present at the meeting because his federal government employment had required him to go to Alaska in connection with the Exxon oil spill there. Also, he noted that the City's first proposed budget public hearing would be occurring on the upcoming Wednesday. He said copies of the proposed budget would be available from the City Administrator's Office, upon request, and a copy was also available for examination at the Library. Councilmember d'Eustachio asked that, if such had not been done, the Library copy be put in a notebook, indexed and annotated as nicely as those provided the Mayor and Council. He reminded of complaints from citizens during last year's budget process that copies they got were not easily understandable.

Following brief explanatory dialogue with Mr. Boatman regarding the purpose and intent of the proposed Administrative Regulations Ordinance and its effect on the present City Code, upon motion, duly seconded, the meeting adjourned at 9:30 P.M., to reconvene in regular session at 8:00 P.M. on April 24, 1989.

The Mayor noted former City employee Condie Clayton, who had moved on to become City Administrator in another local municipality, was in attendance at the meeting. Councilmember Martin announced that Gypsy Moth egg masses were now hatching and asked that citizens remove any egg masses they noticed, put up their protective sticky tape on the trees.

PROCLAMATION

FAIR HOUSING MONTH
April 1989

Agenda Item # 1

- WHEREAS, the City of Takoma Park, Maryland has always promoted fair housing concepts with the adoption of legislation having the purpose of maintaining a stable, ethnically diverse and economically heterogeneous community, such as the Landlord-Tenant Relations Law and Tenant Opportunity to Purchase Law; AND
- WHEREAS, the Mayor and Council of the City of Takoma Park adopted the Montgomery County Human Relations and Civil Liberties Ordinance on November 10, 1980, making it illegal for a person to be discriminated against in the sale or rental of housing or property on the basis of that person's race, creed, color, sex, national origin, ancestry, marital status, disability or age; AND
- WHEREAS, the Mayor and Council find that discrimination in housing, as in other forms of discrimination, adversely affects the health, welfare, peace and safety of the community; AND
- WHEREAS, during the month of April, 1968, the Congress of the United States of America passed federal legislation prohibiting discrimination in housing on the basis of race, color, religion, sex or national origin otherwise known as the Civil Rights Act of 1968 or the Fair Housing Act of 1968, twenty-one years ago this month; AND
- WHEREAS, on March 12 of this year, 1989, the Congress of the United States of America enacted additional federal fair housing legislation, prohibiting discrimination in housing on the basis of presence of children in a family or disability, broadening and strengthening the Civil Rights Act of 1968 (Fair Housing Act of 1968); AND
- WHEREAS, the Takoma Park community joins in with other local civil rights communities in acknowledging and commemorating the 26th anniversary of the Suburban Maryland Fair Housing, Inc., a non-profit organization which has continuously worked to ensure that all people have equal access to housing; AND
- WHEREAS, the Mayor and Council of the City of Takoma Park reaffirm the City's commitment to fair housing as a matter of principle.

NOW, THEREFORE, I STEPHEN J. DEL GIUDICE, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, do hereby proclaim the month of April, 1989, Fair Housing Month in Takoma Park, commemorating the 21st anniversary of the Fair Housing Act of 1968 and the 26th anniversary of Suburban Maryland Fair Housing, Inc., for volunteer advocacy in the area of fair housing, thereby enhancing the tradition of cultural diversity in our neighborhoods and promoting the rights of all people to live free of housing discrimination.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Takoma Park to be affixed this 10th day of April, 1989

Stephen J. Del Giudice, Mayor

Councilmember Paul d'Eustachio
Councilmember James Douglas
Councilmember Marc Elrich
Councilmember Gregory V. Hamilton
Councilmember Bill Leary
Councilmember Janice Martin
Councilmember Edward Sharp

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. #1989-34

WHEREAS, the City of Takoma Park, Maryland has a history of promoting equal and fair housing opportunities for all residents as a means of maintaining a stable, ethnically diverse, and economically heterogeneous community; AND

WHEREAS, residents of the City of Takoma Park have traditionally assumed positions of leadership in efforts in the Washington Metropolitan Area to promote fair housing for all; AND

WHEREAS, Takoma Park Councilmember Gregory V. Hamilton has been one of those residents to assume leadership, and has been chosen by the Interagency Fair Housing Coordinating Group to receive the Montgomery County Fair Housing Award because of his efforts and leadership.

NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, do formally recognize the honor bestowed upon Councilmember Hamilton and by implication the City of Takoma Park, Maryland; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council offer their congratulations to Councilmember Hamilton for this honor.

Dated this 10th day of April, 1989

INTRODUCED BY: Councilmember Elrich
DRAFTED BY: D. Neal

ADOPTED: 10 April 1989

RESOLUTION NO. 1989-35

A RESOLUTION APPROVING AN AGREEMENT WITH MR. THOMAS L. OLIFF, OWNER OF CERTAIN COMMERCIAL REAL PROPERTY AT 723-725 ERIE AVENUE IN TAKOMA PARK, REGARDING REDEVELOPMENT OF SAID PROPERTY AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SAME.

WHEREAS, the City of Takoma Park, in cooperation with Montgomery County, Maryland desires to effect a program of physical revitalization of the commercial business district situated at the intersection of Erie and Flower Avenues in Takoma Park (the "District"), in cooperation with owners of real property in the District; AND

WHEREAS, Mr. Thomas L. Oliff, the owner of certain commercial real property situated at 723-725 Erie Avenue in Takoma Park, Maryland (the "Property") desires to participate in the City's revitalization program for the District; AND

WHEREAS, certain plans have been developed by the City for the reconstruction of the area fronting the Property on Erie Avenue, which area includes both land owned by Oliff and public right-of-way under the jurisdiction of the City (the "Plan"), a copy of which is attached hereto as Exhibit A and made a part hereof by reference; AND

WHEREAS, Oliff has been consulted by the City in the development of the Plan and is in agreement with the City that joint implementation of the Plan is in the best interests of both the City and Oliff; AND

WHEREAS, Montgomery County has made available to the City as part of the revitalization program referenced above certain funds for the purpose of paying a portion of the costs of implementing the Plan; AND

WHEREAS, the City has obtained a responsive and responsible bid for construction of the Plan from NZI Construction Company, Inc., which bid is in the amount of THIRTEEN THOUSAND NINE HUNDRED NINTY SIX AND 50/100 DOLLARS (\$13,996.50); AND

WHEREAS, as written Agreement has been developed to memorialize the City of Takoma Park's agreement with Mr. Oliff regarding the precise terms and conditions of the redevelopment of the Property, a copy of which is attached hereto and made a part hereof by reference;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland hereby approve the attached Agreement.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to execute said Agreement.

ADOPTED THIS 10th DAY OF APRIL, 1989.

C:\wp\res:oliff.res

HF: BTC Facade Program: Oliff Property

14
Introduced by:

Agenda Item # 6
1st reading: 4/10/89
2nd reading:

ORDINANCE NO. 1989 _____

Short Title: Administrative Regulations Ordinance

An Ordinance To:

(A) Relieve the Mayor and Council from the details of carrying out administrative functions and making decisions properly carried out and made by various agencies of the City by delegating these functions to the various agencies;

(B) Recognize that the City has a professional, full-time staff that carries out executive branch functions;

(C) Authorize the City agencies and the City Administrator to adopt regulations to implement City ordinances;

(D) Establish consistent procedures for adopting, reviewing, and repealing regulations and soliciting and responding to the comments of the City's citizens;

(E) Establish a uniform procedure for proposed and final regulations to be compiled, published, and made available to the public; and

(F) Repeal certain ordinances and to promulgate the same as regulations; and to remove the repealed regulations from the Code and codify and publish the regulations in a separate compilation.

1151 10000

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

SECTION 1. Chapter 2A, Article 5 (Administrative Regulations)
of the Code of the City of Takoma Park is added as follows:

ARTICLE 5. ADMINISTRATIVE REGULATIONS

Sec. 2-50. Scope

The provisions of this Article apply to all regulations,
unless otherwise provided. Regulations promulgated by the Chief
of Police, pursuant to Chapter 9 of this Code, may be exempted
from this Ordinance at the sole discretion of the City
Administrator upon consultation with the Chief of Police.

Sec. 2-51. Definitions

(a) Agency. "Agency" means the City of Takoma Park,
Maryland, or any of its subdivisions, including, but not limited
to, any City board, commission, committee, officer, or
department, when acting in accordance with or pursuant to
authorization by law to make regulations.

(b) City Administrator. "City Administrator" means the
chief executive officer of the City government.

(c) Code. "Code" means the City of Takoma Park Code, 1972,
as amended.

(d) Council. "Council" means the Council of the City of
Takoma Park, Maryland.

(e) **Mayor.** "Mayor" means the Mayor of the City of Takoma Park, Maryland, the executive officer of the Council.

(f) **Regulation.** "Regulation" means any agency order, directive, or statement of general or particular applicability and future effect, authorized by law, designed to implement, interpret law or policy, including an amendment or repeal of a prior regulation.

(g) **Internal Regulations.** "Internal Regulations" mean those regulations which specifically pertain to the procedures, policies, or the implementation of legislation, which relates to the City government's internal matters. Such matters include, but are not limited to: office procedures of the Mayor, the Council, the City Administrator, or any City Agency or subdivision thereof; certain personnel procedures or policies.

(h) **External Regulations.** "External regulations means those regulations which pertain to the procedures, policies, or the implementation of legislation, which directly affect the general public or the citizens of the City of Takoma Park, Maryland.

Sec. 2-52. Authority.

(a) **Express and Implied Authority.** If an agency is authorized to implement or enforce an ordinance or law, the agency may adopt regulations to implement or enforce that ordinance or law, even if the authority to adopt the regulations is not expressly stated.

(b) **Department and City Approval.** All proposed and promulgated regulations shall have the signature of the department head, as well as the signature of the City Administrator.

(c) **City Administrator and Council.** The City Administrator shall notify the Mayor and Council in writing before approving any proposed or final regulation.

Sec. 2-53. **Subject Matter and Readability.**

Single subject and readability requirements. A regulation should pertain to only one subject. A regulation should be written in plain language.

Sec. 2-54. **Public Notice and Participation in Rulemaking.**

(a) **Publication of prior notice.** An agency shall publish notice in the Takoma Park Newsletter prior to the adoption, amendment, or repeal of any regulation.

(b) **Publication of additional notice.** An agency, exercising its discretion, may also publish additional notice in any neighborhood, civic, professional, trade, or industrial publication, or in any newspaper of general circulation.

(c) **Period of prior notice.** The notice shall be published within the time specified by the ordinance or law authorizing the action, or if no time is specified, at least 60 days before the proposed effective date of the proposed regulation.

(d) **Publication of prior notice-exception.** Prior notice does not have to be published in the Takoma Park Newsletter if all persons subject to the proposed regulation are named, and either personally served or otherwise given actual notice in accordance with law.

(e) **Content of prior notice.** In the prior published notice, an agency shall either accurately summarize the substance of the proposed regulation and the subject and issues involved or set forth the full text of the proposed regulation. If the proposed regulation is summarized, an agency shall state the place where the full text is available. If a hearing will be held, the place, date, and time of the hearing shall be stated. The prior notice shall solicit public comment. The prior notice shall also contain the requirements or procedure for submitting any written data, comments, or views; the name, address, and telephone number of a contact person who can provide further information; and the name, address and telephone number of the person to whom comments may be directed; any pertinent deadlines; as well as the citation of the authority to promulgate the proposed regulation.

Sec. 2-55. Consideration by Agency.

An agency shall consider the various impacts and effects of the proposed regulation, as well as the public comments submitted in response to the solicitation of comments published in the prior

notice. The weight given to the various impacts and effects is within the discretion of the Agency and the Mayor and Council.

Sec. 2-56. Withdrawal of Proposed Regulation.

An agency may withdraw the proposed regulation any time before the effective date. Withdrawal of a proposed regulation is a final action under Section 2-57 of this Ordinance.

Sec. 2-57. Publication of Notice of Final Action.

(1) In the issue of the Takoma Park Newsletter that follows the final action taken on a proposed regulation, an agency shall publish notice of the final action taken on the proposed regulation. The notice of the final action taken shall be published at least 30 days before the effective date of the final regulation.

(2) If the proposed regulation is approved or otherwise promulgated, an agency may publish or make available a summary response to public comments received.

(3) If the proposed regulation is approved or otherwise promulgated, an agency shall:

a. Cite the issue of the Takoma Park Newsletter that contains the prior notice of the proposed regulation if there is no substantive difference between the proposed regulation and the approved otherwise promulgated regulation.

b. If the agency makes any substantive change to the proposed regulation before it is approved or otherwise

promulgated, the agency shall publish either a summary of the changes and state the place where the full text is available, or it may set forth the full text of the final regulation with a summary of the changes.

Sec. 2-58. Internal Regulations

a. The provisions of the Administrative Regulations Ordinance shall apply to all internal regulations except that:

(1) Internal regulations do not require prior notice to the public;

(2) An Agency may solicit comments from the staff members who will be affected by the proposed internal regulations;

b. There shall be a thirty (30) day waiting period from the date an internal regulation is proposed until it becomes effective.

c. Internal regulations will be made available to all affected personnel but need not be published in Takoma Park Regulations, established by Section 2-62 of this ordinance.

Sec. 2-59. Emergency Regulations.

(a) If the agency recommends to the City Administrator that an emergency exists and the City Administrator determines that an emergency exists, a regulation does not have to meet the prior publication and consideration requirements of Sections 2-54, 2-55, and 2-57.

(b) An emergency regulation is effective immediately upon approval by the City Administrator, and will remain in effect for a period of 45 days. The City Administrator shall send to the Mayor and Council a copy of the regulation and a statement giving the reason for the emergency regulation. The City Administrator's statement shall specify the likely consequences of the emergency situation in the absence of the emergency regulation.

(c) The City Administrator may request the Mayor and Council to extend by resolution the effective period of an emergency regulation. The City Administrator shall provide the Mayor and Council with written information stating the reason for an extension request and supporting the need for the regulation.

(d) The Mayor and Council may repeal an emergency regulation at any time according to the provisions of Section 2-60 of this ordinance.

(e) Notice of the approval of an emergency regulation, its repeal, extension, or any other final action taken regarding the emergency regulation shall be given in the next Takoma Park Newsletter to be published, and in Takoma Park Regulations, if appropriate.

(f) Emergency regulations must pertain to situations presenting a clear and present danger to the public health, safety, and general welfare.

Sec. 2-60. Approval of Regulations by Mayor and City Council

(a) The Mayor and Council may approve or object to any regulation or emergency regulation, in whole or in part, by resolution, within the thirty (30) day period of notice and comment by the public.

(b) If the Mayor and Council rejects any regulation or emergency regulation, or any part of a regulation or emergency regulation, the Mayor and Council shall give a written statement to the City Administrator giving the reasons for the rejection.

(c) If within the specified time period for notice and comment by the public, pursuant to Section 2.54, the Mayor and Council approve or do not object to any proposed regulation or emergency regulation, then the proposed regulation or emergency regulation shall be enacted in conformity with the other provisions of this ordinance.

(d) The Mayor and Council may repeal any enacted regulation or emergency regulation by resolution. Before the Mayor and Council repeal any enacted regulation or emergency regulation, the Mayor and Council shall give a written statement to the City Administrator giving the reasons for the proposed repeal and allowing opportunity for a response.

(e) The Mayor and Council may by resolution instruct the City Administrator to make changes in any regulation as the Mayor and Council deem appropriate.

Sec. 2-61. Delegation of Regulation Authority

(a) **Delegation of Regulatory Authority.** In lieu of enacting an ordinance, the Mayor and Council may delegate by resolution to an appropriate City agency the function of promulgating regulations designed to implement an action authorized by an ordinance or law mandated or authorized by any ordinance or law in effect on July 1, 1988; provided however, the Mayor and Council shall delegate only executive functions and shall not attempt to delegate its legislative power to an agency.

