

Regular Meeting of the Mayor and Council  
January 11, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Ec. & Comm. Dev. Director Neal
Councilmember Elrich	
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:07 P.M. on Monday, January 11, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the November 16 Special Session and November 30 Regular Council Meeting were presented for approval. Councilmember Douglas moved approval, collectively, duly seconded by Councilmember Sharp. The Minutes, as written, were approved by unanimous vote.

The Mayor reminded that Council Meetings are shown on the City's cable channel on Tuesday at 1 P.M., Wednesday at 7 P.M., and Thursday at 1 P.M. Additionally, he noted that the City's Annual Martin Luther King Commemorative Program would be held on January 18 at 7:00 P.M. in the Municipal Building, pointing out that the elected body would not convene in worksession that date, but would meet the following evening, 1/19/88. He noted other meetings scheduled for January, including the public forum on the 20th concerning proposed Ride-On route changes and use of smaller buses in the City, and the public meeting on the 26th, sponsored by the Council Housing Committee, relative to upcoming phaseout of multi-family housing in dwellings zoned for single-family occupancy. The Mayor related that the elected body and all City department heads would be convening on 2 consecutive Sundays, January 17 and 24, at the Campus Center Building at Columbia Union College, for pre-budget briefing and planning sessions, in preparation for the upcoming budget process for the next fiscal year.

ADDITIONAL AGENDA ITEMS:

Appointments to Old Town Development Advisory Committee

CITIZENS' COMMENTS:

Richard Bernardi, 7111 Cedar Avenue: related that his, and another home on his block, were broken into and entered several weeks previously during the night while the occupants were asleep. He noted that over \$20,000 worth of personal property was stolen. Mr. Bernardi said that a single uniformed officer responded to take the report(s) of the incidents, and that the premises were dusted for fingerprints only after he called and requested that be done -- having noted some very obvious prints on the window frame at the point of entry to his home. He said he had not been able to get any response from the police concerning progress on the case, nor had telephone calls been returned. He said while he did not expect ongoing progress reports while an investigation was being conducted, he did not feel it unreasonable to expect that telephone calls be returned when messages left so requested. Mr. Bernardi said a number of aspects of how the case was handled left him and his family shaken and lacking confidence in the City's police force and their investigative capabilities. He related that credit cards stolen during the break-in were used at Landover Mall, at which time a security guard noted the license plate number of the car the individuals were driving. Upon contacting Takoma Park Police, he said he understood that due to personnel being tied up with other major investigations, no one had been assigned to handle his and his neighbors' B & E case -- a number of days elapsed before such assignment occurred -- and to his knowledge, no one had pursued either the license plate number taken down or any other aspect of the purchases made at Landover Mall with the stolen credit cards. He said that during the course of telephone calls to the police department, he learned that after someone was finally assigned to handle the case, that individual went on leave for a week and apparently other person-

nel had no knowledge of the case, pointing out that his neighbors had suggested a possible suspect and furnished detailed information on that individual, including some very suspicious circumstances. Mr. Bernardi said it appeared very little time or effort had been put into investigating these incidents, which the victims considered serious, and very little concern had been displayed by the police department. He reiterated that he had serious questions about the level and quality of police protection that residents of the City are receiving. Councilmember Sharp commented that Chief Fisher should review either the cassette tape or the videotape of the current meeting and provide a report by the next Regular Council Meeting concerning the circumstances of this case and its handling, and the situation as outlined by Mr. Bernardi. Responding to Councilmember Leary, Mr. Bernardi said that as far as he and his neighbors could determine, there had been no followup at all by the police regarding the information they had provided concerning the possible suspect. Councilmember Leary pointed out that within a week of the burglaries at Mr. Bernardi's and his neighbors' homes, there were two additional incidents reported on Cedar Avenue within a block of the first two, which he felt to be a fairly serious situation. Mr. Bernardi remarked that the crimes were not situational amateur burglaries. The Mayor affirmed that a report would be gotten from Chief Fisher, and that he would personally look into the situation.

Herman Williams, 7600 Maple Avenue: pointed out that while the January issue of the Newsletter referred to the upcoming Martin Luther King Program as being the 2nd Annual such event, Mr. King had been commemorated each year since 1983 in a City ceremony. Mayor Del Giudice commented that the upcoming program would be the second time that the event had been linked with the national holiday, while prior observances had been held in April. Mr. Williams spoke briefly concerning prior history of the event, and said those earlier programs should not be put aside or forgotten, nor should the fact that Takoma Park had been a leader in commemorating Dr. King. He said in actuality, the upcoming event would be the City's sixth annual recognition of Dr. King's birthday; Takoma Park did not wait for an edict from the federal government. Additionally, Mr. Williams asked that the practice previously instituted of presenting awards to persons for outstanding community service not be forgotten, e.g., those presented to Wayne Upton, Nancy Perry, Juanita Nunn, and Naomi Turner. He noted there were copies of such presentations in the files, and it should be simple to continue the meaningful practice.

Montez Boatman, 133 Ritchie Avenue: on behalf of the Ritchie Citizens' Association, expressed gratitude to the Mayor and Council for the curb and gutter replacement work that had been accomplished at Ritchie and Oswego Avenues. She said the community was very pleased the work had been completed, and particularly wanted to thank Councilmember Greg Hamilton for his perseverance in seeing the project through to its conclusion.

Wayne Upton, 7600 Maple Avenue: pointed out that while Resolution #1987-97, passed 11/30/87, stated that copies of that document, along with a letter, would be sent to Governor Cuomo and Mayor Koch of New York, as well as the Senators from that state, the Senators had been omitted from the mailing. Mayor Del Giudice commented that was an oversight and would be rectified. Mr. Upton remarked briefly on the late adjournment of some previous meetings and sometimes having to wait until late to comment on particular agenda items; he expressed the hope that better control could be instituted over timeframes at meetings and that they would adjourn at reasonable hours. He distributed copies of media articles concerning alleged racism among Prince George's County police officers and inquired concerning training requirements for Takoma Park Police officers. Councilmember d'Eustachio and the Mayor responded, explaining that police officers attend the police academy for an extended period of state-mandated training, as well as undergoing continuing in-service training. Mr. Upton inquired under what circumstances Prince George's Police might respond in the City. Mr. d'Eustachio explained that they would respond as backup in emergency situations, and the Mayor pointed out that after notifying City police, officers from other jurisdictions also occasionally serve warrants.

Mike Davidson, 7513 Maple Avenue, representing Edinburgh Tenants' Association: noted that he and other tenants from his building had appeared before the elected body at worksession to voice various concerns about issues primarily related to COLTA, however, would like to reiterate those at the current meeting to make them a part of the public record. He said he was pleased the meeting was being videotaped, inasmuch as people from the offices of Barbara Mikulski, Ida Ruben, and Constance Morella had expressed interest in the tenants' problems and would view the cable broadcast. Mr. Davidson noted that some of the tenants would be speaking through interpreters, inasmuch as there were a number of nationalities residing in the Edinburgh. He stated that the tenants had appeared before the elected body at the prior Monday's worksession asking that the City's laws concerning COLTA be upheld and that Edinburgh tenants not be subjected to discrimination because they are low-income people. He said their landlord had stated in a December 15 meeting that he would close the building if he did not get approval from the City for a 20% rent increase. He said if the landlord did so, it would give him the opportunity to reopen charging higher rents, thus circumventing rent control laws. Mr. Davidson said the full commission did not hear the Edinburgh tenants' case, and the tenants would want the full commission to hear the remand from the Circuit Court of Maryland concerning the 7% rent increase, Case #86LA26 -- or at least would want the original panel to hear it, to ensure consistency. Additionally, he said the tenants would want to see COLTA's Opinion and Order upheld by the City, and rents in the Edinburgh rolled back immediately, retroactive to the anniversary date of the rents effected in tenants' leases, and adjusted according to the decision in Case #86LA26, which is supposed to be in full force while on remand. He said the tenants' association felt that the meeting held on December 15 was conducted under the cloak of secrecy and that tenants did not receive proper notice. Also, he said the elected body held a one-hour secret meeting prior to the worksession the previous Monday. He said tenants want to know why Corporation Counsel told the Housing Coordinator she was instructed to withhold pertinent information from the Edinburgh Tenants' Association concerning the #8754-L rent increase petition and letter which was in question.

Mr. Davidson stated that on 9/14/87 he appeared before the elected body to express concerns about new COLTA Rules and Procedures being adopted, and pointed out he had asked that body to publicly state they were aware of what they were voting for prior to the vote. He referred to the official Minutes of that meeting and noted the vote was unanimous. Mr. Davidson pointed out that the changes allowed the Chair of COLTA to appoint panels to hear cases, rather than having them heard by the full commission, which he had felt to be a more democratic process. In addition, he said the tenants' association would ask that Commissioner Lloyd Johnson remove himself totally from the commission -- or at least from the Edinburgh Tenants' case. He referred to COLTA Rule 22, pertaining to removal of a Commissioner from a proceeding in which he could not render an impartial opinion or order. He said that at the 12/15/87 meeting, Mr. Johnson, chairing the meeting, had denied the Edinburgh tenants an opportunity to make a closing statement -- in conflict with COLTA Rules. He said during hearing of Case #TP-371, Mr. Johnson also denied tenants the opportunity to cross-examine the landlord's testimony -- also in conflict with COLTA Rules. Mr. Davidson said the tenants felt Mr. Johnson could not make an impartial ruling in their case, and would like to see him removed from proceedings pertaining to their case, as well as consideration given to formally removing him from service on the commission. Mr. Davidson said Mr. Johnson had referred to Rule 24(a) at the 12/15/87 meeting, concerning reasonable standards of orderly behavior, and had threatened to make use of that rule; Mr. Davidson pointed out there was no definition for that language and asked that the elected body provide same. He said the tenants felt that the Rules, as presently written, delegate too much authority to the COLTA Chairperson; he reiterated concerns about the hearing of cases by 3-member panels appointed by the COLTA Chair versus hearings conducted by the full commission; said the 3-member panels were an excuse for the Housing Department not doing their job. He said if the City's

laws were enforced by Corporation Counsel, and if the City put more money and effort into organizing and running the Housing Department, there would be fewer cases before COLTA. He said the elected body could remove a commissioner before expiration of his term based on misconduct. He stated the Edinburgh tenants felt that Mr. Johnson had denied them due process, had helped the landlord in their last two cases due to favoring the landlord, and said if the building were to be closed as the landlord had threatened, he would like the City to help the tenants form a cooperative to buy the building. In closing, Mr. Davidson noted that there had been broken pipes in the Edinburgh earlier in the evening; he said Housing did respond and investigate the situation, the fire department also responded and had to break into some apartments because no one had responded from the property management company.

