

CITY OF TAKOMA PARK (FINAL 3/5/92)
Regular Council Meeting and
Meeting of the Stormwater Management Board

June 10, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Personnel Ofc. Hobbs
Councilmember Moore	DHCD Director Grimmer
Councilmember Porter	Acct. Supervisor McKenzie
Councilmember Prensky	Public Works Director Knauf
ABSENT: Councilmember Leary	

The City Council convened on Monday, June 10, 1991 at 8:20 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Mayor made his remarks.

MAYOR/COUNCIL COMMENTS AND PRESENTATIONS

Mayor Sharp noted that on Tuesday, June 18, 1991 there would be a Public Hearing to receive and consider the redistricting proposals from the Elections Task Force, who were chartered several months ago to present to the Council proposals for re-drawing the City ward boundaries by reducing the number of wards from 7 to 6, as well as to make proposals for election law changes. Mr. Sharp also said there would be a second Public Hearing on those matters on July 8th.

Ms. Porter announced that on June 25th at 8:00 p.m. there would be a meeting to discuss school issues, with the parents of the students who attended school in Prince George's County.

Mr. Prensky announced that on Wednesday, June 12th there would be a Nuclear-Free Takoma Park Committee meeting at 7:30 p.m.

ADDITIONAL AGENDA ITEMS

Mayor Sharp recommended withdrawal of the Flag Day Resolution, and said he would have staff draft for his signature a mayoral proclamation to that effect.

CITIZEN'S COMMENTS (those directed at items not on Council Agenda)

Montez Boatman, 133 Ritchie Avenue said that her purpose of attending the meeting was twofold; first as a property owner and resident and second, as president of the Ritchie Citizen's Association. She said that she had a letter addressed to the Mayor about an "intolerable" housing situation at 127 Ritchie Avenue.

Mr. Hamilton said that about 6 weeks ago the Housing Department had come out to look at the property and found out that the property owner was deceased for some time. Mr. Hamilton said that a meeting was scheduled with the Housing Director to determine if there were relatives of the owner and see what could be done with the property. He said one of the alternatives would be to have Public Works clean up the property and have a lien placed on it.

Lynne Bradley, 8112 Flower Avenue said she was speaking for her husband also who was at home babysitting their kids. Mrs. Bradley said that they appreciated the recycling effort, however she said they had put recyclables out and they had not been picked up. She also said it would be wise to have a check-off notice on the bag or item that was not picked up and why it was not picked up.

Clarence Boatman, 133 Ritchie Avenue said he supported the letter that was written by his wife. He asked if the Maryland income tax that came back to the city which the taxpayers paid to the state of Maryland, decreased or increased in terms of the population.

Miss Habada said that the income tax figures had gone up, but she did not know the percentage over the past few years, but she would get the information for him.

1. Council Action - 7921 Sligo Creek Parkway - S.E.S. To Permit Existing Accessory Apartment
Moved by Mr. Elrich, seconded by Mr. Hamilton.

Ms. Grimmer said that during the course of the inspection, they learned that there had been two dwelling units in the basement and it had been reduced to one under new ownership. She said the staff report dated May 31st recommended approval of the accessory apartment, and staff did not feel it would be a negative impact on the neighborhood.

City Clerk Jewell said that in response to the letters that were sent out, she received two phone calls: Mr. Cutini, who spoke on behalf of the Between The Creeks Citizen Association, said that they supported the application, and Mr. & Mrs. Scott who reside at 8001 Sligo Creek Parkway, said they had no objection to the application.

COUNCIL ACTION: The Resolution to support the special exception application was passed unanimously.

2. Briefing from Washington Adventist Hospital Critical Care Expansion Project and Resolution Re: WAH Special Exception No. S-238-A

Mayor Sharp asked Ms. Pisarra to make a brief presentation. He also said that there had been a discussion in worksession last week regarding the present proposal, and this was another opportunity to have a discussion about the issues surrounding the hospital's proposal.

Virginia Pisarra, WAH Vice President said she brought a composite picture which was a rendering of what the project would look like upon completion. She said they were proposing a critical care modernization at the hospital, and that was a project that they had started looking at over 20 months ago. Ms. Pisarra said they had been working with an architectural firm to develop the plans. She said that the Critical Care Unit (CCU) would be located at the western end of the new building and it would comprise 3 levels above ground and 1 level underground; the lower level would be for the loading docks as well as storage; the first level above ground would be the emergency room which would expand out into an area; the transcare unit (outpatient) would move down to lower level No. 1; the 1st floor would be consolidating operating rooms as well as intensive beds which were already in the hospital, to a central location where they would be able to staff more efficiently; on the 3rd level above ground (2nd level of the hospital) there would be a 27-bed telemetry unit for patient care, and those patients would be monitored with respect to their vital signs. She also said that the hospital did not anticipate any increase in beds and it would remain a 300-bed institution. Ms. Pisarra continued by saying that adjacent to the proposed expansion, there would be a 3 level parking deck, which would allow the hospital to have a net gain of 90 parking spaces and that was also indicated on the rendering. She also said that part of the proposal was for an emergency helipad, which would be located on the top of the 1970 building.

Mr. Prenskey said the materials that had been presented to Council, talked about the helipad not being a matter to be considered under the special exception because it was a matter of right when there were emergency helipads, but in other discussions they had heard

about regularly scheduled use of the helipad on the average of once a month. Mr. Prenskey asked Ms. Pisarra to explain what the difference was between an emergency helipad and one that had regular scheduled daytime use.

Ms. Pisarra said that they were calling it an emergency helipad because it was not a place where a helicopter was stored or parked or flies out from to pick up patients; it would only be a site where a helicopter would bring a patient in, on an emergency basis. She also said with respect to a regular schedule, it was not for a car accident victim or anyone who would need help, e.g., shock trauma, and they were not talking about flights coming in at all hours of the day; the patients who would be transported in, would be patients who required open-heart surgery, which would be done during the day on a fairly regular scheduled basis.

Mr. Sharp explained that the nature of the emergency was the condition of the patient requiring the helicopter as opposed to an emergency helicopter that was in regular use to transport emergency situations.

Mr. Prenskey said he asked the question to be clarified for the people who lived in the immediate neighborhood, that the discussion of regular scheduled use at a very minimal level as had been presented to the neighborhood groups, the difference in the normal citizen's concept of an emergency situation, it was a confusing choice of words, but he would understand it to mean that emergency was the condition of the patient that would not benefit from a bumpy ride over a bridge.

Mr. Elrich asked if the only use of the helipad would be for cardiac care patients who would be scheduled for surgery shortly after they arrive at the hospital.

Ms. Pisarra responded yes; they had no intention of being a trauma center, nor were they applying for the right to be a trauma center.

Mr. Douglas said that one of the issues that had been discussed at worksession was the parking and the level of trips, and that there were less parking spaces than was currently needed and there was a need to provide adequate parking for what was being provided. He said the number of beds was not being expanded for the overnight patients and there was no need for parking spaces associated with that. He said that what he was confused about, was that as a result of being able to reconfigure and consolidate the emergency facility, there may be additional emergency room business and other outpatient business than in the past, and if that was correct, was there some trip generation data associated with that and would that create a need for parking and a number of trips out of that area.

Ms. Pisarra said there was a time-wait in the Emergency Room (ER) at present between the time you are admitted, registered, the wait to see a doctor, and there had been hours when a person had to wait. She said the expansion which they were addressing, would speed up that process, and they did not anticipate anymore than what would be a normal growth in the Emergency Room.

Mr. Brewer said that the parking ordinance required a certain number of spaces for a certain number of elements of use, e.g., when the hospital proposed to do 56,000 square feet of building, the zoning ordinance required that you add one space for each thousand square feet of building area, regardless of whether or not there were any new patient beds or any new patient employees. He said there were over 65 parking spaces just because of the square footage, and nine new employees on the major shift, they did not believe that when you looked at the required parking there was any access to meet the daily demand between the critical hours of 10:00 a.m. and 2:00 p.m., and the college parking was intended to fill that gap of inadequate daily parking during the peak hours, during the middle of the day, and not in the morning or evening. He also

said the traffic study which had been done, assumed that the 56,000 square feet would be fully occupied by new services and employees, although it really was not.

Mr. Douglas said that those nine new employees would generate a number of trips and Mr. Brewer indicated that the time of day was really off-peak. Mr. Douglas asked that if those nine employees supported new service in the hospital, was there an estimate of trip generation associated with that new service other than the employees themselves.

Mr. Brewer responded yes, and that was exactly what the traffic study indicated.

Craig Hedberg, Traffic Engineer, Integrated Transportation Solutions at WAH said that their analysis for the peak hour trip assumed the level of activity associated with the 56,000 square feet and added those trips into the worse peak hour of the day; morning and afternoon.

Mr. Sharp questioned if it was Shady Grove Hospital in Gaithersburg that was going to be buying a nursing home in Takoma Park.

Ms. Pisarra said that she had not been involved in those negotiations, but it was her understanding there was an entity being formed that would purchase and manage a nursing home.

Mr. Brewer said there was a regional entity that was the parent of all of the hospitals and healthcare areas in the Mid-Atlantic region, and it had a management company which formed with a nursing home already; Shady Grove Adventist Nursing Center, located on the County Life Sciences Center, adjacent to Shady Grove Hospital, which had been operating for over 4 years. He said the City of Gaithersburg issued bonds for its construction. Mr. Brewer said that those bonds were being refinanced and some additional money was being borrowed to expand one wing for domiciliary care beds. He said at that time, the City of Gaithersburg refinanced the existing bonds at the Shady Grove Adventist Nursing Center and it was contemplated, but not far along on purchase contracts that were not signed yet, that the regional entity would be the successful bidding purchaser of two existing nursing homes; one in Takoma Park and the other near Springbrook High School. The three nursing homes that were owned by the same parent would go through a finance and refinance through the existing bond issue or the city of Gaithersburg.

Mr. Sharp asked whether it be for profit or non-profit and what did it mean about the taxable status of that nursing home in Takoma Park.

Mr. Brewer responded that it would not be for profit, and he did not know whether or not the existing facility was tax-exempt. He said the purchase transaction was on the third draft of a contract, and there was some doubt whether or not the purchase would go through, but he was anticipating it would, and one of the issues that had not been addressed was what would happen to the subsequent taxable status of that property. He said with the non-profit entity owning the nursing home, there were other non-profit organizations that were entitled to a tax exemption but it was not an issue that his office had discussed.

Mr. Sharp said the issue was a pending one, and in effect, if it were taken off the tax rolls, a private organization would be telling the city of Takoma Park that they had to raise their taxes or cut their services to that extent. It also concerned him that the City of Gaithersburg was involved in it.

Mr. Wilson said that the City of Gaithersburg did not have jurisdiction or authority over the site where the facilities were; they were outside the City of Gaithersburg and the reason that they supported this activity was not a direct financial one, but a convenient one as far as their citizens were concerned; they wanted to see the hospital where it was because the closest one beyond that would be Montgomery General, and there was more of an altruistic sense in their participation.

Miss Habada indicated that she had received the following correspondence: Barbara Nesler, 24 Manor Circle wrote she was in support of the special exception; Marguerietta Lopez, 7711 Garland Avenue wrote in she supported the application, Bonnie Dopp and Dave Rodriguez, 210 Lincoln Avenue were in support of the proposal, but they had some reservations about the helipad. She also acknowledged the presence of the City's Engineer, Mr. Gilford, who drafted the Stormwater Report, which she handed out.

Henry Gilford, City Engineer City of Takoma Park said that a few days ago his office received a report along with drawings from a firm called Design Development Group, who represent the Washington Adventist Hospital, and they requested a Stormwater Management waiver for the parking garage that was being built at the WAH now. Mr. Gilford said they reviewed the documents and the drawings and they gave a conditional approval of what they perceived that should be submitted prior to final adoption of the Stormwater waiver. Mr. Gilford said they felt that Design Development had met those conditions but they had not submitted the final paperwork to his office.

Mr. Moore asked what were the requirements that a waiver applied to, and what would happen if they did not satisfy the waiver.

Mr. Gilford explained that the waiver would address the quality and quantity of the water; catch all the stormwater run-off and release it slowly and not exceed the rate that was entering the streams at present.

Mr. Elrich asked whether or not any of the counties were granting water quality waivers.

Mr. Gilford responded that he did not think so, and that they gave no proof of the water quantity as to what they would propose in the release compared to what they were releasing now. He said that they addressed the water quality issue in their original submission with an oil-grit separator.

Mr. Elrich noted in the memo, the conditional waiver of water quantity and quality was granted, and he did not want to waive the water quality; he wanted them to meet the water quality standards.

Mr. Douglas said that in the second paragraph of the letter it stated "to obtain a water quality waiver, the applicant must demonstrate that the proposed development would control a two-year development release rate". He asked did it mean water quality or water quantity, and why the release rate was related to quality as opposed to quantity.

Mr. Gilford said that it should be related to quantity, the first paragraph was correct and the other paragraph should not have addressed quality, because they did not ask for a quality waiver anyway.

Mr. Moore asked if there was a feel for an increase in quantity they would be looking at, as the way the proposal stood initially. Mr. Gilbert responded no, but they had storm drain calculations which were predominately for the new parking deck. Mr. Moore asked if the parking deck was the primary contributor to any increase or just the overall project. Mr. Gilbert responded no, the parking deck was the price contributor.

Miss Habada noted that the Planning Commission Staff Report would be out on June 17th, and they had a response on the hospital on items that had been discussed at a M-NCPPC development review meeting on May 29th at the Planning Commission; she also acknowledged the presence of Joan Simons, M-NCPPC Urban Design staff.

Mr. Douglas asked what issues did the report cover that would be available on June 17th.

Miss Habada responded that it would cover all the issues that had been seen before, with additions of addressing the legal status of the special exception of the college and college parking requirements (given the hospital's plans to lease parking spaces from the College).

Joan Simons from Urban Design Division, MNCPPC said that her office had looked at the submittal for conformity to the zoning regulations, including the use, building height, bulks, set backs and the parking; the number, the type of parking, e.g., handicapped spaces, motorcycles, and bicycles. Ms. Simons said that they had looked at vehicular circulation, which would be in relation to autos as well as ambulances and service vehicles. She also said they had looked at pedestrian circulation and landscaping lighting signage; the transportation division had looked at the capacity of intersections as related in their transportation study and her office had also looked at overall compatibility of the site. She continued by saying in reference to the deck planting, the hospital had agreed to plant the northwest upper level of the deck. She also said that the 78 student spaces would be redesignated as 78 hospital spaces as the hospital leased them; the bicycle and motorcycle parking would be indicated on the drawing and the pedestrian access from the parking decks was now being addressed. Ms. Simons said there would be a revised drawing for the circulation of the ambulances getting into the property and unloading the patients. She concluded by saying that they were asking for a condition which would encourage less dependency on the car and more use of transit; enhancement of the car pool, ride sharing, and they were also asking that the employees be subsidized by 50% of the cost of their transportation.

Mr. Elrich questioned if the city were to request a covenant on greenspace, could Park & Planning address that issue, because it was one of the major concerns in the neighborhood.

Ms. Simons responded that they had previously supported them in doing this because it was previously used for parking, and now the Commission encouraged that it be made into open-space.

Mr. Sharp asked about the timing on the Resolution which said that the Montgomery Planning Board would meet on June 20th and Montgomery County Board of Appeals would meet on July 3rd, and questioned if the schedule still stood.

Miss Habada replied yes, because Council did not have another voting session before the 20th it was scheduled in such a way as to take a position prior to the 10-day rule applicable under the Board of Appeals process.

Mr. Sharp said that it appeared to him that given the rules raised it would be tough to vote on it at present. He said he wanted to hear more comments from Council and citizens on the issue and he would recommend the Council not vote on the Resolution at present.

Mr. Douglas said he agreed with the Mayor and he supported his recommendation to have a special session on June 17th and take comments from citizens.

Mr. Elrich said at the meeting on the June 17th, Council could forward a Resolution which would endorse its support at a minimum

of MNPPC's staff recommendations.

Miss Habada said that all of them were not inclusive, but the items that were clear were that the college did not need a special exception and she agreed with the attorney's (and Dennis Canavan, M-NCPPC staff) opinion regarding the legal status of the College, so the parking which the college might have a problem with (by leasing space to the Hospital) might be a problem that Council may need to stay on top of, but there was no leverage legally in terms of the zoning code on that issue. The answer to the staff report on item No. 1 and the Resolution was moot because it was considered a religious institution which did not have to conform to any parking requirements. Miss Habada said in terms of the storm drain issue, the City would have a role in that prior to the building permit issuance, and she hoped it would not affect Council's decision to support the special exception application conditionally, because they would have to dictate what it was that they wanted them to do on storm drains because of the role of the City Water and Sewer Board (and its jurisdiction over stormwater management in the City of Takoma Park).

Mr. Elrich said that he was not in agreement with adopting all conditions and he was going to propose an addition which would be a covenant of easement as a condition of Council's approval.

Mr. Prensky said that he supported Mr. Elrich's amendment.

Miss Habada said that she received a citizen comment from Mary Crucio who was also speaking for her husband, Mr. Barry Rudy, homeowners who live at 7504 Carroll Avenue, who were strongly opposed to the helipad at the hospital, who said that in purchasing their home they had requested a list of airports in the area because of their sensitivity to and desire to have a home in a quiet area; the ambulance and fire trucks were noisy, and a helipad would only make it worse and they requested that their statement be put into the public record.

CITIZEN COMMENTS

Tom Gagliardo said that his first concern was that every time there was an amendment for the special exception, the discussion was limited to the change between now and the last change, rather than looking at the entire span of changes. He also said that he had lived across from the hospital for 8 years and he had lived in Takoma Park for 16 years and the changes at the hospital had been large, significant, and in some respects, detrimental. Mr. Gagliardo said that every time there was an incremental change, he heard a discussion about lighting; the lighting was still bad and could be better. He said there was a lot of noise on Maple Avenue, and a lot of it was generated by the hospital and by its cooling tower and other facilities. He also said that the greatest concern in the neighborhood was the helipad, he was willing to tolerate the noise of the helicopter, but he did not feel that this was what the helipad was about. Mr. Gagliardo said in his view, the helipad was necessary because the hospital competed with many other hospitals that had helipads. He said he was not concerned about the helipad because of noise pollution but because of safety; large trees surround the hospital, and the buildings are of various levels. He concluded his remarks by asking what would happen when the weather was bad and there was poor visibility with the various levels of buildings; what would be the safety precautions.

Sharon Snyder, 714 Maplewood Avenue said she could see the top of the building from her window and that she would also hear the helicopters when they land and that the noise was her major concern. Ms. Snyder said that the language that the hospital used to describe the frequency of the helicopter landings, was vague. She explained that in a handout she had from the hospital, it stated that the word "occasionally" was used quite a few times, and that was misleading; the helipad feature would bring in more revenues and the more it was used, the more money it would bring

turn into once a week, etc., and she did not see any guarantee that the helipad would only be used "occasionally". She also said that the helipad would generate more business and when people found out that it was available, they would want to use it, and as Mr. Gagliardo said "an open-heart surgery patient who may have gone to another hospital, now had the option available and what may have been "occasionally" would become "frequently".

Alex Clem, 714 Maplewood Avenue said that the hospital had been a very good neighbor and he preferred it to residents in a home. He also said that he had lived in Texas and Florida and he moved to Takoma Park in September 1991, and in each of those places, he had seen the quality of life deteriorate because of the lack of clear limitations. He also said that there should be explicit limits at both ends so as to avoid any questions in the future. Mr. Clem said there should be a clear message that the limited use would be as stated and that the hospital was a great neighbor and he would hate to see the same thing happen that he had seen happen in other cities that he had lived in.

Lynne Bradley, 8112 Flower Avenue said that she and her husband discussed the issue often, and although there had been a number of improvements, she still felt aggravated. She asked if there were any legal ways for the number of flights to be limited with the helipad and why was the hospital advertising on a radio station. She said there had been no safety plans exacted out of the hospital or public entities about what would happen if there was a flight along any part of the flight path; the area was very dense. She also asked if there had been any kind of independent analysis of how effective their ground transportation system was and had they lost patients and was that why they wanted to use helicopters and did they adequately staff it; what do other hospitals do in terms of ground transportation. She asked the Council to take at least 10 days to make the decision because there were key pieces of information missing that everyone needed to hear; from Park and Planning staff and on the Stormwater situation. Ms. Bradley continued by saying that the article which she passed out raised some other issues that were bigger than the helipad, which she felt would have a major, detrimental effect on the neighborhood and the long-term financial health of the hospital. She also said she read an article from the Modern Healthcare Business News which spoke of the organization of the Adventist healthcare system. She agreed with the Council to wait another week to make a decision on the issue and resist the helipad and to ask about the bond issue and the regional healthcare network.

Enid Hodes, 7418 Hancock Avenue said it seemed highly unlikely to her that the hospital proposed to have only occasional scheduled surgery for heart patients and she did not feel it was only going to be occasionally, and if they were going to be good at what they did, they were going to draw people in for that kind of sophisticated surgery, they were going to be bringing people in more than once a month. She said her other major concern was the noise and when the helicopters landed, there would be more noise, and her third reservation was the city's bonding capacity and whether they intended to back the bond and sign on. Ms. Hodes said she felt there should be some type of written agreement binding which would limit the number of flights and keep the hospital to what they were proposing to the number of flights in per month, and she did not feel there could be occasional usage, because you have to be more explicit than that to have something to protect the community from becoming like a downtown city hospital with chronic flights in there.

Jodi Hymes, 710 Maplewood Avenue said she lived directly across from the Emergency Service of the hospital and she looked directly out to the area that was going to be built on. She also said that she and her neighbors had complained to the hospital about the noise and had received excuses and had been told by staff there, that they would look into the situation but she had a very real

concern about noise. She continued by saying that the 700 Block of Maplewood Avenue was a "sound canyon" and the sound echoed and rose and went back and forth. Ms. Hymes said that the issue of the cooling towers had not been discussed and that it was a critical issue; it was not the noise but also the vibration that was annoying, also the anticipation of the noise was a health hazard. She said that there was a machine in the cooling tower that must have ratings, and she hoped that the EPA had a level of sound that had been calibrated, and if you go above it, it was injurious to human and if it was below it, you were fairly safe to live near it, and she said that she would like to request Council to measure the sound existing on Maplewood Avenue at the top and several points along the middle and at the bottom, and add the noise of a landing helicopter; the noise of increased traffic, and the noise of the cooling towers. Ms. Hymes said she had a real concern about the parking structure and about an expansion of the Outpatient Services. She said that Takoma Park had been very clever in its use of speed bumps to slow the traffic down, but it did not take into account the increase in the number of cars, and Maplewood Avenue was a major thoroughfare, a major cut-through from Sligo Creek Parkway, traffic spinning off E-W Highway, coming off Flower Avenue and Carroll Avenue and it was unacceptable to her on a residential street, to increase the traffic flow. She concluded by saying she wanted to know what the long-range plan was, and it seemed peculiar to her that the hospital would make such a sizable investment in a heliport for only one or two patients who were currently being accommodated in a landing space at the Takoma Academy, and the addition of a few parking spaces for a few doctors was an extraordinary amount of money to be spent for its current usage.

Tom Gagliardo said that at the worksession last week there had been a discussion about a reinforced structure, so that it would support additional stories than were now currently proposed for construction, he felt that it should be discussed by the hospital and indeed this was the middle slice of a larger and more disruptive plan, and it should be fully discussed.

Mr. Douglas said there had been a lot of questions that were mentioned at the worksession and it would be helpful to review some of that information for the record and it would help people to understand what was going on.

