

CITY OF TAKOMA PARK (FINAL 2/20/92)
REGULAR COUNCIL MEETING AND PUBLIC HEARING
Monday, July 8, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Community Planner Schwartz
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	Housing Svc. Coordinator Walker
Councilmember Porter	COLTA Executive Dir. Tracey
Councilmember Prenskey	

The City Council convened at 7:43 p.m. on Monday, July 8, 1991, in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland.

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

Mayor Sharp asked that there be a moment of silence observed for Takoma Park Police Pvt. Mike Lee. Pvt. Lee was killed in an automobile accident involving a drunk driver on Sunday, July 7. He announced that a viewing would be held at the Hines-Rinaldi Funeral Home on Tuesday and Wednesday from 2:00-4:00 p.m. and 7:00-9:00 p.m., and that the funeral Mass would be held on Thursday at St. Camillus Church.

Mr. Prenskey announced that the Montgomery County Council passed an ordinance prohibiting cigarette vending machines.

Ms. Porter announced that a meeting to discuss educational concerns and needs in the Prince George's County schools would be held on Thursday, July 11 at 8:00 p.m. at the Carole Highlands Elementary School.

CITIZENS COMMENTS (those directed at items not on Council Agenda)
George Leventhal, a member of the Elections Task Force (ETF), reported on the task force's recommendation that all Takoma Park citizens be allowed to vote in city elections, regardless of U.S. citizenship. He stated that the task force recommended that the Council place a non-binding referendum question on this fall's election ballot to gauge the electorate's support for this issue.

Lloyd Johnson expressed his sympathy for Pvt. Mike Lee.

Michael Duberstein announced the thirtieth anniversary celebration of the Peace Corps. He also announced that a volunteer day was being planned to bring attention to the power of domestic volunteerism. He concluded by asking the Council for a possible endorsement and for input and guidance in determining activities that might be accomplished during this event.

Mayor Sharp stated his support for this event.

Tim Smith, 7016 Sycamore Avenue, said he was concerned by the city's plan to cut down several trees in preparation for the installation of a long-needed sidewalk on Columbia Avenue. He stated that the city was not complying with its tree ordinance.

Mr. Douglas asked the city administrator whether or not he could assure that no trees would be cut until the situation was re-evaluated.

Mr. Wilson responded that the project had been put on hold. He explained that this was a CDBG project which had been recommended by the Citizens' Advisory Committee two years ago. He stated that gap between the project's approval and subsequent execution had caused a problem, and that the City needed to decide whether trees needed to be removed to install the sidewalk.

Ray Eldova stated that he had delivered a letter to the Council which expressed his concern with a division of the city administration.

Juanita Nunn, 7777 Maple Avenue, invited the Mayor and Councilmembers to the UMAC Community Block Party which will be held on August 13 from 6:00 p.m. to 10:00 p.m. at Maple and Lincoln Avenues.

AGENDA

1. Resolution Approving Preliminary Subdivision Plan 1-91046 - 41 Oswego Avenue

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

Mr. Douglas said that he was recusing himself from the discussion because he and the applicant (Mr. Abrams) had a potential business relationship.

Ms. Porter said she was recusing herself also for the same reason. Mr. Leary also recused himself for the same reasons.

Mr. Hamilton said this was a subdivision for Mr. Abrams to build a house at 41 Oswego Avenue. He said Mr. Abrams had consulted with the citizen's association, which supports the plan.

Mr. Prensky stated that one of staff's major concerns was the large number of mature trees that needed to be removed for the subdivision of the Oswego Avenue lot. He stated that there was no provision in the city's tree ordinance that required removed trees to be replaced. He said the tree ordinance should also include a more rigorous replacement policy that requires that people who propose cutting down a tree be required to replant with substantial nursery-grown trees. He said Takoma Park's urban forest would continue to erode and disappear if landscaping on a small scale was allowed to take the place of 100-year-old trees. He stated he had asked Mr. Abrams to consider replacing one-for-one the trees that would be cut, and that the applicant had agreed to consider the proposal. Mr. Prensky said he would also ask other applicants to consider replacing any trees which had to be removed, even if the applicants had to donate trees to the Department of Public Works.

COUNCIL ACTION: The Resolution passed unanimously. (Abstained: Douglas, Porter, Leary)

RESOLUTION NO. 1991-57 (Attached)

2. PUBLIC HEARING - Amending Code to Establish New Ward Boundaries

Mr. Sharp said that:

- The Elections Task Force (ETF) had been established to redistrict the city to reflect changes in the city's population (as reflected in the 1990 census data), as well as to change from seven to six wards.
- The task force had met many times over several months, and had presented a plan to the City Council on June 18.
- Upon receiving the plan, the City Council discussed amendments, and ten days later held another meeting in which a decision had been made regarding the Council's proposed redistricting plan.
- A map of the proposed redistricting plan was published in the City Notices on July 3.

He said that the Council was holding the public hearing to receive reaction to the proposed plan, and that he hoped the Council would be ready to have a first reading on the ward boundaries on July 29.

CITIZENS COMMENTS:

Elizabeth Kozel, president of New Hampshire Gardens Citizens Association, said she had been concerned with the previous redistricting plan, but was appreciative of the Council and the task force for considering the reconfiguration of proposed Ward D. She said she had met with the members of the SOSCA, S.S. Carroll, and B.F. Gilbert Citizens Associations to develop a revised plan.

Mr. Sharp suggested that the revised plan be presented.

Abby Eden, acting president of B.F. Gilbert Citizen's Association, presented an alternative redistricting plan to the one that was published in the City Notices. She said she believed that the Council would be willing to adopt the plan because it is similar to the first proposal in its distribution of minorities; it reduces the percentage of variance among the wards; and it has the backing of the citizen's associations which it affects. Ms. Eden stated the following objections to the first plan:

1. While the plan restored some neighborhoods (including New Hampshire Gardens, SOSCA, and most of SS Carroll) to a single ward, a large part of B.F. Gilbert was divided between Wards E and F.
2. The proposed boundary divided a neighborhood, as Woodland Avenue was placed in Ward E, and the parallel block, Sycamore Avenue, was placed in Ward F.
3. The Forest Park neighborhood was placed in Ward E.
4. By dividing B.F. Gilbert, the plan diluted the power of the association in both Wards E and F, particularly since the wards were now larger.

She stated that on July 2, representatives from four citizen associations met to develop a mutually acceptable solution. She said that although they did not agree on an actual plan, they made some progress. Ms. Eden said that last Sunday, several people from B.F. Gilbert met to select what they considered to be the most advantageous plan, and they decided on the map that was now before Council. She said that her association was proposing to exchange the upper part of Woodland Avenue for the partial block that fronts on Old Carroll Avenue leading to Sligo Creek. She said the result of her proposal was to partially restore B.F. Gilbert and to consolidate the Forest Park neighborhood into Ward E.

Mr. Douglas asked whether it was intended that the last dwelling unit on Old Carroll Avenue be the Heritage Health Care Center.

Ms. Eden responded yes.

Ms. Porter asked whether any of the houses on Old Carroll Avenue were active with any neighborhood association.

Ms. Eden responded no, but she was not sure.

Lloyd Johnson, Holton Lane, said that the last time he was before Council, he had been very critical of the proposal that was before them. He urged Council to give the revised proposal serious consideration.

Montez Boatman, 133 Ritchie Avenue, said she was speaking on behalf of the Ritchie Citizens Association. She said the proposed configuration of Ward B was acceptable to the association. She also commended the ETF for their excellent report and the

professional manner in which the ETF performed its tasks.

Sally Taber, president of South of Sligo Citizens Association, said her association was pleased that the proposal put SOSCA into one ward, since it has been split between two wards for the last decade. She also said that they felt it was very important for the Prince George's side of Takoma Park to retain its two Council seats to ensure adequate representation. She also congratulated the task force, and discussed the importance of encouraging strong neighborhood associations.

Karen Davis from SS Carroll said that SS Carroll supported the revised plan, and said that she and Dan Robinson hoped that the neighborhood associations and the public would be brought into the process earlier the next time redistricting occurs. She thanked Council, the ETF, and task force member Matt McWilliams for their assistance.

Martha Feldman, Prince George's Avenue, thanked the ETF, the citizens associations, and various Councilmembers who helped to work with B.F. Gilbert to work out an acceptable proposal. She voiced her concern that neighborhoods which were not a part of the same ward as their citizens association were often at a disadvantage. She asked Mr. Prensky and Ms. Porter to support the Forest Park neighborhood in the future.

Michael Clinansmith, president of Maplevew Tenants Association, stated his concern that it was likely that only one ward would elect a tenant, despite the fact that over 50 percent of Takoma Park's population are tenants.

Mr. Sharp brought the Public Hearing to a close.

COUNCIL DISCUSSION

Ms. Porter thanked all the members of the neighborhood associations who worked on the proposal. She stated she supported the proposal, and that she was pleased that the neighborhood associations had worked it out together. Ms. Porter addressed the issue of splitting a neighborhood between two wards, and assured the citizens that she would listen to the concerns of all neighborhood associations. Ms. Porter thanked the task force members for their work and stated she believed that the changes were fine tuning and not a repudiation of the ETF in any way.

Mr. Prensky commended all who were involved. He said as the Mayor had stated on other occasions, he felt that the ETF, as well as the number of other successful task forces in the city, proved once again how vibrant and successful the volunteer ethic was in the City of Takoma Park. Mr. Prensky said that he agreed with Ms. Porter that the proposal was solid and attributed to the good works of the citizens associations and a lot of hard work.

Mr. Prensky said he also supported the Forest Park neighborhood, and that if he were to represent a ward that did not include Forest Park, he certainly would take very seriously any concerns that the neighborhood had and see them as his own concerns.

Mr. Elrich said he supported the proposal brought forth by B.F. Gilbert. Mr. Elrich said he had been lobbied by people in other wards about things which concerned them, and he did not feel that people should limit their direct comments and their ability to influence only to those councilmembers who represented their ward.

Mr. Sharp noted that next year, the mayor, who was voted on by all citizens, would also vote.

Mr. Hamilton said he would also support the present proposal. He said that Ward B was unique because that seat had always been the minority seat, as well as the tenants' seat on the Council. Mr.

Hamilton commented that Ward B was the largest ward (2927 people). In response to the question of tenant representation, he stated that over 90 percent of the residents of Ward B were tenants, and that a number of other wards also had high tenant populations. He said many tenants throughout the city contacted him because he was the only tenant on the Council. He said he liked the configuration of Ward D, since it was possible that minority person could be elected from the Prince Georges' County side of the city. Mr. Hamilton concluded by saying the ETF had done a good job in following the requirements of the Voting Rights Act, as well as examining other issues, such as civic association boundaries and natural boundaries.

Mr. Prensky proposed that the ward boundaries which were described on the map given by B.F. Gilbert Citizens Association be the basis of the city's redistricting plan. Ms. Porter seconded.

Mr. Prensky said that the basis would be the map which was published in the City Notices, with:

- Changes to the boundaries between Ward E and F, as proposed by the B.F. Gilbert Citizens Association;
- The technical correction necessary to include Sheridan Avenue in the original Ward F, facing Old Carroll Avenue as it ran into Sligo Creek Parkway; and
- Both sides of Woodland Avenue to be included in Ward F.

Mr. Douglas said he was in support of the proposal, but he had some concerns about the moving Old Carroll Avenue to Ward F. He said the nursing home and single-family homes should be included with the rest of the Carroll Avenue corridor, since it is not part of the Jackson Avenue/Sligo Creek area. He also said that this element was one of the small compromises which had to be made to develop a workable plan. In reference to Mr. Clinansmith's comment concerning tenant representation, Mr. Douglas referred to pages 4 and 5 of the task force's report which detailed the ETF's considerations of this matter. He stated that Takoma Park contained many multi-family dwellings which were spread across the city, making it difficult to create wards which are primarily tenant populated. He also encouraged citizens to become involved in city issues, and to consider running for public office.

Mr. Clinansmith referred to a housing survey which was done in 1976 which stated that rental unit tenants made up 55 percent of the city. He said that he was aware of rental units in other wards but there seemed to be 55 percent of the people at the mercy of the 45 percent who were non-rental unit tenants. Mr. Clinansmith asked for a guarantee that their interests were represented, for example, in appointments to the Commission on Landlord-Tenant Affairs (COLTA).

Mr. Sharp said that COLTA appointments were open to anyone and that he believed that half or more of the members were tenants. He also said there were currently three COLTA vacancies, and encouraged interested parties to apply.

Mr. Clinansmith said he that tenants are not respected because they are viewed as only being interested in rent control. Mr. Clinansmith stated that he would consult with the city attorney to determine how Ward B could be divided to provide more tenant representation. Mr. Clinansmith stated that the Council did not want tenants as part of the political process unless the tenants wanted to discuss rent control.

Mr. Hamilton stated the ETF met with an attorney to discuss the Voting Rights Act, and that the attorney explained that an existing minority district could not be changed if it diluted the minority voting strength. He continued by saying that 75 percent of people

who currently reside in Ward 4 (new Ward B) are highrise-apartment tenants. Mr. Hamilton discussed the illegality of stacking, packing, and cracking, as well as the ten percent rule in determining variance. Mr. Hamilton also said most minorities were younger people who do not or can not register to vote. He stated that the population of tenants in the city was determined by how the city was built, and could therefore not be changed.

Mr. Clinansmith thanked Mr. Hamilton for his comments. He stated that Mr. Hamilton was denying equal representation to another economic group (not racial), to have their fair share in how the city is run.

Mr. Hamilton replied that the reason that issue came up was because it was the third criteria; the third criteria stated that as long as the first two criteria were met, the plan was acceptable.

Mr. Clinansmith asked if that meant they were going to bury most of the tenants in Takoma Park in a ward that had to be protected for racial reasons, which sounded very racist in itself.

Mr. Prensky asked Mr. Clinansmith if he had attended any ETF meetings. Mr. Clinansmith responded yes.

Mr. Prensky commented that the Council purposely appointed three members from Ward 4 and two members from the other wards to ensure that tenants received adequate representation on the ETF. He stated that federal law required the city to protect racial groups in redistricting, but that the law did not extend protection to tenant groups. He also said the Council had consistently been willing to consider any reasonable specific proposal for representation.

Mr. Clinansmith asked if a lawyer or a consultant could be provided so he could change the proposal if he so desired.

Mr. Sharp responded that Mr. Clinansmith could be provided with the same resources that the citizens associations received when they developed their redistricting proposals.

Mr. Hamilton indicated many residents needed to know that they lived in the corporate boundaries of Takoma Park.

COUNCIL ACTION: Mr. Douglas moved to change the lettered ward designations to numbers in the following manner: A=1, B=2, C=3, D=4, E=5, F=6; seconded by Mr. Hamilton and the Ordinance, as amended, was accepted at first reading. (NAY: Prensky).

Mr. Sharp stated that the ordinance was accepted at first reading as amended and was scheduled to go forward for second reading on July 29. He also stated that the Council would be open to on-going discussions until then. Mr. Sharp also said that Council needed to get revised statistics regarding the number of residents and the racial composition for each ward.