The Mayor pointed out that Mr. Davidson had raised the question of a hearing by the full commission at the worksession the prior week, and had been advised at that time that the request should be made directly to the commission. Mr. Davidson stated that had been done, and they were advised the 3-member panel would be the body that would make that decision; he reiterated the request that Lloyd Johnson be removed from hearing the Edinburgh case, and said if that were done, it would necessitate the full commission hearing the case. The Mayor commented he was not sure it would be appropriate for the elected body to intercede into an ongoing case, or to remove a commissioner from a particular case under the statutory provisions, and he inquired whether the tenants had directly asked Mr. Johnson to remove himself from their case. Mr. Davidson responded he felt Mr. Johnson was aware of the feelings expressed, that the decision was up to the elected body, and that judging from the Mayor's recent interview with Channel 5, he had no sympathy for accessory apartment dwellers or the landlords who depend on that source of income, and that as far as he was concerned, it was up to the Mayor and Council to deal with the issues he had raised. Responding to Mr. Davidson's earlier remark about a "secret" meeting prior to the worksession, the Mayor stated that the elected body, as was appropriate under provisions of the City Code and the State Sunshine Act, had held a meeting with Corporation Counsel to be briefed about decisions made by the Circuit Court on motions pending before it related to the Edinburgh cases. He pointed out it was entirely appropriate for the Mayor and Council to consider such items as litigation in closed Executive Session. Councilmember Sharp remarked he would be interested to know why the tenants would think the landlord, under provisions of the Code, would have the right to charge higher rents if he should close and then reopen the building; he said he did not think that was the case. Additionally, he pointed out the elected body was trying to set up COLTA so that they have some independent status, and said that could not be done if the Mayor and Council were continually intervening in everything they do; he said he, too, thought it appropriate that the tenants first ask Mr. Johnson to remove himself from their case. Mr. Davidson commented that the Edinburgh landlord was challenging the Rent Stabilization Act, that the tenants were concerned lest a "deal" be made with COLTA to allow the landlord a rent increase to avoid further litigation for the City and related costs. He said Silver Spring developers were pressing for gentrification and increased rents in Takoma Park, and tenants did not want to see that occur.

Naomi Turner, 7667 Maple Avenue: inquired under what circumstances tenants had to have their own legal representation in COLTA cases, and in what instances they would be defended by Corporation Counsel. The Mayor explained that if COLTA rendered a decision with which the tenant concurred, but the landlord filed an appeal, Corporation Counsel would defend COLTA's decision, and in so doing, would also be defending the tenant's interests. However, if a tenant filed an appeal to a COLTA decision, the tenant would be liable for having his/her own legal representation because Corporation Counsel would be acting on behalf of the City in defending COLTA's opinion. Ms. Turner related that Parkview Towers tenants were advised by Housing Director Weiss to get legal representation in their case, wherein the landlord, Vincent Abel, was filing an appeal to COLTA's decision concerning an illegal rent increase. She said, if Corporation Counsel were defending

the COLTA decision, it would not seem necessary for the tenants to hire their own lawyer. The Mayor stated he would look into the circumstances of that case prior to advising Ms. Turner. Councilmember Hamilton reiterated that under the provisions of the Code, a tenant would need his own legal representation only if he did not agree with COLTA's decision and were going to file an appeal. Ms. Turner referred to a letter she and another tenant had received from the landlord's attorneys and, at the request of Councilmember Sharp, said she would provide the City with copies.

In closing, Ms. Turner noted that Parker Memorial Baptist Church had not been included in the Martin Luther King Program as was previously the custom. She pointed out that it is the only black church in the city and had always been included in the event. She said Condie Clayton, the program coordinator, had advised her he was unaware of the church's ongoing involvement.

George Randolph, 7513 Maple Avenue: referred to the broken pipes in the Edinburgh earlier in the day, and related the property damage that occurred. He said he hoped the elected body could help the tenants in regard to the 20% rent increase their landlord was proposing, and he would be personally grateful if they could do so.

Michel Llumbo, 7513 Maple Avenue, speaking through an interpreter: related that when personnel went into his apartment on the previous Friday to work on the gas, they took his key with them when they left, or it had been misplaced. He said he reported the loss to the resident manager, but was not given another key, nor was the lock replaced; when he came home from work the current day, personal property had been taken from his apartment, as well as the money from his pay check which he had cashed on Friday, thus, leaving him without money to pay his rent. He said the theft was reported to the police. The Mayor suggested he respond to the Housing Services Department and ascertain whether they could intervene on his behalf with the resident manager, and also see whether he might have grounds for filing a complaint. Mr. Llumbo, speaking through his interpreter, said he had lived at the Edinburgh for a year and a half; when he moved there they had promised to make repairs to the premises and had not done so, and now he had lost his personal property because they took no action when he advised them of the missing key. The Mayor said Mr. Llumbo might also want to seek legal advice about the situation, that he might have a claim against the landlord for failing to fix the lock. He said Housing Services could provide the number for the Legal Aid group and that Mr. Llumbo might qualify for their pro bono assistance.

David White, 7513 Maple Avenue: related that Edinburgh tenants had had a 7% rent increase not long ago, approved by COLTA and based on certain things the landlord promised he would do in the building; he said those things had not been done. He said there had been problems with his bathroom plumbing for 2 years and nothing had been done; water backs up in the kitchen sink on the average of twice a week at least and that continued to occur, on occasion flooding apartments -- his and others -- and damaging/destroying personal property. He said due to these ongoing problems, the premises were filthy, unfit for human habitation. He said he felt it did no good to complain to Housing Services, because no action was taken. Mr. White said that when repairs were supposedly made, such as to a window in his unit, they were ineffective and temporary. He said under the existing conditions, a 20% rent increase in that building would be unconscionable. He said he had had trouble with his apartment since he took possession in 1981, no one seemed able to deal with the plumbing problems. Mr. White said there was only one person provided by the landlord to be resident manager and take care of the building, and that the hallways, stairwells, and common areas were filthy and not maintained -- people here, with their affection for pets, would not even want their animals to live in such a habitat. He said he thought the elected body ought to do something about the situation. Responding to query from Councilmember Elrich, Mr. White affirmed that he had testified at the COLTA hearing (concerning the earlier rent increase) in the Edinburgh case; he said he had testified to all the issues he had just related. For purposes of clarification, Councilmember

Hamilton noted there were 3 different hearings related to the Edinburgh -- a reduction in services complaint at which 43 tenants testified, the earlier 10% rent increase (in which COLTA awarded 7%), and the pending 20% rent increase in which a decision had not been rendered. He inquired of Mr. Davidson whether the tenants had filed another reduction in services complaint with the Housing Department; Mr. Davidson responded that the tenants' attorney was handling the matter.

Mrs. Hottle, 7513 Maple Avenue: affirmed that tenants at the Edinburgh have a lot of problems; she said she had listed 8 pages of problems in her unit and given the documentation to Housing Services, however, nothing much had been done, and what was done, was only done partially or poorly. She enumerated some of the problems in her unit, but said it was useless to list them all because nothing would be done unless the elected body really cared about the tenants. Ms. Hottle sang a song for the Mayor and Council she had written, stating the tenants' predicament and appealing to the elected body for their support and assistance.

Ginja Carter, Neighborhoods Together, Inc.: said she would not address the problems at the Edinburgh inasmuch as the elected body was probably familiar with them; however, if not, she said she would implore that they tour that building and view the conditions. She said she would ask that the officials examine their procedures that have allowed this situation to occur. Ms. Carter related problems her organization had encountered in trying to examine Housing Department files relative to the Edinburgh, including lack of access to such files and when the files were provided, absence of pertinent documents and information. She said N.T.I.'s telephone calls (12 total) to Corporation Counsel's office, trying to get copies of needed information, were not returned. She said when she approached Housing Director Weiss about the ability to view the files, she was advised that the matter was under investigation and she had nothing to do with it. Ms. Carter said this situation of not being able to get needed information was an ongoing problem, and noted that there was a serious lack in administrative data in that there was no administrative system for tracking rents. She pointed out that rather than Corporation Counsel having custody of COLTA case files, there should be duplicate copies of all the information in both a Housing Services file and in Corporation Counsel's office, for the sake of safety if not availability and access. Ms. Carter commented there appeared to be a lot of confusion in the Housing Services Department, noting that Naomi Turner had been advised by Housing personnel to get an attorney despite the fact the COLTA decision had favored the tenants and they did not wish to appeal it; she said the tenants were getting a lot of misinformation from that department. She implored that the new Housing Committee be directed to look into procedures in that department so that the same horror stories would not be continually repeated. Councilmember Sharp affirmed the Housing Committee would be examining procedures; he concurred with Ms. Carter's remarks about the need for duplicate case files in both Housing and Corporation Counsel's offices, unless those files were so voluminous as to be overwhelming to duplicate. He said he would be interested to know why there were partial files, and why some seemed to be other than where one would expect.

Raymond Farris, 7620 Maple Avenue: said he had lived in the city for 12 years and was well aware of what was happening. He said he could remember when the city had been a shining example for all of how a city should be -- when the residents had been relatively happy and lived together harmoniously. He asked whether the elected body had the power and authority to try to again make the city a good place to live for all economic levels, rich and poor alike. He remarked on the tragedy of longtime residents living on fixed incomes in some areas being forced out of their dwellings because they could not afford to pay the rents after they had retired; he said the landlords and developers were greedy and concerned only with the almighty dollar, and asked that the Mayor and Council look into what could be done to address the situation.

ITEMS FOR COUNCIL ACTION:

1. Introduction of New Housing Rehabilitation Program Staff.

Economic & Community Development Director Neal introduced new staff members Lisa Schwartz and Lonnie Finley, and related their credentials, including educational background, work history and accomplishments. Mr. Neal said he felt the City to be fortunate in having these two talented and accomplished new employees. The Mayor extended a welcome to Ms. Schwartz and Mr. Finley on behalf of himself and the Council, and commented the City had high hopes for the Housing Rehabilitation Program and its success.

2. Status Report and Update on Post Office.

Daniel Neal referred to his memorandum to the Mayor and Council concerning the post office and a conversation he had concerning the federal budget legislation adopted in December which mandated cuts in the postal services budget, resulting in a moratorium on construction of new postal facilities. Mr. Neal commented there appeared to be some confusion yet as to how complete the moratorium would be. Councilmember d'Eustachio inquired whether the City had anything in writing stating that a new facility would not be built; if not, he requested that be gotten, so the City would have something concrete to oppose rather than verbal statements. Mr. Neal affirmed he had requested same, and had also drafted letters for the Mayor's signature to the City's federal legislators requesting information and assistance, if possible. He said he understood there was a possibility of some projects proceeding despite the moratorium, and the aforementioned letters made it clear that the City would want a postal facility for Takoma Park to be one of those. Responding to Councilmember Douglas, Mr. Neal stated he had no word as yet concerning an RFP for a site put out by the Postal Service; he affirmed that RFP was the second advertisement for sites. The Mayor commented that if the moratorium were complete, then the City would have to renew discussions with the Postal Service concerning the temporary service branch and the level of service currently being provided, and ways those could be augmented. Mr. Douglas pointed out that inasmuch as it had been promised the City would have definite information about the RFP's for sites by the middle of January, it might be wise to hold up on dispatching the letter to the Congressional delegation until such time as that was received so they could be given the latest available information on the issue. Councilmember d'Eustachio expressed concern that the Postal Service might come up with an offer to provide a contract station, i.e., a window in the back of a store; should that occur, he said his response would be "no" because if the City accepted that level of service, they would be stuck with it indefinitely. He said the services provided at contract stations were virtually nothing but the sale of postage stamps and acceptance of mail for dispatch. He said the present situation was not acceptable, and a contract station would not be much more so -- a full service station was what was required to properly serve the city. The Mayor concurred with Mr. d'Eustachio's comments; he said up until the present, he thought the Postal Service had hoped to build a facility that would service both the mail carriers and the citizens, however, if that were not going to happen, the City would press for a facility that would adequately service the community and the mail carriers could continue to work out of the Silver Spring facility. Councilmember Martin inquired whether there was currently commercial space available in Takoma Junction that the Postal Service could lease for a contract station. Mr. Neal responded in the affirmative, however, explained that he understood that the moratorium would also prevent any additional leasing of space or other real estate transactions. Ms. Martin remarked she had heard some senior citizens had had to hire someone to go to the temporary facility to pick up their Social Security checks; she said she would hope the City would encourage recipients of those checks to have them direct deposited to their banks. Mr. Neal related in closing that the owner of the Antonelli property in Takoma Junction was aware that nothing was occurring with the Postal Service concerning their site, so had hired a consulting construction firm to draw up plans for a commercial development on the site. He said as further information was available on that proposal, he would make it known to the elected body and community.

