

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
January 17, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Ec. & Community Dev. Director Neal
Councilmember Leary	Community Planner Schwartz
Councilmember Martin	Housing Services Director Weiss
Councilmember Sharp	Code Enforcement Supervisor McMinn
	Public Works Director Giancola
	Recycling Coordinator Braithwaite

Mayor Pro Tem d'Eustachio and the City Council convened at 8:05 P.M. on Tuesday, January 17, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Mr. d'Eustachio explained that Mayor Del Giudice was teaching his regularly scheduled Tuesday class, however, would be arriving for the meeting shortly.

Following the pledge, Minutes of the November 1, 1988 Special Session and December 12, 1988 Regular Session were collectively moved for approval by Councilmember Douglas, duly seconded by Councilmember Sharp. Mr. Douglas referred to comments reflected in one of the sets of Minutes concerning the fact that City Newsletters were not being properly distributed; he said that unfortunately continued to be a problem -- he had spoken with a number of people in the previous week or so who said they were not receiving the Newsletter on a regular basis. He said he had again mentioned to staff the need to deal with this problem, and said he would want to see some solution. Additionally, Mr. Douglas said that Senator Mikulski's name was misspelled at least twice on the first page of the 12/12/88 Minutes and should be corrected editorially [transcriber's note: the 12/12/88 Minutes, as submitted following transcription, spelled the Senator's surname correctly, i.e., Mikulski]. The Minutes were approved collectively by unanimous vote.

Councilmember Elrich requested that discussion of the Recycling Ordinance be moved up on the agenda, inasmuch as there were a number of children from the Jr. High School present who wished to participate; Mayor Pro Tem d'Eustachio suggested it be addressed third in order; consensus was to do so.

CITIZENS' COMMENTS: (not directed at items for Council action)  
Dean Hoge, 7314 Holly Avenue: said he was a member of the Boy Scout Committee of Troop 33, and they were pledged to do a good job on that portion of the Newsletter delivery that was their responsibility, which was the area east of Carroll Avenue. He said they had been doing the delivery for years, had been doing a good job, and if anyone in that area was not receiving their Newsletter, he would hope they would let him know.

Brint Dillingham, 7018 Carroll Avenue: referred to his letter to the City Council and government dated 12/5/88 which he had delivered on 12/6/88, posing a number of questions which he said could be readily answered either by statistics or by a simple written statement that the statistics were not available. He said he had received no written response, had written a followup letter on 1/3/89 or thereabouts to which no response was received either, so had followed up with an informal request to City administration on 1/10/89. He said he was requesting a written response to his original letter of 12/5/88 and the questions therein, primarily directed to the Department of Housing Services. Mayor Pro Tem d'Eustachio pointed out that the Council had specifically requested that the City Administrator and/or appropriate staff person respond to Mr. Dillingham's communication; he said he agreed a response was warranted. Councilmember Douglas said it was his understanding that the original letter of 12/5/88 may have been misplaced and that Mayor Del Giudice intended to contact Mr. Dillingham about getting a copy of it, which would account for the delay in

responding. Mr. Dillingham said he had not been contacted, was uncertain whether he had a copy of the letter himself. He said he would wish to note that he had received delivery of the last City Newsletter and wanted to thank those responsible for addressing the delivery problem. Mr. Dillingham referred to the 12/12/88 Council Meeting at which numerous landlords turned out to present their arguments favoring a rent increase cap higher than 4%; he referred to his own testimony and said that Councilmember Hamilton's commentary depicted himself as being a perfect example of what he (Mr. Dillingham) had tried to get across a number of times, i.e., that many renters in the city were, as Mr. Hamilton had said he was, "a paycheck away from being out on the street." Mr. Dillingham noted, however, that on page 9 of the 12/12/88 Minutes, Mr. Hamilton was quoted as saying he had moved into his apartment 4 years previously; Mr. Hamilton affirmed that was incorrect -- that he had moved in in 1980, 8 years ago. Mr. Dillingham reiterated his contention that rent increases over the years had vastly outstripped increases in peoples' salaries, and said the scenario Mr. Hamilton had painted of the proximity of himself and other renters being homeless was why it was increasingly important for legislators to examine the inequity of the overall situation. He asked that the Council seriously examine that factor as they undertook consideration of the rent stabilization cap in the coming year. He said he had been somewhat surprised that the elected body had not lowered the rent increase cap from the 4% level following Mr. Hamilton's very articulate summation of the situation. He affirmed, however, that Mr. Hamilton had also voted in favor of the 4% level which was adopted. Mayor Pro Tem d'Eustachio noted that the 12/12/88 Minutes should be corrected to reflect that Mr. Hamilton had lived in his present apartment for 8 years.

Clarence Boatman, 133 Ritchie Avenue: suggested that the Newsletter contain information regarding the group responsible for its delivery in the various geographical locations in the city, and a contact person for each area. Mayor Pro Tem d'Eustachio commented that information was generally published in each issue of the Newsletter; he said City administration would also furnish the information, upon request, because the elected body was devoted to ensuring that all residents received the publication.

#### ITEMS FOR COUNCIL ACTION:

##### 1. Montgomery County Variance A-2389-161, Ritchie Avenue.

Economic & Community Development Director Neal referred to staff's report on the requested Variance, Appeal #9162, and noted that the subject property was located at the corner of Piney Branch Road and Ritchie Avenue. He explained that it was proposed that a 2-story frame house be built to replace an existing dilapidated structure that had, at one time, served as a dwelling. He noted copies of the site plan for the proposed house, as well as elevation and floor plan drawings, had been disseminated. Mr. Neal said the applicant, Mr. Weinberg, was seeking a variance of 13' from the building restriction line which extends 20' into the actual property, parallel with the property line on Piney Branch Road. He said without the variance, Mr. Weinberg would not be able to build the proposed dwelling and City staff, having examined all the relevant factors, recommended approval of the requested variance. He said they foresaw no potential negative impact from construction of the proposed structure, given the variance that had been requested. Mr. Neal said he had received a phone call from Ms. Mary Thorpe of 126 Ritchie Avenue, who had said she felt what was proposed was "a wonderful idea for a family dwelling." Responding to inquiry from Councilmember Hamilton, Mr. Neal said that Lot 8 was a separate lot from the subject property and was under separate ownership. He said, having personally viewed the property, there were no large trees in the immediate area where the house would be built, even the driveway was designed to avoid having to remove any trees, so he saw no reason why any trees would be taken out. Councilmember Hamilton commented he had spoken with several residents in the area, including the Boatmans, and all agreed that the proposed structure would be an improvement to the neighborhood.

Mr. Weinberg, applicant: commented that he also owned Lot 8, about which inquiry was made earlier.

William R. Lone, 151 Ritchie Avenue: said the proposed structure would



have to front on Ritchie Avenue because, due to the required 25' setback, there would not be sufficient property for it to front on Piney Branch Road. He said, however, that if the applicant took the necessary amount from Lot 8, which he also owned, he would not need the requested variance in order to build on Lot 9. In addition, he said there was no existing structure on Lot 9 -- that the house the owner was replacing was actually located on Lot 8.

Mrs. Boatman, 133 Ritchie Avenue: said the correspondence she had received was addressed to the Ritchie Citizens' Association, however, she could not speak for that organization because their regular meeting would not occur until the following night. Mrs. Boatman said she had lived on Ritchie Avenue for approximately 37 years, had been very much aware of the subject property, and was in wholehearted support of granting of the requested variance. She said she would be most happy to see something replace what was presently located there.

Clarence Boatman: said when he was President of the citizens' association, they were concerned about the condition of the property and had appealed to the fire department and City Council; however, the fire department, following their inspection of it, had said the structure was habitable and could be used. He said, at the present juncture, he fully supported any improvement made to what had existed on that property, however, did question whether the owner could accomplish his goal by combining the two lots or whether the variance was really necessary.

Councilmember Elrich pointed out that in order to take the necessary amount from the other lot, the owner would have to go through the formal resubdivision process through Park & Planning. Mr. Neal pointed out that Lot 9 exceeded the square footage necessary to be considered a buildable lot, lot 8 was what was sometimes referred to as a "superlot" and contained about 15,000 sq. ft.; he said that lot was potentially subdividable and could be yet another issue to be dealt with down the road. He said a major question about the variance in staff's mind was whether it seemed reasonable to expect an imminent widening of Piney Branch Road of up to 20 ft. and that was not felt to be likely anytime in the near future.

Mr. Lone commented that staff was including the 20' right-of-way when stating that Lot 9 contained 9,000 sq. ft. Mr. Weinberg said that, according to the surveyors, if the right-of-way were deducted from the total square footage of the lot, it would still be in excess of 6,000 sq. ft., which would be up to standard for a buildable lot. Responding to query, Mr. Neal said the only reason he could envision that the 20' right-of-way would ever be taken by State Highway would be in the event of widening Piney Branch Road; he pointed out that other houses, e.g., the one directly across from the subject property on Ritchie Avenue, had been built close to Piney Branch and the ultimate right-of-way line. He said there was no consistent 25' setback from the 20' right-of-way line, so in the event that road were ever widened, there would certainly be a lot of changes.

Deputy City Clerk Jewell noted that in response to letters sent to neighboring property owners, one phone call had been received from Mrs. Moore of 138 Ritchie Avenue. Mrs. Moore stated she did not oppose the requested variance and proposal for construction on the property.

Councilmember d'Eustachio moved passage of the resolution expressing approval of granting of the requested variance, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote, with the Mayor noting it would be transmitted to the appropriate Montgomery County authorities.

RESOLUTION #1989-1  
(attached)

2. Presentation of Certificates to Babysitting Course Graduates.

Mayor Del Giudice noted he had intended presenting the certificates at an earlier point in the meeting to those who had recently completed the fire department's Babysitting Course, however, had been delayed due to his regularly scheduled Tuesday night class. He pointed out

the course comprised 5 sessions and included infant and child care, basic First Aid, fire safety, fire reporting instructions, house security and personal safety, and was sponsored by the Takoma Park Volunteer Fire Department. He noted youth interested in taking the course in future should contact Captain Jarboe at the fire department. The certificates were presented to those graduates who were present; Captain Jarboe spoke briefly complimenting those who had taken the course and commending them for their work and efforts -- he said all had done outstandingly well on their examination. He thanked the Mayor and Council for their time and making the presentation. It was noted that there was an article in the January issue of the Newsletter about the course and containing the names of those who had recently completed it.

3. Montgomery County Special Exception Requests for 7203 Holly Avenue, 104 Grant Avenue, 7301 Birch Avenue, and 7055 Eastern Avenue.

Councilmember Leary moved approval for all of the requests with the exception of the one for 7055 Eastern Avenue, duly seconded by Councilmember Elrich. The Mayor noted that reports on the 3 properties which had been moved for approval had been prepared by DHS, and that department had recommended approval for them with certain conditions imposed thereon. Housing Services Director Weiss stated that the 3 properties in question were all in excellent condition, any violations found were either minor or were such that it was hoped variances could eventually be granted (ceiling height difficulties, for instance). Ms. Weiss noted a letter had been given to her earlier in the evening by Ms. McGee of the Holly Avenue property, and copies had been distributed to the elected body. She noted also distribution of copies of a map of the area so that the elected body could see the proximity of the properties in question to others that have uses other than that consistent with the zoning in the area. Responding to query from Mr. Wilson, she affirmed that an insecure lock and key at the Birch Avenue property had been fixed. Responding to query from Councilmember Martin, Ms. Weiss said the county had provided reports on 2 out of the 3 cases and nothing was mentioned therein about need for any additional off-street parking; she said either there was off-street parking provided or the county had determined that there was sufficient on-street parking. She said, based on past experience with the county, she would surmise that they had found off-street parking to be necessary, but had found what existed to be sufficient.

Councilmember Douglas noted receipt by the Council of an anonymous letter from a resident of the subject area detailing some of the continuing parking problems near the intersection of Eastern and Holly Avenues, which he said he was aware was a very crowded location. He said he was concerned that parking was not specifically addressed in any of the staff reports; he inquired whether it was the conclusion of DHS that adequate parking did, indeed, exist for the subject properties. Ms. Weiss explained that DHS had, in the past, based their recommendations regarding parking on 1) whether any complaints had been received regarding parking at the time reports were prepared (and none had at the time reports were prepared for the subject properties), and, 2) the expert report and qualifications of Park & Planning, however, they had not prepared those in time for DHS to bring their report to the elected body. Thus, she said, DHS had no basis for a recommendation regarding parking. Inasmuch as they had no objections registered by neighbors regarding parking, they had assumed that sufficient parking existed. Mr. Douglas noted that the anonymous letter pertained to the Holly Avenue property; he pointed out the owners of that property were present and inquired whether they had off-street parking for the proposed apartment.

Mrs. McGee explained that they had a wide driveway down to the turnaround area and a double garage, that there was adequate parking for the tenant of the apartment; she said only she and her husband occupied the rest of the house.

Councilmember Douglas inquired whether it was certain that the 3 properties under discussion were currently in compliance with the county's zoning laws. Ms. Weiss said there was a question in a couple of cases concerning areas described by the county as second apartments simply based on the fact that extra kitchens existed in portions of the house -- the county had determined that the second kitchen had to be

removed. She said that particular question existed in connection with the Holly Avenue property and one other, and said the Special Exception would not be granted if the county determined that there was an outstanding zoning violation. Councilmember Elrich inquired whether there was a consistent county policy concerning second kitchens; he said he knew people who had them in their homes simply because they enjoyed entertaining, however, had no apartments in their house. Ms. Weiss said she thought there was a subtle distinction made, i.e., that if an inspector noted a second kitchen and noted as well that there were sufficient separations between the areas in which the facilities were located, he might well determine that the dwelling was being used as more than a single-family dwelling. She said the inspector would generally not tell the property owner to remove the separation factor(s), which might simply be a door, but would generally tell him/her to remove the second kitchen. Councilmember Douglas noted that the City did not have any criteria regarding density of accessory apartments, however, pointed out that the general area in question was beginning to contain quite a few of them. He said he could understand that residents might be becoming a bit concerned about the parking situation on narrow streets. He said the infrastructure and parking situation in neighborhoods might be factors that should be examined in future cases if it were decided to put a number on the density factor in certain geographical locations. He said, however, that he did support the 3 in question and was happy that staff reports indicated they were well-maintained; he said he felt the 3 subject property owners would make very good landlords. Mr. Douglas said he did think there was a need for the Council to examine the situation as such units increased in numbers and density of them became greater in neighborhoods.

Responding to query from Councilmember Martin, Ms. Weiss explained that the reason such things as window size, etc., were noted in the county's, but not the City's, report was that the county's requirements regarding light, ventilation, etc., were greater than the City's; she said the county was interpreting their Guidelines which were prepared in 1983 as regulations and were generally requiring property owners to meet the standards for newly erected properties -- essentially, they were applying the guidelines retroactively.

Mrs McGee, 7203 Holly Avenue: concerning the concentration of multi-family uses on Holly, she pointed out that the homes there were very large, most were built in the early 1900's, and most were situated on large double lots; she said her own property contained 20,000 sq. ft.

Frances Phipps, 7210 Holly Avenue: commented in support of Mrs. McGee's request for approval of an accessory apartment; she said it was primarily because of that particular accessory apartment that the original legislation was written. She said she felt each case had to be considered on its own merits. Concerning density and parking, she said she felt the area between Tulip and Eastern did have some special problems and should be examined. Ms. Phipps remarked that there was a newly-constructed home on Tulip, that the apartment was actually built as a part of the structure, and she would wish to comment on that when the case came before the Council for review at a later date.

Deputy City Clerk Jewell noted receipt of a communication from Katherine Simpson of 7300 Cedar Avenue (next to 7301 Birch) who stated that while the property in question was a nicely built house and she would not want to interfere with anyone else's ideas, she was concerned about the proposal because there was no off-street parking.

Mayor Del Giudice stated that while the aforementioned anonymous letter would be accepted into the record, that practice was not to be encouraged or approved. Ms. Jewell remarked that she was aware of the author's identity inasmuch as he had come to her office, however, he had asked not to be identified.

Peter Harden, 7202 Holly Avenue: speaking for both himself and his wife, commented in support of the application for the existing accessory apartment at 7203 Holly Avenue. He said the McGee's home was very attractive and well-kept, and the accessory apartment did not detract from it in any way. He said they were also very impressed with the tenant occupying the apartment, had found him to be a very

special person, and noted he had lived in the apartment for 31 years. Mr. Harden furnished a copy of a letter of support which he had written to the county and asked that it be admitted into the City's record.

The motion to convey a position of support to the county for the 3 Special Exception requests at 7203 Holly Avenue, 104 Grant Avenue, and 7301 Birch Avenue was passed by unanimous vote.

Councilmember Leary moved acceptance of staff's report recommending disapproval for the Special Exception request at 7055 Eastern Avenue, duly seconded by Councilmember Hamilton. Housing Services Director Weiss summarized the staff report, noting that when the property was inspected, a number of Code violations were in evidence and the property did not appear to be well-maintained. She said the property had a past history of not being in compliance with the zoning ordinance for other reasons. She said the owner, who was both elderly and handicapped, was provided with information concerning funding available to repair the property, and it was suggested she perhaps apply for approval for an accessory apartment at some later date when it would be more likely to meet City and county standards. For the record, it was noted that notice of the present consideration of and action on the requested Special Exception was sent to the property owner by the City, as was also the case with the 3 previously considered requests.