(b) The Mayor and Council are authorized to repeal any ordinance or any part of any ordinance that duplicates a regulation.

Sec. 2-62. Compilation of Regulations.

(a) **Takoma Park Regulations established.** The Takoma Park Regulations is hereby established and shall include: (1) each regulation of the City; (2) any document that the City Administrator determines should be included; (3) any explanatory annotation; and (4) an index by agency and subject matter.

(b) **Duties of City Administrator.**

(1) The City Administrator with the assistance of the City Clerk shall compile, codify, edit, index, publish, and supplement the Takoma Park Regulations. The City Administrator may procure a contract to meet the requirements of this subsection.

(2) The City Administrator may remove a regulation or a part of a regulation from the Takoma Park Regulations if the regulation is declared unconstitutional or otherwise illegal by a Court after final appeal; or the agency that enforced or administered the regulation ceases to exist and the functions and responsibilities of the agency are not transferred to a successor.

(3) At least once a year, each regulation adopted during the year and any document that the City Administrator determines should be included shall be published in a new edition of the Takoma Park Regulations. At least once a year, each regulation adopted since the publication of the last supplement or edition and any document that the City Administrator determines should be included, shall be published in a supplement to the Takoma Park Regulations.

(4) The City Administrator shall set a reasonable price for each copy of each subscription of the Takoma Park Regulations, and its supplement.

(5) Any interested person may purchase a copy of the Takoma Park Regulations, or its supplements.

A gratis copy of the Takoma Park Regulations and its supplements shall be distributed to (1) The Mayor and Council; (2) the City Administrator; (3) any appropriate staff member; (4) the Montgomery and Prince George's County, County Executives; (5) the State Hall of Records; (6) the State Law Library; (7) the State Department of Legislative Reference; (8) the Montgomery

County and Prince George's County Public Libraries; (9) the Takoma Park Library; (10) Montgomery and Prince George's Circuit Court libraries; and (11) any person the Mayor and Council designate.

Sec. 2-63. Review of Regulations.

The Mayor and Council shall review the Regulations from time to time as is deemed appropriate. No later than five years after a regulation's publication, a regulation shall be reviewed by the City Administrator for the purpose of determining whether the regulation should be repealed or amended.

Sec. 2-64. Severability.

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, that decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 2-65. Effective Date.

This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 1989, by roll call vote
as follows:

Aye:
Nay:
Abstained:
Absent:

Draft Date: April 6, 1989

Ordin.ap
TP139/TP#5/sp

Introduced: 4/10/89
Enacted: / /
Effective: January 1, 1989
(Retroactive)

Draft Dated 4/4/89

ORDINANCE NO. 1989-

Short Title: Fiscal Note Process

AN ORDINANCE TO:

(a) reenact the Fiscal Note Process, established by Ordinance 1987-51, to require that a fiscal impact statement be prepared prior to adoption of City ordinances as provided herein;

AND

(b) provide instructions for re-implementation of the fiscal note process

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

THAT Sec. 2-6.2 of the 1972 Code of Takoma Park, Maryland is hereby amended as follows;

SECTION 2-6.2 Fiscal notes and waivers.

(a) Required for Council action. Except as otherwise provided in this Section, City Council may not vote on an ordinance unless:

(1) A fiscal note accompanies the ordinance

(b) Preparation of notes.

(1) The [[City Treasurer]] City Administrator or the City Administrator's designee with the assistance of appropriate Department Directors shall prepare or cause to be prepared a fiscal note for each ordinance.

(2) If the Mayor certifies that prompt Council action on an ordinance is needed to conduct City business and, before the [[City Treasurer]] City Administrator or the City Administrator's designee prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the [[City Treasurer]] City Administrator or City Administrator's designee shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Takoma Park Code Section 2-6.1(d) (2).

3) The [[City Treasurer]] City Administrator or the City Administrator's Designee shall submit a copy of a fiscal note for an ordinance to the Mayor and Council prior to second reading and adoption of an ordinance.

(4) Unless expenditures are in excess of the budgeted amount, a fiscal note is not necessary for expenditures specifically authorized in the budget ordinance for the current year previously approved by ordinance or an ordinance revising it.

(c) Contents of note.

(1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:

(i) during the year in which the ordinance is to become effective and the next year after as applicable; and

(ii) if the full fiscal impact of an ordinance is not expected to occur during those years; the first year during which that impact is expected to occur.

(2) The note shall identify the sources of information that the [[City Treasurer]] City Administrator or the City Administrator's designee [[or his/her designee]] used in preparing the estimates of fiscal impact.

(d) Copies.

(1) The [[City Treasurer]] City Administrator or the City Administrator's designee [[or his/her designee]] shall keep a copy of each fiscal note for 3 years after preparation of the note.

(2) The copies shall be reasonably available for public inspection.

(e) Publication not required. Fiscal notes need not be published in the City newsletter.

(f) Effects of Section 2-6.2.

(1) The validity of an ordinance enactment is not affected by the presence, absence, or content of a fiscal note.

[[(2) The provisions of this ordinance shall expire December 31, 1988 unless reenacted by City Council.]]

Adopted this _____ day of _____, 1989, to take effect retroactive to January 1, 1989

[[double brackets]] indicate language to be deleted from existing Code Language and underlining indicates language to be added.

Introduced by: Councilmember Hamilton Adopted: April 10, 1989
(Single Reading)

ORDINANCE NO. 1989-12

An Ordinance to Install/Retrofit Handicapped Doors
in the Municipal and Library Buildings

WHEREAS, the Fiscal Year 1988-89 City Budget earmarked \$28,000 in the Capital Budget for the installation/retrofit of handicapped doors in both the Municipal Building and Library; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from seven qualified dealers and advertised in the Washington Post newspaper; AND

WHEREAS, bids were publicly opened at 2:00 P.M., March 31, 1989 and the following bid was received:

DOOR CONTROL OF GREATER WASHINGTON - \$30,466.00

WHEREAS, Door Control of Greater Washington has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1: That the bid of \$30,466.00 received from Door Control of Greater Washington is hereby accepted; AND

SECTION 2: That this purchase in the amount of THIRTY THOUSAND FOUR HUNDRED AND SIXTY SIX DOLLARS (\$30,466.00) be charged to the Capital Expenditures Account, #995.

Adopted this 10th day of April 1989.

AYE: d'Eustachio, Elrich, Hamilton, Sharp

NAY: None

ABSTAIN: None

ABSENT: Douglas, Leary, Martin

CITY OF TAKOMA PARK, MARYLAND

PROPERTY OF
TAKOMA PARK MD LIBRARY

Public Hearing Re Proposed FY 1989-90 Budget
for
Administration (including Newsletter, Cable, Legal, Accounting,
and City Clerk), Economic & Community Development, Library,
Recreation, Non Departmental Budget, Constant Yield Tax Rate,
and Debt Service
April 12, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Ec. & Community Dev. Director Neal
Councilmember Leary	Library Director Arnold-Robbins
Councilmember Martin	Newsletter Editor Baron
Councilmember Sharp	Police Chief Fisher
	Public Works Director Giancola
	Recreation Director Ziegler

The Mayor and City Council convened at 7:40 P.M. on Wednesday, April 12, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on certain portions of the proposed FY 1989-90 City Budget.

Following roll call, Mayor Del Giudice noted that Councilmember Douglas was on his way back from Alaska, where his federal government employment had sent him in connection with the Exxon oil spill, and he should be joining the meeting later on.

The Mayor pointed out that the public hearing on the Constant Yield Tax Rate was required under State Law, and that portion would be a somewhat more formal proceeding than that on other parts of the proposed budget. He noted that the proposed budget being presented was the work of the City Administrator and staff; those departments not addressed at the present hearing would be discussed at a public hearing to be conducted on April 18 commencing at 7:30 P.M. Thereafter, budget worksessions would be conducted on April 27, May 1, 4, 8 and, if necessary, May 10, with a final version of the budget to be presented for First Reading at a Special Budget Meeting on May 22, and Second Reading/Adoption to occur at the May 30 Regular Council Meeting.

City Administrator Wilson presented an executive summary and overview of the proposed FY 1990 budget, which he said was a no growth budget by both definition and directive. He pointed out, however, that in a no growth budget there were what could be termed uncontrollable increases to deal with, e.g., personnel (cost-of-living), and the cost-of-living increase in materials the City had to purchase, utility rates, tipping fees, and insurance premiums. He noted that no new proposals had been recommended in the budget; the budget increase based on the aforementioned factors, in his view, precluded the City affording to enter into any new programs at present. He said the amount of revenue that would be generated from a no increase tax rate would amount to approximately \$430,000; the amount of revenue needed to balance the budget, given the same services that had been provided over the past year, would be an additional \$135,000. For that reason, he said he had had to cut some areas rather significantly, particularly the Capital Budget. He said the requests for Capital Budget expenditures amounted to about \$705,000 -- his recommendation amounted to \$382,000, including infrastructure development, which took probably the largest hit in terms of cutback. Mr. Wilson noted that the budget proposal for FY 1990 totalled \$7,101,015; the budgeted total for FY 1989 was \$6,881,603; at present, it appeared that revenue would amount to approximately \$6,945,177 for the coming Fiscal Year. In order to balance the budget, \$155,838 would have to be appropriated from the fund balance. Mr. Wilson pointed out that the summary sheets furnished detailed the amounts of investment in each category by function; he noted that the biggest investment in service in the City's budget was in Public Works and explained that the recommended increase reflected for that department had to do with increased tipping fees, increased utility fees, including gas, electric, oil, etc. He said the second

largest investment was the Police Department; followed by Administration, Library, and others, in a rapidly descending order of investment. He said that none of the departmental proposals were significantly larger than prior years, primarily due to the mandate to present a no growth budget and because of the problem envisioned with revenues inasmuch as they come in large measure from the City's assessable tax base. He noted there was a summary sheet addressing the assessable base, and said while the tax rate for last year had been \$1.84, \$1.823 was recommended for FY 1990 -- of that amount, \$1.50 was funds spent within the city, which was as it had been for the past 4-5 years, with the additional amount being the cost the City pays for fire service to Montgomery County, and for sewer and sanitation costs the City pays directly.

Mr. Wilson said there was another factor he felt should be considered, i.e., that the City's equivalent for one cent on the tax rate in the current year was \$22,285; 4 years ago, the yield was \$18,200, and it had gradually increased to the present level. He explained that the increase was a barometer of the City's ability to raise revenues, and the barometer was heavily influenced by the amount of or lack of industrial and commercial tax base in the community. He said he did not think it was the intent of Takoma Park to be anything other than what it was -- essentially a residential community. He said concerns had been expressed by some who felt the tax rate in the city was excessive compared to other area municipalities. He pointed out that in Rockville, one cent in their tax base was equivalent to \$40,000 10 years ago -- today, it was closer to \$112,000 per \$.01 -- and that was because of the development that had occurred in Rockville. He said he did not think that was what citizens of Takoma Park wanted, nor would it be possible, given the configuration of the city. In conclusion, Mr. Wilson said that, in future, he felt that inasmuch as the City could no longer simply maintain using a constant tax rate, there would be need to either consider increasing it or, alternatively, cutting service. He said there would be many policy issues to examine in that regard, but looking at the last 5 years, it appeared that the assessable tax base could not reasonably be expected to increase significantly, and it would not continue to cover the budget beyond a constant rate of taxation.

Responding to query from a member of the audience, the Mayor explained that the term "no growth budget," as used by Mr. Wilson, referred to a budget wherein no new programs were proposed; he noted there were some growth factors over which the City had no control, such as increased tipping fees, increased costs for utilities, etc., and other growth factors over which the City had a limited control, e.g., personnel costs. He said while some departments had submitted budget proposals that contained new programs and new proposals, those would be examined by the elected body with the thought in mind that if any of them were implemented, there would either be additional costs or cutbacks in other existing programs.

CONSTANT YIELD TAX RATE

The Mayor formally called the Public Hearing regarding the Constant Yield Tax Rate to order, in compliance with and pursuant to provisions of the Annotated Code of Maryland, Title 6-308 of the Property Tax Article. He announced that the hearing was for the purpose of hearing comments regarding any proposed tax increase or increase in the property tax rate above the constant yield rate for the fiscal year commencing July 1, 1989. He explained that the proposed tax rate of \$1.823/\$100 of assessed valuation for FY 1990, while it was lower than the prior year, exceeded the rate that would be required to yield the same amount of property tax revenue as the prior year. Even though the rate was less than that of the previous year, he said it would produce more revenue because of the increase in assessed values of property. He said the constant yield rate, based on the increased assessed values, would be \$1.71 in Prince George's County, \$1.63 in Montgomery County. He said the Council anticipated setting the tax rate at a meeting on Tuesday, May 30, 1989 at 8:00 P.M., and comments heard at the present hearing would be considered during the elected body's deliberations on the budget prior to its final adoption.

Daniel Yakoubian, 615 Elm Avenue: inquired concerning the origin of the Constant Yield Tax Rate. The Mayor explained that it was a

requirement of the State Code; each local government was mandated to announce to the public its intent to exceed that rate, i.e., its intent to capture any additional revenue based on the increase in property assessments. Councilmember Sharp pointed out that the State Department of Assessments & Taxation establishes the rate and then certifies it to the municipalities -- the municipality does not set the rate itself. Responding to further inquiry from Mr. Yakoubian, the Mayor explained that the tax rate would be adopted by formal vote of the elected body, and then would be certified to the State.

Clarence Boatman, 133 Ritchie Avenue: said he felt the public should be afforded more time to examine the proposed budget prior to the public hearing being held on the tax rate. The Mayor explained that the City was required by law to announce its intent to exceed the Constant Yield Tax Rate and to hold the hearing; however, he said it was not certain at present whether the adopted tax rate would be the \$1.823/\$100 recommended by the City Administrator or, perhaps, a lesser amount. He said it was a certainty, however, that the City would exceed the Constant Yield rate because if it did not it would fail to gain an approximate \$400,000 in revenue.

Councilmember d'Eustachio pointed out the availability of copies of the proposed budget and commented that the elected body would be working on the budget during the upcoming 6 weeks. He said the public was encouraged to examine and peruse the budget and come to the work-sessions and comment -- that the elected body would welcome input from the citizens to assist in their decision making process. Councilmember Leary commented that the present hearing was only the first of many opportunities for residents to tell their elected officials their thoughts on the budget proposals, and input would be appreciated.

There being no additional speakers wishing to comment on the City's intent to exceed the Constant Yield Tax Rate, the Mayor declared that portion of the hearing to be closed.

ADMINISTRATION

Councilmember Leary remarked that on the reverse side of the green cover sheet, a number of significant policy issues were raised by the City Administrator in connection with the last point he raised in his summary, i.e., that the City could not continue as it had for the last several years without making some fairly significant decisions. He said a number of areas were suggested that should be examined, and people who were seriously interested in the tax rate and what was being spent for what should look at those questions Mr. Wilson had raised and let the elected body know what they think.