3. Resolution Amending Resolution #1987-76 Establishing the City's Recycling Taskforce.

The Mayor noted the proposed amendment would alter the charge of the committee and would enlarge its membership. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas. Asst. City Administrator Habada asked that the name of Anne Odean from Ward 1 be added to the membership, inasmuch as she had called earlier in the day so requesting; the addition was accepted as an editorial amendment. Inasmuch as the practice was not adhered to, Councilmember Sharp moved striking from the 3rd Resolve clause the language "with at least one citizen representative from each ward." The motion was duly seconded by Councilmember Douglas. Additionally, Mr. Sharp asked that for the sake of propriety, the wording "ex officio" be changed to non-voting members, as an editorial amendment in the last Resolve clause. The Mayor commented he would want it understood that if individuals should come forward wanting to serve on the taskforce, additional names could be added to the membership. The amendment passed by unanimous vote. Councilmember Martin inquired whether there might be merit to submitting resolutions such as the one under consideration to review by standing committees, such as the Community Services Committee and the Finance Committee, prior to their consideration by the Council. She said she also had questions about designating curbside as the collection point inasmuch as the City has backyard refuse pickup. Mayor Del Giudice remarked that when he suggested standing committees be set up, he did not envision that every transaction by the Council would first undergo review by a committee. He pointed out that the language of the resolution was fairly general and non-specific, and that there was some pressure timewise to get the taskforce set up; the taskforce's report and recommendations could be referred to a standing committee for review if that were thought to be advisable. Councilmember Douglas voiced support for the Mayor's comments; he said he would not wish to see the standing committees become a mandatory stage in the process, and reiterated the need to get underway with formation of the taskforce, inasmuch as it had been pending for some time and also in view of the fact the budget process would soon be commencing. Mr. Douglas noted that the point had been made at worksession that committees of the size of the taskforce might not function well if they were subject to strict rules about a quorum; he said he thought the elected body should advise the taskforce to adopt a lenient rule concerning a quorum so that they could meet and conduct their business whether or not all were present and their charge could be completed by April 15. Discussion ensued between the Mayor and Councilmember Martin concerning the need for standing committee involvement in the process, and the point at which that should occur, if at all. Councilmember Elrich commented he did not see the need for committees to become involved in each and every instance because that could make the process of accomplishing anything interminable. Mr. Elrich moved that the question be called, duly seconded by Councilmember Sharp. The resolution, as amended, was passed with Councilmember Martin Abstaining, balance of Council voting Aye.

RESOLUTION #1988-1  
(attached)

4. Resolution in Support of Funding the Construction of Six New Classrooms at East Silver Spring Elementary.

Councilmember Leary referred to an explanatory letter from Robin Hennig accompanying the resolution, and commented that East Silver Spring Elementary was a part of the Takoma Park cluster. He related there were currently 55 students from Takoma Park enrolled at that school, that the number had steadily climbed over the last few years. He said the proposal had been pending for over a year, and was fully merited. Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Douglas. Mr. Leary noted the need to amend the resolution by the striking of reference to the County Executive in the last "Whereas" clause, which would necessitate changing the word "have" to has; he so moved, duly seconded by Councilmember



Douglas. The amendment passed by unanimous vote. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-2  
(attached)

5. First Reading of an Ordinance Establishing Additional Handicapped Parking Space at 6901 Woodland Avenue.

The Mayor noted the petitioner for the additional parking space was unable to attend the meeting; notices were sent to neighboring property owners/residents and no objections or other comments had been received. Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Douglas, carried unanimously.

ORDINANCE #1988-  
(attached)

6. First Reading of FY 1988 Budget Amendment #3 Ordinance.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Hamilton. Asst. City Administrator Habada briefly summarized the budget amendment, pointing out that it was primarily formalizing items that the Council had already taken action on, such as roof repairs to the Municipal Building and Public Works Repair Shop, and appropriating the funds. She pointed out that funds had not been appropriated to cover accessories for the police vehicles, and a transfer of funds from within the police budget was being effected to cover that expenditure. Concerning the fire service amount, she noted that the County Council had passed the rate for that at 28.6, the City had budgeted 28.1, so an approximate \$10,000 additional had to be appropriated to cover that expense. Ms. Habada noted there were a couple of items to be added to the amendment prior to Second Reading, including an amount for fire station utilities and an increase in the amount for Housing vehicles. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-  
(attached)

7. Resolution Ratifying City Nominee to Serve on Silver Spring Transportation Management District Citizens Advisory Board.

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

RESOLUTION #1988-3  
(attached)

8. Resolution Effecting Appointments to Takoma Old Town Development Advisory Committee.

The Mayor noted all of the appointees were recommended by the business association, with the exception of the Mayor's appointees, Mr. Foss of Ward 7 and Mr. Parris of Ward 4. Passage of the resolution was moved by Councilmember Douglas, duly seconded by Councilmember Elrich. It was noted there were some ex officio members not included, the Mayor stated that should be done. Additionally, he asked that Councilmember Douglas notify the membership of a first meeting date at which the group could select their chairperson. The resolution was passed by unanimous vote.

RESOLUTION #1988-4  
(attached)

Councilmember Sharp noted 2 COLTA vacancies -- a general public member and a tenant member, with terms to expire in June 1989. He encouraged Councilmembers to talk to people who might be interested in serving, and noted an advertisement would be placed in the Newsletter.

Upon motion, duly seconded, the meeting adjourned at 10:25 P.M., to reconvene in regular session at 8:00 P.M. on January 25, 1988.

Adopted: January 11, 1988

RESOLUTION 1988-1

A RESOLUTION TO AMEND RESOLUTION 1987-76; A RESOLUTION ESTABLISHING A CITY RECYCLING TASKFORCE.

WHEREAS, on July 27, 1987, the Mayor and Council accepted the Revenue Advisory Committee's June 1987 Report; this report recommended the initiation of a comprehensive recycling program; AND

WHEREAS, the City has experienced increasing costs in tipping fees for depositing trash in both counties' waste landfills; AND

WHEREAS, recycling would reduce the costs of tipping fees and is also environmentally desirable; AND

WHEREAS, the City of Takoma Park has already taken steps to raise the prospects of a pilot project recycling program.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby establish a Taskforce on Recycling whose purpose will be to formulate a City proposal and implementation plan on recycling; AND

BE IT FURTHER RESOLVED that the charge to the Taskforce is to formulate recommendations, in the form of an initial report, on implementation of an expanded recycling program within the City to include but not be limited to curbside collection of glass and aluminum cans, leaf composting and expansion of newsprint recycling in apartments and local businesses, said report to be submitted to Mayor and Council no later than April 15, 1988 with a final report due by September 1, 1988; AND

BE IT FURTHER RESOLVED, that the Taskforce shall consist of [nine] fifteen citizens of the City; AND

BE IT FURTHER RESOLVED, that the Assistant City Administrator and representatives from the Department of Public Works will provide technical assistance as needed to the Taskforce, with the Assistant City Administrator authorized to convene the Taskforce and chair the first two meetings after which time the Taskforce members shall appoint their own Chairperson.

BE IT FURTHER RESOLVED that the Mayor and Council make the following appointments to the Recycling Taskforce:

Ann Odean	(Ward 1)
Walter Mulbry	(Ward 1)
Laurie McGilvroy	(Ward 1)
Laura Delaney	(Ward 1)
Rita Marth	(Ward 1)
Richard O'Connor	(Ward 2)
Marta Vogel	(Ward 2)
Joseph Giuliano, Jr.	(Ward 7)
Katherine Gage	(Ward 2)
Daryl Braithwaite	(Ward 3)
Diane Curran	(Ward 3)
Ferdinand Hoefner	(Ward 3)
Holly Mines	(Ward 5)
Robert Beaudoin	(Ward 5)
Patrick Dwyer	(Ward 7)
Arjun Makhijani	(non-voting member)
Sharon Kass	(non-voting member)

Introduced by: Councilmember Leary

**RESOLUTION #1988-2**

WHEREAS, East Silver Spring Elementary School serves a large and growing number of Takoma Park residents; AND

WHEREAS, current enrollment at East Silver Spring is 116% of capacity and is projected to reach 125% of capacity next year; AND

WHEREAS, ongoing and future development, such as the construction of 277 units at the Spring Garden Apartments and development of downtown Silver Spring, will continue to fuel rapid growth in the East Silver Spring catchment area; AND

WHEREAS, the Montgomery County School Board has recognized the serious problem of overcrowding by recommending the construction of six (6) new classrooms in 1988-89.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Takoma Park urge the Montgomery County Council to approve the School Board's request for supplemental funding to construct six (6) new classrooms at East Silver Spring Elementary School this year.

Dated: January 11, 1988.

Introduced by: Mayor Del Giudice

**RESOLUTION #1988- 3**

WHEREAS, on November 10, 1987, the Montgomery County Council enacted legislation creating the Silver Spring Center Citizens Advisory Board as part of the plan to revitalize downtown Silver Spring; AND

WHEREAS, a newly created Silver Spring Transportation System Management Advisory Committee (Advisory Committee) has requested nominations to serve on the Committee from the Takoma Park Mayor and Council as well as Silver Spring and Takoma Park civic associations; AND

WHEREAS, this Advisory Committee will help develop a plan for reducing the number of cars and increasing the use of mass transit as well as propose guidelines for lessening traffic, review traffic patterns and make recommendations in such matters.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Takoma Park, Maryland, unanimously consented that Mr. Tim Smith's name be submitted to the Board as the City's nominee to serve on the Advisory Committee; AND

BE IT FURTHER RESOLVED, that the Mayor and Council's position was transmitted to the Board by way of a letter to Mr. Frederic C. Cooper, Chairman, dated January 6, 1988; AND

BE IT FURTHER RESOLVED, that the Mayor and Council hereby officially ratify, by this Resolution, Mr. Tim Smith's nomination to the Silver Spring Transportation System Management Advisory Committee.

Dated: January 11, 1988

RESOLUTION NO. 1988-4

A Resolution Appointing Members of the Old Town Development Advisory Committee.