Mr. Wilson said that his office had received offers of assistance from ETF members.

ORDINANCE NO. 1991-21
(Attached)

3. PUBLIC MEETING - Rent Stabilization Level

Mr. Elrich moved the ordinance with the four percent; the motion was duly seconded.

Mr. Sharp stated that the ordinance before Council was to establish the rent stabilization level at four percent. He said that under Takoma Park's Rent Stabilization Law, each year the Council establishes a rent stabilization level, taking into account economic factors.

Nancy Grimmer, Director Department of Housing and Community Development said that the staff recommended an annual rate of four-and-one-half percent. She said this analysis took into account the area-wide CPI factors for rent and utilities. She said staff also factored in the rent guidelines for the District of Columbia and Montgomery County.

Mr. Sharp said the Commission on Landlord-Tenant Affairs also recommended a rent stabilization rate of four-and-one-half percent. He said the Council would hold a briefing on rent petitions standards on July 29.

CITIZEN COMMENTS:

Charles Ryan, an attorney representing the Apartment and Office Building Association, said his association represented approximately 180,000 apartments across the Washington Metropolitan area, including a number of buildings in Takoma Park. Mr. Ryan said the Council was well aware of AOBA's position on rent control. He also said that the four percent was low and could cause economic hardships to current landlords, which could result in an increase in rent increase petitions. Mr. Ryan said that the city law mandated that landlords take rent increases, even if they were not wanted, or lose the rent increase. He stated that many landlords in other jurisdictions were postponing rental increases, and that the city's law did not allow landlords to postpone rental increases. He requested that the Council examine this issue. Mr. Ryan also stated that the formulas used to calculate Takoma Park's rent increases were based on Berkeley, CA, models. He stated further that a court overturned Berkeley's rent control law, saying that the city's decision process-making was arbitrarily capricious and did not provide an appropriate mechanism and a realization of actual costs.

Marcie Rinker, said she was attending the Council meeting as a tenant and as a representative for the Housing Providers Associations. She stated that as a renter of a single-family home, she was not protected by the rent control law, and had received a \$200 per month rental increase. She also said she felt the four-and-one-half percent increase was not a reasonable increase for the landlords. She stated that this small increase may cause landlords to increasingly file rent increase petitions with COLTA. She also discussed the District of Columbia's policy which allows a landlord to take a rent increase on the books, but not apply it to the tenant.

Mr. Prensky asked Ms. Rinker to explain her relationship with the Housing Providers Association.

Ms. Rinker responded that she worked with the association to publish and distribute a newsletter and to inform landlords about city and other relevant housing issues.

Alfred Martins, president of the Edinburgh Tenants Association, said that the four-percent increase was too high, and that rents were already a burden to tenants.

Paul Spratland, tenant, said the Resolution flyer contained numerous references to the Consumer Price Index, residential fuel and utility rates, the inflation rate and the projected inflation rate for next year. He said that he noticed there was no reference to the expected income of the tenants who were renting from the landlords. He stated that if the cost of housing was to be based on the inflation rate, that people's wages and salaries should also be based on the inflation rate. Mr. Spratland said that Council used an arbitrary set of figures to determine just how much tenants should be able to pay, and there were a lot of other figures besides those which should go into the calculations.

Bruce Ross, tenant, said as far as the rent increase stabilization went, he felt it was poor government to raise rent or deal with

rent stabilization without having the petition process better established. He suggested a postponement of it until the guidelines were set.

Mr. Sharp reminded Mr. Ross that the current rent stabilization level was five percent, and the 12-percent return had nothing to do with the present discussions.

Mr. Ross declared that if the rent stabilization was passed, then rents would be raised 12 percent. He also said the expenses had gone up for the tenants at the same time as wages had decreased. He stated that the landlords did not have a similar problem, since landlords' income was stable. He then stated his support for the four-percent increase.

Barbara Dunn, Landlord at 112 Lee Avenue, said she agreed with Mr. Ryan's recommendation of a five-percent increase.

Mr. Sharp said that everyone should try to be more polite when people were talking.

Naomi Turner, 7667 Maple Avenue, president of Parkview Towers Tenants Association, said she would go along with the four percent because it was better than the five-percent, ten-percent, or 12-percent rent increases. She said that the four percent was lower than the rent increase her building had taken. She spoke directly to Mr. Ryan, stating that: many landlords had sufficient income; many tenants had left Takoma Park because of the high rents; and the buildings were often in disrepair.

Lora Misner, tenant at Flower Oak Apartments, said that high rent increases eroded a tenant's ability to save money for the purchase of a home. She discussed the Washington area's homelessness problem and affordable housing crisis, saying both would be exacerbated by a high rent increase.

Michael Clinansmith said if he were a member of COLTA, he would amend the ordinance as proposed to say zero increase. He said that two days after the Council passed at four-and-one-half percent rent stabilization rate, his management company gave notice that it was petitioning COLTA for a 15-percent increase. He also said he had obtained a list of COLTA cases from the Housing Department. He stated the list was incomplete, and lacked some pertinent information. He stated that the Council action's at the meeting would be watched carefully, and would be considered by the voters in the November election.

Mr. Sharp said that COLTA was previously comprised of three landlord representatives, three tenant representatives, and three representatives from the general public. He continued by saying that currently there was no longer the requirement that members belong to interest groups. He stated that there were currently a number of tenants on the commission, and that COLTA vacancies could be filled by interested tenants.

Naomi Turner returned to the microphone and stated that her previous landlord was a member of COLTA. She stated that the members of her building began receiving notices that their utilities would be turned off because of non-payment. She said that eventually the landlord was dismissed from COLTA. Ms. Turner said that a lot of people who had applied to COLTA had not been confirmed because they had been blackballed.

Unidentified male, 7777 Maple Avenue said that his rent had increased from \$415 to \$600 since he moved to Takoma Park in 1984. He complained about maintenance problems. He said he believed there should be a rent stabilization program. He also said that he had a problem with the proposed 12-percent guaranteed increase because his landlord had not maintained the property for several years.

Mr. Sharp indicated that the ordinance did not guarantee a 12-percent profit.

The unidentified male said that the rent stabilization should be set at four percent, and that something needed to be done about his apartment. He said he hoped Council would represent the tenants adequately.

Kincade Davis, Carroll Avenue, said that his rent had already been raised five percent, and that the four-and-one-half percent increase would allow his landlord to raise the rent even higher. He said that his rent had increased from \$445 to \$650.

Charles Jones, representative of Vista Management Company, said that Vista Management Company managed 7520 Maple Avenue, and 115, 117, and 123 Lee Avenue in Takoma Park. He said that: the current rent control law was enforced; properties are regularly monitored; rents which were unintentionally above the prescribed levels were lowered and refunds were provided; and COLTA is an active, vibrant, and effective city organization. He said the debate over the rent stabilization level was very predictable, and obviously tenants would like it to be lower. Mr. Jones said he supported a five-percent rent increase. He said that jurisdictions which had no rent control regulations had lower rents, more attractive properties, and happier tenants.

Mr. Wong described a maintenance problem with his refrigerator and water damage, and said he was raised in Takoma Park and could not wait to move out.

Unidentified resident of Takoma Park said that Takoma Park was a diverse community that would suffer from the rent increases as lower-class families left the city. He said that Takoma Park would become predominately middle-class. He discussed his experience with the gentrification of Adams-Morgan. He said that he hoped everyone was aware that the rent increase would also increase homelessness in Takoma Park through economic eviction. He asked whether the landlords were prepared to deal with the resultant homelessness, and whether the Council was going to cater only to the concerns of capitalistic businessmen.

Kay Dellinger, vice president of Hampshire Towers Tenants Association, said she would like someone on the City Council to explain why the hearing on the rent stabilization ceiling was set for tonight. She said the Housing Committee, which was composed of Mr. Moore, Mr. Sharp and Mr. Elrich, had come up with a proposal that would base rent increases on the landlord's equity and would guarantee landlords a 12-percent rate of return on equity. Ms. Dellinger said to guarantee the landlord a 12-percent rate of return on equity could result in rent increases of over 30 percent, and that outrageous proposal would destroy rent control in Takoma Park. She said she did not want Takoma Park gentrified, and that economic, racial, and ethnic diversity in a community does not happen by magic. She said diversity was totally dependent on a community having affordable housing. She said that the current rent control law needed to be changed and that COLTA had made many serious mistakes. She also said she did not believe a decision had to be made on July 29; she said the decision should not be made until the tenants had finished their research. She said that past increases had been totally arbitrary and capricious. Ms. Dellinger said she would only support a two-percent rent increase.

Mr. Sharp said that the Council had no plans to make a decision on July 29, but rather to hold a public hearing about rent petition standards. He also said that the proposed ordinance did not guarantee landlords a 12-percent rent increase, and that the Council had not considered that point. Mr. Sharp also said that a first reading of rent petition standards was scheduled for September and a second reading was scheduled for the end of September, which would give Council sufficient time to discuss the

issue and hear the views of the citizens. He continued that Council had been advised by their city attorney that the current petition standards had serious legal flaws which could result in the law being held unconstitutional. He said that changes would be made to the law to ensure the preservation of rent control in Takoma Park.

Mr. Hamilton asked whether citizens wanted a rent control program that protected only current tenants, or a program which benefitted future tenants, as well. He also asked whether the city should consider vacancy decontrol.

Naomi Turner said that her apartment building currently had a case before COLTA. She said her landlord had petitioned for a 15-percent increase, and that she had tried to convince him to take a seven-percent increase instead, but he refused. In the resultant case, COLTA granted the landlord a seven-percent increase, with a 15-percent increase for all vacancies. She said her landlord was still not satisfied, and that the tenants and the landlord are currently in litigation because he wants the 15-percent increase.

Kay Dellinger said that tenants wanted a law which protected the rights of all tenants. She also opposed vacancy decontrol because she wanted to preserve affordable housing as much as possible. She also said that tenants wanted a formula which had nothing to do with equity or guaranteeing any rate of return to landlords. She said the Housing Committee's proposal stated that the rent control law should be based on the landlord's equity, which guaranteed a rate of return as high as 12 percent. She stated that the landlords had written this proposal, and that it was outrageous that this document that came from the city staff and from the Housing Committee.

Mr. Sharp said that was not true, and that the issue would be debated in July, August, and September.

Kay Dellinger retorted that she did not want any guaranteed rate of return, and that the tenants needed to look at the alternatives.

Mr. Moore asked what if the current tenants would wind up having a rent control cap of five percent as opposed to two percent.

Ms. Dellinger responded that 60 percent of the municipalities who had rent control laws used maintenance of operating costs, and she had not had a chance to research any other laws.

Carolyn Johnson, tenant from Parkview Towers, said that she was a single parent, and since she could not afford a high rent increase, she would have to move. She also said that she would almost have to get married and have a second paycheck to pay the high rent. She complained about building maintenance.

Unidentified citizen at 710 Hudson Avenue said that a few years ago his rent was raised from five percent to 50 percent. He said he went to COLTA, and that his rent increase was reduced to 16 percent. He also said that he did not benefit from that action.

Paul Spratland stated his investigations of COLTA cases indicated that landlords had been granted rent increases far above the rent control level. He cited the Calomiris case on Roanoke Avenue, where the landlord was granted an 88.9-percent rent increase to maintain his equity in the property, despite the fact that his equity prior to the increase was not stated in the case. He also referred to the Ravitz case in which COLTA granted a 20-percent increase, even though the landlord had only requested a ten-percent rent increase. He said he found it hard to believe that COLTA acted in the best interest of tenants.

Dolong Sing, Maple Avenue resident said that India had a rent control law that required landlords to obtain a tenant's approval

prior to raising the rent. He also said his rent had increased \$400 since he moved to Takoma Park in 1988, and that the condition of the apartment was deteriorating. He said he did not feel any landlord had the right to increase the rent without improving the condition of the apartment.

Harold Wilson, 111 Lee Avenue, said that the Council should examine this issue from a Christian standpoint, since rent control is both a political and moral issue.

Bruce Ross stated his support for increases on vacant units, as long as the present rent control law was in effect. He also said the Council should disallow no-cause evictions for rent increase purposes.

Mr. Clinansmith suggested to Council that COLTA cease hearing cases until it had cleared its backlog. He also said that the present ordinance should be tabled until Council considered the basis for rent stabilization in Takoma Park.

COUNCIL COMMENTS:

Mr. Moore stated that he supported the four percent rate increase in worksession because prices are generally down from last year, as determined by the consumer price index and the projected inflation rate. He stated that this justifies lowering the allowable rent increase by one-half percent, especially since the Council is going to examine the process of determining whether a landlord is receiving a reasonable rate of return. Mr. Moore questioned why some tenants opposed lowering the current rent cap until the Council had acted on the rent increase petition process, since the reduced allowable rent increase would save tenants money in the meantime. He also stated that the Council should not suspend COLTA operations.

Mr. Hamilton stated that during rent control public hearings, the Council always heard from the tenants of a small number of poorly operated and maintained buildings. He stated that the Council needed to protect the rights of existing tenants, and advocated the implementation of a three-year rent control program. He stated that this approach would allow tenants and landlords to effectively plan and budget their earnings. He said that under state legislation, the Council can now also implement a rent control program for those people who are on fixed incomes; this program can also grant tax credits to landlords who rent to fixed-income tenants. He also advocated setting a separate vacancy rate.

Mr. Elrich said that although he sat on the Housing Committee, he did not and does not support the structure of the proposal which came out of the committee. He stated that the proposal may lead to an uncontrolled rise in rents. He opposed Mr. Hamilton's proposal concerning setting a vacancy rate since it may lead to slow gentrification. He also said that it was important to note that the Supreme Court continued to uphold rent control. He stated that the Supreme Court ruling inherently allows the Council to set a rate which allows landlords to earn less than market rate on their properties. He said that Takoma Park housing, in general, remains profitable. Mr. Elrich also said that the majority of units in the city did not receive rent increases above the rent stabilization rate last year. He also stated that landlords who received a rent increase above the rent stabilization rate were not in any way in violation of the law. He said he did not favor tabling the proposal for three months, and stated that he supported the four percent increase.

Mr. Prensky said that during last week's worksession, he was convinced by the argument presented by Mr. Elrich which pointed out that most landlords largest expense was the mortgage. He said that most landlords have a fixed-rate mortgage which is not affected by

higher inflation rates. For this reason, he stated he would support the four percent increase.

Mr. Douglas said that before the second reading, he hoped landlords would address the fixed-rate mortgage issue raised by Mr. Prensky. He also stated that another argument raised at worksession stated that the four-percent increase would streamline and clarify the rules for getting increases over the stabilization ceiling. He stated he did not think it was fair to expect the tenants or the COLTA volunteers to understand all the paperwork presented to them.

Council Action: The Ordinance carried unanimously at first reading.

RESOLUTION NO. 1991-22
(Attached)

Mr. Sharp announced that the second reading of the ordinance was scheduled for July 29, 1991.

