

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the City Council

April 11, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Acting City Clerk Jewell
Councilmember Hamilton	Public Works Dir. Giancola
Councilmember Leary	Sue Weiss, DECD
Councilmember Prensky	Recreation Dir. Belle Ziegler
Councilmember Sharp	Recycling Coord. Daryl Braithwaite
ABSENT: Councilmember Moore	Newsletter Editor, Reid Baron
	Code Enf. Superv. Darlene Morning
	Public Works Dir. Tony Giancola

The City Council convened at 8:07 p.m. on Wednesday, April 11, 1990 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance, the Council remained standing in silence to honor Ken Mishimoto, a former Councilmember, who had recently passed away.

The minutes of March 12, 1990, were brought back to the table and Councilmember Prensky proposed a correction on page 4, that the Westmoreland Avenue Community Organization referred to is actually the Westmoreland Area Community Organization. Councilmember Leary mentioned that he had missed the bond issue debate voted on during the March 12 regular meeting, and therefore the minutes were technically incorrect in saying that all members accepted the measure; he wished it be known he did not vote (referred to on page 6). The Mayor said therefore it should be noted that "All those present except Mr. Hamilton and Mr. Prensky voted Aye" and also that Mr. Leary was absent at the time of the vote as well. No other corrections were noted and the the minutes of March 12, 1990 were adopted as corrected by unanimous vote.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

The Mayor reported to the Council on a number of measures before the Maryland Legislature before it ended its session. The police aid bill did pass the State Legislature at the \$1 million request level: each municipality having a police department will receive approximately \$900 an officer in additional State aid; and the Maryland Municipal League staff understood that the money would go directly to the municipalities rather than being funnelled through the Counties. The municipal infraction bill, as originally submitted, was defeated in the house. However, the Senate amended the bill, leaving on only two provisions, and passed it, and was adopted by the House in that form. It relieved municipalities of the requirement that they pay court fees and provided that municipalities could appoint their own attorneys in handling infractions. Another item watched by the Maryland Municipal League was the bill on incorporation, which amended the state process for the incorporation of municipalities. Annexation would also be affected under the State law in this bill. The final item, the Mayor noted, was the property tax legislation. As adopted, it set a 10% increase on assessed valuations for any particular year; would allow all the municipalities to set a level less than 10%; it would allow each municipality and county to set whatever rate they wished under those roles.

Councilmember Douglas asked for clarification of the annexation issue. The mayor noted the Friendship Heights case, where a small minority of land owners stopped an incorporation from going through. The bill changed that to provide an alternative mechanism, so that a minority of landowners could not impose on a majority of residents.

The Mayor then presented several resolutions, the first a ceremonial resolution proclamation recognizing the students of Columbia Union College under the leadership of Robert Fournier for their work at the Loaves and Fishes Soup Kitchen. He moved to adopt the proclamation and Councilmember Hamilton seconded. The resolution was adopted unanimously. Mr. Randall Wisbey came forward to accept the proclamation.

RESOLUTION/PROCLAMATION #1990-32  
(Attached)

The Mayor then put forward a resolution endorsing the Earth Day activities taking place during Earth Week and Earth Day. The resolution mentions a number of points about Takoma Park - its trees, its nuclear-free zone, and recites a number of portions of the Green Pledge. He moved the resolution be adopted and it was seconded by Councilmember Prensky. He then mentioned the COG Board Meeting, meeting today, and they also endorsed Earth Day activities and encouraged local participation, in particular, the recycling movement and the "low-pollute commute" organized for April 19: bikes rather than cars, for example. He noted that on that day, the Washington Area Bicyclists Association has organized ten different caravan bicycling routes to enter the District of Columbia, one passing directly through Takoma Park. He mentioned that the Mayor of Portland, Oregon had challenged the Metropolitan Washington area to make better use of alternative transportation; the challenge was accepted at the COG meeting. The resolution was adopted unanimously.

RESOLUTION #1990-33  
(Attached)

The Mayor then asked for announcements of meetings. Councilmember Sharp said that the Housing Committee will be meeting on April 26, 1990, not April 24, but there was a public hearing on the budget on that day so they rescheduled. Councilmember Prensky, on behalf of the Planning Transportation and Zoning Committee, announced their meeting on April 19. Mr. Wilson introduced three additional agenda items: resolution of endorsement of the Hampshire Towers project, a one-reading ordinance of structural rehabilitation contract for the Library, and the resolution concerning the Maryland Local Government Benefit Trust. The Mayor added the items to the night's agenda.

CITIZEN'S COMMENTS:

Arthur Karpas, WACO, came forward and said that on March 27, 1990, the Tree Commission considered an appeal to remove a tree blocking a driveway at 7003 Westmoreland Avenue. The Westmoreland Area Community Organization presented testimony in form of a letter supporting the request. This decision was arrived at by unanimous approval of those present. No representative of WACO attended the hearing and a community member testified that the decision was not appropriately made. This incorrect information was later corrected by a letter to the Commission, but confused the members as to the meaning of the WACO testimony. Other members not at the WACO meeting argued that they were opposed, which thereby negating the WACO testimony and confused Commission members further. Mr. Karpas said that Mr. Giancola gave a report outlining positions both pro and con and gave his own support for the appeal based on experience. The result of the hearing was "no decision" and the applicant was instructed to re-submit the request with entirely fresh information. Mr. Karpas said he felt the guidelines were inadequate, based on confusion following this meeting, and Carolyn James, who had chaired that meeting, agreed with him. He asked the Council to set up a Task Force to reformulate the Tree Commission guidelines so decisions can be made in a balanced, consistent way without undue hardship to applicants and commissioners.

Mr. Randall Wisbey, Chaplain of Columbia College He introduced to the Council Brent Loviak, most recently the Takoma Park April Fools 10K race coordinator. Mr. Wisbey thanked the Mayor for attending and starting the race, and thanked Ms. Habada for all of her help and working with the various members of the Council. Mr. Loviak thanked Ms. Ziegler, Lt. Gowin of the Takoma Park Police Department, and members of the Public Works Department. Mr. Wisbey said he hoped that this could become an annual race in April. He then presented the Councilmembers, the Mayor, and Ms. Habada with commemorative T-shirts. It was noted that Councilmember Moore had run in the race.

Naomi Turner, 7667 Maple Avenue, Parkview Towers Tenants Assn. Ms. Turner reported that she and the tenants opposed rent increases, and that the apartment building roof was still leaking. The water comes in on the 11th floor, she said, and the landlord refused to make the corrections but the building still passed inspection. She said that 16 people lived over her, and she had called the Police Department, who told her to call the resident manager. There was none, she said; instead, they had a manager who lives in Laurel, and the maintenance men who did live in the building could only be found part of the time. She said she was tired of complaining about the situation, and nothing had been done this year to justify the 15% rent increase to be discussed at the public hearing tomorrow.

Tom Gagliardo came forward and said that before speaking, he would like the City Council to comment on Ms. Turner's remarks. The Mayor asked if there was a pending claim before the Commission on Landlord and Tenant Affairs, and, despite Mr. Gagliardo's injection for comments specifically regarding the increase, Mayor Del Giudice went on to say that he felt it would be inappropriate for the Mayor and Council to comment on a pending matter before a Commission given jurisdiction by the Council to make decisions in a particular case.

Mr. Gagliardo said he wanted comment on the dysfunctional system that exists in the city. He said every month tenants ask his office for help; inspections are not made, they receive misinformation, they are not confident in the city's process: and feel that COLTA does not work, etc. He invited the Council and Mayor to comment on landlord inadequacy, and to say what is or is not working. He mentioned landlords who brought in lawyers and accountants to help their case; COLTA members say to the tenants that they must prove that the landlords are providing inadequate service. The Mayor responded by saying he stood by his above remark and asked Mr. Gagliardo to limit his time to the normal five minutes allowed for speakers. Mr. Sharp invited Mr. Gagliardo to attend the Housing Committee meeting on April 26, the topic being the COLTA process. The landlords come to the meetings, Mr. Sharp said, but there was no tenant representation, and he invited Mr. Gagliardo and other tenants to attend that meeting. Mr. Gagliardo said that last week he had requested a copy of the revisions to Chapter/Article 7 that Councilmember Elrich invited him to comment on, but he had not received it. He also asked if anyone there thought COLTA worked - well or badly.

Councilmember Hamilton said that when he was on the Housing Committee last year, and introduced the first initial draft of the landlord/tenant legislation, he came to see Mr. Gagliardo to deliver a copy of Article 7 and that Mr. Gagliardo would not open the door and he to leave the copy there. Mr. Gagliardo disputed this. Councilmember Hamilton said that, as Councilmember for this ward, this was the first time he'd heard of the problem, and he would be happy to sit down with the tenants to discuss it. No one had called him from the tenant's association, he said, so that accusing the Council of not caring, as Mr. Gagliardo did, was wrong since they had no knowledge of the problem. The Mayor said that he had forwarded Mr. Gagliardo's request for Revisions to Chapter

7 to the Dept. of Housing, but that his receipt of it was probably delayed because they were just completing a nine-month review of proposed legislation. All amendments would be published in final form when the task was completed.

Councilmember Elrich commented that some parts of COLTA worked, some didn't, and that the Council was attempting to redress it, for instance, meeting with groups trying to give a more structured approach to the rent petition cases. He said he hoped for improvement in that area. They had received a lot of landlord input, but needed input from others. Mr. Gagliardo said he was that input, in short, and that he wanted give-and-take between the Council and its constituents. There was no confidence in the process, he said; the people did not feel they were being served. He said that people routinely left COLTA meetings feeling they had been dealt with unfairly. Councilmember Elrich said the situation was complicated; no law prevented landlords from hiring assistance for their needs, but low-income people don't have such resources. He suggested a process more informal and open to participation by regular members of the community for demystification purposes. He reminded those present that the history of the problems of this building and others had gone on for nearly a decade, and was not merely a present-day problem.

Mr. Gagliardo agreed, but said the problem had to be resolved - after all, the Councilmembers have ultimate oversight over its own bodies; who gets appointed to those bodies; and it attempts to streamline the process. Previous Commissions, he noted, had looked beyond various advocated positions and tried to find the truth, taking on the responsibility for itself. Now tenants are saying that COLTA asks them to disprove landlords, or lose the case. And it should be discussed now, not at another meeting.

The Mayor thanked Mr. Gagliardo for speaking.

Julie Mathews, Parkview Towers Tenant Assoc. reported that last summer, when she had no electricity, water, or air conditioning, one phone call to Mr. Hamilton was all that was needed to fix the situation. Her main concern, however, was that she had no advocate in the city on the tenant side. She wished that someone affiliated with COLTA or the City could advise tenants on what other groups have done, what information was needed for certain cases, etc. There was no discussion with Mr. Abel, either, she said, just a spread sheet.

A statement was read by a Councilmember Douglas from citizen Barbara Beelar (7112 Maple Avenue) about moving the date of tonight's meeting from Monday to Wednesday. If she was present, he said, she would be commenting that the Montgomery County Executive has included funding in the budget for next year for the third year of the small bus demonstration project. The County Council is now considering the Executive's budget. She was concerned that this route was one of the contracted routes for Ride-On in Montgomery County; all others have lower ridership. She did not want the County Council to abandon this particular route and asked that the Council write a strong letter to the County Council asking them to continue to support the small bus route demonstration. He said he would ask that the letter be reprinted in its entirety for the record.

The Mayor commented that a letter should be sent under his signature on behalf of the City Council and asked that this letter be included in these minutes. He then moved to the evening's agenda items.