WHEREAS, The Old Town Development Advisory Committee was established by the Mayor and Council by adoption of Resolution #1987-91; AND

WHEREAS, Resolution #1987-91 called for the appointment of representatives from local citizen and business associations who are to be selected by those associations; AND

WHEREAS, the Mayor has requested and received from these associations the names of individuals willing to serve on the Old Town Development Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following individuals representing the associations noted beside their names are hereby confirmed as members of the Old Town Development Advisory Committee for terms extending through and ending on 16 November 1989:

- |   |                                      |
|---|--------------------------------------|
| Jeffrey Henig (Primary Representative)      | Old Takoma Citizens' Association     |
| Jeanne Dooley (Alternate Representative)    |                                      |
| Susy Murphy (Primary Representative)        | Takoma Old Town Business Association |
| Travis Price III (Alternate Representative) | (Takoma Park Businesses)             |
| Paul MacLardy (Primary Representative)      | Takoma Old Town Business Association |
| Joe Silberlicht (Alternate Representative)  | (Takoma, D.C. Businesses)            |
| Carol Werner (Primary Representative)       | Plan Takoma                          |
| Tony Giancola (Alternate Representative)    |                                      |

Pam Dinkel (Primary  
Representative)  
Jane Lawrence (Alternate  
Representative)

North Takoma  
Citizens'  
Association

Steven Morse (Primary  
Representative)  
Mimi Goldberg (Alternate  
Representative)

Westmoreland Area  
Community  
Organization

Brian Foss  
R. Stan Parris

Mayor's Appointee  
Mayor's Appointee

ADOPTED THIS 11th DAY OF January, 1988.

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Introduced by: Mayor Del Giudice

RESOLUTION #1988- 3

WHEREAS, on November 10, 1987, the Montgomery County Council enacted legislation creating the Silver Spring Center Citizens Advisory Board as part of the plan to revitalize downtown Silver Spring; AND

WHEREAS, a newly created Silver Spring Transportation System Management Advisory Committee (Advisory Committee) has requested nominations to serve on the Committee from the Takoma Park Mayor and Council as well as Silver Spring and Takoma Park civic associations; AND

WHEREAS, this Advisory Committee will help develop a plan for reducing the number of cars and increasing the use of mass transit as well as propose guidelines for lessening traffic, review traffic patterns and make recommendations in such matters.

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BE IT FURTHER RESOLVED, that the Mayor and Council's position was transmitted to the Board by way of a letter to Mr. Frederic C. Cooper, Chairman, dated January 6, 1988; AND

BE IT FURTHER RESOLVED, that the Mayor and Council hereby officially ratify, by this Resolution, Mr. Tim Smith's nomination to the Silver Spring Transportation System Management Advisory Committee.

Dated: January 11, 1988



Introduced By: Councilmember Sharp  
Drafted By: L. Schwartz

Resolution No. 1988-44

WHEREAS. Betty and Greg Hurd have applied to Prince George's County for variances for Lot 18 of Block 3 of the Hillwood Manor Subdivision, being 1302 Elson Place, Takoma Park: AND

WHEREAS. this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment: AND

WHEREAS. the application has been reviewed by City staff, which has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated May 27, 1988: AND

WHEREAS. the Mayor and Council have taken into consideration public comments received on the subject application:

NOW. THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the subject variance application, and encourage the Prince George's County Board of Appeals to APPROVE the subject application.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 31st DAY OF May, 1988.

RESOLUTION OF CONDOLENCE

WHEREAS, life came to a close for Lee Andrew Jordan, 79, on February 23, 1988, ending a lifetime devoted to the service of his fellowmen; AND

WHEREAS, "Mr. Lee" has, through his untiring dedication, love and foresight for the youth of the community, and for all mankind, earned the respect and affection of the people of Takoma Park; AND

WHEREAS, the stature he attained in this community by his exemplary life and monumental accomplishments was recognized during his lifetime; AND

WHEREAS, Coach Lee was a charter member and one of the founders of the Takoma Park Boys Club in 1937 and gave freely of his time, effort and financial support and instilled in our youth the meaning of true sportsmanship, and was a leader and dedicated member of the Parker Memorial Baptist Church since 1924, and was a charter member of the Takoma Park Recreation Council, the first Takoma Park citizen to serve on the Montgomery County Recreation Board and served many other civic and service organizations during his lifetime; AND

WHEREAS, "Mr. Lee" was Grand Marshal of the City's July 4th parade when the theme was "Your Community - Get Involved" AND

WHEREAS, he received numerous physical fitness leadership awards: The Maryland Junior Chamber of Commerce Award, the United States Chamber of Commerce Award, the Montgomery County Recreation Board Service Award, the State of Maryland Governor's Commission on Physical Fitness Award, the Record's John Brawner Award, and was bestowed the honor of having the Takoma Park Junior High School athletic field named in his honor; AND

WHEREAS, Lee Jordan was known far and wide for his willingness to be of help to youngsters and adults in all walks of life, of all races, religions and creeds, and was a conscientious friend and guidance counselor to innumerable individuals; AND

WHEREAS, his passing will be sorely felt by the members of his family, and his many, many friends and associates.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, by this Resolution recognize the influence of Lee A. Jordan upon the community and recognizes further that his death is a distinct loss to the City; AND

BE IT FURTHER RESOLVED THAT this Resolution be spread upon the Minutes of the Council and a copy be presented to the Jordan Family.

Adopted this 29th day of February, 1988.

ATTEST:

\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor

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

Introduced by: Councilmember d'Eustachio

RESOLUTION #1988- 62

WHEREAS, there currently exists a vacancy for landlord representation on the City's Commission on Landlord-Tenant Affairs that needs to be filled; AND

WHEREAS, Claudine Schweber has requested re-appointment on the Commission.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MD does hereby appoint Claudine Schweber to the vacant seat on the Commission on Landlord-Tenant Affairs; AND

BE IT FURTHER RESOLVED, THAT this appointment becomes effective July 18, 1988.

Adopted this 18th day of July, 1988 in Special Session.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
and  
Public Hearing on FY 1988 Budget Amendment No. 3  
January 25, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

The Mayor and City Council convened at 8:08 P.M. on Monday, January 25, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of 12/7/87, 12/14/87 and 1/11/88 meetings were presented for approval. Councilmember Sharp pointed out that the ordinance attached to the 12/14/87 Minutes related to purchase of equipment for Spring Park incorrectly reflected his vote, which was in the affirmative, and was substantiated by the Minutes; he asked that that be corrected. In addition, he said that on page 5 of the 1/11/88 Minutes, in the section relating the substance of comments made by Michel Llumbo speaking through an interpreter, the gist of Mr. Llumbo's story concerning the loss of his apartment key as he understood it was that Mr. Llumbo had had guests in his apartment over the weekend who apparently took the key. Councilmember Douglas moved approval of the Minutes collectively, with the indicated corrections, duly seconded by Councilmember Sharp. The motion carried by unanimous vote.

The Mayor referred to emergency legislation proposed by the County Executive and pending before the Prince George's County Council that would exempt municipal governments from the County Energy Tax; he referred to a resolution of support for the legislation which he moved for passage, remarking that discussion would occur at a later point in the meeting. Additionally, he noted a letter of request from Mike Davidson asking that a group opposing the March 23 deadline for phaseout of apartments in single-family dwellings be permitted to use sound amplification equipment at a 7:30 P.M. rally in front of the Municipal Building on January 26 prior to the Housing Committee's public forum concerning the upcoming phaseout in the city. Councilmember d'Eustachio moved that approval be granted, duly seconded by Councilmember Douglas; the motion carried unanimously.

The Mayor noted that the Montgomery County Commission on the Future of Montgomery County would be conducting a meeting in the Municipal Building upstairs meeting room on Tuesday, February 9, with citizens encouraged to attend. He reminded that the City Council's Housing Committee would be holding a meeting/public forum Tuesday, 1/26/88, concerning the county's phaseout law relative to multi-family dwellings zoned for single-family occupancy and the scheduled March 23 deadline for compliance. He related this would be the first step in an ongoing multi-phase City process directed toward addressing the issue. He said he had also suggested a significant amount of time be allotted for consideration of the matter at the February 8 worksession. Additionally, he related that he and the City Council were scheduled for a briefing on the subject by County Executive Kramer at 10:30 a.m. on January 26, and would subsequently formally address the situation and take whatever action was deemed necessary on February 16, the next regular session of the elected body (2/15/88 being a holiday -- Washington's Birthday).

Mayor Del Giudice spoke concerning his views regarding the mandated accessory apartment phaseout, stressing the importance of the City and the County working together, remarking that any viable solution would come through cooperative efforts. He emphasized the need for development of an implementation plan that would recognize and take into consideration the needs that would be created by the phaseout,

and said he shared the frustration of the situation and had to recognize that the decision could be not to extend the March 23 effective date of the law. He said the County Executive's view was unknown until meeting with him, and he did hope Mr. Kramer would consider a time extension so that considered implementation plans could be made. He commented he hoped decent and affordable accessory apartments could be retained and that displacement generated by implementation of the law could be minimized as much as possible. The Mayor pointed out there were some things the City needed to do as quickly as possible, i.e., to get an assessment of available resources that could be committed to developing programs and opportunities to address needs that would be created. He remarked that a real crisis would occur for some low-income and elderly tenants if the law were implemented and those individuals were not offered assistance. He said it appeared to him that with some assistance, there might be opportunities for some of the tenants residing in the affected properties to become homeowners, and the City should seriously examine how they could assist in making that possible through specialized as well as existing programs. He said approximately 20% of the affected properties could become single-family dwellings with an accessory apartment if the property were owner-occupied rather than owned by absentee landlords as was presently the case. He said he felt that approach would have a number of benefits to both tenants and the city.

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

Nancy Nickell, Co-Chair of HOME (Habitants Opposing Mass Eviction): introduced Jerry Jollis, also Co-Chair of the group, who invited and urged the Mayor and Council to attend the meeting the following evening. The Mayor expressed his regrets, explaining that he had made a commitment to his wife sometime ago to attend an annual event related to her employment; he said, however, he would listen to the tape of the meeting and would continue to work with the group in trying to constructively address the problem. Ms. Nickell referred to a letter sent out by the City to tenants concerning the meeting, and said she anticipated a good turnout in response to that communication.

Wayne Upton, 7600 Maple Avenue: disseminated copies of a letter from Congressman Steny Hoyer praising Teresa Fisher for her courage in the 1986 Howard Beach, New York racial incident and subsequent testimony, and referring to passage of the City's Resolution #1987-97 recognizing and commending Ms. Fisher's actions.

ITEMS FOR COUNCIL ACTION:

1. Council Consideration of Ride-On Small Bus Project and Routes. Councilmember Leary introduced a substitute resolution concerning Ride-On service in the city, explaining that the Citizens' Coalition on Transportation had worked closely with the County Department of Transportation for the past year and had succeeded in persuading them to set up a 2-year demonstration project utilizing smaller gasoline powered buses in place of the larger, noisier, more polluting Ride-On buses currently in use in Takoma Park. He related that 18 of the smaller buses would be put into operation and there were several proposed route changes, and remarked he felt the achievement to be tangible evidence of meaningful cooperation between the City and the County DOT that had not previously been conspicuous. Mr. Leary commented he also felt that what was proposed would provide improved service between Upper Maple Avenue and the Takoma Metro Station, however, said at a meeting the previous week some serious and angry objections were voiced about a proposed change in Route 17 that would route buses up Philadelphia Avenue to Silver Spring. He said in conversation with an official at DOT earlier the current day, a willingness was expressed by that individual to consider alternatives. He said he realized there were many mixed feelings about the proposal, that no one liked it entirely; however, he said, on balance, he felt it to be a very positive proposal. Inasmuch as there remained a lot of serious concern about details of the rerouting, he suggested it would be wise to take a couple of weeks of additional time for discussion and to try to reach more of a community consensus on the issue prior to a final decision. Mr. Leary pointed out that time was critical

inasmuch as a contract would have to be awarded by the county to operate the service, however, said he had been assured they could wait for two weeks for a decision from the City without endangering the project and its implementation. Mr. Leary read the resolution verbatim and moved its passage, duly seconded by Councilmember Hamilton. The Mayor summarized the intent of the resolution and noted that a Special Session would be convened at the February 8 worksession for the purpose of adopting a position concerning routing of the buses.