Responding to inquiry from Councilmember Elrich, Ms. Weiss affirmed that the history of Code violations at the Eastern Avenue property was attributable to its present owner. Councilmember Leary commented that it appeared that on every conceivable basis, the property could be labeled substandard housing; he said either the City should assist the landlord in every way possible to bring it up to standard, or should see that it was put out of business. Ms. Weiss confirmed that in her letter of 1/12/89 to Mrs. Rodriguez, the owner, she had stated that the City listed the rental unit as discontinued, and explained that the owner had notified the City in 1976 that she was no longer renting out the apartment in the dwelling. Thus, based on City records, there had apparently been no use of the rental unit for the past 12 years, however, DHS did not presently consider that to be true.

Frances Phipps commented that 2 of the properties being addressed were those which galvanized the neighborhood 12 years ago -- one which had a very fine owner who kept the property in exemplary condition, and the other a classic example of slum conditions. She related that a property formerly owned by Mrs. Rodriguez had been broken into 12 years ago during her ownership, and the elderly female tenant raped, robbed and beaten with her own crutches. She said neighbors hounded Mrs. Rodriguez to secure the property, she had a piece of cardboard put over the door that had been broken into, and when the tenant came home from the hospital, the same two perpetrators again broke in and repeated their original performance. At that time, she said, neighbors decided to sue the county for code enforcement. She said she would encourage, if anyone had any lingering doubt about the Eastern Avenue property, that they walk past it and look at its condition; she strongly urged that approval not be granted for the Special Exception.

Responding to query from Councilmember Hamilton, Ms. Weiss explained that the property was not scheduled for a reinspection subsequent to the initial inspection in connection with the application for accessory apartment because at the time the inspector examined the rental unit, it was not being occupied by a tenant. She said the City had authority to reinspect only in cases where a unit was actually in use as a rental unit, however, did have authority to inspect in order to make a recommendation to the Council in connection with the request for Special Exception. She said all DHS could require of the owner was exterior maintenance of the property in compliance with the Code.

Code Enforcement Supervisor McMinn explained that if the county denied the request for Special Exception for an accessory apartment, the owner would have to close down the unit, so might not have to repair all the listed violations, but the City would go back to confirm that the unit had been closed down and was not in use. He said staff had thought the rental unit at 7055 Eastern was not in use when they went

out to inspect it, however, that they found evidence that someone was occupying it, despite the fact that City records indicated it had been discontinued some time prior. He said no citations had yet been issued, however, that option did exist.

The motion to accept staff's recommendation of disapproval of the application for an accessory apartment at 7055 Eastern Avenue was passed by unanimous vote.

**4. First Reading of Recycling Ordinance.**

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio.

Recycling Coordinator Braithwaite noted that in drafting the ordinance following worksession discussion, a paragraph was inadvertently omitted; she distributed copies of 2 new pages to replace those which were incomplete. The maker and seconder of the motion for acceptance accepted the new pages.

Ms. Braithwaite summarized the provisions of the ordinance, noting it was an expansion on the original ordinance for newspaper recycling, adding glass bottles and jars and aluminum cans to the recycling program, and also made provision for the Director of Public Works to add additional items to those already designated for recycling.

Councilmember Sharp noted there would be a 6-month learning period following adoption of the ordinance in which Municipal Infraction citations would not be issued for violations of the law. Mayor Del Giudice pointed out that the language of Section 10-11.(b) was not clear as to its intent and should be worked on prior to Second Reading. In addition, he suggested that Section 10-11.(e) require that persons place newspapers in a paper bag or box, etc.; he noted that a problem had been encountered with people putting the papers in plastic grocery store bags, which hindered the process. Responding to inquiry from Councilmember Martin, he explained that if the papers were contained in a plastic bag, they had to be hand-separated from that bag because the plastic was not recyclable. Ms. Martin said she understood that Silver Spring Recycling had to go through the collected papers anyway in order to separate out colored papers and such; Ms. Braithwaite said that the less hand separating they had to do, the higher the price they would give for the paper. The Mayor's suggestion was accepted as an editorial amendment by consensus of the Council.

Councilmember Elrich raised the question of additional or larger containers for glass for those households needing them; Ms. Braithwaite said that Montgomery County had expressed a willingness to purchase larger containers for the City which would be made available on a will call basis to residents and also additional containers would be available for purchase at cost (\$2.29).

Councilmember d'Eustachio said he would hope the ordinance would be discussed at another worksession prior to adoption inasmuch as he would like to insert language specifying that the ownership of the containers would reside with the City, i.e., that if an individual sold his/her home and moved, they would not be free to take the container(s) with them; in addition, if an issued container was lost, the City would sell the resident the use of another one. He said City ownership of the containers would also provide a stronger case for enforcement problems, such as persons putting materials other than recyclables in the containers. Staff was directed to draft such language, and it was suggested that D.C.'s regulations might provide some guidance. Councilmember Martin suggested that Section 10-11.(d) require that "persons place newspapers and containers of recyclable material on the public right-of-way next to the curb." In addition, she suggested that the 8:00 p.m. or after stipulation for putting recyclables out at curbside was late for some people and under some conditions, suggesting that it be made earlier, perhaps 4:00 p.m. to conform to the requirements for putting out items for special trash collection. Following brief discussion, consensus was that the stipulated time be 4:00 p.m. or after on the day before scheduled collection. Ms. Martin additionally suggested that a time be stipulated following recyclable collections by which containers for the materials

had to be removed from the curbside, pointing out that according to the Code, containers for special trash had to be removed by 7:00 a.m. of the day following such collection. Under Section 10-11.(i), Ms. Martin suggested that the language be changed to read: The City shall provide a recycling collection container to each residential unit required to participate. She said that wording might make clear that the container was being given to the unit rather than the resident(s). Councilmember d'Eustachio commented he would still wish it made clear that the City retained ownership of the containers. The Mayor commented that Ms. Martin's suggested language would be considered an editorial amendment.

Kit Gage, Chair of Recycling Taskforce: spoke in support of the ordinance and, generally, in favor of the comments that had been voiced and were aimed at clarifying the intent of the legislation. She said, to her recollection, the taskforce had recommended that a goal statement be included in the ordinance, however, noted that such was not the case. She said if she recalled correctly, it was hoped there could be a 35% reduction in the waste stream within a 3-year period, and said the taskforce had felt it important for the City and the community to be aware of that goal. She said in order to achieve the goal, about 80% of city residents would have to be participating, and offered that the taskforce would be willing to draft appropriate language if the elected body wished to include a goal statement in the ordinance. In addition, Ms. Gage spoke in favor of having mandatory curbside collection of trash and recyclables, inasmuch as that would effect a substantial cost saving for the City; she said the taskforce would recommend that the City seriously consider doing so. She related that the taskforce was still actively working on the program, would be distributing containers and helping to implement the program, and invited interested residents to join the group. The Mayor commented it was very difficult to provide a goal or mission statement within an ordinance, other than in a general way. He said it was a point well taken, perhaps it would be easier to do in resolution form, and suggested that the taskforce, staff and the elected body might collaborate on doing so. Concerning collections, he said two options were under consideration -- retention of behind-the-house collection would require hiring of one additional Public Works person for pick-ups, strictly curbside collections would not -- so, essentially, the issue was one of personnel and the budget, which was separate from the ordinance at hand.

Gene Pawlikowski, 7300 Hilton Avenue: said he supported the City's efforts to gain additional revenue, had cooperated with the newspaper recycling program and was pleased with the results he had seen over the last 2 years. He referred to a letter he had sent to the City in latter December regarding adoption of additional tasks for the Public Works Department. He read the letter, which primarily registered complaints concerning lack of leaf collection in his neighborhood, verbatim and furnished a copy to the Deputy City Clerk to be made a part of the record. He said he had also distributed 50 copies of the letter to neighbors, and played a recording from his telephone message machine which was left by a resident living at the intersection of Garland and Trescott, and who said she had been unable to contact Mr. Giancola at Public Works about leaf collection, had finally, in desperation, bagged and hauled off the leaves from her property herself. She said that leaves had not been collected in her neighborhood by the City. In addition, Mr. Pawlikowski showed color photos of the uncollected leaves in his neighborhood, and urged that the elected body reconsider assigning an additional task to the Public Works Department when it was apparently unable to complete those presently assigned.

Councilmember Sharp pointed out that the ordinance would not assign an additional task to Public Works but would mandate doing a present chore, i.e., collecting refuse, in a different manner. He said if any additional staff were required, it would be one person. Concerning the current year's leaf collection, he said no one was satisfied with the way in which it had been done, but noted that to his knowledge the leaves had now been picked up in Mr. Pawlikowski's neighborhood. He said the elected body's dissatisfaction had been made clear to staff and they had every expectation that next year it would be accomplished in a much more timely manner.



Kay Shaffer and Alana Sumka, 8th graders at Takoma Park Intermediate School: said they were representing Takoma Action Group, and related that the group had recently put collection boxes in classrooms at the school and requested the staff by letter to deposit all used paper in the containers and to encourage their students to do likewise. They said the response was very favorable, however, it was found that many people were still throwing paper in the trash. They showed the large amount of paper they had collected from the provided containers in a 4-day period, said they were very much in favor of the recycling program, and hoped the elected body would consider that when making their decision on the ordinance.

Dean Hoge, 7314 Holly Avenue: said reasonable people realized that recycling efforts would have to accelerate, and said communities all over were preparing for it. He related that he and the janitor at his place of employment had made a deal that if the janitor gathered discarded aluminum cans, he would turn them in, and they would split the proceeds; he said they had already made \$39. He displayed a biodegradable grocery bag that his daughter had brought home from a trip to Cambridge, Massachusetts, and said local merchants should be made aware they exist and encouraged to get them. He left the sample bag with the City Administrator.

Ruth Hatcher, 8208 Houston Court: expressed support for the ordinance and commended the City for moving forward with it. She said recycling was an important step people could take to preserve the environment and resources for future generations, and urged adoption of the ordinance. She said she would like to lend support to the Recycling Taskforce and would give them her name.

Jay Keller, 324 Lincoln Avenue: expressed support for the legislation; asked whether there were plans to tie in the program with the schools. The Mayor said there were plans within the schools to talk about the City's recycling program, involve the children and encourage them to carry the message home to their families; however, the City had not really talked about actively involving the schools, and that should be considered.

Carl Iddings, representing S. S. Carroll Neighborhood Association: said the neighborhood organization was overwhelmingly in support of the ordinance. Concerning collections, he said the majority of people in his neighborhood already put their collection materials at the curbside and the vast majority of those queried favored going to mandatory curbside collections in connection with the recycling program. He said Kit Gage had spoken to his neighborhood association, which they appreciated, and they would also want to commend the Recycling Taskforce for their efforts in moving the program forward.

The Mayor commented that the ordinance would be discussed again at the following week's worksession and presented for Second Reading at the next regularly scheduled Council Meeting two weeks hence. He pointed out the ordinance would become effective April 3, 1989, and the program would be actively initiated at that time. Brief discussion ensued concerning the level of cooperation the City had received from the counties on the recycling effort. Councilmember Douglas raised the continuing question of whether in implementing the program an additional Public Works staff person should be hired and backyard collections continued or whether the collection program should be changed to require curbside placement of containers; he said it was unclear whether the latter would require a Code amendment. He said he would suggest the taking of a straw vote following acceptance of the ordinance for First Reading, and also that staff be directed to examine the issue in light of the existing Code requirements, particularly Sections 10-7 and 10-8, which appeared to indicate that residents could put their trash cans on or near the sidewalk only with special permission and that they had to be removed by a specific time (as mentioned earlier by Councilmember Martin). He also pointed out, however, that Section 10-3 appeared to indicate that a lot of things were up to the discretion of the Director of Public Works who would issue rules and regulations, which would take effect when approved by the Mayor and Council. He said his own suggestion would be that the City go with curbside collection for recyclables and all other trash,

which would represent a substantial cost saving.

The Mayor commented that staff had opined there was no need for an amendment of the Code in order to change trash pickup from behind the house to curbside; he said, however, that it would be necessary for the Director of Public Works to promulgate rules and regulations regarding curbside pickup for dissemination to the public, if that were the direction in which it was decided to move. He said he did feel a definite decision needed to be made within the next 2 weeks, and that should be considered at the following week's worksession in addition to marking up the draft ordinance. He explained that if it were decided to continue behind the house collections, it would be necessary to hire an additional Public Works person prior to implementation of the recycling pickups in April, and that would require a budget amendment transferring funds to cover salary for that person. The Mayor said he felt staff could be instructed on which direction to move following making of a decision on pickup location by passage of a resolution concurrently with adoption of the proposed ordinance. Councilmember Douglas reiterated his suggestion that a straw vote be taken concerning pickup location, so that staff would have some idea of the direction in which the City would likely be proceeding and a well-written resolution could be prepared, as well as possibly necessary rules and regulations; also citizens could be given some idea of what would likely occur.

The ordinance was accepted for First Reading by unanimous vote.

Councilmember Douglas moved that a straw vote be taken on the option of not increasing the Public Works staff but requiring that residents place their trash at curbside for collection, and that staff prepare for the following week's worksession a first draft of rules and regulations that would be necessary to implement such collection. The motion was duly seconded by Councilmember d'Eustachio.

Frances Phipps commented she had understood during discussions that Wednesday pickups would continue to be at the curb and other regular pickups would continue to be behind the house; she inquired whether the elected body felt the change they were proposing had really been made clear to all city residents. She said she would really not favor that change. Councilmember Douglas pointed out that it had been very clearly stated in the January Newsletter article regarding recycling that one of the options under consideration was that of moving to all trash pickups being curbside.

Referring to economic analyses generated by the Revenue Taskforce, Recycling Coordinator Braithwaite, responding to query from Councilmember Elrich, explained that the figures indicated that were the City to retain its current behind the house pickup system, there would be a negative gain over the first 4 years of the recycling program and then positive dollar values would begin to occur in terms of savings to the City; with curbside pickups, those same figures indicated that after the first year of recycling, there would be positive dollar value returns for the program. Further detailing and for comparison purposes, she said the figures indicated that under option 1 (retaining present collection system), at the end of year 1, the balance would be -\$50,000; year 3, -\$23,000; year 7, +\$60,000. Under option 2 (curbside collections), at the end of year 1, -\$23,000; year 3, +\$60,000; year 7, +\$300,000. Following additional brief discussion, Councilmember Douglas withdrew his motion for a straw vote.

Councilmember Hamilton pointed out that one of the earlier speakers had voiced some criticism concerning the way in which existing services (leaf collection) had been performed; he noted Public Works Director Giancola was present, and asked whether he would be willing to respond briefly and reassure those present regarding what his plans were as the new Director of Public Works. The Mayor commented that a number of people were waiting for other items on the agenda to be addressed, that Councilmember Sharp had made some commentary regarding that issue and any additional comments should have been offered at that time.

ORDINANCE #1989-  
(attached)

5. Discussion of Resubdivision Request No. 1-88317 - Takoma Junction Centre.

Because of possible conflict of interest, Councilmember Elrich removed himself from his Council position for this item and left the podium to sit in the audience.

Community Planner Lisa Schwartz briefly reviewed the request, noting that the applicant was the Takoma Park-Silver Spring Cooperative. She said the request was currently being reviewed by Park & Planning, was not yet scheduled for Planning Board consideration, noting that a couple of items had yet to be submitted before the application would be considered complete -- i.e., the traffic plan and a stormwater management plan. She pointed out that in her memorandum which had been distributed to the elected body, she had addressed some issues of concern which were raised at the prior worksession. In addition, she said she had since gained some further information on site plan review, which had been of particular concern to the Council as well as members of the community. She said at the time she wrote her memorandum she had understood from the Director of the Development Review Division that site plan review was not required in a C-1 zone -- could not, in fact, be required by the Planning Board. She said she had since, however, spoken with the Legal Counsel for the Park & Planning Commission who told her that site plan review was extremely rare but that there had been a couple of cases where it had been required by the Planning Board and in those cases the applicant had had to agree to the review. Thus, she said, she thought it would behoove the City to request such a review and ask the applicant to agree to the review, since it was such a sensitive project. Ms. Schwartz said it was her understanding that the resubdivision request was on the agenda for discussion only at the current meeting and that the Council would not be taking any action, so her memorandum and the resolution attached thereto were intended for discussion purposes only. She pointed out that the draft resolution provided two conditions, and that she would have additional language for insertion, including a request for site plan review, which she would provide for the next worksession.

