

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 16, 1990

CITY OFFICIALS PRESENT:

Mayor Pro Tem Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Acting City Clerk Jewell
Councilmember Moore	Cable Coordinator Smith
Councilmember Prensky	Library Director Robbins
ABSENT: Mayor Del Giudice	Police Captain Wortman
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	

The Mayor Pro Tem and City Council convened at 8:00 p.m. on Tuesday, January 16, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Pro Tem Sharp explained that Mayor Del Giudice was teaching his regularly scheduled Tuesday class and would be arriving later in the evening; Councilmember Leary was ill; Councilmember Hamilton had been detained at his regular work.

Councilmember Douglas moved to bring back to the table the Minutes of the November 13, 1989 Regular Meeting which had been previously tabled; the motion was duly seconded by Councilmember Moore and carried by unanimous vote. Referring to the Minutes of the November 20, 1989 Special Session, which had also been presented for approval, Acting City Clerk Jewell noted need for correction to the spelling of Casey Garhart's [Kathy Gayheart] name on page 1, paragraph 6. Councilmember Douglas noted the same for Ray Denenberg's [Dinnenberg] name on page 12. Responding to query from Mr. Sharp, Ms. Jewell said that the sign-up sheet for speakers that had been suggested and would ensure correct spelling of their names would be handled by her office and implemented at the January 29 meeting. Additionally, Mr. Douglas said that on page 1 of the 11/20/89 Minutes, paragraph 6, last sentence, indicated the Mayor had said the results of the Cable Board election were certified by the Election Judges in their report to the elected body -- while he recalled the Mayor having made that statement, it was incorrect -- that part of the election was not certified by the Judges or included in their report. The Minutes of 11/13/89 and 11/20, 1989, including editorial corrections effected, were approved collectively.

CITIZENS' COMMENTS: (not addressed at items for Council action)
Dwight Olney, Glenside Drive: said while he realized it was not an earth shaking problem, he wondered if there were something the City could do about pet owners who allow their animals to defecate on public and private property. He said everyone in his neighborhood complained, ranted and raved about the situation, but did nothing to resolve it. He said he had tried talking to pet owners, putting out friendly flyers, etc., but to no avail, and knew there were laws governing the situation, but did not expect police to follow people around to see whether or not they cleaned up after their animal. Mr. Olney said he had a real concern about parks and playgrounds where children, particularly toddlers, play; he wondered whether play equipment could not be enclosed within chain link fencing in the hope people would keep their animals outside such enclosures and children could have a clean place in which to play. He said some people with whom he had spoken had stated a willingness to donate matching money to fund doing so.

Mayor Pro Tem Sharp commented this was not the first time this subject had arisen, and perhaps it would be worthwhile to include it as an agenda item for discussion at a meeting. Councilmember Douglas pointed out that the park that was the subject of one of Mr. Olney's drawings, Longbranch Park, was a county park, so the

problem would involve the county as well as the City. Mr. Wilson suggested the City could send the county a letter outlining the problem and relaying the citizen complaint on the subject. He said it might not be a bad idea if the subject were examined in relation to other parks in the city to see whether fencing such as Mr. Olney had suggested would be feasible -- perhaps Parks and Recreation staff could do that without expending a lot of time.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: spoke concerning current deliberations on the setting of guidelines and boundaries for historic preservation of homes within the city. He said he had already remodeled his home and put an addition on it; it was in the area proposed for inclusion in the historic district; he had not worked either professionally or as an avocation on historic preservation. Mr. Karpas said his organization felt the current timetable for deliberations and process on historic preservation had to be abandoned -- the deliberations were meaningless because they were hopelessly flawed in their basic principles and in the sequence of their process. There was a glaring flaw in the primary question of whether to include part of the City of Takoma Park in the Master Plan as an historic district. He asked how the City could reasonably choose to include itself in a program that had been shown in the past to suffer serious process problems and was currently undergoing substantial restructuring. He pointed out problems and constraints imposed during the restructuring, as well as the fact that it was an unknown what would evolve from it, any local control could be minimal, and said any decision on the part of the City should be postponed.

Mr. Karpas said dissemination of information regarding all aspects of the deliberations and process had been egregiously flawed and lacking, and the same held true for the makeup of the City's taskforce inasmuch as it was composed primarily of professionals within the field, architects, and advocates of historic preservation. Additionally, he said the process of public testimony had been callously flawed -- inadequate accurate information had been put forth by Park & Planning, and the City taskforce meetings had not provided for public input and/or questions and the Chair had not been able to give any answer on when affected homeowners would be permitted to speak on the subject. He said there was concern that the Council would accept the taskforce's recommendations regarding boundaries without adequate public debate and hearings due to time constraints; the entire process was hopelessly flawed since adequate consideration could not be made by February 1 on such a manifestly complicated and confused issue; however, the Chair of the taskforce had stated that the deadline for a recommendation on proposed boundaries could not be extended.

Mr. Karpas said that forcing an immediate decision would not allow the City to determine the desire of most of the affected homeowners or to explore alternatives to historic preservation; it would raise the specter of destructively polarizing the city -- informal survey in his own area had demonstrated both vehement opposition to and support for inclusion in an historic district, as well as grave concern over implementation and the extent of local control. He commented it had been a hallmark of the current Mayoralty to try to prevent polarization of the citizenry, and it would be in everyone's best interests to try to prevent it in this situation.

Mr. Karpas pointed out that while it might engender a substantial delay, if the City chose not to enter districts into the Master Plan at present, the county had said it could do so at a later time. At the end of such a delay, the applicable county regulations would be in place, experience in applying them would have been gained, and time would be allowed for the City to make an

informed, considered decision. He urged that the current timetable be abandoned, the process be improved, and time be allowed for making an informed decision that could be supported by the city at large. Responding to a request from City Administrator Wilson for a copy of his testimony, Mr. Karpas said he would bring a clean copy of it in on the next day's date.

Gary Sutton, 7335 Carroll Avenue: said he had at long last received a response to his letter of 11/5/89 which had been addressed to Councilmember Douglas and forwarded for response, noting that the response bore the signature of Asst. City Administrator Beverly K. Habada. Mr. Sutton related that the letter stated that regarding his experience with the Tenant Opportunity to Purchase Law, that law interpreted in the context of real estate law allowed the owner to rescind an offer to purchase so long as the owner did not sell the property. He expressed some confusion about the situation and said it seemed a very concise answer to the complex set of circumstances he had outlined in his letter, some of which he reiterated and speculated upon. Regarding the health and safety conditions of the property, he said DHS had recorded that all violations noted had been abated at the time of reinspection -- Mr. Sutton said that was not true -- the violations cited had not all been corrected, and some remained still uncompleted. He said the kitchen ceiling was still cracking and interior painting that was to be done remained partially completed. He referred to the asbestos around the furnace, which he had addressed in his initial letter and appearances before the Council, noting he had had it tested by a laboratory to affirm that it was asbestos and pointing out that that material, in his opinion, was addressed under the State Code in the section concerning heating, cooking and water heating devices and how they should be maintained. He said the asbestos shield around the furnace was cracked and was disintegrating into the atmosphere of the structure, which posed a health hazard.

Mayor Pro Tem Sharp commented that while Asst. City Administrator Habada had offered a response to Mr. Sutton's complaint regarding his experience with the Tenant's Right of First Refusal, it might be a matter wherein he should seek redress through the court system rather than the City Council, which was primarily a legislative body rather than a judicial body, should he desire to pursue the matter further. He said that the Council would be reviewing that particular law over the next few months, however, and would be interested in hearing Mr. Sutton's comments on it at that time.

ITEMS FOR COUNCIL ACTION:

1. Appointments to Historic Preservation Taskforce.

Mayor Pro Tem Sharp noted that appointments to the taskforce had been previously effected; those presently proposed would be added to the list of appointees on the original resolution by amendment thereto. Mr. Sharp moved amendment of Resolution #1989-121, duly seconded by Councilmember Douglas. Mr. Douglas pointed out that the 3 ex officio appointees that were proposed were staff of the organizations listed by their names, and should be helpful to the taskforce in the course of its deliberations. He said that some of the points made by Mr. Karpas during his commentary were well taken and it might be necessary to follow some of his suggestions, however, they were somewhat premature because the City was essentially operating within someone else's time frame, which put it in an uncomfortable position. He said it may be that all the necessary information would not be available within the timeframe that was set forth; it may not be possible to reach a community consensus, and there may be need to request additional time or simply opt out for the present, if that were what seemed appropriate. However, he said he thought the taskforce should be allowed to proceed with the charge it had been given and see how the process went. He said he thought some of Mr. Karpas' remarks

were addressed to the county as well as the City Council, particularly regarding the process and how information had been disseminated to the public, and said he would have to agree that it had not been very well handled. He commented that if the county had done its work properly, there probably would not have been need for the City taskforce. He said he did have a problem with Mr. Karpas' characterization of the composition of the taskforce -- while there might not be anyone on it specifically from the WACO area, there had unfortunately been 30-40 nominations to deal with and it had been very difficult to try to balance the makeup of the group. Additionally, he said a sincere attempt was made to balance the group with some people who had expressed pro and con views, as well as others who appeared to be somewhat neutral, so that the outcome would not be stacked one way or the other. Mr. Karpas said he had drawn his characterization of the group from the minutes of the taskforce at its first meeting when the membership introduced itself and was asked to comment upon their experience and views. Mr. Douglas said he had not attended that meeting, however, hoped the members of the taskforce would be aware that they needed to step out of their personal biases and preconceptions of the issue and come forth with some creative ideas. He said the thought of creating divisiveness within the community bothered him a great deal, and he hoped that would not occur. Otherwise, the community would have been set back several years in time. Regarding minority representation, he said he was not clear that that was necessarily pertinent, however, one of the reasons a representative from Colby Avenue was being added was that that area did have some other sorts of roots in the community than some others, and if there were other neighborhoods within the city having a similar background, those should be sought out as well. He said he did not view the matter of representation on the taskforce as having anything to do with anyone's race or cultural background, but rather one of being able to do some good analysis and work cooperatively to come up with a viable recommendation, and hoped the taskforce would be enabled to move forward with its assigned work.

Councilmember Prenskey commented that as the elected representative of the Westmoreland area and while he appreciated Mr. Douglas' openness on the subject, having heard comments from some people who had attended meetings of the taskforce and having read the minutes of some of those meetings, he felt the charges Mr. Karpas had made, while perhaps not completely clear and proven in all cases, were very serious and deserving of attention. He said he would like for the Council to get some sort of interim report from the Chair of the taskforce, Mr. Iddings, perhaps responding to Mr. Karpas' and WACO's comments. He said he would not wish for an adversarial situation to be generated, but hoped and believed Mr. Iddings could furnish some reassurance on the issues that had been raised. Mayor Pro Tem Sharp commented Mr. Iddings could be asked to attend the next worksession and perhaps respond to some of the community perceptions that apparently existed regarding the taskforce.

The amendment which would add one additional member and three ex-officio members to the taskforce was passed by unanimous vote of those present.

RESOLUTION #1989-121, as amended
(attached)

2. Resolution Endorsing Takoma Repertory.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Moore.

Bob Appleton, 1009 Hopewell Avenue, member of Takoma Repertory:
on behalf of the President and all members of the group, ex-

pressed thanks to the elected body for their favorable response and endorsement. He said they were looking forward to putting on some exciting plays; the next major production would be in June, would be "The Absence of a Cello" -- the time and place it would be presented was not yet decided upon. The resolution was passed by unanimous vote of those present.

RESOLUTION #1990-1
(attached)

3. Resolution re Municipal Representation on Montgomery Community Television Board - Appointment of Casey Garhart.

Mayor Pro Tem Sharp noted that the City's long time representative had left the city, which was the reason for the appointment presently being effected. Councilmember Prensky moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Douglas noted the Council had had a discussion with Ms. Garhart concerning her interest in serving, and at that time, the consensus had been that it would be desirable for her to report back on a regular basis to the elected body concerning the various issues that arose, any guidance she might require in relation to policy, etc. The resolution was passed by unanimous vote of those present.

RESOLUTION #1990-2
(attached)

4. First Reading of an Ordinance re Bond Issue.

Asst. City Administrator Habada noted that Mr. George Fogel, the City's Bond Counsel, was present at the meeting and would be addressing the technical aspects of the proposed ordinance.

Mr. Fogel explained that the ordinance itself had been drafted by the state's bond counsel, Miles & Stockbridge; the documentation provided to each participant city was pretty much alike. Councilmember Douglas suggested that Mr. Fogel summarize the highlights of the document, touching particularly upon those items he felt might be of importance to the City. Mr. Fogel explained that probably the most important aspect of the transaction was that the City would be selling a bond in the approximate amount of \$575,000 to the state's Community Development Administration, would obligate itself to repay the bond over a period of time, and would use the funds for those purposes set forth in the ordinance. He noted the City would be agreeing to use the bond money only for the purposes stated, and would repay the money as required under the agreement; both a repayment agreement and a pledge agreement would be entered into. Under the pledge agreement, the City would assign to the state any monies it was entitled to receive from the state in the event a payment was missed -- which amounted to a stop gap back extra guarantee, and was required by the program. He further explained that any and all funds the City might be due to get from the state would be subject to the lien if the City defaulted in its payments.

Ms. Habada affirmed, responding to query from Mayor Pro Tem Sharp, that work had been begun on some of the items that would be covered by the bond with the understanding that expenses incurred could be covered by the bond. Mr. Fogel affirmed, as well, that that was correct and permissible.

Responding to query from Councilmember Prensky concerning prepaying payments due to the state on the bond and any penalties that might result from so doing, Mr. Fogel pointed out that no prepayment was allowed for the first ten years -- the reason for that was that the terms of Takoma Park's bond had to mesh with the bond that the CDA would be selling to the public; that bond would be the actual source of the money that would come to Takoma Park. He explained that in the bond industry at present, it was common

practice to have a ten year call protection which assured people buying the bonds that the government issuing it would not call it, i.e., prepay within the ten year period. So, in order for the state to be able to make that promise, it had to require that participating municipalities make that promise to the state. He pointed out that on page 12 of the ordinance, the last part of Section 3 described the reasoning for that particular aspect of the bond issue. Responding to further query from Mr. Prensky, he affirmed that inasmuch as the bond had a 10-year life and no prepayment was allowed for 10 years, there could be no prepayment on the bond by the City.

Asst. City Administrator Habada, responding to query, said that the City would know definitely about transaction costs such as debt service on January 22, when the bond was priced; she said the state would not be picking up the overhead costs on the upcoming bond issue, however, might pick up insurance costs on future issues. She said the cost for issuance would be in the neighborhood of \$35,000, which was the amount the City had budgeted for the item, and she did not think it would exceed that figure -- that would cover insurance, cost of bond counsel, etc. She affirmed the repayment schedule would be furnished prior to Second Reading.

Councilmember Elrich moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Douglas. The ordinance was accepted for First Reading with Councilmember Prensky Abstaining, Councilmembers Douglas, Elrich, Moore and Sharp voting Aye.

ORDINANCE #1990-1
(attached)

Mr. Fogel explained that following final adoption of the ordinance, there would be certain documentation to be accomplished. The two agreements to which he had referred earlier would be executed by the Mayor and attested to by the City Clerk; a general certificate would be drawn up setting out the City's legal status and the fact that the Mayor and Councilmembers and the Clerk are duly elected and/or appointed, etc. The City Attorney would issue an opinion regarding the status of the City's legality to transact business and to enter into agreements; his own firm would opine as to the tax exempt status of the bond and the fact that it was duly authorized. Mr. Fogel pointed out that following adoption of the ordinance, as was normally the case, there would be a 20-day period prior to effectiveness of the legislation. After that 20-day period, the City would be able to start drawing down money from the bond.

CONSENT AGENDA:

Councilmember Douglas moved passage/adoption, collectively, of those items on the Consent Agenda, duly seconded by Councilmember Elrich. The items were passed/adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Moore, Prensky and Sharp; NAY: None; ABSENT: Councilmembers Hamilton and Leary.

A. Resolution to Transfer PY15 CDBG Funds Allocated for Educational Cassette Program and Sister City Phase II to Complete Erie/Flower Avenue Facade Improvements.

RESOLUTION #1990-3
(attached)

B. Resolution re Equipment Disposal at Public Works.

RESOLUTION #1990-4
(attached)

C. Single Reading Ordinance re Library Copier Purchase.

ORDINANCE #1990-2
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:02 p.m. to reconvene shortly thereafter in worksession.