Barbara Beelar, 7112 Maple Avenue, Co-Chair, Citizens' Coalition on Transportation: asked that new members of the Council keep in mind the significant achievement of the coalition in effecting public policy changes in the County DOT and accompanying attitudes in its chief officials; she remarked on the substantial amount of time and effort that change had required. Ms. Beelar said Mr. McGarry had initially vehemently opposed the use of the smaller gasoline-powered buses, however, she pointed out that was the direction in which mass transit across the country was moving in those situations where people had to be transported through residential areas. She noted that while the coalition originated in Takoma Park, it had grown and now included members of citizens', tenants' and other associations countywide. She related that the coalition's recommendation to the County DOT was that the smaller buses be used on 2 routes in Takoma Park -- Routes 13 and 17 -- and 2 other routes elsewhere in the county, based on certain specific criteria. Looking at those criteria, she said the county came up with 15 routes countywide they felt would be eligible. Ms. Beelar stated that there were 18 total smaller buses for the project and 14 of those would be allocated for the Takoma Park routes, with the other 4 being used on routes that were primarily Silver Spring routes. She summarized the history of the process the coalition had gone through in their dealings with the county, pointing out the coalition was unaware of any rerouting proposal until December and said she felt that to be a complex and confusing issue which Ride-On had not done anything to clarify for the users of the system.

Ms. Beelar stated that the Citizens' Coalition on Transportation wholeheartedly supported the small bus demonstration project, noting that a comparable or improved level of service would need to be ensured. She said they also endorsed the rerouting and rescheduling proposal as a good first step toward improvement of transit services in the city; she asked, however, that the Council seriously consider creation of a monitoring mechanism for the implementation of the project -- perhaps to commence prior to actual project implementation so that there would be a means to achieve the public education and outreach that was clearly needed. She commented favorably upon the resolution introduced by Councilmember Leary.

Hank Cox, Pres. of North Takoma Citizens' Assn.: commented that the frequently voiced claim that the smaller gasoline-powered buses would generate less environmental pollution than the diesel-powered buses was fallacious, pointing out that gasoline-powered vehicles generate a lot more carbon monoxide while the noxious looking black smoke put out by diesel-powered engines is simply black smoke that dissipates. He commented that while people living on lower Maple Avenue had asked for and gotten speed humps on their street, installation of those traffic impediments had diverted traffic onto other streets such as Carroll Avenue, Piney Branch Road and Philadelphia Avenue, and now apparently the Ride-On rerouting would be diverting buses from lower Maple onto Philadelphia, which according to people living there already has 600 buses per week, and the diversion would double that figure. He asked that people trying to address their own problems and complaints please consider whether or not they would be, in the process, dumping them onto their neighbors living on other "unprotected" streets, who are already overburdened.

David Morse, resident of East Silver Spring: said while many had been involved in working on the issue over the past year, people in his neighborhood had been trying to play catch up over the last few weeks. He expressed support for a suggestion by Councilmember Leary concerning the rush hour Route 13 bus, which he said would address many of the concerns in his neighborhood. He said he favored Ms. Beelar's

suggestion that a monitoring system for the project be created because it would be very much needed; while the project could turn out to be a very positive precedent for both Takoma Park and other communities, if it were poorly planned and managed and became a fiasco, all of the possible positives would become negatives. Mr. Morse stated he would be speaking in opposition to the project. He related having been in contact with the Office of Mobile Sources of the Environmental Protection Agency and having been advised that there would be no health benefits whatsoever to be derived by the use of gasoline-powered buses versus diesel-powered; he said a benefit could not be demonstrated in large fleets of vehicles, let alone such a small number of vehicles, and said the chemical pollutants from gasoline-powered engines were considerably more hazardous to health than the smell emitted by diesel-powered engines. He said the change to smaller buses significantly increased the likelihood of overcrowding on the system, for which the riders would suffer, and pointed out that the DOT denied that the time schedules for existing buses were in any way affected by the small streets they traverse and also denied that there would be any traction advantage for smaller buses on hilly streets. Concerning the noise factor, he said DOT planned to replace the entire Ride-On fleet over the next 3 years -- commencing at the end of the current calendar year they would completely gut and rehabilitate 45% of the fleet and replace another 45% within 3 years, eliminating the whining turbocharger which causes much of the problem. He said the buses would then sound more like school buses about which no complaints had been voiced. He said the overall impact should be considered, that there would be increased congestion in Silver Spring and the effort should be directed toward increasing transit utilization rather than diminishing the number of passengers that the vehicles can accommodate. Mr. Morse said the DOT had advised him that they had no plans to implement such a project anywhere else in the county, even if Takoma Park regarded it as a success. He encouraged that the Council seek more public opinion on the issue because he said he felt that the process had not only omitted inclusion of people who would be in opposition to the project, but also had omitted serious consideration of opposing arguments.

Councilmember Elrich inquired whether Mr. Morse could quote figures in relation to capacity reduction under the project, and also what impact use of the larger buses during rush hour as proposed by Councilmember Leary would have. Mr. Morse responded he had tried to do an analysis for his own neighborhood and was told by the DOT Routing Director that the figures would be similar for other neighborhoods; he explained that capacity was not based on seats on the bus, but on space per platform hour (or how many passengers can be carried within a certain unit of time). He said he was told the capacity reduction would amount to 32-47%, which would probably not be particularly noticeable, but would be a much more vulnerable situation to disruptions in service.

Ned Young, 7320 Willow Avenue: inquired of Councilmember Leary what time periods Ride-On considers as rush hours; Mr. Leary responded that 5:56-8:11 a.m. and 4:30-6:40 p.m. were considered as such. Mr. Young explained that he was a certified mechanic by profession, dealing with both diesel and gasoline engines. He said an inherent problem with diesel engines was that their output contained a high level of nitrogen oxides caused by high temperatures; he said those are a very toxic substance and very hard to get rid of. Those are dealt with in gasoline engines by 3-stage catalytic converters and an oxygen feedback system, he said, which is very clean and no add-on devices are required. Additionally, he said, on gasoline engines there can be an air injection pump which gets rid of unburned hydrocarbons and turns carbon monoxide into carbon dioxide. He remarked he recalled reading that the EPA was studying diesel output as a possible carcinogen. The Mayor commented that one reason bus manufacturers were looking toward use of gasoline engines as an alternative was because of the difficulty of controlling diesel emissions and anticipated stricter EPA emission standards that diesels would not likely be able to meet. He said while the county may not currently plan to convert to use of gasoline-powered buses countywide, if EPA did indeed come up with stricter emission standards and diesel engines could not be made to meet those standards, they may have no other choice. Mr. Young remarked on the fact that a lot of automobile manufacturers were dropping diesel

models from their product lines. Mayor Del Giudice commented that Transportation Director McGarry had admitted that the current buses and even some of the new buses scheduled to be bought did not meet EPA standards on some pollutants, which was one reason a number of Councilmembers strongly endorsed the demonstration project using gasoline-powered buses. Mr. Young said he did not see how Ride-On would be able to get rid of the turbochargers on the diesel buses or reduce their whine, as it did not appear mechanically feasible.

Maynard Mack, 7208 Maple Avenue: stated that at no time was anyone ever excluded from membership on the Citizens' Coalition on Transportation; he said they had reached out through letters and phone calls to every tenants' and citizens' organization they could find to try to include as many people as possible. He said he felt it imperative that the project get underway, that it appeared there was some effort to hold the project hostage to objections that had not previously been raised, and an attempt to fine tune an experiment that had not even yet begun. He expressed some concerns about Councilmember Leary's resolution, i.e., that it sounded as though he did not intend that Route 13 be an all day route (which the coalition felt it should be). Mr. Leary interjected, pointing out that his resolution did not address that proposed alternative routing and that would be one thing he would wish to discuss in the upcoming 2 week period. The Mayor remarked his understanding was that that route would be a mixed use, i.e., rush hour as well as shuttle service -- use of both large and smaller buses. Mr. Mack reiterated that the initial step was to get the project underway, that it could be refined along the way, all problems could not be anticipated, and they could be addressed if and when they arose -- that the important thing was to seize the opportunity now at hand. He noted that at the end of the 2-year demonstration project when the contract came up for renewal/renegotiation would be an appropriate time to address problems in the system that had been encountered. He asked that his Council representative, Mr. Douglas, move the original resolution which simply stated the Council's endorsement of the 2-year demonstration project without raising the question of the 2-week period to consider proposed routing changes.

An unidentified female member of the audience spoke in favor of the smaller buses in the hope they would be quieter. She said she had lived in several large urban areas of the country and had never heard buses as noisy and disruptive as those currently in use in the city; she urged that people work together to solve the problem.

Jean Dooley, 7321 Willow Avenue, Vice Pres., Old Takoma Citizens' Assn.: stated that the association basically strongly supported the proposal, commenting they had worked long and hard to reach this goal and entreated that the elected body not ruin the effort by delaying, discussing and examining individual concerns ad infinitum -- she emphasized it was a demonstration project and the city would not be bound by initial circumstances which would be open to modification as needs were recognized. She disseminated copies of a letter setting forth the association's position and read portions verbatim concerning rerouting on Routes 13 and 17, pointing out they would endorse the use of smaller gasoline-powered buses on Philadelphia Avenue if the DOT felt those vehicles could handle the volume of riders on that route, inasmuch as that street is already traveled by a very significant number of diesel-powered buses. She urged creation of a citizen review body by the Council to deal with problems that may arise, and said the association felt the City should urge the county to initiate a review process of the project and its service impact at the earliest possible date after its implementation. She said the association's goal was to have gasoline-powered buses in use on all the streets of Takoma Park.

Dick O'Connor, 7110 Maple Avenue: commented on the dramatic change in attitude at the county level; he said early on in the process, Transportation Director McGarry was adamantly opposed to expansion of the small bus program anywhere in the county, and had now become a strong advocate of the program. He said he felt the opportunity at hand should be seized without delay or else the momentum that had developed could be lost. He emphasized commencement of the project would be a



beginning and that modifications could be made along the way. He urged that the Council pass the resolution and move forward with the project.

Mike Davidson, 7513 Maple Avenue: said he was speaking on behalf of the ridership of the buses and UMAAC. He said at the meeting on the issue the prior week, the majority of those who spoke opposed any change in plans; there was a lot of confusion, a lot of concern raised about the ridership on Upper Maple Avenue and lack of participation by their tenants' associations in the coalition. He said there had been no participation in the process by the riders living on Upper Maple Avenue and urged that no action be taken on the issue because it would polarize the city worse than it already was. He said it was not that those riders would be in opposition to what was being proposed, but that they would be alienated because they had not been made aware and involved in the process. He said Mr. McGarry had stated that it made no difference to him personally when the small bus project was implemented and that another bid process could be undergone if necessary. Mr. Davidson referred to the crises tenants were presently involved in related to illegal rent increases and the accessory apartment phaseout issue, and strongly urged that the bus project be delayed for a couple of months so that UMAAC could be involved, and serious resentments and repercussions from tenant riders could be avoided.

The Mayor commented he felt the time element was very important, that while many people thought Mr. McGarry was now in support of the project, he was not personally convinced that if the present contract failed it would go out for rebid; thus, the opportunity now at hand would be lost.