Economic & Community Development Director Neal said that one of the things staff had been looking into was what Park & Planning's position on their review was; he said they apparently had been reviewing the application despite its being incomplete, lacking certain required items, as mentioned by Ms. Schwartz. He said that all the agencies with whom Park & Planning works, i.e., State Highway, WSSC, etc., would also be reviewing the application, in fact, were probably in the process of doing so. He said one thing that had come out of preliminary review meetings was the fact that there were specific concerns, e.g., State Highway was concerned about access/entry to the proposed parking lot and also about the radii of the entrance to the parking area -- given the proposed situation of the building, there were specific technical standards which could not be met, and if SHA insisted on meeting those, some problems may be posed for the developers of the property -- they may need to reduce the size of the building, or relocate the entrance to a point closer toward Turner Electric. Mr. Neal said that based on discussions he had had with the developers, their position was that if too many impediments were placed in the way of what they were proposing, it might be too costly for them to try to overcome those hurdles and they would have to balance out the cost of doing so versus what the benefit would be. As an example, he cited the 25' entranceway width the developers were proposing, but which SHA staff had indicated needed to be 35' -- he said while the 25' might be allowable under the code, SHA staff responsible for reviewing access permits sometimes made independent judgment calls. He said if the development group encountered too many difficult and costly hurdles to overcome, they would be forced to reconsider their options -- one of which may be relocating the building perpendicular to the street rather than parallel to the street. He said, however, that the Department of Environmental Protection may have restrictions which would make that less easy than it may sound, and he had not yet gotten information from that agency. Mr. Neal said the developers hoped they could persuade the county and SHA to work with them on their proposal, and, naturally, were interested in getting the support of the City to facilitate doing so. He said while he realized that there were many facets of the project to be addressed, he had gotten the feeling from

the Council that they favored putting the asphalt parking area between the building and the trees, i.e., not butted up against the street, so that the area along the street would be in keeping with some of the design features of the Carroll Avenue block where the environment was more pedestrian-oriented than vehicle-oriented. He said he personally favored, from an urban design standpoint, pushing the building up parallel to the street, giving it some shop frontage, a pedestrian feel, display space, etc. Should the developer turn the building perpendicular to the street, some of those advantages would be lost; he said it would be helpful for him to know whether the elected body shared his view, particularly prior to commencing any negotiations with State Highway staff. He pointed out that there was a measure of flexibility within SHA's requirements, and the City could play a role in working on behalf of the developer -- for instance, to have standards waived, to have minimum rather than maximum standards imposed -- and that could be justified for the sake of having a more urban type of development that was primarily pedestrian-oriented. He said SHA's access regulations were generally designed for ingress/egress to properties located on such roadways as Rockville Pike rather than neighborhood business districts. Mr. Neal reiterated the concern the developers were feeling about hurdles the county and/or state may put in their way; he said another looming issue was that of the local area review pertaining to traffic. He explained that subdivision review required a traffic study, that his department, with Council's consent, had helped to draw up specifications for one which would meet the needs of the developer, had put it out to bid along with some other pieces of work the City would be needing, and the submitted bids were now in the hands of the developer for their decision as to whether they would hire a traffic consultant or not. Mr. Neal reminded that the local area review would question whether there were sufficient trips passing on the roadway to sustain the development, and said he was assured that there were; he said when the CBD plan for Silver Spring was redone, he looked at the numbers and made sure that there were enough trips for Takoma Park if the City wanted to see development. He said there was a problem if the 2 intersections to either side of the proposed development were analyzed, i.e., Philadelphia/Carroll and Ethan Allen/Carroll -- if Mr. Erdman's study was absolutely correct, trips in a pipeline indicate those intersections to be less workable than they really should be under the Master Plan, and additional trips of almost any amount could be said not to be workable -- there was a possibility the county could be a stickler on that point and staff could recommend denial on the basis that the 2 intersections would be overwhelmed -- not by the development in question, but by larger developments in Silver Spring. He said he was not predicting that would happen, but felt the possibility did exist, and he would want to know how active the elected body wished City staff to be in negotiating such issues.

Councilmember Leary commented he felt very strongly that the building should front on Carroll Avenue, that the parking area should be behind it, and that any other layout would be unacceptable. Responding to query from Mr. Leary, Mr. Neal clarified that he did not intend to indicate that he would be negotiating on behalf of the developer, per se, but felt that in negotiating on behalf of the City's interests and wishes, the two were generally so similar that the developer's interests would also be represented. Concerning SHA's role, Mr. Neal explained that SHA was routinely consulted by Park & Planning on all subdivisions, their input was worked into the staff report produced by Development and Review, and their input was given fairly heavy weight; he noted, as well, that SHA had the final word on what was permitted onto their highway(s), but also had the leeway to make a lot of discretionary decisions.

Councilmember Douglas inquired what effect SHA would have in terms of how and where a building would be built if there were no resubdivision. Mr. Neal said they would still have control over the access, however, if the building were built perpendicular to the road and closest to the lot line with Turner Electric, then the developer would have plenty of room to put in a 35' wide 20' radius driveway, with which SHA would probably have no problem. Mr. Neal affirmed that SHA could conceivably still impose requirements that might cut somewhat into the available square footage of the property, but probably nothing that would have any great impact.



Councilmember d'Eustachio commented he would wish to emphasize that Mr. Neal and his staff would do any negotiating solely on behalf of the City, that if the City's interests happened to coincide with those of the developer, so be it; however, he pointed out that in this particular situation, there was a potential conflict of interest and he would want no confusion about whom Mr. Neal was representing. He said, however, he agreed with Councilmember Leary that it would be in the City's best interests for the building to front on Carroll Avenue, rather than being perpendicular to the street.

The Mayor inquired whether SHA's influence was such that they could require that the entranceway into the property be moved to a different location; for instance, should they decide it would be best to regulate entry into the site through a traffic signal, could they require it be moved to the other side of the lot. Mr. Neal said while that was possible, the issue had been explored with SHA, they had said it would have to be examined, but the current position of their representative was that it was best located as presently proposed, such that it was not under the control of the traffic signal. He pointed out, however, that there would be some potential advantages to having the access point at the other side of the property, particularly in terms of possibly putting in a municipal parking lot and sharing the access point with the proposed development, which could maximize the parking area for the municipal lot and minimize the number of access points onto the main roadway in the vicinity of the intersection.

Councilmember Martin commented that it appeared to her that given the current configuration of the proposed development, it would not be aesthetically pleasing alongside Turner Electric because of the facades being uneven rather than more uniform as was the case along the commercial block on the other side of Carroll Avenue. Mr. Neal explained that some tradeoffs had had to be made to accommodate certain requirements, such as adequate parking spaces for the size of the building, and were the physical location of the building changed, then other things were affected, such as parking having to continue over the slope of the hill or, perhaps, some parking having to be put in the front of the building, which he personally did not favor in that it adversely affected the pedestrian-oriented environment of the development. He said he did not think a stop and shop business environment ought to be encouraged at that location, and doubted that the neighborhood would support that sort of development.

Marc Elrich, employee of Takoma Park/Silver Spring Cooperative: said he was not a member of the development group, was an hourly employee of the co-op, however, had been asked to assist the developers by overseeing their end of the project's development. He related that the group had gotten interested in the property when mention was made last year in the Takoma Voice of the owner's desire to dispose of it. They had called Mr. Zarpas and he confirmed he would like to sell it; they presented a contract on it, however, found someone else had already put in a contract -- that subsequently fell through, they were contacted to see if they were still interested, which they were, and he said that the group's purchase was now contingent upon the proposed subdivision of the property. He explained that the co-op did not wish to become landlords, so had taken people into the development group with them who wished to both own and occupy their own space in the building. Mr. Elrich said the entire square footage of the proposed building was sold out, which meant it would be fully occupied. He said in the beginning a number of design options were examined, however, City staff as well as numerous architectural design firms, had recommended that the building be situated parallel to Carroll Avenue rather than perpendicular. He said that was basically what had set them out on subdivision, since if they were building the structure perpendicular they would not need to do subdivision, local review, and a lot of other things they were having to do. He said they had based their choice on what people had seemed to think would be the most beneficial to the property and community.

Addressing Ms. Martin's earlier question, Mr. Elrich said there would be a parking deck on the back of the building, which was a necessity in order to provide adequate parking, and in order to intrude as little as possible on the neighborhood to the rear of the property;

they were asking for a Variance so as to bring the building as close to the street as possible. He said the site was such that there was a need to balance the owners' and commercial needs with those of the adjacent neighborhood -- if the building were set back further, it would create a different impact on the neighborhood to the rear of the property.

Mr. Elrich related that an engineering firm was presently working on the stormwater management plan to ensure conformance with WSSC's requirements; the architect was drawing plans depicting the appearance of the rear of the property, including appropriate landscaping to minimize impact on the neighborhood and, hopefully, make it more attractive in appearance than it presently was. He said the group had talked with Mr. Erdman about the traffic study and would be going forward with that; they were told they could expect information from Mr. Erdman within approximately 2-3 weeks. In the interim, he said, they would be continuing discussions with SHA representatives and Park & Planning staff, particularly those working in transportation, to try to ascertain their view on the intersection of Philadelphia and Carroll Avenues and how they would want it treated. Were it not for the planned Moore Project in Silver Spring, he said one could probably build hundreds of thousands of square feet in Takoma Junction without impacting that particular intersection; given the planned redevelopment in Silver Spring, the impact could be significant but may not make the intersection fail. But if the Moore Project is added to the Silver Spring redevelopment proposal, then the intersection could technically be brought substantially over the failing mark. He said the county decided that the impact of Mr. Moore's project would only be counted on the streets immediately around it, so outlying impacts would not be paid for by Mr. Moore or the county, so conceivably they could ask the City or development group to do such things as add a lane to Philadelphia Avenue. On the other hand, Mr. Elrich said the impact on that street of the development he was representing would probably be only about 4 cars at the peak hour.

Mr. Elrich said other design options were being looked at; were they to go to a sideways configuration of the design, it would not be strictly along the lines of the Turner Electric building -- a second building would probably be built on an adjoining lot. He said that the development group would be expending about \$55,000 to get through architecture and structural engineering for the design of the building as it was presently proposed, and it would be a shame for them to go through all that and come out 60 days hence and be told by Park & Planning that they would disapprove the subdivision because the intersection of Philadelphia and Carroll would fail. He said they would then have to go back and redesign the building for a different configuration, and their view was that it was sensible to try to feel out the involved parties at a fairly early stage so that a final decision about siting of the building could be made based on input received. For the record and for purposes of clarification, Mr. Elrich stated he did not own any part of the building, was not buying any space in it, was not a stockholder or investor in the project, so would not be making any financial gain from it whatsoever.

Mr. Neal commented that, based on conversations he had had with Park & Planning Staff, the City could get into certain situations where that agency might try to foist things on the City and they might view the present case as an opportunity to do so, e.g., they might say they would grant approval but based on the condition that the City add a lane to an intersection or widen a roadway -- he said that had, in fact, been said to him by county staff. He said while he did not know that would happen, he would want the elected body to be aware of the possibility when he was representing the City's interests in such cases. The Mayor noted earlier references to the fact that the development in Silver Spring may result in a failed level of service at the 2 intersections in Takoma Junction; he said the county had vigorously denied the City's assertion of that fact during the discussion that took place concerning the proposed development in Silver Spring. Mr. Neal affirmed that was correct, that the county had contradicted the results of the City's study; apparently, based on comments made to him, however, that would not totally bar them from now claiming that any development on the site in question would result in failure of service at the intersections. He said he could not predict the coun-

ty's behavior, but his instinctive feeling was that the Planning Board would not stoop to that level. He said if a building were constructed on the site such that it did not require local area review, then the county would not be able to prevent it -- placing the building perpendicular to the street would accomplish that end. Responding to the Mayor, he affirmed that while site plan review was not the general case, Counsel to the Planning Board had advised that it had been done on rare occasion with approval of the applicant, and that was something that would have to be requested.

The Mayor noted that the elected body would not be taking any action on this item at the current meeting -- they would be awaiting the results of the traffic study, additional input from City staff, and response from Park & Planning as the process moved forward.

Robert Turner, Turner Electric Company: noted his firm was located next to the site in question, had been there for about 22 years. He said he had come to the conclusion that whatever was built on that site would be an improvement over what presently existed there. He said the Takoma Junction Committee, of which he was a member, had been looking for the past 5 years for something that could be put on that lot that would improve the condition of it. He said despite the fact that the proposed building would sit out closer to the street in the front than his, he would be willing to accept that for the sake of the improvement that it would be to the area. He said when he first viewed the plans depicting the building close to the street in front and with the parking behind it, he did not like the proposal, but the more he had thought about it he came to realize it would not really affect his business that much. He pointed out that a number of the businesses further up the street were situated close to the street also. Mr. Turner said he really felt that the businesses that would be occupying the new building would be quite an asset to the area, and the majority of them were such that they would generate little or no additional traffic, should not really make any noticeable impact on the area traffic-wise -- the majority of those frequenting the grocery store would be area residents who would be walking to it. He said he thought any proposal of relocating the entrance to the property on the other side should be ruled out, that the Carroll/Ethan Allen intersection was bad enough without putting any additional burden on it -- the currently proposed location for the entryway was the ideal placement. In addition, he said he thought placement of the building close to the street was best because people would see it and stop, but it would not be as noticeable or as accessible if set back with a parking lot in front of it. He said he felt the developers had done an excellent job design-wise and urged that the elected body support the proposal.

Carl Iddings, 7416 Carroll Avenue, speaking for S. S. Carroll Neighborhood Association: said the neighborhood association had met twice with the developer, first to discuss the development in general terms and then to discuss the resubdivision proposal; he said they supported the resubdivision, primarily with the building sited parallel to the street line in order to maintain an urban design, and overwhelmingly supported the co-op moving into the neighborhood. He said they felt that placement of the building close to the street would enhance its pedestrian attractiveness, would be consistent in character with the rest of the buildings in Takoma Junction. He said there was tremendous support for the concept of a dedicated conservation area to the rear of the building, i.e., something in the nature of an easement assigned to the City to maintain the remaining part of the commercial property in the rear beyond the parking deck as a nature preserve. He said they supported placement of the entry/exit to the property as currently proposed, i.e., away from the Carroll/Ethan Allen/Grant Avenue intersection, inasmuch as relocating it to that area would further complicate the intersection and traffic patterns. He said there was reluctant support for the relaxed front footage setback, recognizing that it was not consistent with the Turner Electric setback and other nearby buildings, with the exception of the fire station, which also extended beyond the 40' setback easement. He explained that the reluctance stemmed from the fact that the building, being 3 stories and larger than the other buildings and so close to the sidewalk, would give a sense of looming over and overpowering pedestrians; he said the neighborhood association had misunderstood the siting of the building and had thought it would be sitting only

10' closer to the street than Turner Electric, however, he now recognized that it would be about 20' closer to the street; given that, he said he was not sure what the association membership's reaction would be. Mr. Iddings said that the positions expressed were reached based on several assumptions, i.e., that the stormwater and parking requirements would be met, and that the traffic study would indicate only a minimal impact on the traffic flow would be generated by the proposal. Should the traffic study turn up anything unexpected in that regard, he said the association would wish to be advised. He said the association felt the City should use the development to institute binding agreements with the developer stipulating that the site plan be initiated as agreed upon. Speaking personally and as a resident of the area, Mr. Iddings said he would be pleased to see the co-op go in at the proposed location, however, was concerned about the process by which the present Council was arriving at its decisions on the proposal. He said the present hearing had been poorly advertised, had not been advertised in the Newsletter; the local advisory committee of the county's Historic Preservation Commission had no public input at its hearing on the matter, although the ordinance creating it had some mandates to do so; Takoma Junction Committee members with whom he had spoken did not appear to really have a good idea of what was happening -- information did not seem to be getting out to them. He said the issue at hand would be the largest piece of development that had taken place in the older part of the city since the General Conference put up its Tower Building 20 years ago, which had occurred without public input, and he said he did not think that was a precedent that should be followed. Mr. Iddings said something on the order of 3/4 of a million dollars of public funds had been invested in the renovation and redevelopment of the Takoma Junction area, and whatever went on the site in question would be a centerpiece; it would have a major impact on how the business area worked, how it was perceived, in its appearance, and in building or failing to build a community landmark. Therefore, he said, it would behoove the elected body to pay particular attention to the process they followed in arriving at a decision, and reiterated concerns about the lack of publicity for the project and public input concerning the proposal.

William Eckert, representing E. F. Gilbert Citizens' Association: said his neighborhood association would wish that there were some way of ensuring that what was being proposed would be what would actually occur on the site; he said they feared the resubdivision being approved and then some insurmountable problem arising for the developers that would prevent them going ahead with their project -- perhaps some other less desirable development ultimately occurring, such as a fast food establishment, etc. He said, however, if site plan review in conjunction with the resubdivision could be ensured, perhaps that would provide a measure of reassurance that the potential problem they envisioned would not occur. He said they did support the current proposal, had no objections to the architectural design, however, he pointed out that no one had seen a drawing of the currently proposed parking platform. He said strong objections had been raised to such a structure previously proposed by Mr. Antonelli because it was felt the appearance was so ugly, but they had not seen any depictions of the appearance of what was now proposed. He said he would want it recognized, however, that depending upon its design and aesthetic appearance, it could be found to be objectionable.

Councilmember Douglas commented he agreed with Mr. Eckert that the aesthetic appearance of the building and parking facilities would be a critical issue to the City and the community; he said he would hope as the process moved along, they would have the opportunity to review architectural drawings and all other depictions that would give them an idea of the actual appearance and siting before making a formal decision.

Mr. Eckert referred to Community Planner Schwartz's mention at the prior week's worksession of the possibility of bringing the situation to a point where there would be no need for a parking platform; he inquired what the particulars were of that and whether it was a possibility. He said if there really were such an option, he would hope it would be pursued so that the rear area of the property and the neighborhood behind it could be intruded upon as little as possible. Ms. Schwartz explained that, in examining the ordinance to see what



could be obtained through ride-sharing credits, it appeared that about 9 spaces could conceivably be eliminated by private ride-sharing incentives offered by the developer. She said that would require an agreement with the developer in addition to payment of a certain fee, which had not as yet been determined. Concerning the possibility of a municipal parking lot, she said she may have been somewhat premature in raising that issue in her recent memorandum, that while it may be something the City will pursue in the future, it would not likely occur within a timeframe that would in any way affect the proposed development. She said from reading of the relevant ordinance, it did not appear that any significant reduction in the number of parking spaces required could be achieved through creation of a parking lot district, a tremendous amount of work would be required, and a tax would have to be levied in order to achieve any reduction in the number of parking spaces required. Ms. Schwartz said she was presently unsure how large such a parking lot district would have to be, whether it would have to include all surrounding businesses, etc. -- that there were a number of questions that would require answers in order to examine the feasibility of such an undertaking.