#### AGENDA

1. Council Action Re Permit for Existing Accessory Apartment - Case #1783 - 115 Sherman Avenue. The Mayor said the staff recommendation supporting the granting of the special exception was received by the Council. Code Enforcement Supervisor, Darlene

Morning spoke and presented a map color coded showing densities of family dwellings -single, multi, commercial, etc. She said that Sherman Avenue is primarily a single-family dwelling area bordering an area with commercial and multi-family densities, as the map showed. The house in question was on Lot 15, remarked Councilmember Douglas. Councilmember Leary questioned the parking language. Darlene said that the driveway was very long and widened behind the house. More than one car could park there, but the driveway could block them. Mr. Leary was puzzled that the County regarded this as an existing accessory apartment though it was never registered as one. Rules in practice therefore become meaningless, he pointed out.

Acting City Clerk Jewell stated for the record in response to letters sent out to neighboring and adjoining property owners by the Clerk's office, one phone call was received by Lydia Peets from 111 Sherman Avenue, stating she had no objection to the special exception. There being no further discussion, the motion was made by Councilmember Elrich to accept staff's recommendation and was carried with Councilmembers Leary, Sharp, Douglas, and Elrich voting Aye and Councilmember Prenskey Abstaining, noting that he had missed the worksession discussion on this matter.

2. Second Reading of An Ordinance re the Nuclear-Free Zone Sign Placement Councilmember Prenskey moved to adopt the ordinance to place a temporary nuclear-free zone sign in front of the Maryland State sign on Lauren at its intersection with Eastern Avenue, and it was seconded by Councilmember Leary and carried by the Council. Councilmember Prenskey invited everyone to the unveiling of the sign, as part of the Takoma Park Centennial and the Earth Day festivities, at 12 noon, at the intersection of Eastern and Carroll Avenues. The Mayor, Bob Alpern of the Nuclear-Free Zone Committee, Albert Denay and Chuck Johnson, the outgoing and incoming directors of Nuclear-Free America Clearinghouse on Nuclear-Free Zones in Baltimore, Maryland, Bill Prinz, the Mayor of Garrett Park (the nearest NFZ City to Takoma Park), and Jaime Vasquez, the president of the U.S Nuclear-Free Zone Association. The ordinance was adopted by roll call vote as follows: AYE: Douglas, Elrich, Leary, Prenskey, Sharp; NAY: None; ABSTAINED: None; ABSENT: Moore (and Hamilton for vote).

ORDINANCE #1990-10  
(Attached)

3. Second Reading of an Ordinance Changing the Director of Public Works Assistant Director to Deputy Public Works Director. There being no discussion, the ordinance was moved by Councilmember Douglas and duly seconded by Councilmember Elrich and carried with Councilmembers Douglas, Elrich, Leary, Prenskey, and Sharp voting in favor, Councilmembers Hamilton and Moore absent.

ORDINANCE #1990-12  
(Attached)

4. Public Hearing re Recycling Task Force Report. The Mayor noted that this was the second Task Force report. He invited the Task Force to speak and for citizens to comment.

Linda Lyon, co-chair of the Recycling Task Force reported that they had been working on amendments to the recycling program and was presented to the Council several weeks ago, with copies available to the public.

Dick O'Connor, 7110 Maple Avenue He outlined the Task Force recommendations in the context of being the next step after a good job done by the City in the past year. He introduced the idea of including tin cans and corrugated cardboard. The Task Force also recommended adding plastic if a vendor can be found; that appliances be separated; that white goods be separated; that vendors were available to this. Composting is an area that needs

improvement, and the Task Force recommended expanding the composting program at the City's Public Works Department. The education program also needed expansion: currently 88% of the single-family Takoma Park households recycle, a number that can be improved, and businesses as well need to participate. Recycling scheduling changes for pickup need to be modified.

The Mayor noted that the Newsletter covered much of the Task Force's recommendations and asked for public comment after thanking the members of the Task Force. Dick O'Connor thanked the members of the Task Force for their work.

Mr. Arthur Karpas, WACO congratulated the City on behalf of WACO and said that they supported the expansion of the recycling program.

Clarence Boatman, 33 Ritchie Avenue asked whether leaves removed last year at Public Works were hauled away at the City's expense. Mr. Giancola replied that before he began employment in the City, there had been an effort to move leaves out of the pit. Last year, however, he felt sure they had not paid for this. Mr. Wilson replied that two years ago, leaves were hauled away in a truck and they were paid for by the City because it was alleged that the leaves were apparently precipitating waste into the nearby stream. Mr. Boatman said they he had read in the Newsletter that leaves, etc. would need to be in the recycling program. Mr. Giancola said that they had a year's supply of leaves that the City was slowly recycling, bringing them to the top of the hill. Mr. Boatman said there needed to be balance in the environment, and that he supported the present expansion of the recycling program. But he was concerned that his taxes would be affected by this expansion, and that the City would have another large pile to clear away. The Mayor said that more citizens needed to be educated about the availability of leaf mulch so that the city does not end up with too large a stock pile.

Robert Mandell, 7003 Woodland Avenue said that he supported the City's recycling program.

Councilmember Leary noted that the expanded program will forbid the use of plastic bags for bagging yard waste. Such material will have to be put in paper bags or trash containers.

Dean Tousley, 703 Auburn Avenue, Member of Task Force said that the Task Force paid attention to the physical limitations of the facility of Public Works, and that yard material was to be directly taken to County facilities and composted. He said that presently there was leaf pick-up and only one annual notice for it, and usually on short notice. This meant people were using plastic bags now to store the leaves. The recommendation involving paper bags and trash containers for yard material meant that people could rake whenever they wanted and store them that way.

The Mayor called the public hearing to a close, but pointed out that recycling legislation would be taken up this evening for first reading and a second reading at subsequent meetings and possibly worksession process before that second meeting. Therefore there would be time for citizen comment throughout process.

5. First Reading of an Ordinance to Amend Recycling Legislation. Councilmember Douglas moved, and Councilmember Elrich seconded, to accept for first reading the amendments. Councilmember Sharp suggested that places in the ordinance in which days of the weeks are specified, be removed and replaced by a phrase designating days at the discretion of the Public Works Director. The Mayor confirmed this by suggesting the amended language to read "Yard waste shall be collected from the curbside on Wednesdays or on other days as designated by the Director of Public Works" to allow flexibility. The Mayor asked the staff to bring back this amendment as a second draft. Councilmember Sharp continued with

Section 10-44, page 4, suggesting that the penalty for non-compliance of this section be modified to suggest that leaving curbside material would eventually be a code violation.

Recycling Coordinator Braithwaite said that her recommendation was to delete that section entirely (Section 10-44) since it dealt with existing code. It was trying to establish weight limitations for special items, she commented, and she felt it could be established in the initial definition section. Then the language could be more specific. The Mayor confirmed therefore that when the amendments came back for a second reading some of the language would be cleaned up. Councilmember Douglas suggested substituting some phrase not involving penalty, but simply that it would not be picked up. The Mayor suggested that potential penalty language could be inserted.

Councilmember Prensky asked to clarify the very beginning of the amendments, specifically the second "Whereas", which stated that the waste stream reduction from the curbside recycling program is 16%. He felt the number was small but then found out that that number did not include the leafside reduction program of 14%. Therefore Takoma Park has far surpassed the 1994 mandated state percentage of 20% reduction. Councilmember Douglas said he thought the "Whereas" clauses should be re-phrased to show the total reduction of both the yard waste program and the street vacuum leaf collection.

Councilmember Sharp wanted to know whether language about inch size of twigs and branches was really new language, found in Section 10-59, Collection of Yard Waste, subsection (e), and Ms. Braithwaite said that it had been deleted from Section 10-47 and re-entered in Section 10-59. Councilmember Douglas warned that much public information was needed when talking of changing days for recycling. Ms. Braithwaite noted that most people who have special collections call ahead for an appointment. Councilman Prensky wondered if trash could in the future be put in corrugated cardboard since it was to be recycled as well. Mr. Giancola reiterated the need for extensive education. Councilmember Douglas asked about how enforcement might work. The Mayor said that some time would be required to get the entire process in gear - reminders to people to stop buying plastic bags, for example, before enforcement.

Ms. Braithwaite displayed the kind of paper bag to be used for yard waste. She said that Giant Supermarkets had agreed to sell them and Hechinger's might also. They are made to hold up in rain and have a 50-pound wet strength. They hold more than a 30-gallon plastic bag, and it can hold itself open. Four different companies have been approached for price; the cheapest, the quantity ordered being a factor, is 32 cents per bag, the range 30 - 35 cents. The Mayor suggested that the Task Force might volunteer to help sell these, as he didn't think City staff would have the time. Councilmember Douglas noted that certain yard wastes should not be composted, i.e. diseased matter, and there needed to be some exemption process, like red bags.

Councilmember Leary asked the Task Force to consider the cost of mandated receptacles, and suggested there might be complaints about that cost from citizens. Mr. Giancola said that the bags were not enforceably mandated; people could use their trash cans. He said they would look into the question. Councilmember Elrich said that actually the leaf size plastic bags weren't that much less expensive than 30 cents; they were just easier to use.

Councilmember Sharp pointed out that in the ordinance, the penalty language occurs in two different places - page 6 at the top and (e) in the last section.

The Mayor said he wanted to think of creative ways to encourage citizens to do their own backyard composting. Councilmember Prensky said that one of the centennial events was also the first

birthday of the recycling program; on April 21, there was to be a composting demonstration as part of the event on Municipal building grounds.

Mr. Boatman, spoke saying that he had been composting for ten years. He pointed out that it was difficult to mulch leaves, and to rent a tool to do so was to expensive - \$16 - 20\$ a day. He suggested the City work out a program allowing citizens to rent such a tool, so that leaves would not have to be hauled away. The Mayor reminded the Council that at one of the worksessions it was suggested that neighborhoods buy a community mulcher. He was not sure the City should buy heavy equipment to use in the tool library because of the liability risks.

Brenda Platt, Recycling Task Force She responded to Councilmember Douglas' remarks on diseased matter by saying that she did not think any other programs recycling 20 - 30% of their yard wastes had such a set-up to take care of diseased materials. As for backyard composting, she stressed its importance and named Seattle, Washington and King County, Washington and some regions in Vermont as places where master composters were trained to then train citizens to compost. Councilmember Douglas suggested contacting the University of Maryland to see what kinds of pests or diseases might be found on plant material.

The question was called and the ordinance was accepted for first reading. The Mayor noted that the ordinance would return for a second reading with comments incorporated.

ORDINANCE #1990-14  
(Attached)

ADDITIONAL AGENDA ITEMS

The Mayor recommended that the Council take up the additional agenda items for the evening before taking up the budget. Councilmember Sharp noted that the landlord-tenant commission has noted that a commissioner had moved out of the City and COLTA has recommended that the Council make a resolution removing that person from the Commission, because COLTA had not been able to get in touch with her to ask for a resignation. Mr. Sharp asked that the resolution be reviewed at the next worksession.

5. Public Works #90-4 Library Rehabilitation Contract. The Mayor said this additional agenda item was in front of the Council for a single reading. Councilmember Sharp asked if the retiling and repainting scheduled for this year was part of the rehabilitation contract. Mr. Giancola replied that he had not seen the entire budget. He knew the library had asked for carpeting that was not included in the present budget. The painting, he said, was for outside facade and trim. He added that this was just the first phase of the contract - the furnishings, some of the carpeting, the general spaces; and that there would be a second contract package. Mr. Wilson said that the city was waiting for the bids to see just what would be included in the package. The Mayor said that the staff recommended the contract be awarded to Smith and Haynes, and an ordinance had been prepared for the Council's consideration. It was moved by Councilmember Prenskey, seconded by Councilmember Elrich; the ordinance carried with all present voting Aye. (Councilmember Moore absent)

ORDINANCE #1990-15  
(Attached)

6. The Hampshire Towers. The resolution, moved by Councilmember Elrich, was seconded by Councilmember Sharp. Councilmember Sharp asked if there was an additional requirement about limited equity on top of the low income requirement. Susan Weiss spoke, saying no, not presently. She said that this particular program is set up so that only funds toward the rentals in the project, not the



home ownership units, can be financed for low and moderate income people. The City is working with the Attorney General's office to come up with a different interpretation of the law, which Sue said she would like to see changed. But any changes would not take place in time for this project, she noted. They had received indications from the tenants, just like the City, would prefer to see funds used as down payments assistance for limited equity qualified tenants. If that does not happen, it will go to the rental units. The Mayor reminded the Council that the resolution needed to be endorsed by himself, as stated in a Resolved clause, because he does not vote on the resolution. Ms. Weiss noted that the President of the Hampshire Towers Tenants Association, Charles Shipp, was in the audience this evening. Mr. Wilson stated that this was the largest co-op proposal ever seen in the state of Maryland. The resolution carried unanimously by all in attendance.