Revenue:

Regarding revenue, Councilmember d'Eustachio asked that Mr. Wilson comment on the rebates the City receives from the counties to offset the double taxation that city residents face. Mr. Wilson explained that State Law required the counties to give back monies to the City for those services they did not have to provide since the City was providing them, e.g., police, refuse collection, library services, etc. He said, unfortunately, the two counties approached that task quite differently, and the bottom line was that the City did not get back from the counties anywhere near the amount actually spent to provide the services. He said their primary attitude was that they would rebate to the City the amount they thought they would have to spend if they were providing the service. He said many months had been spent in the recent past trying to get an increase in the amount rebated to the City for police service, and some increase had been gotten to cover other than simply patrol -- which was all the county would provide if they were providing the service. He said the irony of the situation, however, was that the amount the City was getting from Montgomery County was still much less than what it spends to maintain a full-service police department. He said the county tended to view Takoma Park's police department as providing Cadillac services. He referred to the longterm disagreement with the county about provision of fire service, and commented that at least the City now had a uniform way of paying for that service. Concerning the differences in the way the counties make their rebates to the City, he said that this year, by virtue of the formula, the City would actually lose money for the library and for housing from Montgomery County; park

Proposed FY1990 Budget Public Hearing, 4/12/89

maintenance money would decrease by about \$24,000; money for road maintenance would increase by about \$37,000; the police service rebate would increase by \$17,000. He pointed out that the increases did not amount to much percentage-wise in terms of the total required to provide the services. Mr. Wilson said another thing people should be aware of was that both counties continued to increase their tipping fees -- they charge the City by the ton for bringing refuse to their dumps, and that fee was \$45/ton in Prince George's and recently increased to \$55/ton; in Montgomery County, the fee was \$46/ton. He said there were pluses and minuses throughout the proposed budget; the net result was a modest plus. He said of the revenues that would be coming in, about half came from the City's assessable tax base, the remainder from a net increase in a variety of revenues. He noted that within the past year, a bill had been passed that would exempt automobile dealerships from the personal property tax affecting commercial establishments; while that did not directly impact the City because there were no such dealerships in Takoma Park, such changes that could affect the City's revenues would have to be watched for in the future.

Mr. Wilson said there were no staff changes in Administration anticipated or recommended in the proposed budget; he noted that in FY 1989, a Recycling Coordinator position was filled, however, that position was transferred to Public Works; an Administrative Clerk position was transferred to the Department of Economic & Community Development. For those reasons, the Administrative staff budget had decreased. He said he was recommending purchase of a FAX machine, but that was a relatively minor outlay. He noted there was a \$10,000 increase in the budget to cover the expense of the upcoming election in FY 1990. He noted the recommended legal portion of the budget was the same as FY 1989; the proposed cable budget was about \$1,000 less than FY 1989.

Regarding the inequity in the rebates the counties make to the City for services the City furnishes in lieu of the county providing them, the Mayor related that Takoma Park citizens pay about \$.09/\$100 to the county for library services. He said the county keeps about 2/3 of that amount and rebates about 1/3 of it to Takoma Park. He said while he realized that city residents are free to make use of the county libraries, and many do, it did not seem equitable that the county kept the amount they did. He said those persons who complained about the amount of tax they pay to the City should also consider the fact that they are paying taxes to the county for services that the county is not providing within the city.

Anyone wishing to comment on the Administration Budget, including City Clerk, accounting, legal portions was invited to do so; no speakers came forward.

Cable:

Mr. Wilson pointed out that the cable budget was just about what it was for FY 1989; he said an amount had been inserted for special activities in that budget, but the other items had been adjusted to accommodate that addition. The Mayor noted the total for that budget was \$43,348.

Steve Meleski, 7904 Takoma Avenue: said he would be commenting on the cable budget on behalf of the Cable Board, as Vice Chairman of that group. He noted he had a written statement from the Chair of the Board, Noreene Wells, a copy of which he would submit for the record. He said the board generally supported the recommended budget, and the position of the Cable Coordinator. Regarding proposed additional staff, he said the board recognized there was a need for more help in that department of various types, e.g., accounting, technical, etc. He noted a proposal for a paid intern to assist in that department, and pointed out there were a variety of resources among Cable Board members, and a lot of free help could be provided by those individuals. He said the Cable Board would be represented at the budget worksessions and more detail could be gone into at that time. He said there were a number of factors that should be examined in regard to the cable channel, its operation and responsibilities. He said that some of the early concepts about the cable operation may have changed since its inception, and those should be looked at in the context of the present time, with perhaps amendments to the original ordinance.

Daniel Yakoubian, 615 Elm Avenue: spoke in support of the City's cable channel. He said he had been involved in a recent field production class with the cable station; he said the City was probably getting more value for the dollar in its cable operation than it would get anywhere else. He noted the importance of the media, of radio and TV communication, and its generally incredible expense. He said the City's channel had accumulated, with a very low output of funds, a very sophisticated and valuable array of equipment; it appeared that the group of people who surround and support the cable operation were both capable and dedicated. He said while the operation was still in an early stage of its development, it had a tremendous amount of potential to make a valuable contribution to the City. He said there was no way the City could get the services and coverage the channel provided local government functions elsewhere at the minimal amount allocated in the annual budget. He said he felt the channel enriched the community in a way people had come to expect from the City government. He said that, given support and a chance to grow and expand, he felt the station would help to foster and project the community's image and identity. He said he would encourage the City to expand its spending for the cable operation when programs could be developed to justify an increase.

Sherry Vavrichek, 7233 Garland Avenue: said she had been involved with the cable operation since 1986 when she became active in "Children's Story Time" which shows several times a week on Channel 54. She said she concurred with the previous speaker that the cable medium had great potential for the City -- for both children and adults. She said she had greatly enjoyed hosting the aforementioned show. Having participated in an ongoing show for several years, Ms. Vavrichek said she was concerned about the lack of numbers of people being involved, both in terms of help, such as manning the cameras, and production. She said she was interested to hear mention of having a paid intern, thought if there were a desire to get people interested in production, there was need to have someone to take care of all the details, and there had been a lack in that area. She said that getting necessary details accomplished had been a hassle due to the shortage of people to help out. She said she hoped a lot of attention would be given to creative ways of beefing up the personnel for cable so that people like herself could continue their commitment to providing their services for the channel.

Sid Rosenberg: said he did a music show for the cable channel, and spoke in support of the cable channel.

Jay Levy, 7431 Baltimore Avenue: said he was representing the Takoma Park Nuclear Free Zone Taskforce; he spoke in support of cable TV, said the Cable Coordinator, Robert Smith, had been particularly helpful to the taskforce and very cooperative with them in putting on "Solutions For Survival," an 8-part series, as well as interview shows. He said he considered the cable channel to be a valuable and positive part of Takoma Park.

Tom Howell: said he now resides in D.C., was one of the professionals Robert Smith had brought in to help teach and run the cable programming. He said he operated his own trade school in D.C. for 4 years, teaching television production. He said he had been very impressed with the high-quality equipment the City's station had accumulated, had enjoyed working with it. He said he had been involved with other local government stations, i.e., Arlington and Fairfax County, and Takoma Park's channel was the best managed and operated he had seen. He pointed out that the classes he teaches for the station pay for themselves because those taking them pay a nominal fee, the fee goes to the teacher, and there is no additional cost to the City for the service.

Laurie Hopkins, 22 Manor Circle: spoke in support of the classes being offered by the cable channel; she said she had taken one of them, and it was nice to come home after work and be able to participate in a creative activity. She said the classes served a good function in the community by providing a unique opportunity.

Eleanor Ellis: said she had been involved with the channel, had done a number of different shows for it. She spoke in support of the channel.

anel, said the Cable Coordinator deserved a lot of credit and support, and she felt the station was a benefit to the City.

Councilmember d'Eustachio noted references by an earlier speaker to changes the Cable Board might be proposing, such as amendments to the original legislation, etc. He pointed out that if such proposals could be submitted in writing and as early as possible in the budget process, it was helpful to those having to make the final decisions. He also referred to a copy of a letter distributed to the Council 6-8 weeks earlier which expressed an individual's offer to purchase unused cable time for \$20,000; he said he would like to know prior to the budget worksessions whether that had been found to be a valid offer and any other details available. Councilmember Sharp commented that if the Cable Board were going to propose to make changes in the Code that did not relate to the budget, those should be scheduled as a regular agenda item rather than brought up at a budget worksession.

Mr. Meleski affirmed that the Cable Board would try to get any proposed changes before the Council at the earliest possible date for their consideration. Regarding the proposal for purchase of air time, he said the board had just finished working out a process wherein the Cable Coordinator and Administration would submit a proposal to the Cable Board regarding the components of the proposal made by the Italian-American and Asians who want to buy the time. He said the Cable Board and a couple of their lawyers who are expert in the field would comment on that written proposal to the Council and make recommendations on its disposition. He said the board's initial feeling was that while the revenue would be attractive, there could be many complications, complexities and problems involved. He said there would be a need to study the issue in great detail before making any recommendation.

Newsletter:

Newsletter Editor Reid Baron spoke regarding his proposed budget; he said he had tried to provide some flexibility in the numbers, was asking for a \$2,000 increase attributable primarily to production cost increases. He said, as indicated in the documentation he had submitted, however, certain adjustments could be made to reduce the amount, if necessary.

The Mayor noted that one of the options provided in the proposed budget documentation for the Newsletter, as had been publicly discussed and considered previously, was that of consolidating production of the Newsletter with that of the Takoma Voice. He said one of the proposals outlined under that option was that of making the Newsletter a supplement of the Takoma Voice. He said he would be very interested in comment from the public on the issue and any suggestions that people might have as to what course the City should pursue regarding its publication.

Sid Rosenberg: spoke in support of the City Newsletter, said he enjoyed receiving it each month and liked knowing it was not a commercial endeavor, but was the local government disseminating information to its citizens. He said he would not like to see the publication done away with and thought it should be left status quo.

The Mayor said that while comment on the issue had been solicited, he would not want anyone to assume that the elected body had either plans or a desire to change or do away with the City Newsletter.

Dan Yakoubian: echoed the commentary of the previous speaker; he said he would not want to see the Newsletter done away with or have it become a part of the Takoma Voice. He said it was a unique publication and spoke in favor of leaving it status quo.

Jay Levy: said he had lived in the city for 14 years; one of the most informative things in the City, and which had helped to generate an interest in both he and his wife in participating in community activities and causes, had been the Newsletter. He said he would urge that it not be changed or made a part of any other publication, that it be left as is. He commented as well on the good job Mr. Baron had done with the publication, and his cooperative attitude.

A. J. Mitchell, 7600 Maple Avenue: commented he had not previously heard any discussion of making the Newsletter a part of the Takoma Voice, and said he would hate to see that happen. He said, to his recall, the Takoma Voice had started as a result of some dissension over the Newsletter, and he did not think at the present was a good time to consider a proposal such as the Mayor had mentioned. He said the two publications were two separate things entirely.

Councilmember d'Eustachio commented that the audience for the present budget hearing was by far the largest he had ever observed in his time on the Council; he said he really appreciated seeing people turn out for such a meeting. The Mayor noted there were a number of young people in the audience wishing to speak regarding the Recreation Department budget, and that item would be addressed next so as to not keep the youngsters out too late.

RECREATION

A. J. Mitchell: spoke in support of the Recreation Department. He said anything that could be offered the young in today's world as an alternative to some of the things available, and to help them endure the peer pressure to which they were subjected, was worthwhile. He said he would really hate to be a kid growing up in the present world. Mr. Mitchell commented he had lived in Takoma Park for about 10 years, and was proud to reside in a community that offered so much to its youth.

Angela, resident of Lee Avenue: thanked the elected body for hiring the female Outreach Worker, Ms. Wright. She related a story of an anonymous friend, who she called "Mickey," who became involved with the drug traffic at a young age, eventually ended up in jail, and had no training for anything other than selling drugs. She said she hoped the City would continue to offer the support for youth that it had so that others of her friends would not end up like "Mickey."

Alice Mitchell, 7600 Maple Avenue: said she was 16, had had a job for about 2 years. She said her first job was with the Summer Youth Employment Training Program sponsored by Montgomery College, that there were 150 slots open to young people 14 and older, and she was placed in a day care center caring for young children. She said she enjoyed the work, but it left her with no marketable skills, and she had a hard time finding another job when the program ended. She said she had since found a job in a fast food restaurant, and had seen other young people wanting work turned away because of being too young for the job. She commented that those same young people were not too young to get involved in running drugs for the money so that they could have the clothes, gold chains, etc., that their peers had, and would not feel out of place. She said she would like to see an opportunity for decent jobs provided to kids younger than herself, some sort of job program, so that they had an alternative to getting involved in drugs and could earn an honest dollar.

Montez Boatman, 133 Ritchie Avenue: spoke in support of the Recreation Department's proposed budget; she said she thought the idea of a summer jobs alternative program was an excellent idea and hoped it could work out as a continuing program. She said she hoped, too, that there would be a budgeted item in the not too far distant future indicating that Recreation would be obtaining adequate space in which to function.

Jerry Sanford, 605 Boston Avenue: said he worked for the Recreation Department as a Recreation Aide, and spoke in support of the jobs program. He said that program offered young people an opportunity to do something constructive with their lives, an alternative to getting into trouble. He said he knew a number of young people involved in selling drugs and making a lot of money, but who would prefer to have a legitimate job where they wouldn't have to be looking over their shoulder all the time.

Rein Parris, 7620 Maple Avenue: expressed support for the Recreation Department, and, particularly for those things it could do to help youth. He said when he was young, there were apprenticeship programs wherein young people could get training in various trades while serving as an apprentice, and suggested the City look into forming such a program.

program for young people as an alternative to getting involved with drugs.

Clarence Boatman, 133 Ritchie Avenue: said his 2 sons had grown up spending a lot of time in the City's Recreation programs, particularly with Lee Jordan. He spoke in support of the programs Recreation provides for the young, and in support of its proposed budget.

Laurie Palmer, Co-Pres. of Takoma Park Elementary School P.T.A.: said the P.T.A. felt very strongly that the Recreation Department programs were a necessary and vital part of the community; the low cost services provided were often used by children who would not be able to participate in the sort of programs offered under different circumstances. She said they also supported the summer job program, and wished it could begin during the upcoming summer.

Blair Hayes, Co-Pres. of Takoma Park Elementary School P.T.A.: spoke in strong support of the summer jobs program, commenting that it was an opportunity to treat the cause instead of the effect. He said there were very few opportunities to do that. He related that when he was a youngster growing up in D.C., they had the Police Boys' Clubs and he spent most of his time there, which kept him off the streets. He said he envisioned the youth in the City getting some training from the program other than just how to cook fast food, because making a living in today's world involves more than just knowing how to cook hamburgers for 10 hours a day. He said that the federal government, where he was employed, had a job program for youth wherein they were brought in and exposed to various administrative phases of different jobs, which gave them an understanding of what went on in the workplace. He said the earlier youngsters were exposed to that sort of training, the more effective and successful it would be.

Dorothy Cichello, 7320 Piney Branch Road: expressed support for the proposed budget for Recreation and the summer jobs program. She said the youth were the future of America, and it was necessary to start their training at a young age. She also expressed appreciation, on behalf of the Horticulture Club and the Azalea Committee, for the continuing help the Recreation Department had given them over the years.

June Aloi, 14 Sherman Avenue: said she had resided in the city for about 26 years, was representing the House & Garden Tour, and that Recreation had been very helpful to that group in all its endeavors. She said she felt the Recreation Department did a great deal of good for the young people in the city.

Ed Iverson, 110 Sherman Avenue: said he had grown up in Takoma Park, was able to attend many functions as he grew up that he would not have been able to go to without the Recreation Department's sponsorship, e.g., trips to King's Dominion, trips to athletic events, etc. He said while the summer jobs program was not available in his youth, it sounded like it would be a valuable experience for today's young people. He said he had a lot of fond memories of what the Recreation Department had provided him, and hoped it would be continued for the children of tomorrow.

Tom Guins, 1200 Kingwood Drive: noted he was President of the Independence Day Committee, and said the Recreation Department furnished that group invaluable assistance for its function. He said he felt the activities provided by that department were a great outlet not only for the youth, but for adults as well, and that Calvin Avant and others had done an excellent job in working with the young people, providing them jobs and teaching them how to do them properly. He said he felt the summer jobs program would be a good preventive measure against young people getting into trouble. Mr. Guins said he had spoken at prior meetings about the condition of the parks, and that he had not observed any improvement in that area, probably because it was something that was easy to neglect when other things took priority. He said he felt more and more inclined toward putting the parks under the supervision of the Recreation Department, because they cared more about their condition than others might. He said while it might be a bit too late in the process to do that now, he would like to see that move considered during the next budget cycle.