Introduced by: Councilmember Douglas

ADOPTED: DECEMBER 4, 1989
AMENDED: JANUARY 8, 1990
AMENDED: JANUARY 16, 1990

RESOLUTION 1989-121

WHEREAS, the Council of the City of Takoma Park adopted Resolution 1989-109 on November 13, 1989, which resolution establishes a Historic Preservation Task Force; AND

WHEREAS, the composition, powers, and duties of this Task Force are described in Resolution 1989-109, as amended on December 4, 1989; AND

WHEREAS, the Mayor and Council have solicited nominations to the Task Force via public notice; AND

WHEREAS, the Mayor and Council have received and reviewed several such nominations;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following individuals are appointed as members of the Historic Preservation Task Force:

1. Chair: Carl Iddings, 7416 Carroll Ave., Ward 2
2. B. Holly Schadler, 7322 Piney Branch Rd., Ward 1
3. W. Douglas Varn, 7709 Takoma Avenue, Ward 1
4. Ian Spatz, 7304 Willow Avenue, Ward 2
5. Susan Gilbert, 5 Valley View Avenue, Ward 2
6. Ellen Marsh, 7405 Maple Avenue, Ward 2
7. Ross Wells, 12 Sherman Avenue, Ward 2
8. Brandon Lipman, 328 Boyd Avenue, Ward 2
9. Travis Price, 7050 Carroll Avenue (Bus.), Ward 1
10. Ken Norkin, 14 Hickory Avenue, Ward 3 "
11. Joan Duncan, 25 Pine Street, Ward 3
12. Bryan Sayer, 215 Spring Avenue, Ward 3
13. Dennis Fruitt, 706 Devonshire Road, Ward 7
14. Cindy Dyballa, 515 Elm Avenue, Ward 3
15. Rahman Karriem, 816, Colby Avenue, Ward 7

BE IT FURTHER RESOLVED THAT the following individuals are appointed as ex-officio members of the Historic Preservation Task Force:

1. Gwen Marcus, Maryland-National Capital Park and Planning Commission, Montgomery County
2. Howard Berger, Maryland-National Capital Park and Planning Commission, Prince Georges County

3. Jared Cooper, Montgomery County Historic Preservation Commission

BE IT FURTHER RESOLVED THAT the terms of the members of the Historic Preservation Task Force shall expire on March 1, 1990 unless extended by a further resolution of the Council.

ADOPTED THIS 4TH DAY OF DECEMBER, 1989.

zonsub2/hptfmemb.res

Introduced by: Councilmember Douglas

Dated: 1/16/90

RESOLUTION #1990-1

ENDORSING THE TAKOMA REPERTORY

WHEREAS, Takoma Repertory, Inc., founded in 1982, is a nonprofit community theater group that provides performing arts events and opportunities for creative expression in Takoma Park and its vicinity; AND

WHEREAS, Takoma Repertory has served the Takoma Park Community by participating in eight consecutive Folk Festivals and performing yearly readings at the City Library; AND

WHEREAS, Members of Takoma Repertory have come before the City Council seeking the City's support in creating public awareness and publicity for the Repertory in bringing performing arts to all of Takoma Park; AND

WHEREAS, Takoma Repertory wishes to take advantage of publicity arrangements as well as assistance in securing Takoma Park locations to hold rehearsals and productions; AND

WHEREAS, Takoma Repertory is requesting no funding from the City of Takoma Park to carry out their goals and objectives.

NOW THEREFORE BE IT RESOLVED THAT the City Council hereby endorses the affiliation of Takoma Repertory with the City of Takoma Park; AND

BE IT FURTHER RESOLVED THAT the City's Recreation Department under the guidance of the Recreation Director, will provide the Repertory with reasonable assistance and guidance for publicity and securing rehearsal and performance locations for Takoma Repertory meetings and productions.

Dated this 16th day of January, 1990.

Introduced By: Councilmember Prensky

RESOLUTION #1990-2

WHEREAS, on August 10, 1987, the City Council adopted Resolution 1987-71 supporting revision of the Montgomery Community Television (MCT) by-laws to provide for representation of Takoma Park on the MCT Board of Directors; AND

WHEREAS, Takoma Park resident George Ray, III, was selected to be the City's representative on the MCT; AND

WHEREAS, after serving approximately 2 years Mr. George Ray has resigned this position; AND

WHEREAS, the City Council desires to appoint a replacement to provide for municipal representation on the Montgomery County Television Board of Directors.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park, Maryland hereby appoints the following person to represent Takoma Park on the MCT:

Ms. Casey Garhart
6815 Eastern Avenue #3
Takoma Park, MD 20912 (Ward 3)

BE IT FURTHER RESOLVED THAT this appointment is effective immediately, and the City Administrator is hereby directed to forward a copy of this Resolution to the MCT.

Dated this 16th day of January, 1990.

Introduced by: Councilmember Elrich

FIRST READING: 1/16/90
01-10-90
CDO09308.RSO

ORDINANCE NO. 1990-1

CITY OF TAKOMA PARK

INFRASTRUCTURE BONDS, 1990 SERIES A

ORDINANCE OF THE COUNCIL OF TAKOMA PARK OF THE CITY OF TAKOMA PARK, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ISSUANCE AND SALE OF UP TO FIVE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$575,000) AGGREGATE PAR AMOUNT OF BONDS OF THE CITY OF TAKOMA PARK, TO BE KNOWN AS "THE CITY OF TAKOMA PARK INFRASTRUCTURE BONDS, 1990 SERIES A", TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 501 AND 922 OF THE CHARTER OF CITY OF TAKOMA PARK, AS AMENDED, AND SECTIONS 31 THROUGH 37 OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF PROVIDING FUNDS NECESSARY FOR ROAD IMPROVEMENTS, LIBRARY RENOVATIONS, REPAIR OF LEAF MULCH PLANT, REPLACEMENT OF PUBLIC WORKS BOILER, REPLACEMENT OF PUBLIC WORKS ROOF, AND RELATED COSTS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE CITY OF TAKOMA PARK; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CITY OF TAKOMA PARK FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING THE METHOD OF FIXING THE INTEREST RATE TO BE BORNE BY THE BONDS.

WHEREAS, The City of Takoma Park (the "Issuer") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A

of the Annotated Code of Maryland, as amended ("Article 23A");
and

WHEREAS, under Sections 501 and 922 of the Charter, the Issuer is empowered to borrow money for any proper purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, Section 31 of Article 23A empowers every municipal corporation to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds in the manner therein prescribed; and

WHEREAS, pursuant to the authority of Sections 501 and 922 of the Charter and Sections 31 through 37 of Article 23A, the Issuer has determined to issue its general obligation bonds in the principal amount of up to Five Hundred Seventy Five Thousand Dollars (\$575,000), to be known as "The City of Takoma Park Infrastructure Bonds, 1990 Series A" for the purpose of providing funds necessary for road improvements, library renovations, repair of leaf mulch plant, replacement of public works boiler, replacement of public works roof (the "Project"), and payment of costs of issuance, bond insurance premiums and other related costs; and

WHEREAS, the Issuer proposes to issue and sell the bonds to the Community Development Administration, an agency in the Division of Housing Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"), in connection

with the Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and the obtaining of a loan from the Administration pursuant to the Program (the "Loan").

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Authorization, Terms, Form of Bonds.

(a) The Issuer shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit up to Five Hundred Seventy Five Thousand Dollars (\$575,000) aggregate principal amount of its bonds, to be issued pursuant to the authority of Sections 501 and 922 of the Charter and Sections 31 through 37 of Article 23A, to be known as "The City of Takoma Park Infrastructure Bonds, 1990 Series A" (the "Bonds"). The proceeds from the sale of the Bonds shall be used for the purpose of providing funds necessary for the Project and payment of costs of issuance, bond insurance premiums and other related costs.

(b) The Bonds shall be issued as a single fully registered bond in the principal amount of up to Five Hundred Seventy Five Thousand Dollars (\$575,000), payable to the registered owner thereof. The Bonds shall be issued in such amount or such lesser amount as determined by the Mayor, which shall be the amount of the Loan to be financed under the Program.

(c) The Bonds shall be dated as of the date of delivery to the purchaser; shall be numbered R-1; shall be registered in the name of the Administration or its designee; shall bear interest

at a rate not to exceed _____ percent (____%) per annum (the specific rate to be determined as hereinafter set forth); and shall be repaid in annual installments on May 1 in each year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	

(d) The rate of interest to be borne by the Bonds shall be determined and established by an ordinance or resolution of the Council of the Issuer, which supplements this Ordinance. The rate of interest shall not exceed the maximum rate set forth in subsection (c) above unless this Ordinance is amended to authorize such increase.

(e) The Bonds shall be in substantially the following form, which form, together with the statement of annual principal installments and semi-annual installments of interest as therein set forth, and all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained:

(Form of Bonds)

United States of America

State of Maryland

The City of Takoma Park

Infrastructure Bond, 1990 Series A

No. R-1

\$ _____

THE CITY OF TAKOMA PARK, a municipal corporation duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to

_____ or its registered assigns, the principal amount of Five Hundred Seventy Five Thousand Dollars (\$575,000), plus interest on the unpaid principal balance hereof at the rate of _____ per annum in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payments to be made, as follows: (a) commencing on _____ 1, 19__ and continuing on the first day of November and May in each year thereafter until final maturity interest shall be due and payable on the outstanding and unpaid principal of this bond; (b) commencing on _____ 1, 19__ and on _____ 1 in each year thereafter principal of this bond shall be payable as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate of interest borne by this bond. Payment of principal hereof and interest due hereon shall be made at the offices of the _____.

This bond, designated as "The The City of Takoma Park Infrastructure Bond, 1990 Series A" (the "Bond"), is a general obligation of the Issuer, limited to an aggregate principal amount of Five Hundred Seventy Five Thousand Dollars (\$575,000), and has been duly issued by the Issuer for the purpose of providing funds necessary for road improvements, library renovations, repair of leaf mulch plant, replacement of public works boiler, replacement of public works roof, payment of costs of issuance, bond insurance premiums and other related costs.

The Bonds are issued pursuant to the authority of Sections 501 and 922 of the Charter of the Issuer, as amended, and Sections 31 through 37 of Article 23A of the Annotated Code of Maryland, as amended, and an Ordinance of the Issuer adopted on _____, 1990 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue thereon.

The Bonds are issued in connection with the Infrastructure Financing Program of the Community Development Administration, an agency in the Division of Housing Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). The Bonds are subject to the terms and conditions of the Repayment Agreement dated as of _____ 1, 1990, between the Issuer and the Administration (the "Repayment Agreement").

The Bond is not subject to prepayment by the Issuer prior to June 1, 2000. On or after June 1, 2000, the Bond is subject to prepayment by the Issuer at the prepayment prices, expressed as a percentage of the principal amount to be prepaid, plus accrued interest, if any, to the prepayment date, on the principal amount thereof, and during the periods (both dates inclusive) listed below:

<u>Period</u>	<u>Price</u>
June 1, 2000 through May 31, 2001	102½
June 1, 2001 through May 31, 2002	101
June 1, 2002 and thereafter	100

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of the Bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name the Bond is registered as the absolute owner hereof, whether or not the Bond shall be overdue, for the purpose of receiving payment thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

The Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender the Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take the Bond subject to such condition.

As declared by Section 35 of Article 23A of the Annotated Code of Maryland, as amended, the Bond shall be fully negotiable under the laws of the State of Maryland and nothing contained in the Bond shall affect or impair the negotiability of the Bond. The Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the registered owner of the delivery of the Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of the Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, The City of Takoma Park has caused this Bond to be signed in its name by the manual or facsimile signature of its Mayor, its corporate seal to be affixed hereto and attested by the manual signature of the City Clerk and this Bond to be dated _____, 1990.

ATTEST:

CITY OF TAKOMA PARK

Paula Jewell,
City Clerk

By: _____
Stephen J. DelGuidice,
Mayor

[SEAL]

(Form of Assignment)

FOR VALUE RECEIVED, _____ hereby sells, assigns and transfers unto _____ the within bond, and does hereby irrevocably constitute and appoint _____ Attorney to transfer the same on the books of the Issuer at the offices of the Issuer in _____.

Dated: _____

WITNESS:

(f) The Bonds are to be issued in connection with the Program to finance the Project and payment of costs of issuance, bond insurance premiums and other related costs. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration, copies of which are attached hereto as Exhibits A and B, respectively (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer will also execute and deliver in connection with the issuance of the Bonds and the Program additional documents, agreements, instruments and certificates (which, together with the Repayment Agreement and the Pledge Agreement are herein referred to as the "Program Documents"). The form of the Repayment Agreement and the Pledge Agreement are approved.

(g) Because this Ordinance is being adopted before the details of the Loan to be made by the Administration to the Issuer under the Program and the terms of the Administration's Infrastructure Financing Bonds have been finalized, the Mayor is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed the maximum principal amount of the Bonds hereby authorized, subject to final approval by the Administration; accordingly, the Mayor is specifically authorized to make changes to the principal amount of the Bonds in order to reflect the final principal of

the Loan as approved by the Administration and accepted by the Issuer.

Section 2. Execution.

The Bonds and the Program Documents shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor of the Issuer, and the seal of the Issuer shall be affixed thereto and attested by the manual signature of the City Clerk of the Issuer. If any officer whose signature shall appear on the Bonds or the Program Documents shall cease to be such officer before the delivery of the Bonds or the Program Documents, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Mayor of the Issuer is hereby authorized, empowered and directed to complete the applicable form of the Bonds or the Program Documents hereinabove or hereinafter set forth and to make minor corrections or changes thereto in any manner which the Mayor, in his or her discretion, shall deem necessary to complete the issuance and sale of the Bonds and the execution and delivery of the Program Documents, all as may be in the best interest of the Issuer. The execution of the Bonds and the Program Documents by the Mayor shall be conclusive evidence of his or her approval of the form and substance thereof.

Section 3. Prepayment.

The Bonds are being issued in connection with the Program, and will secure payment of the Administration's Infrastructure

Financing Bonds (Capital Guaranty-Insured) 1990 Series A, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer. The Repayment Agreement limits the ability of the Issuer to prepay the Bonds in accordance with restrictions upon the ability of the Administration to redeem its Infrastructure Financing Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayment as set forth in the Bonds.

Section 4. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond (a "Bond" being, for purposes of this section, any one of the Bonds) shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the registered owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen upon the registered owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and his ownership thereof, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment

and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 5. Use of Proceeds.

(a) The proceeds of the Bonds shall be held, invested and administered by the Administration pursuant to the Repayment Agreement and shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the design and construction of the Project have been completed and the Project is in operation and all costs and expenses in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment or prepayment of the Bonds, as permitted by the Administration.

Section 6. Covenants.

The Issuer covenants with and for the benefit of the registered owner from time to time of the Bonds, that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the registered owner of the Bonds the principal of the Bonds and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds, according to the true intent and meaning thereof.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, it will levy annually, in the manner prescribed by law, a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, ad valorem taxes in rate and amount and sufficient, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

Section 7. Ordinance a Contract.

The provisions of this Ordinance shall constitute a contract with the purchaser and registered owner from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the registered owners of the Bonds.

Section 8. Special Tax Covenants.

(a) The Issuer covenants that it will not make any use of the proceeds of the Bonds or any moneys, securities or other obligations on deposit to the credit of the Issuer or otherwise which may be deemed by the Internal Revenue Service to be proceeds of the Bonds pursuant to Section 148 of the Internal

Revenue Code of 1986, as amended, and the Income Tax Regulations thereunder (collectively, the "Code"), which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

(b) The Issuer further covenants that it will not (i) take any action, (ii) fail to take any action, or (iii) make any use of the proceeds of the Bonds, which would cause the interest on the Bonds to be or become includible in gross income for federal income tax purposes in the hands of the registered owners thereof.

Section 9. Pledge of Local Government Payments.

As contemplated and authorized by Article 83B, Section 2-204(16)(iii) of the Annotated Code of Maryland, as amended, the Issuer hereby pledges, assigns and grants a security interest to the Administration, its successors in trust and assigns, all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds.

The Bonds shall be sold for cash at not less than par in accordance with the terms and provisions of this Ordinance.

Section 11. Sale of Bonds.

Notwithstanding Sections 32(3) and 34(4) of Article 23A, the Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 922 of the Charter of the Issuer, and Article 83B, Section 2-204(16)(ii) of the Annotated Code of Maryland, as amended.

Section 12. Actions.

The officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purposes of this Ordinance and the Program Documents.

Pursuant to the requirements of Sections 308(f) and 310 of the Charter, the City Clerk shall promptly cause this Ordinance to be posted on the City Hall Bulletin Board for one week after its introduction and for at least three weeks after its adoption and shall promptly cause this Ordinance to be permanently filed among the records of the Council of Takoma Park.

Section 13. Effective Date.

This Ordinance shall take effect 20 calendar days from the date of approval by the City of Takoma Park, and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this

Ordinance duly certified by the City Clerk or his or her successor in office shall constitute evidence of the contents and provisions hereof.

ADOPTED by The Council of Takoma Park of The City of Takoma Park and approved by the Mayor on _____, 1990.

ATTEST:

CITY OF TAKOMA PARK

Paula Jewell,
City Clerk

By: _____
Stephen J. DelGuidice,
Mayor

[SEAL]

Exhibits

- A - Form of Repayment Agreement
- B - Form of Pledge Agreement

CDO09308.RSO

Exhibit A to
Ordinance No. _____

Form of Repayment Agreement

[Form to Follow]

Form of Pledge Agreement

[Form to Follow]

8. Confession of Judgment. Upon a default in the payment of any sum due hereunder which remains uncured for _____ () days calendar days following written notice from the Note Holder to the Borrower, the Borrower authorizes any attorney admitted to practice before any court of record in the United States to appear on behalf of the borrower in any court in one or more proceedings, or before any clerk thereof or prothonotary or other court official, and to confess judgment against the Borrower, without prior notice or opportunity of the Borrower for prior hearing, in favor of the Holder of this Promissory Note in the full amount due on this Promissory Note (including principal, accrued interest and any and all penalties, fees and costs) plus reasonable attorneys' fees and court costs. The Borrower agrees and consents that venue and jurisdiction shall be proper in the Circuit Court of any County of the Commonwealth of Pennsylvania or of York, Pennsylvania, or in the United States District Court for the Middle District of Pennsylvania. The Borrower waives the benefit of any and every statute, ordinance, or rule of court which may be lawfully waived conferring upon the Borrower any right or supplementary proceedings, or other relief from the enforcement or immediate enforcement of a judgment or related proceedings on a judgment. The authority and power to appear for and enter judgment against the Borrower shall not be exhausted by one or more exercises thereof, or by any imperfect exercise thereof, and shall not be extinguished by any judgment entered pursuant thereto; such authority and power may be exercised on one or more occasions from time to time, in the same or different jurisdictions, as often as the holder shall deem necessary or advisable.

Introduced By: Councilmember Douglas
Drafted By: Valerie VinCola

ADOPTED: January 16, 1990

Resolution No. 1990-3

A resolution affirming action taken by the City Administrator to amend the Community Development Block Grant (CDBG) Program Year 12 contract with Montgomery County to include street improvements on Erie Avenue; AND authorizing a request to Montgomery County to use a portion of Sister City Phase II funds (allocated under Program Year 15) and the Educational Cassette project funds (allocated under Program Year 13) for the purchase of facade easements in Erie/Flower commercial district (a Program Year 12 activity).

WHEREAS, the City holds a contract with Montgomery County for CDBG funds allocated under PY 12, which includes the Tenant Awareness Program and the Erie/Flower Facade Improvement Program; AND

WHEREAS, Neither of these two PY 12 activities were complete by the PY 12 contract expiration date and therefore City staff requested a contract amendment; AND

WHEREAS, Montgomery County has granted the City an amendment to the PY 12 CDBG contract, which has been executed by the City Administrator, that extends the contract expiration date and provides for a portion of the Erie/Flower Facade Improvement Program funds to be used for street improvements on Erie Avenue; AND

WHEREAS, the City is committed to purchase additional facade easements under the Erie/Flower Facade Improvement Program in the future, and therefore, as a result of the PY 12 contract amendment, will need additional CDBG funds for those purchases; AND

WHEREAS, the City has available \$5,520 of PY 13 CDBG funds from Montgomery County due to the ineligibility of the library's Educational Cassette Program; AND

WHEREAS, the City has been allocated \$10,000 of PY 15 CDBG funds for Sister City Phase II, an activity which the City is not prepared to undertake in its entirety over PY 15, and will therefore defer portions of this activity until a future date; AND

WHEREAS, The City is committed to the execution of public art as the CDBG PY 15 Sister City Phase II activity, with a project budget of \$5,970 and with the remaining \$4030 being transferred to the Erie/Flower Facade Improvement Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the actions of the City Administrator to amend the CDBG PY 12 contract with Montgomery County are

hereby affirmed.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to make a request to Montgomery County to use \$4,030 of the funds allocated for Sister City Phase II in PY 15 and \$5,520 of the funds allocated for the Educational Cassette program in PY 13 to provide \$9,550 for the purchase of additional facade easements under the Erie/Flower Facade Improvement Program.

BE IT FURTHER RESOLVED THAT in approving of the use of CDBG funds for a Public art project as the PY 15 Sister City Phase II activity, the Council authorizes DECD staff to work with the Takoma Junction Committee to develop a public art selection process for the B.Y. Morrison Park.

ADOPTED THIS 16th DAY OF JANUARY, 1990.

GOLD\PY12AMEN.RE

Introduced by: Councilmember Douglas

Agenda Item # B

RESOLUTION NO. 1990-4

CONSENT AGENDA ITEM

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

- SECTION 1: THAT the Public Works Department desires to retire from its fleet a 1981 Plymouth Grand Fury (#137) Serial number 1P3BR27N1BA119961, 84,010 miles which has been replaced by a newer vehicle (Housing Services Department) and a 1980 Chevy Dump Truck (#101) Serial No. C16DAAV120331, 128,000 miles.
- SECTION 2: THAT they have passed their useful life, with no economic value in overhaul; AND
- SECTION 3: THAT the noted vehicles take up valuable space within the Public Works compound; AND
- SECTION 4: THAT these vehicles have minimal resale value; AND
- SECTION 5: THAT the noted vehicles be disposed of by the Public Works Director or designated representative.

Dated this 16th day of January, 1990.

Single Reading: 1/16/90
(Consent Agenda)

Introduced by: Councilmember Douglas

ORDINANCE 1990-2

An Ordinance to Purchase a Copier for the Library

1. WHEREAS, the Fiscal Year 1989-90 City Budget earmarked \$5,300.00 in the Capital Budget for the purchase of a Copier for the Library; AND
2. WHEREAS, the cost of a Panasonic FP-2230 Copier, which is most compatible with the Library's needs, is under \$5,000.00 which constitutes a small purchase pursuant to Section 2-44 (a) of the Takoma Park Code which is exempt from competitive bidding; AND
3. WHEREAS, three price quotes for copiers were solicited and received from area copier dealers, as required under Section 2-45 of the City Code.

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

SECTION 1: THAT the quote from Commonwealth Copiers for a Panasonic FP-2230 copier is hereby accepted; AND

SECTION 2: THAT funds to cover this purchase in the amount of \$4,960.00 be charged to the Capital Expenditures Account, # 9100-8000.

Adopted this 16th. day of January, 1990 by Roll Call Vote as follows:

AYE: Douglas, Elrich, Moore, Prensky, Sharp
NAY: None
ABSTAINED: None
ABSENT: Hamilton, Leary

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 29, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Acting City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Code Enf. Supervisor Morning
Councilmember Moore	Newsletter Editor Baron
Councilmember Prensky	Public Works Director Giancola
Councilmember Sharp	Recreation Director Ziegler

The Mayor and City Council convened at 8:01 p.m. on Monday, January 29, 1990 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the December 4 and December 18, 1989, Meetings were presented for approval. Councilmember Prensky pointed out that on page 1, 2nd paragraph, of the 12/4/89 Minutes, the United States Nuclear Free Zone Association had been incorrectly identified as the [National Association of Nuclear Free Zones]. Mayor Del Giudice remarked that he may have referred to the organization incorrectly in the course of his comments; however, asked that the Minutes be corrected to reflect the proper name. Additionally, Mr. Prensky pointed out that on page 1, last paragraph, of the 12/18/89 Minutes, the presentation he and Mr. Hamilton had attended at Takoma Academy was not [regarding drunk driving] as stated, but was sponsored by the Takoma Academy Chapter of Students Against Drunk Driving; the content of the rest of the text was correct. The Mayor suggested that the words [regarding drunk driving] be deleted from the first sentence of that paragraph and replaced with sponsored by the school's chapter of Students Against Drunk Driving. Councilmember Moore pointed out that on page 6, next to last paragraph, second sentence, of the 12/18/89 Minutes, there was a typographical error, i.e., excavation had been misspelled. Councilmember Prensky moved approval of the Minutes, collectively, as corrected; the motion was duly seconded by Councilmember Hamilton, and carried by unanimous vote.

The Mayor noted that a meeting would be held the following evening at the Municipal Building for the purpose of examining the proposed sewer line and hiker/biker trail along Sligo Creek. He pointed out that it would be an opportunity for the community to come forward and furnish input regarding the long anticipated hiker/biker trail. He referred to past times in which the Traffic Committee sponsored Car Free Day(s) to allow bikers and others to enjoy the park and creek free of vehicular traffic. He noted there remained a lot of work to be done; efforts would need to be coordinated through WSSC, appropriate county agencies, the City and the Citizens' Advisory Committee, however, the preliminary plans would be presented at the meeting.

ADDITIONAL AGENDA ITEMS:

The Mayor noted item 11 regarding appointments to COLTA had been removed from the agenda. He said a number of individuals interested in serving on the commission had been interviewed, however, one interview still needed to be conducted prior to effecting appointments.

The Mayor noted that Condie Clayton, a former City employee, was in attendance at the meeting. He related that Mr. Clayton was now City Manager for Mt. Rainier, Maryland, and said he had enjoyed recently visiting that municipality and meeting with City officials and members of the business community.

ITEMS FOR COUNCIL ACTION:

1. 6 Grant Avenue - Action on Detailed Site Plan.

The Mayor noted that the applicant was present at the meeting.

John Fleming, President of Constructive Alternatives, applicant: said if he understood correctly, the purpose of the site plan review was so that the Council could formulate an opinion/position to be conveyed to Park & Planning. He pointed out that he had worked with the City and with Park & Planning to try to come up with a plan that would to the extent possible satisfy all concerned parties. He noted that the parking in the rear had been rearranged so as to ease entry into the parking area and not have to cross over the corner of one of the private parcels fronting onto Carroll Avenue. Mr. Fleming said he had met earlier in the day with Park & Planning for a preliminary review, and their staff had not raised any questions about the plan, so no problems were anticipated with that body.

Asst. City Administrator Habada related that Community Planner Schwartz would not be present for the meeting due to illness; she said the only additional question Ms. Schwartz had regarding the plan was whether a taller shrub could be planted by the trash container for screening purposes. Responding to query, Mr. Fleming said the plan specified eight 18-24" foundation plantings for that purpose, planted parallel to the building and on the street side of the trash containers. He noted the trash containers were screened by a lattice enclosure, and that the shrubs intended for planting would reach 3-4 ft. at maturity. Responding to query from Councilmember Douglas, he said he would not be averse to putting in shrubs larger than the 18-24" size specified, however, the latticework was not an unsightly structure that needed a lot of screening -- it was similar to that used for the porch enclosure, so was in keeping with the rest of the building. Councilmember Prensky said it had appeared that residents across the street from the property favored having a taller shrub that would protect their view in the event the trash containers were left other than within the provided enclosure. Mr. Fleming said he would have no problem with making the end shrub a larger one, however, if all eight were much larger they would end up encroaching on the driveway -- the planting strip was only 2 ft. wide. He noted that the planting strip was not a county requirement, but something he had added as an amenity, pointing out that he only had to have 10% greenspace on the property but actually would have around 23%. Councilmember Douglas pointed out that the question had been raised by citizens of whether the trash cans and enclosure could be located in the back of the building. Mr. Fleming said that while that would be possible, the only feasible spot would be where he had intended having a greenspace area with a tree and some plantings; he felt the location as planned was optimum because it was the most accessible placement and blended well architecturally and aesthetically with the rest of the structure. Mr. Douglas said that what Mr. Fleming had outlined appeared to make sense, however, he would appreciate his trying to increase the mass of the planting at the front to better screen the trash can enclosure.

Responding to query from Councilmember Douglas, who had questioned the status of the proposed indentation of the middle of the building on the west side that had been discussed at worksession, Mr. Fleming explained that indenting that 12-14 ft. wide section by 2 ft. would help to break up the long facade to make it a bit more interesting and attractive architecturally, but would also allow for windows to be put in -- unless it were set in, windows could not be put in under the Fire Code. The windows would help to provide additional light and ventilation to the occupants in the building, and would be an additional safety

factor if there were a problem where occupants needed to gain egress from the structure. He said he could not envision any negative feature of indenting that portion of the building, and it would put the structure that much further back from the setback line in the middle. He said he understood from Park & Planning that it would not be an issue during their review of the site plan. Councilmember Prensky pointed out that staff's report had indicated that putting in the windows would present a privacy problem for occupants of the apartment building next door; he said while he appreciated the points Mr. Fleming had made regarding the indentation, it did appear a negative factor to him that the apartment dwellers' privacy could be compromised. Mr. Fleming pointed out that the front of the adjacent apartment building began approximately in the middle of the indented middle section of his building -- any view windows of the apartment would be beyond the indented panel and would not look into the middle section of his building. Mr. Prensky suggested that perhaps if the wall were left long and blank rather than having windows, a mural could be painted on it to enhance it aesthetically. Mr. Fleming remarked he had not considered that option, however, pointed out that it would be behind trees and shrubs, and one would have to be on the second floor of the apartment building looking out in order to see much of it.

Councilmember Douglas moved passage of the resolution that had been prepared by staff, duly seconded by Councilmember Hamilton. Mr. Douglas said he thought the site plan should be approved as it had been presented, however, said he would ask that Mr. Fleming examine what he could do to further screen the trash can area and enclosure. The resolution was passed by unanimous vote.

RESOLUTION #1990-5
(attached)

Inasmuch as the elected body was ahead of the projected time schedule for addressing agenda items, original agenda items #2 and #3 were temporarily postponed until a later point in the meeting, so as to allow people who might attend to address those items to arrive.

2. Second Reading of an Ordinance re Bond Issue.

Asst. City Administrator Habada pointed out that the package of material distributed to the elected body at the meeting had been received earlier in the day from the State Bond Counsel's Office; she pointed out some changes had been effected to make the ordinance appropriate for Second Reading. She pointed out the debt service schedule had been included in the package, and said she had been advised the average interest rate over the life of the bond would be 6.69%, which she thought was a pretty good rate. She related that the state would be doing their bond closing on February 14, so if the elected body wished more time to consider the documentation, Second Reading could be re-scheduled for 2/14/90.

Responding to questions raised by Councilmember Douglas, Bond Counsel George Fogel of Meyers, Billingsley & Shipley explained what information would be filled in in blank spaces on pages 5-9 of the ordinance when the bonds were actually issued and executed. Ms. Habada, responding to further query from Mr. Douglas, affirmed that the 6.69% interest rate she had mentioned was after all costs had been calculated. She said, looking at the debt service schedules, the issuance costs had been built into the figures reflected. Ms. Habada pointed out that the Form of Repayment Agreement referred to on the last page of the documentation was a very thick document, and was something the Mayor would be signing at some later point. Responding to the Mayor, she affirmed that the total amount of the bond issue would be

\$555,058, which included the increased cost of the leaf mulch project.

Councilmember Elrich moved adoption of the ordinance, duly seconded by Councilmember Douglas. Brief discussion of the figures from the debt service schedules ensued, with the Mayor projecting that payments would amount to something in the area of \$78,000 annually for the ten year period.