Mrs. Hottle: displayed a sketched map she had drawn and pointed out perceived weaknesses in the proposed routing for those using the bus system. She said there would not be adequate transportation during evening hours, people would have to walk some distance which was not safe and was particularly difficult for the elderly and handicapped. She suggested a survey of the people actually riding the buses within the next couple of weeks be done and that some tenants be included in doing the survey and analyzing the results. She sang a brief plea to the elected body to do such a survey and to consider the Maple Avenue riders when making their decision on the issue.

Stephen Anderson, 601 Philadelphia Avenue: commented that at first glance, the proposal to put gasoline-powered buses into use in the city appeared to be a good one. He pointed out, however, that the effort was first initiated by those living on Lower Maple Avenue as an adjunct and complement to the speed humps they had persuaded the City to install on their street a couple of years ago. He said while the speed humps accomplished their intended purpose of slowing down traffic, as well as diverting traffic onto other streets, they also generated increased noise and pollution from the Ride-On buses having to slow and accelerate in the process of traversing them. He said the displacement of traffic caused by installation of speed humps on side streets between the Takoma Metro Station and state roads running through the city was apparently thought to be acceptable because those roads were considered highways, despite their narrowness and the fact they run through residential neighborhoods -- apparently it was thought alright to subject those roads to as much additional traffic as they could be made to bear. Currently, he noted, the demonstration project proposes to move the diesel buses off of Maple Avenue and onto Philadelphia Avenue, effectively adding 600 diesel-powered buses per week on that road to the 2 Metro lines running around 600 buses up and down that street each week -- at least a 100% increase in bus traffic. He remarked that no one would dispute that noise and pollution, if they belong anywhere, belong on highways; however, he said the highways in the city had to be examined, and noted that Philadelphia Avenue is narrower than Maple Avenue and equally residential in character. He asked whether the ridership of Route 17 wanted a more direct route to Silver Spring and said that, judging from earlier testimony, the ridership was not consulted -- nor was any sort of study done to show the impact of additional buses on Philadelphia Avenue, which is already stop/start traffic between Piney Branch and

Maple Avenue during every evening rush hour. He said it appeared the decision was made to put Route 17 on Philadelphia Avenue using the large diesel buses because it was economically infeasible to support that route's heavy ridership with the smaller, cleaner, quieter gasoline-powered buses; the people on Lower Maple Avenue wanted the large, noisy buses off their street, so they were moved to Philadelphia Avenue where the rest of the traffic is -- apparently the residents on Maple Avenue thought it was quite acceptable to dump more traffic onto Philadelphia Avenue. He said to have one group of neighbors benefit at the expense of another in a city such as Takoma Park ran contrary to everything the community stands for -- the solution should not be to take noise and pollution out of one residential neighborhood and put it into another. Mr. Anderson submitted a copy of his testimony for the record.

Manuel Palau, Carroll Avenue: commented he was a member of the coalition, had been involved in the issue for a long time. He said back in the days of Lower Maple Avenue versus others in the city, he was quite anti-Maple Avenue because he felt what was proposed was a narrow approach to a citywide and countywide problem; however, through the entire process of the coalition he said what he witnessed was an attempt to involve as many people from the city and county as possible and to solicit as many different views as possible. He said he at no time witnessed a Maple Avenue versus everyone else attitude -- what was examined was what would be best for the greatest number of people. He said he felt what was proposed was the closest that could be arrived at that would not favor one interest over another, despite not being perfect. He reiterated that it was an experimental project and if it did not work out, it could be modified at a later time. He, too, emphasized that based on Mr. McGarry's past statements and attitude, if the present opportunity were not seized, it might be lost indefinitely, if not forever.

Arthur Karpas, 6916 Westmoreland Avenue: speaking on behalf of WACO, expressed support for the coalition and their work and position on the Ride-On issue. He said he personally supported most of Ms. Beelar's comments, and particularly felt the study of route changes would be beneficial and would fine tune the project, making it more appropriate and valuable to the community. Concerning involvement of ridership in the issue, he said he felt very adequate opportunity had been afforded for that to occur; he remarked he felt there was no danger of polarization over the issue because once the project was underway, the riders would find the changes very beneficial for them. Mr. Karpas commented that at the time he purchased his home, one thing he considered was that the street was residential and not likely to become heavily traveled by through traffic, and that was reflected in the price he paid for his property. At the same time, he said he felt sure people who bought on roads designated as state roads/highways recognized the traffic situation and that it was also reflected in the price of their property. He said while those people may not like additional traffic, there should be an acceptance of the likelihood that such would occur.

Wayne Upton, 7600 Maple Avenue: commented that the new Council should establish a comprehensive traffic policy; he said streets which are major bus routes, e.g., Maple Avenue, should not have speed humps -- either the speed humps should be removed or the buses should be rerouted to Philadelphia and Carroll Avenues. He said there was also a need to examine late night bus service, pointing out that the last Route 17 bus from the Metro station was at 10:49 p.m., while the last train arrived at the station at something after midnight, which left Maple Avenue commuters with only the Route 12 bus along Carroll Avenue, still leaving them a long hazardous walk home. He said if the county could not come up with money to run Route 17 buses that would serve the late night Metro runs, then the City should fund that service for those living in the high density Maple Avenue corridor.

Jimmy Kline, Maple Avenue: said he felt no one had really pinpointed the issue; he remarked that over the last 5 years the issue had been identified as noise, pollution, safety, Philadelphia Avenue versus Maple Avenue, Piney Branch Road versus Maple Avenue, Upper Maple

Avenue versus Lower Maple Avenue, black versus white --- having observed the process over a long period of time, he said he felt in a sense the real issue was the viability of political democracy in Takoma Park, because people had become exhausted from working on the issue for such a long time. He said he neither knew nor cared whether Councilmember Leary's proposal was a good one, but felt the work of the coalition was the first time an attempt had been made to rationalize a community-wide problem. He said if the Council did not proceed now there would be so many exhausted and disgusted people that the upshot would be that the powerless in the community, who need the full support of all in the community to deal with pressing issues, would not get the help they need -- people would no longer care or wish to become involved in trying to address issues. He urged that the elected body move forward with the proposal.

Steve Quick: stated he had been working on the issue for the past two years, had probably put in more time looking at the actual numbers and trying to comprehend the impact of the proposal than anyone else. He concurred with Mr. Kline that time was one of the issues, pointing out that the process had been going on for a long time, a lot of publicity had been given the subject and countless meetings, both large and small, had been held. He enumerated the groups of people who would benefit by the bus project, and noted that for the Upper Maple Avenue ridership the numbers of bus seats available would increase substantially. He said he felt a number of non-issues had been raised, including process -- he said the process had been totally open, well-publicized and exhaustive. Concerning service access to specific locations, he said people had drawn some incorrect conclusions -- that the current situation was at minimum maintained, and, in many instances under the proposal, would be enhanced. He said pollution should certainly not be at issue in relation to the gasoline-powered buses, based on voluminous reports and information he had examined and offered to share with anyone interested. Additionally, he said noise should not be an issue, nor should late night bus service -- at least in connection with the demonstration project proposal. Concerning the section of Maple Avenue that has speed humps, he said there would not be a diversion of buses from that street to another; there would actually be an increase in the number of buses traveling that section of Maple Avenue. He noted that the small buses would not be in any way inconvenient for the elderly and/or handicapped; they are the same paratransit buses used for the elderly transportation program in the county. Mr. Quick said he felt the issues were service design and adequacy for servicing the ridership needs. He said if it happened at all that people were left standing because of a bus being full, then it would be felt the project was a failure; what needed to be ensured was that the proposed route design would provide an adequate number of seats, and he said having examined all the data, he did not feel, nor did Ride-On, that there would be any possibility of passengers being left because of a full bus. Should a weakness in the system be found after the project was underway, then it would be up to the Council and the county to rectify the situation, and he said he felt the county would be open to doing that. Mr. Quick remarked that it was axiomatic that no one wanted the large diesel buses on their street, however, asked that the Council not base their decision on that fact; factors and criteria other than the fact people did not want those particular buses on their streets would need to be examined, and he urged that the Council not get bogged down at present in that question.

Tenley Morse, 100 Corden Court, East Silver Spring: spoke in opposition to the demonstration project, which she said would greatly affect her neighborhood which is served by the Route 13 bus. She presented a petition signed by neighbors opposing the project, and said all riders with whom they had talked objected to use of the smaller buses on the route because reducing rider capacity of the vehicles would adversely affect the service. Additionally, she said the president of the citizens' association in her area had not been contacted regarding the project and was displeased at the omission. She asked that a decision not be railroaded through until all those who would be affected had been contacted and afforded an opportunity for input.

Bruce Moyer, 37 Philadelphia Avenue: expressed support for the resolution presented by Councilmember Leary and urged that Council act on it without delay. He said he felt time was an urgent matter and there should be no delay in moving forward with the support for the project currently offered by Transportation Director McGarry and his staff; he said if the present opportunity were allowed to slip away, he was not sure there would be any viable opportunity down the road. He said county support of the project hinged on the issue that if the small bus demonstration project were to be approved, it could cost no more than 110% of what the county was currently paying for the Ride-On service. He said Mr. Leary's proposal to allow 2 additional weeks to examine routing considerations would provide time for study of how much use and what the best use would be of available resources within that 110% limit that had been set. He said it was imperative that the City communicate to the county immediately, however, that small bus service was a proposition that the City fully supported.

Carl Iddings, 7416 Carroll Avenue: expressed support for the proposal Ride-On had put forth and urged that the elected body move ahead with expressing its approval. Mr. Iddings pointed out he had been involved in the process for 4-5 years and said he was confused by Mr. Leary's proposal; he said it was not clear to him what could be accomplished in the 2 week period. Mr. Leary explained that his intent, should his resolution pass, was to communicate the City's endorsement of the project to the county and then convene a meeting of the Transportation Committee to discuss the issue and as many alternatives as possible involving the bus routing, and then discuss with DOT staff those ideas that appeared feasible and realistic and might in any way be an improvement, working with as many people as possible to try to arrive at a more general state of agreement. He said he recognized that unanimous agreement on the issue would never be possible. Mr. Iddings remarked he felt what Mr. Leary described would be a very limited process, and he commented on the complete reversal in Mr. McGarry's earlier attitude about the use of smaller buses. He said Ride-On's proposal addresses the transportation issues facing the city in a reasonable and rational way, was an elegant proposal; he said development in Silver Spring was going to create a disaster situation on Philadelphia Avenue, regardless of the level of jobs approved, and getting the gasoline buses in the city would be a critical step. He urged that his Council representative, Mr. Douglas, support the original resolution that would express full support for the project and move forward with it as proposed by the county. He said there were many issues to be dealt with in the city, this one was close to being resolved and there should be no delays interjected, so that the elected body could move on to dealing with other pressing matters. Mr. Leary reiterated that his proposed resolution endorsed the demonstration project and the use of the smaller buses, however, asked for 2 weeks to consider the routing proposals that had only been made known in December. He emphasized he had made this proposal only after conferring with DOT staff and gaining full assurance that Mr. McGarry had promised that a 2 week delay would in no way affect his approval of the project or its implementation. Councilmember Sharp inquired whether Mr. Leary anticipated that there would be any substantive change during the 2 week period concerning what the Council would endorse. Mr. Leary responded there might be; he said he was not fully and genuinely convinced that what was proposed would make the best possible use of the smaller buses and he would like to explore the possibility of slight modifications that might effect an improvement, such as the use of the smaller gasoline buses on the new 17 route, particularly in light of the probable impact on Philadelphia Avenue from Silver Spring development. Additionally, he said he had been told that Mr. McGarry was firmly opposed to putting any of the new diesel buses into use on that route.