RESOLUTION 1990-34  
(Attached)

Additional Item:

6. Resolution Authorizing Takoma Park's Contribution to the Maryland Municipal League Health Care Benefits Pool Development Fund. Mr. Wilson explained that last year, on July 31, 1989, the City Council authorized a letter of intent to participate in this program, should it come to fruition. However, the Council did not support the cost of the development fee assigned at the time and wanted to wait for a better definition of the program. Mr. Wilson said that now the program is moving forward, was expected to be in place by July 1, 1990; consultants had been hired, and cities that are part of the development are currently being assisted in their goal of acquiring necessary data and statistics. The City is not yet in that position, he said, and the city now needs to pay the development fee and join the other 59 actively participating cities. He reminded the Council that last year the fee had been presented as a development fee or some other appropriate cost "as required." He recommended paying the fee now to avoid any greater costs. Councilmember Sharp stated that this resolution was a co-op, and he expected that benefits would be received at a lower rate than the current marketplace, and he supported it. The motion was moved by Councilmember Sharp and seconded by Councilmember Hamilton. The Mayor pointed out that Rick Jones, one of the individuals involved in putting together this Pool, would be speaking on April 19 at the Prince George's County Municipal League meeting the following Thursday, here in Takoma Park, and he could present more details. The motion carried with no opposition and the resolution was adopted.

RESOLUTION #1990-35  
(Attached)

7. Submission of the Budget to City Council. The Mayor said although a large amount of time was allocated for this item, it was for the present only a submission, and there would be two public hearings, April 24 and May 1. He recommended leaving the tax rate question and the cold constant yield tax rate publicization matters for May 1. Department requests could be taken up at the first public hearing on April 24. Available tonight was a pamphlet, a citizen's guide to the city's budget, and ten copies of the budget. Each section of the budget has been separated by a color sheet, he noted. Copies of the budget would be available at the City Library as well.

Councilmember Sharp made the point that even with the 7% tax cut they would still exceed the constant yield. Councilmember Leary questioned the need for two public hearings, and said that his experience was it was difficult to confine people to certain matters on the required night. He suggested having a hearing allowing preliminary questions on any topic from citizens, and then after newspaper coverage and some debate, a second hearing. The Mayor said that his only concern was that by state law, they were

required to have a public hearing on the constant yield, and that would be reserved for the second public hearing. Last year, the first hearing had been on more general operating budget topics and the second one on the capital budget and the tax rate.

Councilmember Douglas agreed with Councilmember Sharp's suggestions on the budget hearing agendas. He also wanted to pin down dates for worksessions, and the Mayor agreed they would look at the May calendar. He then turned the meeting over to Mr. Wilson, and suggested that questions and clarifications, rather than debate, would be more appropriate that evening.

Mr. Wilson began by pointing out that they had available that evening executive summaries of the budget which highlighted issues, as well as copies of the budgets themselves and the citizens' guides.

In speaking of the budget, Mr. Wilson said it benefitted from Council direction, consisting primarily of the 7% tax rate reduction, maintenance of existing programs, with the inclusion of increases required by inflation, cost of living, union contract requirements, and union and merit increases where applicable. He said that it reflects a tax rate which includes 28.3 cents for the fire tax - an educated guess on where the Montgomery County Council is going to come out this year. The City tax rate itself is \$1.43 1/2, seven cents lower than last year, with 4 cents for stormwater management, the same as last year. This year, because of passed legislation, the City will have to set up separate accounting for these funds, being mandated by state law. All expenditures will be assigned to that special account and it will work under the Commission of the Stormwater Management Group (this Council sitting in that capacity), he stated.

In addition to these policy directions, Mr. Wilson instructed the staff to submit a 4-year capital request with estimates from '91 - '94, and recommendations for fee increases, and submission of any new programs and projects that were self-supporting. Staff was encouraged to submit supplemental budget requests if they showed the potential for increased efficiency and effectiveness of their operations. The proposed FY'91 budget meets the basic policies and does contain capital and operating budgets that reflect what he was directed to do, he continued. To balance the budget, the revenue base incorporates all unappropriated reserves, including recent drug forfeitures, revenue transfer from the equipment replacement reserve, and revenues from certain recommended increases in the city's fee structure. Unlike prior years, the city is calculating reserve revenues based on estimates received from all revenue sources, including Montgomery County rebates, although they have not been consistent. The city has taken what the County has given it, and put it in the budget; they are relying on their consistency. Revenues from projects considered self-supporting have not been included, and are treated as separate proposals, such as the parking enforcement proposal, an addendum to the night's budget presentation.

Also not included in the general fund budget are revenues to be generated from tax from stormwater management because of state requirements, and that is shown in a separate fund. The capital budget was also submitted and reduced significantly, from originally, was 1.3 million dollars per capital and equipment, now combined at less than half, in his recommendation, he said. The reduction took place three ways: 1) by transferring lower priority projects to future years, 2) reducing expenditure estimates after their own investigation, or 3) eliminating certain items entirely. The operating budgets were reviewed with department directors and adjusted as required, reflecting directions given by his office and the Council; significant adjustment was not required, he stated. The supplemental budgets submitted were not included in this budget proposal; however, they are included as attachments to the cover memo, and he said he has indicated those items of highest priority

needing funding. In each instance, he said his recommendation was based on the anticipation of improved efficiency and/or effectiveness of the respective departments. If adopted, he noted, then the budget will require strict management as there is little margin for error. Unless new revenues are found, no new projects can be funded during the coming fiscal year, unless emergencies. Mr. Wilson said he also has submitted two draft ordinances: 1) one increasing revenues from licensing and inspection fees, and 2) one increasing multi-family unit refuge fees.

Among the priority supplemental items, he noted, is one from the Police communications office concerning the dispatcher problems. It is in two parts: one, an adjustment in the entrance level position making them more competitive with other jurisdictions, and the other, hiring an additional dispatcher in a senior position to oversee the running of the entire operation. He felt there were potential savings, in that there has been a high turnover in that area, and officers have had to become involved. Additionally, the second priority is the hiring of a contract specialist to handle documents such as status reports, reference checks, etc. Finally, he noted two other recommendations involving code enforcement.

The biggest area of potential concern, he said, was the capital budget area. The submitted figure of 1.3 million had to be cut drastically to accommodate the funds available. Capital improvements has gone down, and the capital equipment has gone up. The grand total difference from last year to this is approximately \$60,000 less than last year. The special revenue transfers, the special department transfers with respect to the program open space, and the equipment replacement reserve contributions are also listed. He said that the figures add up to the expenditure level exactly the same as the revenue base which was used to cover the budget. Police, Public Works, Administration, the capital budget in particular, are areas requiring specific focus from the Council since they do constitute the vast majority of the budget.

Mr. Wilson said he was pleased with both the effort and openness of the various departments. He felt that the policy direction helped department heads to know what was expected of them, and that what came out was a generally balanced budget. Larger numbers were significantly trimmed but still seemed to reflect the intent and policy concerns of the Council. The City met with the Montgomery County staff and attended the meeting involving rebates, and he commended Councilmember Potter of the Montgomery County Council in understanding the rebate discrepancies. He reminded the City that they had to remain diligent in the rebate matter.

Ms. Habada noted that repairs to the Juniper Street bridge and the possibility of the city paying for half the repairs, in the FY'92 budget. She said the City's amount of the repairs would be \$75,000.

Councilmember Leary said that his response was to close the bridge. He also mentioned that the 7% tax cut amounts to an approximately \$175,000 revenue loss. He asked Mr. Wilson to suggest ways to spend that revenue if the Council changed its mind and decided not to enact the 7% tax cut. Mr. Wilson said he would first recommend correction of the dispatcher pay scale - \$38,000 all told, and then to hire a contract specialist and a small amount of it in storm sewer, and the rest in unappropriated reserve. Councilmember Leary asked if Mr. Wilson had any concerns about having, in this budget, no unappropriated reserve. Mr. Wilson replied that, based on what he understood from past years, he hoped that some would be found at the end of next year. There are anticipated revenues, and, coupled with frugality, the city could end up with some unspent monies. He felt there was nothing to be afraid of, except perhaps a downturn in the city's assessable base.

Councilmember Sharp said that according to his calculations the budget would be dipping into the unappropriated reserves by an

amount of \$428,000. Mr. Wilson clarified that "revenue base" referred to the sum of the revenue used in the budget, including all of the \$596,464 mentioned. Therefore, he agreed, the unappropriated reserve amount used would be \$428,000, leaving \$168,000 in unappropriated reserves. Councilmember Sharp wondered what then would happen next year; it seemed to him that the City would be \$40,000 short from paying for this year's budget, based on revenue taken in this year. Thus, based on a reading of this budget, the City has been and is in a position of being consistently short of revenue because of the tax rate. Even if the tax rate is not lowered, he pointed out, they will still need to dip into reserves to the amount of \$428,000, and the City could not do that two years in a row. Even if some of the capital items are omitted, it appeared to him that in a year there would be less reserves than they needed.

Mr. Wilson agreed and said that he had said last year as well, that the budget had come to a place where the simple additions required would outstrip the revenue increases anticipated from the tax rate, if it was kept constant. The difference from last year to this is that additional revenues are anticipated this year, and that would accommodate any shortfalls. The City had flexibility, he felt, on where they spent on capital and equipment, and other unnamed revenue sources. Councilmember Sharp reiterated that if the tax rate was cut seven cents this year, they would have to raise it nine the next year. The Mayor suggested that if individual councilmembers had questions, they were to put them in writing to Mr. Wilson.

Councilmember Douglas then asked about the other self-supporting projects, besides the parking enforcement. Mr. Wilson stressed that the parking enforcement project was the only one. Revenue adjustment would come with the licensing fee and the trash removal fee. Councilmember Douglas asked Mr. Wilson to confirm that he would have proposals about permit parking fees, and Mr. Wilson confirmed this. He noted that they needed to be able to make upward adjustments in fines for parking violations, but that at this time, none of that revenue was included in the budget. Councilmember Douglas asked if Mr. Wilson was planning to prepare ordinances for the Council for licensing and trash pick-up, and Mr. Wilson agreed that it could be done.

Councilmember Douglas then referred to page 19 of the supplemental budget proposal and language relating to downgrading of a code enforcement position - Initiative #4. He wanted to know if the downgrading was in the recommended budget, and Mr. Wilson said that it was not incorporated but was recommended, at a savings of \$3,500 to be used for the current intern program, Initiative #1. Ms. Habada added that monetarily speaking, the numbers were not included in budget but were recommended to be.

Councilmember Douglas said it was not clear to him where the budget allocated monies for annual contribution to the equipment replacement reserve and to any supplement to the emergency reserve. Ms. Habada said the budget did recommend transferring the capital reserve monies into the equipment replacement reserve. The special revenue budget would be available Friday, she said. The numbers representing special revenue transfer represent "our contribution and its plan for matches." Councilmember Douglas then asked what figures were used for health insurance benefits, and he confirmed from Ms. Habada that they did not include the MML cooperation. Mr. Wilson said that health insurance was increased overall 20%.