Responding to query from the Mayor, Mr. Elrich said that if the parking requirements were reduced by 9 spaces through ride-sharing, the projection of the parking platform into greenspace in the rear could be reduced by about 20 feet -- its size could be much smaller. Mr. Neal pointed out he felt sure the developer would be happy to make the parking deck smaller if that were possible because it would make his cost that much smaller; he said there were still a number of unresolved issues such as whether the county would require a lot of landscaping on the interior of the lot, where the dumpster should go, where loading and unloading should occur, etc.; he said a lot of those issues would be examined during site plan review. Responding to query from Councilmember Leary, Mr. Elrich explained that while the 9-space reduction in parking space requirements would conceivably allow the building to be placed further back from the street on the lot, that would defeat the goal of keeping the rear parking as far removed from the back of the property as possible. Mr. Leary said he suspected both of the issues were important to people, that it was a tradeoff situation. Mr. Elrich pointed out that if trees were of concern, there would be more impact were the building moved back on the lot.

Mr. Elrich briefly summarized the process through which the developers had arrived at an optimum size for the building, said they had not tried to maximize the amount of square footage they could construct on the site, but had tried to stay within a range that would make it both feasible and affordable. Responding to the Mayor, he said final costs per square foot for the 21,000 sq. ft. building were not yet fully known, but their current ballpark estimate was \$14-\$16/sq. ft.

Councilmember Leary pointed out that a public meeting on the proposed development could be advertised in the upcoming issue of the Newsletter; he said he concurred fully with remarks made earlier by former Councilmember Iddings regarding the importance of the development and the need for full public input. The Mayor remarked that he, too, agreed with Mr. Iddings' comments, and said he would hope that a good information article on the proposed development would also be prepared by staff and published in the Newsletter; he asked that the developer furnish copies of any drawings, etc., he may have to accompany the article. Consensus was to hold a public hearing on the issue on February 27, 1989, barring any unforeseen pressure that might necessitate moving it forward to an earlier date.

Tim Smith, 7016 Sycamore Avenue: reiterated the concern voiced by Mr. Eckert, i.e., what would happen if subdivision went through, for instance, but financing did not -- he said he would not be satisfied with the mere power to approve a site plan because, while he thought good faith was a given, he did not think the neighborhood would be happy with a well-planned and pleasant-appearing Pizza Hut. He said he would urge the elected body to defer action as long as possible to, hopefully, get some feel for what the development group's financing prospects were going to be. He said he would hope City staff would closely follow that issue and that the developers would be candid about the situation.

The Mayor related that, from worksession discussions, it was his understanding that financing was secured for the purchase of the property, but that the developers were in the process of seeking financing for the construction costs; he said that was something that was being closely followed. Mr. Elrich said, responding to Mr. Smith, that there was a good chance the developers may have definite information regarding longterm financing by toward the end of February; he reiterated that the purchase of the property was not contingent upon getting longterm financing, but upon approval for subdivision. Mr. Smith suggested that perhaps a binding agreement could be gotten from the development group that if they purchased the property and then were unable to proceed with their plans that there would be built-in limitations in the deed preventing certain sorts of development on the property. Addressing Mr. Smith's concerns, Mr. Neal pointed out that approval of the subdivision was not the only handle the City had on the developer, that site plan review was another and would give the City the right to approve or disapprove whatever went on the property. He said staff had examined the possibility of making approval of the subdivision contingent upon financing, however, they were advised by Park & Planning that that could not be done, that it would not be legal. He said one had to be aware that, though the applicant was the contract purchaser, the Takoma Park/Silver Spring Food Cooperative, Inc., the owner of the property was a partnership and the subdivision rested with the partners. He said if the subdivision were approved and the financing, for any reason, fell through, the subdivision would remain approved. He said conditions imposed were critical because, there was a leap that had to be made, i.e., that the contract purchaser would come through and go to settlement on the property. He said he had been able to find no protection against that fact. Councilmember d'Eustachio pointed out that approving a subdivision was, in essence, setting a precedent because once it was approved, if what had been proposed fell through, it would be hard to convince the Planning Board, who looks primarily at land use, that one business would be desirable on the property and another undesirable. Mr. Neal affirmed that Mr. d'Eustachio was exactly right; he said the Planning Board would probably not permit anything they could view as discrimination regarding use of the property once it was subdivided. Councilmember Douglas reiterated that he would hope to see some visual depictions of the appearance of the proposed structure at the hearing at the end of February; he said he generally supported what was proposed, favored siting of the building parallel with the street, thought an adequate number of parking spaces for the building should be ensured, with appropriate screening. He said he was very disturbed at implications that the county might try to use the subdivision as leverage on traffic issues.

The Mayor reiterated that the subject would be scheduled for worksession discussions in the interim prior to the public hearing at the end of February. Mr. Neal pointed out he would likely be meeting with SHA before the next scheduled worksession; he requested guidance on the elected body's feelings, particularly about the placement of the entryway. The Mayor said he felt the consensus to be a strong preference for placement of the building parallel to the street, an entrance that did not involve traffic signalization, i.e., its presently proposed location.

**6. First Reading of an Ordinance to Establish the Housing Rehabilitation Partnership Program and to Award a Contract for the Implementation of Same to Continental Community Funding.**

Councilmember Sharp moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. Mr. Neal noted that there was some pressure from Montgomery County for the City to draw down available funds from the account; he said delay would not work in the City's best interests. Consensus was that the ordinance would be further discussed and marked up at the next worksession, followed by Second Reading at the next regularly scheduled Council Meeting. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1989-  
(attached)

**7. Second Reading of an Ordinance re Proposed Changes in Sick Leave Requirements.**

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton.

Deputy City Clerk Jewell noted editorial corrections as follow: in Section 1.(e)(1), the word "employee" should follow the word "An" and be also enclosed within the brackets, inasmuch as it was also being deleted. In Section 1.(e)(2), the word "supersedes" should be changed to supersede.

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

ORDINANCE #1989-01  
(attached)

**8. First Reading of An Ordinance to Purchase Additional Police Vehicles.**

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. The Mayor noted that the ordinance would approve the purchase of two additional Chrysler police package vehicles. Councilmember Douglas commented that he had been pleased to receive Chief Fisher's informative memorandum on this subject, particularly noting that the purchase would be saving the City a substantial amount of money on a purchase that had to be made and did not violate any of the normal procedures in terms of proceeding with normal replacement of police vehicles. The ordinance was accepted for First Reading by unanimous vote. It was noted the cars were being held for the City; consensus was that Second Reading of the ordinance would be scheduled for a Special Session on 1/23/89, and those generally receiving agenda mailings would be notified.

ORDINANCE #1989-  
(attached)

Hank Prensky, Nuclear Free Zone Committee: congratulated the City on the exemplary process that had resulted in the ordinance; he said the Police Department had contacted the NFZ Committee when they heard the rumour that Chrysler was going out of the business of producing police packages. He said they had confirmed that was so, and had encouraged that the City pursue the possibility of purchasing excess Prince George's County police vehicles, which had led them to the current purchase option from Bob Banning. He said the elected body's timely handling of the purchase in advance of the 1990 budget was a far-sighted move and would save \$4,500 in City funds. He pointed out, however, that compliance with the NFZ Ordinance was the primary impetus for the move and not the savings, and said he felt a statement to that effect should be included in the proposed ordinance.

Jay Levy, 7431 Baltimore Avenue: said he had received several calls the prior week on behalf of the Peace Taskforce on the subject of the police vehicles and had reassured the callers that the situation was under control. He said he hoped the City could continue to comply with the requirements of the NFZ Ordinance when Chrysler no longer made the police package vehicles. Councilmember Sharp pointed out that the City could continue to be true to the ordinance due to its provision for invoking a waiver, if necessary.

**9. Resolution Appointing Members to the Charter Review Committee.**

The Mayor suggested that the committee include himself, along with 2 members of the Council and 4 citizens. He said that during the last worksession discussion of the matter, while there seemed to be a general consensus that there was no need for Councilpersons to sit on the committee, given the importance of the role of the Council and the fact that it would make the final decision, he felt that some members of that body should participate. He said he thought IGS would certainly be more comfortable with the process if there were some members of the Council on the committee. He suggested that Councilmembers d'Eustachio and Douglas serve, along with himself, and that the 4 citizens appointed to serve be Ms. Barbara Beelar, Ms. Nina Seavey, Mr. Robert Thomas, and Mr. James Wolf. He pointed out that 2 of the individuals

who had recommended Messrs. Thomas and Wolf had particular expertise and background in legal issues and government organization, and both of the recommended individuals had background in political organizing and community organizing, which would lend a good balance of resources within the committee in its work with the IGS people. He noted it had been suggested that the City Administrator and/or his designee also serve as an advisor to the committee and he supported that. The Mayor moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Consensus was that the Mayor would chair the committee. Councilmember Sharp commented he did not know to what degree his position would be supported by other members of the Council, but that, in general, he supported the mission statement but personally did not see the need for nor anticipate supporting any proposals to change the nature of terms of office, the nature of the terms of the staggered schedule, number of Councilmembers, etc. The Mayor noted that the Mission Statement, as indicated in the resolve clause, was being adopted as something to guide the work. The resolution was passed by unanimous vote.

RESOLUTION #1989-2  
(attached)

10. CONSENT AGENDA:

Councilmember Douglas moved passage of the items on the consent agenda, collectively, duly seconded by Councilmember Hamilton. The two resolutions were passed by unanimous vote.

(A) Resolution Authorizing Employee Contribution Pick-Up Program State Retirement Systems.

RESOLUTION #1989-3  
(attached)

(B) Resolution re Equipment Disposal.

RESOLUTION #1989-4  
(attached)

The Mayor referred to his memorandum regarding library legislation; he said he would be discussing that with Senator Reuben in Annapolis on the following day, said he had received some input from Councilmembers Sharp and d'Eustachio and if anyone else had comments or objections to the proposed amendment, he would hope they would voice them to him at the close of the meeting. In addition, he said LULAC, TAG and Casa de Maryland were planning an art auction on February 18 to aid/benefit the El Salvador earthquake victims; they were requesting that the City co-sponsor the event and allow them the use of the Municipal Building Gallery for exhibit and the lobby of the building for the auction. Following brief discussion in which it was noted that City property had been used in the past for events co-sponsored by the City to raise funds for charitable causes, consensus was that the City co-sponsor the event and that the City Administrator work out the administrative details with those planning the event.

Mr. Wilson pointed out that the current AFSCME contract provided that City employees be given a holiday on Inauguration Day, January 20, which would be the upcoming Friday, and inquired whether any members of the elected body had objections to that. It was noted that provision had previously been made in the City Code for a holiday on that day for employees, however, that had been removed at the last revision of the Code. Consensus was that if such a stipulation was in the current contract, then that would have to be fulfilled, however, the purpose of such time off for employees was to avoid logistical problems in downtown D.C., and certainly that would not be the case for City employees. It was noted that it would be the City Administrator's decision as to whether all employees or only AFSCME members would have the day off from work.

Upon motion, duly seconded, the meeting adjourned at 12:03 A.M., to reconvene in regular session at 8:00 P.M. on January 30, 1989.



Introduced By: Councilmember d'Eustachio      ADOPTED: 1/17/89

Resolution No. 1989-1

- WHEREAS, Mr. Harold Weinberg has applied to Montgomery County for a variance for Lot 9 of Block 63 of the B.F. Gilbert's subdivision, being 161 Ritchie Avenue, 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 13 January 1989; 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 Montgomery 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 Montgomery County authorities.

ADOPTED THIS 17th DAY OF JANUARY, 1989.

lss:disk #2  
161ritch.res

Introduced by: Councilmember Douglas

1st Reading: 1/17/89

2nd Reading: / /

(Drafted by: Braithwaite, Recycling Coordinator  
Perlman, Assistant Corporate Council)

ORDINANCE NO. 1989 -

Establishment of a Recycling Program

WHEREAS, Ordinance No. 1986-26, adopted July 28, 1986, instituted a mandatory newspaper recycling program; AND

WHEREAS, savings from the current newspaper recycling program have saved the City, in FY 88 over \$24,500 in refuse disposal fees; AND

WHEREAS, the Mayor and City Council of Takoma Park find that the amount of refuse needing landfill disposal can be further reduced by expanding the recycling program to include the collection of glass bottles and jars and aluminum beverage cans; AND

WHEREAS, the Mayor and City Council find that it is in the fiscal interest of the City to reduce refuse disposal fees and it is in the interest of sound environmental policy to expand the mandatory recycling program within the City of Takoma Park; AND

WHEREAS, the Maryland legislature passed a recycling law in the 1988 General Assembly Session requiring large counties in the state, which includes Montgomery and Prince Georges Counties, to establish recycling programs to reduce their wastestreams 20% by 1994.

NOW, THEREFORE, Be it ordained by the Mayor and City Council of Takoma Park, Maryland.

SECTION ONE. Chapter 10 (Refuse), Article 1 (General Provisions), Sections 10-1 of the Code of the City of Takoma Park is amended as follows:

Section 10-1. Definitions

\* \* \* \* \*

(a)(1)(G) Recyclable Materials shall include newspaper, glass bottles and jars and aluminum cans, and other items designated by the Director of Public Works, intended to be discarded by persons who receive City refuse collection services.

\* \* \* \* \*

SECTION TWO. Chapter 10 (Refuse), Article 2 (Collection of Refuse), Section 10-8 and 10-11 of the Code of the City of Takoma Park are amended as follows:

Section 10-8. Placement of refuse receptacles in public way.

\* \* \* \* \*

(c) This section does not apply to collection of [newspapers] recyclable materials under Section 10-11.

Section 10-11. Collection [and Recycling of Newspapers.], of Recyclable Materials.

(a) This section applies to occupants of single family homes and multi-family dwellings from which the City collects refuse.

(b) A person shall not place [newspapers] recyclable material in a refuse receptacle that the City collects, unless the newspapers are soiled, or the glass is broken.

(c) The City, or a contractor of the City, [will] shall collect [newspapers for recycling] recyclable material once a week on a day specified by Director of Public Works. However, [newspapers] recyclable material will not be collected on that day if:

- (1) [Montgomery County Schools are closed because of snow] Snow or ice has made roadways impassable; or
- (2) the day falls on a legal holiday.

(d) A person shall place [the newspapers for recycling] containers of recyclable material on the public right-of-way next to the curb. The [newspapers] recyclable material shall not interfere with parking or traffic. A person shall not place the [newspapers] recyclables next to the curb before 8:00 p.m. the evening before the scheduled collection. In cases where there is no public right-of-way next to the curb, the Director of Public Works shall designate an appropriate place near the curb for placement of the recyclables. Examples of these places include the foot of driveways, walkways or steps to the house, or edge of the front lawn. The Director may designate a single place next to the curb for residents of multi-family dwellings.

(e) A person shall place the newspapers in a bag or box or shall tie the newspapers in a bundle. A bag, box or bundle shall prevent the newspapers from being blown away by the wind. A bag, box or bundle shall not weigh more than 25 pounds.

(f) A person shall place glass bottles and jars and aluminum beverage cans in a collection container, provided to residents by the City. Glass bottles and jars and aluminum cans should be emptied before being placed in the recycling container. Aluminum cans can be flattened but are not required to be. Glass bottles and jars should not be broken before placement in the collection container.

(g) The Director of Public Works may designate additional material for residents to include in the recycling collection container.

(h) A person shall not use the recycling collection container for any other use except the storing of recyclable items prior to collection.

(i) The City shall provide recycling collection containers to residents who are required to participate in the recycling program. Residents must purchase additional containers from the City to replace those lost or damaged. The cost of the container will equal the price paid by the City for the container. Residents who move into the City after the program has begun may receive a recycling container at no charge if the previous renter or owner of the property they are moving into did not leave the container with the home.

[(f)] (j) Except for the City, its contractor, or the person who placed the newspapers, and recycling container next to the curb, a person [must] shall not collect newspapers, or any other recyclable material that have been placed next to the curb.

(k) A violation of this Section is a Class D offense.

1. Before issuing a citation for a municipal infraction, warning notices shall be given to the person responsible as follows:

A. First Violation. The Director of Public Works or the Director's representative shall issue a warning notice to the person responsible.

B. Second Violation. The refuse shall not be collected on the date of the violation and the Director of Public Works or the Director's representative shall issue a second warning notice to the person responsible.

C. The warning notice shall describe the violation, include instructions for the proper sorting of recyclables from refuse, state that all occupants of single family houses and multi-family dwellings from which the City collects refuse must participate in the recycling program, and inform the person responsible of the penalty for the violation and for subsequent violations. The warning notice shall be personally delivered to the person responsible for the violation or mailed to the address where the violation occurred.

(1) No citations for municipal infractions for violations of this Section shall be issued prior to six (6) months after the effective date of this ordinance.

SECTION THREE. Chapter 10 (Refuse), Article 7 (Municipal Infractions), Section 10-58 of the Code of the City of Takoma Park is amended as follows:

Section 10-58. Municipal infractions; warnings; other remedies.

\* \* \* \* \*

(b) The procedures for issuing warning notices and citations for municipal infractions for violations of Section 10-11 shall be described in that section.

[(b)] (c) Failure to abate the cited violation at the time of paying the fine shall cause the violation to be treated as a repeat violation.

[(c)] (d) Any individual who receives a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall not receive addition citations until the court rules on the citation for which the defendant is standing trial.

[(d)] (e) In cases where the Director of Public Works has determined that extreme danger exists to persons or property or extreme unsanitary conditions exist, the warning notice shall be dispensed with and the Director of Public Works shall obtain a court order to take corrective action.