Councilmember Hamilton pointed out there were a lot of the people on Upper Maple Avenue that did not want the smaller buses used during rush hour for their transportation to and from Metro; he said he also had a problem with the Council voting on an issue they had not discussed in worksession and did not see that any harm would result from the 2 week delay, which would allow time for such discussion. He said he fully supported the smaller buses, but had a problem with the

proposed route changes that Ride-On had only very recently made known. He said he felt citizens had a right to have input into the question of the route changes and that had not occurred.

Councilmember Elrich stated he would also support Mr. Leary's proposal; he said he felt it appropriate, as well, that the Council discuss important issues in worksession prior to making a decision in regular session. He pointed out that the project was a 2 year project and that if there were problems, the ability of people to get to work would be affected, so the 2 week period was not much to expend to try to fine tune the situation to the extent possible in advance. He said he would like to try to ensure that the routes the Council endorses are the best that can be recommended at the present time and under present circumstances.

Councilmember Sharp remarked it appeared clear that the majority of Council votes would be for the delay. He said he felt a little uneasy about that, but would acquiesce, but said it was not clear to him how much influence the City would have concerning route changes and that it should be remembered that the issue was not one confined to the city and its residents.

Councilmember Douglas commented that Mr. Kline's comments should be etched in stone above the entry to the Municipal Building. He said public participation was a great thing, was the hallmark of life and politics in Takoma Park, but would also be the death of all if they were not careful. He said he was willing to support whatever was necessary to make the project occur, but was not willing to support delay for its own sake. He said the only thing he had heard that the Transportation Committee would be considering would be one route issue that would not meet the county's criteria for the use of small buses, would certainly not be the highest priority for placement of small buses, and said he would have wished that some of the people who expressed opposition would have come up with some options for improving the proposal rather than only stating their opposition. He said he would go along with the proposed delay, but would hope that those who oppose the proposed routing would come forward with something they felt was an improvement and would better serve the entire city.

Mayor Del Giudice commented on having spoken with a number of people who had worked very hard on the issue; he said he felt frustrated because it seemed often a long and arduous process was gone through on an issue and then, at its conclusion, there was still a lot of dissension and nitpicking. He said, however, in this instance, there was new information to consider and rather than having it come back to haunt the elected body because of omission of consideration of it, he would support devoting time during the next 2 weeks to specific study of the routing changes. He remarked on the extensive process that had been undergone by the coalition and the publicity it had been afforded, and said there should be no question of anyone who wished to do so not being included or involved. Moreover, he said he personally resented any implication that the coalition, the Transportation Committee, the prior and present Councils and he, and any others who had worked on the issue, had not deliberately considered the best interests of all citizens of the city in trying to reach a compromise solution. Despite its imperfection, he said he felt the proposal to be one of the better plans the City, as a community, had ever been able to put forward. He said he felt confident if there were things that needed to be changed as the plan was implemented, those things could be changed, because the plan was basically a very good one.

Councilmember Martin commented on having attended the previous meeting on the issue and said she came away from that in full support of the proposal. She said she had felt perhaps the reason some residents of Upper Maple Avenue had concerns about the proposal was because they were not fully informed, however, noted the one thing she now felt should be examined was the need for service to the Flower/Piney Branch area, so would vote in favor of Mr. Leary's resolution affording a 2 week period to look at routing issues.

The resolution was passed by unanimous vote. In response to query

from the audience, it was noted that the Transportation Committee would meet on Wednesday night, 1/27/88, at 8 P.M. in the Municipal Building and the routing issue would be discussed at that meeting.

RESOLUTION #1988-5  
(attached)

**2. Resolution Concerning the Norton Project on Holton Lane.**

The Mayor inquired whether staff recommended that a public hearing be conducted subsequent to development of the application for MICRF funding for the project; Ms. Habada responded that was not done previously -- that a fact sheet containing funding information was prepared, however, the entire application was not presented at the hearing. Responding to query, Ms. Habada stated that if the cost of the project were similar to the last Norton project which cost \$250,000, the City would be putting approximately \$11,000 (10% of MICRF's portion of the funding) into it. Mr. Norton stated he had put \$140,000 into that project. He remarked that, as all were aware, he was paying considerably more for the property for the currently proposed project than he felt it to be worth for reasons that were known to those present. He said he would be going to settlement on the property, if the owner accepted his offer, before the end of February. Following brief discussion, it was noted the public hearing would be conducted on February 16, as the first item on that meeting's agenda. Ms. Habada related that MICRF had advised her funding would only be available if there were monies from bond issues prior to 1986, because after that time the law was changed disallowing relending money to a profit making organization; she said the indication was that they do have some such money available. She pointed out that the state would appraise the property, and that if Mr. Norton were paying more for it than their appraisal indicated it to be worth, their funding would be based only on the amount of their appraisal, which would probably increase the amount Mr. Norton will have to put into the project. Mr. Norton commented he had been assured by one of the owners of the parcel of property that the sale would go through and that a decision would be made by the end of the present week.

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

RESOLUTION #1988-6  
(attached)

**3. Second Reading of an Ordinance Establishing Additional Handicapped Parking Space at 6901 Woodland Avenue.**

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Douglas. In conformance with the Fiscal Impact Ordinance in effect, Ms. Habada reported that erection of the appropriate signage would cost approximately \$40.00. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Martin and Sharp; NAY: None; TEMPORARILY ABSENT: Councilmember Leary.

ORDINANCE #1988-1  
(attached)

**4. Second Reading and Public Hearing of FY 1988 Budget Amendment #3 Ordinance.**

Councilmember d'Eustachio moved passage of amendments to the ordinance as indicated thereon; the motion was duly seconded by Councilmember Douglas. It was noted the changes were underlined and/or bracketed in the ordinance. The amendments were passed by unanimous vote. Councilmember Hamilton moved adoption of the ordinance, as amended, duly seconded by Councilmember d'Eustachio. Councilmember Sharp inquired concerning status of the roof repairs authorized earlier; Ms. Habada responded that the contract had been signed several weeks previously, the contractor had ordered supplies and the work would commence as soon as the weather permitted. The ordinance was adopted by roll call

vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Leary, Hamilton, Martin and Sharp; NAY: None.

ORDINANCE #1988-2  
(attached)

5. Single Reading Ordinance Awarding Contracts to Ryon, Inc., and Botanical Decorators for Construction of Spring Park Improvements. Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Hamilton. Ms. Habada noted that the dollar amount in Section 1. which read \$129,000 should correctly read \$123,989; the correction was accepted as an editorial amendment. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Leary, Hamilton, Martin and Sharp; NAY: None.

ORDINANCE #1988-3  
(attached)

6. First Reading of an Ordinance Amending the Personnel Classification Ordinance. Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember Hamilton. In response to query from Mr. d'Eustachio, Ms. Habada stated the fiscal note would be provided for Second Reading of the ordinance. She said the City would be using the state fiscal impact form, inasmuch as that form had to be used for bills the state refers to the City, so it would simplify the process. The Mayor noted that the amendment would upgrade the Housing Coordinator's position from a Grade 9 to a Grade 11. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-  
(attached)

7. Resolution Regarding Prince George's County Energy Tax. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. Responding to Councilmember Douglas, the Mayor explained that this tax was applied to consumption of utilities, primarily fuel oil and electricity, and the pending legislation, if adopted by the county, would exempt municipalities from the tax. He noted passage of the resolution of support would show the City's concern for the plight of other municipalities who would be more impacted by the tax than would Takoma Park. The resolution was passed by unanimous vote.

RESOLUTION #1988-7  
(attached)

Councilmember Sharp remarked that Council Meeting Minutes were now current and he appreciated that; he said it was much easier to read and recall events that happened within the past 2 weeks and thanked those responsible. Additionally, he said he would announce the Wednesday night Transportation Committee meeting at the meeting he would be attending on Tuesday night concerning the accessory apartment phaseout. Responding to Councilmember Douglas, he explained what he anticipated that meeting to encompass and noted county officials would be present to respond to questions; speakers wishing to testify on the issue would be permitted to do so. The Mayor said he felt it important that it be stated by the Chair at that meeting that the City had not yet adopted any official position on the issue, but would be deliberating and reaching a position.

Concerning the police rebate issue, the Mayor commented that current indications were that Mr. Kendall would not be ready to sit down and discuss the matter further with City officials until sometime in March because his legal counsel was in the process of doing additional research. He said as further information was received, it would be disseminated; the City's statistics were given to the county the current date and after Mr. Mooney of the county examined them and interjected some variables, he had stated the City would come out with an average of about 7,100 calls for service, which was about what had been estimated. He reminded the elected officials would be undergoing

Council Meeting Minutes, 1/25/88

an orientation program the following week on Monday, Thursday and Sunday. He remarked to Councilmember Elrich that Senate Bill #1-67 had been introduced and he had testified in support of it -- the bill concerned an issue on which Mr. Elrich had worked and would benefit tenants.

Upon motion, duly seconded, the meeting adjourned at 11:16 P.M., to reconvene in Regular Session at 8:00 P.M. on Tuesday, February 16, 1988.



Introduced By: Councilmember Leary

**RESOLUTION 1988-5**

WHEREAS, the diesel buses presently used on a majority of RIDE-ON routes create noise and emissions problems which are hazardous to the health and well-being of all citizens, both residents and riders; AND

WHEREAS, the use of smaller gasoline powered buses on some routes offers the potential for improved and more frequent bus service to riders, AND

WHEREAS, the Takoma Park City Council has twice supported resolutions calling for the use of smaller and quieter buses in our city, AND

WHEREAS, the Montgomery County Department of Transportation has developed a proposal for a two-year small bus demonstration project that would utilize 18 smaller buses.

NOW THEREFORE BE IT RESOLVED that the City Council of Takoma Park affirms its support of a small bus demonstration project and urges that the County Department of Transportation make every effort to begin implementation of such a project by May 1, 1988; AND

BE IT FURTHER RESOLVED that the City Council will work closely with interested Takoma Park citizens and Department of Transportation staff to develop, within the next two weeks, a routing system that makes the most effective use of the smaller buses.

Dated: January 25, 1988

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RESOLUTION 1988- 6

WHEREAS, The Takoma-Langley Park area within the municipal boundaries is the subject of interest by the City for comprehensive development and redevelopment of vacant parcels and existing sites; AND

WHEREAS, Mayor and Council wish to encourage the revitalization of the area and recently approved legislation for the formation of a Commercial District Management Authority; AND

WHEREAS, Lot 5 in the Hanley Addition Subdivision located on Holton Lane is a vacant lot that Mr. & Mrs. Donald Norton wish to develop with the assistance of the City;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council authorize City staff to proceed with submission of a Letter of Intent to the Maryland Industrial Commercial Redevelopment Fund requesting financing assistance similar to the assistance previously given on the 1985 MICRF project for the commercial development of Lot 4.

BE IT FURTHER RESOLVED, that the Mayor and Council direct that a public hearing on the proposal to submit an application to the Maryland Industrial Commercial Redevelopment Fund be set for February 16, \_\_\_\_\_, 1988.