Councilmember Douglas asked for an explanation of how the \$596,464 of unappropriated reserve was calculated. Ms. Habada replied that last year's fund balance was taken, deducting out any budget amendments passed so far, adding what was expected of revenues exceeding projections for this year - approximately something over \$200,000, and she came up with a figure of \$596,464. He then asked if she included any lapsing of this year's appropriations. She

said she had not looked at expenditures, but mentioned the tax rebate program of \$21,000 which had not yet been spent. She said that her biggest concern was Montgomery County rebates and their recalculations. The Mayor said he was concerned that Montgomery County would take some of the monies meant for municipalities, i.e., Takoma Park. Ms. Habada reminded the Council that the State had asked the municipalities to decide where to credit money, so Takoma Park could well credit it to the Prince George's County side if they so pleased.

Councilmember Prenskey asked if the unappropriated reserve figures included accrued interest through the end of the fiscal year. Ms. Habada replied that accrual of interest meant that the revenue side for the interest accrual in miscellaneous revenue would be increased. The increase, therefore, would not be in unappropriated reserve itself. Councilmember Prenskey then read from page 1 of the cover memo, and questioned how, if for this fiscal year, revenues were based on estimates received from all revenue sources, were estimates from prior years calculated. Mr. Wilson replied that in past years the City based estimates on anticipated revenues. He said that he always took the conservative approach to revenue projections. Councilmember Prenskey then noted a sentence under the State Taxes section stating that "State income taxes are expected to increase \$90,000 over FY '90 estimates" and wondered why there were no actual figures for those income taxes. Ms. Habada answered that last year they had budgeted \$488,000 and received \$685,000, an unanticipated jump; and so they budgeted this year based on those estimates. Mr. Wilson added that they had narrowed the gap between estimates and actuals over the last 3 years. Page 4 of the Executive Summary, Councilmember Prenskey continued, had this phrase: "interest earnings budgeted conservatively, \$120,000; actual interest earnings as budget revenues are expected to decrease in FY '90 over FY '89 earnings, with the establishment of the equipment replacement and emergency reserves." Ms. Habada explained, saying that in the previous year the City earned nearly \$200,000 revenue from interest; this year the projection is only \$130,000.

Councilmember Hamilton referred to salary increases and stated that it appeared to him that over the next 3 or 4 years, based on the current figure showing \$363,000 in total, the salaries will surpass what monies are taken in. Mr. Wilson agreed with him, and said that additional revenues would be needed from other than the tax rate, or certain items will have to be cut back. He said that actually, the City was in its last "catch-up" year as far as taking care of infra-structure matters, and he hoped the City could simply be responsible for maintenance of that infrastructure for the next few years. Councilmember Hamilton voiced concerns about downgrading positions, such as the code enforcement position, and the shunting of work done by union members to interns. Mr. Wilson responded and agreed that these were sensitive areas.

Councilmember Hamilton then asked how money was to be spent for the stormwater management, and he suggested a worksession to produce a mission statement. He wanted to know how the current money was to be used.

The Mayor asked if the City was actually showing a decline in real property revenue in Prince George's County, referencing page 3, line 3012. Ms. Habada responded that the constant yield for Prince George's County is \$1.67, approximately, and when she does the 99% collection rate on the total, that automatically reduces the number, but not the rate. Next the Mayor questioned a discrepancy between State Highway Administration statistics, and was told the reduction from them was due to the Carroll Avenue repairs. On the matter of the equipment expenditures fund, the Mayor asked where payment was made into that fund, and Ms. Habada replied that the

information would be coming in the form of an ordinance. Next the Mayor asked about the A&E services going from \$21,000 to \$73,000. Mr. Wilson said that the engineering cost hidden in the bond issuance was hidden, and now must be paid by the City.

The Mayor then went on to discuss fees, and pointed out, as an example, that the library fee had not been raised; he said he was interested in raising user fees. The parking permit program has existed at a certain level for a long time, he argued. Another example, he said, is the Recreation Department and questioned whether its revenues really cover development of programs by staff. He suggested taking a hard look at some of the programs and their user fees; for instance, the fee inherent in a non-city resident having a City library card.

Worksession schedules were discussed. The Mayor noted that there were 5 Mondays in April and suggested holding a budget worksession or public hearing on the 30th. Other program items for discussion were noted, such as the stormwater management program. The Mayor said there was the first reading of the budget on May 29, so that there needed to be 2 or 3 worksessions after May 1; he suggested finishing meetings by May 18th so staff had time to prepare items. The 3rd and 10th of May were reserved for budget worksessions, and tentatively the 15th of May as well.

The meeting was adjourned at 11:27 p.m., to reconvene in Regular Session on April 23, 1990.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the City Council  
April 23, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Acting City Clerk Jewell
Councilmember Leary	Recycle Coord. Daryl Braithwaite
Councilmember Prensky	Public Works Director Giancola
Councilmember Sharp	
ABSENT: Councilmember Hamilton	

The City Council convened at 8:07 p.m. on Monday, April 23, 1990 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

Following the pledge, the Mayor noted that, among the events commemorating the City's Centennial, the previous Thursday the Friends of Sligo met, the recycling program had a birthday party on Saturday, as well as a number of educational programs were held, also on Saturday. Casa de Maryland met that Saturday night at the Presbyterian Church, and the Mayor attended that meeting. Sunday saw a number of Earth Day events, including: the dedication of the nuclear-free zone sign at the gate of old town, for one. He lauded the T-shirt and poster chosen for the City's centennial. He said that last night he, Councilmember Hamilton, City Administrator Wilson, A.J. Mitchell, and a number of others from the community attended the 15th annual Montgomery County NAACP Chapter Freedom Fund dinner, which was very successful.

The Mayor announced the first public budget hearing meeting being held the following evening, Tuesday, April 24, 1990, at 7:30 p.m., in the City Council Chambers. He said that he could not attend because he was to testify in front of the Governor's Commission on Growth as part of his Municipal League activities, and asked that Councilmembers contact him if they had input into that testimony.

Mayor Del Giudice then presented a proclamation and asked it be made the first item on the Council's agenda. Before the introduction of a speaker on the proclamation, Councilmember Douglas asked for clarification in scheduling; he wondered if the final hearing for final adoption of the budget was late for setting the tax rate. Ms. Habada said that the date the County set for receipt of that information from the City was June 8. The final hearing for the budget was June 11, but Ms. Habada did not think this would be a problem. The Mayor noted that the Prince George's County Executive would join the City Council at some point in the future to make a presentation as part of the Centennial celebration.

CITIZENS' COMMENTS ON ITEMS NOT ON THE AGENDA

Sally Saber, 703 Auburn commented that she was asked to speak about the Sligo Creek Hiker/Biker Trail by Councilmember Sharp. She said she talked to Bob Archiprete, the Director of Park and Planning in Prince George's County, who is involved in issues regarding the funding of the trail. Originally, she had thought that as part of the mitigation package, WSSC agreed to fund part or whole of the hiker/biker trail in Sligo Creek from Piney Branch Road to Riggs Road. Both Park and Planning Commissions had the same understanding. In February, both Commissions received a letter from WSSC stating they would not fund the trail at all, and though they would front the money for the trail, they expected reimbursement. Ms. Saber continued by saying that Prince George's County wrote back under the signature of Bob Archiprete, saying that while they did not object to WSSC doing the sewer project, but

they thought that part of the package included the hiker/biker trail. WSSC countered that they were doing .5 million dollars in stream bed stabilization, and that the hiker/biker trail was part of the park system. They would do the construction management portion of this final leg of the whole project, but WSSC did not think they should pay for it. Ms. Saber said that her last estimate of this cost was 1.5 - 1.7 million dollars for roughly 2 - 3 miles. Bob Archiprete said today that he felt the issue, at least for Prince George's County, was in the County Council's hands because they were now looking at WSSC's operating and capital improvements budget. He saw three options for funding the trail, she explained: 1) let WSSC do it, 2) let County Council fund it, or 3) County Council put the funding in Park and Planning's budget.

At this point, in the Park and Planning construction budget for the coming year, she said, there is no money for the trail. The Prince George's County Council planned a hearing for the budget next Monday at 7:00. She was to testify, she said, on behalf of SOSCA (South of Sligo Citizen's Association). She suggested contacting Dave Goode, Chief Administrator Officer for the County Council, or Craig Price, Deputy Chief, because they are reviewing the budget for WSSC. Bob Archiprete said it was more a County Council decision, rather than Park and Planning.

Helene Arens, 904 Elm said she was active in the Friends of Sligo Creek Stream Adoption program. She said that she was talking to Mike Vitagliano about the hiker/biker trail and the proposed sewer line, and he told her that the sewer issue was being handled by Park and Planning staff; it was the hiker/biker trail issue that was being "kicked upstairs" and had become a turf battle between WSSC and Park and Planning about Sligo Creek. Mr. Vitagliano's opinion, she said, was that eventually WSSC would pay for the hiker/biker trail that was in direct alignment with the sewer line, and since Prince George's County lacked the money for the non-aligned portions, would act as the County's banker. A deferred payment plan would be developed. She also spoke with Keith Van Ess. She noted that Montgomery County had no problem with either the sewer line or hiker/biker placement (not decided for Prince George's County yet), and they had money to pay for their section of the trail. They, therefore, could look at both issues separately. Montgomery County did not want to pay for it, but at least they could; the big issue is payment for the Prince George's County portion. The entire hiker/biker trail price tag is roughly 1.6 - 1.8 million dollars. For Montgomery County, the amount of trail is perhaps 1.75 miles. Only a third of that would be directly on top of the sewer line. The bulk of the sewer work would take place from New Hampshire Avenue down to Riggs Road, where they want to lay an entire new replacement pipe.

Ms. Saber said that Park and Planning told her that roughly 50% of the trail will follow the sewer line. Last November, Park and Planning originally proposed to WSSC that they fund the part of the trail directly over the sewer. Rough terrain made it impossible for all of it to be aligned.

Jim DiLuigi, 106 13th Avenue said he was serving as chairman of the WSSC Citizens Advisory Committee for the Sligo Creek Plan. In 1981, he began, a Citizens Advisory Committee was established to work on this project. In 1985, a facility plan was developed, a result of evaluation of the sewer line issue. The facility plan, approved by both Counties, and funded consisted of 1) repair existing sewer lines, and 2) to construct a storage facility for overflows. The budget line item calls for storage facility at a cost of 7 million dollars.

Now WSSC wants to explore another alternative, he said. They want to do a reconstruction project which previously had had the greatest environmental impact and was opposed by the citizens, but easiest to maintain by WSSC. The hiker/biker trail surfaced at the same time. So the CAC said they would work with WSSC on this



alternative, working on the creek bed in general, cleaning, stabilizing, and increasing the value of the land to the community, but they still wanted the originally-established facility plan.

In January, a public meeting was held on the issue, he said. Limits of work area, safety, blasting, possible damage to homes, scheduling, and management of those issues were discussed. He learned just tonight, however, that last December a draft environmental assessment was done and WSSC must have known about it but had not told others of it at that January meeting. He said that several statements from a letter Mr. Hocevar came directly from this document. Mr. DiLuigi read from the document. "The consulting report recommended the selection of an off-site storage facility as the preferred alternative. However, due to the importance of the long-term reliability and flexibility of evaluation criteria, the off-line storage alternative was not selected and WSSC instead selected the replacement sewer line alternative as the preferred alternative."