Robert Mandel, 7003 Woodland Avenue: said that the documentation before the Council pertained to the bond they had decided to seek as a result of the deficit in last year's budget; his concern was that, as he examined the present state of the City's finances, it would be headed toward buying another bond at the end of the present fiscal year. He said he saw no serious reduction in expenditures; on the contrary, City employees may get cost-of-living increases, it appeared the City Administrator would be getting a new assistant, and all of those things would raise the expenditure level, without any revenue increase anticipated to cover it. He said the tax rate could certainly not be raised in the present climate of public opinion. He pointed out that an additional expense the City had not had before would be the payments to be made on the bond under consideration, and suggested that some economies be made. He said he supported the replacement of the elected Cable Board with an appointed one, which was a step in the right direction -- would avoid having to print ballots and hire additional election judges for that portion of the election. In addition, Mr. Mandel said he would suggest that the City get rid of the municipal cable channel entirely -- it had been nice to have, those involved had done a good job, however, it was something the City could do without in its present financial situation. He said he would suggest the same thing for the Newsletter -- it was not imperative the City have it if it were in financial straits; the Takoma Voice was doing an exceptional job, was apparently in good shape financially, and would probably be agreeable to running City notices and editorials from the elected officials. Mr. Mandel said while those economies would help, they would not take a large chunk out of the deficit, so, most painfully and regretfully, he would suggest that the City give up the library, despite it having been something to be proud of and that had been very well managed. While it was something nice to have, it was not absolutely vital, and in order for the City to get on a sound fiscal basis, it would be necessary to give it up -- the empty building could then be rented out as a further measure toward reducing the deficit. He urged that the elected body seriously consider measures to get the City's books in balance.

Councilmember Douglas commented he did not think the City was in a deficit budget situation and did not think it had the sort of picture facing it that Mr. Mandel had painted. He said the primary reason for the bond issue was that there were some things needing to be done, e.g., repairs to City buildings and a lot of street repair work which optimally should be done all at once rather than piecemeal, which tended to be more costly in the long run. He said he recognized there would be priorities to be set during the next budget cycle, however, did not think the picture was as bleak as had been painted; while some of the programs mentioned may not be highest priority and may need looking at, he did not think they needed to be done away with post haste in order to protect essential City services.

Councilmember Sharp pointed out that the bond was not passed because of a deficit; he said the budget could have been balanced without the bond, however, some of the projects intended to be accomplished through it could not have been done -- the library renovation could not have been done in one year, the level of

infrastructure work would have been less, etc. -- but the budget had been balanced at the next to last budget meeting and without the bond.

The Mayor commented that while he felt the state did need to set a limit on the tax assessments some other areas of Montgomery County had experienced, he did not think Takoma Park would be affected by the anticipated 15% increase limit. He said last year's budget was based on a 9% increase in the assessable base, based on the triennial assessment that occurs, and it was anticipated there would be a 9% increase for the next 3 years unless there were some drastic change in circumstances. He said he did not view the proposed bond as being much different from what had to be done when a major amount of capital equipment was updated over the last 4 years; the City's roads and a number of pieces of infrastructure now needed to be addressed. He said while he would not suggest this would be the last time the City would need to float a bond, he did feel it imperative to do so in order to meet the aforementioned roads and infrastructure needs. Once those things were addressed, he said a capital plan and an infrastructure plan needed to be formulated that would address replacement and repair needs in those areas on a regular basis. Once those plans were in place and functioning effectively, he said they should alleviate the need to float bonds for those sorts of things. Whether or not bonds would be issued in the future for facility needs, which was the traditional purpose for which municipalities floated bonds, was not known at present.

Councilmember Prensky commented he shared some of the concerns expressed by Mr. Mandel; he pointed out that 2 of the incumbent Councilmembers were not sitting on the Council that had initially voted in favor of the bond issue, which was why he generally abstained from voting on legislation related to the bond issue. He said he shared Mr. Douglas' view that the City did not operate with a deficit in the past year, and he did not anticipate doing so in the coming year.

Councilmember Leary commented that while he did not wish to replay the debate that had occurred in the past over the issue, he did wish to register his opposition to the bond issue and said it remained as strong as it had initially been -- he was even more convinced, if anything, that it was an unnecessary action, particularly given that the City's revenues in the last year had been approximately \$300,000 greater than had been anticipated -- enough to at least pay for the catching up on infrastructure repairs that would be funded by the bond. He said that had been the most important objective of the bond issue, and was something that he did support. However, Mr. Leary said a decision had been made and policies have to proceed on the basis of those decisions once they were made, so he would not continue to flail away at the issue, but did think it was a mistake. He said he thought any arguments for bonding in future for major capital expenditures would suffer as a result of the presently proposed bond issue.

Councilmember Hamilton commented that he would support the ordinance, despite having been one of the Councilmembers who had totally disagreed with floating a bond. He pointed out that the City would be taking over responsibility for its own stormwater management and he felt sure there would be some major costs related to that which would possibly require a bond issue, which was why he had opposed floating a bond primarily to cover the cost of catching up on road work that needed to be done. He said the road work, some of which had been pending for several years, did not have to be done all at once and over a short period of time.

The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Moore, and Sharp; NAY: Councilmember Leary; ABSTAINED: Councilmember Prensky.

ORDINANCE #1990-1
(attached)

3. Council Action re Special Exception Request for Accessory Apartment at 7055 Eastern Avenue - Case #S1532.

For the record, the Mayor noted that despite the property owner/-applicant having been notified by the City Clerk's office, that individual was not in attendance at the meeting. He noted as well that staff had made a presentation on the proposal to the elected body, and the draft resolution provided would reflect the worksession consensus to oppose granting of the Special Exception. He asked that staff's report be included and made a part of the official record. Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Douglas. It was noted, as well, that notice that the Special Exception Request would be addressed at the present meeting had been sent to neighbors and adjoining property owners.

Councilmember Leary remarked he felt the resolution drafted by DHS succinctly summarized the reasons for opposing granting of the request. He said if the Council voted as it had a year earlier to oppose the request, he hoped the transmittal letter to the county would include staff's report from the previous year as well as the current report, both of which detailed the standard maintenance of the property over an extended period of time. He said the letter should note, as well, the fact that in the Council's earlier consideration of the request, not a single citizen appeared to speak in favor of granting the Special Exception, while several had appeared, written or telephoned to express opposition. He related he had received a telephone call earlier in the evening from Katherine Simpson, who lives in the neighborhood and frequently walks past the property in question; she had commented that despite the one year grace period allotted by the county, there had been no effort to upgrade or improve the deplorable condition of the subject property.

The resolution was passed by unanimous vote.

RESOLUTION #1990-6
(attached)

4. Council Action on Mr. Garlow's Request for Use of Colby Avenue.

The Mayor related that Mr. Garlow had requested the use of Colby Avenue for access to his property located at 830 Hayward Avenue, and noted that a draft resolution granting the request had been prepared by staff. Councilmember Sharp introduced the resolution and read two technical additions thereto furnished by the Mayor, i.e., that the words and residence at said property be added at the end of the first "Whereas" clause, and that a second "Resolve" clause be added, to read: BE IT FURTHER RESOLVED that said agreement shall contain a provision requiring Charles Garlow and Joan Flaherty to terminate access hereby granted and to restore the public property to a condition not suitable for vehicular use when their mother-in-law no longer resides at the property. He moved passage of the resolution, duly seconded by Councilmember Hamilton. For the record, the Mayor noted that the application that had been made by Mr. Garlow and reviewed by the City had requested permission for temporary access, and the language he had furnished would make it a matter of record that what was being authorized was of a temporary nature only.

Councilmember Moore moved to amend the first "Resolve" clause by the insertion of language in the first sentence following ...protections..., to read: ...in the manner approved by the Director of Public Works... This would ensure that the access was constructed appropriately. The amendment was duly seconded by Councilmember Hamilton and carried by unanimous vote.

Councilmember Douglas remarked that while the language of the resolution would require that the property owner eventually restore the public property to a condition unsuitable for vehicular use, he would ask that they be required to restore it to its former natural state, rather than simply blocking the access way. Councilmember Elrich suggested that a time certain be included within which the property owner would have to restore the access to its former state, so that it did not drag on interminably once the temporary access was no longer needed. Public Works Director Giancola, who would be writing the agreement that would be executed with Mr. Garlow and Ms. Flaherty, said he would ensure that those requirements were included in the document.

Charles Garlow, 830 Hayward Avenue: thanked the Council for considering his request. He said he hoped to reappear before the Council at some future point in time to propose that the temporary access be made more permanent, provided he could gain the support of the Colby Avenue Citizens' Association. He said he would never have bought his property if he had envisioned any problem accessing it from Colby Avenue, however, had understood at that time that there would be no problem. He said he felt he should make his longterm intention clear before passage of the resolution authorizing temporary access.

Councilmember Prensky pointed out that the language and provisions of the resolution made very clear that the incumbent Council favored only a temporary access, however, Mr. Garlow would, of course, be free to come back with an additional request if he so chose.

The Mayor noted a typographical error in the next to last line of the first "Whereas" clause of the resolution, i.e., "disable" should read disabled.

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

RESOLUTION #1990-7
(attached)

5. First Reading of an Ordinance Amending the Personnel Classification Plan.

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember Douglas.

Asst. City Administrator Habada explained that the ordinance would put 5 new positions into the Classification Plan, i.e., Personnel Officer (Grade 12), Director of the Department of Housing & Community Development (Executive Level II), COLTA Executive Director (Grade 10), Planner III (Grade 10), and Community Development Construction Specialist (Grade 10). She noted the positions had been factored and assigned the appropriate number of points so as to determine their grade level within the system. Ms. Habada explained that the Planner III and Community Development Construction Specialist were new positions that had been created and to which personnel would be reallocated; this was primarily because present employees were currently functioning in those capacities. She related that the job classifications had been reviewed by the Personnel Consultant, Mr. Selig, as well as by affected staff. While the position of Director of Housing & Community Development was being added to

the Classification Plan, those of Director of Housing Services and Director of Economic & Community Development were not presently proposed for deletion inasmuch as there was an incumbent in one of the positions. Should the proposed reorganization go through, they could at some later point in time be deleted from the Classification System.

Ms. Habada noted that City Administrator Wilson would arrive shortly for the meeting, and would be able to respond to any questions regarding the proposed reorganization. She pointed out that his January 19th memorandum suggested a process for reviewing the upcoming discussion of reorganization, and briefly summarized that. She noted that a discussion of space allocation for the proposed new Department of Housing & Community Development would be on the next worksession's agenda; it was hoped the two divisions could be united in one general area, and while that would pose some difficulty given existing space restraints, a proposal would be presented that might resolve the problem. Additionally, she said she anticipated that the discussion concerning space allocation might get into tangential areas regarding problems some other departments were experiencing due to insufficient space, e.g., the Police Department. The Mayor commented he hoped present discussion would focus primarily on the subject of the ordinance at hand, pointing out that the legislation would effectively implement a part of the reorganization plan that had been decided upon and documented by passage of a resolution. He said more detailed discussion of all the implications and factors of the reorganization would continue to occur as the process moved forward.

Responding to query from Councilmember Elrich, Ms. Habada said she did not have a current analysis of the overtime worked by the two positions in DECD, however, knew it to be a substantial amount given the amount of work being devoted to the Historic District Taskforce. She affirmed that she also did some of the work formerly done by the Director of that department when the position was occupied, particularly attending some meetings. Mr. Elrich noted it was not anticipated that current DECD staff would be performing entry level work; he asked who would be doing that sort of work in the department. Ms. Habada explained that the department had one intern presently doing things related to Variance Requests, subdivisions, etc., and an additional intern would be added -- they would also be doing such things as Master Plan reviews and anything else that might be considered entry level work. Responding to further query from Mr. Elrich, she affirmed that she considered the Director of Housing Service's job to be a full-time position at present, however, could not say whether the existing workload dictated that the job be a full-time position.

Responding to query from Councilmember Leary, it was affirmed that the COLTA Executive Director's position had been discussed in worksession. The Mayor explained that was essentially a 3/4-time position and had been talked about in terms of filling it with a paralegal who would provide paralegal and clerical assistance to the commission.

Councilmember Prensky inquired what the implications would be vis-a-vis the Planner III and Community Development Construction Specialist positions if it were decided not to proceed with the reorganization and to keep the two departments separate. Ms. Habada said she anticipated the employees holding those two positions would continue doing the level of work they are currently doing, so whether or not the reorganization took place should have no effect on the reclassification of the two jobs. She said, however, she did not think the two people would be very happy if a new Director of DECD walked in the door and the

configuration of the department remained status quo, because they enjoyed the work they were doing and had learned to do it very well. She said she considered the Personnel Officer and Director of Housing & Community Development to be the key positions to the reorganization; the other three positions would not, however, be contingent upon whether or not the reorganization occurred.

Referring to the earlier dialogue between Ms. Habada and Councilmember Elrich concerning whether or not the Director of DHS's position was a full-time job, Councilmember Sharp remarked he would be interested in having the City Administrator's opinion on that question. He commented that it had been a full-time position for as long as he could remember, however, the discussion appeared to raise the question of whether someone felt it not to be necessarily a full-time position.

Responding to query from Councilmember Hamilton, Ms. Habada stated that the two people who would be upgraded to Planner III and Community Development Construction Specialist had been performing the duties that provided a basis for the promotion since last June -- a little less than a year. She reaffirmed that the Personnel Officer and Director of Housing & Community Development positions, which were contingent upon the reorganization moving forward, had no bearing on the other 3 positions proposed for reclassification; however, under a new configuration of the departments, there would naturally be some effect on the assignments that people would draw. However, she said she would assume there would be some teamwork in terms of dealing with the housing side and economic development side of the picture.

Councilmember Douglas commented that it appeared the ordinance would simply set certain jobs within the Classification Plan, however, would not authorize the filling of the positions. He noted the job descriptions had been factored, so it was known where they would appropriately fit within the grade structure. He said there were several sorts of things involved, i.e., that those people that were doing out of title work were due temporary promotions until some sort of decision was made concerning reorganization or until they were deemed by their supervisor to be worthy of permanent promotions. Concerning the COLTA Executive Director position, he said a consensus had been reached in worksession that there should be a position of that sort, and the ordinance would ratify that decision. The other two positions, which would be contingent upon the reorganization moving forward, would set up a framework for proceeding; however, any in depth discussion of those at present would be premature and should be reserved for the worksession when the City Administrator would present more detail on his proposal.

Councilmember Sharp pointed out that under the new Charter, the City Administrator had the authority to fill a vacant position without the Council playing any role. For that reason and referring to Councilmember Hamilton's and Douglas' remarks, he said it appeared to him that if the ordinance were adopted, which would create the new positions within the Classification Plan, that would be the end of the Council's role in the matter and the City Administrator would then have the authority to proceed with filling them. Councilmember Hamilton said he viewed the First Reading as a starting point; the ordinance would require two readings and he would hope that by the Second Reading a decision would have been reached. Insofar as the City Administrator filling positions simply because they were included in the Classification Plan, he pointed out that could not be done if there were not funds allocated to pay someone to fill a slot, so that was essentially a budget question. Councilmember Douglas affirmed that under the Charter, the City Administrator had the authority to fill vacant positions. He pointed out that the

COLTA Executive Director was a position on which a consensus had been reached and the City Administrator was free to fill it at any time once it had been made a part of the Classification Plan; he said the Planner III and Community Development Construction Specialist were positions he felt should be created to, at least in the short term, deal with the existing situation and the City Administrator would have to make a management decision regarding whether the positions became permanent. He said he viewed the Personnel Officer and Director of Housing & Community Development positions as being related directly to the proposed reorganization which the Council had concurred with subject to the sort of in depth discussion that was anticipated at the next worksession.

The Mayor commented that his sense of the situation was that once the ordinance at hand was adopted, the City Administrator would be authorized to fill the positions because what would occur would be a transfer of already allocated money through a Budget Amendment to fund the positions -- the City Administrator had assured the elected body that the reorganization would not require the expenditure of additional funds. Thus, in whatever form the ordinance was adopted at Second Reading, that would be the conclusion of discussion and the process would move forward from that point.

Councilmember Elrich commented that he had a concern about future problems resulting from the upgrading of the two positions in DECD. The two people would not be doing entry level work which would be done entirely by interns -- that was an interesting proposition, but he said he hated to run the City on that proposition. He said that, based on worksession discussions, he feared that in future there might be need to hire additional staff due to the changes that were proposed -- the plan tended to lend itself to a growth in staff. He said he had no problem paying people for the out of title work they were doing temporarily and felt it should perhaps have been handled administratively earlier on. However, he said he thought it should have been dealt with separately rather than becoming a part of a plan engendering positions that the elected body may or may not endorse. Ms. Habada remarked that AFSCME representatives would probably be communicating with the City at a later point regarding the desirability of creating a career ladder within the City government structure, particularly regarding planning positions, and that may have some bearing on the elected body's thinking about the proposed positions.