Dated: January 25, 1988

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1st Reading: 1/11/88

2nd Reading: 1/25/88

Ordinance # 1988- 1

(An Ordinance to amend Ordinance 1986-3, adopted by the City Council on 2/10/86 - Designated sites for handicapped parking spaces.)

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

SECTION 1: THAT Ordinance 1986-3, adopted on 2/10/86 established one handicapped parking space opposite 6901 Woodland Avenue; AND

SECTION 2: THAT there are two vehicles at this address legally titled in the State of Maryland with legal handicapped tags; AND

SECTION 3: THAT it has been determined that there is a need for the establishment of an additional parking space expressly for the handicapped at 6901 Woodland Avenue;

SECTION 4: THEREFORE THAT Ordinance #1986-3, adopted by the Mayor and Council on February 10, 1986 is hereby amended as follows:

Sec. 2. THEREFORE THAT in conformance with Sec. 13-64 (a) (10) of the Code of Takoma Park, Md., as amended, the following sites are hereby designated, subject to annual review, for the exclusive use of vehicles displaying a special registration plate or permit issued to the disabled by any state or the District of Columbia:

(d) On Woodland Avenue , [1 parking space] 2 parking spaces opposite 6901 Woodland Avenue.

Adopted this 25th day of January, 1988

NOTE: [brackets] denotes deletions  
underlining denotes additions

Introduced By: Councilmember d'Eustachio  
Drafted By: Daniel Neal

Adopted: 1/25/88

ORDINANCE 1988-3

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

SECTION 1. THAT the City's FY 1987-88 Budget includes \$123,989.00 for the improvement of Spring Park, as described in the applicable contract documents; AND

SECTION 2. THAT bids were solicited from qualified contractors by advertising in The Washington Post, The Journal Newspapers, the Blue Report and the Dodge Report; AND

SECTION 3. THAT the bids were opened on 14 August 1987 at 4:00 in the Municipal Building; AND

SECTION 4. THAT three (3) bids were received for the landscaping segment of the work, with Botanical Decorators of Clarksville, Maryland having submitted the lowest responsive and responsible bid of THIRTEEN THOUSAND DOLLARS (\$13,000.00).

SECTION 5. THAT two (2) bids were received for the general construction, grading and equipment installation segment of the work, with RYON, INC. of Upper Marlboro, Maryland having submitted the lowest responsive and responsible bid of NINETY FIVE THOUSAND FOUR HUNDRED DOLLARS (\$95,400.00).

SECTION 6. THAT it is in the City's best interests to accept the bid of RYON, INC. but, on the basis of deletions of work, to award that firm a contract for a lesser amount than the amount bid.

SECTION 7. THEREFORE THAT the bid of Botanical Decorators for the work specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of THIRTEEN THOUSAND DOLLARS (\$13,000.00).

SECTION 8. FURTHER THAT the bid of RYON, INC. for the work specified in the applicable plans and contract documents is hereby accepted and a contract award made to said firm in the amount of EIGHTY THREE THOUSAND SEVEN HUNDRED THIRTEEN DOLLARS (\$83,713.00).

SECTION 9. FURTHER THAT the City Administrator is hereby authorized to execute any and all appropriate contract documents to effect these awards and to pay related expenses from the appropriate accounts.

ADOPTED THIS 25th DAY OF JANUARY, 1988.

AYE: Councilmembers d'Eustachio, Douglas, Elrich, Leary, Hamilton, Martin and Sharp; NAY: None.

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Introduced by:

1st Reading: 1/25/88  
2nd Reading:

ORDINANCE NO. 1988-

An ordinance to amend the Personnel Classification System

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

SECTION 1. Change in GRADE level for Housing Coordinator.

<u>GRADE</u>	<u>JOB CLASSES</u>
GRADE 1	:
GRADE 2	: Custodian
GRADE 3	: Laborer; Clerk Typist I;
GRADE 4	: Account Clerk I; Library Shelver, Communications Dispatcher; Assistant Driver; Police Records Clerk;
GRADE 5	: Recreation Aide; Tool Library Attendant; Equipment Operator I;
GRADE 6	: Account Clerk II; Secretary; Personnel Clerk; Library Assistant; Recreation Specialist; Driver Foreman; Equipment Operator II; Clerk Typist II;
GRADE 7	: Administrative Clerk I; Playground Coordinator; Equipment Operator III; Code Enforcement Officer I; Police Private; Clerk Typist III;
GRADE 8	: Administrative Clerk II; Executive Secretary; Gym Supervisor; Police Private First Class; Tree Maintenance Foreman; Building Mechanic; Mechanic; Community Development Coordinator;
GRADE 9	: Account Supervisor; Administrative Supervisor; Deputy City Clerk; Police Affairs Specialist; Police Corporal; Parks Foreman; Street Foreman; [Housing Coordinator;] Master Mechanic; Housing Rehabilitation Construction Coordinator;
GRADE 10	: Librarian; Police Sergeant; Sanitation Supervisor; Street Supervisor;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;  
Code Enforcement Supervisor; Housing Coordinator;

GRADE 12 : Assistant Library Director; Police Lieutenant;  
Cable TV Coordinator;

EXECUTIVE 1: Assistant Public Works Director; Director of  
Economic & Community Development;

EXECUTIVE 2: Library Director; Recreation Director; Housing  
Services Director; Police Captain (Deputy Chief);

EXECUTIVE 3: Assistant City Administrator;

EXECUTIVE 4: Police Chief; Public Works Director;

SECTION 2. EFFECTIVE DATE.

NOTE: Underlining indicates new matter to be added to existing  
code language.

[ ] indicates matter to be deleted from existing code  
language.

Introduced by: Mayor Del Giudice

RESOLUTION NO. 1988-7

WHEREAS, the state legislation which provided for the creation of an energy tax by Prince George's County failed to exempt municipal governments thus creating double taxation effects on municipal residents; AND

WHEREAS, it is within the spirit of the United States Constitution and a fair and equitable application of the energy tax that double taxation should be avoided; AND

WHEREAS, the Prince George's County Executive has submitted emergency legislation (CB-2-1988) to exempt municipal governments from this tax; AND

WHEREAS, this legislation was presented before the County Council's Fiscal Planning and Government Operations Committee.

NOW THEREFORE BE IT RESOLVED, THAT the Mayor and Council of Takoma Park, Maryland hereby express their support for emergency legislation CB-2-1988 and strongly urge its enactment into law; AND

BE IT FURTHER RESOLVED, THAT the City Administrator is hereby authorized to submit a copy of this Resolution to the County Executive, Honorable Parris N. Glendening, and to the members of the Prince George's County Council.

DATED: January 25, 1988



(Amended) 1st Reading: 1/11/88  
2nd Reading: 1/25/88

Upon motion by Hamilton, duly seconded by d'Eustachio, the following Ordinance was introduced.

**ORDINANCE #1988-2  
FY'88 BUDGET AMENDMENT NO. 3**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 1988 BUDGET**

SECTION 1. BE IT ORDAINED and enacted by the City Council of Takoma Park, Maryland that the Fiscal Year 1988 Budget be amended as follows:

**REVENUE AMENDMENT**

- a. Appropriate [50,800] \$63,300 from surplus funds for the Public Works Repairs Shop Roof, [and] parking meter installation [projects] and utility payments to the Takoma Park Volunteer Fire Department.
- b. Increase revenue appropriation of Account 474, Miscellaneous Revenue by \$10,000.
- c. Increase Account 476, Loans Receivable by \$9,348.
- d. Appropriate \$66,000 from Capital Reserve for Municipal Building roof project.

**EXPENDITURE AMENDMENTS**

- a. Increase appropriations to Account 995, Capital Expenditures as follows:
  - (1) \$44,000 for Public Works roof project
  - (2) 6,800 for parking installation project
  - (3) \$6,348 for purchase of police vehicles
  - (4) \$3,000 for purchase of administrative vehicles for Housing Services
  - (5) \$66,000 for Municipal Building roof project
- b. Transfer \$3,200 from Account 650, Salaries/Crossing Guards to Account 995, Capital expenditures to cover costs of installation of decals and accessories for four police vehicles.
- c. Transfer \$5,400 from Account 800, Salaries, Public Works Office to Account 800.1, Temporary Assistance, Public Works Office.

- d. Transfer \$6,000 from Account 510, Salaries/City Administration and Staff and \$5,500 from Account 968, leave unfunded liability to Account 510.1 Temporary Assistance.
- e. Transfer \$3,800 from Account 968, leave unfunded liability to Account 513, Salaries/Interns.
- f. Transfer \$4,080 from Account 533, Election Expenses to Account 515, Office Supplies.
- g. Increase appropriation for Account 980, Fire Service by \$10,000.
- h. Appropriate \$18,250 to the Special Revenue Fund Transfer, Account 1000 and reduce unappropriated funds by [\$15,000] \$18,250.
- i. Increase appropriation of Account 837, Electricity by \$12,500.

#### **CAPITAL BUDGET**

- a. Authorize purchase of a One Ton Single Axle Dump Truck for Public Works instead of a 3/4 Ton Pickup Truck (as originally approved) for the same budget allocation of \$16,000.
- b. Authorize completion of Public Works roof replacement project at the amount originally budgeted in FY'87, \$44,000.
- c. Authorize purchase of additional police vehicle bringing the total authorized vehicle purchases to four police vehicles for FY'88 at costs not to exceed \$42,348 to be financed through lease purchase financing.
- d. Authorize purchase of two administrative vehicles for the Housing Department at costs not to exceed \$14,000 to be financed through lease purchase financing.

#### **SECTION 2. SPECIAL REVENUE BUDGET**

##### **REVENUE AMENDMENTS**

- a. Increase appropriations of Account 3007.000, Miscellaneous Revenue by \$6,500 to account for funds received from Government of the District of Columbia for brick work replacement in Takoma Old Town.

- b. Appropriate \$96,750 to Account #3001.250, Development to account for receipt of Program Open Space funds for the Spring Park project.
- c. Increase Account 3000.160, Federal Funds CDBG Year 12 Contract, #75616AA by \$8,989 to account for receipt of CDBG funds for the Spring Park project.
- d. Increase General Fund Transfer, Account 3003.000 by \$18,250 for the Spring Park project.
- e. Increase appropriation to Account 3001.170, Federal Funds CDBG Year 13 Contract by \$21,584 for the Forest Park project.
- f. Increase appropriation to Account 3000.180, Federal Funds, CDBG Year 12 Contract by \$4,000 to account for additional funds available for the Erie-Flower/Flower-Piney project.
- g. Increase appropriation to Account 3005.000, SHA Special Projects Grant by \$90,000 for SHA special project grant for Takoma Junction.

**EXPENDITURE AMENDMENTS**

- a. Appropriate \$123,989 to Account 3500.701, Spring Park.
- b. Appropriate \$6,500 to Account 3500.300, Street Construction for the completion of brick replacement in Takoma Old Town.
- c. Appropriate \$21,584 to Account 3500.702 Forest Park.
- d. Appropriate \$4,000 to Account 3501.100, Commercial Revitalization: Flower-Piney and Erie/Flower.
- e. Appropriate \$90,000 to Account 3500.403, Construction: Capital Outlay for Takoma Junction Streetscape Construction.

SECTION 3. THAT this Ordinance shall become effective upon adoption.

The Ordinance was adopted by roll call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: None

**NOTE - [Brackets] denotes deletions; Underlining denotes additions**