Ms. Pisarra said that District No. 5 for the Emergency Medical System was the area that encompassed Montgomery County and Prince George's County and she had a letter from Marie Cason which stated that the WAH was the only hospital in Montgomery and Prince George's Counties as well as southern Maryland, in District 5 that did not have the capability to land a helicopter on its campus, which did not mean that they had a helipad or heliport, it meant that they were capable of clearing out an area in a moment's notice to bring a helicopter down. She said in reference to the number of flights; Suburban Hospital averaged 24 flights per month, a hospital which took all comers; someone who would be injured in a car accident in that portion of the Beltway, or any area of Montgomery County going up Route 270, would go to Suburban and they still only average 24 flights per month; WAH had been running one per month and they were looking to continue that and there did not seem to be any reason why that would change. She also said that WAH had started its Open-Heart Program in 1967, and it did over 800 open-heart surgeries last year. Ms. Pisarra said the cost of the helicopter transport was approximately \$2,100.00; insurance companies were not overjoyed to pay \$2,100.00 for a helicopter ride to transport someone who could safely be transported by ambulance and the majority of the open-heart patients who came in for elective surgery probably walked in the door. She said that open-heart surgery is a more advanced surgery, but frequently people were diagnosed with a cardiac catheterization and they know that they need the surgery and the surgeon wants to operate on that patient before they are in the throes of an acute heart attack or

before they have part of their heart muscle die, and so those patients would not be coming in by ambulance. She said that they had a helicopter consultant come in and he examined three sites on campus as possibilities for emergency helipad locations; one area was on the roof of the proposed addition which was not wide enough; a second area was the area on the front lawn of Columbia Union College, helicopters don't drop down out of the sky, they have to come down on a descent that is a certain angle - the site at the college did not provide a clearance because there were trees and it was not considered an appropriate area. The helicopter consultant was the one who suggested putting it [the helipad landing area] on top of the 1970 building, which is high above the ground level. She also said that the support foundation would be capable of supporting additional floors.

Mr. Hamilton asked what was the relation of the hospital to the Takoma Academy at present, and was there a problem with using their helipad.

Ms. Pisarra responded no, it was an issue of "is that the best standard of care to give a patient who is critically ill; to transport them to a site, load them in an ambulance, drive them down Carroll Avenue, and unload them".

Mr. Hamilton asked if the project could go forward without the helipad.

Ms. Pisarra said they would prefer to see it as complete; they were trying to update the critical care that they rendered to the citizens of Maryland and that was part of it. She also said to remember there was no other hospital in District 5 that did not have that capability.

Mr. Prenskey asked whether or not the proposed foundation would be capable of holding 3 stories above what was currently proposed. Ms. Pisarra responded yes, it was in the application which meant that the 1970 building would come completely across and it would not extend above the 1970 building. Mr. Prenskey questioned in reference to the 5 patients that came for care using the helicopter from Takoma Academy, how many of those patients were residents of Takoma Park.

Ms. Pisarra said that none of them were residents of Takoma Park. She also said that it would be possible coming from Prince George's Hospital or Doctor's Hospital in Lanham but she never looked at their site of residence.

Mr. Prenskey said that there was a concern of Takoma Park and the facilities and resources that the hospital provided for the citizens, and he believed that the Coronary Care Unit (CCU) was a tremendous resource to the citizens of the city, but he did not feel the helipad was a particular benefit to the residents of Takoma Park.

Mr. Douglas asked were they going to use the existing cooling towers, and not build a new one. He said the concern was a real one - the cooling towers were there now and are still a problem, and could she tell whether or not the old technology would be replaced and was there anything to muffle the noise.

Ms. Pisarra said yes, because it was an issue that was raised at least at one of the community meetings, and she believed that someone last week mentioned it as well. She continued by saying there were two issues; one was the cooling towers and the other was something called the "turbine" (an emergency generator) and the hospital was required by law to test the turbine every Friday so that if the lights were to go out, there was a 10-second emergency generator that enabled the ventilators to keep going and the IVs on its own power. She said as far as the cooling towers, they had been an issue; it was older, and the plant services had said that

it was several hundred thousand dollars; nothing small to replace. She also said because it was sufficient to service the new area, they were not looking at replacing them as of yet, but they were investigating some type of a muffler which might help to alleviate the noise, but she said she could not commit herself because she did not have the final answers yet.

Mr. Douglas suggested that the community be informed of what the expected outcome was to be and some sense of what would be happening on the site was needed. Mr. Douglas said he found it unnerving to be told that there were no plans; there must be some kind of plans in the making.

Ms. Pisarra said that the aging of the facility was a concern. She said in the past they had a member of the Council on the Board of Directors at the hospital, but that was no longer so. Ms. Pisarra also said that on June 11th, they would be orienting a new Board member who was a resident of Takoma Park, in addition they would also be reactivating to Strategic Planning Committee and would be looking to the community for representatives to sit on that committee, and be able to hear what was going on, and she felt that was the bridge that Council was looking for. She concluded by saying that maybe it would help the channel of communication if members of the community were allowed to hear what was being brainstormed and provided some of that as input, and maybe it would help that channel.

Mayor Sharp suggested resolving what was going to be done at the meeting.

Mr. Elrich asked if the color of the whole building would be white or was it just a strong concern about the brightness of the building.

Ms. Pisarra responded by saying that she thought aesthetically the colors needed to go together.

Mr. Elrich said that he was still troubled by the helicopter; he said none of the other hospitals had a heart department comparable to WAH, and he assumed that the use of the helipad and the capability to land the helicopter for other reasons, other than open heart surgery and for people who can't be transported there because they were at-risk, but once the helipad was on campus, what was to prevent WAH from using it for all the things that all the other hospitals that had a helipad used it for; why not use it the way they use it.

Ms. Pisarra said that she contacted Suburban Hospital because there was a great deal of concern in the community that they were leading up to a Trauma Center, and she was trying to show that even at a Trauma Center, the use was less than once a day.

Mr. Elrich asked if they could give a demonstration by flying the helicopter to see just what the noise level would be. Ms. Pisarra replied that she would try to work that out.

Mayor Sharp questioned how much heart surgery per year did the WAH perform. Ms. Pisarra replied about 800 cases. Mayor Sharp asked how many patients had not come to the WAH because of the helipad set up that was in use at present. Ms. Pisarra replied that she did not have the number available.

Mr. Prenskey commented that the issue did not have to be wrapped up at the present time and he would propose a 25-year term for the land covenant on the open space buffer for Council's consideration next time, and he would like to see the hospital come back to Council by June 17th with more clarity and certainty in some of the areas that were addressed; particularly those of Mr. Gagliardo, and he would also like to hear whether or not they could set some limitation on the allowed number of helicopter flights per month

over a year's basis, and he would like to hear the hospital's response to the proposal for a 25-year covenant. He also said that he would like to hear an action plan from the hospital, addressing the current unacceptable level of noise from the cooling towers and see a report from the hospital's engineers that would tell whether or not the cooling towers would be operating for longer periods of time to cool an additional 56,000 square feet. Mr. Prenskey said that he had a certain discomfort with the vagueness and lack of certainty in all of those areas and he felt it would give a great deal of satisfaction to both the citizens in the community as well as Council, to hear some clarity, to write down some of those concerns that you know would be addressed in future expansion needs, but not necessarily plans.

Mr. Hamilton asked how the helipad affected the citizens at the present time and was it feasible that the project go without the helipad.

Mr. Douglas indicated that in the letter Council received from the engineers regarding storm water management, it was clear that there were technical problems and also it should be phrased in terms of a recommendation to Council and he did not feel the City engineer were in a position to grant or not grant waivers.

Mr. Sharp asked Miss Habada if there was a problem with taking the issue up again on June 17th. Miss Habada responded that it was not a problem, but the staff report would not be available for the Friday package; it would have to be handed out and read by the Council on Monday night as she would be picking it up at the end of the day on Monday.

COUNCIL ACTION

Mayor Sharp made a motion to reconsider the present item for Monday, June 17th in special session and said it would be the first item on the Agenda.

3. Resolution of Intent to Provide For Funding for Gypsy Moth Spraying

Moved by Ms. Porter and seconded by Mr. Douglas.

COUNCIL ACTION: The Resolution passed unanimously. (Absent: Leary)

RESOLUTION NO. 1991-52 (Attached)

4. Second Reading Ordinance - FY'92 City Budget

Moved by Mr. Hamilton; seconded by Mr. Elrich.

Mr. Douglas said the memo which was in the Friday package was in reference to the loan at 7611 Maple Avenue (a commitment made to the tenant's association for \$40,000), and he wondered was the \$40,000 included in the unappropriated reserve that Council was using for this year's budget or was it held separately. Mr. Douglas asked since they had not exercised their option, if Council decided to carry it over to the next fiscal year, would there still be \$40,000 available. Mr. Wilson responded yes.

Mr. Prenskey said in the proposed Ordinance presently before Council, Section No. 1 where it spelled out the amount in words, the words needed to be changed to correct the total.

Mr. Douglas said that a constituent called him about the community-oriented policing program which he explained had nothing to do with whether there was funding in the budget for the program. He said it was a program where police would make themselves available to the public. He also said that he hoped citizen complaints would decrease as money was spent to train people to be more community-oriented.

Mr. Wilson said that what Mr. Douglas spoke of was the opposite of what his office was trying to generate. He also said that he was told that the operation would be to identify areas that police officers would be assigned to; those things would be accumulated on the list up front, which would be the working list that the officer would continue to deal with when he/she was not on call. He said therefore, it was a matter of putting this kind of thing at a higher level of priority and a system output of service rather than just call for emergency service.

COUNCIL ACTION:

The Ordinance was adopted by unanimous vote at second reading.
(Absent: Leary)

ORDINANCE NO. 1991-12
(Attached)

5. Second Reading Ordinance - FY'92 Stormwater Budget

Moved by Mr. Elrich; seconded by Mr. Prensky. Mr. Elrich moved to convene as the Water and Sewer Board, and Mr. Prensky seconded.

Mayor Sharp said this was the first year that there was a detailed Stormwater budget and he was pleased to see it.

Mr. Prensky said that City Engineer Mr. Gilford attended the meeting of the Westmoreland Area Community Organization, and was provided with a great deal of input by the citizens, and they appreciated his attention to the matter as well as the City's.

COUNCIL ACTION:

The Ordinance was adopted by unanimous vote at second reading.
(Absent: Leary)

ORDINANCE NO. 1991-11
(Attached)

6. First Reading Ordinance Amending FY'91 Stormwater Budget

Moved by Mr. Hamilton; seconded by Mr. Elrich.

COUNCIL ACTION: The Ordinance was accepted at first reading.

ORDINANCE NO. 1991-17
(Attached)

7. Second Reading Ordinance - FY'92 Tax Rate

Moved by Mr. Elrich; seconded by Mr. Hamilton.

Mr. Douglas said that he felt the present approach put a lot of pressure on Council in terms of use of unappropriated reserves and use of the 2% contingency. He said it was imperative that the Charter amendment which he proposed on this issue be looked at to get a better handle on how Council handled contingencies and unappropriated funds.

Mr. Elrich expressed concern with adopting the amendment. Mr. Prensky said that he would propose the city's financial statements be done on a quarterly basis with a clear spreadsheet, which would show the variance from the adopted budget, and would give Council a clear set of choices to address what seemed to have been newly-discovered, that recently two-thirds of the contingency was only supposed to be reappropriated on Council action and not solely at the discretion of the City Administrator.

Mr. Sharp said that the budget was prepared with an assumption of a tax rate of 1.773 cent per \$100 in access valuation. He said between the first and second reading, the proposal was made and agreed to, to lower the tax rate 2.1 cents, which brought the rate down to 1.752 cent; part of the rationale for that had to do with the contingency that was in the Charter at 2% of the budget and how that contingency could be seen as the way in which the Council and

City Administrator managed for uncertainties which came up over the course of the year. Mr. Sharp said that Mr. Douglas had put a proposal before Council that would come to public consideration next week, to amend the Charter regarding the annual minimum general contingency appropriation level.

COUNCIL ACTION: The Ordinance was adopted by unanimous vote at second reading. (Absent: Leary)

ORDINANCE NO. 1991-13
(Attached)

8. Second Reading Ordinance - FY'92 Employee Pay Plan
Moved adoption by Mr. Prensky; seconded by Mr. Hamilton.

COUNCIL ACTION: The Ordinance was adopted unanimously. (Absent: Leary)

ORDINANCE NO. 1991-14
(Attached)

9. Second Reading Ordinance - FY'92 Executive Pay Plan
Moved by Mr. Hamilton; seconded by Mr. Elrich.

COUNCIL ACTION: The Ordinance was adopted unanimously. (Absent: Leary)

ORDINANCE NO. 1991-15
(Attached)

10. First Reading Ordinance - FY'91 Budget Amendment No. 2
Mayor Sharp asked to separate out one section of the ordinance because there was an item that he should not participate in which had to do with Mutual Housing Association grant, and he would like that Special Revenue Item (e) on Page 2 be pulled out. There was no objection on this. Mr. Sharp and Mr. Elrich then recused themselves.

COUNCIL ACTION: The Ordinance was moved by Mr. Hamilton, seconded by Mr. Prensky and accepted at first reading.

ORDINANCE NO. 1991-18
(Attached)

11. Resolution Re-Appointing William Ramsey and Debrah Carr to COLTA
Moved by Mr. Hamilton; seconded by Mr. Elrich.

COUNCIL ACTION: The Resolution passed unanimously. (Absent: Leary)

RESOLUTION NO. 1991-53
(Attached)

12. Resolution Appointing Tree Commission Members
Mayor Sharp said that the City Administrator had suggested the Council wait to make appointments to the Tree Commission. He said he was also interested in scheduling an interview for an additional member to that Commission, and he would like to have the interview at 7:15 p.m. on Monday, June 17th. Mr. Douglas indicated that Council would still be accepting applications until the morning of Friday, June 14th.

13. Resolution Appointing Nominees to CDBG Citizens Advisory Committee for PY18
Moved by Mr. Hamilton; seconded by Mr. Moore.

COUNCIL ACTION: The Resolution passed unanimously. (Absent: Leary). Mr. Prensky asked that Ms. Jewell check and see whether there was an alternate member proposed for WACO and let Mr. Prensky know.

RESOLUTION NO. 1991-54
(Attached)

14. Resolution Acknowledging Flag Day - June 14, 1991 - Withdrawn.

15. Resolution In Support of Program Open Space Funding
Moved by Mr. Hamilton; seconded by Mr. Douglas.

The Mayor said that the State Legislature would be coming back into session to repair a budget deficit problem and they would pull money out of the POS program which was funded from transfer-tax. Mr. Sharp said he would like Councilmembers to make phone calls to Takoma Park delegates about the concern.

Mr. Prensky noted that in the MML memorandum, there was a suggestion that any unused money or remaining money be returned to Project Open Space first and he asked Council to consider amending its Resolution to include that recommendation; Mr. Moore seconded the amendment.

COUNCIL ACTION: The Amendment failed 4 to 1. The Resolution passed unanimously. (Absent: Leary)

RESOLUTION #1991-55
(Attached)

Additional Matters

1. Maryland Energy Policy Commission

The Mayor indicated that the MEPC would be meeting this Summer and Fall to develop a policy by January 1, 1992 with regard to energy in Maryland. No members of the Council expressed an interest in serving on this Commission. Mr. Wilson will let Jon Burrell, MML Executive Director know.

2. Capital Improvement Program

Mayor Sharp asked if any of the Councilmembers were interested in initiating discussions of the City's 5-year CIP program, in July. He proposed that a 3-year projection be put in front of the Council during a July worksession. The Council agreed to this.

3. Council Summer Recess - There was no consensus on Mayor Sharp's proposal to recess the first two weeks of August and meet during the third and fourth weeks. The Council agreed to discuss this topic at the June 17th worksession.

Upon motion duly made and seconded, Council convened at 11:20 p.m. to reconvene on Monday, June 24, 1991.

Introduced By: Councilmember Elrich
Drafted By: Darlene Morning

ADOPTED:

Resolution No. 1991-51

Resolution regarding Special Exception application for 7921 Sligo Creek Parkway

WHEREAS, The petitioners, Benjamin and Beate Beck have submitted an application to the Montgomery County Board of Appeals for a special exception to allow an accessory apartment at 7921 Sligo Creek Parkway, Takoma Park, MD; AND

WHEREAS, this property is located in the City of Takoma Park and the application has been referred to the City for review; AND

WHEREAS, the application has been reviewed by City Staff, and Staff has recommended approval of the application on the basis of the property evaluation of April 25, 1991 and the staff report dated May 31, 1991; AND

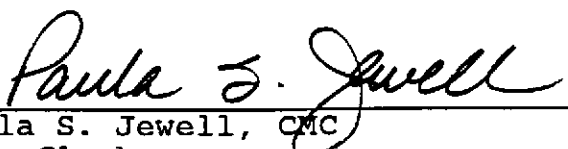
WHEREAS, the City Council has taken into consideration public comments received on the subject application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby recommend Montgomery County Board of Appeals SUPPORT of the subject exception and APPROVAL of the subject application; AND

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 10th DAY OF June, 1991.

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Porter

RESOLUTION NO. 1991-52

A Resolution expressing the Council's commitment to undertake spraying and other measures to control gypsy moths, if necessary, in Spring 1992.

- WHEREAS,** the extensive urban forest is a valued and important feature of Takoma Park which benefits all citizens of the City; **AND**
- WHEREAS,** the gypsy moth poses a serious threat to the continued existence of the urban forest in Takoma Park; **AND**
- WHEREAS,** control of gypsy moths require a comprehensive, integrated approach of education and treatment; **AND**
- WHEREAS,** in 1989 the City of Takoma Park undertook a City-wide spraying program in order to protect the urban forest and to avoid the uneven coverage and inequitable distribution of costs incurred by the privately sponsored spraying effort in 1988; **AND**
- WHEREAS,** gypsy moth activity at this time indicates a potential problem in 1992; **AND**
- WHEREAS,** the need for, or extent of, a 1992 gypsy moth control program will not be known for several months; **AND**
- WHEREAS,** the Council recognizes the importance of an active City role if a gypsy moth control program is necessary in 1992;

NOW THEREFORE BE IT RESOLVED THAT if a control program is necessary in 1992, up to \$40,000, to be derived from Unappropriated Reserves, will be used to conduct such a program, including spraying, citizen education, and other means; **AND**

BE IT FURTHER RESOLVED THAT in order for the Council to make a decision on the scope of any such control program in a timely manner, the City Administrator is requested to monitor the need for program by coordinating with State, County, and other appropriate officials and with the City's Gypsy Moth Task Force and other local groups or individuals, and by assisting in the conduct of egg mass counts and the gathering of other information that will be necessary for the Council to make a decision in Spring 1992 on the need for a 1992 control program.

Adopted the 10th day of June, 1991

Introduced by: Councilmember Hamilton

1st Reading: 5/28/91

2nd Reading: 6/10/91

ORDINANCE NO. 1991-12

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1991 AND ENDING JUNE 30, 1992.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1991 and ending June 30, 1992;

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 1992, there shall be, and hereby are appropriated General Fund revenues of [EIGHT MILLION, FIFTY ONE THOUSAND AND SIX HUNDRED AND ONE DOLLARS (\$8,051,601)] SEVEN MILLION, NINE HUNDRED NINETY-NINE THOUSAND AND FORTY THREE DOLLARS (\$7,999,043) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY 92 budget as follows:

Taxes-Local	\$ [4,414,943]	<u>\$4,363,185</u>
Taxes-State Shared	\$ 1,013,664	
License & Permits	\$ 13,600	
Revenue from other Agencies	\$ 1,913,747	
Service Charges	\$ 328,720	
Fines & Forfeitures	\$ 163,000	
Miscellaneous	\$ <u>203,927</u>	
SUBTOTAL	\$[8,051,601]	<u>\$7,999,043</u>

Prior year surplus/unappropriated reserve \$470,317
Equipment Replacement Reserve allocation 50,000

TOTAL \$[8,571,918] \$8,520,160

SECTION 2. THAT the City Administrator is hereby authorized to transfer funds to the FY 1992 budget from the prior year surplus and/or Unappropriated Reserve in the amount of \$470,317.

SECTION 3. THAT there shall be, and hereby are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1991-92 Fiscal Year:

Public Works	\$[2,477,117]	<u>\$2,492,117</u>
Police Department	\$ 2,182,747	
Non-Departmental	\$ 1,278,350	
Government Administration	\$ 919,852	
Housing & Community Development	\$ 574,429	
Library	\$ 409,472	
Cable	\$ 74,334	
Recreation	\$ 373,174	
Debt Service	\$ 174,022	
General Fund Transfer to Special Revenue Fund	\$ 24,750	

TOTAL EXPENDITURES \$[8,488,247] \$8,503,247

Contribution to Equipment Replacement Reserve 8,929

Salary Lapse (49,436)

AUTHORIZED FY 92 EXPENDITURES [8,447,740] \$8,462,740

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the NonDepartmental Budget, a General Contingency Account appropriation of ONE HUNDRED SIXTY ONE THOUSAND, THIRTY TWO DOLLARS (\$161,032);

SECTION 5. THAT in accordance with Article IX of the City Charter, Section 904 (b) the City Administrator is hereby authorized to allocate EIGHT THOUSAND NINE HUNDRED TWENTY NINE DOLLARS (\$8,929) from Unappropriated Reserve to the Equipment Replacement Reserve and allocate \$47,000 earmarked for a FY 92 purchase of a Trash Truck which will not be purchased in FY 92, to fund the remaining portion of the FY 92 Equipment Replacement Reserve payment [for a total FY 1992 Equipment Replacement Reserve allocation] of FIFTY FIVE THOUSAND, NINE HUNDRED TWENTY NINE DOLLARS (\$55,929);

SECTION 6. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal or State funded projects with Revenues of SEVEN HUNDRED FOURTEEN THOUSAND AND THREE HUNDRED TWELVE DOLLARS (\$714,312) inclusive of a General Fund Transfer of TWENTY FOUR THOUSAND, SEVEN HUNDRED FIFTY

DOLLARS (\$24,750) and an Expenditure appropriation of SEVEN HUNDRED FOURTEEN THOUSAND AND THREE HUNDRED TWELVE DOLLARS (\$714,312); AND

- SECTION 7. THAT the City Administrator is hereby authorized to allocate \$50,000 to the FY 92 Budget from the Equipment Replacement Reserve for the purchase of a recycling vehicle.
- SECTION 8. THAT the Council hereby ratifies the stormwater management budget for FY 1991-92 adopted by the Water and Sewer Board by Ordinance #1991-11.
- SECTION 9. THAT the FY 92 operating budget shall reflect a salary lapse of \$49,436.
- SECTION 10. THAT the approved FY 92 Budget Document is to be made a part of this Ordinance by reference.
- SECTION 11. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.
- SECTION 12. THAT this Ordinance shall become effective July 1, 1991.

Adopted this 10TH day of June, 1991, by Roll Call Vote:

AYES: Douglas, Elrich, Hamilton, Moore, Porter, Prensky
NAYS: None
ABSTAIN: None
ABSENT: Leary

d#O/R2
O-92BUD

(Drafted by: B. Habada)

Introduced by:
Councilmember Elrich

1st Reading: 5/28/91
2nd Reading: 6/10/91

ORDINANCE NO. 1991-11

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 92 BEGINNING JULY 1, 1991 AND ENDING JUNE 30, 1992.

WHEREAS, Article XII, Section 1201 of the Takoma Park City Charter states that the Council shall by ordinance, be designated the Water and Sewer Board with all the powers therein, AND;

WHEREAS, Ordinance 1990-19, adopted 29th day of May, 1990, established a Water and Sewer Board for the City of Takoma Park and thereby designated the Council as the Water and Sewer Board, AND;

WHEREAS, Article 29, Section 3-205 of the Annotated Code of Maryland authorizes the levying of an ad valorem tax for stormwater management by the City, AND;

WHEREAS, Article XII, Section 1205 of the Takoma Park City Charter states that the Water and Sewer Board is empowered to provide by ordinance for an ad valorem tax on property in order to raise sufficient annual revenue to pay for stormwater management activities in the City; AND

WHEREAS, the Water and Sewer Board desires to maintain a Storm Water Management Fund for the collection and payment of revenues and expenditures as it deems necessary to provide for the construction, maintenance, operations and repair of the storm water drainage system in the City.

NOW THEREFORE BE IT ORDAINED BY THE WATER AND SEWER BOARD OF THE CITY OF TAKOMA PARK

SECTION 1. THAT for the 1991-92 fiscal year, an ad valorem tax of 8 cents per \$100.00 on assessed property valuation in the City is hereby established to be used for stormwater management activities.

STORMWATER MANAGEMENT BUDGET ORDINANCE

SECTION 2. THAT a Stormwater Management Fund as previously established by Ordinance No. 1990-25 shall be maintained into which shall be deposited:

(a) All the receipts and revenues from ad valorem taxes, user charges, and utility fees levied by the City to pay for stormwater management; AND

(b) All charges, fees, fees-in-lieu, and other contributions received from any person or governmental entity in connection with stormwater management activities or practices.