4. First Reading Resolution on Proposed Charter Amendments

Moved by Mr. Douglas; seconded by Mr. Prensky.

Mr. Sharp stated that there were a number of Charter resolutions put forth by the Elections Task Force, staff, and the Council which must be considered to have the amendments ready for second reading on July 29, 1991.

Mr. Douglas said he wanted to move en bloc Charter amendments to Sections 702(a), 704(b) and 1201.

Mr. Sharp interjected that since Mr. Leventhal was still present, that his proposal be addressed first.

Mr. Douglas replied in that case, for the purposes of discussion and his vote, moved to amend the Charter to allow all residents of Takoma Park to vote in city elections; Mr. Moore seconded.

Mr. Sharp said that the Council unfortunately did not yet have text for this amendment. He stated that the Council could proceed with this intention, but that the language needed to be developed.

Mr. Douglas indicated that the Charter stated that the first condition on the qualification of the voters was to be a citizen of the United States. He suggested that this be amended to be a citizen of Takoma Park.

Mr. Sharp suggested that the term "resident" be used instead of "citizen."

Mr. Leary said he had no intention of making up his mind on the issue until there was an analysis and an opinion from the city's legal counsel. He asked Mr. Leventhal if the vote in the ETF recommendation was unanimous.

Mr. Leventhal said that it was a clear sentiment of the ETF and there were no strong arguments against it.

Mr. Sharp said that he also had talked privately with ETF members who told him that there were no strong arguments against the issue. He also said he was concerned with implementation, including voter registration and ballot procedures. He asked City Clerk Jewell to address the feasibility of maintaining a separate voting list.

Ms. Jewell responded that she felt it was feasible because she and the task force did not expect an inordinate number of people would register. Ms. Jewell also said that she would put forth legislation based on Mr. Leventhal's proposal. She continued that she would contact Chevy Chase and Somerset to determine how these municipalities register non-US citizens to vote.

Mr. Sharp asked if registering 100 persons under the proposed process would present an overwhelming amount of work.

Ms. Jewell responded no, and said she would probably recommend an in-person registration process unless the volume became so monumental that she could not handle it.

Mr. Douglas said that drivers licenses should be used to verify the identification of the registrant.

Mr. Clinansmith stated that identification was not required to register in Montgomery County, although the registrant was required to sign a statement on the voter registration form. He stated that the national voter registration system was subject to fraud, and it was likely that Takoma Park's process would be subject to the same fraudulent practices.

Ms. Porter asked about tracking voter registration changes, such as residents who move or whose citizenship status changes from non-citizen.

Ms. Jewell responded that she did not anticipate any problems with the tracking process. She said she would confer with Chevy Chase-Somerset representatives to determine how they conduct voter registration. Ms. Jewell also stated she would prefer that registration not occur on a walk-in basis between regular business hours.

Mr. Prensky asked whether Somerset representatives were aware if there were other jurisdictions which allowed non-US citizens to vote in city elections. He said Sandy Newman headed a major voter registration organization called "Project Vote" which may have information concerning registration of non-US citizens.

Mr. Sharp asked Corporation Counsel to examine the proposal, and stated that he felt that the law, if enacted, would not be challenged. He also said that if a challenge did occur, that the city should try and amend the state law.

Lynne Bradley, 8112 Flower Avenue said she supported the amendment, and thanked Mr. Douglas for putting it forth without requiring a referendum. She said she felt it would be widely accepted, especially in her ward. She also said that she hoped that City Clerk Jewell could develop a registration process that allowed residents to register by mail.

Mr. Douglas said that he shared Ms. Bradley's concern, and that caution should be used in sending out applications. He suggested that citizens could be deputized to make them qualified to register citizens.

Mr. Clinansmith said the Council should study the national voter registration system, and model the city's process on this system.

Mr. Douglas said that code language was needed to go along with the Charter language.

COUNCIL ACTION: The Resolution passed. (Abstained: Mr. Leary.)

RESOLUTION NO. 1991-58
(Attached)

Mr. Sharp said the second reading is scheduled for July 29, 1991, and that citizens could comment on the Council's action at that time.

Mr. Douglas moved to en block three Charter amendments: Chapter 702(a), regarding the list of registered voters; Chapter 1201, regarding the name of the Water and Sewer Board; and Chapter 704(b), regarding Write-in Campaigns; seconded by Mr. Prensky.

Mr. Sharp said that the law regarding voter lists should be amended from "the board's election supervisors shall certify to the Council," to "the City Clerk shall request this information from the Boards of Elections Supervisors."

Mr. Prensky stated that during the last election, the city clerk distributed an initial voter list in August, and an updated list in early October. He questioned whether the proposal would eliminate the distribution of the August list, which he assumed had not been updated since the previous election, two years before.

Ms. Jewell explained that the list which she distributed in August would not be outdated, and would include all voters who had registered up to that time.

Mr. Sharp said the Council could direct the City Clerk to get the list earlier than the third week in August, which could then be distributed to candidates.

Mr. Douglas proposed that resolution be adopted as written and amended at second reading.

COUNCIL ACTION: Resolution No. 1991-59 was accepted at first reading, amending the charter to change the date the Boards of Election Supervisors certified the list of registered voters to the Council from the third Monday in August to the third Monday in September. The Ordinance will be amended at second reading on July 29, 1991 to change the certification process to the City Clerk instead of to the Council.

RESOLUTION NO. 1991-59
(Attached)

Nominations and Write-In Campaigns

COUNCIL ACTION: The Resolution was accepted at first reading as amended. The Resolution amends the Charter to prohibit a candidate from accepting more than one nomination, and allows write-in votes for city elections under certain conditions.

RESOLUTION NO. 1991-60
(Attached)

Council Designated Water and Sewer Board

Mr. Sharp said the proposal was to remove from the Council's authority the ability to operate and maintain a water system and water plant, and a sanitary sewer system and sewage treatment plant.

COUNCIL ACTION: The Resolution was accepted at first reading to change the name of the Water and Sewer Board to the Storm Water Management Board and to delete all references to the duties of a Water and Sewer Board.

RESOLUTION NO. 1991-61
(Attached)

Mr. Prensky said the final whereas clause in Resolution 1991-60 needed to be changed. He proposed to strike the last whereas, strike the word after elections, and strike everything that began "in the event that." He said the first paragraph (704b) on page 2 was unclear to him, and he proposed changing the language "in any one election cycle," which might imply that someone who did not accept the nomination for a city office in one election year, might also not be able to accept the nomination for another city office in the next election.

Ms. Jewell stated that subsection (a) pertained to the nominating caucus.

Mr. Douglas moved to remove the Charter Amendment Resolution which dealt with Article 900, and said he would move it with the "whereases" as proposed in the packets and the materials; seconded by Mr. Leary.

Mr. Douglas also discussed the one-half percent of the budget to be used at the discretion of the city administrator, and the two-percent minimum of unappropriated reserves. He said he found inconsistencies in Sections 902 and 906 which should be corrected by second reading. He said that the unappropriated reserve was two percent, and that all sources of uncommitted funds had to exceed the expenditure amount by two percent.

Mr. Sharp asked if an unappropriated reserve was not a proposed expenditure. Mr. Douglas said yes.

Mr. Prenskey said that if Council entered a new fiscal year with a \$1 million surplus, and the next year's budget was \$10 million, the city would require an unappropriated reserve of two percent of the \$11 million.

Ms. Porter referred to Section 904, noting that the equipment replacement reserve was separate from the emergency reserve. She also questioned why the general contingency account was eliminated.

Mr. Douglas said he eliminated the general contingency account because the account was part of the budget (an expenditure item and not a reserve), and therefore could be misleading.

Mr. Prenskey said that the first whereas should say "an annual minimal general contingency."

Mr. Sharp asked whether the two percent cannot be used to fund new programs.

Mr. Douglas said no; the one-half percent can not be used for new programs. He also said there is no requirement that the two percent be expended during the year.

COUNCIL ACTION: The Resolution was accepted for first reading as amended, to establish an annual minimum unappropriated level at a combination of two and one-half percent; the resolution passed unanimously.

RESOLUTION NO. 1991-62
(Attached)

5. Second Reading Ordinance Increasing Salaries of next Mayor and Council

Moved by Mr. Douglas; seconded by Mr. Hamilton.

Mr. Sharp stated that the mayor's current salary is \$4,800, and the councilmembers' current salary is \$3,600. He said that the proposal provided a \$200 increase to both the mayoral and councilmember salaries.

COUNCIL ACTION: The Ordinance was adopted on second reading. (NAY: Prenskey, Leary; ABSENT: Moore).

6. Second Reading Ordinance Repealing Grant Avenue Scout Bus Parking Space

Moved by Mr. Douglas; seconded by Mr. Hamilton.

Mr. Sharp explained that this parking space was no longer needed since the Scout's bus was no longer there.

COUNCIL ACTION: The Ordinance was adopted unanimously. (ABSENT: Moore).

7. Resolution Supporting Prince George's County Proposed Billboard Sign Placement Legislation

Moved by Mr. Leary; seconded by Mr. Douglas.

COUNCIL ACTION: The Resolution passed unanimously. (ABSENT: Moore)

ORDINANCE NO. 1991-20
(Attached)

ADDITIONAL AGENDA ITEM

8. Single Reading Ordinance Awarding a Bid For the Recycling Vehicle

Moved by Mr. Leary; seconded by Mr. Elrich.

Mr. Sharp said the city had obtained bids for the recycling vehicle, and that Wilbar and Arnold had made the lowest bid at \$39,213.44. He also said the staff recommended that the Council award the contract to this firm.

Mr. Douglas asked why many of the bidders had provided two dollar amounts in their bids, and whether the Council could select another vendor.

Mr. Wilson explained that the two bids represented the two types of truck bodies which could be purchased.

COUNCIL ACTION: The Ordinance was adopted unanimously. (ABSENT: Hamilton; Moore)

Upon motion duly made and seconded, the meeting adjourned at 11:53 p.m., to reconvene in Regular Session on July 29, 1991.

Introduced By: Councilmember Hamilton

ADOPTED: JULY 8, 1991

Resolution No. 1991-57

- WHEREAS, Alan Abrams Residential Construction, Inc. has applied to the Montgomery County Maryland-National Capital Park and Planning Commission for preliminary subdivision of Lot 20, Block 60, B.F. Gilbert's Addition to Takoma Park Subdivision, located at 41 Oswego Avenue in Takoma Park, into proposed Lots 29 and 30 (Application #1-91046); AND
- WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND
- WHEREAS, the application has been reviewed by City staff, which has recommended APPROVAL, WITH CONDITIONS, of the application on the basis of analysis contained in the pertinent staff report dated June 28, 1991; AND
- WHEREAS, trees on private property in Takoma Park that measure more than twenty-four (24) inches in circumference at four and one-half (4 1/2) feet above ground level are considered as part of the City's urban forest and are subject to the provisions of the City's Tree Ordinance; AND
- WHEREAS, the provisions of the Tree Ordinance state, in part, that "no person shall remove or destroy or cause the removal or destruction of a tree on private property or undertake construction or other action which would significantly and permanently detract from a tree's health or growth without approval from the Director of Public Works or the Director's representative and issuance of a permit;" AND
- WHEREAS, the subdivision plan as submitted indicates that sixteen (16) trees with circumferences in excess of twenty-four (24) inches at four and one-half (4 1/2) feet above ground level would need to be removed in order to accomplish the proposed development; AND
- WHEREAS, City staff estimates that, if the site plan is implemented as submitted, twenty-one (21) trees with circumferences in excess of twenty-four (24) inches will actually require removal; AND
- WHEREAS, the City of Takoma Park has sole authority over storm water management within the City limits; AND
- WHEREAS, the City Council has taken into consideration public comments received on the subject application;

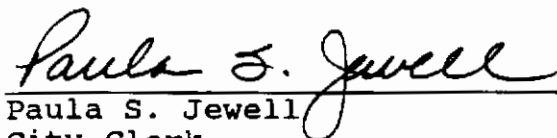
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby SUPPORTS the subject preliminary subdivision application, as shown in Attachment A, and recommends that the Maryland-National Capital Park and Planning Commission APPROVE the subject application, with the following CONDITIONS:

1. THAT the applicant shift the location of the driveway and retaining wall to the north on proposed Lot 30 to minimize the disturbance to the root system and attempt to preserve the twenty-four inch (24") diameter oak tree to the south of the driveway. Both driveway configurations will require removal of the sixteen inch (16") and the eighteen inch (18") diameter trees located immediately to the north of the current driveway;
2. THAT the applicant alter the footprint of the house on proposed Lot 30 so that construction of the house will not threaten the roots of the twenty-four inch (24") diameter tree shown as immediately outside the limits of disturbance on the lot line between proposed Lot 29 and proposed Lot 30;
3. THAT the applicant correct the site plan to accurately reflect tree species, locations, and limits of disturbance;
4. THAT the applicant propose substitute landscaping, which may include reforestation, to compensate for tree removal at the time of application for a City of Takoma Park tree removal permit under the City's Tree Ordinance, which landscaping shall be approved by the City's Director of Public Works prior to issuance of a tree removal permit;
5. THAT the applicant obtain stormwater management approval from the City of Takoma Park.

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 8TH DAY OF JULY, 1991.

ATTEST:



Paula S. Jewell
City Clerk

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Effective :

ORDINANCE #1991-21
AMENDING TAKOMA PARK CITY CODE, ARTICLE 2, SECTION 4D-5
"DESCRIPTION OF WARD BOUNDARIES"

WHEREAS, On April 23, 1990, the Takoma Park City Council established the Elections Task Force to reconfigure the City's ward boundaries based on changes made to the City Charter in 1989 and the 1990 Decennial Census; AND

WHEREAS, it is the desire of the City Council to equalize the population of the City among the six (6) wards as mandated by the Takoma Park Charter of 1989 and using the 1990 Decennial Census data; AND

WHEREAS, to achieve this end, it is necessary to redefine the ward boundaries of the City to reflect the necessary changes recommended by the Elections Task Force.

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

SECTION 1. THAT Chapter 4D, "ELECTIONS", Article 2, "WARDS", Section 4D-5, "Descriptions of Ward Boundaries" be repealed in its entirety and that there be enacted in its place the following:

ARTICLE 2. WARDS

Section 4D-5. Description of ward boundaries.

(a) The city is divided into six (6) wards for purposes of City elections. Each ward shall be compact in form and composed of adjoining territory. The populations of the wards shall be substantially equal.

(b) The boundary lines of the six (6) wards shall be as they are shown on the map and accompanying street directory, designatd "1991 District Plan and Street Directory," dated July 8, 1991, attached hereto and incorporated herein.

SECTION 2. THAT each Ward alphabet designation shall be translated into the following Ward numbers:

<u>A = 1</u>	<u>D = 4</u>
<u>B = 2</u>	<u>E = 5</u>
<u>C = 3</u>	<u>F = 6</u>

SECTION [2]3. THAT once this Ordinance is adopted, the City Council reserves the right to provide a detailed written description in elaboration of the attached map and street directory, and this description shall become a part of this ordinance.