Mr. DiLuigi read from Mr. Hocevar's letter. "As a result of the close and cooperative working relationship among the WSSC, the CAC, the M-NCPPC, the two Counties, the implementation of WSSC's preferred alternative has been agreed upon." Mr. DiLuigi disputed this and the transcript of the January meeting demonstrates his point of view. He read the next two sentences from the document: "To offset the greater economic, environmental, and community impacts and implementation problems associated with this alternative, certain mitigation efforts have been required of and agreed to by the WSSC. These include extraordinary measures to minimize the loss of trees, to improve stream channel stability through placement of riprap as necessary, and to provide a recreational hiker/biker trail along the alignment of the sewer line." But this is not what Mr. Hocevar said in his letter, Mr. DiLuigi said. He was concerned by the mixed messages and maneuvering of WSSC.

Mayor Del Giudice said he intended to send a letter to WSSC protesting a number of items: first, that the City Council was not made privy to this letter and indeed, with this environmental assessment statement. He said he would direct staff to find the resolution that the City Council passed in 1986 approving the plan. The CAC was appointed by WSSC in conjunction with the City of Takoma Park, since the project included the City more even than the Park and Planning Commission, and he was concerned that the City was not included in the exchange of letters. He noted that at the January meeting a future meeting was proposed to look at final plans for the sewer line and trail; plans had been preliminary up to this time, he understood. He was concerned that the City and citizens be able to comment and said he would prepare a letter to that effect, for the County Councils and the County Executives. He noted that a number of WSSC people needed to be contacted on a political level as well as Commissioners. He said that as far as he knew, the City of Takoma Park had never gone on record as approving a sewer reconstruction project. They only approved the recommendation of the CAC for a sewer facility plan, and understood that eventually the CAC would bring forward their recommended plan. This is the City's position.

Mr. DiLuigi said that in 1986 the citizens endorsed the facility plan which included outlying storage and reconstruction. As of now, that is the plan on the books. However, he noted that the community and environmental impacts made that particular alternative a less preferred one because of the risk factors. He felt that the WSSC was avoiding addressing those issues - that of controlling contractors, using strict control, etc.

Helene Arens spoke, saying that her impression was that WSSC was going ahead with its alternative without properly consulting others.

Councilmember Douglas spoke said that he thought there were really two issues: the environmental issue of the location, the short-term measures, the environmental sensitivity, and the funding issue. Since the City was not paying, his concern was simply that it was done right, and he had had that assurance from the agencies. However, he did not want the deal to collapse if the funding became a sore point between the Counties. He suggested that in the Mayor's letter the point be made that the funding be properly worked out.

Ms. Arens argued that the issue was really the sewer line, and that it was not yet approved. The Mayor made the point that the recent letter from Gus Bauman made it seem as though the sewer line was approved, and this was not the case. The deal was nearly completed, but final plans were needed to work out the particulars. He felt the City and community was not receiving the information to complete the deal. Ms. Saber asked which of the City staff was working on the project, and the Mayor mentioned Valerie Vincola, although others were involved.

The Mayor asked for other citizen comments not related to items on the night's agenda, and receiving none, presented a resolution proclaiming April, 1990, as Fair Housing Month in Takoma Park, commemorating the 22nd anniversary of the Fair Housing Act of 1968, and the 27th anniversary of the Suburban Maryland Fair Housing Incorporated, for its volunteer advocacy in issues of fair housing, enhancing the City's diversity. He moved to adopt the proclamation and Councilmember Sharp seconded it.

Mr. Richard Allen, Suburban Maryland Fair Housing Incorporated  
He said he was grateful for the proclamation supporting the principles of neighborhood diversity and fair housing in Takoma Park. He gave to the City Council via City Clerk Jewell copies of the SMFH newsletter and a proposal for possible funding from the City for their efforts on behalf of fair housing.

The Mayor reminded those present that roughly six months ago, at a worksession, Mayor and Council had discussed the possibility of funding assistance for this group, and Mr. Allen's proposal was a concrete result of that discussion. The vote was taken and the resolution/proclamation was adopted unanimously.

RESOLUTION #1990-36  
(Attached)

AGENDA

1. Second Reading of Ordinance to Amend Recycling Legislation

The ordinance was moved to amend by Councilmember Elrich and seconded by Councilmember Douglas. The Mayor pointed out that some items were changed, some added, some deleted, and suggested that first the Council discuss the amendments to the Ordinance: any matters either in double brackets or in boldface. Councilmember Sharp began by reading this amended language: "The penalty for violating this section may include the non-collection of refuse." He wanted to know if it actually did include non-collection or not. Ms. Braithwaite specified that there may be times even when violation occurs that refuse would still be picked up. Councilmember Douglas requested information on the timing of implementation of the program.

Ms. Braithwaite said the effective date so far was June 7. If adopted this evening, starting May 7, employees would begin training. A few weeks prior to the program, the new brochure would be given to residents explain the expansion. Councilmember Douglas suggested some kind of pull-out insert in the newsletter. Mr. Giancola said there had been some advertising in last month's newsletter. He did not anticipate trouble with tin or cardboard, but with the yard recycling part.

Councilmember Prensky asked if there would be advertising on the

sides of the sanitation vehicles. Ms. Braithwaite doubted the effectiveness of the signs. He also suggested editorial amendments. He then asked about Section 10-44, which stated that small items for special collection should be placed in containers, etc.; would the City accept corrugated boxes. Ms. Braithwaite said she would instruct the sanitation people to simply leave the box behind and have it picked up later. Councilmember Douglas noted that in Section 10-43 people may be fined for violations, but the intent is not there in Section 10-44. Ms. Braithwaite suggested that the difference in the sections amounted not to wilful violation but mistaken intent.

Councilmember Moore asked if stores would have containers available for yard waste by the June 7 date. Ms. Braithwaite said that Giant stores had agreed to make bags available (other stores had been approached) and some Giant stores already had them in. The City could also purchase them. Councilmember Moore suggested that this might be desirable initially. He did not support the City's sale of paper bags. Councilmember Moore stressed the need to let people know the timing of pick-ups.

Mayor Del Giudice was concerned that two months would be required for the City to begin to see compliance; perhaps autumn was the time for real compliance measures to begin. Mr. Giancola agreed and said that the first few months would require education and promotion, although he felt there would be some immediate effects.

The Mayor then asked for a vote on all amendments as amended in the ordinance. The amendments to the ordinance as amended carried unanimously.

ORDINANCE #1990-14  
(Attached)

2. Resolution Appointing Members of Montgomery County Historic Preservation Working Group. Councilmember Elrich moved to adopt the resolution and Councilmember Douglas seconded the motion. He said that in forwarding and adopting the recommendation of the City's Historic Preservation Task Force, the City committed itself to creating a committee that would continue to monitor the Task Force's report as it went through M-NCPPC and on eventually to the County Council. The City was to appoint this group.

Councilmember Douglas said that he had heard of citizens interested in serving on this committee who were not part of the original Task Force. Councilmember Prensky said he was told that the only people who responded originally were members of the Task Force. The Mayor said if there were other interested citizens, he did not object adding a few people to the new committee, perhaps to a maximum of seven people. The Mayor then asked for a vote and the motion carried with no opposition and no abstentions.

RESOLUTION #1990-37  
(Attached)

3. Resolution for Removal of COLTA Commissioner and Resolution Appointing Replacement Commissioner

Mayor Del Giudice said that a member of the Commission, Gloria Iposu, has not attended meetings and could not be contacted by mail or letter at her previously known address. The Commission said they felt she had moved. Councilmember Sharp moved to adopt the resolution and Councilmember Moore seconded it. Councilmember Douglas asked that the memorandum from Yvonne Crooks, dated April 10, 1990, be made part of the record of the resolution and the Mayor agreed. The resolution carried with no opposition. The Mayor then brought up the resolution appointing a person to the unexpired term. Councilmember Sharp suggested having a special session tomorrow night or next Monday to make the appointment of the person already interviewed, before the regular meeting of the Commission.

The Mayor suggested making the appointment tomorrow evening, in special session, tabling it this evening. Councilmember Sharp then moved to table it until tomorrow evening, the resolution seconded by Councilmember Moore, and carried by the Council.

RESOLUTION #1990-41  
(Attached)

4. Resolution Creating an Elections Task Force

Councilmember Leary moved the resolution and it was seconded by Councilmember Sharp. Councilmember Sharp noted for the record that the charter, adopted last year, reduced the number of wards in the City to six. Also, the Census was being conducted at this time. He said both these factors, especially the first, necessitated redistricting. He suggested this process begin soon. The census numbers will be certified as of April 1, 1991 and will generate lawsuits. The Task Force had a number of preliminary questions to deal with - government laws, census updates in regard to boundaries, and election-related issues: how campaigns should be promoted, how campaign funds should be used, etc. He said he thought this resolution should be run in the June newsletter, and that letters should be sent to citizens and tenants association as well as any groups outside the City who have some interest or expertise in the area. The Task Force could be fairly large in size.

Councilmember Douglas said he thought the census would show some shifts. He stressed the need for a competent, non-partisan Task Force, and one that would come back with options rather than recommendations.

Councilmember Prensky asked if the Task Force would have input from the City Council, as envisioned. The Mayor suggested one alternative, that of a Council member serving on the Task Force, but he did not espouse it, since that person might be in a position of potential conflict. He advised recommending to the Task Force that it meet with the Council, that interim reports come to the Council, that it receive basic principles and guidelines, etc. He mentioned that he had heard Takoma Park might be consolidated into one Congressional district rather than two, as it presently is.

The Mayor said he did not particularly feel the need to change the election process itself, and he advised not getting into the larger issues or trying to change the charter itself with discussions about term length. The issues worth looking at, he pointed out, were ones such as whether there should be a nomination convention, or whether it should be by petition; and campaign length. The community was concerned about poster use as advertisement, he said.

Councilmember Sharp brought up the ethics ordinance and the idea of setting up an Ethics Commission. That group could involve itself in election ethics questions, for example: what part should City staff take in elections? Could they run for City elections?

The Mayor said that he felt the City would need a consultant from a demographics firm to help with the redistricting, and that it should be budgeted in the upcoming fiscal year. The resolution was moved by Councilmember Sharp and seconded by Councilmember Moore and passed unanimously.

RESOLUTION #1990-41  
(Attached)

5. Single Reading Ordinance for Library Furnishings Contract Award PW 90-2. The item was already in the budget, the Mayor noted. Councilmember Leary moved to adopt the ordinance, seconded by Councilmember Elrich. Councilmember Leary asked about the additional amount of money in the budget left over from a decrease in the amount needed to do the work. He questioned whether it

should be assumed the money can then be used for the same project: just because it's in the budget doesn't mean it has to be spent, he pointed out. Mr. Giancola said that \$86,000 was put aside for library rehabilitation, predominantly furnishings, though a portion included actual rehabilitation of the library. One piece of this rehabilitation had a lower bid estimate; thus they saved some money. In the bid were several items added if affordable; and since they were now affordable due to the savings, Mr. Giancola went ahead with them. When putting together a complex bid package, as this one was, they looked for maximum flexibility and thus had "added-to-bid" items. For instance, originally there was to be no carpeting in the children's area, but it became an added item and they were able to put in the carpeting.

Councilmember Leary agreed with Mr. Giancola's decision and explanation but wondered about the rehabilitation of the circulation desk, also proposed. Mr. Giancola said they may be able to do that; at this point he did not know. As for the carpeting, he did not know the actual square footage. Councilmember Prensky mentioned that Councilmembers had neither the bid package or the additions to the bid items. He asked that more description be given to Councilmembers, so they could see that the goal was not ultimately to spend all of the money.

Councilmember Mike requested information about the bid groups. Mr. Giancola said there was no bid group three. He said there were two bid items for which they received no bids. He said technically that there really only a few items he needed to receive the Council's consent on the equipment, the Baltimore stationary, the Pioneer woodworks portion, and the commercial carpets, since the City Administrator awards contracts under \$5,000, but he decided to show the Council the whole contract so they could understand it better.