[(e)] (f) The Director of Public Works or the Director's representative shall have authority to enforce all the provisions of this article.

[(f)] (g) The Assistant Director of Housing or his designee may serve as the Director's representative, with full authority to enforce all provisions of this article.



SECTION FOUR. The effective date for this ordinance shall be April 3, 1989.

Adopted this \_\_\_\_ day of \_\_\_\_\_, January, 1989, to be effective the \_\_\_\_ day of \_\_\_\_\_, 1989.

AYE:

NAY:

ABSTAINED:

ABSENT:

Note: In this ordinance:

1. Underlining denotes matter added to the current code language.
2. [Brackets] denotes existing matter being deleted from the code.
3. \* \* \* denotes matter in the Code that is not reproduced in the ordinance.

DRAFT

Introduced By: Councilmember Sharp  
Drafted By: D. Neal

1st Reading: 1/17/89  
2nd Reading:

ORDINANCE NO. 1989-\_\_

AN ORDINANCE ESTABLISHING THE HOUSING REHABILITATION PARTNERSHIP PROGRAM AND AUTHORIZING THE ADOPTION OF CRITERIA, GUIDELINES, AND RATE POLICIES, AND THE EXECUTION OF CERTAIN AGREEMENTS NECESSARY TO IMPLEMENT THIS PROGRAM.

WHEREAS, the City of Takoma Park has established as a specific public policy goal to provide means whereby decent and affordable housing opportunities are made available to all Takoma Park citizens, particularly those of low and moderate income; AND

WHEREAS, as a means toward achieving this goal the City of Takoma Park has committed itself to establishing a rental rehabilitation loan program that both maximizes the effectiveness of City resources and stimulates private sector investment in housing rehabilitation in Takoma Park; AND

WHEREAS, the City has available to it \$230,000 in federal Community Development Block Grant ("CDBG") program funds for the purpose of establishing a rental rehabilitation program; AND

WHEREAS, the Takoma Park Department of Economic and Community Development ("DECD") has solicited proposals from numerous private lending institutions to participate in such a program; AND

WHEREAS, the City received proposals of varying quality from three (3) private lending institutions, with that received from Continental Community Funding ("CCF") having been determined by DECD to be the most advantageous to the City; AND

WHEREAS, on the basis of the proposal submitted by CCF, DECD has developed, in conjunction with CCF and Montgomery County (the City's CDBG Program Monitoring Agency) a program concept known as the Housing Rehabilitation Partnership Program (the "Program"); AND

WHEREAS, the Program has been deemed by Montgomery County to satisfy applicable federal statutes and regulations governing the use of CDBG funds for lump sum drawdown

leveraged rehabilitation loan programs; AND

WHEREAS, the Mayor and Council find that the Program, as developed by DECD, is in fact designed in such a way as to help achieve the City's goals for stimulating the maintenance of decent and affordable housing in Takoma Park;

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

- SECTION 1. The Department of Economic and Community Development is hereby authorized to establish and administer a rental rehabilitation program to be known as the Housing Rehabilitation Partnership Program (the "Program") as outlined and generally described in DECD's memorandum of 4 January 1989 to the Mayor and Council.
- SECTION 2. The City Administrator, or his/her designee, is hereby authorized to execute such agreements with Continental Community Funding ("CCF") as may be necessary to implement the Program.
- SECTION 3. The City Administrator, or his designee, in performance of said agreements, is further authorized to deposit the sum TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) of the City's CDBG funds with CCF's depository, Manufacturers Hanover Trust Company, by means of a lump sum drawdown of said funds from the federal Treasury.
- SECTION 4. In order to promote the effective and efficient administration of the Program, the Director of DECD is hereby authorized and empowered to develop, adopt and promulgate such eligibility criteria, guidelines, procedures, regulations and policies as may from time to time be necessary to administer the Program.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1989.

hrpp.ord

First Reading: 1/17/89

Second Reading:

Introduced by: Councilmember Hamilton

ORDINANCE NO. 1989-

AN ORDINANCE TO PURCHASE CHRYSLER PATROL VEHICLES FROM BOB BANNING, JR. CHRYSLER-PLYMOUTH:

WHEREAS, Prince George's County conducted a valid competitive bid process for the purchase of 1989 police package vehicles; AND

WHEREAS, The low bid accepted by Prince George's County's Purchasing Division from Bob Banning, Jr., for Dodge Diplomats amounted to \$10,587.00 per vehicle, which is approximately \$2,000 per vehicle less than the purchase price under the State Police bid for Ford police package vehicles; AND

WHEREAS, Prince George's County has taken delivery of all Chrysler vehicles they purchased from Bob Banning, Jr., leaving some police package vehicles still available for the dealership as a result of the County bid process, AND

WHEREAS, The City Administrator qualifies for purchase of police package vehicles from Bob Banning, Jr. on a cooperative purchase by "piggybacking" onto the Prince George's County purchase of police package vehicles from said dealership.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Takoma Park, Maryland:

SECTION 1. THAT authorization is given for the purchase of two (2) Chrysler police package vehicles from Bob Banning, Jr., Chrysler-Plymouth, at a cost not to exceed \$21,074, AND

SECTION 2. THAT the purchase of the vehicles be charged to Account 995, Capital Expenditures.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

Introduced by: Mayor Del Giudice

RESOLUTION #1989-2

APPOINTING CITY'S CHARTER REVIEW COMMITTEE

WHEREAS, the Mayor and Council of the City of Takoma Park have determined that there is a need to review and revise the City's Charter so that it will more accurately reflect the present form, structure and operation of the Takoma Park Government; AND

WHEREAS, the Mayor and Council have agreed to hire the Institute for Government Services (IGS) of the University of Maryland to assist with a review and revision of the City's Charter; AND

WHEREAS, the Mayor and Council desire to include Citizen input into the review and revision of the Charter through a committee that will assist IGS.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby create a Charter Review Committee and appoint the following individuals to serve on the Charter Review Committee:

Mayor Stephen J. Del Giudice (Committee Chair)

Councilmember Paul d'Eustachio

Councilmember Jim Douglas

Barbara Beelar, 7112 Maple Avenue

Nina Gilden Seavey, 7214 Spruce Avenue

Robert M. Thomas, Jr., 49 Elm Avenue

James F. Wolf, 24 Darwin Avenue

BE IT FURTHER RESOLVED THAT the mission statement prepared by the Mayor and Council which is attached and incorporated herein will guide the work of the Charter Review Committee and IGS; AND

BE IT FURTHER RESOLVED THAT the Charter Review Committee shall report its recommendations and the proposed revisions of the Charter to the Mayor and Council no later than June 1, 1989.

Dated this 17th day of January, 1989.



Introduced by: Councilmember Douglas

RESOLUTION 1988 - 3

WHEREAS, the 1988 Maryland General Assembly enacted House Bill 561; a law subsequently signed by the Governor which permits employers who participate in the Maryland State Retirement and Pension Systems to "pick up" employee contributions to the State Retirement and Pension Systems, thus exempting those contributions from federal tax during the employee's working career, AND

WHEREAS, the Pick Up Program affects federal income tax only and will provide City employees participating in the State Retirement Plan with a means of sheltering an additional portion of their income, AND

WHEREAS, the Maryland State Retirement and Pension Systems has obtained a favorable IRS ruling on their Pick Up program applicable at present only to State employees, AND

WHEREAS, for the City to participate in the Pick Up Program that the Maryland State Retirement and Pension Systems will operate on its behalf as a participating municipality, the City must first obtain a favorable private letter ruling from the Internal Revenue Service approving City participation in the Pick Up Program and upon receipt of a favorable ruling must submit said letter of ruling to the Maryland State Retirement and Pension System Board of Trustees.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND that the City Administrator is hereby authorized to request a favorable private letter ruling from the Internal Revenue Service for the "pick up" of City employee contributions by the City as a participating employer in the Maryland State Retirement and Pension Systems.

BE IT FURTHER RESOLVED that the date of March 1, 1989 or at an earlier date if practicable, shall be the effective date for the "pick up" of City employee contributions to the State Retirement and Pension Systems as a participating municipality.

Adopted this 17th day of January, 1989 to take effect upon enactment.

Introduced by: Councilmember d'Eustachio

1st Reading: December 12, 1988

2nd Reading: January 17, 1989

ORDINANCE #1989-01

AN ORDINANCE AMENDING TAKOMA PARK CODE SECTION 8B-134(e)(1)  
(APPROVAL OF SICK LEAVE)

WHEREAS, the Sick Leave Ordinance (Sec. 8B-134(e)(1), as amended), currently states that all employees are required to notify their immediate supervisor by 10 a.m. when calling in on sick leave; AND

WHEREAS, such requirements are not conducive to some City departments whose employees report to work at various times (e.g., Police, Public Works and Library employees); AND

WHEREAS, the Mayor and Council desire to clarify the requirements for City employees calling in for the use of sick leave so that department supervisors can more efficiently deploy their manpower, coordinate additional assistance and prepare assignments accordingly, prior to the beginning of the workday.

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

SECTION 1. THAT Takoma Park Code Section 8B-134(e)(1) is hereby amended as follows:

(e) Approval of Sick Leave

(1) [[An employee]] Any employee unable to report for work on account of illness or injury, shall notify their respective supervisor in accordance with departmental regulations. [[absent on account of illness or injury is required to notify his or her immediate supervisor by 10:00 a.m. on the day of the illness.]] Sick leave shall begin on the day notification is given and terminate upon the employee's return to duty.

(2) Collective bargaining agreements and general work orders supercede the requirement above.

SECTION 2. THAT this Ordinance shall in no way affect any provisions of Collective Bargaining Agreement(s);  
AND

SECTION 3. THAT this Ordinance becomes effective immediately upon adoption.

NOTE: In this Ordinance [[double brackets]] shall indicate deletions from existing Code language; underlining shall indicate new language to be added.

Adopted this 17th day of January, 1989, by Roll Call Vote as follows:

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

NAY: None

ABSTAINED: None

ABSENT: None

SKLAPP

Introduced by: Councilmember Douglas

RESOLUTION NO. 1989-4

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

SECTION 1: That the Public Works Department has accumulated  
old deadlined equipment for many years which has  
been replaced by newer equipment.

SECTION 2: That the accumulated equipment takes up valuable  
space within the Public Works compound.

SECTION 3: That this equipment has no resale value and is  
considered scrap.

SECTION 4: That the equipment listed below be disposed of  
by the Public Works Director or designated  
representative.

MACK MD400 SER#1198 MDEL MB410

JAGER COMPRESSOR (ORANGE) PROP #0526

MARK III TAILGATE SER# 441953

HACK TAR MACHINE (NO SERIAL)

LEWIS SHEPARD BATTERY FORK LIFT (NO SERIAL)

AIR LIFT JACK PROP #1038

TAMPER WISCONSIN SER# 225775

TAC COAT HOMEMADE (NO SERIAL)

SYNCRONOUS GENERATOR (GREEN) SER# 236L142131

SPEEDY STRIPPER PROP#1088  
1972 WHITE LEAF TRUCK SER# B13061DA758921  
1971 WHITE LEAF TRUCK SER# B1307DA740338  
1975 WHITE REFUSE TRUCK SER#10GCPST844734  
FRONT END LOADER SER# 114-50  
CONT. 4 LEAF MACHINE SER# 1006  
CONT. 4 LEAF MACHINE SER# 1007  
ROLLER (ASPHALT) SER# 1009  
WAYNE SWEEPER SER# 1012

Dated this 17th day of January, 1989



CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council  
January 23, 1989

CITY OFFICIALS PRESENT:

Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Hamilton	Public Works Director Giancola
Councilmember Martin	
Councilmember Sharp	
Councilmember Elrich (Absent)	
Councilmember Leary (Absent)	

The Mayor and Council convened in Special Session on Monday, January 23, 1989, at 7:32 P.M. in the Second Floor Meeting Room at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Pro Tem d'Eustachio presided and noted that Mayor Del Giudice was in court today and would be in later in the evening for the Worksession. Mayor Pro Tem d'Eustachio also stated that the purpose of the Special Session was to take up for second reading the ordinance authorizing the purchase of police vehicles. Upon motion duly made by Councilmember Hamilton and seconded by Councilmember Martin, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Hamilton, Martin and Sharp; NAY: None; ABSENT: Councilmembers Elrich and Leary.

ORDINANCE #1989-2  
(attached)

Upon motion, duly seconded, the meeting adjourned at 7:34 P.M., to reconvene in regular session at 8:00 P.M. on January 30, 1989.

First Reading: 1/17/89  
Second Reading: 1/23/89

Introduced by: Councilmember Hamilton

ORDINANCE NO. 1989-2

AN ORDINANCE TO PURCHASE CHRYSLER PATROL VEHICLES FROM BOB BANNING, JR. CHRYSLER-PLYMOUTH:

WHEREAS, Prince George's County conducted a valid competitive bid process for the purchase of 1989 police package vehicles; AND

WHEREAS, The low bid accepted by Prince George's County's Purchasing Division from Bob Banning, Jr., for Dodge Diplomats amounted to \$10,587.00 per vehicle, which is approximately \$2,000 per vehicle less than the purchase price under the State Police bid for Ford police package vehicles; AND

WHEREAS, Prince George's County has taken delivery of all Chrysler vehicles they purchased from Bob Banning, Jr., leaving some police package vehicles still available for the dealership as a result of the County bid process, AND

WHEREAS, The City Administrator qualifies for purchase of police package vehicles from Bob Banning, Jr. on a cooperative purchase by "piggybacking" onto the Prince George's County purchase of police package vehicles from said dealership.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Takoma Park, Maryland:

SECTION 1. THAT authorization is given for the purchase of two (2) Chrysler police package vehicles from Bob Banning, Jr., Chrysler-Plymouth, at a cost not to exceed \$21,074, AND

SECTION 2. THAT the purchase of the vehicles be charged to Account 995, Capital Expenditures.

Adopted this 23rd day of January, 1989.  
(In Special Session)

AYES: d'Eustachio, Douglas, Hamilton, Martin, Sharp

NAYS: None

ABSTAIN: None

ABSENT: Elrich, Leary (for vote)

CITY OF TAKOMA PARK, MARYLAND

PROPERTY OF  
TAKOMA PARK MD LIBRARY

Regular Meeting of the Mayor and Council  
January 30, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Admin. Clerk II Mitchell
Councilmember Douglas	Ec. & Community Dev. Director Neal
Councilmember Elrich	Housing Services Director Weiss
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	Recycling Coordinator Braithwaite
Councilmember Martin	Corporation Counsel Perlman
Councilmember Sharp	

The Mayor and City Council convened at 8:05 P.M. on Monday, January 30, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Minutes of the December 19, 1988 and January 23, 1989 Special Sessions were presented for approval. Councilmember d'Eustachio moved approval, collectively, duly seconded by Councilmember Douglas. Mayor Del Giudice noted that in one of the sets of Minutes, Mr. d'Eustachio's name required editorial correction. The Minutes, with the noted editorial amendment, were approved by unanimous vote.

The Mayor noted that in the coming week, 2 well-known athletes, Evelyn Ashford and Sharon Hedrick, would be visiting the Takoma Intermediate School to participate in celebrating the National Girls and Women in Sports Day; he noted proclamations welcoming them to the City had been prepared for presentation. Councilmember d'Eustachio moved passage of the proclamations, duly seconded by Councilmember Sharp. For the record, Mr. d'Eustachio noted that while the proclamations made mention of the fact that the two athletes had been recognized by President Reagan, the City's elected body would in no way hold that against them, because their accomplishments spoke for themselves. The proclamations were passed by unanimous vote.

PROCLAMATIONS  
(attached)

The Mayor noted the previous passage of a resolution creating a City Flag Competition Committee; he presented and moved passage of a resolution that would appoint 7 individuals to membership on the committee, including Belle Ziegler, Edward Hutmire, Karen J. Fishman, Michele Morgan, Thomas Morris, Allan Marsh, and Enid Romanek. He noted those nominated for appointment were well-qualified to serve in that they either had an in-depth knowledge of the city's history or were artists, or both. The motion for passage was duly seconded by Councilmember Leary, and carried by unanimous vote.

RESOLUTION #1989-7  
(attached)

Mayor Del Giudice referred to a Main Street Alert from the State Department of Housing & Community Development, copies of which he had distributed to the elected body, and said he would like to consider passage of a resolution at a later point in the agenda which would express support to the delegation in Annapolis of various budget items which DHCD had proposed. He pointed out the City had worked closely with the Main Street Program, had benefitted from its programs, and, given the decreasing amount of CDEG funds, he said this was the sort of thing the state needed to institute to keep local development initiatives going.

The Mayor related having attended a Recycling Conference in Prince George's County the prior weekend, and said he would be commenting more on that when the City's Recycling Ordinance was addressed. He said Recycling Coordinator Braithwaite also attended the conference, and the city was additionally represented by several citizens who were there on behalf of various organizations.

The Mayor noted receipt of a request from the legislative delegation

from District 20 concerning setting up a meeting to discuss legislative items; he said perhaps a Monday morning breakfast meeting could be scheduled within the coming month and he would be working toward making such arrangements.