SECTION [3]4. THAT this Ordinance shall be posted on the City Hall Bulletin Board for one (1) week after its introduction and for at least three (3) weeks after its adoption.

SECTION [4]5. THAT this Ordinance may not be passed, amended, rejected or have its consideration deferred at any regular or special Council meeting earlier than five (5) days following its introduction.

SECTION [5]6. THAT this Ordinance becomes effective upon adoption and shall be in effect for the Election of November 1991 and thereafter.

NOTE: In this Ordinance, underlining shall indicate language added at First Reading, and [brackets] shall indicate deletions.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 1991 BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

filename: ORDINAN/BOUNDARY

Drafted by: L. Walker
Introduced by:

1st Reading: July 8, 1991
2nd Reading:
Effective: August 1, 1991

ORDINANCE NO. 1991 - 22

ORDINANCE TO CONTINUE RENT STABILIZATION AND TO
SET A NEW RENT STABILIZATION RATE

WHEREAS the Section 6-80.17(a) of the Code of Takoma Park requires the City Council to conduct an annual review of the rent stabilization provisions of Article 7; AND

WHEREAS the City Council has been provided with substantial information which evidences emergency housing conditions in the Washington Metropolitan Area and in particular, in the City of Takoma Park, Maryland; AND

WHEREAS the Department of Housing and Community Development has recommended that rent stabilization be continued in the City of Takoma Park, and that the rate for rent increases be limited to four and one-half percent (4.5%) per annum; AND

WHEREAS the aforesaid recommendations are the results of an analyses which included consideration of the Washington-Area Consumer Price Index, the Washington-Area Consumer Price Index figures for rents, in accordance with the Section 6-80.17(a), and included consideration of other appropriate factors; AND

WHEREAS the City Council held a public hearing on July 8, 1991 and received relevant testimony from persons representing tenant and landlord interests; AND

WHEREAS the City Council, in accordance with Section 6-80.17(a) has conducted an annual review of the rent stabilization provisions taking the recommendations of the Department of Housing and Community Development, along with public testimonies, into consideration.

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

SECTION 1. THAT Rent Stabilization shall continue in the City of Takoma Park.

SECTION 2. Chapter 6, Article 7, Division 2, Section 6-80.17(c)(2) is hereby amended as follows:

Section 6-80.17(c)(2)

It shall be unlawful for the landlord or anyone acting on behalf of a landlord to impose or attempt to impose a rent increase for any dwelling unit that is more than four percent (4%) without first obtaining authorization from the Commission on Landlord-Tenant Affairs in accordance with this section of this Article.

SECTION 3. This Ordinance shall become effective on August 1, 1991.

Adopted by Roll Call Vote As Follows; this ____ day of _____, 1991:

AYE:

NAY:

ABSTAINED:

ABSENT:

DRAFT

Agenda Item # 10e

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1991-58

AMENDING CHARTER ARTICLE VII, SECTION 701(a) REGARDING "QUALIFICATIONS OF VOTERS" AND SECTION 703 REGARDING REGISTRATION CERTIFICATION BY SUPERVISORS OF ELECTION

WHEREAS, the City of Takoma Park is a diverse community of tenants and homeowners alike from many different races and ethnic backgrounds; AND

WHEREAS, in 1985, the City of Takoma Park declared itself a City of Refuge for immigrants fleeing persecution, war and atrocities in their respective countries and welcomed these refugees to the City; AND

WHEREAS, the City Council desires to extend its franchise to all Takoma Park residents who are not United States citizens by allowing them to participate and vote in the City's Election process.

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title:

"Corporations - Municipal," that Sections 701 (a) and Section 703 of the Charter of the City of Takoma Park are hereby amended as follows:

ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS

SECTION 701 Qualifications of Voters

(a) Every person who (1) is a resident of Takoma Park [citizen of the United States], (2) is at least eighteen years of age, (3) has resided within the corporate limits of the City for 30 days next preceding the City election, and (4) is registered in accordance with the provisions of this charter, is a qualified voter of the City. Every qualified voter of the City is entitled to vote in all City elections.

(b) Clerks Note: Remains as is as amended by Ordinance
#1991-21

SECTION 703 - REGISTRATION

(a) Any Resident of Takoma Park may register to vote at the boards of election supervisors for Montgomery and Prince George's Counties, respectively, any time these offices are open for business or by mail. Registration shall be permanent unless such registration shall be cancelled as provided by state law. No person is entitled to vote unless properly registered.

(b) Any resident of Takoma Park who is not a United States citizen may register with the City Clerk, who shall maintain a separate voter roll from the existing voter rolls generated by the Montgomery County and Prince George's County Boards of Election, to include the names of those non United States Citizens.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 701(a) and Section 703 of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published.

If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, 1991, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1991.

SECTION 6: In this ordinance, [brackets] shall denote

language to be deleted from the current City Charter and underlining shall denote language to be added.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Mayor

Councilmembers

ATTEST:

City Clerk

Date

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1991-59

AMENDING CHARTER SECTION 702(a) REGARDING LIST OF REGISTERED
VOTERS: CERTIFICATION BY SUPERVISORS OF ELECTION

WHEREAS, Section 702(a) of the Takoma Park Charter of 1989, stipulates that on the third Monday in August, prior to the City election, the boards of election supervisors for Montgomery and Prince George's Counties, shall certify to the Council the lists of the names and addresses of those people residing in the City and registered to vote; AND

WHEREAS, the third Monday in August date is an earlier deadline than is necessary for City staff to carry out the administrative duties for preparing for the City's Nomination Caucus and Election; AND

WHEREAS, the City Clerk has recommended that this date be moved ahead one month to allow for a more efficient and cost effective administrative process.

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title: "Corporations - Municipal," that Section 702(a) of the Charter of the City of Takoma Park is hereby amended as follows:

Section 702 Lists of Registered Voters: Certification by Supervisors of Elections

(a) On the third Monday in August, 1983, and each two years thereafter on the third Monday in [August] September, prior to the City election, the City Council shall direct the City Clerk to request from the boards of election supervisors for Montgomery and Prince George's Counties, respectively, [[shall certify to the Council]] certified, alphabetical lists of the names and addresses of those people residing in the City and registered to vote.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 702(a) of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, 1991, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1991.

SECTION 6: In this Resolution, [brackets] shall denote language to be deleted from the current City Charter and underlining shall denote language to be added.

[[double brackets]] indicate language deleted since first reading; double underlining indicates language added since first reading.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Mayor

Councilmembers

ATTEST:

City Clerk

Date

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1991-60

AMENDING CHARTER SECTION 704(b) REGARDING NOMINATIONS
FOR MAYOR AND COUNCILMEMBERS AND ADDING SUBSECTIONS (d), (e),
(f) and SECTION 704.1(a) TO ALLOW WRITE-IN CAMPAIGNS
FOR MAYORAL AND COUNCILMEMBER ELECTIONS

- WHEREAS, the Elections Task Force, established by Ordinance #1990-41, was instructed by the City Council to make recommendations on a number of elections issues; AND
- WHEREAS, one such issue in Section 704(b) of the Takoma Park Charter of 1989, outlines the process for nominations for the Office of Mayor and Councilmembers; AND
- WHEREAS, the current language in Section 704(b) is vague and allows for a candidate to simultaneously run for and win both a Mayor and a Councilmember seat and thereby have to resign one of the seats; AND
- WHEREAS, such a scenario would cause the City to incur a costly and time-consuming process in order to fill the vacancy created by the resignation of one seat; AND
- WHEREAS, the Elections Task Force has recommended that the City Council amend the City Charter to prohibit any person from running for more than one City office at one time; AND
- WHEREAS, the Task Force also recommended that the City Charter be amended to allow write-in campaigns for Mayoral and Councilmember elections. [[in the event that a candidate nominated during the City's nominating caucus cannot serve if elected for any reason or a nominated candidate is found unacceptable by a large group of voters.]]

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title: "Corporations - Municipal," that Section 704 of the Charter of the City of Takoma Park is hereby amended as follows:

Section 704 Nominations

(a) (Remains as is).

(b) Nominations of candidates for Mayor shall be made on motion by any voter of the City, and if such nomination is seconded, the persons so nominated shall be considered a candidate. Nomination of each candidate for Councilmember shall be made on motion of any voter of her/his ward, and if such nomination is seconded, the person so nominated shall be considered a candidate. Any nominated candidate may decline a nomination during the nomination meeting. A person may only accept a nomination for one City office. The name of each person nominated for the office of Mayor and Councilmember shall be placed upon the official ballot unless he/she shall in person file with the Clerk Treasurer within three (3) days after his/her nomination his declination.

(c) Council shall develop such rules and procedures as are necessary relating to nomination proceedings consistent with the provisions of this Charter.

(d) Any person nominated or presenting herself/himself as a write-in candidate must meet the qualifications of the office for which she/he is nominated.

(e) A person whose name appears on the ballot may not register as a write-in candidate.

(f) A person may only register as a write-in candidate for one office in any election.

Section 704.1 Write-In Candidates

(a) Any write-in candidate for Mayor or Councilmember must file her/his name with the City Clerk at least seven (7) days before the election. Only registered write-in candidates are eligible to hold office.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 704 of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until

_____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, 1991, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1991.

SECTION 6: In this Resolution, [brackets] shall denote language to be deleted from the current City Charter and underlining shall denote language to be added.

[[double brackets indicate language deleted at first reading.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Mayor

Councilmembers

ATTEST:

City Clerk

Date

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1991-61

AMENDING CHARTER SECTION 1201 REGARDING THE COUNCIL DESIGNATED
WATER AND SEWER BOARD

WHEREAS, Section 1201 of the Takoma Park Charter of 1989, designates the City Council of Takoma Park as the Water and Sewer Board for Takoma Park; AND

WHEREAS, the City Council of Takoma Park does not actually have jurisdiction over the water and sewer operations of the City; AND

WHEREAS, the name "Stormwater Management Board" more accurately reflects the powers intended for the Council regarding the operations of stormwater management.

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title: "Corporations - Municipal," that Section 702(a) of the Charter of the City of Takoma Park is hereby amended as follows:

Section 1201 The Council designated [Water and Sewer Board]
Stormwater Management Board
Power to Construct Facilities, etc

The Council of Takoma Park shall by ordinance, be designated the [Water and Sewer Board] Stormwater Management Board for Takoma Park, and may establish such rules and procedures as it may deem necessary for its operation. The Board is authorized and empowered to construct [, operate and maintain a water system and water plant, a sanitary sewerage system and sewage treatment plan,] a storm water drainage system and storm water sewers; to construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plans and systems; to have surveys, plans, specification, and estimates made for any of the above plans and systems or parts thereof or the extension thereof; and to do all things it deems necessary for the

efficient operations and maintenance of the above plans and systems. It is thereby vested with all the rights and powers necessary for the introduction of water into and the distribution thereof throughout said City and for the collection and disposal of [sewage and] storm waters.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of Section 1201 of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, 1991, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1991.

SECTION 6: In this ordinance, **[brackets]** shall denote language to be deleted from the current City Charter and **underlining** shall denote language to be added.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Mayor

Councilmembers

ATTEST:

City Clerk

Date

Introduced by:
(Drafted by: J. Douglas, P. Jewell)

1st Reading: 7/8/91
2nd Reading:
Posted:
Effective:

CHARTER AMENDMENT RESOLUTION #1991-62

AMENDING CHARTER SECTION 902(c); SECTION 903(a) AND (b);
SECTION 904(b); SECTION 906(a) AND (b); AND SECTION 907 AND
RENUMBERING THE REMAINING SECTIONS OF ARTICLE 9 AS APPROPRIATE

WHEREAS, the City Council desires to establish an annual minimum unappropriated reserve level as prudent fiscal planning to be able to absorb any revenue shortfalls and spending increases consistent with approved programs or new needs that may arise during the year; AND

WHEREAS, the City Council desires to set an annual minimum General Contingency annual minimum appropriation level to meet unexpected needs within the context of Council approved programs with said funds to be used at the discretion of the City Administrator.

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title: "Corporations - Municipal," that Section 902(c); Section 903(a) and (b); Section 904(b); Section 906(a) and (b); and Section 907 of the Charter of the City of Takoma Park is hereby amended as follows:

ARTICLE IX - FINANCE

Section 901 Remains as is.

Section 902 Budget

(a) Remains as is.

(b) Remains as is.

(c) [The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures.] The total of anticipated revenues, plus any unreserved or otherwise uncommitted funds available to the City, shall exceed the total of proposed expenditures by not less than 2% of the total anticipated revenue.

Section 903 Contingency Provisions

(a) The total of such proposed expenditures shall include a general contingency account which shall be [equal to but not less than two percent (2%)] not less than one-half of one percent (0.5%) of the total budget revenue of the City. [The general contingency account shall be maintained to meet extraordinary or unanticipated expenditures as the Council may direct.] The general contingency account shall be available only to meet extraordinary or unanticipated expenditures associated with programs in the Council approved budget.

[(b) The City Administrator may under the authority vested in his office allocate up to one-third (1/3) of the general contingency account to be expended for the delivery of services which the Mayor and Council have approved through the budget process for that fiscal year, and for which the amounts for said services are inadequate. The City Administrator shall submit a written report to the Mayor and Council at the close of each month detailing any expenditures made from the general contingency account and explaining the reason for the expenditures.]

(b) The City Administrator shall submit written reports to the Council explaining any expenditures made from the general contingency account.

Section 904 Reserve Provisions

(a) Remains as is.

(b) **Equipment Replacement Reserve.** There shall be established a separate reserve for the replacement of major capital items. This reserve shall be separate and apart from [the general contingency account as prescribed in Section 903, and] the Emergency Reserve, as prescribed in Section 904(a). Major capital items that have a purchase price greater than or equal to 0.5% of the total budget revenues, at the time of purchase, shall be included in this reserve. Each year's budget shall include expenditures in the form of payments to the reserve, based on purchase price and the estimated useful life of each item, necessary to maintain the reserve at a level sufficient to replace the covered items. At such time it is determined necessary and appropriate to replace items covered by this reserve, that year's budget shall include revenues to be drawn from the reserve to replace covered items; however, if it is determined that the reserve contains insufficient funds to fully fund the replacement of one or more items, additional revenues from other sources may also be designated. The list of items covered by this reserve, along with the estimated useful life and amounts designated for replacement, shall be available for public inspection. The

Council shall enact by ordinance such additional criteria and procedures as are necessary to operate the Equipment Replacement Reserve.

(c) Remains as is.

Section 905 Remains as is.

Section 906 Budget Adoption

(a) Before adopting the budget, the Council shall hold at least one public hearing thereon after due notice has been given on the City Hall Bulletin Board. The Council may insert new items or may increase or decrease the total expenditures recommended by the City Administrator. The budget shall be prepared and adopted in the form of an ordinance. The total of anticipated revenues in the adopted [budget shall equal or exceed the total of the proposed revenues on the adopted budget.] budget, plus any unreserved or otherwise uncommitted funds available to the City, shall exceed the total of proposed expenditures in the adopted budget by not less than 2% of the total anticipated revenue, and shall be maintained as an unappropriated reserve.