Councilmember Douglas asked if the added-to-bid items were part of the package presented to the Council as part of the \$86,000 package. Mr. Giancola confirmed this, and said that the added-to-bid items were part of the original package, but when they looked at the numbers, they decided to make them "added-to-bid" so as not to go over budget. The only new item, he said, was the carpeting.

Councilmember Elrich moved to remove added-to-bid item #5 from the budget, commercial carpet, and Councilmember Leary seconded it. Councilmember Prensky agreed that carpeting was needed in the library, but he did support Councilmember Elrich's motion and requested additional information. Councilmember Elrich said he was concerned about extra amounts of money cropping up, after the Council approved money based on the City's best estimates of costs of projects.

Councilmember Douglas said he felt reassured by the realization that the items were originally in the budget and were made "added-to-bid" only because of concern over cost; they were not further enhancements squeezed in at the last minute. Ms. Habada reminded the Council that the funds being used were bond funds, for which there is a ten-year note. The funds cannot be used for operations.

The Mayor then moved to table the matter of the commercial carpeting and it was carried. He then asked for discussion of the ordinance as amended. Mr. Giancola reported that there was a pre-construction meeting today with library staff and Smith and Hanes, the contractors, and he thought they would be starting at the beginning of May and finishing in several weeks with the painting, a new wall for the children's entrance, and cleaning of the tiles and electrical work. The library would possibly close for three-four days during the painting period because of the fumes. The motion to approve the ordinance as amended carried unanimously.

(Attached)

6. First Reading Ordinance Re Installation of Two Parking Meters on Carroll Avenue. Councilmember Prenskey moved to adopt the ordinance and Councilmember Douglas seconded. There was discussion on the delay of the installation. Councilmember Douglas said he wanted to know why it took so long and asked City Administrator Wilson to account for the delay. Mr. Wilson said he would look into the delay. Councilmember Prenskey asked whether or not it mattered which space was designated for handicap parking. Mr. Wilson replied that the one closest to the ramp would be for handicapped patrons. The motion for the ordinance to be accepted at first reading was carried.

7. First Reading Ordinance Re Seasonal Posting of NO PARKING signs on Laurel Avenue for the Farmers Market

Councilmember Douglas moved, and it was seconded, to adopt the ordinance for first reading. Councilmember Prenskey said that during the PTZ Committee meeting, they looked for the most effective way to publicize the parking prohibition, so that cars would not be stuck during the setting up of the market. The committee concluded that signs at either end of Laurel Avenue would not be very effective since cars could park in the middle. They then considered red bags over the meters to be placed at the conclusion of meter hours on Saturday evening and removed by market members on Sunday. Councilmember Douglas said that both the market manager and Ms. Vincola realized that signs at the end of the block would not be enough. He suggested adopting at first reading the ordinance, but supporting it at second reading required some viable alternative, such as bagging the meters.

Councilmember Leary said he was concerned that the City staff not be burdened by new tasks but that vendors and merchants in the area would have an interest in helping the City implement the prohibition. Councilmember Prenskey suggested that merchants and vendors certainly had interest, the City's youths could be employed this way, or perhaps the Seventh-Day Adventist Church could assist in some way. The Mayor then moved to accept the ordinance at first reading and the motion was duly carried.

ORDINANCE #1990-18  
(Attached)

CONSENT AGENDA ITEMS

The Consent Agenda was moved by Councilmember Douglas and duly seconded and adopted unanimously.

Resolution Acknowledging City's Secretarial/Clerical Staff for National Secretaries Week

RESOLUTION #1990-39  
(Attached)

Resolution of Council Support for Art in Public Architecture

RESOLUTION #1990-40  
(Attached)

Upon motion duly made and seconded, the meeting was adjourned at 10:00 p.m., to reconvene in a Public Hearing on May 1, 1990.

**P R O C L A M A T I O N**  
**FAIR HOUSING MONTH**  
**April 1990**  
**(Also Known as Resolution 1990-36)**

**WHEREAS,** the City of Takoma Park, Maryland has always promoted fair housing concepts with the adoption of legislation such as the Tenant Opportunity to Purchase Law; AND

**WHEREAS,** the City of Takoma Park's Human Rights Commission ordinance governing open and fair housing gained law enforcement powers in 1974, making it illegal for a person to be discriminated against in the sale or rental of housing or property on the basis of that person's race, creed, color, sex, national origin, ancestry, marital status, disability or age; AND

**WHEREAS,** the City Council finds that discrimination in housing, as in other forms of discrimination, adversely affects the health, welfare, peace and safety of the community; AND

**WHEREAS,** during the month of April, 1968, the Congress of the United States of America passed federal legislation prohibiting discrimination in housing on the basis of race, color, religion, sex or national origin otherwise known as the Civil Rights Act of 1968 or the Fair Housing Act of 1968, twenty-two years ago this month; AND

**WHEREAS,** the Takoma Park community joins in with other local civil rights communities in acknowledging and commemorating the 27th anniversary of the Suburban Maryland Fair Housing, Inc., a non-profit organization which has continuously worked to ensure that all people have equal access to housing; AND

**WHEREAS,** the City Council of Takoma Park reaffirms the commitment to fair housing as a matter of principle and will continue to work with Suburban Maryland Fair Housing towards fair and affordable housing.

**NOW, THEREFORE, I STEPHEN J. DELGIUDICE, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND,** do hereby proclaim the month of April, 1990, Fair Housing Month in Takoma Park, commemorating the 22nd anniversary of the Fair Housing Act of 1968 and the 27th anniversary of Suburban Maryland Fair Housing, Inc., for volunteer advocacy in the area of fair housing, thereby enhancing the tradition of cultural diversity in our neighborhoods and promoting the rights of all people to live free of housing discrimination.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Takoma Park to be affixed this 23rd day of April, 1990.

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

Councilmember Jim Douglas  
Councilmember Marc Elirch  
Councilmember Gregory Hamilton  
Councilmember Bill Leary  
Councilmember Mike Moore  
Councilmember Hank Frensky  
Councilmember Edward Sharp

Dated this 23rd Day of April, 1990.

Introduced by: Councilmember Elrich

First Reading: 4/11/90  
Second Reading: 4/23/90

ORDINANCE NO. 1990 - 14

Amendments to the Recycling Program

WHEREAS, Ordinance No. 1989-4, adopted January 30, 1989, instituted a mandatory recycling program for glass, aluminum and newspapers; AND

WHEREAS, avoided waste disposal costs from the first year of the program are estimated to total \$49,200 and the waste stream reduction from the curbside recycling program is 16%; AND

WHEREAS, the City's leaf collection and composting operation handles approximately 1,000 tons or 14% of the waste stream and together with the curbside recycling program are reducing the City's wastestream by a combined total of 30%; AND

WHEREAS, the City Council of Takoma Park find that the City's refuse could be further reduced by expanding the recycling program to include the collection of tin-plated steel cans, cardboard, yard waste, and appliances and scrap metals; AND

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

WHEREAS, the expanded program is projected to increase savings from avoided waste disposal costs by \$28,700 in Fiscal Year 1990-1991 and increase the percentage of waste reduction to 37%.

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



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

Section 10-1. Definitions

\* \* \* \* \*

(a)(1)(F) Yard [Refuse] Waste shall include [all combustible waste material discarded from the grounds of any building or other structure, except waste material resulting from landscape, construction, repairs or alterations.] grass clippings, plant cuttings, brush and branches, less than three inches in diameter, and leaves.

(a)(1)(G) Recyclable Materials shall include newspaper, glass bottles and jars [and], aluminum cans, tin-plated steel food and beverage cans, corrugated cardboard, and other items designated by the Director of Public Works, intended to be discarded by persons who receive City refuse collection services.

(a)(1)(H) Special Collection Materials shall include heavy or bulky items such as furniture, rugs, doors, screens or other household discards not to be collected on regular household refuse collection days, and excluding yard waste and metal appliances.

SECTION TWO. Chapter 10 (Refuse), Article 2 (Collection of Refuse), Section 10-11 is amended and Section 10-13 and 10-14 is added to the Code of the City of Takoma Park as follows:

Section 10-11. Collection of Recyclable Materials.

\* \* \* \* \*

(c) A person shall place newspapers, corrugated cardboard, and the containers of other recyclable material on the public right-of-way next to the curb. The recyclable material shall not interfere with parking or traffic. A person shall not place the recyclables next to the curb before 4:00 p.m. the day before the scheduled collection. After being emptied, the recycling container shall be removed from the curb by the occupants before midnight the day of collection.

\* \* \* \* \*

(f) Corrugated cardboard boxes must be broken down, with tape and staples removed, and secured in bundles with twine.

[(f)](g) The City shall provide a recycling collection container to each residential unit required to participate in the recycling program. [Residents must purchase the use of additional containers from the City to replace those lost or damaged. The cost of the use of the container will equal the price paid by the City for the container. Residents may purchase the use of additional containers to store the recyclable material generated by their household if one container is not sufficient.] Residents can receive replacement containers from the City if theirs is lost or stolen.

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

[(h)](i) A person shall place all recyclable material except newspaper and cardboard in the collection container provided to residents by the City. Glass bottles and jars [and] aluminum cans, and tin-plated steel cans should be emptied and clean before being placed in the recycling container.

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

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

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

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

\* \* \* \* \*

[(m)](n) No citations for municipal infractions for violations of this section shall be issued prior to six months after the effective date of [this] ordinance 1989-4.

SECTION THREE. Chapter 10 (Refuse), Article 5 (Special Trash Collection), Section 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, and 10-47 of the Code of the City of Takoma Park is amended as follows:

Section 10-41. Day of Collection.

Special collections will be made only on [Wednesdays] the second trash collection day of the week and only as the schedule of the Public Works Department permits.

Section 10-42. Time For Requesting Special Collections.

Any person desiring the special trash collection service must telephone the Department of Public Works [[at least by [Tuesday] Wednesday]] the day before the special collection [on Wednesday].

Section 10-43. Placement time for collection.

(a) No person shall place refuse or items for [Wednesday] special collection on the public right-of-way prior to the preceding [Tuesday] afternoon.

(b) No person shall place [bulky] heavy items out for [Wednesday bulky] special collection without an appointment and permission from the Director of Public Works or the Director's representative.

(c) A violation of this section is a Class D offense. [[Refuse will not be collected.]] At the direction of the Director of Public Works the penalty for violating this section may include the non-collection of refuse.

Section 10-44. Collection containers; weight limit.

All small items for [the Wednesday] special collection must be placed in containers (boxes, cartons, cans, etc.) [[except as noted in Section 10-47,]] and no individual container, when filled, shall weigh over fifty (50) pounds. [[The only penalty for violating this section is that refuse will not be collected.]] At the direction of the Director of Public Works, the penalty for violating this section may include the non-collection of refuse.

Section 10-45. Placement of items for collection.

All items for [the Wednesday] special collection must be placed at the curb or at the property line. Under no circumstances will the City employees enter upon private property to carry out a special collection. The [[only]] penalty for violating this section [[is that no refuse will be collected.]] may include the non-collection of refuse.

Section 10-46. Items excluded from special collections.

(a) Items that may not be included in the [Wednesday] special collection are as follows:

(1) Residue or leftover material from landscaping, alterations to buildings or property, remodeling, construction, salvaging, etc. (whether done by contractor or not).

(2) Wrecked cars or trucks or parts thereof, tree stumps, logs or the like.

\* \* \* \* \*

[Section 10-47. Limitation on foliage trimmings.

All limbs, branches, brush and trimmings must be tied securely in bundles not exceeding four (4) feet in length. These individual bundles shall weigh not more than fifty (50) pounds. The only penalty for violating this section is that no refuse will be collected.]

Section 10-[[48]] 47. Certain items left to the discretion of the collector

All items not covered or specifically listed in this Article will or will not be picked up at the discretion of the representative of the Public Works Department.