Mayor Del Giudice noted an issue that was developing and gaining some momentum before the State Legislature which he said could pose a potential threat to Takoma Park, as well as to other municipalities throughout the state. He said it was his understanding that the District 21 delegation may be sponsoring some of the legislation, and explained that it pertained to the commercial property inventory tax, provided by state legislation and which most municipalities use as a means of generating revenue. He said the question had been raised in connection with application of the tax to automobile dealerships; some dealers were pushing to have the tax put aside or to abolish it. He said legislative proposals were being drafted which were supported by several significant persons to either exempt auto dealerships from the tax or abolish it entirely, and, while there are no automobile dealerships in Takoma Park, there is a concern that if the tax were done away with in regard to automobile dealerships, it would be only a matter of time before another business group came forward asking that they also be exempted from it. He said automobile dealers were claiming that because their inventory is very costly, their tax burden is excessive, however, he pointed out that other businesses, e.g., jewelers, also have a costly inventory, and could seek exception on that same basis. Mayor Del Giudice said the City does generate a significant amount of revenue from that tax, estimates reflect in the neighborhood of \$180,000, which would be roughly equivalent to \$.09 on the current property tax assessment and tax rate; it would have to be argued to the state that if that tax were abolished, the City would have to either raise the tax rate or institute significant cuts in programs unless the state could provide an alternative revenue source. He said it had been noted with the state legislature that for 3 consecutive years, the City had tried to put in a Local Government Assistance Act to replace Revenue Sharing Funds that local governments had lost, and had also argued that while the income tax revenue in the state had increased, the 8.5 percent coming to municipalities had not been raised for a number of years. He said he felt it important that the elected body be aware of the debate occurring and that it could seriously impact the city.

**CITIZENS' COMMENTS:** (not directed at items for Council Action)  
Brint Dillingham, 7018 Carroll Avenue: referred to his ongoing and repeated requests, both written and oral, for information from the Department of Housing Services regarding landlords' compliance with rent increase reporting requirements and rent inequity studies. The Mayor apologized for the delay in responding to Mr. Dillingham's communications, explaining that the original letter had inadvertently been lost in the process, and he was now awaiting a response from DHS since forwarding them an additional copy. Mr. Dillingham referred to an article in the current issue of the Newsletter authored by former City Councilmember Lou D'Ovidio and entitled "A View From Ground Level." He addressed various points in the article, including alleged threats made against County Councilmember Crenca, in a somewhat facetious tone, however, said that, on a more serious level, it appeared that an official of the county, Mr. D'Ovidio, was saying in his article that the county discriminated against the City based on vindictive reactions to either real or imagined acts perpetrated by elected City officials. He said citizens of the city certainly should not suffer in any way due to actions of its officials; it should be ascertained what evidence Mr. D'Ovidio had for his allegations, and the situation should be pursued and examined with both the County Executive and County Council. The Mayor responded that he did not think that the county was discriminating against Takoma Park, which was not to say that there had not been legitimate disputes between the two bodies from time to time, particularly within the last year over legitimate policy questions and issues. At the same time, he said, agreement had been reached on some issues. He said he regretted the apparent attitude and some of the language in Mr. D'Ovidio's article, however, did not think it accurately depicted some of the relationships with the county. As an example, he said it appeared to him that the article described what occurred with the Edinburgh Apartments in a negative way, while he had felt it to be a positive development for all par-

ties, and said it had been the result of a cooperative effort. Notwithstanding some acknowledged areas of disagreement, the Mayor said that he felt a distorted and inaccurate view of the City/County relationship had been presented in the article. He said that if there were, indeed, solid evidence to the contrary, he would be interested in seeing it. Mr. Dillingham said that he recalled hearing comments in worksessions to the effect that if the City were too loud, overbearing, feisty, etc., in its interactions with the county, the county would penalize them, would take revenge; he said it appeared to him that Mr. D'Ovidio's article claimed that he had hard evidence that that was so, and it should be inquired into.

Councilmember Leary commented that while he thought the Mayor's comments were entirely appropriate, he also felt that Mr. Dillingham's point was well taken and that Mayor Del Giudice should write to the County Executive and County Council making precisely the point that Mr. Dillingham had made in his commentary. The Mayor said that while some questions and concerns had been raised, he thought the elected body should consider the matter at more length before deciding how to proceed.

Rino Aldrighetti, former Councilmember: inquired about the subject article and remarked that the Newsletter had not been delivered in his neighborhood for some time. He referred to a request he had made at a Council Meeting some time ago concerning the possibility of Montgomery College issuing cards for their library to Prince George's residents of the city; he said he had asked that the City send a letter to the college, however, he had checked and that had apparently never been done. Mr. Aldrighetti again asked that such a letter be sent. The Mayor said that the matter would most appropriately be handled by the City Administrator, and pointed out that the state required that Prince George's residents of the city have equal access to the college. Mr. Aldrighetti pointed out that all city residents, through their City taxes, pay for the support that the City renders to the college.

#### ITEMS FOR COUNCIL ACTION:

##### 1. Second Reading of an Ordinance to Establish a Housing Rehabilitation Partnership Program and Award a Contract for the Implementation of Same to Continental Community Funding.

Councilmember Sharp moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Councilmember Douglas moved to amend the ordinance by the addition of language which was denoted by underlining in the draft and deletion of that language enclosed with double brackets; the motion was duly seconded by Councilmember Hamilton. Mr. Douglas noted need for editorial correction of a typographical error in spelling of the word available in the 2nd line of the 5th "Whereas" clause; Mr. d'Eustachio additionally noted the need to correct the spelling of the word accordance in the 3rd line of the 3rd "Whereas" clause. The amendment(s) were passed by unanimous vote.

Economic & Community Development Director Neal briefly summarized the proposed program, pointing out that it was designed to aid low and moderate income tenants by providing owners of rental properties of 20 units or less with below market rate financing for housing rehabilitation. He said it was designed in such a way as to allow the City, through the use of CDBG funds, to stimulate the investment of private monies into rehabilitation of rental housing in its jurisdiction. Mr. Neal related that the program was designed along the lines of others which had been used very successfully in other cities across the country, and said that the contract recipient was an experienced lender of private funds, particularly experienced in working with local governments who have available CDBG money. He said he had queried other cities with whom Continental Community Funding had worked, and had been assured they were an excellent firm with which to work. He explained that the low-interest loans to property owners, either tenants' associations or traditional landlords, would enable them to make improvements, bring properties up to standard, and would make a better grade of housing available for tenants in Takoma Park. He said he hoped to see a broad range of improvements effected in small to mid-range apartment complexes in the city where owners were presently having trouble complying with Housing Codes because of financial impediments. Mr. Neal noted the program had been carefully



designed to comply with federal rules and regulations, and had been designed in cooperation with the Montgomery County Government, which had approved the proposed contract. He said he was very pleased with the working relationship his department had developed with the county on this particular project, and felt both counties would be watching to see how well and effectively the program functioned in Takoma Park, since it was a type of project that was somewhat unique in the local area. He said, however, that investigations into such programs in other locales led him to believe that it would be a tremendous success and could set an example for other local jurisdictions. Mr. Neal commented that staff had benefitted significantly on this project from suggestions offered by the Mayor and Council.

Councilmember Sharp commented in favor of a measure of flexibility in the program in relation to apartment complex size, e.g., that a 21-unit building should not be disqualified because it contained one more than the 20-units cited. Mr. Neal assured him that the program was quite flexible in that regard, that a threshold had been set primarily to avoid all the available funding being sopped up by one large building, however, even buildings considerably larger than the 20-units which required rehabilitation for only a portion of the units could possibly qualify for a loan, given the built-in flexibility of the program guidelines.

Responding to Councilmember Martin, Mr. Neal explained that the 20-unit figure cited as a threshold had been chosen by staff based on their knowledge of building sizes in the city; he said there was a point where building sizes leapt from 20-25 units to substantially larger, e.g., 50-75 units, and the figure chosen allowed the program to primarily address those buildings that were mid-sized and smaller. Given the current proposal to offer loans at prime minus 2 percent and given current market interest rates, Mr. Neal said with the amount of money that would be available, he thought if one figured an average of \$10,000 per unit for rehabilitation, then a total of 70 units could be addressed -- if the rehab total proved to be less, then more units could be done. He pointed out that the program was set up such that the money was a revolving fund, so it would not be used once and depleted, but would be repaid and reloaned.

Councilmember Douglas commented he would wish to be kept informed as the project got underway, and once it was fully functional, of events and the financial status of the program. The Mayor noted the need to publicize the program and development of the guidelines for it in the City Newsletter, with a 45-day period allowed for comment. Because of the nature of the program, he said perhaps more specific notice should also be sent to City landlords, including particularly those who reside outside the city, advising them that copies of the proposals were available through the City Office and/or the Library.

Referring to earlier comments voiced by Councilmember Douglas concerning the elected body being kept apprised of the progress of the project, Councilmember d'Eustachio suggested it be carried as a line item in the Quarterly Financial Statements with the assets and liabilities reflected. The Mayor said he felt that was a reasonable suggestion and would help the elected body to track what was occurring. He said he thought it should be understood that while the program would essentially be a revolving fund and it would probably take several years to use up the initial money, there would likely be a need to commit Block Grant Funds from time to time to replenish and maintain it. He explained that if the major portion of the money were loaned out within the next 2 years, there would not be much coming back in the 3rd year, since interest was paid first and then principal.

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

ORDINANCE #1989-3  
(attached)

The Mayor congratulated staff on a job well done in putting the program together.

## 2. Second Reading of Recycling Ordinance.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Councilmember Douglas moved to amend the ordinance by incorporation of changes provided in the Council packet and which resulted from the last previous worksession discussion of the legislation; the motion was duly seconded by Councilmember Hamilton. It was noted that amendments proposed by Corporation Counsel were excluded from the motion to amend and would be addressed separately. The motion on the floor to amend was passed by unanimous vote.

Councilmember Sharp referred to Corporation Counsel's suggested amendments to Section 1-19(a) and pointed out that the language would be clarified if the last 2 words in (a), i.e., "the officer" were changed to "the individual". He moved to so modify the amendment and moved passage of the amendments with that change; the motion was duly seconded by Councilmember Douglas. Mr. Douglas suggested that in the same section, in the added language denoted by underlining, "his representative" should be editorially amended to read "his/her representative". The amendments were passed by unanimous vote.

Recycling Coordinator Braithwaite briefly summarized the purpose and intent of the legislation, explaining that it further expanded the current newspaper recycling program to include glass jars and bottles and aluminum cans, provided for residents to receive use of a collection container from the City to hold the recyclables. She noted that the ordinance provided a 3-stage enforcement program. Responding to inquiry from Councilmember Sharp, she said the ordinance did not address regular trash pickup at all, only recyclable materials, and those would be collected at curbside. The Mayor commented that it had been decided to separate out the issue of whether to continue behind-the-house pickup or go to curbside pickup only from the recycling issue; he said the pickup system would be discussed and decided upon separately, pointing out that it would be scheduled as an agenda item for the February 13 regular meeting as noted in the Newsletter.

Referring to the draft ordinance provided, Councilmember Elrich pointed out that subsection (h) on page 3 stated that all recyclables other than newspaper should be placed in the provided container; he said the question had arisen earlier and not been fully addressed of what should be done with recyclables in excess of the amount the container would hold. Ms. Braithwaite said that in the brochures and other materials that would be distributed, people would be advised if they had an overabundance of the materials, they should place the excess in a box or bag and put it on top of or beside the issued container for collection.

Councilmember Douglas suggested that subsection (d) on page 2 of the draft ordinance be editorially amended by changing the word inaccessible in line 2 to inadequate, for purposes of clarification and to conform with what was suggested in worksession. Mr. Douglas further suggested that on page 3, subsection (g), line 6, the words use of be inserted immediately following the word "receive", so as to clarify that the container was not being given to the resident, but only the use of it. The suggested editorial amendments were accepted by the maker and seconder of the motion for adoption.

Rino Aldrighetti, 7213 Central Avenue: inquired whether, if the City did not implement its own recycling program, the counties would have to eventually do so in order to comply with State Law, or whether it was thought that the counties would shift the burden to municipalities wherever possible. Councilmember d'Eustachio commented that the counties had been making noises toward shifting the burden onto municipalities, however, it was not a given that they would do so. He said it had been the City's thinking that it would be advantageous in a number of ways to get into recycling early on rather than perhaps being forced to take drastic and expensive last-minute measures at some later point in time. He said they had thought there might be a possibility of getting in on pilot programs and up-front money that might not be available later on, and that was happening to some extent. He pointed out that it was a financially sound move inasmuch as it cost the City considerably less to get into recycling than to dump materials into a landfill. The Mayor pointed out that the Governor's

Solid Waste Taskforce had recently issued its first report, and in that document, it had been recommended that the state include municipalities in the regulations that were being published, despite the legislation having spoken of counties. He said that the talk now was that the same rules, regulations, etc., would apply to municipalities that have their own refuse collection systems.

Mr. Aldrighetti referred to the recent Newsletter article on recycling, and raised the question of the possible change from behind-the-house pickups to curbside only. He said some years back, around 1982, the question of eliminating behind-the-house pickups had come up, however, had failed to gain any momentum because it had been pointed out that that was one of the most visible services provided City residents who pay extra in taxes for such services. He asked whether, if it were necessary to add an additional staff person in order to continue the current pickup system, money would still be saved in the long run by going to recycling. The Mayor affirmed that money would still be saved, however, as pointed out in the Newsletter article, more would be saved by going to curbside collections only and the program would essentially pay for itself between the first and second years if the City went to curbside pickups only. Councilmembers Sharp and d'Eustachio remarked they differed with that analysis; the Mayor responded he was simply reporting what was stated in the article, however, a problem he found with the article and with the analysis of the program it contained was that it piled all of the capital costs into the front end of the program, rather than spreading cost of such things as the recycling vehicle over the average life expectancy of the item, which would affect the cost analysis.

Mr. Aldrighetti commented that he felt that in the most visible forms of service the City provides, there had been a decrease, a deterioration; he referred to the substantial increase in legal fees, references to increasing taxes, increases in the operating budget, etc., and noted the recent failure of the leaf collection system. He said Mr. Giancola's apology in the Newsletter was nice, however, did not alter the fact that the leaf collection service had failed to be provided. He said the Newsletter, which was also a service to citizens, lacked the quality it had once had. He said he felt it a big mistake to even consider getting rid of any service that made the city somewhat different, and felt it was a mistake to separate the discussion regarding collections out from consideration of the recycling ordinance; he said he thought it outrageous that the elected body would consider adopting the proposed ordinance without public input on the collection issue, and he felt the ordinance should not be adopted at present.

The Mayor commented that while Mr. Aldrighetti's opinion regarding the possibility of eliminating behind-the-house pickup had also been voiced by others, there were differing opinions on the subject as well. He said there were numerous significant policy questions the elected body had discussed, and which he would gladly discuss with Mr. Aldrighetti within the coming 2 weeks. Councilmember Sharp remarked he felt it very important that the recycling issue and the collection issue be kept separate, particularly inasmuch as the city could have recycling, still have behind-the-house pickup, and still save money. The Mayor pointed out that if the recycling program were successful, and were expanded within the next couple of years to include plastics and bi-metal cans, then most of the weight would be removed from the trash; hence, it may not ultimately make a great deal of sense from a service point of view to continue back-of-the-house pickup. He noted that the elected body had recognized that there were some individuals in the community who, because of age or infirmity, may not be able to move a trash container from the back of the house to the curb area, and provision had been made for exceptions in those cases. He said, given the varying views on the collection issue, he had felt it important that an open discussion be held at the next regularly scheduled meeting, and, in addition to the Newsletter article on the subject of recycling and containing notice of the hearing, he had sent an information letter to all community associations in the city inviting them to attend and participate.

Hank Cox, President of North Takoma Citizens' Assn.: spoke in support of recycling, remarking that the costs of waste disposal were escalating at a very rapid rate and commented in favor of getting into the

program early on. He noted that there were some areas of the city that apparently did not get behind-the-house pickup under the present system. The Mayor affirmed that was so, pointing out that in some areas traffic, terrain, etc., was a complicating factor. Mr. Cox commented he did have some concerns about what it would cost to initiate recycling; the Mayor pointed out that money had been received from both counties, as well as private donations, to help defray the cost of the necessary containers. He explained there would be one container per household furnished, and glass and metal would be comingled, with the contractor sorting the materials after they were picked up.

Female speaker (identification not on tape -- gap in recording): referred to Section 10-11.(1)(1)C. of the ordinance, page 4, and inquired whether, under that section, a 15 or 16-year old could be considered "the person responsible for the violation." In such a case, she asked whether the adult head of the household would get the warning notice or the teenager who had committed the violation. The Mayor commented that was a good point; Corporation Counsel Perlman pointed out that "responsible person" was covered under the definitions in the Code, and would not include a minor in the household. Following brief discussion, consensus was to delete the words "occupants of" from line 3-4 of the subject section, so that portion would read "...all single family houses and multi-family dwellings..."

Alan Lessick, 24 Manor Circle, Apt. 108: related that he had been the Recycling Coordinator for the City of St. Paul prior to moving to Takoma Park 2-1/2 years previously; he commended Takoma Park on their program and said he felt a very good approach had been chosen, one which would encourage maximum participation. He said he felt the provision of the containers was a very important factor, however, pointed out that while tenants in his building did recycle newspapers, it appeared they would not receive containers because they did not have City trash pickup. The Mayor said that while the legislation did primarily address single family dwellings and those apartment buildings that had City trash pickup, it was anticipated there would be extra containers and perhaps those could be issued to persons such as Mr. Lessick who wished to participate in the program on a voluntary basis. He said staff would likely, once the program was implemented and underway, approach those apartment buildings in the City which had private contractors picking up refuse to see whether an interest in participating in recycling could be generated. Mr. Lessick commented that it was found in St. Paul that it was absolutely necessary to have the full participation and support of neighborhood organizations in the recycling program in order for it to be successful. He said they appointed block coordinators who were responsible during the initial phase of the program for distributing brochures, etc.; he said while he recognized the City would be handling a lot of the details, anything that involved the citizenry would increase voluntary participation. The Mayor commented on the City's very active Recycling Taskforce and said it was hoped they would play such a role as Mr. Lessick described, as well as helping to identify persons in the community who would also help in getting the program underway; he said the City would certainly welcome Mr. Lessick's assistance, particularly given his technical background and experience.