In the course of ensuing discussion, Councilmember Leary remarked he agreed with Mr. Elrich that the issue of the two DECD employees who had been doing out of title work without appropriate reimbursement was separate from the reorganization issue, however, it was regrettable they had gotten confused by the situation. On the larger issue, he said the elected body had had a long, intense and extensive discussion with the City Administrator regarding the proposed reorganization; the Council had given its general endorsement to the proposal and should expect that he would move forward with implementing it -- the ordinance at hand was one step in that implementation. Obviously, a majority vote of the Council could, at any point, force the City Administrator to do something different, however, having already endorsed the proposal, he said he did not anticipate the Council doing that without demonstrated proof that the plan did not work -- and that was something no one could produce at the present point in time. Mr. Leary said he saw nothing in the proposals contained in the ordinance that were contrary to what the City Administrator had proposed in his plan which the Council had already endorsed. Councilmember Sharp commented that he viewed Second Reading/adoption of the ordinance as authorization

for the City Administrator to fill the positions set forth therein so long as he had the funds to do so.

The Mayor commented that he tended to agree with Mr. Leary's remarks. He said that if the ordinance were adopted at Second Reading, he anticipated an amendment that would delete the positions of Director of Housing Services and Director of Economic & Community Development from the Classification Plan, inasmuch as those two positions would be then be combined into one. Councilmember Sharp commented he thought perhaps the two upper level positions should be separated out from the other three; he said it would not be advisable to delete the Director of DHS and Director of DECD positions from the Classification Plan until there was actually someone on hand to fill the new single position that would head up the combined department -- otherwise there would be no basis remaining for the incumbent Director of DHS to continue in that position. The Mayor said that from a technical point of view Mr. Sharp might be correct; he said he did not know at present what the City Administrator's intentions were regarding existing staff, however, that should become clearer in the course of forthcoming worksession discussion prior to Second Reading of the ordinance.

Rae Ballard, 7403 Hancock Avenue, Sec'y. of AFSCME Local #3399: read a statement from Karen Mitchell, President of AFSCME Local #3399, who could not be in attendance at the meeting. It pointed out that AFSCME represented the non-supervisory personnel in both of the departments that would be affected by the proposed reorganization, and said the reorganization would provide career ladders for several employees that had not previously existed, remarking that career ladders and a career development program had been agreed to by the union and by management since 1987 and would now finally be coming into existence. The statement also spoke in strong support of the Personnel Officer position, commenting that it was an area that had been inadequately attended to and could put the City in a position of liability. Ms. Ballard noted that a copy of Ms. Mitchell's statement had been provided to the City Clerk.

Janice Martin, former Councilmember, 1319 Elson Place: said she regretted not being present at the meeting in December when the resolution regarding the proposed reorganization was passed. She said she had for a long time supported the City having a personnel officer, however, was concerned that it appeared it would be at the cost of a reduction in the number of staff devoted to economic and community development. She said that Daniel Neal, the previous Director of that department had had a full-time job at the time he left City employment; Community Planner Lisa Schwartz's position had been put in place only a year ago because a third person was needed in the department to do a transportation study, an open space study -- things that were desperately needed in the city. Ms. Martin said she was not opposed to combining the two departments; there were probably some functions that overlapped -- however, the two people presently working in DECD were overworked, and she felt there was a need for someone to fill the slot vacated by Mr. Neal. She said she had felt for some time that Ms. Schwartz and Ms. VinCola were underpaid for positions that required a Master's Degree; if the positions were simply being refactored upward, it sounded like what should have been done a year ago. She said she remained confused about what was envisioned regarding a single person heading up the combined department, relating that prior to leaving City employ, Mr. Neal had furnished a detailed breakdown of his work time and how it was spent. She said that had been very enlightening, and perhaps that should be done as well by the Director of DHS and then the two sets of figures examined prior to making a decision regarding having someone fill the position of heading the combined depart-

ment. Ms. Martin related that the previous Director of Public Works had remarked to her that Code Enforcement should be moved to and placed under the jurisdiction of the Public Works Department, and perhaps that was an option that would make sense and should be examined prior to making final decisions. She said she would not want to see DECD given short shrift because it was an important function, particularly for her ward and for the Takoma/Langley commercial area which had a lot of empty building space. She said she would like to see someone in that position and working to improve the image of that area so that the buildings could be fully occupied, which would help to build the City's assessable tax base.

For the record, the Mayor noted receipt of a letter from the Takoma Old Town Business Association echoing some of the concerns expressed by Ms. Martin, particularly regarding economic and community development concerns and relations with the business community. He said copies of that communication had been distributed to members of the Council.

The ordinance was accepted for First Reading with Councilmember Elrich voting Nay, balance of Council voting Aye.

ORDINANCE #1990-3
(attached)

The Mayor noted that the ordinance would be the subject of a structured discussion, and perhaps some related discussion of space allocation, at the next worksession, prior to being scheduled for Second Reading/adoption.

6. Amendment to Resolutions 1989-108 and 1989-109 to Reflect New Deadlines for Historic Preservation Taskforce.

The Mayor noted staff's memorandum and proposed amendments which would extend the deadline for the Taskforce to complete their charge and report back to the Council and would hold the Planning Board's record on the public hearing regarding Takoma Park's Historic District open for an additional 30 days. Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor explained that Park & Planning had been contacted regarding the request to hold the hearing record open and staff had anticipated no problem with that, however, had asked that only one extension be sought. He said he understood that the taskforce had been moving toward decision making with the help of some professional mediators, had actually reached some decisions, and the thirty days was the time extension they had requested. He said it was hoped they would be able to report back to the Council some time in February, the report would be published in the March Newsletter, the report would be addressed by the elected body and an opportunity afforded for citizen input some time in March, with the Council's decision forwarded to the Planning Board in April.

Councilmember Douglas pointed out that Resolution #1989-109, page 6, still reflected at the bottom of the page an adoption date of 13th of November, 1989, which should be corrected when the amendment was finalized. Councilmember Moore inquired whether the taskforce would continue in effect during the life of the process in Prince George's County; the Mayor commented that under the provision in Section 5. of Resolution #1989-109, the effectiveness of the resolution could be extended by a further resolution of the Council at the appropriate time.

The resolution was passed by unanimous vote.

RESOLUTION #1990-8
(attached)

7. Resolution Authorizing New Design of City Seal.

The Mayor noted that the resolution formalized the result of discussion held at the last worksession and would authorize redesign of the City Seal to allow inclusion of reference to the City's upcoming Centennial. He said the suggestion was made as well during the worksession that the option of totally redesigning the seal be examined; however, at that time there was not a majority sentiment on the Council to do so. He said Acting City Clerk Jewell had determined from research that the seal had not always appeared as it presently did -- it initially lacked the hills/mountains and depicted the sun rising over the horizon with its rays projecting skyward. He said one idea he and Ms. Jewell had discussed would be to try to get an artist to more accurately depict the hills upon which the city was built, i.e., to make them appear more like hills than mountains, and to include Sligo Creek in the design, perhaps flowing between the hills. Councilmember Moore moved passage of the resolution, duly seconded by Councilmember Prensky. The resolution was passed by unanimous vote of those present.

RESOLUTION #1990-9
(attached)

8. Resolution Endorsing 1990 City Centennial Celebration and Appointing Initial Members to Centennial Committee.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Moore. Acting City Clerk Jewell noted receipt of a call from Liv Reynolds, who had recently chaired the Martin Luther King Program, expressing interest in serving on the Centennial Committee. Ms. Jewell asked that Ms. Reynolds' name be added to the list of appointees as number 23. The Mayor noted that the committee had held its initial meeting a couple of weeks earlier, and the consensus at that time was that a number of annual events that occur each spring would be tied in with other special events to commemorate the City's Centennial, some of which he elaborated upon briefly. He pointed out that the proposed resolution authorized the expenditure of funds for the procurement of City flags, both hand-held and for display on the building and around the city. Mayor Del Giudice noted that the Centennial Weekend, May 11-13, would celebrate the culmination of the Centennial activities, and related that it had been learned that without any pre-planning that weekend happened to occur at a time that had some historical significance -- while the City was incorporated on April 3, the first City Council actually held its initial meeting on May 15, 1890. He encouraged that any citizens who would like to get involved in the Centennial activities make their interest known and attend the next meeting of the committee at the Municipal Building on Saturday, February 3, at 10:00 a.m.

Councilmember Prensky raised the question of fiscal responsibility/funding in relation to the planned activities. The Mayor said he intended to bring that up with the committee, including the question of whether it would be desirable to hire any professional staff, as did many municipalities when planning such events, to assist with putting on the activities. He said the question had also arisen of what would be done with any proceeds from the activities. For the most part, each organization would bear the cost of putting together its own function, however, the City would be co-sponsoring some and bearing some costs, so could conceivably be due a portion of any revenues. He pointed out that the circus to be held on the last weekend, for example, had been proposed by the Takoma Symphony, not only as a part of the celebration but also as a fundraising event -- some understanding would need to be reached concerning how much of the proceeds would go to the symphony itself as opposed to any other fund, City or otherwise. Mr. Prensky suggested that the commit-

tee consider the possibility of a traditional funding of public events/memorials/commemorations through public subscription (donations of funds) from citizens so as to make the celebration better and bigger. The Mayor commented that would be something to look at, however, would involve costs as well, since it would involve sending out letters to various businesses, organizations and groups.

Councilmember Elrich commented that while the calendar for the celebration looked like a month of unbridled fun, he thought the Council should reconsider having the circus because it raised some serious issues, e.g., circuses were notorious for animal abuse and the event could generate serious demonstrations and confrontation in the city, which would put a damper on other events. He pointed out that a lot of residents of the city were vegetarians, not only for health reasons, but for ethical reasons, and those feelings were probably strong enough to provide a basis for not having the circus. He said there were other things that could be done that would be fun and that all the families in the community could enjoy and that would not have some of the ramifications that a circus would. He said he would not wish to see a headline pointing out that Takoma Park was a city that protected its trees but would sponsor an event where animal abuse was a noted feature -- it would put the city in a bad light and he said he would prefer not to proceed with that event.

Councilmember Hamilton said he supported the agenda that had been put forth, however, understood there would be 3 different shows at the circus and wondered how people would be persuaded after each had ended to clear the area and then return if they wished to see the next show. Also, he said he had some concerns related to safety. He pointed out that the Junior High area would hold 3,000 people and said the Council should reflect on the situation there on the 4th of July -- it would be imperative to have really good crowd control. Mr. Hamilton commented that the Langley Park area had not been tied into the celebration and suggested that perhaps having a carnival in that area on one of the parking lots, which had been done before, could replace the circus and would offset some of the concerns expressed by Mr. Elrich.

Councilmember Douglas commented it appeared to be an ambitious agenda. He said he supported it, but thought the committee would have to do a lot of work figuring out how to make it come off smoothly and successfully. He said he hoped the committee would come back to the elected body in the not too distant future with a realistic view of whether it could carry off all that was planned and estimates of what sorts of resources it would need to make the events happen.

Councilmember Leary commented he endorsed Mr. Prensky's remarks about the need for fiscal modesty and responsibility in endorsing and planning the celebration. He said he would look with a careful eye at any proposal to spend City funds to support the effort.

Referring to Councilmember Hamilton's comments re Langley Park, Councilmember Moore related that at the initial committee meeting, the representative from the Langley Park CDMA was present and had said that, probably rather than sponsoring an event, that group would probably favor contributing \$500 toward prize money for the poster contest and such, which should help defray some of the costs. He said the need to express appreciation for any such contributions would have to be kept in mind. He said he would also talk to that group at the next committee meeting concerning any event they might want to hold in Langley Park, but was not sure they would want to do so. The Mayor remarked that the business community, in Langley Park as well as Old Town and

Takoma Junction, could help to draw business to the community on the weekend by holding sidewalk sales, etc. He said at its next meeting, the committee would be discussing and examining some of the points that had been raised.

Councilmember Prensky expressed support for Mr. Elrich's comments concerning City sponsorship of the circus. He said he too thought it could generate a hostile situation, as well as raising ethical questions. He said he felt a strong ethical argument could be made about whether performing animals were afforded a lesser role in the world than was intended for them or than was appropriate. He said he would support deletion of the circus from the calendar of events; it could be inserted at a later date if that were felt necessary. Otherwise, he said he would want the committee to carefully consider and examine what the particular need for a circus might be.

Councilmember Elrich moved to strike the circus from the calendar of events authorized and endorsed by the City, duly seconded by Councilmember Prensky. Councilmember Sharp commented he felt the decision about the circus was one the Council should make rather than the committee; given the timeframe that getting a commitment from a circus to perform would impose, an offer would have to be made to them fairly soon and there probably would not be time for much debate on the issue. The Mayor remarked that he anticipated criticism from people in PETA and other organizations. He said he was willing to take the concerns that had been raised back to the committee, and would insist that some detailed information about the record of the particular circus chosen be furnished. He said he understood it had some horses and elephants, did not know whether it had any cats, e.g., lions and tigers. Recreation Director Ziegler related she had spoken with the circus director and been advised there would probably be 2 large elephants, 4 baby elephants, 2 camels, 12 goats, and possibly bears, 8-10 ponies, and possibly dogs and chimpanzees -- no cats were mentioned.

The Mayor said that admittedly there were a number of small circuses that had a poor record of giving their animals proper care; arguments could be made pro and con about taking wild animals out of their natural habitat and having them perform or putting them in zoos, and some good arguments could be made on both sides. However, he said he would certainly want to make certain that any circus performing in the city had a good record in caring for their animals, and would ask that references and information be provided on that. He said he was not persuaded that a circus should be condemned simply on the basis that it had animals, which was essentially what would be done if that event were stricken -- any and all circuses would be condemned as being inappropriate and unethical behavior. He said he viewed the reason for putting on the circus as the fact that it had entertainment value -- for children as well as adults who attend them. He said he personally found some of the things that circuses do with human beings, e.g., risking their lives, more offensive than things that were done with animals. However, he said it was not a big circus that was being considered, it was a family circus, and he did not view it as being particularly offensive as a part of the community's celebration. He said he thought the members of the committee had anticipated that if the circus were held, there would perhaps be some outcry and some measure of demonstrations against it, however, did not know that those would be sufficient to deny the entire community and its children the opportunity of having the event to enjoy as a part of the celebration.

Councilmember Hamilton remarked he was not against the circus, however, referring to Mr. Leary's comments, said he thought the

event would entail very substantial costs in relation to the police department, e.g., crowd and traffic control and the police personnel required to effectively accomplish that. He pointed out the costs the 4th of July Celebration entailed, and said that having two shifts of police officers block off streets and control traffic would involve a tremendous overtime situation and the Council needed to be aware of that. He reiterated he also had concerns about safety. The Mayor remarked there was no denying what Mr. Hamilton had said, however, while the circus could possibly do three shows, he understood they generally did two -- a third one would depend entirely on advance ticket sales. He concurred that even with two shows, there would be need for a lot of police assistance, and there would be related expenses; however, the Folk Festival, the Hispanic Festival and other events requiring similar assistance were supported, and whether it were the circus or some other large event, expenses would be incurred for police assistance.

The motion to amend the resolution by deletion of the circus from the schedule of activities co-sponsored by the City was passed with Councilmembers Douglas and Moore voting Nay; Councilmembers Elrich, Hamilton, Leary, Prensky and Sharp voting Aye. The Mayor asked whether it was the position of the Council that no circus should take place or that the City should not endorse such an activity; he inquired whether they were denying permission for any circus by any other group. Councilmember Sharp remarked he was not certain the Council could prohibit such if it occurred on private property, however, did not think it would occur if the City did not provide insurance. Councilmember Prensky commented the vote indicated the City would not be sponsoring or endorsing the event, but could not prohibit anyone else from doing so if it took place on private property. In response to query from Councilmember Douglas, the consensus was that the circus would not be recognized as a part of the Centennial Celebration if it did take place. The Mayor commented that he was surprised by the vote, however, would take it as the will of the Council and hoped they could adequately explain it to their constituents.

Councilmember Hamilton asked that Juanita Nunn's name (representing UMAAC) be added to the committee appointments. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1990-10
(attached)

The Mayor asked that one (or more) of the members of the Council who had voted to delete the circus from the calendar of events for the Centennial come to the next committee meeting to explain the situation to the committee; he said he did not adequately understand the basis of the decision to make any explanation of it. He said the committee had appeared before the Council at worksession, no issue had been raised regarding the circus, and they had left with the understanding that the event would be supported and would be a major fundraiser. Councilmember Prensky commented that while it was an unfortunate turn of events for those who had supported having a circus and proposed doing so, there had been a 7-day interim since the worksession in which there was time for members of the Council to study and reconsider the proposal that had been made. He said he certainly extended apologies for not raising any question in worksession, but had simply not given it as much in depth consideration at that time. The Mayor remarked he hoped those who attended the next committee meeting would also have, in addition to explanations of their position, some suggested constructive alternatives to the circus and how they would be sponsored and paid for.