SECTION FOUR. Chapter 10 (Refuse), Article 8 (Collection of Yard Waste and Appliances), Section 10-59 and 10-60 of the Code of the City of Takoma Park are added as follows:

Section 10-59 Collection of Yard Waste

(a) Yard waste shall be collected from the curbside on [[Wednesdays, or on another]] a day [[as]] designated by the Director of Public Works, and only in weeks when there is not a City holiday.

(b) Yard waste must not be mixed with regular household refuse.

(c) No person shall place yard waste out for [[Wednesday]] collection prior to the preceding [[Tuesday]] day.

(d) Loose yard waste such as grass clippings and plant cuttings must be placed in empty refuse containers or thirty (30) gallon paper bags only. Yard waste in plastic bags will not be collected.

(e) Branches and brush must be less than three (3) inches in diameter and four (4) feet in length. The branches must be tied securely in bundles. These bundles shall not weigh more than fifty (50) pounds.

(f) Residents should use the City's leaf vacuum collection for their leaves. However, leaves gathered by residents before or after the fall and winter vacuum leaf collections may be collected on Wednesdays. Leaves must be placed in empty refuse containers or thirty (30) gallon paper bags only. Leaves in plastic bags will not be collected.

(g) The penalty for violating this section [[is that material will not be collected until the violation is corrected.]] may include the non-collection of the yard waste.

#### Section 10-60 Collection of Appliances and Scrap Metal

(a) Appliances and scrap metals shall be collected from the curb on [[Wednesdays]] the day designated by the Director of Public Works, as the schedule of the Public Works Department permits, and only on weeks when no City holiday occurs.

(b) Any person desiring collection of an appliance or metal object must telephone the Department of Public Works by the preceding [[Tuesday]] day to schedule a collection appointment.

(c) No person shall place appliances or scrap metal objects on the curb prior to the [[preceding Tuesday.]] day before collection.

(d) No person shall place an appliance or scrap metal object on the curb for collection without an appointment and permission from the Director of the Public Works or the Director's representative.

(e) The penalty for violating of this section is that the object in question will not be collected until an appointment is scheduled.

SECTION FIVE. The effective date for this ordinance shall be June 7, 1990.

Adopted this 23rd day of April, 1990 to be effective the 7th day of June, 1990.

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

Note: In this ordinance:

1. \* \* \* denotes matter in the Code that is not reproduced in the ordinance.
2. [bracket] denotes existing matter being deleted from the code.
3. underline denotes matter being added to the current code language.
4. [[double bracket]] denotes matter being deleted after the First Reading.
5. Underlined and bold denotes matter being added after First Reading.

Introduced by: Councilmember Elrich

ADOPTED: APRIL 23, 1990

RESOLUTION 1990-37

WHEREAS, the Council of the City of Takoma Park adopted Resolution 1990-26 on March 26, 1990, in which the Council endorsed the recommendations in the Final Report of the City's Historic Preservation Task Force, and urged the Montgomery and Prince George's County Planning Boards and County Councils to adopt the Report's recommendations; AND

WHEREAS, in Resolution 1990-26, the Council also called for the establishment of a committee to work with Montgomery County staff in the preparation of the Takoma Park Historic District Final Draft Amendment to the Montgomery County Master Plan for Historic Preservation; AND

WHEREAS, the Mayor and Council have solicited nominations to this committee, to be known as the Montgomery County Historic Preservation Working Group, via public notice; AND

WHEREAS, the Mayor and Council have received and reviewed nominations to this committee;

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 Montgomery County Historic Preservation Working Group:

1. Ian Spatz, 7304 Willow Avenue, Ward 2
2. Ross Wells, 12 Sherman Avenue, Ward 2
3. Ken Norkin, 14 Hickory Avenue, Ward 3
4. W. Douglas Varn, 7709 Takoma Avenue, Ward 1
5. Brandon Lipman, 328 Boyd Avenue, Ward 2

BE IT FURTHER RESOLVED THAT the terms of the members of the Montgomery County Historic Preservation Working Group shall expire upon adoption of the Final Draft Amendment to the Montgomery County Historic Preservation Master Plan--Takoma Park Historic District.

ADOPTED THIS 23RD DAY OF APRIL, 1990.

histpres/mchpwkgrp.res

COMMISSION ON LANDLORD  
AND TENANT AFFAIRS  
(COLTA)  
270-5900



7500 MAPLE AVENUE  
TAKOMA PARK, MD. 20912

April 10, 1990

MEMORANDUM

TO: Council

FR: Yvonne Crooks, Chairperson  
Commission on Landlord-Tenant Affairs

RE: Recommendation for Dismissal of Commissioner Iposu

I am writing to inform you that in recent months, COLTA as well as tenants and landlords have been inconvenienced by the uncooperative behavior of Commissioner Gloria Iposu. She has missed three business meetings, defaulted on her commitment to write a COLTA opinion, and on March 13, 1990, she failed to appear at a hearing for which she was scheduled.

The Department of Housing Services has made several attempts to reach Commissioner Iposu by mail and via telephone, none of their attempts have been successful. Her address and phone number have been changed without notice and it appears unlikely that Commissioner Iposu intends to participate in future COLTA activities or complete her term of service.

Council is aware that the Commission is understaffed and that the petition volume is high. In light of this and Commissioner Iposu's behavior, I suggest that she be terminated and that a committed representative be appointed to the Commission as soon as possible. This request is being made with the unanimous support of the Commission.

cc: James S. Wilson, Jr.  
Susan Weiss  
Linda Walker  
COLTA Commissioners



Adopted: 04/24/90  
(In Special Session)

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

RESOLUTION 1990 - 42

RESOLUTION TO REMOVE A COMMISSIONER FROM THE COMMISSION ON  
LANDLORD-TENANT AFFAIRS (COLTA)

WHEREAS Commissioner Gloria Iposu has failed to attend three consecutive business meetings, has defaulted on her commitment to draft a COLTA Opinion, and has failed to appear at a hearing for which she was scheduled, AND

WHEREAS Commissioner Iposu has, in her failure to perform her duties as a commissioner, inconvenienced her fellow commissioners and the landlords and tenants she was appointed to serve, AND

WHEREAS COLTA Chairperson Yvonne Crooks has, on behalf of the entire Commission, requested that Commissioner Iposu be removed from COLTA and replaced with a commissioner capable of carrying out the duties expected of a commissioner.

NOW THEREFORE, BE IT RESOLVED THAT the Council has determined that Commissioner Iposu has become incapacitated with respect to her COLTA-related duties;  
AND

BE IT FURTHER RESOLVED THAT, in accordance with Section 6-80.2 of the Takoma Park Code, Commissioner Iposu is hereby removed from COLTA.

Dated by the Council of the City of Takoma Park this 24th day of April, 1990.

Introduced by: Councilmember Sharp

RESOLUTION NO. 1990- 41  
 CREATING AN ELECTIONS TASK FORCE

WHEREAS, the City of Takoma Park adopted a New Charter in October 1989, which reduced the number of Wards in the City from seven to six for the 1991 and subsequent elections; AND

WHEREAS, The United States is conducting its decennial census in 1990 which may reveal a change in the number and geographic distribution of citizens within the City; AND

WHEREAS, Both of the above-mentioned factors will necessitate a reconfiguration of the boundaries of the Wards within the City for purposes of determining the geographic areas the members of the Council represent; AND

WHEREAS, A number of additional features of elections within the City merit reconsideration, such as length of campaigns, placement of promotion signs, disposition of unused campaign funds, and others.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the creation of an Elections Task Force (Task Force) to consider changes to the conduct of elections within Takoma Park and make recommendations to the City Council; AND

BE IT FURTHER RESOLVED that the Task Force shall recommend to the City Council boundaries for six Wards on the basis of which Councilmembers shall be elected; AND

BE IT FURTHER RESOLVED that the recommended boundaries shall take into consideration existing neighborhoods with the goal, to the degree possible, of locating those neighborhoods within the same Ward; AND

BE IT FURTHER RESOLVED that the recommended boundaries shall be drawn in such a way that the social, economic and cultural diversity that exists in Takoma Park will have an equal opportunity for representation by those elected to the City Council; AND

BE IT FURTHER RESOLVED that the Task Force membership shall represent a broad cross section of the Takoma Park community; AND

BE IT FURTHER RESOLVED that the Task Force shall be given such staff resources as are reasonably necessary for it to complete its work, including the hiring of an outside consultant if necessary; AND

BE IT FURTHER RESOLVED that the Task Force shall present its recommendations to the City Council on or about June 1, 1991.

Adopted this 23rd day of April, 1990.

Introduced by: Leary

Adopted 4/23/90  
(Single Reading)

ORDINANCE NO. 1990-16  
An Ordinance to Provide Library Furnishings

WHEREAS, \$86,000 was earmarked in the FY-90 budget for the rehabilitation and refurnishing of the Takoma Park Library; AND

WHEREAS, in accordance with City procurement procedures bids were solicited from 15 qualified vendors on the bidders list, advertised in the Washington Post; AND

WHEREAS, that bids were publicly opened at 2:00 p.m., March 27, 1990 with eleven bids received.

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

SECTION 1: That the below ten bids be accepted; AND

<u>FIRM</u>	<u>BID</u>
Glover Equipment, Inc.	\$10,671.15
Baltimore Stationary	\$ 7,601.32
Gaylord, Inc.	\$ 4,343.00
Kenneth Roberts, Assoc.	\$ 1,599.75
National Electroplating, Inc.	\$ 2,117.00
Bannerscapes	\$ 950.00
Hodkinson Assoc., Inc.	\$ 1,618.00
Pioneer Woodworks, Inc.	\$13,319.00
Interior Acoustics, Inc.	\$ 1,450.00
(Commercial Carpets, Inc.	\$ 8,580.00) TABLED
	<hr/>
	\$52,250.00

SECTION 2: That funds to cover this work in the amount of Fifty Two Thousand Two Hundred and fifty dollars (\$52,250.00) be authorized from the Capital Bond Program.

Adopted this 23 rd day of April 1990

AYE: Douglas, Elrich, Leary, Prensky, Sharp

NAY: None

ABSTAIN: None

ABSENT: Hamilton

Introduced by: Councilmember Prensky

1st Reading: 4/23/90

(Drafted by: A. R. Giancola)

2nd Reading:

Effective :

ORDINANCE #1990-17

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

SECTION 1: THAT the City of Takoma Park has installed metered parking spaces in certain areas throughout the city; AND

SECTION 2: THAT additional curb space exists on Carroll Avenue in front of 7001B and 7001 Carroll Avenue; AND

SECTION 3: THAT two additional metered spaces be placed on Carroll Avenue in front of 7001B and 7001 Carroll Avenue , one of which will be designated for handicapped users.

SECTION 4: THAT this ordinance shall become effective immediately.

Adopted this \_\_\_\_\_ day of April 1990 by Roll Call Vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

c:meters:dm:wp50

Introduced by:  
Drafted by: V. VinCola

1st Reading: 4/23/90  
2nd Reading:  
Effective:

**ORDINANCE 1990 - 18**

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

- SECTION 1: THAT pursuant to resolution 1990-33, Laurel Avenue, between Carroll and Eastern Avenues will be closed for the operation of the Farmers Market on Sundays from April 22 to November 18, 1990, 9:15 A.M. to 2:30 P.M.; AND
- SECTION 2: THAT to advise people driving in Takoma Park that they are prohibited from parking on Laurel Avenue during the time at which the Farmers Market is held, appropriate signage should be installed; AND
- SECTION 3: THAT appropriate signage shall be posted on Laurel Avenue during the Farmers Market season, late April to late November, and shall be removed at the close of the Farmers Market season in November; AND
- SECTION 4: THAT this ordinance shall become effective immediately.