(b) The unappropriated reserve shall be maintained to meet extraordinary or unanticipated expenditures, or to offset revenue shortfalls. No funds from the unappropriated reserve may be spent for any reason without approval by the Council by ordinance.

[(b) Transfer of funds among budget ordinance items may be authorized by ordinance of the Council at any time.]

Section 907 Budget Implementation.

(a) The City Administrator may reallocate expenditures within the budget adopted by the Council, subject to such restrictions as the Council shall impose by ordinance.

(b) An amendment to the adopted budget that does not increase total expenditures may be passed, amended, or rejected or have its consideration deferred at any regular or special Council meeting, not withstanding the provisions of Section 308 of this Charter.

(c) An amendment to the adopted budget that increases total expenditures shall be adopted by ordinance.

(d) Not withstanding the provisions of Section 308 of this Charter, the Council may take action to purchase items included in the current budget ordinance at any regular or special meeting, subject to the provisions of this Section.

Section [907] 908 Appropriation - Approval

No public money may be expended unless approved and appropriated by the Council

(Renumber remaining sections in this Article appropriately)

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is _____, and the amendment of these Sections of the Charter of the City of Takoma Park hereby enacted shall become effective on _____, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until _____, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, _____, 1991, _____ members of the City Council voting in the affirmative, _____ members of the City Council voting in the negative, _____ members of the City Council abstaining and _____ members of the City Council absent, and the said Resolution becomes effective in accordance with law on the _____ day of _____, 1991.

NOTE: In this Resolution, double underlining indicates language added at first reading.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Mayor

Councilmembers

ATTEST:

City Clerk

Date

Introduced by: Councilmember Douglas
Drafted by: P. Jewell

1st Reading: 6/24/91
2nd Reading: 7/8/91
Effective: 11/18/91

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 8th day of July, 1991 by roll call vote as follows:

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

Introduced by: Councilmember Douglas 1st Reading: 6/24/91
2nd Reading: 7/8/91

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.

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 8th day of July, 1991 by Roll Call Vote as Follows:

AYE: Douglas, Elrich, Hamilton, Leary, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: Moore

Introduced by: Councilmember Leary

(Draft by: B. Habada)

RESOLUTION #1991-63

WHEREAS, the Prince George's County Council is considering legislation, CB 24, to prohibit the erection of new outdoor advertising signs (billboards) in the County and provide a reasonable amortization period to phase out existing signs; AND

WHEREAS, this County legislation will address the proliferation of outdoor advertising (billboards) which adversely affects residents and motorists in Prince George's County; AND

WHEREAS, the legislation addresses the problem stated above by prohibiting the erection of new billboards and requires existing billboards to be discontinued in five years.

NOW THEREFORE BE IT RESOLVED, that the City of Council of Takoma Park declares its support for this proposed legislation and urges the Prince George's County Council to pass said legislation; AND

BE IT FURTHER RESOLVED, that the City Administrator is directed to transmit a copy of this Resolution to the Chairman of Prince George's County Council upon enactment.

Adopted this 8th day of July, 1991.

Introduced by: Councilmember Leary

Single Reading: 7/8/91

ORDINANCE NO. 1991-23

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

SECTION 1. THAT the Fiscal Year 1992 Budget set aside funds for the purchase of an additional recycling vehicle for the expansion of the recycling program; AND

SECTION 2. THAT bids were publicly opened at 2:00 P.M., July 2, 1991 and bids were received from

Chase Equipment: \$ 4 3 , 4 6 6 . 2 3 &
\$45,607.33

District International: \$35,653.49 &
\$41,699.49 &
\$42,880.74

Dovell & Williams: \$37,199.00

Eager Beaver: \$37,673.00

Granturk: \$48,250.00

Mid-Atlantic: \$41,699.49 &
\$42,880.74

Mr. Garbage: \$46,478.00

Wilbar & Arnold: \$36,162.44 &
\$39,213.44 AND

SECTION 3. THAT Wilbar and Arnold was the lowest, responsive bidder; AND

SECTION 4. THEREFORE the bid from Wilbar and Arnold for a RECYCLING VEHICLE for the sum of Thirty-Nine Thousand Two Hundred and Thirteen Dollars and Forty-Four Cents (\$39,213.44) is hereby accepted; AND

SECTION 5. THAT funds to cover this expenditure are appropriated in the Fiscal Year 1992 Public Works Budget under Capital Expenditures, Account Number 3100-8000.

Adopted this 8th day of July, 1991, By Roll Call Vote as follows:

AYES: Douglas, Elrich, Leary, Porter, Prensky

NAYS: None

ABSTENTIONS: None

ABSENT: Hamilton, Moore

Special Session of the City Council
Monday, July 15, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Admin. Wilson
Councilmember Douglas	Ass't. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Police Chief Fisher
Councilmember Leary	Deputy Chief Wortman
Councilmember Moore	Public Works Dir. Knauf
Councilmember Porter	
Councilmember Prensky	

Upon motion by Mr. Douglas, seconded by Mr. Moore, the Council convened into Special Session at 8:10 p.m., to take up the following two items.

1. First Reading Ordinance Amending FY'92 Budget

Mr. Douglas moved acceptance at first reading; duly seconded by Ms. Porter. The Council discussed at length the Police Department's need to purchase five police vehicles; two vehicles were approved by the FY'92 budget; one a replacement vehicle for a vehicle wrecked last fiscal year and two vehicles were part of the Federal grant program. The Council commented that the replacement for the wrecked car should have been included in the Budget. The Council discussed at length the Police Department's vehicle replacement schedule.

There was no consensus on Ms. Porter's suggestion to replace the totaled vehicle (based on its age) and switch it on the replacement schedule for one of the two cars that was going to be replaced over time. The Council agreed that a policy recommendation is needed on how to deal with vehicles that go out of service before they are retired, since insurance proceeds on older vehicles cover less of the full cost and cause the City to have to pay for more.

The Council also discussed the timing of purchasing the cars and questioned whether the City could wait until the next cycle when new cars come out and they are less expensive. The Police Department was requested to look into the possibility of acquiring two Ford Tauruses this fall for next year's stock.

Regarding the cooperative grant for the Crossroads Development Authority, Mr. Prensky asked that it be made clear that the grant did not commit the City to continue keeping an extra officer on board once the program had ended. Mr. Moore said he would discuss this issue with the Crossroads Development Authority at their next meeting.

There was no consensus on Mr. Elrich's suggestion that the purchase of the cars wait until the next cycle when Ford started their next line of Taurus police packages.

Mr. Leary moved an amendment to the Ordinance to include the purchase of five vehicles. Mr. Douglas seconded the motion and it carried by a 5 to 2 vote. (Nay: Elrich and Prensky).

Staff was asked to examine where money for the wrecked car replacement will come from and to make note of this in the Ordinance. Also, the necessary revenue changes need to be incorporated in the Ordinance. Mr. Douglas reminded Staff to make sure that Revenue Amendments "a" through "d" do not get put into next year's budget.

Council Action: The FY'92 Budget Amendment #1 Ordinance, as amended, was accepted at first reading by a 6 to 1 vote (Nay: Elrich).

ORDINANCE #1991-24
(Attached)

2. Single Reading Ordinance Rescinding Ordinance #1991-23 Regarding Recycling Vehicle Bid And Awarding a Replacement Bid.
Mr. Douglas moved adoption of the Ordinance; seconded by Mr. Hamilton.

Recycling Coordinator Daryl Braithwaite explained that after awarding a bid to Wilbar and Arnold for the purchase of a recycling truck, the City received an informal challenge from the next lowest bidder, Mid-Atlantic Waste Systems, who claimed that Wilbar and Arnold had submitted inaccurate and misleading information. Public Works staff investigated the claim and confirmed it to be true and was therefore recommending that the first ordinance be rescinded and the bid be awarded to Mid-Atlantic.

In response to a question raised by Mr. Douglas regarding whether the Council could rescind Ordinance #1991-23 with a single reading ordinance, Mr. Sharp, as the Chair, ruled that this indeed could be done by the single reading Ordinance currently before the council.

Council Action: The Ordinance was unanimously adopted on single reading.

ORDINANCE #1991-25
(Attached)

The Special Session adjourned at 8:57 p.m.

Introduced by: Councilmember Douglas

Single Reading: 7/15/91
(Special Session)

ORDINANCE NO. 1991- 25

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

WHEREAS: Ordinance No. 1991-23 was adopted on July 8, 1991,
accepting the bid from Wilbar and Arnold for a
Recycling Vehicle; AND

WHEREAS: subsequent challenge and investigation of the bid
information has revealed that certain bid
information was inaccurate and misleading; AND

WHEREAS: the next lowest responsive bid was received from
two bidders that submitted identical bids and bid
amounts; AND

WHEREAS: a coin-toss was held to determine which of these
two bidders would be considered for the contract
award; AND

WHEREAS: as a result Mid-Atlantic Waste Systems is
considered to be the lowest, responsive bidder.

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

SECTION 1. THAT Ordinance 1991-23 is rescinded; AND

SECTION 2. THAT the bid from Mid-Atlantic Waste Systems for a
RECYCLING VEHICLE for the sum of Forty One
Thousand, Six Hundred and Ninety Nine Dollars and
Forty Nine Cents, (\$41,699.49) is hereby accepted;
AND

SECTION 3. THAT funds to cover this expenditure are
appropriated in the Fiscal Year 1992 Public Works
Budget under Capital Expenditures, Account Number
3100-8000.

Adopted this 15th day of July, 1991, By Roll Call Vote as
follows:

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Porter, Prenskey

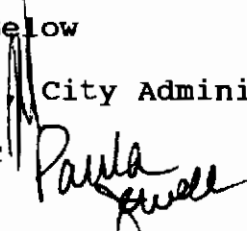
NAYES: None

ABSTENTIONS: None

ABSENT: None

July 30, 1991

TO : Distribution Noted Below
VIA : James S. Wilson, Jr. City Administrator
FROM : Paula S. Jewell, CMC City Clerk



PROPERTY OF
TAKOMA PARK MD. LIBRARY

SUBJECT: Council Summary from July 29, 1991 Regular Council Meeting, Executive Session and Public Briefing Convened 7:42 P.M.

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

Comments Pertaining To Staff

- [] 1. City Administrator's Retirement - Mayor Sharp acknowledged that CITY ADMINISTRATOR JAMES WILSON had announced his intentions to retire in Spring 1992. The Council will be discussing the formulation of a committee to select a new City Administrator. Persons interested in serving on the Selection Committee should submit letters of interest to the CITY CLERK.
- [] 2. The City Council offered congratulations to CITY CLERK PAULA JEWELL, who was elected to serve as President of the Maryland Municipal Clerk's Association and will also be serving on the Maryland Municipal League Board of Directors.
- [] 3. Police Department Accreditation - Mayor Sharp noted that on Wednesday, July 31st at 2:00 P.M., there would be a ceremony to celebrate the Takoma Park POLICE DEPARTMENT'S receiving of accredited status. Mr. Sharp commented that this has been a long and worthy effort on behalf of the POLICE DEPARTMENT.
- [] 4. Municipal Building Renovations - CITY ADMINISTRATOR WILSON noted that there will be a brief ceremony following the accreditation celebration, to break ground for the municipal building renovations.

AGENDA

- [] 1. Mixed Paper Processing - Ordinance #1991-26 was adopted on single reading, awarding a \$12,500 bid to Georgetown Paper Stock for the processing and marketing of mixed paper collected in the curbside recycling program.

(Over)

- [] 2. New Ward Boundaries - Ordinance #1991-21 was unanimously adopted on second reading, as amended to re-number the previously lettered boundaries so that they more closely resemble the former ward numbers. (Councilmember Prensky absent for vote). The Ordinance repeals City Code Chapter 4D, Article 2, "Descriptions of Ward Boundaries" and enacts a new description of the City to reflect 6 wards, as mandated by a 1989 Charter Amendment, and using the results of the 1990 Census.

- [] 3. Resolution of Appreciation - Resolution #1991-64 was unanimously passed, expressing appreciation to the Elections Task Force and commending each member for their service to the City in redistricting the City's ward boundaries and making recommendations for the conduct of City elections. The Task Force members are: Paul d'Eustachio (Chair), Jamin Raskin, Jane Lawrence, Matthew MacWilliams, Lissa Martinez, Elliot Rosen, Dave McSpadden, Clarence Boatman, Dolly Davis, George Leventhal, Julie Matthews, Grank Garcia, Johanna Potts and Alvin Nichols.

- [] 4. Rent Stabilization Level - Ordinance #1991-22 was adopted by a 5 to 2 vote (Councilmembers Elrich and Prensky voted Nay). The Ordinance continues rent stabilization in the City of Takoma Park and amends Section 6-80.17(c)(2) of the Code to set the ceiling rate at four percent. A motion made by Mr. Elrich to substitute a 3% ceiling failed by a 3 to 4 vote (Douglas, Leary, Moore and Porter voted Nay). The Ordinance becomes effective on August 1, 1991.

- [] 5. Sligo Creek Parkway Bicycle Lane - Resolution #1991-65 was passed by a 3-2-2 vote, (Councilmembers Leary and Prensky voted Nay; Councilmembers Elrich and Hamilton Abstained). The Resolution expresses the Council's support of the Maryland-National Capital Park and Planning Commission/Montgomery County Department of Parks plan to pave the east shoulder of Sligo Creek Parkway from University Boulevard to Piney Branch Road as a designated bicycle lane. A motion to table the Resolution indefinitely failed.

- [] 6. Public Briefing on Models of Rent Petition Standards - Bob Stumberg, representative from the Harrison Institute, gave the Council and audience a briefing on formula options for consideration of petitions for rent increases above the annual stabilization level. The Council heard a few comments from the public and is planning to discuss the next steps at the August 5th worksession.

[] 7. Washington Hospital Bond Resolution and Public Hearing
- Upon motion by Mayor Sharp, without objection, the Council convened into Executive Session at 11:45 P.M. to get advice from the City's Bond Counsel, and moved back into Regular Session at 12:00 midnight to discuss the Hospital revenue improvement bonds and the letter of intent proposed by WAH, and to hear the public's comments on this issue. A motion was made to take the results of this public hearing and the negotiations and reconsider them in a Special Session to be held on August 5th at 7:30 P.M. Passage of the Bond Resolution was tabled to that date, pending the Hospital's presentation on written agreement on 3 issues. The formal negotiations on one outstanding issue is expected by the end of this week.

[] 8. Discussion of Proposed Charter Amendments - The Council will hold a public hearing and adopt the four proposed Charter Amendments at the August 5th Special Session: (a) Section 702 Re: Lists of Registered Voters; Certification by County Supervisors of Election; (b) Section 704(b) and 704.1(a) Re: Nominations for Mayor and Councilmembers and Allowing Write-In Campaigns; (c) Section 1201 Re: Council Designated Water and Sewer Board; and (d) Sections 902(c), 903(a) and (b), 904(b), 906(a) and (b) and 907 Re: General Contingency.