9. Authorization to Accomplish Installation of 10 Handicapped Ramps on Maple/Philadelphia Avenues.

Councilmember Hamilton moved that the request be authorized, duly seconded by Councilmember Leary. In the course of brief dialogue, it was noted that no resolution had been drafted to formalize the Council's decision on the matter. The Mayor noted that had not been requested, however, staff had been directed to conduct a survey prior to moving ahead with installation of the ramps and a notice was published in the Newsletter asking that people throughout the city who might want handicapped accessibility respond. He reminded that as the situation presently stood, a request had been received from one handicapped individual residing in the city who had asked provision be made for handicapped accessibility along Maple and Philadelphia Avenues; no one else to date had come forward with a request for handicapped accessibility elsewhere in the city. The Director of Public Works was now again asking for authorization to proceed with installation of the ramps, which had been postponed pending completion of the survey.

Councilmember Douglas remarked that to his recall, he thought the elected body had asked that the subject ramps be prioritized in the ranking system for street and sidewalk repairs; he asked whether that had been done. Public Works Director Giancola said he recalled the discussion to which Mr. Douglas was referring, however, the conclusion of that discussion was that a survey was to be conducted as previously outlined, and that had been done. He pointed out the project was not something he had requested, but had been generated by a citizen's request. He said the Council had the option of either going ahead with funding the work or lumping it in with the backlog work; he had thought that since it was a special request to respond to a need that it had some priority and would be funded. Responding to Mr. Giancola, Mr. Douglas said he could make a dozen special requests, however, did not think that was consistent with how the incumbent Council and previous Councils had wanted to handle infrastructure work. Mr. Giancola, responding to query from Mr. Douglas, said that the \$3,000 in funding for the project would be in addition to other monies allocated for infrastructure work.

Councilmember Hamilton pointed out some Block Grant money had been left over from working on Heffner Park; he suggested Mr. Giancola look into that and see whether it might be enough to fund the ramp installations. Mr. Douglas said he would still want to know how the proposed work stacked up against other pending infrastructure work within the priority system that had been set up; if the City started dealing with infrastructure work on a special request basis, the whole system could fall apart, and he would not wish to deal with that sort of situation. Councilmember Hamilton reminded that the ramps had been requested by a handicapped individual who attended Montgomery College and needed them to get back and forth to school. He said he felt that when you had a handicapped person who was trying to improve their situation by furthering their education, it was a bit more than simply a special request. Councilmember Douglas moved to table the item, duly seconded by Councilmember Sharp. The motion carried, with Councilmember Hamilton voting Nay, balance of those present voting Aye.

10. Resolution Requesting State Legislators to Lift the Cap on Program Open Space in 1990.

Recreation Director Ziegler explained that this was the second year that the Maryland Recreation & Parks Association had asked that municipalities and counties support a lifting of the cap on Open Space funds. Those funds had been capped at \$39,000,000; if the cap were lifted, there would be \$77,000,000 in next year's

budget for Program Open Space. That would allow the preservation of a lot of land as open space that would otherwise be developed. Responding to query from Councilmember Leary, Ms. Ziegler said the effort was unsuccessful the previous year, so a second attempt was being made; a rally would be held on February 5 throughout the state, as well as a march to the legislature and a reception as a part of the effort to convince state legislators to lift the cap. The Mayor pointed out that when Program Open Space was created, there was no cap on the funds. The cap was later put in place and funds were funneled from the program to other budget needs.

Councilmember Sharp moved passage of the resolution with the proviso that the language [the Mayor and Council and] be stricken from the second "Whereas" clause, pointing out that the increased funding would not directly benefit those individuals. The motion was duly seconded by Councilmember Leary. Councilmember Douglas asked that the word [directly] be stricken from that same section, remarking he did not think the cap had directly affected Takoma Park, which Ms. Habada affirmed.

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

RESOLUTION #1990-11
(attached)

11. Resolution re Council Committees and Appointments.

The Mayor moved passage of the resolution, duly seconded. He explained that at the planning meeting that was conducted with the assistance of IGS staff, some initial strategic planning was accomplished and a methodology for strategic planning on a number of issues was learned, particularly concerning development and transportation, revenue generation, and public health and safety. He said some work product had resulted from those sessions, however, there were a number of high priority issues that had not been specifically addressed insofar as planning, e.g., safe and affordable housing, infrastructure, etc. He said he envisioned initial discussions within committees concerning which issues for which strategic planning had been done should be within the purview of each individual committee; the committees could then come back as a group and decisions could be made about which committees would have responsibility for which issues; some large issues might need to be broken down into their individual components and prioritized. Tasks for the committees could then be assigned.

Councilmember Douglas pointed out that the draft resolution spoke primarily of standing committees whose purpose would be to do strategic planning. He said he viewed that as being only a part of the purpose of the committees and hoped the record would clearly reflect that equally, if not more, important was the fact that the committees would be the basis for studying issues, bringing proposals to the Council, serving as committees that became somewhat more expert on particular issues than the average so as to be able to assist and guide Council discussions, etc., with strategic planning being only a part of what was expected from the committees. Mr. Douglas remarked it had been noted many times that committees worked when they were made to do so, when time limitations were imposed and when they were reminded of those and their tasks -- he said he hoped the Mayor would see that was done so the committees would work well. The Mayor said he hoped to do so, however, anticipated that when specific objectives and tasks were set out, timetables would also be formulated for their accomplishment.

City Administrator Wilson noted receipt earlier in the day from IGS of final results and documentation of the strategic planning

session, as well as their hard copy notes, and pointed out copies of those had been put in each Councilmember's box.

The resolution was passed by unanimous vote.

RESOLUTION #1990-12
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:55 p.m.

Introduced By: Councilmember Douglas

ADOPTED: JANUARY 29, 1990

Resolution No. 1990-5

WHEREAS, John and Susan Fleming have submitted an application to the Montgomery County Planning Board for a site plan for 6 Grant Avenue, Takoma Park, Maryland (#8-89087); AND

WHEREAS, the petitioners have also submitted an application to the Montgomery County Board of Appeals for a variance for the property described above (#A-2834); AND

WHEREAS, this property is located in the City of Takoma Park and the applications have therefore been referred to the City for review and comment; AND

WHEREAS, the applications have been reviewed by City staff, which has recommended APPROVAL of the applications on the basis of analysis contained in the pertinent staff report dated January 19, 1990; AND

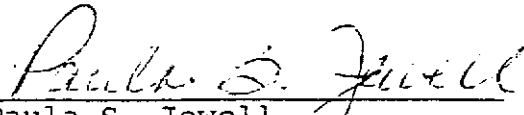
WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject applications;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby SUPPORT the subject site plan and variance applications, and recommend that the Montgomery County Planning Board and the Montgomery County Board of Appeals APPROVE the subject applications.

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 29TH DAY OF JANUARY, 1990.

ATTEST:


Paula S. Jewell
Acting City Clerk

6grantsp.res

Introduced by : Councilmember Elrich

First reading: 1/16/90

Second reading: 1/29/90

[^] SECOND DRAFT

01-[^] 26-90

[^] CD010802.ORD

ORDINANCE NO. 1990-1
CITY OF TAKOMA PARK
INFRASTRUCTURE BONDS, 1990 SERIES A

ORDINANCE OF THE COUNCIL OF TAKOMA PARK OF THE CITY OF TAKOMA PARK, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, PROVIDING FOR THE ISSUANCE AND SALE OF [^] FIVE HUNDRED [^] FIFTY FIVE THOUSAND FIFTY EIGHT DOLLARS [^](\$555,058) AGGREGATE PAR AMOUNT OF BONDS OF THE CITY OF TAKOMA PARK, TO BE KNOWN AS "THE CITY OF TAKOMA PARK INFRASTRUCTURE BONDS, 1990 SERIES A", TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 501 AND 922 OF THE CHARTER OF CITY OF TAKOMA PARK, AS AMENDED, AND SECTIONS 31 THROUGH 37 OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF PROVIDING FUNDS NECESSARY FOR ROAD IMPROVEMENTS, LIBRARY RENOVATIONS, REPAIR OF LEAF MULCH PLANT, REPLACEMENT OF PUBLIC WORKS BOILER, REPLACEMENT OF PUBLIC WORKS ROOF, AND RELATED COSTS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE CITY OF TAKOMA PARK; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CITY OF TAKOMA PARK FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST, AND PREMIUM, IF ANY, ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORM, TENOR, DENOMINATION, MATURITY DATE AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING THE METHOD OF FIXING THE INTEREST RATE TO BE BORNE BY THE BONDS.

WHEREAS, The City of Takoma Park (the "Issuer") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended ("Article 23A"); and

WHEREAS, under Sections 501 and 922 of the Charter, the Issuer is empowered to borrow money for any proper purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, Section 31 of Article 23A empowers every municipal corporation to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds in the manner therein prescribed; and

WHEREAS, pursuant to the authority of Sections 501 and 922 of the Charter and Sections 31 through 37 of Article 23A, the Issuer has determined to issue its general obligation bonds in the principal amount of [^] Five Hundred [^] Fifty Five Thousand Fifty Eight Dollars [^] (\$555,058), to be known as "The City of Takoma Park Infrastructure Bonds, 1990 Series A" for the purpose of providing funds necessary for road improvements, library renovations, repair of leaf mulch plant, replacement of public works boiler, replacement of public works roof (the "Project"), and payment of costs of issuance, bond insurance premiums and other related costs; and

WHEREAS, the Issuer proposes to issue and sell the bonds to the Community Development Administration, an agency in the Division of Housing Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"), in connection with the Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and the obtaining of a loan from the Administration pursuant to the Program (the "Loan").

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Authorization, Terms, Form of Bonds.

(a) The Issuer shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit [^] Five Hundred [^] Fifty Five Thousand Fifty Eight Dollars [^] (\$555,058) aggregate principal amount of its bonds, to be issued pursuant to the authority of Sections 501 and 922 of the Charter and Sections 31 through 37 of Article 23A, to be known as "The City of Takoma Park Infrastructure Bonds, 1990 Series A" (the "Bonds"). The proceeds from the sale of the Bonds shall be used for the purpose of providing funds necessary for the Project and payment of costs of issuance, bond insurance premiums and other related costs.

(b) The Bonds shall be issued as a single fully registered bond in the principal amount of [^] Five Hundred [^] Fifty Five Thousand Fifty Eight Dollars [^] (\$555,058), payable to the registered owner thereof. The Bonds shall be issued in such amount or such lesser amount as determined by the Mayor, which shall be the amount of the Loan to be financed under the Program.

(c) The Bonds shall be dated as of the date of [^] the Administration's \$6,610,000 Infrastructure Financing Bonds (Capital Guaranty Insured) 1990 Series A (the "Infrastructure Financing Bonds"); shall be numbered R-1; shall be registered in

the name of the Administration or its designee; shall bear interest [^] from the date which is one month prior to their dated date, payable semi-annually on May 1 and November 1 in the years and at the rates as hereinafter set forth; and shall be [^] payable in annual installments of principal on May 1 in the years and amounts as hereinafter set forth. [^]

(d) The [^] rates of interest to be borne by the Bonds [^] and interest payments on the Bonds, as well as the annual principal installments to be paid on the Bonds are set forth on Exhibit A attached hereto and made a part hereof by reference.

(e) The Bonds shall be in substantially the following form, which form, together with the statement of annual principal installments and semi-annual installments of interest as therein set forth, and all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained:

(Form of Bonds)

United States of America

State of Maryland

The City of Takoma Park

Infrastructure Bond, 1990 Series A

No. R-1

[^] \$555,058

THE CITY OF TAKOMA PARK, a municipal corporation duly

organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to

_____,
or its registered assigns, the principal amount of Five Hundred [^] Fifty Five Thousand Fifty Eight Dollars (\$555,058), plus interest on each unpaid principal installment at the rates set forth under the column designated "Coupon" on Exhibit A attached hereto, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payments to be made, as follows: (a) [^] interest on the outstanding and unpaid principal of this bond shall be due and payable in semi-annual payments commencing on May 1, 1990 and continuing on the first day of November and May in each year thereafter until final maturity [^] in the aggregate amounts as set forth on Exhibit A; (b) principal of this bond shall be paid, commencing on May 1, 1991 and on May 1 in each year thereafter until final maturity, in the aggregate amounts of principal installments as set forth on Exhibit A. [^]

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the [^] rates of interest borne by this bond. Payment of principal hereof and interest due hereon shall be made at the offices of the

This bond, designated as "The The City of Takoma Park Infrastructure Bond, 1990 Series A" (the "Bond"), is a general

obligation of the Issuer, limited to an aggregate principal amount of Five Hundred [^] Fifty Five Thousand Fifty Eight Dollars [^] (\$555,058), and has been duly issued by the Issuer for the purpose of providing funds necessary for road improvements, library renovations, repair of leaf mulch plant, replacement of public works boiler, replacement of public works roof, payment of costs of issuance, bond insurance premiums and other related costs.

The Bonds are issued pursuant to the authority of Sections 501 and 922 of the Charter of the Issuer, as amended, and Sections 31 through 37 of Article 23A of the Annotated Code of Maryland, as amended, and an Ordinance of the Issuer adopted on [^] January 29, 1990 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue thereon.

The Bonds are issued in connection with the Infrastructure Financing Program of the Community Development Administration, an agency in the Division of Housing Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). The Bonds are subject to the terms and conditions of the Repayment Agreement dated as of _____ 1, 1990, between the Issuer and the Administration (the "Repayment Agreement").

The Bond is not subject to prepayment by the Issuer prior to June 1, 2000. On or after June 1, 2000, the Bond is subject to prepayment by the Issuer at the prepayment prices, expressed as a percentage of the principal amount to be prepaid, plus accrued

interest, if any, to the prepayment date, on the principal amount thereof, and during the periods (both dates inclusive) listed below:

<u>Period</u>	<u>Price</u>
June 1, 2000 through May 31, 2001	102%
June 1, 2001 through May 31, 2002	101
June 1, 2002 and thereafter	100

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of the Bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name the Bond is registered as the absolute owner hereof, whether or not the Bond shall be overdue, for the purpose of receiving payment thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

The Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender the Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take the Bond subject to such condition.

As declared by Section 35 of Article 23A of the Annotated Code of Maryland, as amended, the Bond shall be fully negotiable under the laws of the State of Maryland and nothing contained in the Bond shall affect or impair the negotiability of the Bond. The Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, and premium, if any, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the registered owner of the delivery of the Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of the Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, The City of Takoma Park has caused this Bond to be signed in its name by the manual or facsimile signature of its Mayor, its corporate seal to be affixed hereto and attested by the manual signature of the Acting City Clerk and this Bond to be dated [^] January 1, 1990.

ATTEST:

CITY OF TAKOMA PARK

Paula Jewell,
Acting City Clerk

By: _____
Stephen J. [^] Del Giudice,
Mayor

[SEAL]

(Form of Assignment)

FOR VALUE RECEIVED, _____ hereby sells,
assigns and transfers unto _____ the within bond,
and does hereby irrevocably constitute and appoint _____
Attorney to transfer the same on the books of the Issuer at the
offices of the Issuer in _____.

Dated: _____

WITNESS:

(Form of Exhibit A)

[Attach a copy of Exhibit A to Ordinance.]

[End of Bond Form.]

(f) The Bonds are to be issued in connection with the Program to finance the Project and payment of costs of issuance, bond insurance premiums and other related costs. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration, [^] drafts of which are attached hereto as Exhibits [^] B and [^] C, respectively [^] (the "Repayment Agreement" and the "Pledge Agreement"). The Issuer will also execute and deliver in connection with the issuance of the Bonds and the Program additional documents, agreements, instruments and certificates (which, together with the Repayment Agreement and the Pledge Agreement are herein referred to as the "Program Documents"). The form of the Repayment Agreement and the Pledge Agreement are approved.

(g) Because this Ordinance is being adopted before the complete details [^] of the Administration's Infrastructure Financing Bonds have been finalized, the Mayor is hereby specifically authorized to make such changes to the [^] form of the Bonds and the Program Documents, including insertions therein or additions or deletions thereto, as may be necessary to conform the terms of the Bonds and the Program Documents to the terms of the financing to be provided to the Issuer under the Program.[^]

Section 2. Execution.