SECTION 3. THAT from and out of the monies known to be received from the 8 cent ad valorem tax established by Section 1 of this Ordinance and levied by the FY 92 Tax Rate Ordinance (Ordinance No. 1991-13), and from all monies to come into all funds during the twelve (12) month period ending June 30, 1992, there shall be, and hereby are appropriated Storm Water Management Fund revenues of TWO HUNDRED EIGHT THOUSAND, SEVEN HUNDRED AND SEVENTY NINE DOLLARS (\$208,779) as follows:

Local Taxes	\$208,779
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SECTION 4. THAT there shall be, and hereby are appropriated the following sums for use for the support of storm water management activities during the 1991-92 Fiscal Year:

Storm Water Management Expenditures	\$208,779
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SECTION 5. THAT the approved FY 92 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

Page Three
STORM WATER MANAGEMENT BUDGET ORDINANCE

SECTION 6. THAT a Stormwater Management Capital Reserve as established by Ordinance 1990-25 adopted June 11, 1990 is maintained at a reserve level of \$48,337 for storm water system capital improvement expenses that the Council may approve from time to time.

SECTION 7. THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 8. THAT this Ordinance shall become effective July 1, 1991.

Adopted this 10th day of June, 1991 by Roll Call Vote of the Water and Sewer Board for the City of Takoma Park:

AYES: DOUGLAS, ELRICH, HAMILTON, MOORE, PORTER, PRENSKY
NAYS: NONE
ABSTAIN: NONE
ABSENT: LEARY

d#O/R2
0-92STRM

First Reading: June 10, 1991
Second Reading:

Upon motion by Councilmember Hamilton, duly seconded by Councilmember Prensky, the following Ordinance was introduced.

ORDINANCE #1991-17
FY 91 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 STORM WATER MANAGEMENT BUDGET

BE IT ORDAINED AND ENACTED BY THE WATER AND SEWER BOARD OF TAKOMA PARK, MARYLAND

SECTION 1. that the Fiscal Year 1991 Storm Water Management Budget be amended as follows:

REVENUE AMENDMENTS

- a. A new revenue account, Miscellaneous-Other is created with an appropriation of \$1,000.

EXPENDITURE AMENDMENTS

- a. Transfer \$4,000 from Account 0030-3700-5305, Repair Materials, to Account 0030-3700-6145, Subcontract Work, to cover additional storm drain cleaning expenses to be incurred in FY 91.
- b. A new line item, Account 0030-3700-6105, Engineering Services is created with \$5,000 transferred to this account from Account 0030-3700-6915, Equipment Rental, \$1,000 transferred from Account 0030-3700-5305, Repair Materials and a \$1,000 appropriation made for a total appropriation of \$7,000 to cover engineering expenses incurred in FY 91.

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Page Two
FY 91 Storm Water Management Budget - Amendment

Upon motion by _____, duly seconded by _____
_____, the ordinance was adopted by roll call vote of the
Water and Sewer Board as follows:

AYE:
NAY:
ABSTAIN:
ABSENT:

d#O/R2
O-91STM1

Introduced by:
Councilmember Elrich

1st Reading: 5/28/91
2nd Reading: 6/10/91

ORDINANCE NO. 1991-13

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 1992 BEGINNING JULY 1, 1991 AND ENDING JUNE 30, 1992.

WHEREAS, in accordance with Section 6-303 of the Tax Property Article of the Annotated Code of Maryland, the City Council is mandated to establish a municipal incorporation tax rate on or before the first day of July of each year; AND

WHEREAS, the Council sitting as the Water and Sewer Board, by Ordinance No. 1991-11 set an ad valorem tax on property at 8 cents per \$100 assessed valuation for storm water management.

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

SECTION 1. THAT Section 11A-2, Chapter 11A, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

Section 11A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1991, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of [~~\$1.773~~] \$1.752 per \$100.00 assessed valuation, including an equivalent of 22.7 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 8 cents per \$100.00 assessed valuation for storm water management to be distributed to the Storm Water Management Fund.

SECTION 2. THAT this Ordinance shall be effective July 1, 1991.

Adopted this 10th day of June, 1991.

AYES:
NAYS:
ABSTAIN:
ABSENT:

O-92TXRA

Introduced by: Councilmember Prensky

First Reading: 5/28/91
Second Reading: 6/10/91
Effective: July 1, 1991

ORDINANCE NO. 1991-14

Short Title: Pay scale for employees.

AN ORDINANCE TO:

(a) Amend the pay scale for employees for FY 92, tied to the position classification schedule as adopted by Ordinance No. 1986-53, as amended.

WHEREAS, the City has negotiated a union contract with AFSCME Local 3399, and Local 400 of the United Food and Commercial Workers Union that includes a 5% cost-of-living adjustment for FY 1992;

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

SECTION 1. PAY SCALE PLAN.

Ordinance No. 1990-27 is hereby amended and the following pay scale is adopted as the new Pay Scale Plan for the City for the Fiscal Year beginning July 1, 1991 and ending June 30, 1992. This Pay Scale Plan will become effective July 1, 1991, and will remain in effect until amended or repealed by the City Council:

(a) City Administrator. The pay scale for the City Administrator is as follows:

STEP:	A	B	C	D	E	F
	41,846	43,520	45,261	47,071	48,954	50,912
	G	H	I	J	K	
	52,949	55,067	57,269	59,560	61,943	

(b) Recreation attendant. The pay scale for recreation attendants is as follows:

STEP	A	B	C	D	E	F
	<u>11,746</u>	<u>12,168</u>	<u>12,654</u>	<u>13,058</u>	<u>13,526</u>	<u>14,018</u>
	G	H	I	J	K	
	<u>14,523</u>	<u>15,051</u>	<u>15,595</u>	<u>16,163</u>	<u>16,777</u>	

(c) Crossing guard. The pay scale for crossing guards is as follows:

STEP:	A	B	C
	<u>\$9.54/hour</u>	<u>\$10.31/hour</u>	<u>\$11.14/hour</u>

(d) All other employees. The pay scale for all other employees is as shown on the following 36 percent scale: (see next page).

(e) Special rule for employees who are represented by a certified employee organization.

All employees represented by a certified employee organization will be paid according to the terms of the collective bargaining agreement, as it was adopted by Council pursuant to the provisions in Article 2 of Chapter 8B of the City Code.

Adopted this 10th day of June by roll call vote as follows:

AYES: Douglas, Elrich, Hamilton, Moore, Porter, Prensky
NAYS: None
ABSTAIN: None
ABSENT: Leary

NOTE: Underlining indicates new language to be added. Brackets [] indicate language to be deleted.

FY - 92 PAY PLAN (5%)

		A	B	C	D	E	F	G	H	I	J	K
GRADE	Starting Pay	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	ANNUAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL	BIENNIAL
Percentage Increase		4.25%	4%	3.75%	3.5%	3.25%	3%	2.75%	2.5%	2.25%	2.10%	
1	Annual	\$15,049.13	\$15,688.72	\$16,316.26	\$16,928.12	\$17,520.60	\$18,090.02	\$18,632.72	\$19,145.13	\$19,623.75	\$20,065.29	\$20,486.88
	Weekly	\$289.41	\$301.71	\$313.77	\$325.54	\$336.93	\$347.89	\$358.32	\$368.18	\$377.38	\$385.87	\$393.68
	Hourly	\$7.24	\$7.54	\$7.84	\$8.14	\$8.42	\$8.70	\$8.96	\$9.20	\$9.43	\$9.65	\$9.85
2	Annual	\$16,177.21	\$16,864.73	\$17,539.33	\$18,197.05	\$18,833.95	\$19,446.05	\$20,029.44	\$20,580.25	\$21,094.74	\$21,569.38	\$22,022.88
	Weekly	\$311.10	\$324.32	\$337.29	\$349.94	\$362.19	\$373.96	\$385.18	\$395.77	\$405.67	\$414.80	\$423.22
	Hourly	\$7.78	\$8.11	\$8.43	\$8.75	\$9.05	\$9.35	\$9.63	\$9.89	\$10.14	\$10.37	\$10.60
3	Annual	\$17,390.77	\$18,129.88	\$18,855.07	\$19,562.14	\$20,246.80	\$20,904.83	\$21,531.98	\$22,124.10	\$22,677.20	\$23,187.44	\$23,674.88
	Weekly	\$334.44	\$348.65	\$362.60	\$376.19	\$389.36	\$402.02	\$414.08	\$425.46	\$436.10	\$445.91	\$455.00
	Hourly	\$8.36	\$8.72	\$9.06	\$9.40	\$9.73	\$10.05	\$10.35	\$10.64	\$10.90	\$11.15	\$11.40
4	Annual	\$18,695.83	\$19,490.40	\$20,270.01	\$21,030.15	\$21,766.20	\$22,473.59	\$23,147.80	\$23,784.37	\$24,378.98	\$24,927.50	\$25,450.88
	Weekly	\$359.54	\$374.82	\$389.81	\$404.43	\$418.58	\$432.18	\$445.15	\$457.39	\$468.83	\$479.37	\$489.11
	Hourly	\$8.99	\$9.37	\$9.75	\$10.11	\$10.46	\$10.80	\$11.13	\$11.43	\$11.72	\$11.98	\$12.23
5	Annual	\$20,097.20	\$20,951.33	\$21,789.38	\$22,606.49	\$23,397.72	\$24,158.14	\$24,882.88	\$25,567.17	\$26,206.34	\$26,795.97	\$27,350.88
	Weekly	\$386.48	\$402.91	\$419.03	\$434.74	\$449.96	\$464.58	\$478.52	\$491.68	\$503.97	\$515.31	\$525.88
	Hourly	\$9.66	\$10.07	\$10.48	\$10.87	\$11.25	\$11.61	\$11.96	\$12.29	\$12.60	\$12.88	\$13.13
6	Annual	\$21,604.52	\$22,522.72	\$23,423.63	\$24,302.01	\$25,152.58	\$25,970.03	\$26,749.14	\$27,484.74	\$28,171.86	\$28,805.73	\$29,410.88
	Weekly	\$415.47	\$433.13	\$450.45	\$467.35	\$483.70	\$499.42	\$514.41	\$528.55	\$541.77	\$553.96	\$565.33
	Hourly	\$10.39	\$10.83	\$11.26	\$11.68	\$12.09	\$12.49	\$12.86	\$13.21	\$13.54	\$13.85	\$14.13
7	Annual	\$23,225.01	\$24,212.07	\$25,180.55	\$26,124.82	\$27,039.19	\$27,917.97	\$28,755.51	\$29,546.28	\$30,284.94	\$30,966.35	\$31,610.88
	Weekly	\$446.63	\$465.62	\$484.24	\$502.40	\$519.98	\$536.88	\$552.99	\$568.20	\$582.40	\$595.51	\$608.66
	Hourly	\$11.17	\$11.64	\$12.11	\$12.56	\$13.00	\$13.42	\$13.82	\$14.20	\$14.56	\$14.89	\$15.19
8	Annual	\$24,967.10	\$26,028.20	\$27,069.34	\$28,084.42	\$29,067.38	\$30,012.08	\$30,912.43	\$31,762.52	\$32,556.59	\$33,289.10	\$33,988.88
	Weekly	\$480.14	\$500.54	\$520.56	\$540.09	\$558.99	\$577.16	\$594.47	\$610.82	\$626.09	\$640.18	\$653.11
	Hourly	\$12.00	\$12.51	\$13.01	\$13.50	\$13.97	\$14.43	\$14.86	\$15.27	\$15.65	\$16.00	\$16.33
9	Annual	\$26,839.21	\$27,979.88	\$29,099.07	\$30,190.29	\$31,246.94	\$32,262.48	\$33,230.34	\$34,144.17	\$34,997.78	\$35,785.23	\$36,536.88
	Weekly	\$516.14	\$538.07	\$559.60	\$580.58	\$600.90	\$620.43	\$639.05	\$656.62	\$673.03	\$688.18	\$702.11
	Hourly	\$12.90	\$13.45	\$13.99	\$14.51	\$15.02	\$15.51	\$15.98	\$16.42	\$16.83	\$17.20	\$17.53
10	Annual	\$28,852.18	\$30,078.40	\$31,281.53	\$32,454.60	\$33,590.50	\$34,682.19	\$35,722.66	\$36,705.04	\$37,622.65	\$38,469.16	\$39,277.88
	Weekly	\$554.85	\$578.43	\$601.57	\$624.13	\$645.97	\$666.97	\$686.97	\$705.87	\$723.51	\$739.79	\$755.33
	Hourly	\$13.87	\$14.46	\$15.04	\$15.60	\$16.15	\$16.67	\$17.17	\$17.65	\$18.09	\$18.49	\$18.85
11	Annual	\$31,016.85	\$32,335.07	\$33,628.46	\$34,889.53	\$36,110.66	\$37,284.27	\$38,402.79	\$39,458.86	\$40,445.35	\$41,355.35	\$42,222.88
	Weekly	\$596.48	\$621.83	\$646.70	\$670.95	\$694.44	\$717.01	\$738.52	\$758.82	\$777.80	\$795.30	\$812.11
	Hourly	\$14.91	\$15.55	\$16.17	\$16.77	\$17.36	\$17.93	\$18.46	\$18.97	\$19.44	\$19.88	\$20.29
12	Annual	\$33,342.84	\$34,759.91	\$36,150.31	\$37,505.95	\$38,818.65	\$40,080.27	\$41,282.67	\$42,417.94	\$43,478.38	\$44,456.64	\$45,390.88
	Weekly	\$641.21	\$668.46	\$695.20	\$721.27	\$746.51	\$770.77	\$793.90	\$815.73	\$836.12	\$854.94	\$872.11
	Hourly	\$16.03	\$16.71	\$17.38	\$18.03	\$18.66	\$19.27	\$19.85	\$20.39	\$20.90	\$21.37	\$21.80

Introduced by:
Councilmember Hamilton

1st Reading: 5/28/91
2nd Reading: 6/10/91
Effective: July 1, 1991

ORDINANCE NO. 1991-15

Short Title: An ordinance to amend the Executive Pay Plan

AN ORDINANCE TO:

- (a) Change the Executive Pay Plan to provide for a 4% adjustment to the Pay Plan for FY 92.

BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT THIS ORDINANCE amends the Executive Pay Plan as adopted by Ordinance 1990-28; this ordinance is to be effective July 1, 1991:

SECTION 1. PAY SCALE PLAN

Positions listed in Ordinance No. 1986-53, as amended, designated as Executive 1 shall be compensated at the level of Executive 1; those listed in Executive 2 shall be compensated at the level of Executive 2; those listed as being in Executive 3 shall be compensated at the level of Executive 3, and those listed in Executive 4 shall be compensated at the level of Executive 4.

SECTION 2. IMPLEMENTATION OF PAY SCALE PLAN

- (a) Effective July 1, 1987, Senior Management staff in Grades Executive 1 through Executive 4 will be paid in accordance with the pay scale for:
 - (1) the grades that their job classifications have been allocated;
 - (2) with the exact amount to be determined by the City Administrator with the provision that none of the executives will receive a salary decrease as a result of the initial implementation of this pay plan.

SECTION 3. GUIDANCE FOR PLACING EXECUTIVE STAFF IN THE PAY SYSTEM.

(a) 1st Quartile - Hiring Bracket:

Individuals are generally hired within this quartile with the exact place to be determined by the City Administrator based on the experience and subject matter knowledge of the appointee. Subsequent merit increases should continue within the quartile with the amount depending upon the results of performance evaluation(s). Further guidance to the City Administrator for differentiating between amounts will be given in the Personnel Regulations.

(b) 2nd Quartile - Performance Step:

Individuals are granted raises into this area for average and above average performance after they have learned to perform their functions thoroughly and have proven their ability to manage their units.

(c) 3rd Quartile - Performance and Longevity Step:

Individuals are placed in this step normally after they have acquired many years of experience in managing their units and have received ratings of average and above consistently. Most executives will not ever be awarded pay greater than the maximum allowed for this quartile.

(d) 4th Quartile - Superior Performance

Individuals normally are awarded pay in this quartile only if they perform clearly in a superior manner and/or if they have been recognized by a national professional organization as one of the leaders in the field.

SECTION 4. EXECUTIVE PAY SCALE

Executive 1:	1st Quartile = [31,804 - 36,864]	<u>33,076 - 36,798</u>
	2nd Quartile = [36,865 - 39,919]	<u>37,799 - 40,519</u>
	3rd Quartile = [39,920 - 42,974]	<u>40,520 - 44,240</u>
	4th Quartile = [42,975 - 46,026]	<u>44,241 - 47,961</u>
Executive 2:	1st Quartile = [34,075 - 39,618]	<u>35,557 - 39,558</u>
	2nd Quartile = [39,618 - 42,890]	<u>39,559 - 43,558</u>
	3rd Quartile = [42,891 - 46,160]	<u>43,559 - 47,558</u>
	4th Quartile = [46,161 - 49,430]	<u>47,559 - 51,558</u>
Executive 3:	1st Quartile = [37,461 - 42,588]	<u>38,224 - 42,525</u>
	2nd Quartile = [42,589 - 46,106]	<u>42,526 - 46,825</u>
	3rd Quartile = [46,107 - 49,623]	<u>46,826 - 51,125</u>
	4th Quartile = [49,624 - 53,139]	<u>51,126 - 55,425</u>
Executive 4:	1st Quartile = [40,612 - 45,785]	<u>41,091 - 45,714</u>
	2nd Quartile = [45,786 - 49,561]	<u>45,715 - 50,337</u>
	3rd Quartile = [49,561 - 53,343]	<u>50,338 - 54,960</u>
	4th Quartile = [53,344 - 57,125]	<u>54,961 - 59,582</u>

SECTION 5. COST OF LIVING ADJUSTMENTS

- (a) A cost of living adjustment is a percentage applied to Executive quartiles.
- (b) The City Council determine whether the City will give a cost of living adjustment in any year and the size of the adjustment.
- (c) A cost of living adjustment shall be effective on the first day of a new fiscal year.

SECTION 6. DATE OF PAY INCREASES

- (a) Notwithstanding provisions of Article 8B, Section 8B-124(a) of the City Code, the effective date for an executive employee(s) merit increase(s), if any, shall be on said employee(s) initial anniversary date of hire, and thereafter as the City Council deem appropriate upon evaluation of said employee(s).

Page Four
Executive Pay Plan Ordinance

Adopted this 10th day of June, to take effect July 1, 1991.

AYE: DOUGLAS, ELRICH, HAMILTON, MOORE, PORTER, PRENSKY
NAY: NONE
ABSTAINED: NONE
ABSENT: LEARY

NOTE: Underlining indicates new language to be added. Brackets
[] indicates language to be deleted.

O-EX92PY

First Reading: 6/10/91
Second Reading:

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

ORDINANCE #1991-18
FY 91 BUDGET AMENDMENT NO. 2

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 BUDGET

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

SECTION 1. that the Fiscal Year 1991 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate \$163,000 from prior years unappropriated reserve for Municipal Building renovations as approved by Ordinance 1991-16.
- b.

EXPENDITURE AMENDMENTS

- a. Transfer \$16,000 from Account 9000-7010, General Contingency, to Account 1100-6123, Legal Expense-Litigation.
- b. Transfer \$22,000 to Public Works Account 3300-5240, Gas and Diesel Fuel as follows:
 - \$10,000 from Account 3100-4010, Public Works Office salaries and \$12,000 from Account 9000-7010, General Contingency
- c. Transfer \$21,000 from Account 9000-7010, General Contingency, to Public Works Account 3600-6713, Street Lights to cover underbudgeted electricity costs.
- d. Delete \$19,890 from Account 9100-8001, Capital Improvements, to reflect deletion of parking meter installation as a capital budget project.

- e. Appropriate \$163,000 to Account 9100-8001, Capital Improvements as additional funding for municipal building renovation costs.
- f.

CAPITAL BUDGET

- a. An additional appropriation of \$163,000 is authorized for municipal building space renovation construction.
- b. Parking meter installation is deleted from the capital budget as a FY 91 capital improvement item at a cost of \$19,890.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- [a. A budget line item, Account Number 0010- is created with an appropriation of \$25,000 to account for receipt of a Maryland Main Street Grant from the Maryland Department of Housing and Community Development for streetscape improvements in the Takoma/Langley Crossroads area.]
- b. Reduce Account 0010-3387, State Addictions Prevention Program from \$6,000 to \$2,000 to reflect actual grant approval from Prince George's County.
- c. Reduce Account 0010-3389, Montgomery County Drug Awareness Mini-Grant from \$7,500 to \$2,000 to reflect actual grant approval from Montgomery County.

- d. A budget line item, Account Number 0010-3391 is created with an appropriation of \$10,000 to provide for receipt of a grant from the State of Maryland, the Governor's Initiative on Drug and Alcohol Awareness.
- e. Increase the appropriation of Account Number 0010-3369, Mutual Housing Association grant, from \$10,000 to \$22,000 to reflect an increase in CDBG funds from Montgomery County for this project.
- f.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- [a. Appropriate \$25,000 to a new expenditure line item, Account 0010- , for streetscape improvements in the Takoma/Langley commercial district funded through a Maryland Mainstreet Improvement Program grant.]
- b. Reduce the appropriation of account 0010-7220 from \$6,000 to \$2,000 in support of a youth drug addiction prevention education program.
- c. Reduce the appropriation of account 0010-7249 from \$7,500 to \$2,000 for the Youth Outreach Program's drug awareness program.
- d. Appropriate \$10,000 to a new expenditure line item, Account 0010-7221, for the drug awareness program funded through the Governor's initiative on Drug and Alcohol Awareness.
- e. Increase the appropriation of Account 0010-7241, Mutual Housing Association from \$10,000 to \$22,000, to reflect increase in CDBG funds from Montgomery County for this project.

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Upon motion by _____, duly seconded by _____, the ordinance was adopted by roll call vote as follows:

AYE:
NAY:
ABSTAIN:
ABSENT:

d#O/R2
O-91BA2

June 6, 1991

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1991-53
APPOINTING MEMBERS TO COLTA

WHEREAS, two COLTA Commissioner's terms are due to expire on 6/30/91; AND

WHEREAS, Commissioners William Ramsey and Debrah Carr have requested re-appointment to COLTA.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby re-appoint to the Commission on Landlord-Tenant Affairs:

	Name	Address	Term Expires
1.	William Ramsey	10 Montgomery Takoma Park, MD 20912	6/30/94
2.	Debrah Carr	7777 Maple Avenue, #901 Takoma Park, MD 20912	6/30/94

BE IT FURTHER RESOLVED, THAT these appointments are effective immediately.

Adopted this 10th day of June, 1991.

Introduced By: Councilmember Hamilton
Drafted By: V. VinCola

Adopted: June 10, 1991

Resolution No. 1991-54

A resolution establishing a committee to review and evaluate proposals for the use of Community Development Block Grant (CDBG) funds received during Fiscal Year 1993/Program Year 18, and to recommend CDBG funding proposals and priorities to the City Council.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1993/PY18 to use for eligible projects; AND

WHEREAS, it is the policy of the City to maximize citizen input into how CDBG funds received by the City are spent; AND

WHEREAS, to achieve maximum citizen input, it is the practice of the City government to form a Community Development Block Grant Citizens' Advisory Committee (CAC) each year composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to serve on the CAC for the purpose of reviewing and evaluating proposals for the use of available CDBG funds and to recommend proposals to the City Council; AND

WHEREAS, the names of primary and alternate nominees have been submitted and received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the FY 1993/PY18 Community Development Block Grant Citizens' Committee is hereby formed for the term of one (1) year of the following individuals:
[Note: (P) indicates primary representative; (A) indicates alternate]

<u>NAME</u>		<u>REPRESENTING</u>
Ira Amstadter	(P)	Between-the-Creeks Citizens' Assn.
Alfred Martins	(P)	Edinburgh Tenants' Association
Don O'Meili	(A)	Edinburgh Tenants Association
Karen Mitchell	(P)	Park Ritchie Tenants Association
Mildred Morrison	(P)	Ritchie Avenue Citizens' Assn.
Cynthia Dawes	(A)	Ritchie Avenue Citizens' Assn.
Bruce Williams	(P)	S.S. Carroll Neighborhood Assn.
Monroe Stokvis	(P)	Takoma/Langley CDA
James Martin	(P)	Takoma Park Symphony Orchestra Society, Inc.
Bill Valdez	(P)	Westmoreland Area Community Org.
Cavan Capps-Meyer	(A)	Westmoreland Area Community Org.