At the August 5th Worksession, the Council will discuss what type of schedule to pursue for holding a public hearing (sometime in late September or early October) to discuss the proposed Charter Amendment to allow non United States citizens to vote in Takoma Park elections.

[] 9. FY'92 Budget Amendment #1 - Ordinance #1991-24 (CLERK'S NOTE: this was mis-numbered at first reading) was unanimously adopted, as amended, at second reading. The Ordinance amends the Fiscal Year 1992 Budget to allow for revenue and expenditure amendments for expansion of the telephone PBX system, funding for street tree replacement, funding for street improvements and funding for police vehicles.

[] 10. Purchase of Police Vehicles - Ordinance #1991-27 was unanimously adopted on single reading, authorizing the purchase of three police vehicles--one as authorized in the Budget and two vehicles from the Federal Drug grant. The City Council decided to hold out on the purchase of two other vehicles at this time. ASSISTANT CITY

ADMINISTRATOR and the **POLICE DEPARTMENT** to modify the ordinance to show the appropriate amounts of the three purchases and what budget accounts they will be funded from.

- [] 11. Council Recess - Resolution #1991-66 was passed by a 6 to 1 vote, as amended (Councilmember Moore voted Nay), setting forth the Council's Summer recess to begin after the Special Special Session scheduled for August 12th. The Council will reconvene in Worksession on Tuesday, September 3rd (after the Labor Day Holiday), and in Regular Session on Tuesday, September 10th, following the Rosh Hashanah Holiday.
- [] 12. CLERK'S NOTE FOR UPCOMING SPECIAL SESSIONS AND WORKSESSIONS SCHEDULED FOR AUGUST 5TH AND 12TH:

Mayor Pro Tem Douglas will be presiding at the August 5th meeting. Tentative topics to date include:

August 5, 1991, 7:30 PM

Special Session

- WAH Bond Resolution
- Adoption of 4 Charter Amendments (see Item #8)

Worksession

- Discussion of Council Schedule for a Public Hearing on Expansion of the Recycling Program (change to once a week trash pick up service)
- Discussion of Scheduling a Public Hearing for Proposed Charter Amendment (Non U.S. Citizens Voting Issue)
- Stormwater Regulations
- Procurement Regulations
- Discussion of Rent Petition Standards

Executive Session - Personnel Matter

August 12, 1991, 7:30 PM

Special Session - Single Reading Ordinance - PBX Telephone System

Worksession - Discussion of Process for filling City Administrator Vacancy

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Summary Report from 7/29/91
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(The Council Meeting Adjourned at 1:50 A.M.)

Copies to: City Council
City Administrator Wilson
Assistant City Administrator Habada
Personnel Officer Hobbs
Corporation Counsel
Housing & Econ. Dev. (Grimmer, Schwartz, VinCola, Ross)
Public Works (Knauf, Laster, Braithwaite)
Police Dept. (Fisher, Wortman, Young, Rosenthal)
Recreation Department
Library
Accounting Division
Cable Office (Robert Smith)
Newsletter (Carollyn James)
Admin. Office (Mitchell, Rivers, Johnson, Vidal)

PSJ/psj

City OF TAKOMA PARK, MARYLAND (FINAL 11/20/92)

Regular Meeting of the City Council and Public Hearing
Monday, July 29, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Corp. Counsel Silber
Councilmember Leary	Bond Counsel Arey
Councilmember Moore	Deputy Police Chief Wortman
Councilmember Porter	TPVFD Chief West
Councilmember Prensky	DHCD Director Grimmer
	Housing Svc Coor. Walker
	Recycling Coor. Braithwaite
	Asst. Corp. Counsel Perlman

The City Council convened on Monday, July 29, 1991 at 7:42 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the following remarks were made.

MAYOR/COUNCIL COMMENTS AND PRESENTATIONS

Mr. Sharp noted that Mr. Wilson had announced his plan to retire in Spring, 1992. The Council will be discussing the formulation of a committee to select a new City Administrator and citizens interested in serving on the committee should contact the City Clerk.

Mr. Sharp announced that the Maryland Legislative Redistricting Committee for Prince George's County's Board of Education would hold public hearings all week in Fort Washington, Capital Heights, Bowie, and Hyattsville, Maryland; citizens could register to speak at the public hearings on site between the hours of 6:00 p.m. and 7:00 p.m.

Ms. Porter congratulated City Clerk Jewell who was elected as president of the Maryland Municipal Clerks Association. Mr. Sharp added that Ms. Jewell was also elected to sit on the Board of Directors of the Maryland Municipal League.

ADOPTION OF MINUTES FOR 4/22; 4/29; 5/13; 5/20, and 5/28/91

Moved by Mr. Hamilton; seconded by Mr. Prensky, the minutes were adopted unanimously.

ADDITIONAL AGENDA ITEM: Mr. Wilson asked that the Council discuss an RFP awarding a bid for the mixed paper processing, which was part of the FY92 budget. Mr. Sharp agreed to put the issue at the beginning of the agenda.

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

Frances Phipps, 7210 Holly Avenue, said she was opposed to the City changing to once-a-week garbage collection; she said she supported recycling, but thought this proposal had not received sufficient public discussion. She stated that most City residents were unaware of the change, and the Council had not provided a forum for citizens to express their views and the Council's efforts to talk to citizens about the change during budget meetings and hearings was not sufficient. She concluded by asking whether other options could be used to achieve the same goals.

Mr. Sharp said the recycling task force had recommended that the City convert to a once-a-week trash pickup and once-a-week recycling pickup, a recommendation based on the need to comply with Montgomery County's requirement to recycle plastics and waste paper. He stated the Council had discussed the proposal at a

number of citizens' associations meetings. He said that the issue needed more discussion, and that he was committed to the recycling program.

Rusty Kerr, read a letter written by Dr. Marcojoni, the head of an environmental consulting firm in Takoma Park, regarding the rodent infestation problem which would be exacerbated by once-a-week trash pickup.

Clarence Boatman, 133 Ritchie Avenue, said he thought new City residents were unfamiliar with Takoma Park's recycling program, and that the City should educate residents about the program.

Mr. Sharp said the Council had included funds for recycling program education in the last budget.

Mary D'Ovido, 7324 Piney Branch Road, said she was completely in favor of the recycling program, but thought the City better educate the public about the benefits of the recycling program.

Paul Plant, 7411 Carroll Avenue, said he was not in favor of once-a-week trash pickup, and urged the Council to hold a public hearing on the issue.

Chief West, TPVFD, thanked the Council and the citizens of Takoma Park in helping the TPVFD in saving the ladder truck. He asked for similar support for the master fire defense plan.

Ruth Abbott, 7416 Holly Avenue, said the Council should hold a public hearing regarding the recycling issue, since the proposed change was a surprise to most citizens.

Rino Aldrighetti, 7213 Central Avenue, read an article from the September 1986 City Newsletter which discussed the enforcement aspect of the recycling program. He then said recycling was a good program, but that the Council should hold a public hearing on the matter.

Mr. Sharp said that Council had not done enough to explain the benefits of the recycling program. He stated that the program had saved a lot of money and had contributed to the Council's effort to lower the tax.

Clarence Paige, 7311 Holly Avenue, said he was a new resident of Takoma Park; he had been pleased with the twice-a-week garbage collection and he urged the Council to hold a public hearing.

Will Ramsey, 10 Montgomery Avenue, said he supported the recycling program but he was concerned about once-a-week trash pickup. He said he received a notice in the mail suggesting that he start freezing his garbage until pickup day, which alarmed him.

Lynne Bradley, 8112 Flower Avenue, said she was in agreement with the others who had spoken on the issue. She also said she had a major rodent infestation problem, which would only worsen with once-a-week trash pickup.

Mr. Douglas said the Council had received extensive analysis from the Recycling Task Force, and had considered the proposal at some length. He also stated the newsletter editor had not publicized the issue sufficiently.

Douglas Adler, 7204 Holly Avenue, said the recycling proposal is not simply a budget issue--it is also a health issue. He said he supported the recycling program, but did not favor once-a-week trash pickup. He asked the Council to examine other alternatives.

Ron Hoehn, 7724 Maple Avenue, complained about the abundance of speed humps in the City, particularly about a speed hump that is 20 feet away from a stop sign.

Mr. Sharp said he strongly endorsed Mr. Hoehn's comments.

1. Additional Agenda Item - Single Reading Ordinance Re: Mixed Paper Processing

Moved by Mr. Prensky and duly seconded.

Mr. Prensky said providing curbside collection of wastepaper would significantly reduce the overall volume of waste, thereby reducing the need for frequent trash pickup. He also said the proposal would save considerable tipping fees. He said adopting the ordinance to award the contract for the processing of the wastepaper was timely and important for the City of Takoma Park.

Ms. Braithwaite explained that her office had put out an RFP for a vendor to collect and process mixed paper, and had received three bids. The bid was written in such a way that the contract could be amended if the Council in the future decided to alter the program. She recommended that the Council should adopt the contract.

Mr. Sharp asked whether the proposal met the Montgomery County's requirements so that the City could receive a rebate.

Ms. Braithwaite said the contract exceeded Montgomery County's requirements, since the County currently has no plans to add mixed paper to its pickups. She also said the City currently exceeds other elements of Montgomery County's program, but that the City must begin collecting plastic, since the County was requiring plastic pickup beginning in January 1992.

Mr. Elrich said he supported the proposal, and said the Council should find a means to address citizens' concerns regarding health and safety issues.

COUNCIL ACTION: The Ordinance was adopted unanimously at second reading, awarding a \$12,500 bid to Georgetown Paper Stock.

ORDINANCE #1991-26
(Attached)

2. Second Reading Ordinance Establishing New Ward Boundaries

Moved by Mr. Douglas; seconded by Mr. Moore. Mr. Douglas also moved adoption of the revised street list.

Ms. Jewell announced that Montgomery Avenue was inadvertently omitted from the street listing, and that unit numbers 1 through 24 were all in Ward 6.

Mr. Sharp indicated that the map was approved by Council to go to the present reading on July 8, 1991. He explained that the Council appointed an Elections Task Force last year to examine ward boundaries as a result of the 1990 Census. He also stated that the ward boundary changes resulted from changes to the City Charter which reduced the total number of wards from 7 to 6.

Mr. Prensky said the ordinance reserved the right of the Council to provide a detailed written description elaborating the exact boundaries by street and by survey markers as was currently in the City Code, but did not require Council to make a detailed listing.

Mr. Sharp explained that the Task Force had compiled a listing which shows all City addresses and their wards.

Mr. Prensky proposed an amendment to the ordinance at second reading to renumber the wards as follows:

Ward A becomes Ward 1	Ward D becomes Ward 6
Ward B becomes Ward 4	Ward E becomes Ward 2
Ward C becomes Ward 5	Ward F Becomes Ward 3

He said this proposal allowed most citizens to continue using the ward number which they are familiar. The amendment was seconded by Mr. Moore.

Ms. Porter offered an amendment to the proposal, suggesting that Ward F become Ward 2 and Ward E become Ward 3. She said this should be done since the new Ward 3 picks up a lot of old Ward 2. The amendment failed for lack of a second.

COUNCIL ACTION: The Ordinance, as amended, was adopted on second reading. (ABSENT for vote: Mr. Prensky).

ORDINANCE NO. 1991-21
(Attached)

3. Resolution of Appreciation to the Elections Task Force
Moved by Mr. Sharp; seconded by Mr. Douglas.

Mr. Douglas said he felt the way several citizens' associations worked together to come up with a compromise plan served as a model for resolving differences.

Mr. Leary commended the ETF and said the objective, rational discussions which had taken place stood in contrast to the controversy which occurred during the last redistricting effort, and the ETF deserved all the credit.

Mr. Moore expressed his appreciation for the ETF. He said it was remarkable there were so few complaints about the initial proposal, and that when problems did arise, the ETF worked very hard in arriving at new alternatives.

Ms. Porter expressed her appreciation for the ETF, including the expertise which many of them brought to the issues.

Mr. Prensky commended the ETF and the leadership and members of B.F. Gilbert, Circle Woods, S.S. Carroll, and Forest Park Community Associations. Mr. Prensky also said that he felt the majority of the citizens were pleased with the results and he looked forward to the election season.

Mr. Hamilton said he felt the ETF did a very good job of meeting the legal requirements, including the "one person-one vote" provision, as well as other issues, such as natural boundaries and neighborhood boundaries. Mr. Hamilton said this was one of the first times the Council had unanimously approved a report from a City task force or committee without a lot of controversy. He also said the City Clerk should receive recognition also for the job she did in working with the ETF.

Mr. Sharp acknowledged the fact that Ms. Jewell did a good job in providing staff support to the ETF.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-64
(Attached)

4. Second Reading Ordinance Adopting Rent Stabilization Level at 4%
Moved by Mr. Hamilton; seconded by Mr. Prensky.

Mr. Hamilton noted the following points: annually, the City Council sets the rent stabilization rate, which limited the amount a landlord can raise rents; the rate for last year was five percent; the Department of Housing and Community Development and COLTA had recommended a rent increase of four and one-half percent for 1992 and the Council had decided to set the rate at four percent.

Mr. Prensky discussed a proposal that would allow landlords to postpone scheduled rent increases without losing the ability to

take the increases later. He said if a landlord decides not to raise rents in a given year to assist a tenant, he or she loses the ability to take the rent increase in later years. He said the Council should examine this issue.

Mr. Sharp said although he was not opposed to discussing Mr. Prensky's proposal, it was not an issue currently under discussion by the Council.

CITIZEN COMMENTS:

Phil Kete, 7216 Spruce Avenue, asked how the four percent figure related to the forecasted increases in rents in a free market, since the current poor economy may not provide any rent increases. He said it did not make sense to have a rent control which allowed landlords to raise the rent to the point where he would otherwise raise it in the absence of rent control.

Mr. Douglas said that he was sure Council had specific answers to his questions and that he had raised a good point which was not one in which Council could discuss presently. He also said those were the kinds of issues he would like to discuss with the community. The problem was that the market could not be forecasted, and that the data the Council had examined showed that four percent generally matched the average rent increases in the Washington area.

Kay Dellinger, 7333 New Hampshire Avenue, said she strongly opposed the 4% rent increase, and that the rent increase should be no more than 2%.

Tom Perry, 7600 Maple Avenue, said he agreed with Ms. Dellinger. He also said that the rent control meant control and not rent increases; the word "control" was almost a misstatement, especially during hard economic times.

Mr. Sharp commented that he would be happy to see all the buildings in the City owned by tenants, and the City had supported the tenants completely in their efforts and were supporting the efforts of Hampshire Towers to purchase their building. He also said the Council initiated and he had testified in favor of legislation which would permit the City to provide tax relief for tenants who were proposing to purchase their buildings. Mr. Sharp also said the Council and staff were currently discussing establishing an organization which would enable the tenants to purchase their buildings.