Paula Jewell, Deputy City Clerk: said the Administrative Office had used summer youth workers under Montgomery County's program for the past couple of years; Prince George's was now offering summer youth workers under their program. She said the Admin. Office had also used adult refugee volunteer workers to help out with office tasks. She said the help was always appreciated, and it afforded those participating some good, practical office experience. Mr. Wilson commented that the copies of the proposed budget were turned out by the volunteer workers Ms. Jewell had mentioned.

Police Chief A. Tony Fisher: expressed support for the Recreation Department's proposed budget. He said that department's efforts, particularly those of Calvin Avant, had helped to resolve some potentially serious problems with youth gangs and involving weapons at the Junior High School at an earlier point in time, and a good ongoing relationship with youngsters at that school had been developed, especially due to Mr. Avant's programs. Chief Fisher spoke in support of the summer jobs program, said giving youth an opportunity to view city government in operation, particularly the police department, would be a longterm influence and investment in the sort of youth that grows up in Takoma Park. He said his department would be very interested and willing to work with that program, should the elected body decide to fund it. He pointed out that Takoma Park did not have, at present, any open air drug markets and that the majority of kids tended to be well-mannered and respectful of adults, and he said he felt a lot of credit for that was attributable to the efforts of the Recreation Department.

Ed Hutmire, 7412 Holly Avenue: said he was representing the Takoma Park Recreation Council; he commented on the numerous people who always turned out to speak on behalf of the Recreation Department, and remarked that the events they sponsor are always equally well-attended. He said the Recreation Council wholeheartedly endorsed the department's proposed budget, and, particularly, the summer jobs program. He said he hoped that program would be funded and implemented.

Recreation Director Ziegler pointed out that her proposed budget contained very few changes, the only new proposal was for the summer jobs program which would cost about \$33,000 in funding, and a request for a full-time gym supervisor rather than part-time.

LIBRARY

Mr. Wilson noted that the proposed budget that Library Director Ellen Arnold-Robbins had presented to him was less than what had been budgeted during the last fiscal year; he said hers was the only departmental budget he received that was an actual no growth budget -- her proposal was \$6,303 less than last year's.

Ms. Arnold-Robbins commented that her budget, as submitted, was a no growth budget, as had been requested; she said the reduction was primarily attributable to staff changes that had occurred during the current fiscal year, as well as the fact that \$3,000 was eliminated in the book budgets (that amount had been allocated last year for specific one time purchases). She said the new program that the Library was proposing, i.e., a 3-phase library renovation, would be discussed at the April 18 hearing on the Capital Improvement Budget. She said she had requested funding, at a cost of approximately \$36,000, for the first year of that program.

Bonnie Dopp, 210 Lincoln Avenue: said while she was not a user of the City's library to any great degree, she worked in a large library in D.C. She said the City having its own independent library was an enhancement to the community, and spoke in favor of the proposed budget, and particularly the proposed renovation program. She noted the renovation would begin with the children's section, and said it was very important to make the library an attractive and interesting place for children to pursue their intellectual interests outside of school. She pointed out that children were probably the most important users of the City's library because they did not have the mobility that adults have to travel to other libraries. She said the library did not presently look as attractive as it should, and the proposed renovation program would be a very good investment for the City to

make.

Sarah Fisher, 700 Erie Avenue: said the library was both a permanent part of the city and a central fixture in the city; she said while it was commendable that Ms. Arnold-Robbins had been able to submit a budget less than last year's, she personally wished the \$6,303 could have been retained and expended for new materials, however, realized there was no space to put anything new on the shelves without eliminating something that was already there. She said she was very much in favor of seeing the proposed renovation go forward; that the library had consulted with the best talents in the field, and the way the project had been broken down appeared to be both attractive and affordable. She said she felt the first phase, the children's area, to be extremely important, however, emphasized that the other two were also very important -- that having created an attractive and welcoming environment for the children, that should also be done for their parents and for those adults who did not have youngsters. Ms. Fisher said while she used many libraries, including county libraries, she felt a strong community identification with the Takoma Park Library and used that one most often. She said she hoped that in future, when perhaps there was more available revenue, a more extensive renovation of the library could take place and more space added; she pointed out there were more services that could be added also, but they would require additional floor space.

Councilmember Elrich pointed out that the upcoming fiscal year would not necessarily be a no growth year, but that the proposed budget was done on that basis for the Council's examination and consideration. He inquired whether Ms. Fisher would be disturbed if the tax rate were adjusted to some level other than what had been recommended; she replied that she would not if the funds were applied to specific areas that she would like to see expanded. She said she did feel that she had a right to have some say over where her tax dollars were spent, and the library was one area where she would be most happy to see them spent.

The Mayor pointed out that the City presently had no longterm indebtedness, that the Municipal Building and Library were paid for; he said one avenue that could be considered to fund capital improvements such as the library renovation would be a municipal bond issue. He said that probably could not be done, however, without raising taxes in order to pay for the bonds. He asked what Ms. Fisher's reaction would be if that proposal was put to her, as a taxpayer. Ms. Fisher said she would not only be willing to promote such a move, but would probably try to find some available money to buy one of the bonds herself.

Clarence Boatman: inquired, if space expansion were seriously considered, whether the intent would be to expand at the Municipal Building or the Library. The Mayor responded that there were a number of things to be considered before making such a decision; he said money had been budgeted for a space analysis of the Municipal Building, an engineering study would also be required prior to considering enlarging the Municipal Building. He said there were other areas where additional space could be provided, however, e.g., behind the Municipal Building the City owns a lot on Grant Avenue, and a building there could be incorporated into the City facilities. He said while there would need to be a lot more planning done prior to seriously considering expanding, that if a decision were made to do so, then bonding would likely have to be considered as a means of funding because the City would not be able to afford the work without spreading out its cost.

The Mayor extended a welcome to Councilmember Douglas, who had just joined the hearing after having returned from Alaska.

ECONOMIC & COMMUNITY DEVELOPMENT

Economic & Community Development Director Neal noted that he had submitted two versions of his proposed budget -- the no growth budget, as directed, as well as an optional budget, which he said contained a few proposed minor adjustments to the no growth budget and which he felt would make departmental operation easier and smoother, commenting that the no growth budget did present some practical difficulties in

administering those things the department was responsible for.

Councilmember Sharp inquired whether Mr. Neal had any comments about the issue just raised, i.e., space needs. Mr. Neal said that while he and others had put in some time on that issue, looked at some needs, they had not had adequate time aside from their normal workload to come up with a product. He said he had discussed the issue to some extent with Public Works Director Giancola, and it was his intent to turn over all pertinent material he had on the subject to him, with the concurrence of the City Administrator. He said he regretted not having been able to devote the kind of attention the matter deserved and come up with a solid proposal. He said he had always viewed the budget as a priority and had tried to make those things that were budgeted for occur, e.g., street construction, the rehab program, Block Grant contracts, etc., all of which were time-consuming.

Councilmember Hamilton commented he understood some Block Grant money would be available in July for facade work; regarding the Maple & Sherman Avenue commercial area, he inquired where the money would come from to do facade work in that area. Mr. Neal explained that there was \$25,000 programmed in the Special Revenue Budget, coming in through the Montgomery County Block Grant Program, to do facade and design, site engineering and design, for improvements at the Maple & Sherman Avenue commercial area. He said he thought the amount of money allocated would be more than adequate to meet the design goals for that small corner; however, that amount would not pay for capital construction, such as the new sidewalks that are needed and the new curbs and gutters, or for a facade easement program. He said additional money would be needed for those things, and one of the proposed initiatives he had included in his budget was to spend time during the next fiscal year seeking funding sources for the following fiscal year for implementation. He said he thought around \$60,000-\$70,000 would be needed to really redevelop that area properly and attractively; it would be important to follow through on that project, so that the \$25,000 was used well and resources were not wasted.

DEBT SERVICE

Regarding Debt Service, Assistant City Administrator Habada noted that the City was dealing with 2 lease financing companies, i.e., Sovran Leasing and Signet Leasing. She enumerated the breakdown of agreements with those firms, which she said would total slightly over \$100,000 for the next fiscal year. She said lease-purchase financing payments would start to drop off in 1991, at which point there would be a beginning decline in the amount of debt service when the 3- and 5-year agreements were paid off. She said the upcoming year would be the last that the City would have to appropriate money for the State Retirement Unfunded Liability; \$10,000 was appropriated for Leave Liability to provide funds for payment to employees for their accrued leave.

Brief dialogue ensued regarding the lease-purchase agreements. Responding to inquiry from Councilmember Martin, Ms. Habada explained that the Norton Development Project was a building on Holton Lane for which the City helped the developer to get a low-interest MICRF loan; payments on that are channeled through the City's books, but at no cost to the City.

NON-DEPARTMENTAL

Regarding the Non-departmental Budget, Ms. Habada explained insurances fell into that category, and briefly enumerated the various policies the City carries. She said the only figure that was uncertain on the insurances was the excess liability; a solid figure had not yet been gotten, thus, that amount was estimated. She explained that the \$.283 for fire service was the amount recommended by County Executive Kramer to the County Council to fund the consolidated fire tax district for FY 1990. She noted that that figure, calculated against the City's assessable base, would yield \$630,689; she pointed out the actual rate would be an unknown until June -- that the amount could go up or down somewhat. She noted that last year, the City had gone with the County Executive's recommendation which was \$.30, the final amount turned out to be \$.276. Responding to inquiry from Councilmember d'Eustachio, Ms. Habada explained that some of the extra money from that had been transferred over in the last budget amendment to cover other expenses, but the majority of it would not be spent -- it was hoped that would

be used as a part of the rollover at the end of the current fiscal year to help fund next year's budget. The Mayor raised the question of whether that money should be rolled over in the general pool of resources or whether it should be kept separate through some sort of accounting mechanism, so that at some point the rate could be reduced below what was required to fund the service in a given year. Councilmember d'Eustachio pointed out that the process during the City's budget was basically guesswork as to what the rate would be for the year; he suggested the funds be set aside in a reserve fund for the purpose of making adjustments to errors in judgment, when necessary, or perhaps eventually in some way rebated to taxpayers if the City again overestimated the final fire tax rate -- he noted such a rebate would amount to a very minimal amount, however, if it were distributed. Following brief discussion, the Mayor noted this was an issue that would merit further examination and discussion by the elected body. Councilmember d'Eustachio suggested that the auditors might be queried regarding the situation as well.

Ms. Habada explained that the General Contingency Fund was 2% of the annual revenues, not including any reserves or rollovers. It was noted that the City was required to maintain such a fund. The Mayor noted that while there was a General Contingency Fund, each department continued to have its own separate Contingency Fund; he suggested that perhaps elimination of those individual accounts would be one way of tightening the budget somewhat. Ms. Habada commented that the total amount of those individual funds would amount to 1% or less of the budget -- that it would be nickel and diming; however, she said she would provide the Mayor with the exact figures. Responding to query from Councilmember Sharp, Ms. Habada affirmed that the General Contingency Fund monies could be spent without requiring any change in the Charter; its purpose was simply to cover unanticipated costs that might arise through the year. She said the 1% for capital reserve that the City was mandated to set aside would be carved out of the unappropriated reserve -- unless a Charter change were effected, the City was legally required to set aside that 1% of revenues each year, and it was not dedicated as to use. She said it had been used in the past, basically, at budget amendment time to cover a variety of expenditures. Mr. Wilson commented that historically it had been used to make up for those instances where a particular item had been underfunded and there was not money available within departmental budgets.

Ms. Habada noted the training budget had increased in the last year due to cost of some training that was done by agreement of the elected body; that line item was proposed to revert to its former level of \$15,000. She noted hospitalization costs had increased, basically due to a decision to expend some money in recognition of things that had come out of negotiations with the union. She briefly touched on the rate for COLA/merit pay increases for employees, stormwater management, and the merit pay rate for senior staff. Following Ms. Habada's brief explanation to Councilmember Martin of the proposed COLA/merit pay increase, the Mayor noted that while there was obvious need to discuss that matter further, it should not be at a public session due to the ongoing negotiations with the union.

There being no further public comment on the proposed budget, the Mayor brought the public hearing to a close. Upon motion, duly seconded, the hearing adjourned at 10:12 P.M. The Mayor noted that the next public hearing on the budget would convene on Tuesday, April 18, 1989.

STATEMENT PRESENTED TO THE MAYOR AND CITY COUNCIL ON BEHALF OF TAKOMA
PARK CABLE TELEVISION DURING BUDGET FY90 HEARINGS: April 12, 1989

To the Mayor and City Council:

Because of a prior video directing commitment I am unable to appear before this body to speak in support of the current budget request for the Cable Office.

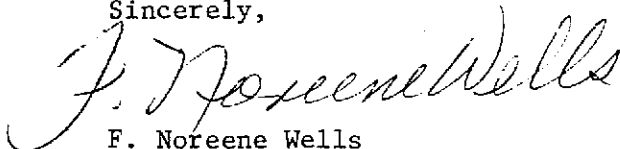
I, as do other members of the Cable Board, acknowledge a certain remissness with respect to the raising of outside funds in support of programs for the Takoma Park channel. However, we have been working steadily since last July in an attempt smooth out certain disfunctions within the entire operation, to re-identify our priorities, and to bring these priorities, in the form of a statement of Cable Television Priority Mission, before the City Administrator and eventually before the Mayor and City Council.

The Takoma Park cable is a conduit for information between citizens, between citizens and city functionaries - we still refer to it in the potential - but the viability of this type of information line simply cannot be faulted. It has value for the hearing-impaired, for the non-anglo speaking members of our community and for those who cannot understand the written word in any language. It is still struggling to grow. And we are working hard to help it.

The job of the cable coordinator demands time spent as administrator, clerk, word processor, program transmission engineer, video editor and director, instructor, video file librarian, City-County liaison, recipient of cable subscribers' complaints, etc., etc. Support for assistance in this job would smooth the growth process. The establishment of a paid internship program could benefit the office.

As a Cable Board member, and its current chair, I am continuing to support the concept of our own programming, just as I continue to work for the cable office.

Sincerely,



F. Noreene Wells
April 12, 1989

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
April 17, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Administrative Clerk II Mitchell
Councilmember Douglas	Ec. & Community Dev. Director Neal
Councilmember Leary	Community Dev. Coordinator VinCola
Councilmember Martin	Housing Services Director Weiss
Councilmember Sharp	Public Works Director Giancola
ABSENT: Councilmember Elrich	
Councilmember Hamilton	

The Mayor and City Council convened at 7:35 P.M. on Monday, April 17, 1989 in Speial Session for the purpose of adopting a single reading ordinance awarding a contract for aerial spraying to control Gypsy Moths. Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Martin. The Mayor noted that a fiscal note accompanied the proposed ordinance.

Public Works Director Giancola noted that the spraying program had been publicized on page 5 of the April Newsletter and said he did not intend any additional mailings for the purpose of public notification. He asked that the entire amount requested be allocated, however, said he did not expect it would be necessary to expend all of it. He said he thought the total acreage to be sprayed would be around 1,000, rather than the 1,200 that was cited in the contract.

Councilmember d'Eustachio noted that the spraying would not be done by East Coast Helicopter this year, and inquired whether Mr. Giancola was confident that the proposed contractor could do just as good a job as was done last year. Mr. Giancola explained that the proposed firm was one of the largest in the business and that they also had a contract with the state; he said it was because of their size that they could give the City a favorable price for the work. He said East Coast Helicopter was a smaller firm, and while their price was lower than it was last year, it was not the low bid. He pointed out that while the RFP set forth certain conditions over which the City would have control, he could not guarantee that Ag Rotors' flexibility would be exactly the same as that provided by East Coast Helicopter.