Mark Rabinowitz, Spring Avenue: urged that mandatory curbside pickup be adopted, that refuse not be picked up from those households that did not voluntarily comply with recycling. He pointed out that the Montgomery County landfill was almost full and said it was the civic responsibility of people to take part in recycling. He said that many people who would like to recycle could not do so because of not having a car, pointing out there were no recycling centers within walking distance. He suggested that the concept of positive enforcement be examined; said that had been done very successfully in other cities, explaining that curbside trash was examined periodically and those who were fully participating on a voluntary basis were given some sort of monetary bonus. He said success of the recycling program would have a synergistic beneficial relationship to a number of other things, such as the Nuclear Free Zone Ordinance, forests being depleted, etc. He left a copy of a fact sheet from the Maryland Public Interest Research Group concerning recycling, and urged adoption of the Recycling Ordinance.

Jeff Tryens, 6602 Allegany Avenue: spoke in support of the ordinance, said he thought it was long overdue, and related that he worked in the field of waste reduction around the country. He said he had wondered for some time why the local area was so far behind other areas of the country in waste reduction and recycling. He said he felt the major concern should not be whether or not money was made from recycling, but that the largest possible amount of materials be gotten out of the waste stream, because that was of critical importance. He suggested that not only residential waste be addressed, but also waste generated by business establishments, such as corrugated material, etc. He said there was a need for municipalities and local governments to look at what was actually going to happen to the materials once they were collected, as well, commenting that a lot of scrap dealers actually opposed the laws that had been enacted because they feared what was going to happen to their markets. He suggested that cardboard items should be added to the ordinance because they are readily recyclable and make up a substantial part of the waste stream; he also encouraged that plastics be added to the recyclables as soon as was feasible. He said while he did not encourage that municipalities get involved in marketing of the materials, the state could do a lot to persuade in-state industries to use the materials, and the City's lobbyist in Annapolis could pressure for legislators to address that issue. He said he feared that if states only went as far as collecting the materials and did not look at how to use them, recycling would ultimately fail. Regarding the pickup system, he commented in favor of a uniform system, and said if mandatory curbside pickup would save some money, he would support that approach.

Responding to inquiry from Councilmember Sharp, Recycling Coordinator Braithwaite spoke concerning some of the issues raised by Mr. Lessick. She said the city's newspapers are collected and purchased by Silver Spring Newspaper Recycling, which is undergoing a buyout by an organization that owns a plant in Georgia and is enlarging that facility. She said they are anxious to get all the newspaper they can and are willing to sign a longterm contract, so that part of the recycling program looks very promising. She said it was hard to imagine that the market for aluminum would ever fail because it was so favorable for companies to create cans from recycled aluminum rather than bauxite ore. Concerning glass, she said problems could be encountered, but the market at present seemed fairly stable and there were a number of alternative ways that recycled glass could be used. She said there was no buyer in Maryland for plastics at present, or any company that was willing to go to the expense of adding shredders for that material, however, she felt that was a coming market. She said cardboard was certainly recyclable, however, when the program was being designed, it was the thing that least was known about in terms of the amount generated from city households, but it would certainly be beneficial in the commercial arena.

Concerning the market for recyclables, the Mayor said he felt that to be an area best handled by the state, and, better yet, by the federal government; were the federal government ever to adopt legislation for the purchase of recycled paper for computer and office paper rather than simply the guidelines that now exist, a large part of the problem would be addressed. He said no federal agency followed the guidelines that already exist. He said the City could, as well, in its procurement policy state preferences for recycled materials, which would help in a small way -- that would be something every community would have to do in order to create markets for the materials. The state would have to help as well by providing incentives for recycling, through economic development they could help to create industries and jobs.

Responding to inquiry from Councilmember Douglas, Ms. Braithwaite said that the City receives revenue from the newspaper that is collected, but would probably not get anything from the glass and aluminum; the savings to the City would be effected through the reduction in tipping fees at the landfill because of the reduction in the amount of solid waste.

Clarence Boatman, 133 Ritchie Avenue: asked whether it was still necessary to remove colored paper from the papers put out for recycling. The Mayor explained that it was not colored paper, per se, but

the glossy papers such as magazine sections and supplements, many of which were also colored. Mr. Boatman remarked in support of recycling, briefly questioned the basis for the cost analysis of the program. He said while he liked the convenience of behind-the-house trash pickup, if there would be a percentage savings that would filter down to residents, he thought that would be a persuasive factor and should be brought out during the February 13 meeting.

Pat Dwyer, Jackson Avenue, member of Recycling Taskforce: spoke in support of the City's program; related he owns a natural food store in D.C., and said he had received a shipment earlier in the day of biodegradable Pampers, as well as biodegradable plastic garbage bags. He remarked about a problem with dogs, raccoons, etc., getting the tops off of garbage cans and strewing the trash. Mr. Boatman commented he had had a similar problem, but learned about elastic bands that could be looped through the two handles and across the top, and the animals could not then get the top off.

Rino Aldrighetti remarked that in his earlier commentary, he wished to clarify that while he recognized that behind-the-house pickup, per se, was not prevalent even at present, that what concerned him was a possible deterioration in the level of services provided to residents.

Councilmember Leary commented that he was in support of recycling, however, would hope that as the program moved forward, any and all services and resources that could be furnished by the county would be used by the City -- that he would not want to see the City's program be so determinedly independent as to deprive itself of help that could be useful.

The Mayor commented that the recycling program was just a beginning of something that needed to be done and should be done. He said there were a number of additional things that could be done; he hoped to soon examine how other products could be recycled, e.g., toxic items such as batteries, which should really not be put into landfills, let alone burned in incinerators. He noted the proposed legislation the City had supported that would have placed a ban on the use of polystyrene containers, and said there were still things the City could do about recycling of such products, that other communities were doing it, and he hoped further attention would be devoted to that subject.

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

ORDINANCE #1989-4  
(attached)

The Mayor congratulated staff and all concerned for the work and effort they had put into developing the program and legislation. He said he would also wish to note receipt of a letter from Barbara Francisco of Glenville Road in Silver Spring, who had said she hoped Takoma Park's example would encourage Montgomery County to go to curbside recycling.

3. Single Reading Ordinance Authorizing Acceptance of Bid on Two-Way Radios.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Martin. Councilmember Sharp moved to amend the ordinance by deletion from the 4th "Whereas" clause of the words "or the sale of merchandise produced by companies so involved." He pointed out that language was not a provision of the Nuclear Free Zone Ordinance and would affect its intent. The mover and seconder of the motion for adoption accepted Mr. Sharp's amendment as editorial. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Martin and Sharp; NAY: None; ABSTAINED: None; TEMPORARILY ABSENT: Councilmember Leary.

ORDINANCE #1989-5  
(attached)

4. Single Reading Ordinance Authorizing Purchase of a Recycling Vehicle.

Councilmember Elrich moved adoption of the ordinance, duly seconded by Councilmember Martin. Councilmember Sharp moved to amend the ordinance editorially by the deletion from SECTION 4. of the words "or the sale of merchandise produced by companies so involved." The maker and seconder of the motion for adoption accepted the proposed editorial amendment. Councilmember Douglas noted that the cover memorandum recommended purchase of the aluminum body vehicle and inquired why; Public Works Director Giancola responded that it made for a lighter weight vehicle, it was a better vehicle and would last longer. He pointed out that the government estimate for this vehicle was \$38,000, so the bids received were very responsive, the price was favorable. Councilmember Douglas commented he would assume the purchase would require a budget amendment, noted several other things had been done that would also require same, and inquired when that would be forthcoming. Assistant City Administrator Habada responded that a budget amendment would likely be presented at the February 13 meeting. Responding to inquiry from Councilmember Martin, Mr. Giancola explained that the vehicle was self-contained, would not require an additional towed unit. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Martin and Sharp; NAY: None; ABSTAINED: None; TEMPORARILY ABSENT: Councilmember Leary.

ORDINANCE #1989-6  
(attached)

5. Resolution re Drug Seizure Fund Allocation.

Councilmember Douglas moved to table the resolution definitely until the next Regular Council Meeting, duly seconded by Councilmember Elrich. The motion carried by unanimous vote.

6. Resolution of Council Position Regarding Colesville Road/SHA Hearing.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. Councilmember Douglas commented he had a concern, not about the intent of the resolution, but with some of the words used therein, e.g., "expressway." He asked whether that was the way the proposal had been characterized by any of the planners. Councilmember Elrich responded that while that word would not be a part of the name of the roadway, it had been generally used to describe the change that would occur in the character of the road. In the course of brief discussion, Mr. Douglas suggested substitution of the word reduce for saerifiece in the 5th "Whereas" clause; that change was accepted as editorial. The resolution was passed by unanimous vote.

RESOLUTION #1989-5  
(attached)

7. Resolution Re Council Support of Art Auction to Benefit El Salvador Earthquake Victims.

It was noted that in the 1st "Whereas" clause, in the spelling out of the acronym "LULAC," the name Latin, i.e., "the League of United Latin American Citizens", had been omitted; that was accepted as an editorial amendment. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The resolution was passed by unanimous vote.

RESOLUTION #1989-6  
(attached)

8. Resolution of Support for State Department of Housing & Community Development Budget Requests and Main Street Program.

Councilmember Elrich related having been advised earlier in the day that the City's input on this subject would be needed very quickly in order to be effective, inasmuch as the legislation would be dealing with it on Wednesday. Mayor Del Giudice commented he would be attending a meeting in Annapolis on Wednesday A.M., and if staff prepared the resolution on Tuesday, he could hand-carry and deliver it. The Mayor moved passage of a resolution to be prepared expressing the City's support for specified programs in the State DECD's budget and asking that the State Legislature keep the funding levels as submitted

in the Executive Budget Proposals. The motion was duly seconded by Councilmember Sharp and carried by unanimous vote.

RESOLUTION #1989-8  
(attached)

The Mayor pointed out that there was a new computer in his office and noted it was intended not only for his use, but for the members of the Council also.

Upon motion, duly seconded, the meeting adjourned at 10:20 P.M., to reconvene in regular session at 8:00 P.M. on February 13, 1989.



PROCLAMATION

WHEREAS, The Women's Sports Foundation has proclaimed February 2, 1989 as National Girls and Women In Sports Day; AND

WHEREAS, on that day, wheelchair racing champion, Sharon Hedrick and track and field star, Evelyn Ashford will be visiting the City of Takoma Park to help the Takoma Park Intermediate School celebrate this special day; AND

WHEREAS, Sharon Hedrick is a world record holder and 1988 Olympic gold medalist in the 800 meter wheelchair event; AND

WHEREAS, Sharon Hedrick is the first wheelchair woman to race in the 1977 Boston Marathon. She has won many awards including the 1985 Southland Corporation "Olympia" Award, the 1987 University of Illinois Distinguished Alumni Award, the 1981 Jack Gehardt Award for the Wheelchair Athlete of the year, the 1982 Outstanding Woman of the Year Award, and the 1986 Winner of the Kaiser Roll 10K World Championship; AND

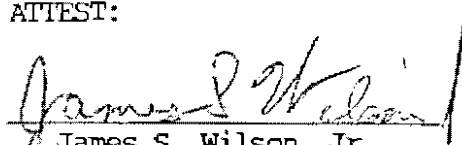
WHEREAS, Sharon Hedrick is also the co-author of a training manual for wheelchair athletes.

NOW THEREFORE, I STEPHEN J. DEL GIUDICE, Mayor of Takoma Park, Maryland do hereby proclaim

SHARON HEDRICK, AN HONORARY CITIZEN  
OF THE CITY OF TAKOMA PARK, MARYLAND

and join the City Council, the Takoma Park Intermediate School and the citizens of this City, in welcoming Sharon Hedrick to the Takoma Park community.

ATTEST:

  
James S. Wilson, Jr.  
City Administrator

  
Stephen J. Del Giudice  
Mayor



PROCLAMATION

WHEREAS, The Women's Sports Foundation has proclaimed February 2, 1989 as National Girls and Women In Sports Day; AND

WHEREAS, on that day, track and field star, Evelyn Ashford and wheelchair racing champion, Sharon Hedrick will be visiting the City of Takoma Park to help the Takoma Park Intermediate School celebrate this special day; AND

WHEREAS, sprinter Evelyn Ashford is a three-time Olympian champion and former world record holder in the 100 meters event, having won a gold and silver medal at the 1988 Olympics in Seoul, bringing her medal total to three gold and one silver. At the 1988 Olympics, Evelyn Ashford was elected by her peers to carry the American flag; AND

WHEREAS, Evelyn Ashford is also a reporter and interviewer on the nationally syndicated series "World Class Women", has been named co-chair of "Athletes for Literacy" and serves as an athlete representative in the Athletic Congress, AND

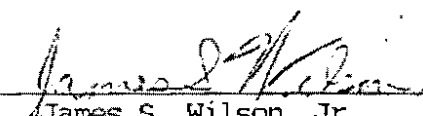
WHEREAS, Evelyn Ashford is this year's winner of the Women's Sports Foundation Flo Hyman Award.

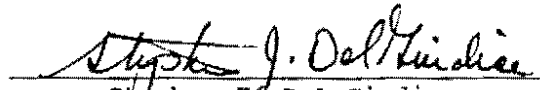
NOW THEREFORE, I STEPHEN J. DEL GIUDICE, Mayor of Takoma Park, Maryland do hereby proclaim

EVELYN ASHFORD, AN HONORARY CITIZEN  
OF THE CITY OF TAKOMA PARK, MARYLAND

and join the City Council, the Takoma Park Intermediate School and the citizens of this City, in welcoming Evelyn Ashford to the Takoma Park community.

ATTEST:

  
James S. Wilson, Jr.  
City Administrator

  
Stephen J. Del Giudice  
Mayor



Introduced By: Councilmember Sharp  
Drafted By: D. Neal

1st Reading: 1-17-89  
2nd Reading: 1-30-89

ORDINANCE NO. 1989-3

AN ORDINANCE ESTABLISHING THE HOUSING REHABILITATION PARTNERSHIP PROGRAM AND AUTHORIZING THE ADOPTION OF CRITERIA, GUIDELINES, AND RATE POLICIES, AND THE EXECUTION OF CERTAIN AGREEMENTS NECESSARY TO IMPLEMENT THIS PROGRAM.

- WHEREAS, the City of Takoma Park has established as a specific public policy goal to provide the provision of means whereby decent and affordable housing opportunities are made available to all Takoma Park citizens, particularly those of low and moderate income; AND
- WHEREAS, as a means toward achieving this goal the City of Takoma Park has committed itself to establishing a rental rehabilitation loan program that both maximizes the effectiveness of City resources and stimulates private sector investment in housing rehabilitation in Takoma Park; AND
- WHEREAS, the rehabilitation of multiple-unit rental properties which are occupied by a majority of low and moderate income tenants, in accordance with the Takoma Park housing code, is a means for providing decent housing; AND
- WHEREAS, the availability of below-market rate interest loans to property owners has been found to stimulate such rehabilitation while minimizing the pressure on property owners to increase rents charged to tenants, and therefore helps maintain affordable housing; AND
- WHEREAS, below-market interest rate rehabilitation loans are not readily available to owners of multiple-unit properties; AND
- WHEREAS, as a result, the Mayor and Council of Takoma Park are committed to establishing a rental rehabilitation loan program which makes available low-interest loans to qualified applicants for the specific purpose of correcting housing code violations and making general improvements, thereby contributing to the maintenance of decent and affordable housing in Takoma Park; AND

WHEREAS, the City has available to it \$230,000 in federal Community Development Block Grant ("CDBG") program funds for the purpose of establishing a rental rehabilitation program; AND

WHEREAS, rehabilitation programs have been found to be more successful and have more lasting positive effects when they stimulate private investment in the rehabilitation process; AND

WHEREAS, the Takoma Park Department of Economic and Community Development ("DECD") has solicited proposals from numerous private lending institutions to participate in such a joint public/private rehabilitation program, in order to maximize the effectiveness of City resources; AND

WHEREAS, the City received proposals of varying quality from three (3) private lending institutions, with that received from Continental Community Funding ("CCF") having been determined by DECD to be the most advantageous to the City; AND

WHEREAS, on the basis of the proposal submitted by CCF, DECD has developed, in conjunction with CCF and Montgomery County (the City's CDBG Program Monitoring Agency) a program concept known as the Housing Rehabilitation Partnership Program (the "Program"); AND

WHEREAS, the Program has been deemed by Montgomery County to satisfy applicable federal statutes and regulations governing the use of CDBG funds for lump sum drawdown leveraged rehabilitation loan programs; AND

WHEREAS, the Mayor and Council find that the Program, as developed by DECD, is in fact designed in such a way as to help achieve the City's goals for stimulating the maintenance of decent and affordable housing in Takoma Park;

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

SECTION 1. The Department of Economic and Community Development is hereby authorized to establish and administer a rental rehabilitation program to be known as the Housing Rehabilitation Partnership Program (the "Program") as outlined and generally described in DECD's memorandum of 4 January 1989 to the Mayor and Council.