The Bonds and the Program Documents shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor of the Issuer, and the seal of the Issuer shall be affixed thereto and attested by the manual signature of the Acting City Clerk of the Issuer. If any officer whose signature shall appear

on the Bonds or the Program Documents shall cease to be such officer before the delivery of the Bonds or the Program Documents, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Mayor of the Issuer is hereby authorized, empowered and directed to complete the applicable form of the Bonds or the Program Documents [^] and to make minor corrections or changes thereto in any manner which the Mayor, in his or her discretion, shall deem necessary to complete the issuance and sale of the Bonds and the execution and delivery of the Program Documents, all as may be in the best interest of the Issuer. The execution of the Bonds and the Program Documents by the Mayor shall be conclusive evidence of his or her approval of the form and substance thereof.

Section 3. Prepayment.

The Bonds are being issued in connection with the Program, and will secure payment of the Administration's Infrastructure Financing Bonds (Capital Guaranty-Insured) 1990 Series A, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer. The Repayment Agreement limits the ability of the Issuer to prepay the Bonds in accordance with restrictions upon the ability of the Administration to redeem its Infrastructure Financing Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayment as set forth in the Bonds.

Section 4. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond (a "Bond" being, for purposes of this section, any one of the Bonds) shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the registered owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen upon the registered owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and his ownership thereof, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 5. Use of Proceeds.

(a) The proceeds of the Bonds shall be held, invested and administered by the Administration pursuant to the Repayment Agreement and shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the design and construction of the Project have been completed and the Project is in operation and all costs and expenses in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment or prepayment of the Bonds, as permitted by the Administration.

Section 6. Covenants.

The Issuer covenants with and for the benefit of the registered owner from time to time of the Bonds, that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the registered owner of the Bonds the principal of the Bonds and interest, and premium, if any, accruing thereon, at the dates and places and in the manner mentioned in the Bonds, according to the true intent and meaning thereof.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, it will levy annually, in the manner prescribed by law, a tax on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation, ad valorem taxes in rate and amount and sufficient, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such

deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

Section 7. Ordinance a Contract.

The provisions of this Ordinance shall constitute a contract with the purchaser and registered owner from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the registered owners of the Bonds.

Section 8. Special Tax Covenants.

(a) The Issuer covenants that it will not make any use of the proceeds of the Bonds or any moneys, securities or other obligations on deposit to the credit of the Issuer or otherwise which may be deemed by the Internal Revenue Service to be proceeds of the Bonds pursuant to Section 148 of the Internal Revenue Code of 1986, as amended, and the Income Tax Regulations thereunder (collectively, the "Code"), which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

(b) The Issuer further covenants that it will not (i) take any action, (ii) fail to take any action, or (iii) make any use of the proceeds of the Bonds, which would cause the interest on the Bonds to be or become includible in gross income for federal income tax purposes in the hands of the registered owners thereof.

Section 9. Pledge of Local Government Payments.

As contemplated and authorized by Article 83B, Section 2-204(16)(iii) of the Annotated Code of Maryland, as amended, the Issuer hereby pledges, assigns and grants a security interest to the Administration, its successors in trust and assigns, all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds.

The Bonds shall be sold for cash at not less than par in accordance with the terms and provisions of this Ordinance.

Section 11. Sale of Bonds.

Notwithstanding Sections 32(3) and 34(4) of Article 23A, the Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 922 of the Charter of the Issuer, and Article 83B, Section 2-204(16)(ii) of the Annotated Code of Maryland, as amended.

Section 12. Actions.

The officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and

provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purposes of this Ordinance and the Program Documents.

Pursuant to the requirements of Sections 308(f) and 310 of the Charter, the Acting City Clerk shall promptly cause this Ordinance to be posted on the City Hall Bulletin Board for one week after its introduction and for at least three weeks after its adoption and shall promptly cause this Ordinance to be permanently filed among the records of the Council of Takoma Park.

Section 13. Effective Date.

This Ordinance shall take effect 20 calendar days from the date of approval by the City of Takoma Park, and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the Acting City Clerk or his or her successor in office shall constitute evidence of the contents and provisions hereof.

ADOPTED by The Council of Takoma Park of The City of Takoma Park and approved by the Mayor on [^] January 29, 1990.

ATTEST:

CITY OF TAKOMA PARK

Paula Jewell,
Acting City Clerk

By: _____
Stephen J. [^] Del Giudice,
Mayor

[SEAL]

Exhibits

- A - Debt Service Schedule
- B - Form of Repayment Agreement
- [^] C - Form of Pledge Agreement

[^] CD010801.ORD

TAKOMA PARK LEAF MULCH PLANT				
DEBT SERVICE SCHEDULE				
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE
5/01/1990	-	-	1,575.18	1,575.18
11/01/1990	-	-	2,649.83	2,649.83
5/01/1991	6,228.00	5.960%	2,649.83	8,877.83
11/01/1991	-	-	2,464.24	2,464.24
5/01/1992	6,604.00	6.060%	2,464.24	9,068.24
11/01/1992	-	-	2,264.13	2,264.13
5/01/1993	6,885.00	6.160%	2,264.13	9,149.13
11/01/1993	-	-	2,052.08	2,052.08
5/01/1994	7,307.00	6.260%	2,052.08	9,359.08
11/01/1994	-	-	1,823.37	1,823.37
5/01/1995	7,728.00	6.360%	1,823.37	9,551.37
11/01/1995	-	-	1,577.62	1,577.62
5/01/1996	8,290.00	6.460%	1,577.62	9,867.62
11/01/1996	-	-	1,309.85	1,309.85
5/01/1997	8,782.00	6.560%	1,309.85	10,091.85
11/01/1997	-	-	1,021.80	1,021.80
5/01/1998	9,344.00	6.660%	1,021.80	10,365.80
11/01/1998	-	-	710.65	710.65
5/01/1999	10,117.00	6.760%	710.65	10,827.65
11/01/1999	-	-	368.69	368.69
5/01/2000	10,749.00	6.860%	368.69	11,117.69
TOTAL	82,034.00	-	34,059.67	116,093.67

TAKOMA PARK ROAD IMPROVEMENTS				
DEBT SERVICE SCHEDULE				
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE
5/01/1990	-	-	6,177.95	6,177.95
11/01/1990	-	-	10,392.81	10,392.81
5/01/1991	24,418.00	5.960%	10,392.81	34,810.81
11/01/1991	-	-	9,665.15	9,665.15
5/01/1992	25,902.00	6.060%	9,665.15	35,567.15
11/01/1992	-	-	8,880.32	8,880.32
5/01/1993	27,004.00	6.160%	8,880.32	35,884.32
11/01/1993	-	-	8,048.60	8,048.60
5/01/1994	28,658.00	6.260%	8,048.60	36,706.60
11/01/1994	-	-	7,151.60	7,151.60
5/01/1995	30,311.00	6.360%	7,151.60	37,462.60
11/01/1995	-	-	6,187.71	6,187.71
5/01/1996	32,516.00	6.460%	6,187.71	38,703.71
11/01/1996	-	-	5,137.45	5,137.45
5/01/1997	34,444.00	6.560%	5,137.45	39,581.45
11/01/1997	-	-	4,007.68	4,007.68
5/01/1998	36,649.00	6.660%	4,007.68	40,656.68
11/01/1998	-	-	2,787.27	2,787.27
5/01/1999	39,680.00	6.760%	2,787.27	42,467.27
11/01/1999	-	-	1,446.09	1,446.09
5/01/2000	42,160.00	6.860%	1,446.09	43,606.09
TOTAL	321,742.00	-	133,587.33	455,329.33

NOTE:

Each installment of Principal and Interest or Interest only shall be the aggregate of amounts on each table set forth in this Exhibit A for the date of such payment, as shown under the heading designated "Debt Service."

TAKOMA PARK LIBRARY RENOVATION				
DEBT SERVICE SCHEDULE				
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE
5/01/1990	-	-	1,759.29	1,759.29
11/01/1990	-	-	2,959.55	2,959.55
5/01/1991	6,953.00	5.960%	2,959.55	9,912.55
11/01/1991	-	-	2,752.35	2,752.35
5/01/1992	7,376.00	6.060%	2,752.35	10,128.35
11/01/1992	-	-	2,528.85	2,528.85
5/01/1993	7,690.00	6.160%	2,528.85	10,218.85
11/01/1993	-	-	2,292.00	2,292.00
5/01/1994	8,161.00	6.260%	2,292.00	10,453.00
11/01/1994	-	-	2,036.56	2,036.56
5/01/1995	8,632.00	6.360%	2,036.56	10,668.56
11/01/1995	-	-	1,762.07	1,762.07
5/01/1996	9,259.00	6.460%	1,762.07	11,021.07
11/01/1996	-	-	1,463.00	1,463.00
5/01/1997	9,809.00	6.560%	1,463.00	11,272.00
11/01/1997	-	-	1,141.26	1,141.26
5/01/1998	10,436.00	6.660%	1,141.26	11,577.26
11/01/1998	-	-	793.75	793.75
5/01/1999	11,300.00	6.760%	793.75	12,093.75
11/01/1999	-	-	411.81	411.81
5/01/2000	12,006.00	6.860%	411.81	12,417.81
TOTAL	91,622.00	-	38,041.68	129,663.68

TAKOMA PARK PUBLIC WORKS BOILER				
DEBT SERVICE SCHEDULE				
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE
5/01/1990	-	-	715.99	715.99
11/01/1990	-	-	1,204.46	1,204.46
5/01/1991	2,830.00	5.960%	1,204.46	4,034.46
11/01/1991	-	-	1,120.13	1,120.13
5/01/1992	3,002.00	6.060%	1,120.13	4,122.13
11/01/1992	-	-	1,029.17	1,029.17
5/01/1993	3,130.00	6.160%	1,029.17	4,159.17
11/01/1993	-	-	932.77	932.77
5/01/1994	3,321.00	6.260%	932.77	4,253.77
11/01/1994	-	-	828.82	828.82
5/01/1995	3,513.00	6.360%	828.82	4,341.82
11/01/1995	-	-	717.11	717.11
5/01/1996	3,768.00	6.460%	717.11	4,485.11
11/01/1996	-	-	595.40	595.40
5/01/1997	3,992.00	6.560%	595.40	4,587.40
11/01/1997	-	-	464.46	464.46
5/01/1998	4,247.00	6.660%	464.46	4,711.46
11/01/1998	-	-	323.04	323.04
5/01/1999	4,599.00	6.760%	323.04	4,922.04
11/01/1999	-	-	167.59	167.59
5/01/2000	4,886.00	6.860%	167.59	5,053.59
TOTAL	37,288.00	-	15,481.87	52,769.87

NOTE:

Each installment of Principal and Interest or Interest only shall be the aggregate of amounts on each table set forth in this Exhibit A for the date of such payment, as shown under the heading designated "Debt Service."

TAKOMA PARK PUBLIC WORKS ROOF				
DEBT SERVICE SCHEDULE				
DATE	PRINCIPAL	COUPON	INTEREST	DEBT SERVICE
5/01/1990	-	-	429.58	429.58
11/01/1990	-	-	722.66	722.66
5/01/1991	1,698.00	5.960%	722.66	2,420.66
11/01/1991	-	-	672.06	672.06
5/01/1992	1,801.00	6.060%	672.06	2,473.06
11/01/1992	-	-	617.49	617.49
5/01/1993	1,878.00	6.160%	617.49	2,495.49
11/01/1993	-	-	559.64	559.64
5/01/1994	1,991.00	6.260%	559.64	2,550.64
11/01/1994	-	-	497.32	497.32
5/01/1995	2,107.00	6.360%	497.32	2,604.32
11/01/1995	-	-	430.32	430.32
5/01/1996	2,261.00	6.460%	430.32	2,691.32
11/01/1996	-	-	357.29	357.29
5/01/1997	2,396.00	6.560%	357.29	2,753.29
11/01/1997	-	-	278.70	278.70
5/01/1998	2,550.00	6.660%	278.70	2,828.70
11/01/1998	-	-	193.79	193.79
5/01/1999	2,758.00	6.760%	193.79	2,951.79
11/01/1999	-	-	100.57	100.57
5/01/2000	2,932.00	6.860%	100.57	3,032.57
TOTAL	22,372.00	-	9,289.25	31,661.25

NOTE:

Each installment of Principal and Interest or Interest only shall be the aggregate of amounts on each table set forth in this Exhibit A for the date of such payment, as shown under the heading designated "Debt Service."

Form of Repayment Agreement

[Form to Follow]

Exhibit [^] C to
Ordinance No. _____

Form of Pledge Agreement

[Form to Follow]

Introduced by: Councilmember Leary
(Drafted by S. Weiss)

RESOLUTION 1990 - 6

COUNCIL POSITION ON SPECIAL EXCEPTION REQUEST S-1532:
ACCESSORY APARTMENT AT 7055 EASTERN AVENUE

WHEREAS the Mayor and Council of the City of Takoma Park unanimously decided on January 17, 1989 to oppose the granting of a special exception for 7055 Eastern Avenue; AND

WHEREAS the Mayor and Council based that 1989 decision not only upon whether the property had met or could meet the minimum standards set out by Montgomery County for accessory apartments, but also upon such dissuading factors as: the history of poor property maintenance by the property owner, the lack of sufficient parking, the high concentration of accessory apartments in the neighborhood, and the objections of neighbors; AND

WHEREAS the Mayor and Council revisited the issue on January 29, 1990, only to find that substantially the same dissuading factors remain.

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park oppose the granting of a special exception for an accessory apartment at 7055 Eastern Avenue; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park urge the Montgomery County Board of Appeals to deny special exception petition S-1532, for an accessory apartment at 7055 Eastern Avenue.

Dated this 29th day of January, 1990.

Introduced By: Councilmember Sharp

RESOLUTION NO. 1990 - 7

WHEREAS, Charles Garlow and Joan Flaherty have requested permission from the City of Takoma Park to gain temporary access to 830 Hayward Avenue, Takoma Park, Maryland, (the "property") from an unimproved portion of Colby Avenue for the purpose of providing access for their disabled mother (mother-in-law) for the duration of her infirmity and residence at said property; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, that the Council, hereby permits Charles Garlow and Joan Flaherty to construct a temporary driveway and other protections in the manner approved by the Director of Public Works, at no cost to the City of Takoma Park, Maryland, from an unimproved portion of Colby Avenue for the above mentioned purposes; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Administrator to enter into a public right of way access indemnity agreement with Charles Garlow and Joan Flaherty; and

Be it further resolved that said agreement shall contain a provision requiring Charles Garlow and Joan Flaherty to terminate access hereby granted and to restore the public property to a condition not suitable for vehicular use when their mother no longer resides in the property.

Adopted this 29th day of January, 1990.

Introduced by:

1st Reading: January 29, 1990
2nd Reading:

COUNCIL ORDINANCE NO. 1990-3

An ordinance to amend the Personnel Classification System

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

SECTION 1. New position classes. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended, is amended, to add the following positions to the classification plan:

GRADE JOB CLASSES

- GRADE 1 :
GRADE 2 : Custodian
GRADE 3 : Laborer; Clerk Typist I;
GRADE 4 : Account Clerk I; Library Shelver; Communications
 Dispatcher; Assistant Driver; Police Records Clerk;
GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment
 Operator I;
GRADE 6 : Account Clerk II; Secretary; Personnel Clerk;
 Library Assistant; Recreation Specialist; Driver
 Foreman; Equipment Operator II; Clerk Typist II;
 Building Mechanic Helper;
GRADE 7 : Administrative Clerk I; Playground Coordinator;
 Equipment Operator III; Code Enforcement Officer I;
 Police Private; Clerk Typist III;
GRADE 8 : Administrative Clerk II; Account Clerk III;
 Gym Supervisor; Police Private First Class;
 Tree Maintenance Foreman; Building Mechanic;
 Mechanic; Community Development Coordinator;
GRADE 9 : Account Supervisor; Administrative Supervisor;
 Deputy City Clerk; Executive Secretary; Police
 Affairs Specialist; Police Corporal; Parks Foreman;
 Street Foreman; Master Mechanic; Housing
 Rehabilitation Construction Coordinator; Code
 Enforcement Officer II; Community Planner I; Youth
 Outreach Assistant;

- GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor; Street-Parks Supervisor; Planner III; COLTA Executive Director; Community Development Construction Specialist;
- GRADE 11 : Youth Outreach Worker; Recreation Supervisor; Code Enforcement Supervisor; Housing Coordinator; Recycling Coordinator; Supervisor of Administrative Services (Police)
- GRADE 12 : Assistant Library Director; Police Lieutenant; Cable TV Coordinator; Personnel Officer;
- Executive 1: Assistant Public Works Director; Director of Economic & Community Development;
- Executive 2: Library Director; Recreation Director; Housing Services Director; Police Captain (Deputy Chief); Director of Housing & Community Development;
- Executive 3: Assistant City Administrator;
- Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon enactment.