BE IT FURTHER RESOLVED THAT the Citizens' Advisory Committee formed herewith is charged with reviewing, evaluating and prioritizing all FY 1993/PY 18 CDBG proposals received by the City for the purpose of submitting funding recommendations to the Mayor and Council for final action.

BE IT FURTHER RESOLVED THAT the City Administrator shall be, and hereby is empowered to appoint additional representatives from recognized citizens' associations which made known to the City their wish to participate on the committee and are recommended for participation by the Council representative for the ward; such additional appointments to be effected on or before July 1, 1991.

BE IT FURTHER RESOLVED THAT the activities of the Citizens' Advisory Committee shall be conducted in accordance with the "Standards of Participation for the Citizens' Advisory Committee" attached hereto and made a part hereof by reference.

ADOPTED THIS 10th DAY OF JUNE 1991.

VVCAC91.res

Introduced by: Mayor Sharp

MAYORAL PROCLAMATION

RECOGNIZING NATIONAL FLAG DAY IN TAKOMA PARK, June 14, 1991

- WHEREAS,** by Act of the Congress of the United States dated June 14, 1777, the first official flag of the United States was adopted; **AND**
- WHEREAS,** by Act of Congress dated August 3, 1949, June 14 of each year was designated "National Flag Day"; **AND**
- WHEREAS,** the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week; **AND**
- WHEREAS,** on December 8, 1982 the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; **AND**
- WHEREAS,** the Ninety-Ninth Congress passed, and President Ronald Reagan signed on June 20, 1985, Public Law 99-54 recognizing the PAUSE FOR THE PLEDGE of Allegiance as part of National Flag Day ceremonies; **AND**
- WHEREAS,** Flag Day celebrates our Nation's symbol of unity, a democracy in a republic and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all.

NOW, THEREFORE, BE IT RESOLVED THAT, I, Edward F. Sharp, Mayor of Takoma Park, Maryland, do hereby proclaim June 14, 1991 as Flag Day in Takoma Park, Maryland and urge all citizens of Takoma Park to pause at 7:00 PM, EDT on this date for the Twelfth Annual PAUSE FOR THE PLEDGE and recite, with all Americans, the Pledge of Allegiance to our Flag and Nation.

Dated this 10th day of June, 1991.



Edward F. Sharp
Edward F. Sharp
Mayor

Introduced By: Councilmember Hamilton Adopted: June 10, 1991
Drafted By: S. Ellis

Resolution No. 1991-55

WHEREAS, the State of Maryland's Program Open Space has suffered severe budget cuts by the Maryland Legislature in order to cover massive deficits in the State budget; AND

WHEREAS, Program Open Space is the source of funding for the acquisition of State parkland and environmentally sensitive areas, and provides grant assistance to the counties and municipalities in the State for parkland acquisition and development; AND

WHEREAS, the Department of Natural Resources has placed on hold some sixty-six (66) projects by counties and municipalities throughout the State, totaling over \$13,000,000, and is still under orders to hold these projects for possible additional cuts; AND

WHEREAS, a total of \$31,000,000 is at stake and may not be encumbered, but is committed, with every dollar allocated to counties and municipalities in the State, and for the most part these funds are incorporated in their capital budgets; AND

WHEREAS, the unilateral removal of these funds by the State has left many local governments with serious fiscal problems; AND

WHEREAS, the City of Takoma has the following FY92 projects filed with DNR which depend upon the future of Program Open Space:

(1)	Jackson/Boyd Park	\$12,750
(2)	Colby Tot Lot	12,750
(3)	Spring Park	33,000
(4)	Jequie Park	18,000
(5)	Thomas Seigler Park	13,500

and unfiled projects totaling \$188,000 that have been deleted from the FY 91 POS program as a result of the \$921,000 reduction in Montgomery County's POS allocation during the past Legislative Session.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF TAKOMA PARK, MARYLAND THAT, they are requesting the State of Maryland to take whatever action is necessary to stop the proposed diversion of POS funds to cover the deficit. The Council further urges the State to preserve the integrity of Program Open Space funds by placing all proceeds from the Transfer Tax into an open space trust fund, with guarantees against diversion of these funds from their intended purpose or, for the State to issue bonds for POS with guarantees of Transfer Tax funding to service the debt.

ADOPTED THIS 10th DAY OF JUNE, 1991.

June 11, 1991

TO : Distribution Noted Below
VIA : James S. Wilson, Jr., City Administrator
FROM : Paula S. Jewell, CMC City Clerk
SUBJECT: Council Summary from June 10, 1991 Regular Meeting

DEPARTMENT HEADS: PLEASE READ EACH ITEM CAREFULLY FOR MATTERS THAT MAY PERTAIN TO YOUR DEPARTMENTS.

- [] 1. S.E.S. To Permit Existing Accessory Apartment - 7921 Sligo Creek Parkway - Resolution #1991-51 was unanimously passed, recommending that the Montgomery County Board of Appeals support the subject application for approval. CITY CLERK to forward transmittal letter and resolution to Board of Appeals.
- [] 2. Briefing on WAH Critical Care Expansion Project Special Exception S-238-A - Representatives from the Washington Adventist Hospital gave a briefing to the Council and citizens in attendance. The Council heard testimony from citizens who expressed concern about the Hospital's plans to build a helipad and construction of parking decks, and raised several questions. Mayor Sharp recommended that the Council not vote on this issue until some of the questions are answered. M-NCPPC Staff Report will be available to the Council on June 17th prior to a Special Session the Council will hold on June 17th at 7:30 PM.
- [] 3. Gypsy Moth Spraying - Resolution #1991-52 was unanimously passed, expressing the Council's commitment of up to \$40,000 from Unappropriated Reserves to undertake spraying and other measures to control gypsy moths, if necessary, in the Spring of 1992.
- [] 4. FY'92 City Budget - Ordinance #1991-12 was unanimously adopted at second reading, (ABSENT: Leary), adopting an \$8,520,160 budget for the fiscal year beginning July 1, 1991 and ending June 30, 1992.

(Over)

- [] 5. FY'92 Stormwater Budget - By motion made by Councilmember Elrich and duly seconded, the Council convened as the Water and Sewer Board and unanimously adopted at second reading, (ABSENT: Leary), Ordinance #1991-11. The Ordinance establishes an ad valorem tax of 8 cents per \$100.00 on assessed property valuation to be used for stormwater management activities with a total appropriation of \$208,779. The Council commended PUBLIC WORKS DIRECTOR KNAUF on his detailed submission of the City's stormwater management budget.

- [] 6. FY'91 Stormwater Budget Amendment No. 1 - Ordinance #1991-17, was unanimously accepted for first reading (ABSENT: Leary), amending the FY'91 stormwater management budget to allow for revenue and expenditure amendments. Second reading and adoption is scheduled for June 24th.

- [] 7. FY'92 Tax Rate - Ordinance #1991-13, was unanimously adopted at second reading (ABSENT: Leary), establishing the City's tax rate for FY'92 at \$1.752 per \$100.00 assessed valuation. The tax rate includes 22.7 cents per \$100.00 assessed valuation for fire service reimbursement to Montgomery County and 8 cents per \$100.00 assessed valuation for storm water management.

- [] 8. FY'92 Employee Pay Plan - Ordinance #1991-14, was unanimously adopted at second reading, (ABSENT: Leary), adopting the new Pay Scale Plan for the City for FY'92, to provide for 5% cost of living adjustment for City employees AFSCME Local 3399, Local 400, the City Administrator, Recreation Attendants, Crossing Guards, and all other employees.

- [] 9. FY'92 Executive Pay Plan - Ordinance #1991-15, was unanimously adopted at second reading (ABSENT: Leary), changing the Executive Pay Plan to provide for a 4% adjustment to the Pay Plan for FY'92, for City employee positions designated as Senior Management Staff in Executive Levels 1 through 4.

(Next)

- [] 10. FY'91 Budget Amendment #2 - Ordinance #1991-18, was unanimously accepted at first reading, as amended. This Budget Amendment allows for a final budget amendment for this fiscal year (ending June 30, 1991) to include revenue and expenditure items. Mayor Sharp asked that Expenditure Amendment (e) regarding appropriations for the Mutual Housing Association be separated out from the rest of the Ordinance so that he could participate in discussions on the rest of the Ordinance. Mr. Sharp and Councilmember Elrich then recused themselves from the discussion re: the MHA appropriation (Amendment (e). Councilmember Moore moved to strike Revenue Amendment (a) and Expenditure Amendment (a) and the motion to amend carried. Additional revenue items may be forthcoming when the ordinance is at second reading on June 24th.
- [] 11. COLTA Re-appointments - Resolution #1991-53 was unanimously passed (ABSENT: Leary), re-appointing COLTA Commissioners William Ramsey and Debrah Carr to 3-year terms on COLTA. Their current terms expire 6/30/91. The appointments are effective immediately and expire 6/30/94. CITY CLERK to send letters notifying Mr. Ramsey and Ms. Carr of their re-appointments.
- [] 12. Tree Commission Appointments - Action on appointing replacement members to the Tree Commission was deferred to June 17, pending the Council's interview with an additional applicant. The Council is accepting additional applications through Friday, June 14th. CITY CLERK to amend the Resolution to add the name of the current tree Commission member who the Council has been unable to reach. The Council plans to declare that seat vacant.
- [] 13. CDBG Citizens Advisory Committee for PY18 - Resolution #1991-54 was unanimously passed, appointing the following individuals to serve on the CAC for one year: Ira Amstadter, Alfred Martins, Karen Mitchell, Mildred Morrison, Bruce Williams, Monroe Stokvis, James Martin, Bill Valdez. Don O'Meili, Cynthia Dawes and Cavin Capps were appointed as alternates. VAL VINCOLA to notify appointees.

(Over)

- [] 14. Resolution Acknowledging Flag Day - Mayor Sharp suggested without objection from the Council, that this Resolution be withdrawn and issued as a Mayoral Proclamation. CITY CLERK to re-draft as Mayoral Proclamation.
- [] 15. Program Open Space Funding - Resolution #1991-55 was unanimously passed (ABSENT: Leary), requesting the State of Maryland take the necessary action to stop the proposed diversion of Program Open Space funds to cover the deficit in the State budget and urging the State to preserve the integrity of POS funds. CITY CLERK to send transmittal letter and resolution to City's State delegation from Districts 20 and 21.

Additional Matters

- [] 16. Maryland Energy Policy Commission - No Councilmembers interested in serving on this Commission. CITY ADMINISTRATOR to convey this to Jon Burrell, MML Executive Director.
- [] 17. Capital Improvement Program - Council will initiate discussions of the City's 3-year CIP program in July.
- [] 18. Council Summer Recess - No consensus on Mayor Sharp's proposal to recess the first two weeks of August and meet the 3rd and 4th weeks. Council will discuss this further at the June 17th worksession.

Copies to: City Council
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June 18, 1991

TO : Distribution Noted Below
VIA : James S. Wilson, Jr. City Administrator
FROM : Paula S. Jewell, CMC City Clerk
SUBJECT: Council Summary from June 17, 1991 Special Session
and Worksession

PROPERTY OF
TAKOMA PARK MD. LIBRARY

DEPARTMENT HEADS: PLEASE READ EACH ITEM CAREFULLY FOR MATTERS THAT
MAY PERTAIN TO YOUR DEPARTMENTS.

The City Council convened in Special Session at 8:30 PM, following the interview of one Tree Commission applicant and an Executive (Closed) Session regarding Legal Advice. The City Council delayed the official start of the Special Session in order to read the Montgomery County Planning Board's Report dated 6/17/91 on Washington Adventist Hospital's Special Exception Petition #S-238-A. Mayor Sharp officially called the meeting to order at 8:55 PM.

- [] 1. Council Discussion and Action on WAH Special Exception #S-238-A - STAFF presented to the Council a revised copy of the Resolution originally put before the Council on 6/10, that responded to some of the citizen and Council concerns expressed at that meeting.

The Council spent considerable time discussing the M-NCPPC staff report and the resolution as well as hearing comments expressed by a few citizens present. The Resolution conditionally supports the granting of WAH's special exception for their expansion plans to consolidate critical care units within the Hospital.

Councilmember Douglas suggested, without objection, that the headings be removed from the conditions listed on pages 2 and 3 (identified by date) and that the conditions be sequentially numbered 1 through 11. Mr. Douglas also suggested without objection, that a 25-year covenant to restrict development of the open space, landscaped areas and parking lot section of the hospital campus bounded by certain boundaries, be executed by the Hospital, as a condition of approval.

(Over)

Councilmember Prensky offered a friendly amendment to the second Resolved clause so that the descriptions of the campus boundaries read: "...bounded by the hospital driveway entrance, Maple Avenue, Maplewood Avenue and the College Gymnasium."

Councilmember Elrich moved the addition of a Resolved clause on the removal of the helipad from the hospital plans as a condition of approval. The motion was seconded by Councilmember Prensky. The motion failed 4 to 2.

Councilmember Elrich then moved an amendment to add a 12th further condition of approval on WAH's stated intention to limit helicopter flights to an average of once a month for transferring cardiac patients and that any change in the frequency of such flights be subject to a joint agreement between WAH and the City. Councilmember Prensky seconded Mr. Elrich's motion and the motion was unanimously adopted.

Resolution #1991-55, as amended, was unanimously passed (Absent: Hamilton). CITY ADMINISTRATOR was directed to forward a copy of the Resolution to the Montgomery Planning Board prior to their meeting on June 20th and to the Montgomery County Board of Appeals prior to the S.E.S. hearing on July 3rd.

The Council would like the final, amended copy of this Resolution on 6/18.

- [] 2. Appointment to Tree Commission - Resolution #1991-56 was unanimously passed as amended, (Absent: Hamilton), appointing the following persons to serve on the Takoma Park Tree Commission: Primary Members: Marsha Kadesch (for a 3-year term); and Michael Alemar (for a 2-year term). Alternates John Hartmann and Eugene Pawlikowski were also appointed. CITY CLERK to confirm expiration dates of terms and to send letters to applicants notifying them of their appointments.

(Next Page)

The Special Session adjourned at 10:40 PM. The City Council then convened into Worksession.

[] 1. SSI Gym - Montgomery County CIP - Montgomery County Recreation Director, Trudye Johnson and Chief, Community Recreation Director, Chuck Beard, discussed with the Council the options for the SSI gym. Ms. Johnson is preparing her recommendations to the County Executive in preparation of the FY'93 County CIP process. Options included demolition, replacement or renovation of the facility. In addition, the County's facility planning staff, gave his views on each of the options. It was the general agreement of the Council that the facility is not best used for a gymnastics program and there would be no object by Council to proceeding with Option 2 (demolition) or Option 1 (limited renovation). Ms. Johnson expressed the County's commitment to work with Takoma Park if the City should decide to explore an alternate location for construction of a new community center facility.

[] 2. Process for Redistricting Public Hearing on 6/18/91 - The public hearing for the Council to receive the report of the Elections Task Force is scheduled for Tuesday, June 18th at 7:30 PM. The Council discussed the order of procedure: (NOTE: City Clerk's suggested timeframes)

7:30 (1) Briefing from City's Corporation Counsel (15 minutes)

:45 (2) City Clerk Briefing of the Process of Notification and the Scheduling of the Task Force's meetings (5 minutes)

7:50 (3) Initial Presentation by ETF Chair d'Eustachio (10-15 minutes)

8:05 (4) Opportunity for Individual ETF Members to Discuss Their Reactions and Endorsements of the Recommendations (10 minutes each)

8:35 (5) Council Discussions, Elections Task Force Discussions and Comments from the Public

10:00 (6) Council discussion of Proposed Changes to City Charter

(Over)

The City Council may need further discussion of the Task Force's recommendations. If so, these discussions will take place in Worksessions, possibly after the Regular Session on 6/24. (NOTE: The Newsletter deadline for getting any Council recommendations for Ward boundary changes is June 27th. Council views need to be put forth as soon as its available, well in advance of the second public hearing scheduled for July 8th. CITY CLERK to make the census tract and block maps available to the Council on 6/18.

There are four Elections issues the Task Force has not gotten to yet. (See ETF Report). Mayor Sharp felt that these issues will not be considered in time for the next City Election. If a Councilmember should decide to pick these issues up, Mayor Sharp noted there is very limited time to do so.

The Council would like detailed, but not verbatim minutes transcribed from the 6/18 public hearing.

Jim Halpert, from the Lawyer's Committee on Civil Rights Under Law, the Attorney the Task Force consulted with during their deliberations, might be present at the public hearing.

- [] 3. Policy Directives for CDBG Citizens Advisory Committee Members - The Council discussed its policy directions regarding the CAC's role in recommending the use of CDBG funds for City projects. The Council consensus was to accept STAFF'S recommendation to adopt a policy that the City would no longer submit street improvement proposals to the CAC except in cases of extreme need or if there is a lack of eligible proposals for other projects. The Council also concurred with staff's recommendation that the CAC continue to accept street project requests directly from the community. In addition, street projects will be considered a lower-priority project--in other words, the CAC should show why it would be critical to do street repairs with CDBG money.

The Council discussed the concern of having problems with the Park projects due to Program Open Space budget cuts. Council consensus to go with STAFF'S recommendation to request CDBG funds for the entire scope of park projects in PY18 and to phase in the projects if Montgomery County's CDBG allocation cannot cover 100%.

(CITY CLERK to inquire when the economic Census data for 1990 is expected.)

- [] 4. Council Recess - Council consensus to meet in Worksession on August 5th, with a tentative second Worksession scheduled for August 12th. There will be no Regular Sessions during the month of August. The Council will reconvene on Tuesday, September 3rd in Worksession (the day after the Labor Day holiday), and on Tuesday, September 10th in Regular Session (the day after Rosh Hashanah). The Council will pick up with their regular schedule as follows:

- | | | | |
|---|------------------------|---|-----------------|
| - | Monday, September 16th | - | Worksession |
| - | Monday, September 23rd | - | Regular Meeting |
| - | Monday, September 30th | - | Worksession |

(CITY CLERK'S NOTE: The Nominating Caucus will be held on Tuesday, October 1st.)

The Worksession adjourned at 11:50 PM.

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Library
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Cable Office (Robert Smith)
Newsletter (Special Session Info Only - C. James)
Admin. Office (Mitchell, Rivers, Johnson, Vidal)

PSJ/psj

Public Hearing On
Elections Task Force Recommendations on Redistricting,
Elections and Charter Issues

Tuesday, June 18, 1991

City OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	City Clerk Jewell
Councilmember Elrich	Asst. Corp. Counsel Andalman
Councilmember Hamilton	
Councilmember Leary	
Councilmember Moore	
Councilmember Porter	
Councilmember Prensky	

ELECTIONS TASK FORCE MEMBERS PRESENT:

Paul d'Eustachio, Chairman	Lissa Martinez
Julie Mathews	Clarence Boatman
Jane Laurence	Frank Garcia
Joanna Potts	Jamie Raskin
Dolly Davis	Elliot Rosen
George Leventhal	Matt McWilliams

MAYOR'S COMMENTS

Mayor Sharp explained the Task Force was chartered last year by the City Council to take a look at the population distribution as it came out of the 1990 Census, and with the results, to re-draw the Ward boundaries and at the same time, to reduce the number of Ward boundaries from seven to six, in accordance to the Charter amendments that were made several years ago. He also said that additionally, the Task Force was asked to consider and make proposals regarding possible changes to the Charter on elections matters and there were several recommendations which they had made along with some proposed Charter changes the Council had discussed. Mr. Sharp said that he would like a short briefing from the Corporation Counsel regarding considerations as they pertained to re-districting.

1. Briefing from City Corporation Counsel

Elliot Andalman, Assistant Corporation Counsel to Takoma Park. Mr. Andalman said that he had the opportunity to litigate voting rights cases in Mississippi on behalf of Black citizens in Mississippi, as well as having the opportunity to work with the Lawyer's Committee for Civil Rights Under Law in those suits, having won those lawsuits under Section 2 of the Voting Rights Act. He commended Takoma Park for appointing a representative task force and holding public hearings in the process. Mr. Andalman said that in addition to the requirements of the law under Section 2 of the Voting Rights Act, the U. S. Constitution required that a minority group in a jurisdiction being redistricted, not have their votes diluted by being spread over several districts or by being packed in one district where they may be able to influence two or more. Mr. Andalman said that the Task Force had done an excellent job of describing its final report in the presentation.

Mr. Sharp asked if, as part of a re-districting plan, whether one could take a Ward that had been a majority minority ward and turn it into a plurality minority ward.

Mr. Andalman said that if one were only looking at a district which used to be a majority minority district, reduce it and form a new district, using the heart of that district but changing it so that minorities were no longer a majority of the population, it would normally not pass under Section 5 of the Voting Rights Act. He said that Section 5, which applies to certain States, requires that new re-districting plans be submitted to the Department of Justice's Voting Rights Section for approval before it would go

into effect, and the Justice Department would not normally allow anything that was retrogressive. He said however, there were exceptions and if one district was reduced from a majority minority district and made into majority majority district but in the context of the town, there was another area that had been a minority minority and made into a majority minority so that overall the minority group in the town did not lose voting power, then it may be able to pass and you would not be retrogressive. [Andalman, after the meeting, researched the application of Section 5 to Maryland and reported back that Section 5 did not apply to Maryland].

Mr. Sharp asked if there were some rule with regard to the percentage of a minority in a Ward which was considered to be sufficient to make it likely that a minority group member would be elected from the district.

Mr. Andalman explained that when you look at overall population, the rule-of-thumb that had been used was 65% minority group. If a Ward had a population of 65% minority, that was generally considered sufficient to make sure the minority group had an opportunity to elect candidates. He continued to explain that it varied in different parts of the country. For example, the larger the district, the more expensive it was to reach people, and the harder it was to get them out to vote. He said that it also depended on voting patterns so that if it were shown in an area that the minority groups were electing candidates of its own choice, that would pass muster.

Mr. Moore asked whether under the Voting Rights Act, if a Ward had a minority group with a plurality, was the City obligated to try to boost the voting power of the predominately minority district by insuring that a single minority was left with a majority in the district.

Mr. Andalman responded that it was simpler if the Court were to examine a plan to see that the one primary minority group comprised 60% of the population in and of itself. He said that when you look at pluralities and combined different minority groups, that was a more complex situation which would depend on a number of factors. If the lines looked as if they were being drawn to reduce the Black population from 60% to 40% of a district, the City would normally be vulnerable to a claim under the Voting Rights Act. But he said if the population in Takoma Park was such that the Afro-American community was generally integrated throughout the City and there was a mix of white and black and other minorities in the same residential areas, and the district lines reflected that residential integration; this type of district would be a plurality district and should be approved if challenged in Court.

Mr. Moore asked if beyond that, supposing the district were 45% White, 42% Black, and the rest other, would that automatically trigger a problem?

Mr. Andalman said that it would not automatically trigger a problem. He said because of the historical discrimination against Afro-Americans in the U.S., to see that type of configuration may cause more scrutiny of the plan by any Court considering the plan. He also said it was relevant to look at the gross population statistics for the City to determine if the Black, minority population's voting power was being diluted. Two of six wards in Takoma Park should have a majority of Afro-Americans since the Afro-American population of Takoma Park was 36%. A ward boundary plan with only one Afro-American majority ward would, on the face of it, raise concerns. And the more the City moved below the 60% minority voting strength in a district, the more scrutiny the plan would come under. Mr. Andalman also said that it came back to residential patterns and what were reasonable boundaries; if there was not a concentrated population to make a second Afro-American majority ward in Takoma Park, then that would be a reasonable explanation.

Mr. Douglas asked if you had small pockets that were spread around, to what extent was it reasonable or unreasonable to cross natural boundaries; physical or social in the form of neighborhoods in order to try to link together different pockets of minority representation.

Mr. Andalman responded by saying there was no hard and fast rule, but basically natural boundaries such as neighborhood associations, major roads or creeks or all of those would be subordinate to complying with the Voting Rights Act to make sure that there was not a dilution of minority voting strength. He said that what you had to do was to see whether or not reasonably shaped districts could be created in Takoma Park to establish two wards with at least 60% African-American population.