- SECTION 2. The City Administrator, or his/her designee, is hereby authorized to execute such agreements with Continental Community Funding ("CCF") as may be necessary to implement the Program.
- SECTION 3. The City Administrator, or his designee, in performance of said agreements, is further authorized to deposit the sum TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) of the City's CDBG funds with CCF's depository, Manufacturers Hanover Trust Company, by means of a lump sum drawdown of said funds from the federal Treasury.
- SECTION 4. In order to promote the effective and efficient administration of the Program, the Director of DECD is hereby authorized and empowered to develop, adopt and promulgate such eligibility criteria, guidelines, procedures, regulations and policies as may from time to time be necessary to administer the Program.

ADOPTED THIS 30th DAY OF JANUARY, 1989.

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

NAY: None.

ABSTAINED: None.

ABSENT: None.

I, Paula S. Jewell, the Deputy City Clerk of Takoma Park, Maryland, certify that this is a true and exact copy of Ordinance No. 1989-3, passed by the Mayor and Council on January 30, 1989.

---

Paula S. Jewell  
Deputy City Clerk

HRPP/ORD

Introduced by: Douglas

1st Reading: 1/17/89  
2nd Reading: 1/30/89

(Drafted by: Braithwaite, Recycling Coordinator  
Perlman, Assistant Corporate Counsel)

ORDINANCE NO. 1989 - 4

Establishment of a Recycling Program

WHEREAS, Ordinance No. 1986-26, adopted July 28, 1986, instituted a mandatory newspaper recycling program; AND

WHEREAS, savings from the current newspaper recycling program have totaled over \$24,500 in Fiscal Year 1988 from reduced refuse disposal fees; AND

WHEREAS, the Mayor and City Council of Takoma Park find that the amount of refuse needing landfill disposal can be further reduced by expanding the recycling program to include the collection of glass bottles and jars and aluminum beverage cans; AND

WHEREAS, the Mayor and City Council find that it is in the fiscal interest of the City to reduce refuse disposal fees and it is in the interest of sound environmental policy to expand the mandatory recycling program within the City of Takoma Park; AND

WHEREAS, the Maryland legislature passed a recycling law in the 1988 General Assembly Session requiring large counties in the state, which includes Montgomery and Prince Georges Counties, to establish recycling programs to reduce their wastestreams 20% by 1994.

NOW, THEREFORE, Be it ordained by the Mayor and City Council of Takoma Park, Maryland.

SECTION ONE. Chapter 10 (Refuse), Article 1 (General Provisions), Sections 10-1 of the Code of the City of Takoma Park is amended as follows:

Section 10-1. Definitions

\* \* \* \* \*

(a)(1)(G) Recyclable Materials shall include newspaper, glass bottles and jars and aluminum cans, and other items designated by the Director of Public Works, intended to be discarded by persons who receive City refuse collection services.

\* \* \* \* \*

SECTION TWO. Chapter 10 (Refuse), Article 2 (Collection of Refuse), Section 10-8 and 10-11 of the Code of the City of Takoma Park are amended as follows:

Section 10-8. Placement of refuse receptacles in public way.

\* \* \* \* \*

(c) This section does not apply to collection of [newspapers] recyclable materials under Section 10-11.

Section 10-11. Collection of Recyclable Materials.

(a) This section applies to occupants of single family homes and multi-family dwellings from which the City collects refuse.

~~[(b) A person shall [not] place [newspapers] recyclable material in a refuse receptacle that the City collects, [unless] only if the newspapers are soiled, or the glass is broken.]~~

~~[(c)] (b) The City, or a contractor of the City, [will] shall collect [newspapers for recycling] recyclable material once a week on a day specified by Director of Public Works. However, [newspapers] recyclable material will not be collected on that day if:~~

- ~~(1) [Montgomery County Schools are closed because of snow] snow or ice has made roadways impassable; or~~
- ~~(2) the day falls on a legal holiday.~~

~~[(d)] (c) A person shall place [the] newspapers [for recycling] and the containers of other recyclable material on the public right-of-way next to the curb. The [newspapers] recyclable material shall not interfere with parking or traffic. A person shall not place the [newspapers] recyclables next to the curb before [8:00] 4:00 p.m. the [evening] day before the scheduled collection. After being emptied, the recycling container shall be removed from the curb by the occupants before midnight the day of collection. [The Director may designate a single place next to the curb for residents of multi-family dwellings.]~~

~~[(e)] (d) In cases where there is no public right-of-way next to the curb, or the public right-of-way is [inaccessible] ~~inaccessible~~, the Director of Public Works shall designate an appropriate place near the curb for placement of the recyclables. Examples of these places include the foot of driveways, walkways or steps to the house, or edge of the front lawn. The Director may designate a single place next to the curb for residents of multi-family dwellings.~~

[[ (e) ] (f) ] (e) A person shall place the newspapers in a paper bag or box or shall tie the newspapers in a bundle. A bag, box or bundle shall prevent the newspapers from being blown away by the wind. A bag, box or bundle shall not weigh more than 25 pounds.

[[ (g) ] (f) ] The City shall provide a recycling collection container to each residential unit required to participate in the recycling program. Residents must purchase the use of additional containers from the City to replace those lost or damaged. The cost of the use of the container will equal the price paid by the City for the container. [[Residents who move into the City after the program has begun may receive a recycling container at no charge if the container was not left with the property.]] Residents may purchase the use of additional containers to store the recyclable material generated by their household if one container is not sufficient.

[[ (h) ] (g) ] The recycling container is the property of the City. The recycling container is to remain at each residential unit to which it was given. [[Occupants shall not take the container with them upon moving from the residential unit.]] Residents who move into the City after the program has begun may receive ~~use~~ use of a recycling container at no charge if the container was not left with the property.

[[ (i) ] (h) ] A person shall place [[glass bottles and jars and aluminum beverage cans]] all recyclable material except newspaper in the collection container, provided to residents by the City. Glass bottles and jars and aluminum cans should be emptied before being placed in the recycling container. [[Aluminum cans can be flattened but are not required to be. Glass bottles and jars should not be broken before placement in the collection container.]]

[[ (j) ] (i) ] The Director of Public Works may designate additional material for residents to include in the recycling collection container.

[[ (k) ] (j) ] A person shall not use the recycling collection container for any other use except the storing of recyclable items prior to collection.

[[ (f) ] (l) ] (k) Except for the City, its contractor, or the person who placed the newspapers, and recycling container next to the curb, a person (must) shall not collect newspapers, or any other recyclable material that have been placed next to the curb.



[(m)] (1) A violation of this Section is a Class D offense.

(1) Before issuing a citation for a municipal infraction, warning notices shall be given to the person responsible as follows:

A. First Violation. The Director of Public Works or the Director's representative shall issue a warning notice to the person responsible.

B. Second Violation. The refuse shall not be collected on the date of the violation and the Director of Public Works or the Director's representative shall issue a second warning notice to the person responsible.

C. The warning notice shall describe the violation, include instructions for the proper sorting of recyclables from refuse, state that all [loc curants of] single family houses and multi-family dwellings from which the City collects refuse must participate in the recycling program, and inform the person responsible for the violation, and for subsequent violations, of the penalty. The warning notice shall be personally delivered to the person responsible for the violation, attached to the recycling container, or mailed to the address where the violation occurred.

(2) Third Violation. The refuse shall not be collected on the date of the violation and the Director of Public Works or the Director's representative shall [prepare an affidavit citing the facts of the violation. A Code Enforcement Officer of the Department of Housing Services shall ] issue a citation for a municipal infraction to the person responsible.

[(n)] (m) No citations for municipal infractions for violations of this Section shall be issued prior to six (6) months after the effective date of this ordinance.

SECTION THREE. Chapter 10 (Refuse), Article 7 (Municipal Infractions), Section 10-58 of the Code of the City of Takoma Park is amended as follows:

Section 10-58. Municipal infractions; warnings; other remedies.

\* \* \* \* \*

(b) The procedures for issuing warning notices and citations for municipal infractions for violations of Section 10-11 shall be as described in that section.

[(b)] (c) Failure to abate the cited violation at the time of paying the fine shall cause the violation to be treated as a repeat violation.

[(c)] (d) Any individual who receives a municipal infraction fine citation and wishes to stand trial by signing the citation and returning it as specified shall not receive addition citations until the court rules on the citation for which the defendant is standing trial.

[(d)] (e) In cases where the Director of Public Works has determined that extreme danger exists to persons or property or extreme unsanitary conditions exist, the warning notice shall be dispensed with and the Director of Public Works shall obtain a court order to take corrective action.

[(e)] (f) The Director of Public Works or the Director's representative shall have authority to enforce all the provisions of this article.

[[ [(f)] (g) The [Assistant Director of Housing] Director of Housing Services or his designee may serve as the [Director's] Director of Public Works representative, with full authority to enforce all provisions of this article.]]

SECTION FOUR. The effective date for this ordinance shall be April 3, 1989.

Adopted this \_\_\_ day of \_\_\_\_\_, January, 1989, to be effective the \_\_\_ day of \_\_\_\_\_, 1989.

AYE:  
NAY:  
ABSTAINED:  
ABSENT:

(1) observes a violation of the Charter, Code or regulation of the City; or

(2) receives an affidavit citing the facts of an alleged incident.

\* \* \* \* \*

SECTION FIVE. The effective date for this ordinance shall be April 3, 1989.

Adopted this thirtieth day of January, 1989, to be effective the third day of April, 1989.

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

Note: In this ordinance:

1. Underlining denotes matter added to the current code language.
2. [Brackets] denotes existing matter being deleted from the code.
3. \* \* \* denotes matter in the Code that is not reproduced in the ordinance.
4. [[Double Brackets]] denotes matter being deleted from the ordinance after First Reading.
5. *Italicized words* denotes matter added to the First Reading code language
6. [[[Triple Brackets]]] denotes matter being deleted from the ordinance after Second Reading.
7. Small Print denotes matter added to the Second Reading code language

Introduced by: Councilmember d'Eustachio

Adopted: 1/30/89  
(Single Reading)

**ORDINANCE NO. 1989- 5**

**An Ordinance to Purchase Two-Way Radios for the  
Public Works Department**

WHEREAS, the Fiscal Year 1988-89 City Budget earmarked \$14,00.00 in the Capital Budget for the purchase of Two-Way Radios for the Public Works Department; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from qualified dealers and advertised in two weekly newspapers of local circulation; AND

WHEREAS, That bids were publicly opened at 3:00 P.M., January 20, 1989 and the following bids were received:

MARYLAND COMMUNICATIONS	\$14,450.00
HI TECH RADIO CORP.	\$13,916.00

WHEREAS, Hi Tech Radio Corporation has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1: That the low bid of \$13,916.00 for a total of 18 (eighteen) two-way radios received from Hi Tech Radio Corporation is hereby accepted; AND

SECTION 2: That funds to cover this purchase in the amount of THIRTEEN THOUSAND NINE HUNDRED SIXTEEN DOLLARS (\$13,916.00) be charged to the Capital Expenditures Account, #995.

Adopted this 30th day of January 1989.

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

NAY: None

ABSTAIN: None

ABSENT: None

Introduced by: Councilmember Sharp

**RESOLUTION # 1989-6**

Co-Sponsoring An Auction to Benefit the Victims of An Earthquake  
In El Salvador

WHEREAS, the League of United Latin American Citizens (LULAC) of Montgomery County, the Takoma Artist Guild (TAG) and CASA de Maryland are planning an Art Auction for Saturday, February 18, 1989; AND

WHEREAS, this Art Auction will raise funds to purchase food, medicine, clothing and shoes for the victims of the earthquake in El Salvador; AND

WHEREAS, on March 14, 1988 the City of Takoma Park, Maryland became the Companion City to Santa Marta, El Salvador; AND

WHEREAS, LULAC has requested that the City of Takoma Park co-sponsor the Art Auction and has requested the use of the Municipal Building Lobby to hold the Auction.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and City Council of Takoma Park, MD hereby support the efforts of the LULAC, TAG and CASA de Maryland, to raise funds to aid El Salvador's earthquake victims; AND

BE IT FURTHER RESOLVED THAT the City of Takoma Park will hereby co-sponsor the Art Auction with the above mentioned organizations and hereby grants authorization for use of the Municipal Building Lobby on February 18, 1989, or on a date soon thereafter which meets with the approval of the City Administrator.

Dated this 30th day of January, 1989.

INTRODUCED BY: Mayor Del Giudice  
DRAFTED BY: D. Neal

ADOPTED: 1/30/89

Resolution No. 1989-8

WHEREAS, the Maryland Department of Housing and Community Development is seeking funding from the Maryland State Legislature for the Main Street Improvement Program (MIP) and the State Action Loans for Targeted Areas (SALT) Program; AND

WHEREAS, these programs are designed to provide municipalities in the State of Maryland with new and innovated financial resources for various types of community and economic development projects; AND

WHEREAS, the City of Takoma Park has successfully relied upon similar state programs in order to augment dwindling sources of federal funds needed to accomplish critical economic and employment development goals; AND

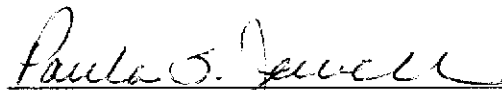
WHEREAS, it is likely that in the coming months the City of Takoma Park will have specific needs for the resources that would be provided by these valuable programs, if they are funded;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Mayor and Council hereby express their unequivocal support for the proposed Main Street Improvement Program and the State Action Loans for Targeted Areas Program and urge the Maryland State Legislature to approve funding for these programs at the levels requested by the Governor and the Department of Housing and Community Development.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a true and correct copy of this Resolution to those State Delegates and Senators who represent the citizens of Takoma Park, Maryland.

ADOPTED THIS 30th DAY OF JANUARY 1989.

I, Paula S. Jewell, the Deputy City Clerk of Takoma Park, Maryland, certify that this is a true and exact copy of Resolution No. 1989-8, passed by the Mayor and Council on 30 January 1989.

  
Paula S. Jewell

Introduced by: Councilmember Elrich

ORDINANCE NO. 1989- 6

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

SECTION 1. THAT the Fiscal Year 1988-1989 Budget set aside funds for the purchase of a dump truck; AND

SECTION 2. THAT the Mayor and Council approved the purchase of a dumping RECYCLING VEHICLE with those allocated funds; AND

SECTION 3. THAT bids were publicly opened at 3:00 P.M., January 25, 1989 and bids were received from Truck Equipment Sales (\$35,215); Chase Equipment Corporation (\$36,846 and \$37,995); and Ingold's Hico (\$39,160); with the most responsive bid being received from Truck Equipment Sales for the sum of \$35,215.; AND

SECTION 4. THAT Truck Equipment Sales has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry.;AND

SECTION 5. THAT the lowest bid price for the RECYCLING VEHICLE is Three Thousand Two Hundred and Fifteen Dollars greater than the amount allocated in the Fiscal Year 1988-1989 Budget.

SECTION 5. THEREFORE that the bid of Truck Equipment Sales for a RECYCLING VEHICLE for the sum of THIRTY-FIVE THOUSAND. TWO HUNDRED AND FIFTEEN DOLLARS (\$35,215) is hereby accepted; AND

SECTION 6. THAT funds to cover this expenditure are appropriated in the Fiscal Year 1988-1989 Budget, under Capital Expenditures, Code #995, plus an additional Three Thousand Two Hundred and Fifteen Dollars from the General Contingency Fund Code #991.

Adopted this thirtieth day of January, 1989

AYES: Douglas, d'Eustachio, Elrich, Hamilton, Martin, Sharp  
NAYS:  
ABSTENTIONS:  
ABSENT: Leary

Introduced By: Councilmember Elrich

Adopted: January 30, 1989

**RESOLUTION NO. #1989-5**

WHEREAS, the Maryland State Highway Administration has presented plans for the Route 29 corridor and, in particular, the Four Corners intersection (Route 29 and University Boulevard): AND

WHEREAS, these plans propose construction of an underpass at this intersection, widening Route 29, and imposing left turn lane restrictions along Route 29 during rush hours; AND

WHEREAS, these plans, in conjunction with Montgomery County's Road Plan for Silver Spring, will serve to funnel additional traffic into already overcongested areas that have proven unresponsive to traffic relief measures, thus intensifying local traffic problems, particularly in residential neighborhoods; AND

WHEREAS, plans to divert traffic from Route 29 will considerably worsen traffic on University Boulevard, Flower Avenue, Piney Branch Road, New Hampshire Avenue, and other roads in and around Takoma Park; AND

WHEREAS, these plans will further disrupt residential neighborhoods, encourage cut-through traffic, create hazardous conditions for pedestrians, and disrupt the community-oriented nature of the Four Corners business area; AND

WHEREAS, construction of the underpass will cause great disruption to commuters, residents, and businesses for an estimated period of four years: AND

WHEREAS, this massive investment will encourage increased automobile traffic and spur additional development in an already over-developed corridor, in lieu of alternatives such as light rail, ridesharing, and expanded public transportation options which would lessen the impact on surrounding residential communities;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the Mayor and City Council express their opposition to the proposal by the State Highway Administration to construct an underpass at the Four Corners intersection.



Introduced by: Mayor Del Giudice

**RESOLUTION #1989-7**

Appointing Members to the City Flag Competition Committee

WHEREAS, On December 12, 1988, the Mayor and City Council passed Resolution #1988-108 which announced a competition to design an official flag for Takoma Park's Independence Day Centennial Celebration and the coming centennial of the City's incorporation; AND

WHEREAS, the Resolution also established a Committee that will plan and direct the competition as well as review designs and select the top three for nomination.

NOW THEREFORE BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the City Flag Competition Committee:

BELLE ZIEGLER  
EDWARD HUTMIRE  
KAREN J. FISHMAN  
MICHELE MORGAN  
THOMAS MORRIS  
ALLAN MARSH  
ENID ROMANCK

Dated this 30th day of January, 1989