Councilmember Martin pointed out that, hopefully, the City would get about \$2,500 from Prince George's County for the spraying. The Mayor asked that Mr. Giancola submit a request for that county grant money, which he affirmed he would be doing. Responding to inquiry from the Mayor, Mr. Giancola said that in his opinion, the sale of sticky tape at Public Works was going rather slowly -- around \$600-\$700 worth of tape had been sold; he was uncertain how much the Tool Library had sold to date. The Mayor suggested a letter be written to citizens' associations reminding them that the tape is available and seeking their cooperation in publicizing the effort; he said he would be willing to sign such a letter.

Responding to query from Councilmember Martin, Mr. Giancola said the Parks Department was putting up some tape on City trees; he was not sure how much would be put up, it would depend upon resources.

The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Leary, Martin and Sharp; NAY: None; ABSENT: Councilmembers Elrich and Hamilton.

ORDINANCE #1989-13
(attached)

The Special Session adjourned at 7:44 P.M., with the elected body resuming their scheduled worksession discussions.

Introduced By: Councilmember Martin

Adopted: April 17, 1989
(Single Reading)

ORDINANCE NO. 1989-13

An Ordinance to Provide Aerial Spraying
for Gypsy Moth Control

WHEREAS, the Council earmarked \$40,000 for the potential use on a second Gypsy Moth Control Spraying; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from three qualified dealers and advertised in the Washington Post newspaper; AND

WHEREAS, bids were publicly opened at 3:00 p.m., April 11, 1989 and the following bids were received:

East-Coast Helicopter, Inc.	\$30/acre
AG-Rotors, Inc.	\$22.83/acre

WHEREAS, AG-Rotors, Inc. has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1. That the bid of \$22.83/acre received from AG-Rotors, Inc. is hereby accepted; AND

SECTION 2. That this procurement shall not exceed TWENTY SEVEN THOUSAND THREE HUNDRED AND NINETY SIX DOLLARS (\$27,396) and be charged to the Capital Expenditures Account #995.

Adopted this 17th day of April 1989. (in Special Session)

AYE: d'Eustachio, Douglas, Leary, Martin, Sharp

NAY: None

ABSTAIN: None

ABSENT: Elrich, Hamilton

CITY OF TAKOMA PARK, MARYLAND

Public Hearing Re Proposed FY 1989-90 Budget
for
Public Works, Police, and Housing Services Departments,
and Capitol Improvements
April 18, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Housing Services Director Weiss
Councilmember Leary	Library Director Arnold-Robbins
Councilmember Martin	Police Chief Fisher
Councilmember Sharp	Public Works Director Giancola
ABSENT: Councilmember Hamilton	Recreation Director Ziegler

The Mayor Pro Tem and City Council convened at 7:35 P.M. on Tuesday, April 18, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland, for the purpose of conducting a Public Hearing on certain portions of the proposed FY 1989-90 City Budget. Mayor Pro Tem d'Eustachio called the meeting to order, and explained that Mayor Del Giudice was teaching his regularly scheduled Tuesday class, so would be a bit late for the hearing. He noted, as well, that Councilmember Hamilton was not present as he was being presented with Montgomery County's Fair Housing Award. He asked that City Administrator Wilson give a brief overview of the proposed budget.

Mr. Wilson pointed out that the proposed budget was a no growth budget, in terms of service and personnel, both by directive and by definition. He noted that he had not personally recommended, in his proposed budget, any new proposals, and had, in fact, cut certain items from the operating and capitol budgets in order to reduce the impact on the fund balance. He said that, despite a \$429,000 increase in revenues in FY 1990, the City did not generate revenue sufficient to meet the uncontrollable and increasing costs defined as cost-of-living, e.g., tipping fees, utility costs, etc. He said the City had come to the point where increases in various revenues upon which it had depended in the past did not cover the increases in those costs, and for that reason, it seemed mandatory that the proposed budget be one with no growth and with no new programs. He said he had cut the capitol improvement proposals initially submitted by about half, and noted that those departments being addressed at the present hearing, along with the capitol improvements budget, amounted to about 58% of the City's total budget.

PUBLIC WORKS:

Public Works Director Giancola noted he had just recently completed 6 months of employment with the City. He said the proposed budget he had submitted was a no growth budget, however, he had included 11 new and expanded programs, which he enumerated, covering areas that had been indicated as priority to him at the time he was hired.

Mr. Mandel: repeated his request made during the last year's budget hearings, i.e., that the pages in the proposed budget be consecutively numbered, if possible, to facilitate finding things. Regarding the Public Works budget, he said he recalled a couple of years ago, problems with the repair shop and that one mechanic had been added to the staff; he asked how that facility was now functioning. Mr. Giancola explained that a Master Mechanic had been added to staff, procedures had been tightened up and improved, the older vehicles and equipment had been cleared out and replaced; he said with the preventive maintenance program and the newer vehicles, costs had actually gone down in that area and the division was functioning very well.

Councilmember Sharp inquired what the costs indicated under recycling covered, particularly the one designated waste oil recycling and reflecting a cost of \$250. Mr. Giancola explained he had met with a vendor who would provide a holding tank on a concrete slab for the City; he said residents would be able to bring their used oil to Public Works for disposal and it would be sold for recycling. He said the \$250 was to prepare the site for the slab and tank. Mr. Giancola

pointed out that this would provide a proper way for people to dispose of their used oil, rather than dumping it down drains or on the ground. He noted money had been included, as well, for educational/promotional materials to move toward including apartments and commercial properties in the City's recycling program; educational materials would also be provided to schools. He touched briefly on other aspects of the recycling program which he hoped to expand into, including recycling of plastic items, with, perhaps, a large bin at Public Works where such items could be dropped off. Mr. Sharp inquired whether some of the items, such as recycling for apartment dwellers, could be funded by grant monies; Mr. Giancola responded that he was exploring available grants and thought perhaps some of the items might be funded that way, but pointed out recycling was a new area for the state and counties too, so they were still in the process of setting up grant programs. He said he had a grant application in with the state that might help to defray the cost of the vehicle that had been bought for the recycling program.

Rino Aldrighetti, 7213 Central Avenue: inquired concerning the anticipated revenue level for recycling in the coming year. Mr. Giancola explained that what would be generated would be a cost savings to the City in the coming year; he said a cost avoidance of \$25,000-\$30,000 was expected as a result of a reduction in tipping fees. He said the collected recyclables were being weighed at present, and the City should soon be able to get some idea of the amount of income that could be expected once the program had stabilized. He said once that information was available, it would be shared with citizens through Newsletter articles. Responding to further inquiry from Mr. Aldrighetti, Mr. Giancola said it would probably be a year to a year and a half before the up-front startup costs of the program were paid off by the savings and income from recycling.

Mr. Aldrighetti commented that while he certainly could not argue against the concept of recycling, he did have questions about a city the size of Takoma Park going immediately to a mandatory program, which he said had even received comment from The Washington Post. He said he thought it might have been better to begin with a voluntary program and then later move to something else if it appeared warranted.

Responding to inquiry from Councilmember Douglas, Mr. Giancola said the present contract the City had was for pickup and disposal by the contractor. He said it was a 1-year contract, with a 1-year renew option, so, essentially, the program was a cost avoidance measure at present. He said it had been found that there were not a whole lot of vendors available in the field at present, but noted that Prince George's County had plans to build two recycling plants in the southern part of the county in future, and once those were completed, they had clearly stated that municipalities would be allowed to dump recyclables there -- he said he did not know whether the county would pay anything for them. Councilmember Martin commented that College Park was apparently selling their recyclables, and noted that Reynolds Aluminum was willing to pay for recyclable aluminum. Mr. Giancola said he would check into those options, but noted that when one got into selling, there would be costs involved in sorting the materials, as well as additional administrative costs.

POLICE DEPARTMENT:

Chief Fisher pointed out that in his proposed budget, the only added cost in relation to personnel he had requested was for an Administrative Clerk; he noted in the past year there had been a 17% increase in adult arrests and a 25% increase in juvenile arrests, as well as a 22% increase in calls for service. He said all of those things generated an increase in the amount of necessary paperwork. In addition he said that extra position would eliminate the need to put a sworn officer in the dispatch office when a dispatcher failed to report for duty; it would also allow the City to pursue the collection of unpaid parking fines, which had been neglected due to lack of administrative personnel. Chief Fisher said he would wish to point out that while he was not asking for additional sworn personnel, there had been a 21% increase in crime in the first 3 months of the current year over last year. He said it was hoped that with efficient use of the resources he had, any increase in crime could be managed adequately.

Jim Neri, Roanoke Avenue: commented he had lived in the city for 25 years and was a volunteer in the Police Department; he said that, due to his efforts and those of another volunteer worker, over \$40,000 in delinquent parking fines had been collected for the City. He said they had worked 4 hours a week at the most; there were at least another \$100,000 tickets with outstanding fines to be collected, if the department had the personnel to do so. He urged that the additional Administrative Clerk be approved and hired, so that the additional revenues for the City could be collected. He said expenditure of the money for that position's salary would be far more than covered by the funds collected, and said that there was money being expended in other departments that could be better spent in the Police Department. Mr. Neri urged that the elected officials visit the various City departments more often, so as to be better aware of how they are functioning and their needs.

Erwin Mack, 8107 Chester Street: thanked the elected body for the assistance they had given the Police Department in the past year, and said it had been of great value to the Takoma/Langley commercial area at University Boulevard and New Hampshire Avenue. He said they had received good coverage there, and asked that everything possible be done by the City to maintain the current level of service.

Andy Cincotta, Asst. Library Director: thanked Chief Fisher for assistance rendered to the Library in the past year in dealing with a potential problem they were experiencing with older teenagers at the facility. She said Officer Hartman was detailed to deal with the situation and did an outstanding job in talking with the young people, making friends with them, and handling what could have presented a problem without incident. She said the Library staff felt good knowing that assistance was readily available to them, if needed.

Jim Melton, Between The Creeks Neighborhood Association: expressed support for the Police Department. He said the drug raids that were made last fall had made an enormous impact on the area, but that they were recently experiencing another resurgence in the problem, particularly on the Takoma Park side of Flower Avenue. He said he felt there was need for an increase in the police budget to allow them to deal with the problems in that area.

Captain Jarboe, Takoma Park Volunteer Fire Department: commented that he had been with the fire department for over 32 years; he said he had had dealings with the Police Department many times during that period, and that they were a vital link in the community. He said not only did the police provide backup for fire and rescue personnel, but they were often on the scene before the fire department arrived, and had the situation under control. He pointed out that police personnel, voluntarily and on their own time, participated in such programs as the babysitter class given by the fire department.

Laurie Palmer, Co-Pres. of Takoma Elementary P.T.A.: spoke in support of the Police Department's proposed budget. She said the department was an important part of the school community; officers came to the school and did many helpful things for the students, such as conducting assemblies regarding safety and other issues of concern. She said the presence of a police officer had a positive influence on the children, and whenever any problem had arisen, there was always a prompt response from the department.

Blair Hayes, Co-Pres. of Takoma Elementary P.T.A.: commented on the image he had had of police officers when he was a child and growing up in segregated D.C.; he said that image had only changed as he became an adult and understood the role the police officer plays in the community. He said he felt it very important that children be made to understand the role of the police officer and the part he plays in the local government and in society; if children got a positive impression of such things when they were young, it tended to carry over as they grew into adulthood. He said he hoped the City would continue to put resources into those programs that helped to foster a positive relationship between children and the police.

Barry Weitis, Flower Avenue, Between The Creeks Neighborhood Assn.: said he had to leave shortly, so would like to briefly address both

the Police and Housing Services budgets. He said he was very supportive of the Police Department, and noted that Mr. Melton had addressed the drug problem along the Piney Branch/Flower Avenue corridor. He related that Officer Hartman had addressed the neighborhood association last fall at one of their meetings regarding the drug problems in the area, and said it had been very much appreciated. He said they were very interested in the program that D.C. may institute to address spillover of the drug problem into neighboring jurisdictions, and said if additional resources were needed to address that, he hoped the City would be able to provide them. He said he hoped that money gained from forfeitures would go into the Police Department's budget. Regarding the Housing Services budget, he expressed support particularly for 2 initiatives proposed, i.e., the CDBG-funded employee for enforcement in target areas (his area had its share of deteriorating properties with absentee landlords, and needed fairly constant Code Enforcement), and the Blight Reduction Neighborhood Improvement Program, which he said would make a payback to the City in terms of increased property values.

Recreation Director Belle Ziegler: thanked the Police Department for all their cooperation throughout the year; she said without them, a lot of Recreation's programs could not continue. She said departmental personnel had always responded when needed, and they had been particularly helpful with the Outreach Program in cooperating with Calvin and working with the young people. She said she had received complaints from citizens many times about the Administrative Office not being open so that they could get parking permits and other things they needed; if that department needed an additional Administrative Clerk so as to keep the office open more, then her department would support that request 100%.

A. J. Mitchell, 7600 Maple Avenue: remarked that, given the spillover problem of drugs from D.C. and all that went with it, it appeared to him that the Police Department had showed great restraint in their proposed budget. He said he thought they had been very realistic in what they asked for. He related an incident he had personally observed, in which he said the Police Department had dealt very promptly and efficiently with a drug problem involving young people.

Mayor Pro Tem d'Eustachio repeated his observance made at the April 12 Budget Hearing that the turnout of interested people was by far the largest he had seen in all his years in the city, both prior to and during his time on the Council. He said he would again like to express his thanks to those attending for their time and attention. He commented that the budget process was probably the single most important thing that the elected body did in serving the City, because the decisions made during that process dictated how the taxpayers' money would be spent.

HOUSING SERVICES:

Housing Services Director Weiss explained that she had submitted a no growth budget, as directed by the City Administrator, as well as a program-oriented budget, which she said had taken some time to prepare, but which she felt had been well worthwhile. She said preparation of that budget had left her much better prepared to meet with Montgomery County to discuss rebates to the City for services provided by her department.

Ms. Weiss related having recently participated in a Fair Housing Forum conducted by Montgomery County, at which half the day was devoted to affordable housing issues. She said the county's committee, of which she was a member, had determined that fair housing was not simply the civil rights sense of equal access to housing regardless of the protected class of which one was a part, but also meant having a safe, healthful and suitable environment. She said if one could not afford the available housing, then the civil rights protection was not really of much benefit. She said she felt the mission statement, programs and services provided by Housing Services reflected that department's recognition that housing had to be safe, healthful and also affordable. She said she had spoken with 3 individuals who were unable to attend the hearing, but had asked that she read written statements they had given her.

Ms. Weiss read a statement from Roxanne Ward Zakab, a former tenant of

8202 Houston Court, relating the successful negotiation by DHS of an excessive rent increase complaint on behalf of tenants of the building, expressing support for DHS and the services it renders, urging widespread publicity regarding the City's rent stabilization laws so as to better educate tenants concerning their rights, and recommending increased staff for DHS so as to make the laws work as they were originally intended.

Ms. Weiss read a statement from Linda Hart, a former DHS employee, expressing support for Junior Code Enforcement Officer positions. She stated that she had started with the City as an unpaid intern, working on various projects, but with the majority of her time devoted to the phaseback issue. She said the experience she had gained while with the City was invaluable; noted that at completion of her internship, she was hired as a paid intern and worked as a Jr. Code Enforcement Officer, which had been an excellent learning experience for her and had freed up Senior Officers to spend more time on annual inspections, reinspections and interior complaint violations. She said she had later been offered a Code Enforcement Officer position with DHS, however, had regretfully turned it down to take a higher paying job with IBM in Baltimore. She said she felt Jr. Code Enforcement Officer positions to be a crucial factor in effective operation of the department, and pointed out that such positions helped to develop qualified people for appointment to Code Enforcement Officer positions.