Mr. Prensky asked if there was any clear hierarchy of the order of consideration that was supposed to be observed in the criteria which the Task Force had taken into account. In the racial make-up of the City versus the racial potential for elected representatives was the No. 1 priority under the Voting Rights Act, was there any rank order of those other considerations in terms of natural boundaries, neighborhoods, citizen associations, and commercial areas?

Mr. Andalman explained that the Voting Rights Act was the number one consideration, and also equal with that was the one-person-one vote required by the United States Constitution, so the equal population and non-dilution of Black voting strength were the priorities and after that everything was secondary. He also said that it was a desirable goal to keep the neighborhood groups together and to use natural boundaries.

Mayor Sharp asked if the results would be submitted to the Department of Justice and if so, what would be their turn-around on review.

Mr. Andalman responded yes, he thought so, and the Justice Department was supposed to let you know within 60 days. He would check on this to be sure.

2. City Clerk Briefing of the Process of Notification and the Scheduling of the Task Force's Meetings

City Clerk Jewell indicated that the Takoma Park Elections Task Force held their first meeting on Thursday, January 10, 1991 and met every two weeks thereafter; January 31st, February 14th, February 28th, March 14th, March 28th, April 11th, April 25th and May 9th. She said that beginning on May 16th, the Task Force met every week on May 16th, May 23rd, May 30th, June 6th and June 18th. She announced that the Elections Task Force planned to have their last meeting on Thursday, June 20th and notices of all the meetings had been posted at City Hall at least two weeks prior to each meeting. In addition, an article appeared in the February/March issue of the City Newsletter which advertised that the Task Force would meet every two weeks and that all meetings would be open to the public. She also said that another article appeared in the May/June Newsletter advertising the present Public Hearing which set forth the summary of the Charter issues which the Task Force had looked at and, in addition, an early edition of the Newsletter was published on June 14th, which outlined in detail the Task Force's redistricting recommendations and showed a map of the proposed boundaries along with the street listing by Ward. She noted for the record that on December 21, 1990, her office sent letters and maps to every community, tenant and civic association which was listed with the City Administrator's office, requesting that local community and civic association leaders correct their association boundary lines in order for the Task Force to have accurate descriptions of those boundaries. Approximately four associations responded to that request.

3. Presentation by Elections Task Force Chair Paul d'Eustachio
Paul d'Eustachio, 6611 Allegheny Avenue said that he was appointed Chair of the ETF Committee, which consisted of representatives of every Ward, and there was a broad representation on the Task Force. He thanked the committee members of the Task Force who were present. Mr. d'Eustachio explained that Maple Avenue was a high concentrated Black community as well as the area along New Hampshire Avenue, including the Hillwood Manor apartments and the Hampshire Towers apartments, which was used as a Black plurality Ward; a non-white majority Ward. He said that the Task Force was established to reconfigure the boundaries that were mandated by the City Charter, to reduce the current system of 7 Wards to 6 Wards based on the 1990 Census, but the primary concern at present was the Ward boundaries which had to be finished before the next election. He continued by saying that the Task Force was a volunteer one and members had applied to the Council. He also said that the Task Force wanted to ensure that the basic community structure to the extent that they possibly could, remain intact within the City, needed to take into account the natural boundaries as well as looking at physical boundaries, e.g, East-West Highway, New Hampshire Avenue, and the historic structure of City neighborhoods. He said that the Task Force put rough "plumps" on the City; took specific neighborhoods and created Wards, based on those natural boundaries and community associations and what they conceived to be community groups within the City, and then came back to refine them. He said the Task Force realized that not every group had been perfectly outlined and not every natural or man-made boundary had been adhered to, because that would be impossible to accomplish. Where there were unequal concentrations of populations, adjustments had to be made to bring that particular district into compliance with the right number of people within a particular Ward. He also said that looking at existing districts and trying to avoid having existing Councilmembers run against each other was not a legitimate concern for re-districting. He said that the Task Force did not consider that fact at all; it was not ever brought up in the meeting and it was avoided intentionally. He said it was obvious that someone would have to run against someone else, but that was not a concern of the committee; the committee's concern was to meet the legal requirements to the greatest extent possible and beyond that, to create boundaries which made sense for the City. Mr. d'Eustachio also said that the blocks and tracts did not necessarily correspond to existing blocks; they had to agree with the report from the Census Bureau.

In regards to one neighborhood group's alternate proposal, Mr. Hamilton noted that under the existing redistricting plan, the white population was 1097 for the ward in question, and under their plan it was 1310; the Black population stayed the same 1169, and his only concern about the alternate plan was from a legal standpoint: was the minority potential being diluted by going from a 43% Black population to a 40% Black population and the only increase was in the white population in the alternate plan.

Mr. Andalman explained the Voting Rights Act required that minorities not be denied an equal opportunity to vote and participate in the political process and elect candidates of their choice, and the statistics were not provided for the neighborhood group's alternative as to what the composition of Ward D was. He also said Mr. Hamilton was correct to be concerned about the reduction in Black population from 43% to 40%. The issue was: had anything been done to deny them that opportunity and that issue could not be considered in a vacuum.

Mr. Prenskey said that on further scrutiny, the neighborhood group alternative plan changed the plurality and in the original plan of the Task Force, the single, largest block of voters would be the 43.6% Black voters which was a plurality Black, and it shifted that to a plurality white representation, and it seemed to him that the primary consideration of the Voting Rights Act was not to dilute the potential for minorities to elect representatives to Council.

Mayor Sharp said that this was an issue that Council should consider at worksession after there had been an opportunity for some of the analysis to be done of the proposal.

5. COUNCIL AND ELECTION TASK FORCE DISCUSSIONS AND PUBLIC COMMENTS

Lloyd Johnson, New Hampshire Gardens Citizen's Association said he strongly supported the alternative prescribed by the New Hampshire Gardens Citizen's Association for Ward D. He stated that his long standing, integrated neighborhood and neighborhood association should not be divided and that the Task Force's boundaries were not as good as those proposed by the New Hampshire Gardens Citizen's Association. He said that the point which was being raised, was to compare the impact of the draft of the plan to what his association submitted which was not the issue. The issue in terms of making the change, was not from the draft, but there was an existing Ward structure and they submit that the proper analysis to make would be the existing Ward structure, and he said if there was a case law of which they were relying on, he would like to see it and to work with them.

Frank Garcia, Ward D Representative said he wanted to set the record straight to what Mr. Johnson was speaking about. He said there were four Census tracts, with a total of 173, not 300; 111 white, 40 Black and 20 Hispanics.

Richard Csarny, New Hampshire Gardens Citizen's Association said that he had a picture of the New Hampshire Highlands neighborhood which went back to 1939-1940 and showed the integrity of the neighborhood. He also said that was why there was a strong basis for wanting their neighborhood preserved intact. He said that the New Hampshire Gardens Citizen's Association plan which was before Council at present for a proposed alteration in the Task Force plan, would not dilute any of the Black vote; there would be an improvement of Blacks in the area as compared to Ward 6, and improved upon the City-wide statistics. He also said that they preserved the value of one person, one vote, and were within the variance. Mr. Csarny said that their plan fulfilled the expectations enunciated and preserved their neighborhood, and their plan increased the Afro-American voting ratio above the 36% which would be proper for the City as a whole; their plan preserved a minority-majority; their ward would still remain a minority-majority ward. He said they did not believe that one should separate out the other as a group of people who should not be considered in drawing up the ward boundaries, because if that was done, it would be obvious that they were entitled to at least one-half of a ward, since a ward could not be split in half, their plan preserved the value of having a minority-majority. Mr. Csarny said that their plan also decreased the packing of the proposed Ward E with white population, and it evened out the white population of Ward E, and therefore their plan accurately reflected both the population of Takoma Park and the long-standing neighborhood boundaries which they wanted to preserve through incorporation into one City ward. He said that they commended what the Task Force was trying to do and they also commended their work in other areas, and believed that what they did was an oversight and they would like to see it corrected.

Nina Seavey, 7114 Spruce Avenue said that she was in support of the Task Force's recommendation and she was presently in Ward 2 which was Mr. Douglas's ward, which was now being split off in half; the portion which would now be in Ward 1. She also said that she was a member of the Old Town Citizen's Association and believed that the division of the ward would link them with North Takoma and would do much to preserve the Old Town section of Takoma Park and link them with a part of the City which had many of the interests that they had, and she strongly recommended the report of the Task Force in the division of Ward 2 in linking it specifically with Ward 1.

Boden Sandstrom, 11 Jefferson Avenue said that she moved to Takoma Park about a year ago and she explained where Jefferson Avenue was located. She also said that the new proposal was taking half of the houses on that street and putting them into Ward B and taking them away from Ward E. She said that since she had lived in Takoma Park, she had been very involved with the neighbors on her street, and that was the reason she came to an association meeting in the first place. Ms. Sandstrom said that she had talked to some of the neighbors on her street and they would like to stay with whatever ward they ended up in. She said there were only 5 single-family homes on that street and she spoke with 3 of the residents and had not spoken to the other 2 yet. She continued by saying in listening to everyone from the committee, she could not hear any reason why that side of the street ended up in Ward B, because it did not seem to violate any of the criteria, and the only criteria that she felt it would violate was that they had been part of the S.S. Carroll Association for quite a while and also a part of the ward, and there was some sort of a boundary there because of the creek and the hill. She said that she would propose that the line would go back to where it was, which would be the backyards of the houses so as to stay with the friends that they had political and social relationships with.

Brian Hughes, 7107 Cedar Avenue said he had been involved in a support function of the group (husband of Task Force Member Lissa Martinez) and his concern was that the information which was presented, came in the form of a floppy file, and they took handwritten notes and that was what the numbers meant. He also said they received two maps that did not correspond to the geography of the City, and tried by using that map, to map the data from the file which was not labeled under the map which did not map to the actual City that they lived in. Mr. Hughes said that there were 5 Census tracts and he still could not find where they were located. He said the numbers were wrong and why were they sacred and the street was not; the blocks that were on the maps telling what the Census tracts were did not correspond to the physical reality; roads don't exist, bridges were created out of nowhere, and he cautioned the Council as they finalize the issue, not to believe that the number were sacred, because they were not.

Dan Robinson, 120 Grant Avenue, President of S.S. Carroll Association said that he noted Ms. Davis said there were some edges to smooth out in her report and he also noted that Ms. Matthews said that S.S. Carroll had the most to lose. Mr. Robinson continued by thanking the Mayor, the Council, and the Task Force for their commitment. He also said that he felt that the current draft of the redistricting map showed that this year the neighborhood boundaries were being taken into consideration. He said what they wanted was for the neighborhoods to remain a priority as the process was completed. He also said that the SS Carroll neighborhood was in the center of the City and the issues which they faced at present, would continue and were essential to Takoma Park and they recognized that they wanted the neighborhood association to be strong and clear about their values, and they wanted their voice to be direct and effective. Mr. Robinson said they believed their neighborhoods needed to be fully respected in the upcoming redistricting, and they were proposing to include two blocks and a handful of houses into Ward F, which would connect S.S. Carroll with Sligo Creek.

Peter Wathen-Dunn 7509 Hancock Avenue said that he was currently in Ward 2 which was proposed to be Ward F, and he was at the meeting because he shared many of the same concerns as his neighbors and the S.S. Carroll Citizens Association, and he felt that the Association was being unfairly denied continuity by taking off that chunk that rightfully belonged with Ward F and was now in proposed Ward E. He said they wanted to stay together and have a single Ward that they all could be in together, as their representatives were.

Frank Gallant, 10 Sherman Avenue said he was at the meeting to ask and recommend to keep the S.S. Carroll neighborhood whole.

Roland Halstead, 7116 Maple Avenue thanked the Task Force for their huge effort and he felt that incorporating Wards 1 and 2 was a great idea. He said that the problems the people had been raising were justifiable problems, and he would like to see a greater use of geographical boundaries and neighborhood association concerns taken into account in the redistricting plan. Mr. Halstead said he did not know how far one could go legally without going over the edge, but he felt their concerns were valid and he would support Council's careful reconsideration.

Kathy Anderson, 7 Sherman Avenue said she was in support of what had been said of her association (S.S. Carroll) and she would like to include the two blocks that had been discussed; Jefferson, Lincoln-Carroll, Lincoln-Jackson-Carroll, to put them all back into one area, which would be Ward F, and she thanked the Task Force for their time.

Howard Kohn, 16 Jefferson Avenue said the five houses on Jefferson Avenue clearly belonged within the neighborhood within the same ward to preserve the obvious integrity of the street and the neighborhood.

Larry Hodes, 7418 Hancock Avenue (Member of S.S. Carroll) said he supported what Dan Robinson said. He also said that he spoke 10 years ago but he was much happier with the present plan. He said that 10 years ago, he was arguing with the Council that above all they had to pick a plan that would do justice to the Maple Avenue area and to keep it intact, and there were only two plans that could do that, one which the Council did not want to have anything to do with, and the other one that chopped their neighborhood up into little pieces, and they suffered with it for more than 10 years, and he hoped that they could be put back together again.

Steve Snider, 7506 Hancock Avenue said that he was in support of the proposed changes in the districts and he was also a member of S.S. Carroll. He also said that he was probably the only member who was in Ward 4. He said that he had always had a very solid relationship with his current representative Mr. Hamilton, and his political life in the City was very limited; it started and ended with the attempt to impose historic districts without public comment, but he found Mr. Hamilton to be very responsive and very active in representing the interest of the people of his ward and the people of the City in general. Mr. Snider also said that he had been a homeowner for 10 years and had lived in Takoma Park since 1971 and had been fairly active and had shared a lot of things with his neighbors and the S.S. Carroll Association over the years.

Rino Aldrighetti, 7213 Central Avenue thanked the committee for the work they had done. He said he had two issues; one was to support the New Hampshire Gardens Citizen's Association; he said it was very important to keep integrity in the neighborhood, and to split the neighborhood as had been done while there were a series of difficult questions to be faced was not right, and he hoped that it would be looked at. He continued by saying in terms of his own neighborhood, Palmer Lane, Chaney Drive and a small portion of Flower Avenue, were split off from the rest of the neighborhood. He said they were part of the natural lay of the land in his community and they were areas where everyone walked. Mr. Aldrighetti said that if you looked at Palmer, Chaney, and a portion of Flower Avenue, they backed up to no other streets; they were dead-end streets. He said in effect, they were broken off from any other natural community and it also divided his neighborhood, and he hoped that would not be, and that the Council would look at or direct the committee to look at it.

Lee Feldstein, 7412 Hancock Avenue said that he was in the S.S. Carroll Citizen's Association and also in Ward 4, and within a block from him, there were three Wards; 1, 2, and 4. Mr. Feldstein said that the problem he had over the past 6 years since he had lived there, was the way it had been fragmented and broken up, and it really put his community at a disadvantage. He also said he was happy with the way it had been restructured and he would like to see it brought further together by the recommendations presented by Dan Robinson.

Henry C. Daniels, II, 19 Sherman Avenue said he was also a member of the S.S. Carroll Citizen's Association and he had watched his area over the past 10 years and it had become revitalized, which was due to the work of the Association. He also said that partly due to the park behind his house there had been a spirit of citizenship; a spirit of participation; and just having a good time and people had really begun to come together, and to break up the Association would create a tremendous problem at this point in time and he pleaded with the Council not to do it.

Matthew McWilliams, 9 Sherman Avenue said that he was a participant on the Elections Task Force and he thanked all the members and said that they were great to work with and he felt happy with the map which they produced. He also said as a member of the S.S. Carroll Citizen's Association, he and the other members were pleased with the way the plan was drawn; they went from being cut into 4 Wards down to 2 Wards, and by adding two more blocks plus the five houses on Jefferson Avenue, which were now stranded, the plan would be perfect.

Mr. Douglas asked Mr. McWilliams what he was proposing in the trade-off.

Mr. McWilliams responded that there were six houses on Jefferson which were now located in B, Jefferson Avenue bounded by Jefferson and Lincoln; the next block would be picked up which was Jefferson, Lincoln and Carroll, which had 98 people on it; the next block would be across Carroll Avenue, Lincoln and Jackson; there were 2 blocks and 6 houses, and you would have to cut; if you add from E to F, you had to cut out F and add it into E, otherwise you would drive the population of E down too much. He suggested cutting another Census tract which was right along Elm Street to another street.

Mr. Prenskey asked Mr. McWilliams to address the parallel concern that the neighborhood would have by being cut-off from their natural constituency (i.e., B.F. Gilbert Community Association), which would be split in half, with one-half of Poplar Avenue, which would wind up in a different Ward than the rest of Poplar Avenue; from the constituency of Forest Park being split from the park, which would then become a different Ward, and the people who resided across the street from Spring Park who would no longer be in the same Ward with the park, which they considered their backyard.

Mr. McWilliams replied it was a trade-off, and that S.S. Carroll had always been in the center of the City; divided up into 4 Wards last time, and they had been at a disadvantage for 10 years.

Carol Stewart, 7211 Central Avenue said she was the President of Longbranch-Sligo Citizen's Association. Ms. Stewart also said that she liked to support the New Hampshire Gardens Citizen's Association because she had studied the plan and saw what was going to happen, it made her feel very sympathetic because she would hate it if that would happen to her association, and as much as she would love to have those people in that neighborhood in her association, she did not think that it was fair to have them jerked out of the association which they were now in, and put in one that was divided by the park and it would be difficult to feel a part of

her neighborhood. She asked Council to study their proposal or another proposal that would not break up the association.

Mr. Douglas said that he agreed with Ms. Stewart that the neighborhood should not be split and he would seek to keep that from happening. He also said that if that part of Hampshire Gardens were to be left as it was in the Task Force report, they would not become part of Longbranch Sligo Citizens Association. He said that citizen associations continued to be whatever they were and they did not change their membership boundaries just because they changed ward boundaries.

Clarence Boatman, 133 Ritchie Avenue said he was speaking on behalf of those in the Ritchie Avenue Citizen's Association. He said Ritchie Avenue originally had been part of Grant Avenue until the proposed line was drawn down Grant Avenue and it cut some of the homes out of the Ritchie Avenue Association area. Mr. Boatman said that the Ritchie Avenue citizens were not complaining because they believed that Hodges Heights had gained some citizens which they would be working with. However he said, in his view when one started drawing lines again, you would find that people would complain about what was done to them, and it would be difficult to reach unanimity between all of the groups, especially the associations.

Kay Dellinger, resident of Hampshire Towers said that she sympathized with the election committee, she knew that it was very difficult and she did have a lot agreement with Mr. Boatman. She also said New Hampshire Garden Citizen's Association's should remain together and it would mean re-drawing some of it, and she also supported what was said about the other streets which were just dead-end streets. She continued by saying she realized someone else would be unhappy, however she still felt that it was very important to maintain the citizen's associations.

Patrice Curtis, 33 Freemont Avenue said she was part of S.S. Carroll Citizen's Association and she was in support of her compatriots who had suggested the change, the new boundary would go down to Sligo Creek, which to her made more sense. When she looked at the proposed boundary, it just did not feel right.

Kay Dellinger returned to the podium and said that Takoma Park was not that large, and it seemed to her that even if the Census data was not totally accurate, citizens should be able to know how many houses were on each block and where bridges were and streets were. She said even in a City as small as Takoma Park, citizens should have maps which were accurate also. She also said there should be accurate figures for all of the buildings and streets and bridges and schools in Takoma Park before trying to redistrict.

Mr. Andalman said that the physical map was accurate and what was not accurate, was what had been received from the County which gave a stick drawing; but when you looked at the physical map, you realized there was a road which crossed, so the physical maps of Takoma Park were accurate and the present map was accurate.

Mr. Leary said he felt the Report was a remarkable product and a very impressive study and presentation and he felt that even before he heard all the tributes. Mr. Leary said that the best testimony was that they heard only two serious objections to the results from a very small number of people. He also said that he would not want to decide to make any changes in what had been presented to Council by the Task Force until the Task Force agreed to consider the two substantial concerns which had been expressed, and present their best judgment on whether there were some way to re-adjust those boundaries to accommodate those concerns. He said he would not be comfortable with trying to re-draw a map on his own, and he hoped that the Task Force would volunteer one more time and to make a to recommendation.

Mr. Douglas said he thought that S.S. Carroll should get points for proposing an equal trade, and that was the kind of information which was needed. He said if that was the correct equal trade and whether or not Council was going to be able to accommodate what he thought were some very good arguments, he felt it was a good example that S.S. Carroll set by proposing a solution to their problem. He also said that there were two areas which should be considered 1) Ward boundaries which represented as much as possible the social configurations of the City which were largely defined by citizen associations and 2) avoid creating situations which two Councilmembers represent people with similar interests. Mr. Douglas cited as an example the current configuration of Cedar Avenue in which the Ward boundary was drawn down the middle of it and people who related to each other as neighbors and socially were represented by two different people. He said another problem that should be avoided was splintering-off small pieces of citizens' associations which had been one of the real problems faced by S.S. Carroll in the last 10 years; e.g., people on one side of Hancock were a small part of Ward 4, but they felt they were a very small part of Ward 4 instead of a part of Ward 2.

Mr. Moore asked if Council would be discussing specific alternate proposals in worksessions and said that he also wanted the Task Force's input.

Mr. Sharp said that the issue in Ward D would go directly to the Voting Rights Act in a tricky way because the numbers were not particularly clear, and it was his understanding that Ward 6 was 42% white; 42% Black and 15% "other" and that the proposal of the Task Force would make it 41% white, 44% Black and 14% "other". He said the proposal from New Hampshire Gardens would make it more white than Black, and therefore Mr. Andalman needed to get involved in taking a look at the issue and give feedback on it, because no one could say for certain how this would turn out in Court.

Mr. Moore said that it was not a large problem; speaking of the difference of 60% and 40% was one thing, but a difference between 43% and 41% was something else. Council could juggle those figures around and they were aware that Council was very concerned about this issue and would be giving it very serious consideration to preserve the integrity of the citizens associations as they exist at the present time in terms of representation.

Mr. Sharp said in the report with regard to Ward B, it showed the variance to be 105.8 percent, and he was concerned about whether this ward met the one-person, one-vote requirements.

Mr. Andalman said that the plan met the one-person, one-vote requirement of the Constitution. If you looked at the variance, it was plus or minus 5% across-the-board. He said, for example, you don't take the population and divide it by six and use that as the norm and then calculate the percent above and below, e.g., you could go to 105.8 as long as you don't go below 96.2. There could be a 10% variance total top to bottom, (not simply plus 5 or minus 5) and still safely comply with the one-person, one-vote requirements. The 10% variance was a rule of thumb and some plans with higher variance had been approved.

Mr. Hamilton said that it was important to maintain process. He said he was concerned that the process not be challenged. Mr. Hamilton said it was nice to have so many civic associations that were concerned, but he also had a very large concern--that he would lose S.S. Carroll--there were a lot of people on that side that he represented and there were a lot of people that he worked with and that everybody gained and lost. He also said that he felt Jefferson Avenue was only changed minimally and he supported that change because of the makeup of how the new Ward B was supposed to represent the tenants of the City. Mr. Hamilton said that he felt Ward B did two things; it gave the largest tenant population within the City the opportunity to have not only a tenant represented on

the Council, but also gave a minority representation. He said one point that had not been mentioned was that due to redistricting there was a pickup of minority population on the Prince George's side of the City and there was a large minority population on the Montgomery side of the City. Mr. Hamilton also said that the possibility of giving a minority person the chance to vote or be elected, no matter who they were in the City was an important point. He concluded that he felt the Task Force had done a very good job of putting this plan together in a short time.