Rueben McCornack, 7026 Carroll Avenue, said he worked with homeless and low-income families in Washington, D.C. to provide home ownership opportunities in multi-family buildings. He said he supported any City efforts to promote home ownership to limit equity costs. He also said that although a majority of the residents in Takoma Park were renters, only one tenant had been elected to the Council, and therefore the Council did not represent a majority of the citizens.

Paul Spratman, tenant in Takoma Park, said that he felt the proposal regarding tenant ownership of their buildings was basically honey-coated poison because as far as tenants were concerned, the only legitimate form of tenant ownership was tenant ownership of their buildings without re-numeration to the landlords. He said he would not want tenants to go out and spend money if they were going to have to pay the money to the landlords, because the landlords were already ripping off their tenants and the landlords did not deserve anything.

Mr. Elrich proposed amending the stabilization rate to 3%; seconded by Mr. Prensky. He said that rents should be increased only for inflation and not for debt service. He said that 60 percent of the inflation rate was the correct approach.

Mr. Prenskey spoke in favor of the 3% rate and said the Council had tried to take into account the projected inflation rate, as well as the landlords' costs and expenses. Since the Council could not effectively predict the inflation rate, it should develop a model which would provide an equitable, more automatic means to set the rent stabilization rate. He said he did not believe mortgage costs should be considered as part of normal operating expenses, since most landlords had fixed-rate mortgages.

Mr. Elrich asked Mr. Stumberg about adjusting the rent stabilization rate to some factor or some portion of the inflation rate, rather than simply using the inflation rate as the rent stabilization rate.

Bob Stumberg, Harrison Institute explained that many cities used the inflation rate as the rent stabilization rate. Regarding a tenant's rent dollar, Mr. Stumberg stated that approximately 60 cents pays for operating expenses, and 40 cents pays for mortgage expenses and profit. He said that a rent stabilization rate based on cost increase alone would not go up as quickly as the rate of inflation.

Mr. Sharp asked if that ratio was taken into account when the profit level was established, and whether that factor would be taken out of the automatic rent stabilization level.

Mr. Stumberg responded that cities which provided an annual automatic increase used either a percentage of the Consumer Price Index (CPI) or used the CPI for landlord-provided utilities and services.

Mr. Douglas said while he felt the notion was intriguing, he was not supporting it at present. He said the Council needed to provide the public with an opportunity to comment on an automatic increase. He concluded by saying that he applauded Mr. Elrich for his proposal, and hoped that the Council could adopt it as a policy approach in the future. He said would support the four percent increase.

Michael Duberstein, 106 Hodges Lane, said he strongly supported the three percent rate. He said the rate should be further deflated by the average weekly earnings, and could be increased by an adjustment mechanism if wages rose faster than inflation.

Mr. Sharp said that the Council was currently discussing a proposed three percent rent increase--not a new approach for setting rent increases.

Michael Clinansmith, 7610 Maple Avenue said he was bothered by the amount of expenses a landlord could write off on his taxes, which provided additional income. He also said in the last ten years, landlords in Takoma Park had experienced appreciation on their property of up to 226 percent. Mr. Clinansmith said that landlords were ripping off the community, the government, the Council, and state officials. When he first moved into the community, his rent was \$495 for a two-bedroom apartment, and with the proposed four-percent increase, his rent would increase to over \$700. He concluded by saying that the tenants were being asked to shoulder the entire burden and they were getting tired of it.

Mr. Hamilton mentioned that the State Legislature allowed landlords to give a tax credit to people on fixed incomes and one of the other parts of his program, which he had suggested to Council, was a transfer; any tenant who lived within the building and transferred to another apartment would not have to pay the market value.

Marita Novicky, 6901 Westmoreland Avenue, said she is a single parent who received a three percent salary increase in July 1991, and a five percent rent increase in April 1991. She also said that

she was earning more but doing worse, and the prospect of owning a home was very dim. She urged Council to consider alternatives to the three- or four-percent rent increases, and said she supported the cost-pass-through formula.

Rufus Johnson, resident of Hampshire Towers, said that he heard something about a reluctance to change in the middle of the stream because you were flying blind; it appeared that you were flying blind in the beginning and when you fly blind you go up, down, right or left, so flexibility was available for a blind flyer.

Mr. Elrich said that his proposal is not new, and is used in other jurisdictions. He said that Council had historically acted to set the inflation rate on the assumption that somehow they were protecting the landlord's income. Mr. Elrich said what was being discussed was a common sense approach, and that 60 percent of the inflation rate made sense.

Mr. Prensky thanked Mr. Johnson for his comments and said that he hoped that he was not exactly correct by saying that Council was flying totally blind. He also said he had counted on the experience of the other Councilmembers who came before him and who had more experience. He reiterated his support for the three-percent rent increase.

COUNCIL ACTION: The Ordinance with the amendment to substitute three percent failed by a 3 to 4 vote. (NAY: Mr. Douglas, Mr. Leary, Mr. Moore, Ms. Porter).

Phil Kete commented that it was rude for the audience to hiss at the City Councilmembers who voted without detailing their opinions, and that it was rude for the Councilmembers not to discuss their views prior to voting.

COUNCIL COMMENTS

Mr. Leary said he supported the proposal for a four-percent increase reluctantly. He said the Council was engaging in a delicate balancing act, trying to arrive at a level that was as low as it could be made without it encouraging an unusual and excessive number of petitions for rent increases.

Mr. Moore said the staff used the projections for inflation, as well as the recommended rent cap in D.C. and the recommended level in Montgomery County, to develop the suggested as a four-and-one-half percent cap. He said the Council agreed to set a four percent cap, but had never discussed the three percent proposal before the meeting. He continued by saying that he would continue to support the four-percent level.

Ms. Porter said she had questions about how Council decided on the rent stabilization level from the beginning, and she urged the Council to examine how it set the rate. She said that in the previous public hearing, that a majority of the participants supported the four percent cap. She said she feared that the three-percent level would encourage landlords to file rent increase petitions. She said she would support the four-percent level.

Mr. Elrich said the Council should err on the side of limited-income people, rather than on the side of landlords. He said there was another alternative, and he did not understand the unwillingness of the members of Council to consider any new information. He also said that in rent increase petitions, landlords asked for higher than ten percent increases, not four- or five-percent increases.

COUNCIL ACTION: The Ordinance establishing a 4% stabilization level was adopted at second reading by a 5 to 2 vote. (NAY: Mr. Elrich; Mr. Prensky).

ORDINANCE NO. 1991-22
(Attached)

5. Resolution in Support of M-NCPPC's plans to pave the shoulder of Sligo Creek Parkway as a bicycle path between Colesville Road and Piney Branch Road. Moved by Mr. Douglas; seconded by Mr. Hamilton and Ms. Porter.

Mr. Douglas explained that this was a Park and Planning proposal and the request for Council support came from the citizens. He asked Mr. Hodes, who had represented the City on a number of bicycle issues, to explain the proposal to the Council.

CITIZEN COMMENTS:

Larry Hodes, 7418 Hancock Avenue, explained that the Park and Planning Commission proposed to pave the shoulder from Piney Branch Road to Colesville Road, as it was already paved from Colesville Road out to University Boulevard. He also said the Park and Planning Commission already had the budget for paving and eventually intended to pave the opposite shoulder. Sligo Creek Parkway formed a key segment of the regional bike network. He cited a recent poll by Lou Harris which stated that national bicycle commuting would increase ten-fold if there were safer bike routes. Mr. Hodes also noted that Sligo Creek Parkway was the best route to Wheaton, and that every person who switched from a car to a bike reduced air pollution and congestion.

Mr. Moore asked whether anyone had examined potential impacts, such as runoff from the asphalt.

Mr. Hodes said that he had called Park and Planning, but they did not have any data, since the engineer was on vacation. He also said that any paved surface creates runoff. He said he was told Park and Planning had to comply with the EPA's stormwater management rules. He said any run-off problems would be compensated for by the decrease in air pollution. Mr. Hodes noted that Tanya Smeler of the State's Department of Environmental Protection told him the proposal was acceptable.

Bob Guldin, 7925 Sligo Creek Parkway, testified against the proposal and said he was a member of the Citizens' Advisory Committee (CAC) on the WSSC Sligo Creek Project, but was not speaking for the CAC. He said he had attended a meeting held by Park and Planning, and that all meeting participants are opposed to the plan due to the additional paving and construction. He asked whether Takoma Park should take a stand on an issue for their neighbors in Silver Spring, when the people who lived in that neighborhood were very staunchly opposed to it. Mr. Guldin said that the main reason he was opposed to the project was not because it would affect his front or back yard, but because of the environmental impact on Sligo Creek Park. He urged the Council not to take action because it is not sufficiently informed about the issue.

Michael Leccese, 321 Lincoln Avenue, said he supported the proposal and he felt that Council should endorse the plan. He said the bike path would not endanger Sligo Creek Park.

Mr. Prenskey said the current bike path extends from University Boulevard to Colesville Road, and the proposed section would continue the path from Colesville Road to Piney Branch Road. He said he supported extended the path, as well as increasing bicycle commuting. He said Mr. Guldin pointed out correctly that the plan would create pressure to further the path from Piney Branch Road to New Hampshire Avenue or Riggs Road. He said that while he would like to see the comprehensive plan accomplished, he felt the plan needed additional development, as well as support from Park and Planning. He moved that the proposal be tabled; seconded by Mr. Leary.

COUNCIL ACTION: Motion to table the proposal failed. NAY: Moore, Douglas, Porter; AYE: Leary, Prenskey; ABSTAIN: Hamilton, Elrich.

Lee Feldstein, 7412 Hancock Avenue, discussed the dangers of bicycle commuting on Sligo Creek Parkway.

Mr. Hodes, in response to Mr. Prenskey, said he would like to see more commitment from Park and Planning, even though there were some staff members who were working towards these efforts. He urged Council to support the resolution.

Mr. Prenskey asked Mr. Hodes if the section of Sligo Creek Parkway from Piney Branch Road to New Hampshire Avenue could be a four-foot-wide bicycle commuter trail, and in addition to the current road surface, could it be placed on both sides, making it a continuous path?

Mr. Hodes responded that he did not know, and it would take an engineering study.

Mr. Prenskey pointed out that if it were the case, it would cause the bicyclist to have to cross two lanes of traffic on Sligo Creek Parkway if he or she was to enter the bike path.

Mr. Douglas said he supported the resolution, and understood the concerns that had been expressed, but felt those reasons were overstated. He said the wetlands would not be adversely affected by the new trail, and the concern for bicycle commuting safety was critical. Mr. Douglas said he was also concerned about the discussions concerning the feasibility of extending the path from Piney Branch Road to New Hampshire Avenue, since that proposal was not currently before the Council. He said it was very appropriate for the City Council to take a position on this issue.

Mr. Leary thanked the citizens and Mr. Prenskey for speaking on the issue, but said he was persuaded by the concerns that had been made, and would therefore not support the resolution. He said that by voting down the resolution, the City Council in effect would take no position on this county proposal.

Ms. Porter said she strongly supported the resolution. She expressed her concerns for bicyclists who use the parkway.

Mr. Prenskey said that he felt the need to vote against the resolution because of the reasons he stated earlier. He said he the proposal would help a small number of bicyclists, but would also serve as a bottleneck at the border of Takoma Park, thereby increasing the safety problems for the bicyclists. He said he wanted to put the matter off until there was a better plan that assured a continuous route. He said since no estimates on the number of current or future bicyclists who would use the path for high-speed commuting, he would have to vote against the resolution.

COUNCIL ACTION: The Resolution passed by a 3-2-2 vote. (NAY: Mr. Prenskey, Mr. Leary; ABSTAINED: Mr. Hamilton, Mr. Elrich).

RESOLUTION NO. 1991-65
(Attached)

6. Public Briefing by Harrison Institute on Models of Rent Petition Standards. Mr. Sharp explained that Mr. Stumberg had been asked to present a public briefing regarding rent petition standard alternatives. He also said that the rent petition standards which Mr. Stumberg would be discussing were in a very abbreviated form, but that full copies had been provided to all tenant associations in the City and had been made available at the public briefing which Mr. Stumberg gave last Thursday. He emphasized that the public briefing offered an opportunity for the citizens and the Council to learn and ask questions, but did not provide an opportunity for public comment. He said the Council would be

discussing the matters over the next month and before a final decision was made, a public hearing would be held. Mr. Sharp indicated that an hour had been scheduled for Mr. Stumberg's presentation and any questions from Council and citizens would be included in the hour. He concluded by noting that Mr. Stumberg was a national expert on rent control matters.

Bob Stumberg, Harrison Institute of Public Law, presented images for Council to review from his overhead projector. He stated that the first part of his agenda would be to explain why he was at the meeting; he answered by asking why was the rent control formula needed and why talk about it. Mr. Stumberg proceeded to explain that rent control had two kinds of formulas; one was a basic automatic increase which kept landlords more or less to the rate of inflation which was the rate that applied to 90% of the landlords and less than 90% of the tenants in the City. He said however, there were some landlords for whom the annual automatic increase would not be enough; who felt that they would be operating under a hardship and not making enough profit to justify staying in the business, which was the point of view which the courts in the United States had consistently upheld on constitutional grounds. He further stated that the constitution required that if cities and counties wanted to impose rent control on private property owners, the rent control would have to allow for the landlords to earn a reasonable return on the property or the investment. There were many ways to define what was reasonable, but basically that every law had to have some kind of formula which would allow the landlord to earn that reasonable return. Mr. Stumberg said that it was not enough just to have an annual inflation increase because some landlords could not make it on that basis, e.g., their costs in that individual year may have been much higher than the rate of inflation. He said Takoma Park needed that kind of formula because currently it did not have one; the current law had a process for making decisions on one building at a time, and it had a range from 4% to 12% of what kind of return the landlord may get on the property, but the formula did not lay out clearly, logically or consistently what sort of result would happen from the rent hearings.

Mr. Stumberg said that the issue needed to be changed in order to give Takoma Park a law which would be legally safe and one which would not be easily challenged in court. He said rent control had several parts; 1) the formula; 2) the annual automatic increase; 3) housing code enforcement and 4) quality of housing and services from the landlords. Mr. Stumberg further stated that Council had asked the Harrison Institute to put together an analysis of what the formulas were. He said the Harrison Institute identified the formulas by looking at three different places; 1) the literature which dealt with rent control; 2) the cases which dealt with rent control and 3) selected statutes from other jurisdictions e.g., the City of Berkeley's ordinance. He proceeded to explain the formulas by saying that the most popular one was the return on value approach; 15% of the jurisdictions used that one, including part of New York City, D.C. and several cities in New Jersey. He continued that based on their listening to citizens and Council in the prior hearing, and the discussions with the Housing Committee, he felt that three items came up more often than any others. They were, the desirability of the builder, age and location. He proceeded to explain the formulas, how they worked, and how they affected rent dollars.

Mr. Prenskey noted in a number of the formulas, mortgage interest was included and a number of places talked about the affect of encouraging or discouraging the refinancing of buildings. He asked how was the mortgage interest being used because there was no distinction made for any purpose of refinancing in any of the formulas, e.g., a landlord may refinance the mortgage on a building for the purpose of making capital improvements, replacing elevators, improving the energy efficiency of the building, etc., or the exact same mortgage interest could increase profits in the

owners pocket and be invested in nuclear weapons industries or other horrendous kinds of things. He continued by saying there was no distinction made in any of the formulas about the purpose for which the landlord may be refinancing the building.