The third letter was from George A. Mater, a landlord in Takoma Park, stating he would very much like to see an additional Housing Inspector position added to DHS's staff because the workload for the existing inspectors was so great that it was difficult for them to do an adequate job. He said that an additional inspector would allow DHS to do 2 inspections a year on buildings with outstanding violations, would allow weekly visual inspections of rental properties to ascertain that grounds were being properly maintained, and would allow them to check that trash and trash receptacles were being appropriately handled. He said when he had moved to Takoma Park, there was no evidence of trash cans on the curb, but since the institution of recycling, there were trash cans and yellow buckets everywhere and it was most unsightly.

Norman Gleichman, Chair of COLTA, 7113 Central Avenue: said COLTA had observed a marked improvement in terms of efficiency, professionalism, and the overall workings of DHS, and had nothing but praise for its Director, Ms. Weiss, and the Coordinator, Linda Walker, with whom the Commission worked very closely. He said COLTA was in support of the budget for the most part, however, he had problems with a couple of the initiatives. Regarding the proposed Rent Administrator, he said COLTA felt that the goal should not be to reduce the Commission's role in handling rent increase cases, but rather to support the work of the Commission in doing so. He said there was not a large number of such cases -- generally 4-8 a year. He said there was a need for increased staff support for COLTA, in terms of reviewing petitions and associated documentation submitted, making calculations to ensure that information was accurate. In terms of holding hearings, gathering evidence for them and making a record, he said the Commission had been doing that for many years, had been doing a good job, and did not see a need to turn that function over to a Rent Administrator. He said COLTA would, however, support additional staff to assist them in their function.

Concerning the proposed Mediation Project under initiatives, Mr. Gleichman said COLTA had some reservations, primarily because they had not received any information regarding how that would function and how it would affect the work of the Coordinator in mediating disputes. From the Commission's standpoint, he said it was felt the Coordinator had been admirably successful in mediating disputes -- according to figures he had been given, about 50% of the cases that would otherwise go before the Commission were successfully mediated, which appeared to be a good record. He said COLTA would not support any mediation project which added another step in the process, and would be interested to hear more about what was intended.

Regarding the proposed Legal Counsel for COLTA, Mr. Gleichman said the Commission was unanimously in favor of that initiative; they believed

that the interests of the Commission and of the City may not always be identical, which could place Corporation Counsel in a difficult position and could do a disservice to the Commission if its interests were not paramount in handling a case; he noted that such an instance had occurred not long ago. For that reason, he said the Commission felt it important that they have their own independent counsel so that their particular needs could be addressed when cases went into litigation. He said the Commission did not see this initiative as necessarily a revenue-reducing measure; in the DHS budget, it was being presented as a measure that could end up in savings in the budget. He said he did believe, however, that the goal of a Commission Counsel should be to meet the needs of the Commission for independent counsel, rather than to effect any particular amount of savings by doing so -- the Commission did not view it as a budgetary matter or anything to be done for the sake of budgetary savings, but rather to address the problem of conflict due to Corporation Counsel representing different entities.

Robert Mandel, 7003 Woodland Avenue: said the Shepherd's Table, a charitable organization in Montgomery County, had asked that he speak on their behalf. He said the organization up until the present had provided food and clothing to the needy, but recognized the need for provision of housing as well. He said it was their hope that such a project could succeed, however, he noted that the budget indicated a need for seed money in the amount of \$50,000-\$100,000. He asked whether the elected officials thought there was any way that the seed money might be provided, particularly in light of the no growth budget mandate.

Mayor Pro Tem d'Eustachio pointed out that in order for the City to come up with \$100,000 for such a project, it would be necessary to raise the property tax rate \$.05 -- from \$1.50/\$100 to \$1.55/\$100. Councilmember Sharp remarked that there was that amount of money available to expend without raising the tax rate, however, he was not sure it was the will of the Council to spend it in that way. He said it would become clearer during the course of budget worksessions whether the Blight Reduction Program was something the Council had an interest in pursuing. Mayor Del Giudice clarified that the money to which Mr. Sharp was referring were the drug forfeiture funds.

Katherine Schmidt, 6621 Eastern Avenue: spoke in support of the proposed Blight Reduction Neighborhood Improvement Program; said she had lived in Takoma Park for 17 months and had been robbed once during that time, and her next-door neighbor had been robbed 3 times in the past 14 months. She said there were 4 vacant boarded-up houses on her street, and she would support the use of such structures in such a program because it would provide neighbors and tend to reduce the incidence of crime in the area.

Jay Bayerl, 6733 Eastern Avenue: said he was representing Andrea di Lorenzo, his wife, who was President of the Little Eastern Avenue Neighborhood Association; he spoke in support of the proposed Blight Reduction Neighborhood Improvement Program; said Ms. Weiss had explained the program to the neighborhood association at its recent meeting and while a few objections were voiced, the majority consensus favored the program and use of the vacant houses on Eastern Avenue. He said not only would the problem of the vacant houses be addressed, but it would be a socially responsible thing to provide housing for those in need.

CAPITOL IMPROVEMENT PROGRAM:

City Administrator Wilson noted that while capitol improvement requests totalling \$780,000 had been submitted by the various departments, his recommendations for approval totalled \$382,000. He said the bulk of reductions had occurred in the street program, library rehabilitation, a 4 x 4 dump truck for P.W., copier replacement, some furniture and a security system. He said those deletions had been made for the purpose of attempting to maintain a no growth budget, while at the same time meeting the minimum requirements of the departments in the capitol improvements area. He said he had tried not to reduce any areas of the capitol budget that had primary health and safety consequences, major liability consequences, and had also shied away from any programs requiring multi-year funding since that would

be making a commitment to policy that had not yet been finally determined.

Responding to query from Mayor Del Giudice, Library Director Arnold-Robbins stated that the total cost for all 3 phases of the proposed library renovation would be \$83,500.

John Bowers: said he had been a citizen member of the Library's Long-Range Planning Committee since 1983 and asked that the library renovation be reinstated in the capitol improvement budget. He referred to the committee's report that was submitted to the City Council in 1985, said the entire committee was in support of the renovation plan, and said renovation was specifically mentioned and intended in the aforementioned 1985 report. He said the end of the 5-year plan for the library was nearing, renovation should already be underway, and that the results of the user survey involving several hundred city residents had indicated requests that involved space, e.g., a quiet area, better study facilities, and those things were addressed in the renovation plan. He noted that Takoma Park's independent municipal Library was the only one of its kind in the state, other than Baltimore's, and said he felt it to be the city's greatest asset. He said the renovation plan was an excellent one, the things that would be accomplished were necessary, and it had been 20 years since any sort of attempt at renovation had been made at the facility. He briefly reviewed and summarized the 3 phases of the proposed renovation and what would be accomplished. He said he personally thought that not only should Phase I of the plan be reinstated in the budget, but that a commitment should be made to all 3 phases because it would be less costly to do the entire project now than in the future.

Rino Aldrighetti, 7213 Central Avenue: spoke in support of the proposed Library renovation. He said as long as the City was committed to having the unique library system it has, it should make sure it is well taken care of. He said it appeared the Library often came up short in the budget process because it was an easy thing not to pay attention to -- to the point that actual deterioration can occur, as demonstrated by past events such as the leaking roof, etc. He said he had always hoped a spark might occur that would generate a "Friends of the Library" group that might provide some financial support, but lacking that, and realizing it was a separate issue, he felt the facility should be preserved and that starting with the renovation on the children's portion would be a good move.

Jill Raymond, member of Library Long-Range Planning Committee: referred to the aforementioned report the committee had submitted to the elected body in 1985; she said even at that time, an emphasis was placed on cost containment. Ms. Raymond remarked that public libraries seemed to be always expected to do more and more with less and less; she said the city's library had done that -- had consistently increased circulation, had increased the number of materials available, increased the number of people that they serve, however, the budget had inched along, barely keeping up with inflation, but with no serious increases to cover the increases in service it had accomplished. She pointed out that only one half-time position had been added to that department's staff in the past 20 years; additional money was allocated only when a disaster occurred -- such as the leaking roof. She said painting had not been done in the library for 20 years. She said she thought a point had been reached where there was a need for some resources to be allocated in order to maintain and continue the level of services the library had been furnishing; she referred to the numerous children residents, the increasing diversity of patrons, and said the library needed some help in accommodating the needs of those users. She said the renovation plan, which had been approved by the prior Council, would provide that help -- would address a wide variety of basic needs. She pointed out that a lot of work had already been done, the study had been done, and to abolish funding would be to deny something planned years ago and which had moved forward. She said she realized the elected body had a struggle in prioritizing funding, that everyone thought his/her issue was most important, but pointed out that the library was a factor in what the City can provide its children to facilitate and enhance their basic education. She said libraries were basic educational institutions, were probably taken for granted because they tend to function so well; Takoma Park's library

has an exceptional staff who have continued to push things forward with very little financial help, but she said she did not think that could be expected to go on forever.

For the record, the Mayor noted receipt of 2 letters; one from Priscilla Labowitz and Michael Messinger, both dealing with the topic of the library renovation and expressing support for that plan.

Responding to inquiry from Councilmember Sharp regarding how the sinking fund tied in with the capital budget, Asst. City Administrator Habada said that while the City Code made provision for a sinking fund, nothing in the proposed budget reflected money from that fund at the present time -- that would not likely occur until final numbers were worked out. In the course of ensuing discussion, the Mayor noted a prior decision that in connection with large capital items, e.g., the Public Works boiler that cost \$35,000 and had a life expectancy of 20 years, a percentage of the cost of the item would be put into a sinking fund each year in anticipation of having to eventually replace the item -- and when that time came, the money would be there in reserve and would not have to be taken out of operating funds.

Responding to query from the Mayor, Mr. Wilson affirmed that transfers had generally been made from the reserve fund in order to balance the budget, as would have to be done with the currently proposed budget. The Mayor noted that there had been considerable discussion among the elected body, with no concrete decision made, about taking the forfeiture funds the City gains from police enforcement action, particularly in drug cases, and putting that money aside rather than rolling it over into the general fund, and making special appropriations from it for particular programs. Ms. Habada affirmed that a little over \$90,000 had accumulated in such funds. Mr. Wilson pointed out that the proposed budget reflected what was in the Charter -- that those funds, as well as all other revenues anticipated, were put into the general operating fund for the City. The Mayor commented that while the Council had discussed separating those particular funds, as well as a number of policies, it had also been recognized that such action might require amendments to the Charter. He said perhaps those things could be brought to the Charter Committee and they could give a recommendation as to whether it would be appropriate that such action be taken -- including setting up an emergency reserve that had been talked about, a sinking fund for capital items, and taking the forfeiture monies out of the general operating fund and discontinuing putting them there. He said such decisions would need to be made relatively early in the budget process, prior to reconciliation of the budget, because the currently-proposed budget assumed the availability of some of those funds. If consensus of the elected body were that they did not want those funds rolled over and included in the general operating fund, then there would be a need to effect the necessary Charter Amendments, realign some priorities, and make some cuts in the budget. He pointed out that reference had twice been made in the course of budget hearings to taking forfeiture funds and using them: 1) to fund Recreation Department's summer jobs program, and, 2) to set up the Blight Reduction Program under DHS. If the money were going to be taken out of the general fund and used for special programs such as had been suggested, then a definite decision would need to be made, and attention turned to making cuts in the proposed budget.

Councilmember Douglas commented that while setting up some different kinds of fund balances and reserves, a sinking fund, etc., might be somewhat out of sync with the current wording of the Charter, he did not think a Charter Amendment was necessary to specify that the forfeiture funds would be set aside for use in some particular way, but merely adoption of an ordinance so stating. He said the whole purpose of the Charter Review Committee was to bring the Charter into alignment with the way business was currently being conducted in City government, which was not always as dictated by the present Charter, so he was not persuaded of any need to immediately effect any amendments. He concurred with the Mayor that there were decisions that had to be made and that those decisions would have implications, but said he was not convinced that any of them had Charter implications.

Councilmember Sharp commented he had hoped to see the issue of the

sinking fund addressed at least informally in the proposed budget. He said while he thought there were probably some Charter changes that needed to be made, he did not think they would have to be made in order to show for budget purposes how use of unappropriated monies left over would work in a sinking fund structure. He said he was uncertain which items would go into such a fund, how detailed it would be. Regarding the forfeiture monies, he said at a meeting several weeks ago, a majority vote favored use of the money outside of the budget; he said the 4 people who had voted in favor of that were charged with coming up with a proposal, and a proposal had been written. He said he had thought the will of the Council had been pretty clear that those monies were not to be used as a budget-balancing mechanism, and that seemed to be what had happened with it, which puzzled him.

Councilmember d'Eustachio commented that it appeared to him that, in the absence of any change having been effected, the City Administrator had followed the law which says that any money not spent as of the end of the fiscal year on June 30 becomes reserve. He said until the Council effected some change in the law, he would personally fault the City Administrator for not adhering to the present legislation.

Mayor Del Giudice remarked that it seemed obvious that the situation would not be resolved at the current meeting. He said the matter of the proposal regarding use of the forfeiture funds would be addressed when it came up on the agenda, and the other issues mentioned would need to be further discussed and resolved so that direction could be given to staff to accomplish the will of the Council. Regarding the sinking fund, Councilmember Douglas said he had been working on that with Ms. Habada and information would be disseminated to the Council prior to the following week's budget worksession. Councilmember Leary concurred that decisions needed to be made soon on the matters mentioned and suggested that staff prepare documentation framing the issues for the Council in time for the first budget worksession. Councilmember Elrich said he would like to see a discussion scheduled for as soon as possible regarding strategies for approaching the two counties about more equitable rebates to the City, so that monies that had come from taxpayers in the City could be available to fund desirable programs in the city.

For purposes of consideration, and particularly in connection with the capital budget, the Mayor referred to the possibility of the City floating a bond issue, which he noted had been mentioned a number of times over a long period of time. He said many other municipalities use bond issues to pay for a number of the sorts of things that were included in the capital budget proposals, e.g., the library renovation, which he said could easily be bonded, as well as others. He said the question of how the City would pay for infrastructure maintenance and repair was a longstanding question; the City would not have adequate resources to spend each year the \$200,000 it was spending this year for street repair and infrastructure work. He pointed out that a study done some time ago had identified numerous streets needing work, the surface had only been scratched on accomplishing that work, and the City could no longer rely on Block Grant funding to cover it. He said it would be entirely reasonable to lump a number of the projects together and do a bond issue to pay for them, noting that it would, however, cost the City money because interest would have to be paid on the bonds -- it would permit getting the projects done, though, and the cost would be spread out over a number of years. He noted that the state had a program that allowed a number of municipalities to join together in the State Infrastructure Bond Program and get as little as \$250,000 or as much as \$1,000,000. He said getting a bond issue through that program would result in some cost savings to the City and would allow getting some necessary things accomplished. Alternatively, he said he did not see much hope for getting a lot of those things done without seriously considering cutting programs.

Councilmember d'Eustachio commented that he would argue, as he always had, that to spend the amount of money on interest that a large bond issue would cost would be sheer folly. He said he felt that if it were necessary to raise taxes for some specific limited period of time in order to pay for some necessary expenditure, that the taxpayers should be so advised and that route taken, rather than to go into

bonding costs and spend a large sum on interest. He said deficits frankly bothered him a great deal and he favored a pay-as-you-go policy.

The Mayor commented that while bond issues were admittedly a costly way of doing business, they also spread ~~the~~ cost out over a period of years, and that made it a bit easier.

Upon motion, duly seconded, the Public Hearing adjourned at 9:40 P.M.

Introduced By: Councilmember Martin

Adopted: April 17, 1989
(Single Reading)

ORDINANCE NO. 1989-13

An Ordinance to Provide Aerial Spraying
for Gypsy Moth Control

WHEREAS, the Council earmarked \$40,000 for the potential use on a second Gypsy Moth Control Spraying; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from three qualified dealers and advertised in the Washington Post newspaper; AND

WHEREAS, bids were publicly opened at 3:00 p.m., April 11, 1989 and the following bids were received:

East-Coast Helicopter, Inc.	\$30/acre
AG-Rotors, Inc.	\$22.83/acre

WHEREAS, AG-Rotors, Inc. has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1. That the bid of \$22.83/acre received from AG-Rotors, Inc. is hereby accepted; AND

SECTION 2. That this procurement shall not exceed TWENTY SEVEN THOUSAND THREE HUNDRED AND NINETY SIX DOLLARS (\$27,396) and be charged to the Capital Expenditures Account #995.