Mr. Prensky said that he was in support of the citizen's associations in neighborhoods, and he also had respect for the work done by the Task Force in the situation and because the situation before Council was a hydraulic one that applying pressure to add or subtract residents from any one of the areas, would subtract and add pressure to the other side of that equation; to remove or add people to another ward, and the balancing act was difficult. He said that there were very clear statements of support and recommendations and it was very much to the benefit of the community associations and the City to have the kind of support from the neighborhoods that felt strongly about staying together. Mr. Prensky said there was a third neighborhood which did not feel threatened by the map that was produced by the ETF which was the long-standing citizen's association--B.F. Gilbert, who did not show up to express their concerns because they didn't have any; their community was left intact by the recommendations of the Task Force. He said he suspected that the simplistic logic of giving New Hampshire Gardens back what it desired and giving S.S. Carroll what it desired, and take a chunk out of the southeastern corner of Ward F, was the simplistic answer, a lot of people from the B.F. Gilbert neighborhood would be deeply disturbed and concerned by being removed from their natural constituency. He also said at the same time, he felt that Mr. Hamilton's final statement regarding the necessity of maintaining the process was really a critical one, and he commended the Task Force and he hoped that in one final effort or a series thereof, they could bring full circle the recommendations to the Council. Mr. Prensky said that he had been uncomfortable with the idea of Council taking the recommendations of the Task Force and changing them to whatever ends they had, with the exception of finding legal constraints that they had to operate under, and having a separate public hearing on the Council's recommendations had always stuck in his mind as a long complex process that ended up with someone throwing out the original process and substituting their own, and he did not believe that was the intention of the Council, but it was a concern of his that Mr. Hamilton was able to articulate in terms of seeing through the one more continuous process to a hopeful satisfactory conclusion, and he believed that was where the Council would like to see the end point of the process.

Ms. Porter also thanked the Elections Task Force for all their work and she said she took their recommendations very seriously, but at the same time, having not so long ago been the president of a neighborhood association, she had a lot of sympathy for the concerns of the neighborhood associations. She continued by saying that the neighborhood association that she was president of was broken between two wards and she knew that it was very difficult to give the same thought and care to the representation of the people in the small piece of the neighborhood association that was in a different ward than the majority of the association. Ms. Porter also said that she hoped a way could be worked out so as to accommodate some of those concerns without violating a very good document from the Task Force.

Mr. Sharp said that he had heard over the years about the need to enhance volunteerism in the City, he never understood those complaints because it appeared to him that things had gone on recently with the Recycling and Historic Preservation Task Forces, and now with the Election Task Force, were demonstrations of substantial volunteer efforts in the City of Takoma Park, focused

in on very important issues that the City had to deal with. The Mayor also said that he hoped if the Council needed to get some work out of the Task Force, the volunteers would still be there. He said part of the process was having the public hearing and hearing from citizens as a whole; it was true that all the Task Force meetings were open to the public and the Task Force took into account as much as they could of citizen concerns, nevertheless, this was still an important part of that and Council had a responsibility to receive the concerns that had been expressed and deal with them, because it was something the Council had to put forward as the basis for elections, and people had to be told if changes were going to be made.

Mr. d'Eustachio reminded the Council and the citizen's associations who had made their comments, that the City would have six Wards and the number of citizen's associations within Takoma Park was not divisible by 6, which meant despite what Ms. Porter would hope, somebody was going to lose out; some set of blocks somewhere were going to get chopped off and put in the wrong ward, and that fact needed to be recognized because it was inevitable. The plan was reasonably good and the Council should recognize that some neighborhood citizen's associations were going to be split, which was a political decision, and Council would also have to recognize the necessity of keeping those wards equal in size and reasonably balancing ethnic makeup.

Mr. Sharp agreed with Mr. d'Eustachio and said the Task Force had made their recommendation to Council and they had received citizen comments on it and any additional effort that the Task Force did, would be at the specific direction of the Council.

Mr. Leary suggested asking the Task Force to consider the alternative proposal that was being developed by Hampshire Gardens and S.S. Carroll and give their best judgement about whether those alternatives were advisable. He said he was prepared to be presented with a recommendation that no further changes were advisable.

Mr. Sharp said that the Council still needed to see the numbers and what they did.

Ms. Porter said she agreed with Mr. Leary and suggested that the Task Force provide information on the makeup and the number of people in each ward and what the impact would be.

Mr. Douglas said that these proposals were linked because both of them involved Ward E and while S.S. Carroll had proposed their own kind of tradeoff, he was not sure that it was necessarily the best tradeoff once New Hampshire Gardens' proposal was on the table, and he asked the Task Force while looking at the two proposals to actually review them as one issue and not be locked into whatever the two associations brought, but to look at the two problems and see if there was a third solution.

Ms. Porter said that what she would like the Task Force's list to explain to Council what impact it would have on citizen's associations who now lived in the area which was presently being proposed to add to Ward E.

Mr. Moore said that the only impact on Ward E would be the number of people in the Ward, because the racial makeup was not an issue. He explained that the area south of Linden, the triangle that was currently in Ward 7 would remain in Ward E, and Hampshire Gardens would remain intact in Ward D.

Mr. Hamilton said that to put Jefferson back into the S.S. Carroll neighborhood did not affect Ward B at all.

Mr. Douglas said that another area which may fall into that same category would be Palmer Lane and the edge of Flower Avenue, which

have that same characteristic. He said it looked as if there were not many people involved and there was a little bit of Ward C which came across Carroll Avenue and went as far as Palmer Lane, along Flower Avenue.

Mr. d'Eustachio asked the Councilmembers who had specific changes to write them down, which would make sure all the different combinations would be tried, and that all were invited to come to the meetings to find out while it was happening. He also said that in going through and doing the balancing act, they spent a tremendous amount of time worrying about keeping within the 10% overall variance, because of the guidance they received from the Lawyer's Committee which suggested that if the variance rose above 10%, it would be unconstitutional and challengeable.

Mr. Douglas asked if it were appropriate to ask Corporation Counsel to join the Task Force discussion and Mr. Andalman agreed to attend the Task Force discussion.

Mayor Sharp indicated that the Task Force could meet on June 24th at 8:00 P.M., and would need the Council's comments as soon as possible. The Council would meet on June 26th at 7:30 P.M. to review the work Task Force recommended.

CHARTER AMENDMENTS

Mr. d'Eustachio said the report spoke for itself and it was clear what the committee's recommendations were, and there was a large discussion and disagreement and not all the recommendations were unanimous. He said the recommendations were on nomination for multiple offices; it was the intent of the 1989 Charter Review Committee which he participated in, and the intent of Council when they passed the charter at the time, that individuals would not be able to be nominated and run for multiple offices at one time in one election. He said that a close reading of the Charter revealed that the intent was never carried out and the first recommendation was a non-controversial clarifying change, which meant an individual should not be able to run for Mayor and for a Council seat at the same time; shouldn't be able to be nominated and shouldn't be able to run. He said the next recommendation was on election signs: the use of surplus campaign funds likewise as an ordinance; write-in campaigns was a Charter amendment, and it allowed a write-in subsequent to the nomination under certain specific conditions. He said that a majority of the Task Force leaned towards making the process as democratic and participatory as possible. Mr. d'Eustachio continued and said that the Charter did not have a process for a re-call elections at the present time and the committee was looking into the prospect of recommending some sort of procedure for a re-call election, as well as looking at a process for filling Councilmember vacancies, and that now the committee was leaning towards an appointment process for Councilmembers and an election process for the Mayor, in the event of a vacancy in that particular office. He said the final issue was one to permit non-U.S. citizens to vote in City elections.

Mr. Sharp said there were two recommendations of Charter changes that were coming from the Task Force 1) to prohibit any person from running for more than one City office at any one election and 2) to allow write-in campaigns for Mayoral and Councilmember elections. He also said there were two more proposals listed as ordinances dealing with political signs and with surplus campaign funds.

Mr. Douglas said that he was concerned that all of the issues proposed by the Task Force had an opportunity for public notice in the special edition of the newsletter that was due to go out before the July 8th Hearing. He said he did not see how the citizens could be effectively notified of the proposed Charter changes.

Mr. d'Eustachio replied that he was not sure that any of the issues were a life-and-death consequence within the next two or three weeks, and if in fact the committee did not come back with

recommendations within the next week and they miss the special elections edition of the newsletter, they would pick it up in the following edition of the newsletter.

Mr. Douglas said that the Charter amendment that he was proposing dealt with the contingency provisions of the Charter in the finance article. He further explained that the current Charter required that the operating budget of the City have a 2% reserve contingency fund, a third of which could be used by the City Administrator at his discretion, and the other two-thirds could only be used by the City Council to meet shortfalls or overheads. He also said that the process had not worked well in terms of making that distinction between one-third and two-thirds. Mr. Douglas suggested getting rid of the 2% contingency in the budget and require a minimum of 3% (for the sake of argument), minimum unappropriated reserve which would eliminate the City Administrator's unfettered discretion and place it back in the hands of the Council to use; the companion proposal was to give the City Administrator carte blanc to move monies within the adopted budget subject to whatever additional restrictions the Council might want to add by ordinance. He explained that the idea was to take the mandated contingency out of the operating budget and put it in as an explicit unappropriated reserve.

City Clerk Jewell explained the proposed Charter amendment regarding registered voter lists and said the City received a certified list of registered voters from both County Board of Elections by the 3rd Monday in August and she saw no reason why the first listing should be received so early. She said the Caucus was held the last Tuesday in September or the first Tuesday in October (as it will be this year). She said by changing the date in the Charter to the 3rd Monday in September instead of the 3rd Monday in August would save substantial staff time and money. She then explained the other proposal to amend the Charter was a technical one; the current Charter designated the City Council the power to serve as a Water and Sewer Board and technically the Council did not deal with sewers so the proposal was to change the name of that board to the Stormwater Management Board.

Mr. Douglas said that it sounded like a minor change, but it was one in which the Charter Review Committee did discuss at some length and made an explicit decision to include Sewer and at the appropriate time. He said he wanted to revisit those arguments so the Council would understand why the recommendation was made two years ago to use that terminology, but it was not done idly.

CITIZEN COMMENT:

Rino Aldrighetti said that at the beginning of the meeting a statement was made that the desire was to involve more people in the election and he assumed the Charter amendment regarding write-in campaigns was proposed, and it seemed to him that the City had a very open and easy process. He said he felt that one of the concerns was that there had not been competitive elections; one way of dealing with that would be to put "none of the above" on the ballot.

Mayor Sharp announced there would be a meeting on June 26th at 7:30 p.m. to consider the proposed changes discussed at this meeting, after the Task Force has done their analysis. He noted the Newsletter deadline was June 27th and said the Council would have to make a decision about the proposal, although it could still be changed at the second public hearing on July 8th.

Upon motion duly made and seconded, the meeting adjourned at 11:20 p.m., to reconvene in Regular Session on June 24, 1991.

CITY OF TAKOMA PARK (FINAL 3/5/92)

Regular Meeting Of The City Council
Monday, June 24, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	Admin. Clerk Mitchell
Councilmember Hamilton	
Councilmember Leary	
Councilmember Moore	
Councilmember Porter	
Councilmember Prenskey	

The City Council convened at 7:30 p.m. on Monday, June 24, 1991, in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Mayor made his remarks.

MAYOR/COUNCIL REMARKS

Mayor Sharp apologized for being late for the meeting, noting that he and the Council were in Executive Session with the Bond Counsel regarding the Washington Adventist Hospital Bond Issuance. He also reminded everyone that on Wednesday June 26th at 7:30 P.M., the Council would meet to have a further discussion on the redistricting proposals; the Elections Task Force would meet later on, to respond to Council's request of last Tuesday to look at proposals which were raised at the June 18th public hearing, and they would give Council their responses on Wednesday, June 26th. He said the Council would also discuss what their presentation would be which would be announced in the early July Special Edition Newsletter as the basis of the second public meeting which will take place on July 8th.

Ms. Porter announced that there would be a meeting on June 25th with citizens who were interested in education issues in Prince George's County; she said this would be a worksession-planning session to decide what would be done to improve the situation in Prince George's County schools.

Mr. Wilson suggested having a brief discussion about the mechanics that related to the redistricting issues, the report from the committee and what the Council would want to see in print. He noted that any copy would have to be ready by Thursday, June 27th at 11:00 A.M. in order to meet the Newsletter deadline.

Mr. Moore said he wanted to remove the two ordinances listed as Agenda Item No. 1 which pertained to the placement of STOP signs at two different intersections in Ward 6. He said this issue needed further study.

Mr. Sharp said that those items would be removed from the Agenda; Item No. 1, first reading ordinances regarding STOP signs at 13th Avenue, Elson Place, and 14th Avenue.

CITIZEN COMMENTS (those directed at items not on Council Agenda)
Janice Martin, 1319 Elson Place said there needed to be 4-Way stop at Maple Avenue and Sligo Creek because she was tired of coming from New Hampshire Avenue on Sligo Creek in order to get to Maple Avenue, and because of all the vegetation growing in the park along the creek, she could not see the cars coming down Maple Avenue. She said when she needed to make a left turn, she had to pull out to see the cars coming down Maple Avenue and then risked getting hit by cars coming from the other way. Ms. Martin said there was also a problem with a lot of congestion during rush-hour; cars coming from the hospital, etc., and she felt that issue should be studied. She concluded by saying that when she was on the Council, she tried to get a light put at New Hampshire and Erskin, and she

found out there had just recently been another bad accident at that spot; it was her understanding that it was on the State's Agenda to get the light, but it would also help if there was pressure from the City. Ms. Martin also said there were some repairs which needed to be done on Sligo Creek Parkway.

Mr. Leary said the potential danger of the approach that Ms. Martin suggested was that the STOP signs acquired the same inevitability as the speed hump petitions - if a certain number of people ask for them they will get them regardless, and he would be cautious in adopting such a procedure. Mr. Leary said that he noted in the past, Council discussed whether these kinds of decisions should come before the Council at all (except in extraordinary circumstances), and these decisions should be made by city staff on the basis of guidelines from the Council, not decisions made as a result of public meetings.

Mr. Douglas said he agreed to delegate as much of an issue as the present one to the City Administrator.

Mr. Wilson noted for the record that the road which Ms. Martin spoke of had been fought for and finally it was paved 4 years ago although it was worse now than it was in the beginning.

AGENDA

1. Resolution To Extend City Council's Authorization to Loan \$40,000 to 7611 Maple Avenue Tenants Association

Moved by Mr. Hamilton; seconded by Mr. Elrich.

Mr. Hamilton explained the intent of the Resolution was to extend authorization of a loan of \$40,000 to the 7611 Tenants Association to assist with the acquisition expenses of the tenant-owned-sponsored Cooperative within their building. He said that 7611 was presently owned by the HOC which was exempt from property taxes, and the acquisition of the building by the Tenant Association would return it to the city's tax rolls and increase the city's tax revenues. He continued by saying that the Resolution authorized the City Administrator to make a loan of \$40,000 for 5-year term at an interest rate of 8.25% per annum from the unappropriated reserve from the City of Takoma Park to the 7611 Tenants Association, to be used to acquire the real property known as 7611 Maple Avenue. Mr. Hamilton continued by saying that the Resolution authorized the City Administrator to amend the term that the Tenants Association and outstanding Tenant Awareness Program, which was the TAP loan for \$15,000 for an extended period of 5 years from the date of the acquisition settlement, at an interest rate of 5% per annum, with a repayment to be made in monthly installments. He also said that the Resolution was hopefully, the end of a long road for a lot of people, especially for the tenants who lived at 7611 Maple Avenue. He thanked Don Maenner, Mary Grice, and the Tenant Association for the work they did. He also thanked Delegate Peter Franchot who also helped in getting the project, as well as all the City Councilmembers. He said he hoped that the work would be pursued. He also thanked the staff for their efforts.

Mr. Douglas said he agreed with Mayor Sharp and said he felt the payment in lieu of approach had better safeguards for the city. He said he was concerned with the cashflow basis--how it would be paid out. He said if it were all to be one lump sum in FY'92, it would be an even trade, if not and if the payment in-lieu of benefit were given over 5 years, assurance was needed to make sure that it was an even trade.

COUNCIL ACTION: The question was called and the Resolution passed unanimously.

RESOLUTION NO. 1991-56
(Attached)

3. PUBLIC HEARING

(A) Second Reading Ordinance - FY'91 Budget Amendment No. 2

Mr. Douglas moved second reading of the Budget Amendment No. 2 ordinance, exclusive of revenue amendment (e); Mr. Prensky seconded.

Mr. Douglas also moved adoption of the amendments which were provided in the draft and Mr. Prensky seconded.

Mr. Sharp explained that the amendments changed the amount of money out of general contingency from \$21,000 to \$23,000, to pay for street lights to cover unbudgeted electricity costs. He said there was a transfer of \$10,000 from refuse fee disposal to contract, and a transfer of \$20,000 from police salaries to Capital Equipment for telephone equipment purchases and increase in the appropriation of CDBG money to the Boys & Girls Club of \$525,000.

Mr. Prensky commented that he called about street lighting problems in Ward 3 and he was told that PEPCO was in the midst of a review of the street lighting situation in the city. Recommendations would be made where there was need for upgrading and changing the kind and style of lighting. He asked if there had been a report from PEPCO yet.

Mr. Wilson said as of yet there was no report, but he would speak to Public Works and find out what the status was.

Mr. Prensky said the additional cost of the current type and style of lighting which presently existed in the city, could be reduced by having another type and style of lighting. He noted that there were certain areas around Spring Park that did not have sufficient lighting and he had been told that this would be clarified.

Mr. Douglas asked if anything was spent out of the general contingency account. Miss Habada responded no, it was all transferred out or amended out. She said that expenditures were unanticipated--people needing extra money for various things which came up during the year e.g., the sound system for the bandstand to prepare for the 4th of July, which was getting old and needed to be replaced; however, everything else was unanticipated.

Mr. Wilson also commented that there were additional costs in hiring temporary help when regular employees were absent.

COUNCIL ACTION: The amendments were adopted unanimously.

Mr. Sharp noted that as members of the Board of Directors of the MHA, he and Mr. Elrich would not be able to participate in discussions and Mr. Elrich would not be able to vote on the matter. Mr. Douglas then resumed as Mayor Pro Tem. Mr. Douglas announced that Special Revenue Budget amendment items (e) and Expenditure Amendment (e) were now before the Council. Mr. Hamilton moved adoption and Mr. Prensky seconded.

Mr. Douglas said he wanted it be in the form of the budget amendment which previously passed so all of it would be together.

COUNCIL ACTION: The ordinance, as amended, was adopted unanimously. (Abstained: Elrich)

ORDINANCE NO. 1991-18 (Attached)

Mr. Prensky moved that the Council adjourn and reconvene as the Water and Sewer Board; this was seconded by Mr. Douglas.

(B) Second Reading Ordinance Amending FY'91 Stormwater Budget
Moved by Mr. Prensky; seconded by Mr. Hamilton.

COUNCIL ACTION: The Ordinance was adopted by unanimous vote at second reading.

ORDINANCE NO. 1991-17
(Attached)

4. First Reading Ordinance Increasing City Council Salaries

Moved by Mr. Douglas with amendments to Ordinance Sections 1 and 2 to correct the salaries to read \$5,000 for the Mayor and \$3800 for Council; the amendment was seconded by Mr. Hamilton.

Mr. Leary noted for the record that he would vote NAY on the proposal as he voted on the proposal to raise the Council's salaries a year ago when it was done.

Mr. Hamilton said that the increase would go into effect after the next election in November and it did not affect the presently seated Council.

Mr. Prensky said that during the worksession discussion regarding the budget for FY'92 when the salary increases of the Mayor and Council were discussed, he had suggested that if consideration were to be given with regard to raising the salaries in line with the Mayor's original proposal, if it were to be let go over the years, it would fall far behind as it had in the past 10 years, it would be inappropriate for the Council to increase the salaries of future Councilmembers anything beyond the 5%, which was agreed upon to increase the salaries of Takoma Park City employees. He said he was corrected by the Mayor when he said if one applied a 5% increase per year, of the 2 years of the Council, a higher number would be arrived at--higher than the \$5,000 and \$3,800 salaries which were presently being proposed, and that the Mayor was correct; the totals would have been \$4,167.00 for the Councilmembers and \$5,557.00 for the Mayor. He also said that he agreed with Mr. Leary in final consideration, he did not believe that the salaries which were paid to the Mayor and Council were meant to be directly attached to work produced, and therefore he did not feel that they needed to rise with inflation. He said that a regular city worker's salary needed to rise with inflation, and he believed the salaries were symbolic and therefore he would vote against raising the Mayor's and Councilmember's salaries.

Mr. Douglas said he agreed with Mr. Prensky that salaries should not necessarily rise with the rate of inflation nor should they necessarily be tied to any particular output. He also said that he hoped the salary would be raised in a symbolic amount to a number so that in every 10 years it would not have to make a large jump, which would appear to be extraordinary.

COUNCIL ACTION: The Ordinance carried at first reading. (Nay: Prensky, Leary.)

ORDINANCE NO. 1991-19
(Attached)

5. First Reading Ordinance Repealing Grant Avenue Scout Bus Parking Space.

Moved by Mr. Hamilton and seconded by Mr. Elrich.

Mr. Sharp said that the City Council had provided a parking space designated in the back of City Hall, near the Police Station for the Boy Scout bus and had recently been apprised of the fact that the Scouts no longer have the bus. He noted that now the Council was taking steps to remove the sign so that the space could be used for other purposes.

Mr. Douglas indicated that on October 11, 1988, the Council adopted an ordinance which created the space for the bus, and the reason for that was because there was a police officer in the city who had made it his business to ticket the bus, which had parked there for many years, so they therefore made the parking space official. He said now the Council was meeting to "un-make" the parking space. Mr. Douglas said that those kinds of issues are the exact kinds of issues that the Council should not be dealing with; it should have been handled by the City Administrator. and he hoped that would be delegated to the City Administrator in the future.

Mr. Prensky said that the terminology needed to be amended in the cover memo from the City Administrator, which spoke of the potential permanent location of the tool library trailer; he felt it should be clear whether the location was "temporary" or "permanent".

Mr. Douglas commented that the statement was a "whereas" clause which would not be codified, and to let the City Administrator handle it.

Mr. Leary suggested striking that "whereas" clause, which was not necessarily the motive for the action.

Ms. Porter suggested striking the word "temporary" to keep it consistent.

COUNCIL ACTION: Council agreed to strike the 3rd "whereas" clause and the ordinance passed unanimously at first reading.

ORDINANCE #1991-20
(Attached)

Upon motion duly made and seconded, the meeting adjourned at 9:45 P.M., to reconvene in Regular Session on July 8, 1991.

Introduced by: Councilmember Hamilton

Adopted: 6/24/91

Drafted by: V. VinCola
and L. Perlman

RESOLUTION NO. 1991-56

A RESOLUTION TO EXTEND THE AUTHORIZATION OF A LOAN OF \$40,000 IN UNAPPROPRIATED RESERVE FUNDS TO THE 7611 MAPLE AVENUE TENANTS ASSOCIATION, INC. TO ASSIST WITH THE ACQUISITION EXPENSES ASSOCIATED WITH THE TENANT-SPONSORED PURCHASE OF 7611 MAPLE AVENUE

- WHEREAS, A large segment of the population of the City of Takoma Park is tenants; AND
- WHEREAS, there is a shortage of decent, sanitary, and safe housing available for purchase in the City which tenants of low and moderate income can afford; AND
- WHEREAS, tenant-sponsored purchases of multi-family residential buildings provide tenants of low and moderate income with an opportunity to purchase decent and affordable housing, thus helping to maintain neighborhood stability and economic diversity in the City; AND
- WHEREAS, converting multi-family residential buildings in the City to tenant ownership will result in better maintained buildings, less residential turnover, and will reduce the number of absentee landlords and owners; AND
- WHEREAS, 7611 Maple Avenue is presently owned by the Housing Opportunities Commission which is exempt from property taxes, and acquisition of such a building by the tenant organization will return that building to the City tax rolls and increase City tax revenues; AND
- WHEREAS, the 7611 Maple Avenue Tenants Association is unable to secure all of the necessary financing from private lenders for the acquisition of their building or can only obtain such financing at prohibitive interest rates and on unsatisfactory terms and conditions; AND
- WHEREAS, many tenants of low and moderate income lack sufficient income or assets to enable them, without assistance, to purchase units in 7611 Maple Avenue; AND
- WHEREAS, the Council supports the efforts of the tenants of 7611 Maple Avenue who have organized to acquire the property and the Council would like to be able to offer financial assistance to such tenants; AND

WHEREAS, the Council declares that making a loan to the 7611 Maple Avenue Tenants Association from Unappropriated Reserve funds serves a public purpose and promotes the peace, health and general welfare of the City and its citizens.