Adopted this \_\_\_\_\_ day of April 1990 by Roll Call Vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

FMZ/farmsign.ord

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

**RESOLUTION NO. 1990-39**

**A RESOLUTION RECOGNIZING NATIONAL SECRETARIES WEEK  
FOR ALL CITY STAFF IN CLERICAL POSITIONS  
APRIL 22-28, 1990**

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

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

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

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

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

**BE IT FURTHER RESOLVED, THAT** all Administrators, Department and Division Directors are encouraged to acknowledge these individuals and their efforts during National Secretaries Week, April 22-28, 1990.

Dated this 23rd day of April, 1990.

ATTEST:



Paula S. Jewell  
Acting City Clerk

Introduced by: Councilmember Douglas

ADOPTED: April 23, 1990

Resolution No. 1990-40

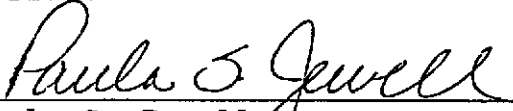
- WHEREAS, The Montgomery County Council has presented an Introduction Emergency Bill #37-90 entitled "Art in Public Facilities"; AND
- WHEREAS, this bill seeks to reduce the allocation for art in public architecture from 1/2% to 1/4% of the construction costs; AND
- WHEREAS, the allocation for art in public architecture has already been reduced from 1% to 1/2% of the construction costs; AND
- WHEREAS, this added reduction will be detrimental to the public art program in Montgomery County; AND
- WHEREAS, the Mayor and Council have been active in their support of the visual and performing arts in the past;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby oppose further reduction of public funding for the Art in Public Facilities program, and urge the County Council to oppose Bill #37-90.

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 23RD DAY OF APRIL, 1990.

ATTEST:

  
Paula S. Jewell  
Acting City Clerk

FY'1991 Budget Hearing of the City Council  
April 24, 1990

City OFFICIALS PRESENT:

Mayor Del Giudice (absent)	City Administrator Wilson
Mayor Pro Tem Sharp	Acting City Clerk Jewell
Councilmember Douglas	Public Works Dir. Giancola
Councilmember Elrich	Police Chief Fisher
Councilmember Hamilton	Captain Wortman
Councilmember Leary	Lt. John Gowin
Councilmember Moore	Library Director Robbins
Councilmember Prensky	Housing Director Weiss
	Youth Outreach Worker Avant
	Recreation Specialist Claytor

The City Council convened at 7:37 PM on Tuesday, April 24, 1990 in the Council Chambers at 7500 Maple Avenue. The Public Hearing was called to order by Mayor Pro Tem Sharp who noted that Mayor Del Giudice was absent this evening due to his teaching of Tuesday classes. Mr. Wilson introduced the proposed budget for FY '91 and said that it consisted primarily of the 7% tax rate reduction, maintenance of all existing programs, with the inclusion of increases required by inflation, the cost of living, union contract requirements, and merit increases where applicable. Mr. Wilson also said that the general fund tax rate includes 28.3 cents for the fire tax, \$1.435 [and one-half] for City tax, and four cents for stormwater management.

In addition to policy directions from the City Council, Mr. Wilson said that staff were instructed to submit a 4-year capital request with estimates from 1991 thru 1994, and recommendations for fee increases, and submission of any new programs and projects that were self-supporting. Staff was encouraged to submit supplemental budget requests if the department director placed a very high priority on such requests, and indicated the potential for increased efficiency and effectiveness of their operations.

Mr. Wilson stated that the proposed FY'91 budget meets the basic policies of the City Council as well as capital and operating budgets. To balance the budget, the revenue base incorporates all unappropriated reserves, including recent drug forfeitures, revenue transfers from the equipment replacement reserve, and revenues from certain recommended increases in the City's fee structure. Unlike prior years, the City is calculating reserve revenues based on estimates received from all revenue sources, including Montgomery County rebates, although these have not been consistent. Revenues from projects considered self-supporting have not been included, and are treated as separate proposals, such as the parking enforcement proposal, which was an addendum to the evening's budget presentation. Mr. Wilson said [that] also not included in the general fund budget are revenues to be generated from tax from the stormwater management tax levy, and that is shown in a separate fund. The capital budget was also submitted and reduced significantly. The reduction took place three ways: 1) by transferring lower priority projects to future years, 2) reducing expenditure estimates after more thorough [their own] investigation, or 3) eliminating certain items entirely. The operating budgets were reviewed with department directors and adjusted as required, reflecting directions given by his office and the Council; significant adjustment was not required, he stated. The supplemental budgets submitted were not included in this budget proposal; however, they are included as attachments to the cover memo, and he said he has indicated those items of highest priority needing funding. In each instance, he said, his recommendation was based on the anticipation of improved efficiency and/or effectiveness of the respective departments.



Mr. Wilson summarized his introductory statement on the proposed budget and stressed that the proposal includes all unappropriated reserves, and all revenues anticipated for the coming year. If adopted, he noted, the budget would require strict management as there is little margin for error. Unless new revenues are found, no new projects can be funded during the coming fiscal year, unless in emergency cases. This summarized his introductory statement on the proposed budget.

Mr. Wilson informed those present that copies of the entire budget were available on the side table, as well as an Executive Summary.

Mayor Pro Tem opened the floor to citizens who wished to make general comments on any of the budget items.

#### CITIZENS' COMMENTS

Robert Mandel, 7003 Woodland Avenue said that he had read the Executive Summary and it appeared to him that lowering taxes while balancing the budget would cause a deficit and another bond purchase. He said that every year there is potential for an unexpected financial disaster and he cited a specific example of a judgment against the City for police brutality and the alleged large deductible the City would need to pay before insurance was to be paid. Mr. Mandel was corrected by the Mr. Sharp, who said that the insurance company had paid the claim in full.

Mr. Mandel cited as examples of reduced revenue, the shortfall from the inconsistent Montgomery County rebates and the proposed canine project for the Police Department. Mr. Mandel also said that there was no tax credit or rebates for low- and fixed-income taxpayers. He mentioned that Prince George's County had not made the direct cash contribution to individual taxpayers as Montgomery County does and asked that pressure be put on Prince George's County. Mr. Wilson replied that the City gets direct rebates from Prince George's County now, and that they give the City exactly what they say they will, unlike Montgomery County. Mr. Mandel enjoined the Council to avoid any deficit.

Councilmember Prensky informed Mr. Mandel that the Council has discussed a proposal to give tax credit or rebates to low-income residents, but the proposal had not yet come to the Council as an Ordinance.

Mr. Sharp spoke to the issue of Montgomery County's failure to give the City their proper rebates and said the Council would work hard to receive what was owed to them by the County.

After asking for any other citizens comment and receiving none, Mr. Sharp then asked for comments from the Council. Councilmember Hamilton asked Mr. Wilson about the Recreation Department's request for \$1,000. Mr. Wilson replied that the request appeared to be an additional one for the outreach program and was submitted by the Rec Council, and not from the Recreation Department.

Dorothy Cichello explained that she was speaking for Mr. Edward Hutmire and proceeded to read a statement from the Takoma Park Recreational Council that was addressed to the City Council. The Rec Council said they supported the proposed budget for the Recreation Department and they cited an array of programs, including the Department's additional work with the opening of the municipal gym and the activities of the City's centennial celebration. They praised the youth outreach program and mentioned specific items that should be budgeted, such as a laser printer for the Macintosh computer located in the Recreation Department. Speaking for herself, Ms. Cichello said she did not like the new system in which the budget hearings were scheduled.

Discussion of the Recreation Department's computer needs followed. In response to a question raised by Councilmember Douglas, Mr. Wilson explained that the current dot matrix printer would be used as well as the laser printer being requested so that the Department would have two means of output. Mr. Wilson also said that the \$3,200 mentioned in his proposed budget could be used for a second computer if desired, and that there were two laser printers in the building. In response to Councilmember Elrich's suggestion that the Recreation Department use an existing laser printer, Mr. Wilson said that possibility would involve Recreation staff walking over to use the other two department's printers or running cables from the laser printers down to the Recreation Department.

Robert Mandel commented on the format in which the budget was presented and praised the use of colored paper to offset sections of the budget but he suggested that the color pages be turned sideways and then shortened to act as tabs to divide the difference budget sections.

Mrs. Abbey Mandel, 7003 Woodland said she would rather pay more taxes than have to haul the trash cans to the street twice a week. She also stated that the Library and the Recreation Department should get everything they ask for in the budget because they serve as the first line of defense for the Police Department by keeping young people occupied and out of trouble. Mrs. Mandel praised Belle Ziegler as well.

Councilmember Hamilton said he did not support a tax cut. He mentioned the City's taking over the responsibility of stormwater management from WSSC and the costs that would be involved. Councilmember Elrich said that he supported a tax cut, but whether there'll be a tax cut in the end won't be determined until the Council gets farther along in the budget process. He said that the Council needs to make the budget work only on a certain level of resources.

Mr. Sharp spoke about the state legislation which capped property assessments currently at about 10% a year. He said the assessed value tells an owner little about how much he would actually pay in taxes; what tells you how much you're going to pay in taxes is how much the taxing authority assessed that property at. Mr. Sharp said that notwithstanding some comments about the needs of the City, he has heard from people who felt taxes were too high, and he wanted to lower them.

Montez Boatman, 133 Ritchie Avenue said she was interested in discussing the tax reduction and she wondered just what sacrifices would be made for lower taxes. Mr. Sharp explained that a seven cent tax cut reduced City revenue by about \$176,000. Mr. Wilson said he had removed that amount from the budget right away, and then built up afterwards, sticking to priorities at first. He did not feel anything had been seriously neglected. Mr. Sharp commented that he felt that the tax level is systemically too high, but that a tax reduction might not be able to be sustained in future years. Councilmember Douglas said that he felt certain that the tax rate would go up eventually; however he was uncertain how much it would go up. Mr. Douglas stated that this proposed budget included the use about one-half a million dollars of unappropriated funds, which will not be available again.

Councilmember Prenskey noted that in order to agree to discuss the budget, they had to agree on an assumption: unappropriated reserves being present, to instruct the City Administrator to come up with a budget based on a seven-cent tax cut. The Council may decide that the budget is not adequate, and thus change their assumptions. Mr. Prenskey said that at any rate, it needs to be gone over so they may decide whether the assumptions is correct.

Mrs. Boatman asked what the City would specifically be responsible for in terms of stormwater management. Mr. Wilson noted several items: backing leaves out of stuffed drains; repairing catchment basins; fixing major breaks in pipes. Recently, WSSC has only been doing defensive maintenance. He said that WSSC would give the City a list of things to be done and that some projects would involve use of a subcontractor via the County. The Council would be sitting in the capacity of the Water and Sewer Commission, he added.

Mr. Sharp said that people needed to distinguish between the WSSC's general responsibilities and those for stormwater: simply taking care of storm runoff. Stormwater management is only a part of their work.

Ms. Boatman inquired about the parking meters and enforcement proposal. Mr. Wilson said it was not part of the budget but would be discussed at next Monday's meeting. She said she supported whatever had been budgeted to help the Police Department enforce parking laws, and was "appalled" to hear that only volunteers were available to help enforce laws.

Motion to adjourn the budget meeting was duly seconded and the Council adjourned the public hearing.

It was then moved and duly seconded that the Council go into special session to discuss the appointment to the Landlord-Tenant Commission. Mayor Pro Tem Sharp made note of a memorandum passed out to Council members and said that the first resolution had been passed regarding the removal of a Commissioner. Mr. Sharp moved that Teresa Immordino of 7002 Aspen Avenue be appointed to fill the term of Gloria Iso, whenever that term should be terminated. It was seconded with no discussion and the vote carried unanimously.

Upon motion made and seconded, the Special Session was adjourned at 8:40 PM.