Adopted this 17th day of April 1989. (in Special Session)

AYE: d'Eustachio, Douglas, Leary, Martin, Sharp

NAY: None

ABSTAIN: None

ABSENT: Elrich, Hamilton

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
April 24, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Ec. & Community Dev. Director Neal
Councilmember Leary	Police Sgt. Bonn
Councilmember Martin	Public Works Director Giancola
Councilmember Sharp	

The Mayor and City Council convened at 8:09 P.M. on Monday, April 24, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the April 10, 1989 Regular Council Meeting were presented for approval. Councilmember Sharp noted the need for correction of Mr. Cutini's first name, from Greg to Drake, on page 3 of the subject minutes; he moved approval, with that correction, duly seconded by Councilmember Douglas. Councilmember Martin pointed out that Dorothy Cichello had submitted a letter regarding the Peace Park Phase I Proposal and had asked that it be made a part of the record; Ms. Martin suggested that that document be incorporated into the minutes as an attachment. The 4/10/89 Minutes, as amended, were approved by unanimous vote.

The Mayor announced that Daniel Neal, Director of Economic & Community Development, would be leaving the City's employ, effective 4/28/89, to take an attractive offer with the federal government in one of their development offices. He commented Mr. Neal's tremendous knowledge and abilities would be sorely missed in the City. He presented, read, and moved passage of a resolution setting forth a number of Mr. Neal's achievements and expressing appreciation for his accomplishments; the motion was duly seconded by Councilmember d'Eustachio and carried by unanimous vote.

RESOLUTION #1989-37
(attached)

Each member of the Council spoke briefly concerning the issues on which they had worked with Mr. Neal, many prior to being elected to the Council, and all expressed appreciation for his varied talents, expertise and knowledge in numerous areas, and remarked on not only the quantity of work he produced, but the unfailing high quality of whatever he did. The Mayor commented that Mr. Neal had a special gift for not only being able to work well under a heavy workload with a lot of pressures and tensions, but to always be able to put those aside and deal with people in a kind, gentle and understanding way. The Mayor presented Mr. Neal with a copy of the resolution and with a plaque noting some of his many accomplishments during his employment with the City. Mr. Neal thanked the elected body, as well as City staff, and all those citizens who devoted their time and efforts to making the City a better place in which to live; he said he had enjoyed working with all and would look forward to making return visits.

The Mayor read a Proclamation declaring former Councilmember Joseph Faulkner to be an Honorary Citizen of Takoma Park; he noted that Mr. Faulkner was moving to Lewes, Delaware, after having resided for more than 32 years in the City, and enumerated a number of Mr. Faulkner's many accomplishments and varied ways in which he had served the community. Councilmember Leary moved passage of the Proclamation, duly seconded; the Proclamation was passed by unanimous vote.

PROCLAMATION
(attached)

Councilmember Douglas reminded that on Wednesday night, April 26, the Planning, Transportation & Zoning Committee would be meeting with citizens in the Takoma Junction area to discuss traffic and parking

issues in that area; he invited interested persons to attend.

Councilmember Hamilton noted that City Administrator Wilson had recently spoken to students at the Junior High School. He said he appreciated a staff member taking the time to encourage students to do a good job and to stay in school.

ADDITIONAL AGENDA ITEMS:

Resolution Effecting Appointments to Cable Board

The Mayor noted that agenda item #7, Appointments to the Newsletter Committee, would not be addressed at the current meeting due to the elected body not having had sufficient time to interview all of the candidates who had applied to serve.

CITIZENS' COMMENTS: (not directed at Items for Council Action)

Brint Dillingham, 7018 Carroll Avenue: reiterated his repeated and ongoing request for a written response furnishing information he had originally requested in a 12/5/88 letter. He pointed out that the Minutes during the interim reflected assurances that the matter would be looked into, however, he had yet to receive what he had requested. The Mayor said that all of Mr. Dillingham's requests had been forwarded to staff, and that it was his understanding that City Administrator Wilson had a letter of response on his desk which, if it was not already in the mail, would be within a day's time. He said that the information being requested was something appropriately handled by staff, and they had to be given time to respond; he noted, as well, that there was some question about the availability of all of the information that Mr. Dillingham had asked for. Mr. Dillingham said the only reason he had brought the matter before the elected body was because he had been unable to get full answers from staff, only some partial information, and that the elected body was ultimately responsible for the performance of City staff. He said he would await the letter that the Mayor had said was forthcoming, and if what he had requested was not received, he would be returning to speak to the Mayor and Council about it inasmuch as he considered the issues he was interested in to be of some importance.

Thomas Morris, 7105 Woodland Avenue: referred to having worked with Daniel Neal for about a year and a half; he said he had found him to be a good friend, would personally miss him and knew the City would.

ITEMS FOR COUNCIL ACTION:

1. Proclamation Declaring Sgt. Robert Holford an Honorary Citizen of Takoma Park.

The Mayor read and moved passage of the proclamation; the motion was duly seconded by Councilmember Hamilton. Councilmember d'Eustachio commented that it would be difficult to outline completely what Sgt. Holford had done for the city, but that he felt him to be a genuine hero -- that he had laid his life on the line -- and for that, he was both recognized and appreciated. The Mayor noted that Sgt. Holford had also been extremely involved in community activities, both officially and unofficially. He said he remembered him from before he ever became Mayor for his service on the traffic committee of which he was also a member. He said Sgt. Holford gave of his own time to serve on that committee and to help work out the problems they encountered. The proclamation was passed by unanimous vote.

PROCLAMATION
(attached)

2. Proclamation Declaring May 1988 as Buddy Poppy Month.

Mayor Del Giudice moved passage of the proclamation, duly seconded by Councilmember d'Eustachio. The Mayor explained that the VFW annually raised funds by selling Buddy Poppies, and that the proceeds from the sales go exclusively to benefit needy and disabled veterans and their widows and orphans. He said wearing of the Buddy Poppy evidenced one's appreciation of those who had risked and lost their lives in defense of our nation and the principles we believe in. The proclama-

tion was passed by unanimous vote.

PROCLAMATION
(attached)

The Mayor noted that representatives of the local VFW group were present.

Sam Perry, Local VFW Post 350: noted he was accompanied by Martha Malden, President of the Auxiliary, Billy Cogdale, Lay Chair of the Buddy Poppy Committee, and Linda, the Buddy Poppy Queen, who, at his request, recited "In Flanders Field." Mr. Perry explained that disabled veterans make the Buddy Poppies, for which they are given a small amount of money to help with expenses; the proceeds also furnish general help to widows and orphans. He said the annual effort was a way of uniting the veterans and the general public; community involvement was needed and any assistance forthcoming would be appreciated.

The Mayor and Council donated and were presented with Buddy Poppies; the Mayor thanked the group for attending and wished them well with their campaign.

3. Resolution Recognizing National Secretaries Week.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Sharp. The resolution was passed by unanimous vote. The Mayor asked that a copy of the resolution be disseminated among appropriate employees of the City as a means of expressing the elected body's appreciation and in recognition of Secretaries Week.

RESOLUTION #1989-38
(attached)

4. Resolution of Council Position on Pho Bac Restaurant Application for Class B - Beer and Wine License.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. d'Eustachio moved to amend the resolution editorially by insertion in the 4th "Whereas" clause of the word only, so as to read "...granting of a license with on-sale only privileges..." The Mayor suggested that the testimony received by staff, both at the previous week's worksession and in the memoranda prepared and brought forward with the resolution, be incorporated as a part of the record on the license application. He noted that while the application was for a Class B license, which would allow both on and off-sale, the position of the Council was that they could approve granting of the license for on-premise sales, but not for off-sales. Asst. City Administrator Habada explained that the Board of License Commissioners had advised the City that the Class B license would provide for on-premise sale only, and that had been confirmed by the applicant's attorney, Mr. Henry Gallagher.

Councilmember d'Eustachio noted that the Council had reviewed a number of liquor license applications for on-off and off-sale sales in the last few years and had consistently rejected them, based on the fact that the neighborhood in question was adequately served and there was no need for additional carryout establishments in the area and, additionally, the Council believed that such establishments tended to be detrimental in the particular area, attracting groups of people hanging out, generating a lot of trash and additional traffic, as well as being a general nuisance and generating a lot of complaints. Conversely, he said, the City was very interested in generating economic redevelopment in that area; there had been a number of unsuccessful operations at the location of the Pho Bac Restaurant, and the City would want to encourage what appeared to be a viable business there, and encourage its success. He said the Council felt that granting of a license for on-premise sale of beer and wine would contribute to the success of the business, which would be an asset to the community. Responding to query raised by Councilmember Sharp, Deputy City Clerk Jewell explained there was some original confusion about what the license permitted, however, she had verified with the Board of License Commissioners that a Class B license in Prince George's County allowed on-premise sales only. The Mayor noted that the owner-applicant was

present at the meeting. The resolution was passed by unanimous vote.

RESOLUTION #1989-39
(attached)

5. Single Reading Ordinance Awarding Contract for Sister City Building Renovations - NZI - Constructive Alternatives.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Economic & Community Development Director Neal referred to his two memoranda dated 21 April 1989, one specifically outlining the conditions at the subject building and why the situation was considered to be of an emergency nature, and the proposed ordinance that he had drafted. For the record, Asst. City Administrator Habada stated that the City Administrator's Office supported the emergency procurement determination that had been made in the case.

Public Works Director Giancola related that there had been 2 occasions since he had been with the City, and 3 prior to that time, that personnel had had to go up to the building and clean up broken glass, reboard and resecure the building. He said leaving the building as it was was an accident waiting to happen -- the situation had been allowed to remain status quo for too long, and some action needed to be taken without delay to remedy it. He encouraged that the Council adopt the ordinance. Responding to query from the Mayor, he said there had been a total of 5 break-ins at the building within the last 10 months.

For the record, Councilmember Leary repeated his position as previously stated in worksession. He said he was not persuaded that the situation was of an emergency nature, but did feel there was a need to amend the City's procurement procedures so that it was not necessary for the elected body to jump through certain hoops in order to do what was the sensible thing in a given case. He said it did not seem reasonable to him that the situation had to be declared an emergency in order to be taken care of, so would be voting in the negative on the ordinance.

Councilmember Douglas noted that the plans for the work that would be done on the building had been previously approved by the Mayor and Council, they had undergone citizen comment and review, so the action in adopting the ordinance would actually be implementing decisions that had already been made. Mr. Neal affirmed that was the case, however, said the one major change would be in the roof structure; it would be a flat roof rather than a pyramidal pointed roof. He noted a letter from the Takoma Junction Committee had been presented at work-session endorsing that change in design. He said it appeared it would also be possible to accommodate that committee's other request, i.e., a star pattern in the pavement.

The Mayor noted that there was a risk factor involved in trying to salvage the building, that there were some cracks in the concrete walls and it was unknown just how serious those structural flaws were until work got underway. In the worst possible case scenario, he said the City could end up having to demolish the building; he noted that was another factor that added to the safety hazard of leaving it as it was -- someone could get into the building and be seriously injured by walls giving way. Mr. Neal emphasized that if the building did fail structurally during reconstruction, it would be demolished -- the City did not intend to rebuild it because the expense would be prohibitive. He said while he would not be present to oversee the project, those who would be doing so were well qualified and he felt confident a good job would be done. He said permits were presently being applied for and should be in hand within a few days.

The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Martin, and Sharp; NAY: Councilmember Leary; ABSTAINED: None; ABSENT: Councilmember d'Eustachio.

ORDINANCE #1989-14
(attached)

6. Second Reading of Fiscal Note Ordinance Re-enactment.

Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Douglas. Councilmember Sharp remarked he thought some ordinances had been adopted lacking fiscal impact notes and asked Ms. Habada whether she had a sense of some having been missed. Ms. Habada said a majority of ordinances adopted recently had been contractual in nature, e.g., bid awards, and a few program sorts of things. She said a lot of things were handled by resolution and were not the sort of things requiring a fiscal impact note. For the record, the Mayor noted that the draft ordinance at hand was dated 4/10/89, incorporated amendments effected earlier and which would change the present Code language. He pointed out that one major change was that a fiscal note would not be necessary where the elected body was simply doing some sort of contract (or similar item) and the amount of the contract being awarded was within the budgeted amount. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, and Sharp; NAY: None; ABSTAINED: None.

ORDINANCE #1989-15
(attached)

The Mayor reminded, as announced earlier, that original agenda item #7 would not be addressed at the present meeting.

7. Resolution Creating All-City Citizens Census Committee.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor noted that a meeting had been held between a representative of the Census Bureau and City personnel, including himself, Mr. Neal, Valerie VinCola, Deputy City Clerk Jewell, City Administrator Wilson, and Newsletter Editor Baron. He said the Census Bureau was looking forward to working with the City, and with a citizens' committee to help with a successful Census. He said getting a full and accurate count would be extremely important to the City in getting the appropriate amount of monies that are available through federal and state programs. He said he intended sending a letter to all community and tenant associations asking that they send a volunteer to serve on the committee. He noted the Census Bureau would be commencing their work within the next couple of months. The resolution was passed by unanimous vote.

RESOLUTION #1989-40
(attached)

8. Resolution Effecting Appointments to Cable Board.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Sharp commented that he was in favor of the appointments, however, Cable Board appointments in future should be treated as all other appointments, i.e., they should be announced in the Newsletter, applications should be solicited and received, and the applicants should be interviewed. He said he felt there had been a bit too much of the Cable Board recommending appointments to the elected body, and said henceforth he would ask that the Board notify the Council when vacancies occur so that appropriate steps could be taken. Councilmember Douglas commented he would concur with Mr. Sharp's comments. It was noted that the two appointments were to fill elected positions that had been vacated prior to expiration of term. The resolution was passed by unanimous vote.

RESOLUTION #1989-41
(attached)

CONSENT AGENDA:

9. Resolution Approving Annual Program for City's Participation in Fiscal Year 1990 Program Open Space.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The resolution passed by unanimous vote.

RESOLUTION #1989-42
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:12 P.M., to reconvene in regular session at 8:00 P.M. on May 15, 1989.

RESOLUTION #1989-37
EXPRESSING APPRECIATION TO DANIEL J. NEAL

WHEREAS, on November 14, 1983, Daniel J. Neal began his employment with the City of Takoma Park as Community Development Coordinator; AND

WHEREAS, Mr. Neal came to the City of Takoma Park with varied experience in the housing and community development field and many noteworthy achievements in community and charitable programs; AND

WHEREAS, Mr. Neal has overseen the development and reorganization of Takoma Park's economic and community development program which started out as a one and one-half person operation and is now a fully operating City department with six employees; AND

WHEREAS, Mr. Neal and the economic and community development staff under his leadership, has effectively handled projects pertaining to, but in no way limited to, park development, CDBG capital improvement projects, Housing Rehabilitation, Homeowner and Partnership programs, traffic management programs, land use and zoning matters, Takoma Old Town development, the Takoma Junction development, Takoma/Langley CDMA, Erie/Flower and Flower/Piney Branch commercial areas, and many others; AND

WHEREAS, under Mr. Neal's leadership, the City's economic and community development program has not only enhanced the quality of life for all those who live and do business in Takoma Park, but has also ensured that the diversity and character of Takoma Park is preserved; AND

WHEREAS, all of Mr. Neal's many accomplishments cannot ever be set forth in any single Resolution; AND

WHEREAS, effective Friday, April 28, 1989, Daniel J. Neal will be resigning his position of Director of the Department of Economic and Community Development; AND

WHEREAS, Daniel J. Neal will be sorely missed.