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

SECTION 1. The City Administration or the City Administrator's designee is hereby authorized and empowered to make a loan in the principal sum of \$40,000 for a term of five years and at an interest rate of 8.25 percent per annum from the Unappropriated Reserve of the City of Takoma Park to the 7611 Maple Avenue Tenants Association, Inc. ("Borrowers") to be used to acquire the real property known as 7611 Maple Avenue, Takoma Park, Maryland ("Property"). The loan its terms and conditions shall be evidenced by a loan agreement, promissory note, Deed of Trust on the property, and by such other documentation considered necessary by the City Administrator or the City Administrator's designee.

SECTION 2. The making of this loan to Borrowers is subject to and conditioned upon the following:

- a. State of Maryland tax exempt bond financing a first trust loan to the Borrowers in the amount of \$3.15 million for the Borrowers' acquisition of the property;
- b. Receipt, review, and approval by the City Administrator or the City Administrator's designee, of the Borrowers' projected monthly cash flow statements for the property; and
- c. Receipt, review and approval by the City Administrator or the City Administrator's designee of Borrowers' plans and specifications and the architect or engineer's inspection reports for rehabilitation of the property, and of the public offering related to the property for the conversion of the property to cooperative housing.

BE IT FURTHER RESOLVED THAT the Council hereby directs the City Administrator or the City Administrator's designee to amend the terms of the tenant association's outstanding Tenant Awareness Program (TAP) loan for \$15,000 to provide for an extended term of 5 years from the date of the acquisition settlement, an interest rate of 5 percent per annum with repayment to be made in monthly installments.

BE IT FURTHER RESOLVED THAT this authorization shall expire on September 30, 1991.

ADOPTED THIS 24th DAY OF JUNE, 1991.

VV:RAT/7611exte.res

First Reading: 6/10/91
Second Reading: 6/24/91

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

**ORDINANCE #1991-18
FY 91 BUDGET AMENDMENT NO. 2**

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 BUDGET

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

SECTION 1. that the Fiscal Year 1991 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate \$163,000 from prior years unappropriated reserve for Municipal Building renovations as approved by Ordinance 1991-16.
- b.

EXPENDITURE AMENDMENTS

- a. Transfer \$16,000 from Account 9000-7010, General Contingency, to Account 1100-6123, Legal Expense-Litigation.
- b. Transfer \$22,000 to Public Works Account 3300-5240, Gas and Diesel Fuel as follows:
 - \$10,000 from Account 3100-4010, Public Works Office salaries and \$12,000 from Account 9000-7010, General Contingency
- c. Transfer \$21,000 from Account 9000-7010, General Contingency, to Public Works Account 3600-6713, Street Lights to cover underbudgeted electricity costs.
- d. Delete \$19,890 from Account 9100-8001, Capital Improvements, to reflect deletion of parking meter installation as a capital budget project.

- e. Appropriate \$163,000 to Account 9100-8001, Capital Improvements as additional funding for municipal building renovation costs.
- f.

CAPITAL BUDGET

- a. An additional appropriation of \$163,000 is authorized for municipal building space renovation construction.
- b. Parking meter installation is deleted from the capital budget as a FY 91 capital improvement item at a cost of \$19,890.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- [a. A budget line item, Account Number 0010- is created with an appropriation of \$25,000 to account for receipt of a Maryland Main Street Grant from the Maryland Department of Housing and Community Development for streetscape improvements in the Takoma/Langley Crossroads area.]
- b. Reduce Account 0010-3387, State Addictions Prevention Program from \$6,000 to \$2,000 to reflect actual grant approval from Prince George's County.
- c. Reduce Account 0010-3389, Montgomery County Drug Awareness Mini-Grant from \$7,500 to \$2,000 to reflect actual grant approval from Montgomery County.

- d. A budget line item, Account Number 0010-3391 is created with an appropriation of \$10,000 to provide for receipt of a grant from the State of Maryland, the Governor's Initiative on Drug and Alcohol Awareness.
- e. Increase the appropriation of Account Number 0010-3369, Mutual Housing Association grant, from \$10,000 to \$22,000 to reflect an increase in CDBG funds from Montgomery County for this project.
- f.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- [a. Appropriate \$25,000 to a new expenditure line item, Account 0010- , for streetscape improvements in the Takoma/Langley commercial district funded through a Maryland Mainstreet Improvement Program grant.]
- b. Reduce the appropriation of account 0010-7220 from \$6,000 to \$2,000 in support of a youth drug addiction prevention education program.
- c. Reduce the appropriation of account 0010-7249 from \$7,500 to \$2,000 for the Youth Outreach Program's drug awareness program.
- d. Appropriate \$10,000 to a new expenditure line item, Account 0010-7221, for the drug awareness program funded through the Governor's initiative on Drug and Alcohol Awareness.
- e. Increase the appropriation of Account 0010-7241, Mutual Housing Association from \$10,000 to \$22,000, to reflect increase in CDBG funds from Montgomery County for this project.

Page Four
FY 91 Budget Amendment No. 2

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Upon motion by Councilmember Douglas, duly seconded by Councilmember Prenskey, the ordinance was adopted by roll call vote as follows:

AYE: DOUGLAS, HAMILTON, LEARY, MOORE, PORTER, PRENSKY
NAY: NONE
ABSTAIN: ELRICH
ABSENT: NONE

d#O/R2
O-91BA2

First Reading: June 10, 1991
Second Reading: June 24, 1991

Upon motion by Councilmember Hamilton, duly seconded by Councilmember Prenskey, the following Ordinance was introduced.

ORDINANCE #1991-17
FY 91 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 STORM WATER MANAGEMENT BUDGET

BE IT ORDAINED AND ENACTED BY THE WATER AND SEWER BOARD OF TAKOMA PARK, MARYLAND

SECTION 1. that the Fiscal Year 1991 Storm Water Management Budget be amended as follows:

REVENUE AMENDMENTS

- a. A new revenue account, Miscellaneous-Other is created with an appropriation of \$1,000.

EXPENDITURE AMENDMENTS

- a. Transfer \$4,000 from Account 0030-3700-5305, Repair Materials, to Account 0030-3700-6145, Subcontract Work, to cover additional storm drain cleaning expenses to be incurred in FY 91.
- b. A new line item, Account 0030-3700-6105, Engineering Services is created with \$5,000 transferred to this account from Account 0030-3700-6915, Equipment Rental, \$1,000 transferred from Account 0030-3700-5305, Repair Materials and a \$1,000 appropriation made for a total appropriation of \$7,000 to cover engineering expenses incurred in FY 91.

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Page Two

FY 91 Storm Water Management Budget - Amendment

Upon motion by Councilmember Prenskey, duly seconded by Councilmember Hamilton, the ordinance was adopted by roll call vote of the Water and Sewer Board as follows:

AYE: DOUGLAS, HAMILTON, LEARY, MOORE, PORTER, PRENSKY

NAY: NONE

ABSTAIN: NONE

ABSENT: ELRICH

d#O/R2

O-91STM1

Introduced by: Councilmember Douglas
Drafted by: P. Jewell

1st Reading: 6/24/91
2nd Reading

ORDINANCE NO. 1991-19

An Ordinance Increasing Salaries For The Mayor and Council

WHEREAS, Section 303 and Section 403 of the 1989 Charter provide that the Mayor and each Councilmember may receive an annual salary as specified from time to time by an ordinance passed by the Council; AND

WHEREAS, Section 303 and Section 403 of the new Charter state that an ordinance making any change in the annual salary paid to the Mayor or Councilmembers shall be adopted prior to the next City election, and shall take effect only as to the next succeeding Council; AND

WHEREAS, a City election will be held on November 5, 1991 to elect a Mayor and Councilmembers and the new Council will assume office on the second Monday in November following their election; AND

WHEREAS, the City Council wishes to increase the salaries for the benefit of succeeding Councils.

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

SECTION 1. The Mayor shall receive an annual salary of Five Thousand Dollars (\$5,000.00), payable bi-weekly.

SECTION 2. Each Councilmember shall receive an annual salary of Three Thousand eight Hundred Dollars (\$3,800.00) payable bi-weekly.

SECTION 3. The annual salaries specified in this ordinance shall take effect beginning with the members of the Council who assume office on November 18, 1991 following the City election on November 5, 1991.

Adopted this ____ day of _____, 1991 by roll call vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by: Councilmember Hamilton

1st Reading: 6/24/91

2nd Reading:

ORDINANCE #1991- 20

REPEALING ORDINANCE #1988-44 - PROHIBITED PARKING
ON GRANT AVENUE TO ACCOMMODATE THE BOY SCOUTS BUS

WHEREAS, on October 11, 1988, the City Council adopted Ordinance #1988-44, creating an on-street parking space for the Takoma Park Boy Scouts Bus on the East side of the 200 block of Grant Avenue barricade and extending in a southeasterly direction for a distance of twelve (12) feet beyond Pepco utility pole #737979; AND

WHEREAS it has come to the attention of City Staff that the Boy Scouts no longer have a bus and thereby no longer need this parking space; AND

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL THAT:

SECTION 1. Ordinance #1988-44, adopted on October 11, 1988 is hereby repealed; AND

SECTION 2. THAT the City Administrator is directed to remove the signs that designated the area as "Boy Scouts Bus Parking Only and to install the appropriate signs; AND

SECTION 3. THAT this ordinance shall take effect upon adoption.

Adopted this _____ day of _____, 1991 by Roll Call Vote as Follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

PROPERTY OF
TAKOMA PARK MD. LIBRARY

Council Meeting/Worksession Re Redistricting,
Charter Amendments and Other Matters

Wednesday, June 26, 1991

STATEMENT BY THE MAYOR

Mayor Sharp explained that the purpose of the meeting was to continue the consideration which began last week regarding redistricting plans for the 1991 election. He said that as a result of the discussions from the meeting which was held last week, Council requested the Elections Task Force (ETF) to meet again and provide the Council with information about what would happen if certain changes were made to the Ward boundaries; racial makeup, the citizen's associations, variance levels, etc.

Julie Mathews, member of Elections Task Force said that the ETF had come up with 10 alternatives based on the presentation they made at the meeting on June 18th. She explained that the first option the ETF looked at was to fix the minor things that they felt were done wrong during the deliberations. She explained Map 1 and said that they put Jefferson Avenue back into Ward E, fixed the boundary between Ward A and B, and between Ward A and F, they smoothed out the line between Takoma Junction. Ms. Matthews said that on Map 2, they added Chaney Drive back into Ward E; she said this proposal did not meet the variance requirement. She said on Map 3, they had corrections: for Census tract 206, the total was 138; 119 white; 16 black and 3 others.

Mr. Leary said it appeared that maps 2 and 3 were unacceptable.

Matt McWilliams, member, Elections Task Force said that maps 4, 5, and 6 are based on map 1. He explained that there was a correction on map 4 in the Hampshire Gardens proposal--the white percentage was 42.44.

Mr. Leary commented that the slightly re-adjusted balance of population division between white and black did not appear to be legally significant, and it would not be legally questionable.

Mr. McWilliams said that when they went through their original proposal, they looked at 36% black population and 37% black population of the City and felt that it should have been a way to make two majority black Wards, and they attempted to do that. The only way that it could be done was to come up with a very gerrymandered second Ward that was only contiguous through census tracts that had no one in them--in Sligo Creek. They asked what was the next best alternative and that was how they arrived at the 43.63 percentage; it was somewhat gerrymandered by the looks of the map which they felt was the best alternative. He also said the Hampshire Gardens proposal did not meet the one-person-one-vote test, because the trade-off took it outside the level of variance.

Mr. Leary said his decisions about the alternatives were based on the presumption that the racial breakdown satisfied the legal requirements which the ETF tried to meet with the original proposal, and therefore none of the options fail on that basis alone.

Mr. Prenskey said it was not an absolute necessity that the Afro-American population be the highest number; the total minority population appeared to be the operative figure--57.5%.

Mr. McWilliams said that the Hampshire Garden's trade as presented in map 4, violated the one-person-one-vote rule. He said the Task Force looked at two options which would keep the Hampshire Gardens proposal as it was, and he continued to explain by referring to the ETF map.

Mr. Leary asked the members of the ETF which option would they choose if they had to.

Mr. McWilliams said he would choose the B.F. Gilbert Map No. 5 because it unified the Forest Park neighborhood and the neighborhood around Forest Park was split in the original proposal, which made more sense than splitting right beside the park.

Mr. McWilliams said B.F. Gilbert had been unified with Spring Park 5 years ago and if the Ward F border was moved to Ethan Allen, you could see Ethan Allen from which 200 people were taken, in S.S. Carroll from which 300 people were taken, and at SOSCA from which 175 were taken. He said the Hampshire Gardens proposal unified SOSCA also, except for one street which could be picked up by S.S. Carroll.

Julie Matthews explained Map 7. She said that New Hampshire Gardens would remain the way it was originally drawn, unified S.S. Carroll; maintained Circle Woods and Forest Park; split Woodland Avenue and B.F. Gilbert, and unify SOSCA. Ms. Mathews explained Map 8 by saying it gave New Hampshire Gardens what they were looking for; unified SOSCA by giving it back the triangle; unified S.S. Carroll completely; maintained Forest Park; maintained Circle Woods; split the Census tract along the back of Woodland Avenue rather than in the middle of the street. It also split the Spring Park Neighborhood and split B.F. Gilbert in half.

Mr. Douglas said it was his understanding that splitting down Woodland and Poplar was the way Forest Park and B.F. Gilbert were before they came together, and it reflected an historical boundary.

Ms. Mathews proceeded to explain Map No. 9. She explained that the proposal did not meet the 10% variance requirements.

Mr. Prensky explained that he proposed for S.S. Carroll to give back in their proposal the very edge of Ward E and he had proposed that the southeastern quadrant of Manor Circle also become Ward E. He said he also proposed for B.F. Gilbert to give to Ward E the greater Forest Park neighborhood. He noted the difference between the ETF map and his proposal was the quadrant of Manor Circle.

Ms. Mathews explained Map No. 10. She said that Map No. 10 unified and maintained everyone in the City but split S.S. Carroll in the middle.

Mr. Prensky said that Map 9 did not completely re-unify S.S. Carroll because it left two edges of a block and a corner of Manor Circle out, and it did not completely maintain B.F. Gilbert but it backed it off to the Forest Park neighborhood and became part of Ward E.

Mr. Sharp said the Council had to take into consideration that some neighborhood associations were going to have to be split.

Mr. Leary said the demographics which were outlined in the discussion of Map 4 related to all of the proposals that followed it. On the test of racial makeup alone, none of the proposals would be subject to serious legal challenges.

Mr. Andalman said that the Task Force's plan was stronger in terms of protection from any lawsuit. He also said the Task Force's plan or the original Ward D population breakdown figures, were stronger in terms of protection from any lawsuit than the New Hampshire Garden's proposal. He said when you start with a town which was 36% black and split it into 6 Wards, you had to look for 2 black majority Wards. Mr. Andalman said the Task Force found that it was not possible to do because of the unusual boundaries of Takoma Park and also because there was not as great a residential segregation as there was in most places. He also said the Task Force looked toward creating a second minority-majority district, including the

black population as well as other minorities which was done in Ward D. He said in light of having equal opportunity to elect candidates of its choice, the ETF found that the minority population was generally younger; had fewer members of voting age population and traditionally, there was less voter registration in minority communities. That was why the ETF was looking toward a 51% figure to ensure an equal opportunity, and both of the plans were legal as stated. The ETF plan however was a preferable plan, in terms of looking at it from the Voting Rights Act. He said there was some symbolic value of having it be a black plurality under the Task Force plan, and it was a white plurality under Map No. 4.

Mr. Prensky asked if one should look at the current percentages in Ward 6 and question what was the racial breakdown there and then compare it to the original Task Force proposal and the New Hampshire Gardens proposal, or should one look at the current Ward 6 that has 1980 Census figures but apply 1990 Census figures to see how the basic racial majority was being changed. He asked if this was the perspective in which this scenario was judged.

Mr. Andalman said that generally you look first at the way it was before, but that one also had to compare what was adopted to both what was possible and what alternatives were rejected.

Ms. Matthews said that the 1980 figures were 75% white; 22% black and the remainder other, and it had gone from being a 75% white Ward to a 44% white Ward. The population figures had changed significantly.

Mr. Andalman said there were instances where the Courts had applied the law to combine minority groups, e.g., in Miami the black and Hispanic community were two major groups and you could not try to combine them together and say that it was a minority-controlled Ward, because they had very different interests and they don't work together, but in Texas they had. He also said the black plurality is at least symbolic, in terms of what was going to be the largest voting bloc in the group and a strong defense would be under the Voting Rights Act if there was a black plurality in that particular Ward.

Mr. Sharp commented that the number under the New Hampshire Garden's proposal was 1,169 white and 1,167 black.

Mr. Andalman said that insofar as it involved a difference of two people, the issue of plurality was largely symbolic, and there tended to be an ameliorative affect from having an additional 15% other minority population to bring the total minority population of the Ward up to 57.5%; in comparison, the original Task Force proposal had a 3% black plurality over white population and a total minority population of about 59%.

Mr. Sharp questioned if the Hampshire Garden plan was defensible considering the fact that the ETF was being considered.

Mr. Andalman responded that regardless of what alternative there was, he had not seen the ETF plan. He said that the plan was a legally defensible plan; it was a majority-minority Ward; it was short in terms of getting to 60%, but nonetheless, was a majority-minority Ward and he would be able to defend it if someone were to challenge it in Court. Mr. Andalman said the Court did not look only at the intent - but at the results and the effect.

Mr. Moore asked whether it helped that it was obvious that someone was not trying to avoid a black plurality, but it was drawn that way because those were the natural boundaries and the citizens association was one of the main considerations; i.e., that showed the motive for drawing it this way.

Mr. Andalman responded that in this case, the proposal from the Hampshire Gardens reflected a more natural boundary, the desire of a community, it was presented by an integrated community group, was supported by some members of the black community, and all of those would be factors which would play a role in a decision if one had to be made. He said it could be established that there were reasonable grounds to draw the particular boundary as opposed to a racial discriminatory motive.

Ms. Porter indicated that there were two changes in the New Hampshire Gardens Citizens Association proposal which caused the black plurality to decrease; one of them was adding a section which the ETF had in Ward E, which was predominately white and caused the number to go down; and the other one was taking out the triangle part of SOSCA and the other side of New Hampshire Avenue. She said New Hampshire Gardens proposed doing both. She said one could add in the section of New Hampshire Gardens that was not included and leave the rest of the boundary as it was and there would not necessarily be a variance problem with Ward D because it would still be within the variance.

Mr. Leary asked if there were any volunteers who thought that the option was preferable to the original plan. He said that the shift would be to adjust the boundary between E and F to pick up the additional population, and that would help some of the racial balance problem.

Mr. Andalman explained that if the five Census tracts were added into D from E, you would not drive the number up to the point above B and drive up the 10% higher which would take it to 103.8%.

Mr. McWilliams said it was still a white majority; 1,237 white, 1,211 Afro-American, and 443 other; 42.78 white, 41.88 black, and 15.32 other. He said the total minority population equaled 57.2.

CITIZENS COMMENTS:

Abby Eden, acting president B.F. Gilbert Neighborhood Association said their association held a meeting on June 18th, and during the meeting they had decided to support the ETF's proposed plan. She said she was authorized to write a letter on behalf of her association and she proceeded to reiterate that they were not thrilled with the ETF's plan, because it took off a section of B.F. Gilbert, but after they read the report, they felt it was very good; the greater good of the community would be served by supporting the plan. She also said if the ETF would change their option, the B.F. Gilbert Association would like to have the opportunity to have some input into the final solution, and to do that they would need the opportunity to meet with the members of other neighborhood associations that would be affected and be given time to get back to their membership to get a consensus, to avoid a long drawn-out antagonistic public hearing which would consist of neighborhoods screaming at one another.

Mr. Douglas questioned what she meant when she said "more time". Ms. Eden responded that she would like to have a chance to have a meeting and she was not sure if that could be arranged before July 8th.

Dan Robinson, President of S.S. Carroll Citizens Association said they were not happy with the original ETF proposal although they respected their work and effort. He also said S.S. Carroll was in agreement with the current options, and Map 8 and Map 9 were acceptable also. He said the Manor Circle cut-off was acceptable to S.S. Carroll also, although it was the least acceptable.

Mr. Prensky explained that Beech Avenue went up northeast and back down to Woodland; this was to keep all of Woodland Avenue in Ward E because there were no houses that faced Woodland from the West side of the street where Beech Avenue dropped down to Elm. He said the logic was to keep the natural constituencies around their parks

and to try to split the Wards between the two parks. He said one could also go the other way down Beech, drop down and go across Elm to the other side that he referred to as the other "appendices" of Takoma Park where there were only 3-4 houses.

Mr. Robinson said that S.S. Carroll's preference would be Map 9 with that "appendices" in Ward E, and going up south and west along Beach, instead of north and east and going across Elm at Sycamore.

Martha Feldman, resident on Prince Georges Avenue said she would prefer that Forest Park be kept as a whole neighborhood rather than have it divided along the boundary as it was on Plan No. 1. She said the Park had caused some problems which were ongoing and she feared if the Park and its neighbors were separated, they may not have the effectiveness in dealing with the problems as before. She also said her other concern was that they were part of B.F. Gilbert and it would be ideal if all of them were in the same Ward.

Mr. Douglas asked Ms. Feldman whether the problem with Map No. 9 was a basis for discussion on July 8th and would it cause a problem even though it was not 100% agreeable at present.

Ms. Feldman said her problem was that Map No. 9 did not give enough leverage to do negotiating with getting more of B.F. Gilbert. She said Lloyd Johnson did not have any reason to negotiate and she was not in a position to know how her people would respond, but if the natural affinities of the neighborhood were respected they would support it, and in that sense Map No. 9 would be fine. She also said in answer to Mr. Leary's question that B. F. Gilbert would support Map No. 10, and what it did was to restore B.F. Gilbert completely.

Mr. Prenskey noted the absence of Lloyd Johnson.

Mr. Leary asked if the anyone on the Task Force preferred any of the new options to the original plan.

Ms. Matthews said that she used to live on Maple Avenue but now lived in a Ward that did not have a citizen's association, but the Maple Avenue corridor had been kept together. She also said all of the citizens' associations had been represented; S.S. Carroll by Matt McWilliams; New Hampshire Gardens by Frank Garcia; B.F. Gilbert by Paul d'Eustachio and Matt McWilliams. She said it was a process done by 15 people in a room who had to come up with a plan, and she believed that the fairest plan before Council at present was the original plan. She concluded that she liked the idea of having a black plurality Ward which would not be insignificant.

Mr. McWilliams said that Map 9 was probably the best. He said with some adjustments, it deals with most of the problems that were originally there and could end up being a good compromise.

Mr. Prenskey said his Map No. 9 was a very logical proposal for Council to adopt for its basis for the Public Hearing on July 8th, but it did not reduce the prospect that B.F. Gilbert could meet and discuss this and have a position in favor, or not if this were the Council's preference. He said he would like to see B.F. Gilbert stay together but he recognized that it was not possible, and his proposal was that the Council adopt Map No. 9 with the quadrant of Manor Circle being part of Ward E which gave the closest approximation to satisfy the greatest number of people and not being at any risk of the Voting Rights Act.

Mr. Elrich said he felt the ETF did their job which was required of them but they were part of the process and the other part of the process was the public hearings. He said the Council would be remiss to turn the public hearings into a mere formality and act as if they did not matter. Mr. Elrich also said that his inclination was to support the ETF's original report because he was concerned

that different variations had begun to look gerrymandered and he felt that some of the recommendations that had come back were very reasonable. Maps 8 and 9 had some merit to them and he particularly liked Map 9 which addressed the most concerns in a reasonable way. He concluded that he agreed with Mr. Prensky's proposal.

Mr. Leary asked Mr. Prensky how Map No. 9 was preferable to Map No. 8.

Mr. Prensky responded that the reason was for the constituency and neighbors that surrounded Spring Park to stay in the same Ward.

Mr. Hamilton commended the ETF for a job well done. He also said from his position as a tenant and a minority, the proposal was a fair one and the ETF's proposal was solid and he supported the S.S. Carroll proposal. He said it gave a good balance on both sides of the City. Sixty percent of the people in the City were tenants and Ward B was able to show the majority of tenants who lived within it that there would always be a tenant representative on the Council. He said as long as the numbers did not unbalance the racial mixture it was the proposal to go with.

Mr. Moore said he supported the proposal Mr. Prensky suggested. He said it addressed the concerns of his constituents in New Hampshire Gardens and he appreciated all the work which went into the project. Mr. Moore also said that the proposal accomplished a lot of things and the ETF did a great job and he appreciated all their hard work.