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

[] indicates matter to be deleted from existing code language

Adopted this ____ day of _____, 1990 by Roll Call Vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

d#O/R1
O-CLASS2

Introduced by: Councilmember Elrich

Dated: 11/13/89
Amended: 1/29/90

RESOLUTION 1989-108

REGARDING TAKOMA PARK HISTORIC DISTRICT

WHEREAS, the City of Takoma Park endorses the creation of a Takoma Park historic district as an amendment to the Montgomery County Historic Plan for historic preservation; AND

WHEREAS, the City believes that there are other areas adjacent to and contiguous with the existing Historic District that merit inclusion in a Master Plan Historic District; AND

WHEREAS, the City believes that citizen involvement and input into the process is essential in developing policies and boundaries that will reflect the best interests of our citizens; AND

WHEREAS, the City believes that the County's process has proceeded too rapidly to permit an adequate level of citizen involvement; AND

WHEREAS, the City is aware of problems and concerns with the current procedures of both the local and County HPC's; AND

WHEREAS, the City believes that the above problems could be remedied in such a way as to allow us to build a strong community consensus for the creation of an historic district, if we have adequate time to address questions and concerns of our citizens.

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby request that the Montgomery County Planning Board keep the record open until April 2, [March 1,] 1990, in order to permit the City to provide for adequate citizen involvement in our process; AND

BE IT FURTHER RESOLVED that the Council will create a Task Force that will address issues of process, policies, procedures and boundaries; AND

BE IT FURTHER RESOLVED THAT the Council requests that the Planning Board delay consideration of the Historic District for Takoma Park until April 2, [March 1,] 1990; AND

BE IT FURTHER RESOLVED THAT the Council directs the City Administrator to send copies of this resolution to Gus Bauman, Chair of the Planning Board, and Gwen Marcus, staff person for the Park and Planning Commission.

Adopted this 13th day of November, 1989.

AMENDED AS RESOLUTION #1990-8

Introduced by: Councilmember Douglas Resolution date: 11/13/89
Expiration date: 3/1/90
Amended: 12/4/89
Amended: 1/29/90

RESOLUTION NO. 1989-109

(Establishing a Historic Preservation Task Force)

WHEREAS, the City of Takoma Park was one of the first planned suburbs of our nation's capital and has within its boundaries two areas which are listed on the National Register of Historic Places, in addition to other structures and sites of historic, architectural, or cultural value; and

WHEREAS, portions of Takoma Park are now listed on the Montgomery County Locational Atlas of Historic Sites; and

WHEREAS, inclusion on the Montgomery County Locational Atlas of Historic Sites was intended as a temporary measure to identify and protect potential historic sites and districts until they could be evaluated more thoroughly and placed on the Master Plan for Historic Preservation, and

WHEREAS, Montgomery County is currently considering amendment of its Master Plan for Historic Preservation to designate a Takoma Park Historic District; and

WHEREAS, the Takoma Park Historic Preservation Committee has surveyed the affected area and has recommended the boundaries indicated on the attached map which include the National Register historic district boundaries and contiguous areas that have architectural, historic or cultural merit; and

WHEREAS, Prince George's County will soon be studying its Master Plan for Historic Preservation; and

WHEREAS, the City of Takoma Park wishes to preserve its historic, architectural, and cultural heritage; and

WHEREAS, there is a need to balance the preservation of historic resources with the rights and interests of individual homeowners; and

WHEREAS, individual homeowners have raised concerns about the perceived arbitrariness, unfairness, and inconvenience of the current Historic Area Work Permit process and, in particular, about the procedures and practices of the Takoma Park Historic Preservation Committee which is recognized as a Local Advisory Committee (LAC) to the Montgomery County Historic Preservation Commission; and

WHEREAS, the Council wishes to set up a Historic Preservation Task Force to study the City's role and involvement in historic preservation matters in Takoma Park; to develop criteria for review of historic resources within the Takoma Park Historic District by the Historic Preservation Commission; to study and recommend guidelines, processes and procedures to be employed in the design review and historic area work permit application process; to consider the appropriate role for a Local Advisory Committee and its accountability to the Council; and to develop specific recommendations; and

WHEREAS, the Council also desires the Historic Preservation Task Force to examine the above issues and areas; to work with both Montgomery and Prince George's Counties and with the Maryland-National Capital Park and Planning Commission (M-NCPPC);

to assist in City of Takoma Park involvement in the development of regulations, guidelines, and procedures related to the designation of historic districts, historic resource levels, and the historic area work permit process; and to report back to the Council with specific recommendations for appropriate legislative and executive action.

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

SECTION 1. Historic Preservation Task Force - Generally.

(a) A task force to be known as the "Historic Preservation Task Force of Takoma Park" is hereby created.

(b) The Historic Preservation Task Force shall consist of fifteen (15) members appointed by the Council, one of whom shall be designated as the chair of the Task Force. Each member must be a resident of the City of Takoma Park. The Historic Preservation Task Force shall include at least two (2) members who have special interest, knowledge or training in the fields of historic resource preservation, urban planning/design or architecture, or who have experience with the current historic area work permit process. The remaining members shall, to the extent possible, be selected to represent the various geographical, social, economic and cultural concerns of the community. In addition, the Council may appoint ex officio members representing Montgomery and Prince George's Counties to the Historic Preservation Task Force.

(c) The Historic Preservation Task Force shall hold such regular meetings which, in its discretion, are necessary to perform its duties and shall develop such rules of procedure as it finds necessary to conduct its business. Historic Preservation Task Force meetings shall be open to the public.

(d) The City Administrator shall have the authority to assign to the Historic Preservation Task Force such employees, services and facilities of the City of Takoma Park as are necessary or appropriate for the proper performance of the Historic Preservation Task Force's duties.

SECTION 2. Powers and Duties.

The Historic Preservation Task Force shall have the following powers and duties:

(a) To study the historic area work permit design review process as it has been working and to make recommendations for its improvement, including appropriate standards and guidelines.

(b) To study appropriate mechanisms for reviewing historic area work permit applications, including the appointment, membership, role, status, authority, and rules of procedure of a local committee and the relationship of such a committee to the City of Takoma Park and to Montgomery and Prince George's County authorities.

(c) To review the recommendations of the Takoma Park Historic Preservation Committee regarding the boundaries of Montgomery and Prince George's County Master Plan Historic Districts.

(d) To review current legislation and proposals affecting historic preservation, such as the amendment of the Montgomery County Master Plan for Historic Preservation and the amendment of the Prince George's County Historic Sites and Districts Plan to designate a Takoma Park Historic District, and the development of revised regulations, guidelines, procedures, and processes to be employed in the design review and historic area work permit application process, and make recommendations on such legislation and proposals to the Council.

(e) To consider criteria for review of different levels of historic resources within a Takoma Park Historic District.

(f) To study such other historic preservation issues as the Historic Preservation Task Force deems to be necessary or desirable.

SECTION 3. Report.

(a) The Historic Preservation Task Force shall prepare and submit to the Council by March 12 [February 1,] 1990 a report on its work under Section 2 with recommendations to the Council on:

- (i) such standards, guidelines, or other measures that would be appropriate for classification and review of activities within a Takoma Park Historic District;
- (ii) the creation, appointment, membership, role, status, authority, and rules of procedure of a local committee and the relationship of

such a committee to the City of Takoma Park and the appropriate County authorities;

- (iii) City of Takoma Park or County programs and legislation needed to encourage and facilitate historic preservation in the City of Takoma Park; and
- (iv) any other matters the Task Force finds relevant.

(b) Upon submission of the report to the Council, the Council shall take necessary actions to enact laws, give direction to the City Administrator, or make recommendations to appropriate County authorities.

SECTION 5. Effective Date.

This Resolution shall be effective upon its adoption and, unless extended by a further resolution of the Council, shall expire on April 2, [March 1,] 1990.

ADOPTED THIS 13th DAY OF NOVEMBER, 1989 BY THE COUNCIL OF THE CITY OF TAKOMA PARK.

Clerk's Note: In this Resolution Sections 1(b), 2(b), (c) and (d) were amended on 12/4/89 to include references to the Prince George's County Historic Sites and Districts Plan. These amendments are reflected by bold underlining.

1/29/90 Clerk's Note: Amendments were passed by the City Council in sections 3(a) and 5 to reflect change in reporting deadline.

historic.res
corr39/cp

Introduced by: Mayor Del Giudice
(Drafted by: P. Jewell)

Dated: 1/29/90

RESOLUTION #1990-9

**ADOPTING A NEW DESIGN FOR THE CITY'S CORPORATE SEAL
TO COMMEMORATE TAKOMA PARK'S 100TH ANNIVERSARY
OF INCORPORATED STATUS**

WHEREAS, on April 3, 1990, the City of Takoma will celebrate its 100th anniversary of incorporation; AND

WHEREAS, the Mayor and Council desire to adopt a new design for the City's corporate seal to mark this 100th anniversary.

NOW THEREFORE, BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland hereby adopts a new design of the corporate seal of Takoma Park to reflect:

"A Century of Community April 3, 1890 - 1990"

AND BE IT FURTHER RESOLVED THAT, the Acting City Clerk is hereby authorized to make the necessary arrangements to have the new corporate seal designed and produced.

Dated this 29th day of January, 1990.

Introduced by: Mayor Del Giudice
(Drafted by: P. Jewell)

Dated: 1/29/90

RESOLUTION #1990 -10

ENDORISING THE 100TH ANNIVERSARY OF MUNICIPAL INCORPORATION
AND APPROVING A SERIES OF EVENTS TO COMMEMORATE THE ANNIVERSARY

AND OFFICIALLY APPOINTING MEMBERS TO THE
1990 CITY CENTENNIAL COMMITTEE

WHEREAS, on April 3, 1990, the City of Takoma Park will mark its 100th Anniversary of incorporated status; AND

WHEREAS, the City Council desires to plan and host a variety of events to mark the City's Centennial beginning on April 3, 1990; AND

WHEREAS, the City Council also desires to appoint representatives from local community groups who will serve as the 1990 City Centennial Committee and will assist with planning and carrying out the Centennial Celebration and events to commemorate it.

NOW THEREFORE, BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland hereby officially establishes Tuesday, April 3, 1990 as the date for the ceremonial meeting which will re-enact Takoma Park's first official meeting of the Mayor and Council; AND

BE IT FURTHER RESOLVED, THAT the Council of Takoma Park, Maryland hereby endorses the 1990 City of Takoma Park Centennial Celebration and hereby approves plans for co-sponsorship of the following major events to mark the Centennial:

- Youth Poster Contest - Theme: Takoma Park A Centennial Community to be co-sponsored by the City and the Takoma Artist Guild, and the Takoma-Langley Crossroads.
- Centennial Time Capsule - City will invite community groups and associations to submit items for a time capsule to be buried on the Municipal Building grounds on May 13, 1990.
- Centennial Child - Whereas the City will award a savings bond (in an amount to be determined by the Committee) to the first child born of a Takoma Park resident on or after April 3, 1990.

BE IT FURTHER RESOLVED, THAT the Council hereby plans co-sponsorship of the following Calendar of Events:

- April - Historic Takoma Display in Library
- April 1, 1990 - Takoma Symphony Centennial Concert
 - Takoma Park Annual Kite Contest
 - Columbia Union College - Takoma Park 10K Race
- April 3, 1990 - Centennial Ceremonial Meeting
 - Centennial Child
 - Youth Poster Contest
 - Historic Readings
 - Takoma Repertory Reenacts First Council Meeting
- April 14, 1990 - Annual Easter Egg Hunt
- April 21 & 22 - Earth Day Weekend
 - Centennial Tree Planted on Municipal grounds
 - Friends of Sligo Creek - events (tree plantings, etc.) showcasing Sligo
 - Nuclear Free Committee, Peace Task-Force, City Invitation to Gorbechev to visit Takoma Park during visit to U.S.

- April 28 & 29 - Annual Flower Show
- Bike Rodeo

- May 5 & 6 - Annual Plant Sale
- House and Garden Tour
- Concert - Takoma Old Town Business Association
- Dedication of Centennial Garden

- May 11 - 13 - Centennial Weekend
- May 11 - Azalea Ball
- May 13 - Community Festival
- Time Capsule

BE IT FURTHER RESOLVED, THAT the Council hereby authorizes the City Administrator to investigate and report back to the Council the amount of funds necessary for the implementation of the Centennial Time Capsule; AND

BE IT FURTHER RESOLVED, THAT the Council hereby authorizes allocation of additional funds of \$1,652.75 for the procurement of an order of hand-held and exterior use official City flags; AND

BE IT FURTHER RESOLVED, THAT the Council hereby authorizes the new design of the corporate seal of the City of Takoma Park to reflect "A Century of Community" and hereby authorizes appropriate funds for production of the new corporate seal and purchases of related seal impressed items to note the Centennial, i.e., lapel pins, tee shirts, etc.; AND

BE IT FURTHER RESOLVED, THAT the City Council of Takoma Park, Maryland hereby appoints the following persons to serve on the 1990 Centennial Committee:

<u>NAME</u>	<u>ORGANIZATION</u>
1. Nina Seavey	Historic Media Services
2. Meg Finn	House & Garden Tour Committee
3. Lindsay Zobenica	Takoma Park Symphony Orchestra
4. Jim Martin	Takoma Park Symphony Orchestra
5. Dave Lorentz	Takoma Park Symphony Orchestra
6. Belle Ziegler	Takoma Park Recreation Department
7. Jay Bayerl	Nuclear-Free Takoma Park Committee
8. Norm Greene	Takoma Park Artists Guild
9. Mary Chor	Alumnus (Street Festival, Takoma Voice, Takoma Foundation)
10. Lou deSabla	Takoma Voice/Takoma Old Town Business Association
11. Curtis Dalpra	Friends of Slligo Creek
12. Fritz Rumpel	Takoma Repertory
13. Barbara Beelar	The Takoma Foundation
14. Mike Moore	Takoma Park Councilmember, Ward 6
15. Clayton Smith	Takoma Horticultural Club
16. Jeff Zellmer	Takoma/Langley Crossroads
17. Kathy Porter	Historic Takoma
18. Rudy Arredondo	Takoma Park Multicultural Center
19. Fran Tall	Takoma Park Folk Festival
20. Nancy Chisolm	Takoma Park Folk Festival
21. A. J. Mitchell	Park Ritchie Tenants Association
22. Herb Kaufman	Friends of Siegler Property
23. Liz Reynolds	Takoma Voice
24. Juanita Nunn	Upper Maple Advisory Committee

BE IT FURTHER RESOLVED, THAT the Mayor and Council of Takoma Park, Maryland hereby extend an invitation to each City resident, employee and to neighboring communities to participate in Takoma Park's 100th Anniversary Celebrations.

Dated this 29th day of January, 1990.

filename: CTYCEN

Introduced by: Councilmember Sharp

RESOLUTION #1990-11

In Support of Lifting Cap on State Program Open Space

WHEREAS, removal of the State Program Open Space cap will increase the present thirty-nine million (\$39,000,000) dollar allocation to approximately seventy-seven million (\$77,000,000) dollars in Fiscal Year 1990-1991; AND

WHEREAS, the increased funding would benefit the City of Takoma Park State Open Space allocation; AND


WHEREAS, the City utilizes Program Open Space funds for acquisition and development of park and recreation facilities and open space.

NOW, THEREFORE, BE IT RESOLVED by the Council of Takoma Park that we do hereby support the removal of the State Program Open Space Fund cap; AND

BE IT FURTHER RESOLVED THAT the Council of Takoma Park support increasing funds available for preservation and development of City park and recreation facilities and open space.

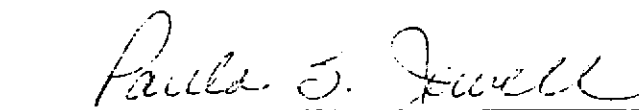
BE IT FURTHER RESOLVED THAT copies of this resolution be forwarded to the State of Maryland representatives from Montgomery and Prince George's Counties.

Adopted this 29th day of January, 1990.



Stephen J. Del Giudice
Mayor

ATTEST:



Paula S. Jewell
Acting City Clerk