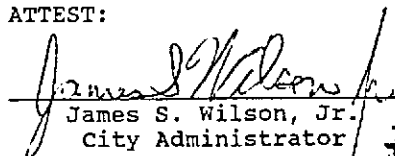
NOW THEREFORE, BE IT RESOLVED, THAT the Mayor and Council of Takoma Park, Maryland hereby express their appreciation and gratitude to Daniel J. Neal for his tireless efforts on behalf of the City of Takoma Park, Maryland; AND

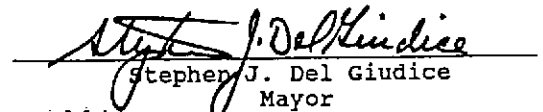
BE IT FURTHER RESOLVED, THAT the Mayor and Council join in with the City Administrator, Assistant City Administrator and the City government employees of Takoma Park, in wishing Mr. Neal the best of luck in his new endeavors; AND

BE IT FURTHER RESOLVED, THAT the City Clerk of Takoma Park is hereby directed to spread a copy of this Resolution over the permanent records of the City of Takoma Park.

April 24, 1989

ATTEST:


James S. Wilson, Jr.
City Administrator


Stephen J. Del Giudice
Mayor



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

WHEREAS, Joe Faulkner is moving to Lewes, Delaware, after more than 32 years of residence in the City of Takoma Park;
AND

WHEREAS, Joe Faulkner served five terms as a member of the Takoma Park City Council; AND

WHEREAS, he served on several occasions as President of the Parent-Teacher Association at J. Enos Ray Elementary School and at Nicholas Orem Junior High School; AND

WHEREAS, he has been a longtime active member of Grace United Methodist Church; AND

WHEREAS, he served as one of the original members of the City's Commission on Landlord Tenant Affairs and as a Board Member of Historic Takoma, Inc. and the Youth Resources Center; AND

WHEREAS, Joe Faulkner has performed these and many other civic duties with uncommon intelligence, goodwill, integrity, and modesty.

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland, declare Joe Faulkner to be an Honorary Citizen of Takoma Park, and do express their deep appreciation for his many years of dedicated and productive service to the people of this City.

Date: April 24, 1989

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

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

WHEREAS, Sergeant Robert Allen Holford retired from the Takoma Park Police Department on January 1, 1989, after completing eighteen years of dedicated, faithful service as an officer for the City of Takoma Park; AND

WHEREAS, the retirement of Sgt. Holford was occasioned by injuries received when he responded to a call from a local restaurant and was beaten and shot by a crazed gunman at the scene, resulting in the award of a Medal of Valor; AND

WHEREAS, earlier in his career, Sgt. Holford received an Award of Valor from the Takoma Park Police and Fire Association for his outstanding action in a bank robbery; AND

WHEREAS, he is an Expert Marksman and has served faithfully in both the Air Force Reserve and the Maryland Army National Guard, and as a motorcycle officer for the Takoma Park Police Department; AND

WHEREAS, Sgt. Holford is widely known for his sense of curiosity, cheerful disposition, willingness to assist and a finely-honed sense of the comic in life;

NOW, THEREFORE, BE IT PROCLAIMED THAT the Mayor and Council of the City of Takoma Park, Maryland declare Sergeant Robert Allen Holford to be an HONORARY CITIZEN OF TAKOMA PARK, and do express their deep appreciation for his many years of dedicated service in protecting and serving the people of this City.

Date: April 24, 1989

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Administrator

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

WHEREAS, the Veterans of Foreign Wars of the United States annually conduct a fund-raising campaign by the selling of Buddy Poppies; AND

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

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

NOW, THEREFORE, I, Stephen J. Del Giudice, Mayor of the City of Takoma Park, Maryland, join with the City Councilmembers to proclaim the month of May 1989 as

BUDDY POPPY MONTH

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

Dated this 24th day of April, 1989

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Introduced by: Councilmember Hamilton
Drafted by: Paula S. Jewell

RESOLUTION # 1989-38

A RESOLUTION RECOGNIZING NATIONAL SECRETARIES WEEK
FOR ALL CITY STAFF IN CLERICAL POSITIONS
APRIL 24 - 28 1989

WHEREAS, the responsibility of providing day-to-day clerical services in America has been delegated to persons occupying positions such as secretaries, clerks, aides, assistants and police dispatchers; AND

WHEREAS, persons in such positions are entrusted with the responsibilities of providing typing, word processing, photocopying, records management, telephone and in-person communications and other support functions for their employers, sometimes having to keep up with modern technologies in order to perform these duties; AND

WHEREAS, the City of Takoma Park, a Municipal Government, employs over 19 support personnel to help in carrying out the goals and objectives of municipal government; AND

WHEREAS, the Mayor and Council wish to join in with Administrators as well as Department and Division Directors in recognizing the dedication and service rendered by clerical support staff.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and Council of Takoma Park, Maryland hereby formally recognize the value of this municipal government's secretaries, clerks, aides, assistants, and police dispatchers, and express deep appreciation for the services that they provide; AND

BE IT FURTHER RESOLVED, THAT all Administrators, Department and Division Directors are encouraged to acknowledge these individuals and their efforts during National Secretaries Week, April 24 - 28, 1989.

DATED this 24th day of April 1989

Introduced by: Councilmember d'Eustachio

RESOLUTION #1989-39

TO SUPPORT THE GRANTING OF A CLASS B (ON SALE) BEER AND
WINE LICENSE FOR ON-PREMISE SALE ONLY

WHEREAS, Harold Nguyen, President and Dinh T. Ton of Saigon Club, Inc., have applied to the Prince George's County Board of License Commissioners for a Class B Beer and Wine License; AND

WHEREAS, the Class B License in Prince George's County, authorizes the holder to keep for sale and sell beer and light wines at the place described for consumption on the premises; AND

WHEREAS, the Mayor and Council of Takoma Park have voted to oppose applications for off-premises license in three similar cases in the area of Pho Bac Restaurant; AND

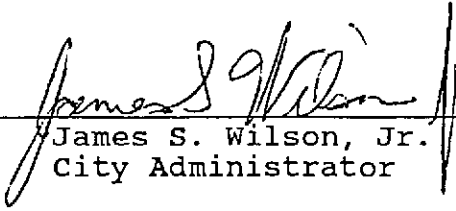
WHEREAS, on the basis of testimony and information provided by City Staff, the Mayor and Council of Takoma Park find that the granting of a license with on sale only privileges would not be detrimental to the community and would accomodate the public patronizing the restaurant.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the Mayor and Council hereby supports a license for Pho Bac Restaurant with on premise sale privileges only; AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to forward a true and correct copy of this Resolution to the Prince George's County Board of License Commissioners and to the Applicants.

Dated this 24th day of April, 1989

ATTEST:



James S. Wilson, Jr.
City Administrator

Introduced By: Councilmember Douglas
Drafted By: D. Neal

ORDINANCE NO. 1989-14

AN ORDINANCE AWARDED A CONTRACT FOR THE REPAIR OF THE SISTER CITY PARK BUILDING AS AN EMERGENCY PROCUREMENT PURSUANT TO SECTION 2-44 (c) OF THE TAKOMA PARK CITY CODE.

- WHEREAS, the City Administrator's designee has made a written determination of the existence of certain emergency conditions which threaten the public health and safety as a result of the present condition of the vacant building in Sister City Park (the "Building"), a copy of which determination is attached hereto and made a part hereof by reference; AND
- WHEREAS, plans and specifications for the building's repair and renovation have been developed and approved; AND
- WHEREAS, the City has received a bid in the amount of FORTY ONE THOUSAND DOLLARS (\$41,000.00) from Constructive Alternatives, Inc. of 7334 Carroll Avenue, Takoma Park, Maryland to repair the Building in an expedited manner in order to eliminate said emergency conditions; AND
- WHEREAS, City staff have determined that said bid is both responsive and responsible, and recommend that a contract in the amount of FORTY ONE THOUSAND DOLLARS (\$41,000.00) be awarded to Constructive Alternatives, Inc. for repair/renovation of the Building; AND
- WHEREAS, adequate funds are contained in the City's Adopted and Approved FY 1988-89 Budget to cover the expense of awarding said contract;

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

- SECTION 1. The attached written determination of the existence of emergency conditions is hereby approved.
- SECTION 2. A contract to repair and renovate the Sister City Park building in accordance with all applicable plans and specifications is hereby awarded to the firm of Constructive Alternatives, Inc. in the amount of FORTY ONE THOUSAND DOLLARS (\$41,000.00).

SECTION 3. The City Administrator is hereby authorized to execute the appropriate contract documents and to charge all expenses related to the execution of said contract to the appropriate budget expenditure account.

ADOPTED THIS 24th DAY OF April 1989.

AYE: Councilmembers Douglas, Elrich, Hamilton, Martin and Sharp

NAY: Councilmember Leary

ABSTAINED: None

ABSENT: Councilmember d'Eustachio (for vote)

c:\wp\ord:srctyawd.ord

HF: Sister City: Construction

Introduced: 4/10/89
Enacted: 4/24/89
Effective: January 1, 1989
(Retroactive)

ORDINANCE NO. 1989-15

Short Title: Fiscal Note Process

AN ORDINANCE TO:

- (a) reenact the Fiscal Note Process, established by Ordinance 1987-51, to require that a fiscal impact statement be prepared prior to adoption of City ordinances as provided herein;

AND

- (b) provide instructions for re-implementation of the fiscal note process

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

THAT Sec. 2-6.2 of the 1972 Code of Takoma Park, Maryland is hereby amended as follows;

SECTION 2-6.2 Fiscal notes and waivers.

- (a) Required for Council action. Except as otherwise provided in this Section, City Council may not vote on an ordinance unless:
 - (1) A fiscal note accompanies the ordinance
- (b) Preparation of notes.
 - (1) The [[City Treasurer]] City Administrator or the City Administrator's designee with the assistance of appropriate Department Directors shall prepare or cause to be prepared a fiscal note for each ordinance.
 - (2) If the Mayor certifies that prompt Council action on an ordinance is needed to conduct City business and, before the [[City Treasurer]] City Administrator or the City Administrator's designee prepares a fiscal note for the ordinance, accepts the ordinance for first reading, the [[City Treasurer]] City Administrator or City Administrator's designee shall prepare a note as soon after first reading as possible but prior to second reading except for ordinances declared to be emergency ordinances as defined in Takoma Park Code Section 2-6.1(d) (2).

- 3) The [[City Treasurer]] City Administrator or the City Administrator's Designee shall submit a copy of a fiscal note for an ordinance to the Mayor and Council prior to second reading and adoption of an ordinance.
 - (4) Unless expenditures are in excess of the budgeted amount, a fiscal note is not necessary for expenditures specifically authorized in the budget ordinance for the current year previously approved by ordinance or an ordinance revising it.
- (c) Contents of note.
- (1) A fiscal note for an ordinance shall contain an estimate of the fiscal impact of the ordinance on the revenues and expenditures of the City government:
 - (i) during the year in which the ordinance is to become effective and the next year after as applicable; and
 - (ii) if the full fiscal impact of an ordinance is not expected to occur during those years; the first year during which that impact is expected to occur.
 - (2) The note shall identify the sources of information that the [[City Treasurer]] City Administrator or the City Administrator's designee [[or his/her designee]] used in preparing the estimates of fiscal impact.
- (d) Copies.
- (1) The [[City Treasurer]] City Administrator or the City Administrator's designee [[or his/her designee]] shall keep a copy of each fiscal note for 3 years after preparation of the note.
 - (2) The copies shall be reasonably available for public inspection.
- (e) Publication not required. Fiscal notes need not be published in the City newsletter.
- (f) Effects of Section 2-6.2.
- (1) The validity of an ordinance enactment is not affected by the presence, absence, or content of a fiscal note.
 - [[(2) The provisions of this ordinance shall expire December 31, 1988 unless reenacted by City Council.]]

Adopted this 24th day of April, 1989, to take effect retroactive to January 1, 1989

[[double brackets]] indicate language to be deleted from existing Code Language and underlining indicates language to be added.

AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: None

Introduced by: Councilmember Elrich

(Drafted by: P. Jewell)

RESOLUTION #1989-40

**ESTABLISHING A CITY OF TAKOMA PARK
COMMUNITY CENSUS COMMITTEE**

WHEREAS, the United States Census Bureau has begun preparation for the April 1, 1990 Bicentennial Census of this Nation; AND

WHEREAS, the Bureau has developed various operational and promotional programs to encourage government officials and community leaders to work together in order to ensure the completeness of the census count; AND

WHEREAS, local governments and its citizens have a major stake in the 1990 census--this being the relationship of population counts affecting the amount of funds a City will receive from State government for planning and improving public facilities and programs; AND

WHEREAS, the Mayor and City Council of Takoma Park desire to involve community leaders to help establish the importance and credibility of the 1990 census in order to ensure a complete and accurate count for the 1990 Census.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and City Council hereby establish an official Community Census Committee to be made up of at least one representative from each community association, citizens organization and tenant association in the City of Takoma Park, as well as designated employees and officials of this City government; AND

BE IT FURTHER RESOLVED THAT, this Committee shall be a voluntary working group whose responsibilities shall include planning and implementing local promotional activities to make everyone in the community aware of the 1990 census and to motivate every citizen to participate in the census; AND

BE IT FURTHER RESOLVED, THAT activities of the Committee will enhance the Census Bureau's outreach and publicity efforts by spreading the census message directly to the local community; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council shall appoint an official from the City government of Takoma Park to serve as a liaison between the Regional Census Center and the Committee who will also be responsible for performing administrative functions (e.g., arranging for meetings, etc.) and arranging for clerical support for the Committee; AND

BE IT FURTHER RESOLVED, THAT committee members shall be appointed by the Mayor and Council of Takoma Park and serve from the day of their appointment through June 1990.

Dated this 24th day of April, 1989.

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1989-41

WHEREAS, There currently exists two elected citizen representative vacancies on the City's Cable Television Board that need to be filled; AND

WHEREAS, the Cable Board received two applications of interest from Jessica J. Fusillo and Casey Garhart both residents of the City; AND

NOW THEREFORE BE IT RESOLVED THAT after due consideration by the Mayor and Council of Takoma Park, MD, the following persons are hereby appointed to fill the existing vacancies:

- 1.) Jessica J. Fusillo
6517 Westmoreland Avenue
- 2.) Casey Garhart
6815 Eastern Avenue, Apt. 3

BE IT FURTHER RESOLVED THAT THESE appointments are effective immediately and will expire on the City's Election Day November 7, 1989.

Dated this 24th day of April, 1989

Introduced By: Councilmember Douglas
Drafted By: D. Neal

RESOLUTION NO. 1989-42

A RESOLUTION APPROVING SUBMISSION OF THE CITY OF TAKOMA PARK'S PROGRAM OPEN SPACE ANNUAL PROGRAM FOR ACQUISITION AND DEVELOPMENT ACTIVITIES IN MONTGOMERY COUNTY FOR FISCAL YEAR 1990.

WHEREAS, The State of Maryland's Program Open Space (POS) annually provides the City of Takoma Park with financial resources to acquire and develop parkland and open space through the agency of Maryland-National Capital Park and Planning Commission; AND

WHEREAS, in order to participate in this program the City of Takoma Park must submit an Annual Program for Acquisition and Development to Montgomery County; AND

WHEREAS, the Department of Economic and Community Development has developed a draft Fiscal Year 1990 Annual Program for POS Acquisition and Development, a copy of which is attached hereto and made a part hereof by reference; AND

WHEREAS, this draft program has been carefully reviewed by the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the attached POS FY1990 Annual Program for Acquisition and Development is hereby APPROVED for transmission to M-NCPPC.

ADOPTED THIS 24th DAY OF April, 1989.

c:\wp\res:opspprog.res

HF: Program Open Space