Ms. Porter thanked the ETF also and said they should be pleased that their report had received such a supportive and positive reception. She also said she appreciated the fact that they maintained two Council seats from Prince George's County Wards and it was important for the citizens on the Prince George's County side of the City to feel that they have two Councilmembers from Wards which were primarily Prince George's County Wards. She also said that she would support a proposal of Map No. 9 to be put on the table. Ms. Porter continued that if the Council could reach a compromise for everyone, it would be satisfactory.

Mr. Douglas said Map No. 9 was the next step because it clearly dealt with the New Hampshire Gardens' situation, and more importantly it made significant progress towards drawing an equitable line between E and F, but it was not the line which would be settled on and it needed to be sorted out. Mr. Douglas said that B.F. Gilbert was justifiable if they believed they needed some time to sort the issue out. He also said that he hoped the decision would not have to put off to July 15th because there was a sufficient amount of time before July 8th. He continued that he did not want to be in a situation where all the negotiations would break down on the line between E and F and it would not be an equitable outcome. He knew how to bring New Hampshire Gardens to the table to help satisfy the E and F boundary line, but he did feel that they should be on notice that their fate hung in the balance as everyone else's in terms of drawing an equitable E and F line, and he hoped that whatever goodwill or other resources they could bring in the next weeks, would be brought in order to settle the E and F line and still satisfy Hampshire Gardens. He continued by saying he would join the Council in proposing Map No. 9 as the next step for consideration at the July 8th Public Hearing.

Mr. Sharp said that he did not feel the meeting should be ended by having a map which was not 99% close to the final decision, and it would be a mistake to go into the July 8th meeting and not be able to make a decision, and he did not want to go into the meeting and then have to go into July 15th to make a decision. He said staff needed time to get whatever decision was made into the system with

the counties, in order to have an election process that would flow smoothly.

Mr. Prensky said his proposal was not Map No. 9 as it appeared before any discussion; it was Map No. 9 with one change, which included the southeastern quadrant of Manor Circle as part of Ward E. He said he agreed that the proposal was in preparation for the Public Hearing on July 8th; and he hoped it was a proposal in which Council was comfortable with if it were to be adopted, and what Council recommended to the citizens of the City. Mr. Prensky said that he was open for suggestions but he felt that this was the best plan he could come up with so far. He said that he would make an effort to be available to meet with citizens for suggestions.

Mr. Hamilton said he was comfortable with the decision and if there was going to be a change it would be minor but the decision was unanimous at present.

Mr. Douglas said his major concern was that B.F. Gilbert would have a chance to understand and talk about the value of the proposal on Map No. 9, and he felt very comfortable that the proposal was a good one, and he agreed the goal should be to make the decision on July 8th.

Dan Robinson commented that it was important to establish communications between the neighborhood associations and his hope was that there could be some allocated staff time to keep track of neighborhood associations, their officers, what the boundaries are and what the issues are so that matters such as the redistricting process are facilitated better in the future.

Ms. Porter said this was an excellent idea and that she had requested the City designate a staff person who would be the liaison from the City administration to the neighborhood associations.

Mr. Sharp said that Map No. 9 would be put forward. It would be the City Council's proposal for drawing the Ward boundaries and would go forward in the special edition of the Newsletter as the basis for the discussion on July 8th.

Mr. Sharp expressed his thanks to the ETF for the work they did on the redistricting. He then closed the discussion on redistricting.

Discussion on Proposed Charter Amendments

Mr. Sharp noted that Mr. Douglas had volunteered to explain why the Charter Review Committee, which he served on in 1989, considered the matter of calling the Water and Sewer Board the Stormwater Management Board, but made a determination to call it the Water and Sewer Board instead. Mr. Douglas said that it was for maximum flexibility, and he had some discussion with the Institute of Governmental Services which gave them a model Charter on how it would read and the decision was to be as expansive as possible. The proposal here was to change the name to the Stormwater Management Board since that would better describe its function.

The Mayor also said the other item was generated by the City Clerk, who had raised a question under the current Charter, regarding the requirement of requesting voter lists from the County Boards of Elections. The Clerk said that in her experience, people never requested lists until the end of September. The Mayor said that the City Clerk proposed that the Charter be changed to require the first request for voter lists to be in the third week of September. Mr. Sharp said this would not preclude Council from requesting them earlier, but it would not require it.

Mr. Douglas noted that the Charter did not state that the City Clerk should request the list the 3rd Monday in August; it stated that the board of election supervisors of the counties shall "certify to the Council, alphabetical lists of the names and addresses", etc.

Mr. Sharp said that he would speak with the Clerk when she returned, about the broader question as to whether this needed to be in the Charter at all and whether she could consult with the people in the counties.

Minutes Review

The Mayor noted that the Council was behind in the minutes review and it was suggested at the last meeting that the Council give their written comments on the minutes to the Clerk.

Charter Amendment Re: General Contingencies

Mr. Sharp said that he would like Council to designate money not appropriated for specific items in the event that items should appear during the course of the year they might want to fund, such as the fence on Philadelphia Avenue. He wanted to see that designated as a percentage of operating budget, not the capital budget.

Mr. Douglas said that he anticipated under his proposal that the City Administrator would be given carte blanc to move money around and he anticipated that Council would set the rule in the Charter. The expected goal in his proposal was that there be maximum flexibility in the Charter for the City Administrator.

The Mayor brought the Worksession to a close at 9:45 p.m.

M E M O R A N D U M

TO : Council

FROM : James S. Wilson, Jr. City Administrator

SUBJECT : Additional Redistricting Options

DATE : June 26, 1991

I had some time today when these documents were received to go over them carefully with Julie Matthews. What I am transmitting to you is my version of a summary of these options and the identification of what I consider a couple of key questions that need to be clarified.

First of all these options revolve around three criteria. The variance criteria, i.e. one man one vote and the plurality criteria, that is an area where the black population along with other populations become a plurality in a district. There are ten maps that have been submitted. Number one is a technical correction. This one had task force support, I am told. It is very similar to their original proposal and they have simply made a couple of adjustments which are on the map-one grid. Map 2 doesn't meet the overall variance test, ok on the plurality issue. Map 3 meets the plurality and also variance test. It does split the Ritchie Avenue Citizens group. Map 4 doesn't meet the variance rule nor the plurality rule, should be discarded. Map 5 meets the variance rule, does not meet the plurality rule. It splits B.F. Gilbert, unifies Forest Park and Hampshire Gardens. Map 6 meets the variance, does not meet plurality. It splits Manor Circle, splits B.F. Gilbert. Map 7 meets both plurality and variance, unites S.S. Carroll, maintains Circle Woods, maintains Forest Park, splits Woodland and B.F. Gilbert and unifies SOSSCA. Map 8, no plurality; variance ok. Unifies SOSSCA New Hampshire Gardens, S.S. Carroll, Forest Park maintains Circle Woods splits B.F. Gilbert in half and also splits Spring Park. Map 9, no variance, no plurality should not even be considered. Map 10, no plurality, yes on the variance, unifies everybody except S.S. Carroll which it splits in half. The key question which needs to be responded to, in my opinion, is whether or not the plurality role in your decision is significant enough to override certain neighborhood group considerations. In other words should both the variance and plurality be considered go, no-go criteria and if the plurality role has equity with the community concerns than obviously there are more options that could be looked at. If not then the number of options are far fewer. I have alerted Sue Silber's office to the need for clarification on that issue of plurality and it's use in your deliberations.

JSW:vj

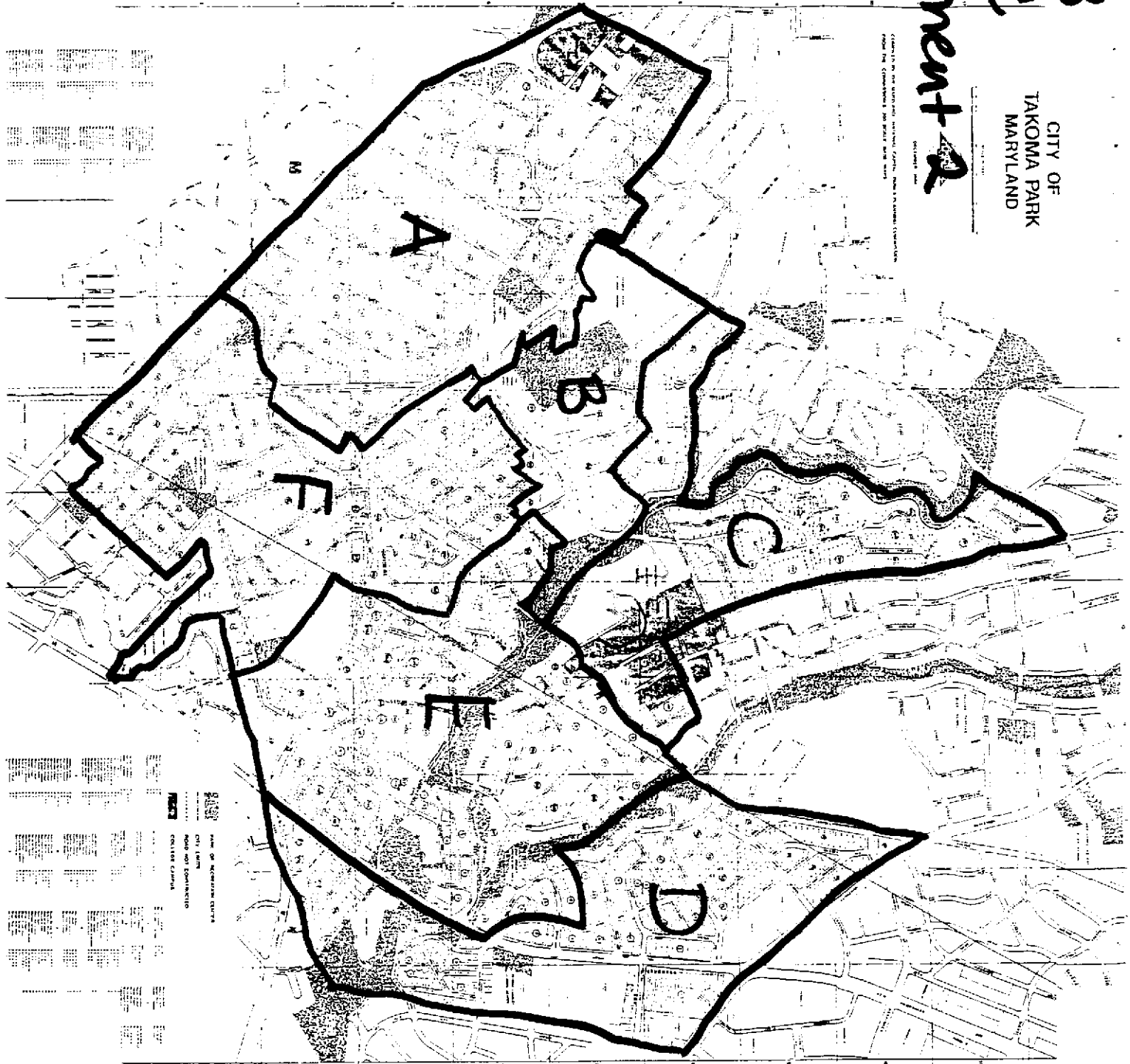
Elections Task Force						
Additional Redistricting Options						
Map 1						
Revised Elections Task Force Map - Technical Corrections						
A	2797	100.5				
B	2927	105.2				
C	2686	96.5				
D	2679	96.3				
E	2711	97.4				
F	2900	104.2				
Comments:						
* Jefferson Avenue shifted from B to E						
* Line correction on 7200 block of Carroll Avenue to Columbia Avenue, which did not result in population shift						
* Line correction along the border of Hodges Heights, which did not result in population shift						
Map 2						
Ward C Adjustment 1						
A	2797	100.5				
B	2927	105.2				
C	2548	91.5				
D	2679	96.3				
E	2849	102.4				
F	2900	104.2				
Comments:						
* C loses census tract 206 to E						
* This proposal violates the 10% overall variance rule						
Map 3						
Ward C Adjustment 2						
A	2797	100.5	Census Tract 102			
B	2721	97.7	Total	White	Black	Other
C	2754	99	206	122	70	14
D	2679	96.3	Census Tract 206			
E	2849	102.4	Total	White	Black	Other
F	2900	104.2	214	179	26	9
Comments:						
* B loses census tract 102; as you can see, this change would not dilute black voting strength in Ward B						
* C gains tract 102 from B, but loses tract 206; this does not markedly change the demographic distribution of						
* E gains census tract 206; this does not markedly change the demographic distribution of E						
* splits Ritchie Avenue City limits						

Map 4									
Original New Hampshire Gardens Proposal									
A	2797	100.5		Task Force	Original with Corrections				
B	2927	105.2		Ward D	Total	White	Black	Other	
C	2686	96.5			2679	1097	1169	413	
D	2754	99				40.94	43.63	15.43	
E	2636	94.7		Hampshire Gardens Proposal					
F	2900	104.2		Ward D	Total	White	Black	Other	
					2754	1169	1167	418	
						42.22	42.37	15.17	
Comments:									
* This option violates the 10% rule. Options A (Map 5) and B (Map 6) have been drafted to correct this									
Map 5									
New Hampshire Gardens Proposal Option A									
A	2797	100.5							
B	2927	105.2							
C	2686	96.5							
D	2754	99							
E	2731	98.1							
F	2805	100.8							
Comments:									
* Demographics same as the Original New Hampshire Gardens Proposal (Map 4)									
* Splits B.F. Gilbert on Woodland Avenue									
* Unifies Forest Park									
Map 6									
New Hampshire Gardens Proposal Option B (S.S. Carroll Annexation)									
A	2797	100.5							
B	2927	105.2							
C	2686	96.5							
D	2754	99							
E	2740	98.5							
F	2796	100.5							
Comments:									
* Demographics same as the Original New Hampshire Gardens Proposal (Map 4)									
* Splits Manor Circle									
Map 7									
Original S.S. Carroll Proposal (with minor modifications)									
A	2797	100.5							
B	2927	105.2							
C	2686	96.5							
D	2679	96.3							
E	2683	96.4							
F	2928	105.2							
Comments:									
* Unifies S.S. Carroll									
* Maintains Circle Woods									
* Maintains Forest Park									
* Splits Woodland Avenue ~ <i>B.F. Gilbert</i>									
* Unifies SOSCA									

MAP 3 Ward C Adjustment 2

CITY OF
TAKOMA PARK
MARYLAND

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Revised by the City of Takoma Park, Maryland, Planning Department.

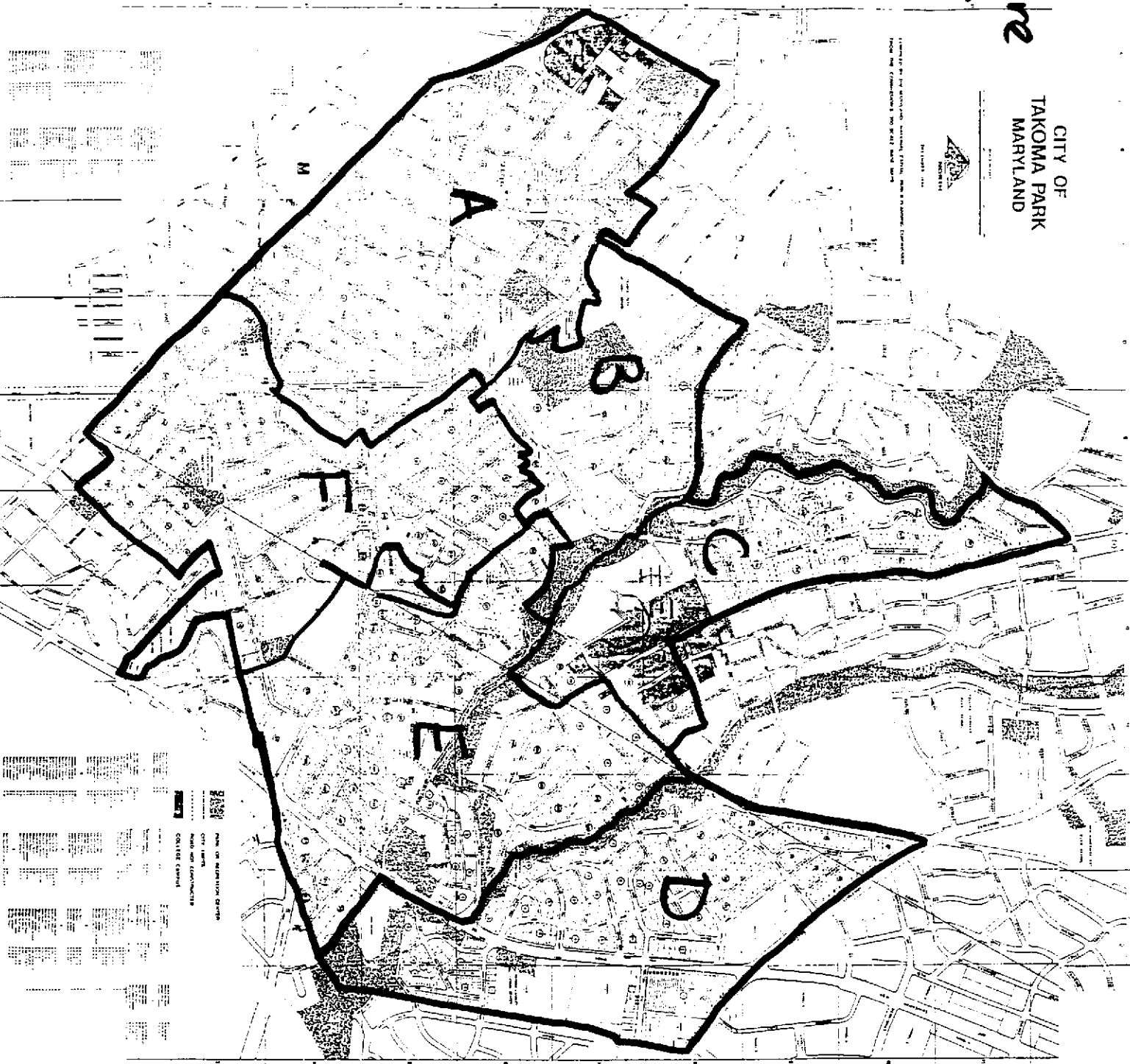


MAP 6 Hampshire Gardens Proposa Option B

CITY OF
TAKOMA PARK
MARYLAND



Planning of the city's land use, zoning, and other matters. Planning and Development Department, 2000 2012, and 2013.



PLANNING DEPARTMENT
CITY OF TAKOMA PARK
MAPS AND DOCUMENTS
COLLECTOR

PLANNING DEPARTMENT
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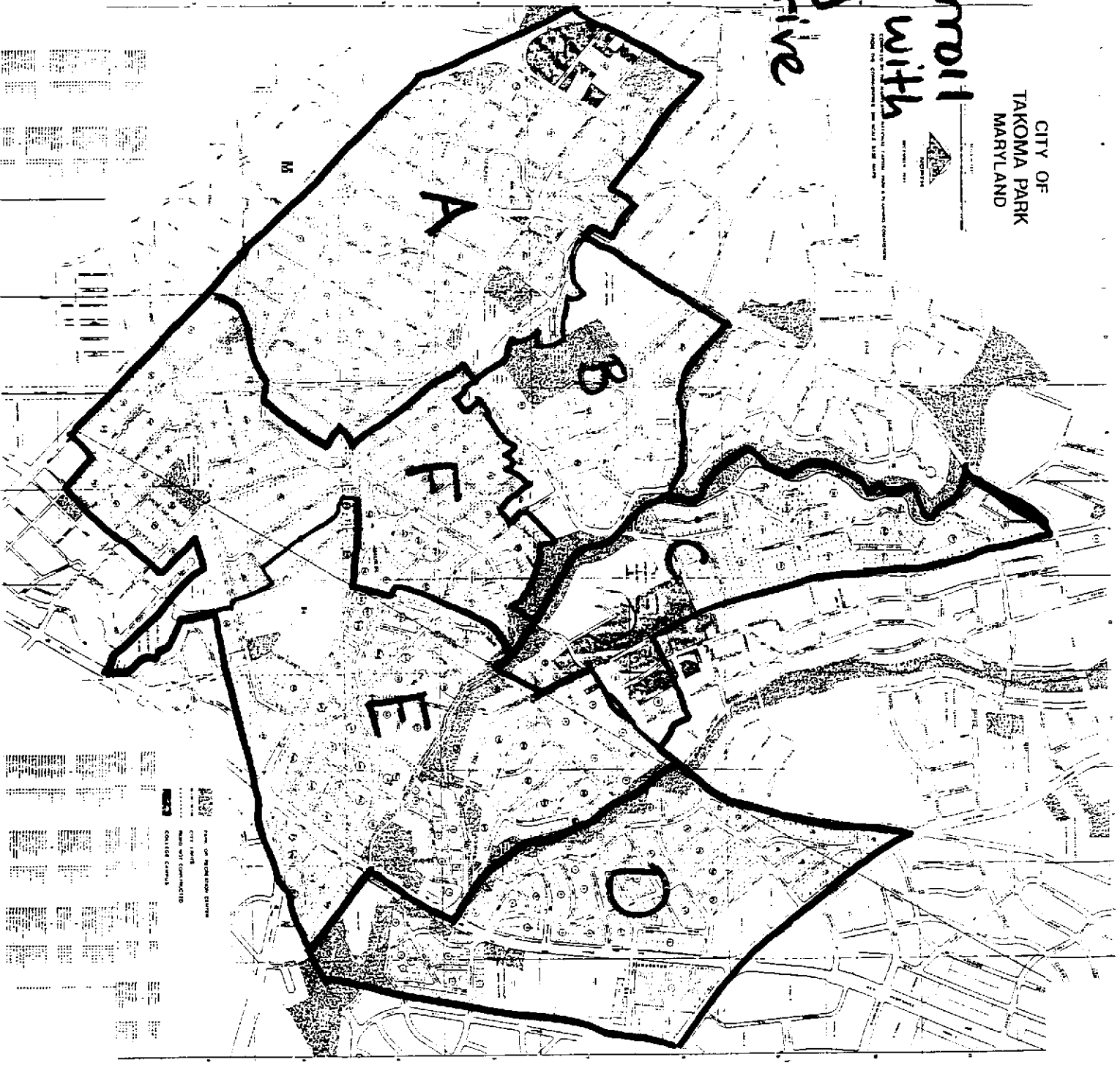
PLANNING DEPARTMENT
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MAPS AND DOCUMENTS
COLLECTOR

MAP 9
Modified
S. S. Carroll
Proposal with
Prensky
Alternative

CITY OF
 TAKOMA PARK
 MARYLAND



FOR THE COMMISSION ON ZONING, PLANNING AND PRESERVATION



PLAN OF REVISIONS
 CITY OF TAKOMA PARK
 MAPS AND COMMUNITY DEVELOPMENT
 CONSULTING

REVISION	DATE	DESCRIPTION
1	10/1/00	Initial map
2	10/15/00	Added street names
3	11/1/00	Added zoning boundaries
4	11/15/00	Added street names
5	12/1/00	Added zoning boundaries
6	12/15/00	Added street names
7	1/1/01	Added zoning boundaries
8	1/15/01	Added street names
9	2/1/01	Added zoning boundaries
10	2/15/01	Added street names
11	3/1/01	Added zoning boundaries
12	3/15/01	Added street names
13	4/1/01	Added zoning boundaries
14	4/15/01	Added street names
15	5/1/01	Added zoning boundaries
16	5/15/01	Added street names
17	6/1/01	Added zoning boundaries
18	6/15/01	Added street names
19	7/1/01	Added zoning boundaries
20	7/15/01	Added street names
21	8/1/01	Added zoning boundaries
22	8/15/01	Added street names
23	9/1/01	Added zoning boundaries
24	9/15/01	Added street names
25	10/1/01	Added zoning boundaries
26	10/15/01	Added street names
27	11/1/01	Added zoning boundaries
28	11/15/01	Added street names
29	12/1/01	Added zoning boundaries
30	12/15/01	Added street names

REVISION	DATE	DESCRIPTION
1	10/1/00	Initial map
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6	12/15/00	Added street names
7	1/1/01	Added zoning boundaries
8	1/15/01	Added street names
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