Mr. Stumberg indicated that there was a section in the memo under Administrative Concerns where that was likely to be an issue.

Mr. Moore asked about the return on value. He said that both the return on value and the return on equity methods were said to dispose of maintenance spending, and he assumed that was because operating expenses were not subject to the multiplier of the formula. But he wondered why it would not just be neutral regarding operating expenses like in the cost pass through formula, because it was the same situation?

Mr. Stumberg responded that the difference between those two returns and cost pass through was that in the return on equity or value, the real benefit to the landlord was coming from something apart from the money spent on maintenance, and it was no incentive to put money into maintenance because landlords got their money back based on the value of the building or their equity which may not be maintenance. He further explained that any time there was an indication that the formula was going to benefit landlords of older buildings, it was likely to best protect tenants in newer buildings because those were the tenants who were likely to be under the most pressure of rent increases, just because of where they lived. He continued that while the landlords may be more efficient and may not need to charge as much for maintenance in a new building, they would be able to charge more rent just because the tenants were willing to pay it.

Mr. Sharp noted that none of the formulas addressed the issue of the economic circumstances of the tenant, and if that could be integrated into a formula, e.g., in addition to the considerations on the part of the landlord's costs, if a tenant's income went up 2% in a year or did not go up at all, or the tenant lost their job, could those considerations be taken into account when a rent petition came forward and a Landlord-Tenant Commission was looking at it.

Mr. Stumberg said that he did not think so and cited a Supreme Court case which upheld the San Jose, California Rent Control Law that seemed to suggest such a mediation of landlord versus tenant concerns was possible. The law guaranteed the landlord the ability to pass through costs in two different layers before he ever got to mediation, and only after all the automatic pass-throughs and almost all cost increases was the Court willing to entertain a mediation between landlord and tenants to take into account tenant hardship. He said the benefit for tenants was the existence of rent control itself; it was a control on the overall market; a control which kept market prices within the realm of affordability for most tenants.

Mr. Elrich asked if Takoma Park could use its 10-year history and assume that it could take last year as the base year because it had generally allowed operating expenses to be adjusted for rent increases.

Mr. Stumberg responded that it was doubtful; the logic of the formula was that landlords were protected constitutionally by going back to a pre-rent control or pre-regulated state of the market. He also said when a court considered the landlord's challenge, it would not look at broad market economics, it would look at the individual landlord's case and the facts before it, and out of 100 landlords there may be 5 or 10 who took it on the chin and had much higher cost that year for whatever reason.

Mr. Prenskey asked if the consideration of the increase tied to inflation would not justify the base year being down the road after

rent control? Could Council or the courts consider that there had been a provision for any and all landlords to prove their hardship and to get rent increases in excess of those inflationary provisions? In his view Council had provided the opportunity for landlords to show that they may not be receiving an adequate return on their investment and in many cases as detailed by the COLTA history, had granted the landlords the rent increases to do what the courts had said was their constitutional right in guaranteeing them a certain reasonable return on their investment. If that were added to the consideration, then they had a two-tired approach that had done the inflationary increase and provided a mechanism for any landlord to state their hardship and have it adjusted and ameliorated by COLTA.

Mr. Stumberg replied yes, and the other way to do it was to use a base year with a very simple rule such as the rate of inflation and allow the landlord a rate of return formula to prove their hardship if they did not have the records to show that they had experienced cost increases since 1980 that were higher than the CPI increase. He also said that any of the formulas could be used after the first one was applied, and the legal question was: are you giving individual landlords a chance to show that they were getting a fair return on their property, not based on some economic model that they were supposed to squeeze into for the economy as a whole.

Mr. Hamilton said the cost pass through seemed to be the way Council should have gone a long time ago, and perhaps was the way people wanted to go now. He also said that he was still hearing that it may be one of the options which Council could not do. Was that the case?

Mr. Stumberg explained that if Council would limit itself to a strict CPI formula, he did not think it could be done constitutionally, and if it were willing to give landlords an alternative to the CPI which would allow them to rebut it with their own records, or with some other approach to establishing a fair return for themselves, that could be used to screen out most people.

Mr. Hamilton noted that in the last 10 years, the building in which he resided had changed landlords five times and gone through a bankruptcy, and he asked how far could the present property owner go back to base rents.

Mr. Stumberg suggested watching the case flow at COLTA and see what kinds of records people were coming in with. The IRS required people to keep records for three years, and he felt it was likely if that approach were to be used there would be a large number of people who did not have all of the records beyond three years, because they would need to prove that they were entitled to a higher rent under the system, and those people would be coming into the hearing process more likely to challenge it in court after the hearing if they felt they did not have records to support their petitions. They would say it was not their fault because they did not keep records three years ago since they did not know what kind of law would be passed four years hence.

Mr. Hamilton commented that every one of the models prefaced the older buildings; he noted that in Takoma Park there were no new buildings and said when you looked at all the models which prefaced the older building speculation, Council was stuck with the housing stock.

Mr. Stumberg responded to Mr. Hamilton by saying if the buildings were close in their range of age, there would not be much discrimination in one building versus another, and therefore it was not a great concern for him as it would be in the City on the fringe of urban areas where there was a lot of new construction.

Mr. Leary asked Mr. Stumberg if he knew of any situation in which

the cost pass through formula had been instituted in an area which had been subjected to rent control for 20 years.

Mr. Stumberg replied no and as he had said previously, Takoma Park sometimes paid the price for being on the cutting-edge of the law and it was one of the first jurisdictions to adopt rent control.

Mr. Douglas commented that Council had discussed at least two more kinds of policy considerations; the effect on today's tenants versus future tenants and big versus small buildings. He asked Mr. Stumberg what any of the different formulas would do in each of those areas.

Mr. Stumberg responded by saying that big versus small buildings had a lot to do with operating costs and landlords who owned small buildings would have higher operating costs. He also said small landlords had much less capacity for time-consuming record keeping and would not have the ability to automate too efficiently, handle record keeping or to hire efficient professionals to handle large-scale, large-volume transactions before a rent agency.

Mr. Leary asked if there were any judicial guidelines about a constitutionally permissible range of return and was there any limit as to how you could not go?

Mr. Stumberg found a zero rate had been upheld. While they were different and while the courts insisted on allowing a reasonable rate of return, they were not in the business of telling how to be reasonable. If you presented an argument to the court which showed you were allowing a reasonable rate of return, and it was in some way connected with previously upheld percentages and rent levels, a court would defer to your legislative judgement. He continued that one had to have some way of arguing logically that this was a reasonable return compared to something and it did not have to be any particular way of thinking about the market, only "a way" of thinking about the market. He concluded by referring to the key points that he started at the beginning of the briefing; the three market impacts -- the effect on spending and the effect on different types of buildings and the effect on speculation -- and the administrative issues to decide which formulas were the strongest or weakest. Think about the basic elements of the formulas and how they made sense in terms of the dynamics; run numbers on some buildings and see how it worked out in practice.

CITIZEN COMMENTS:

Jerome Kremen, 7710 Maple Avenue commented on Mr. Stumberg's suggestion that citizens look at models and cases of apartments in order to see what the various models would do in rents and the landlord's return; he noted the models were good data and he felt that they were very illuminating as to what would happen.

Michael Duberstein, 106 Hodges Lane asked Mr. Stumberg if Council were to ask him to prepare a model for the cost pass through agreement and come up with a proposal, would the Harrison Institute be prepared to do that.

Mr. Stumberg responded they could if there were data available to figure out what to put together as a fair base year. They would look at ways to come up with an estimate of what a fair model would be by thinking backwards in time - going all the way back to 1980 and take some types of buildings and then move forward in time using inflation rates and what was known about utilities, taxes, and labor costs. It would still be a number which was a model. Such an exercise would not be the same as going back to a real landlord's actual rents in 1980 and moving forward with actual documents which showed expenses.

Mr. Duberstein asked if that could be prepared in order to be available in the decision-making by the Council? It was a

different approach than all the others because it required a different process, but it was one of the more desirable and universally-used systems. Would the Harrison Institute prepare for those interested some alternatives to be considered by Council and citizens?

Mr. Stumberg replied yes and said the work to prepare the formula was in a way a metaphor for the way the process would work before COLTA, and it would take the Institute more time and labor to figure out as precise a formula as they could. He said after the system was put in place, it would require more fine-tuning and attention to detailed record keeping on the part of staff as compared with other approaches. He said it had benefits if you referred to his summary charts of policy considerations in terms of neutrality with regard to the types of buildings and neutrality with respect to maintenance increases. Mr. Stumberg said it appeared to come out ahead in more policy considerations than any other formula and the biggest problem with it was the investment it would take on the part of the City to make it work.

Mr. Duberstein indicated that he had spoken with a person who had spent 10 years working with the Berkeley Control Board, and that Berkeley did use the cost pass through approach. He also said they had some very serious concerns about the speculative effects of a return on equity and a tendency for an investor to start flipping over properties.

Mr. Prensky said that there were two different models which were being discussed; the appreciation model of equity or the cost of equity and he assumed that Mr. Stumberg was dealing with the cost model of the cash investment value of equity.

Mr. Hamilton said that it was interesting that everyone who was in the enforcement of whatever the model happened to be, had an opinion on what it should be, but nobody was producing the model that they were working under, and he felt that Council had to be very careful when they called other people and asked their opinion. He said caution should be used so that opinion would not be their opinion, but one for the whole program. He also said that he felt the next step should be to make a policy decision as to which one of the models would be used.

Without objection, the Council agreed to discuss the next steps at the August 5th Worksession.

7. Public Hearing Regarding Washington Adventist Hospital Bond Resolution

Patrick Arey, Bond Counsel explained that the fundamental purpose of the resolution was for Council to take appropriate legislative action to authorize the issuance of \$80 million dollars of tax-exempt bonds for the benefit of Washington Adventist Hospital (WAH). He said the resolution described what was being financed and it also gave the Mayor the power to designate specific terms of the transaction; the terms of the loan; interest rates and how the bonds would be sold and offered. Last minute changes were requested by Council to clarify that the terms of the financing were not only to be set by the City but also had to be acceptable to the Council. Mr. Arey said he had also received a Letter of Intent from WAH, which was required by the statute under which the bonds would be issued, setting forth the representation on behalf of the Hospital and formally requesting that the Council consider adoption of the resolution.

Mr. Wilson noted that adoption of the resolution did not mean final approval, which required the execution of documents by the Mayor. Mr. Wilson said there were three areas of the process that had to be completed and formalized in writing and this had not yet occurred. He said there was verbal agreement on the issue of the helipad and the covenant on the use of the land at the Maplewood intersection.

In addition, he said there was still a need for the City's continuing effort to finalize the payment schedule for services/fees which were still being negotiated.

Mr. Sharp agreed with the City Administrator's point that authorization could proceed contingent upon satisfactory agreement on those outstanding matters, including the arrangement for future payments. He suggested the Council move to go into Executive Session to discuss the issue of future payments of the bonds; the motion was duly seconded and the Council convened into Executive Session at 11:45 p.m. for 15 minutes.

Citizens Comments

Rino Aldrighetti, 7213 Central Avenue questioned if the bonds which were leftover could be used for Leland Hospital.

Mr. Sharp commented that he would not agree to anything that would permit the refinancing of the Leland bonds.

Mr. Arey explained that they had gone through the draft documents which specifically provided that the bonds proceeds could only be used in Takoma Park.

Ginny Pisarra, Vice President, Washington Adventist Hospital, said that negotiations and discussions had been going on between the two parties and she did not see anything which indicated they would not be able to agree.

Mr. Sharp asked Ms. Pisarra who was speaking for WAH because she and Mr. Brewer had been the main presenters at other Council meetings, but the negotiations on paper seemed to involve others. He commented that Mr. Wilson had received a letter stating the Hospital's intent to go to the County if satisfactory arrangements could not be made with the City of Takoma Park. He said this concerned him because the statement suggested an unawareness of how things worked in the county.

Ms. Pisarra indicated that she was the representative for WAH at this public hearing and at the first meeting between the City and WAH, which she did not attend, two other representative had attended: Mr. Brewer as well as a financial consultant for the Hospital.

Mr. Elrich said he was willing to support the resolution, but was not comfortable voting for something when it was not settled.

Mr. Sharp commented that it seemed that WAH only came to the City when it needed assistance and said he hoped the City and Hospital could work together.

Mr. Douglas said he was also interested in seeing WAH become a more integrated part of the City and he would like to see a way made to have an ongoing permanent relationship.

Mr. Hamilton commented that he felt that WAH and the Council should have a good working relationship. He said his constituents were greatly concerned about the helipad, the large amount of money being spent and the payments the City would receive for its ventures with WAH.

Ms. Porter commended WAH for its efforts to listen to the concerns of citizens' associations and said WAH had been responsive on other issues of citizens' concerns, including the helipad and the covenant for green space.

Ms. Pisarra said she felt confident that the Hospital had come a long way, and that the goal was in sight.

Mr. Douglas agreed that a lot of progress was being made and said there would be no problem with what was in the resolution, but said

he would feel more comfortable if WAH worked out the wording on those particular issues prior to the vote on August 5, 1991.

Ms. Pisarra expressed her disappointment because she said she felt they were going in the right direction. She hoped to be able to go back to WAH and assure the Hospital of the bond issuance since any delay would affect bond deadlines.

Mr. Brewer, Washington Adventist Hospital said that when WAH met on July 5 with Mr. Wilson, they had a long list of items which they presented that he wanted as part of the process to be resolved although only three were mentioned. He said the others raised were prior bond issuances, use of bond proceeds, covenants Council may want for future use, hospital operations, etc.. Mr. Brewer also said he was disappointed with Council's decision.

CITIZEN COMMENTS:

Rino Aldrighetti asked if the Mayor and Council waited for one week, would the Hospital's position be harmed. He said there was progress, but there was no document, and despite some setbacks, there were people within the institution who cared, and that was important, and to request Council to approve a document that was not complete, and based upon trust left out one segment of Takoma Park--the citizens.

Ron Hoehn, 7724 Maple Avenue said the issuance of the bond would show excellent cooperation between the City of Takoma Park and the Washington Adventist Hospital. He also said the consolidation of the cardiac services in the main tower of the construction project would greatly approve the quality and timeliness of care to the Takoma Park community and its guests, and because he helped to respond to patient care, it made sense to support this particular portion of the project. Mr. Hoehn said during his three years of employment at WAH, there was a continuing problem of parking, not only for employees, but also for patients, their guests, and visitors in the community who constantly searched for a parking spot while adding to the congestion around the Hospital during peak hours of visits. He concluded by saying in order to continue the quality of care, the investment of the Hospital in essential technology and the consolidation of employee resources, an issuance of a bond was not only in the best interest of the Hospital and the community but was also paramount in the continuation of quality care for patients at WAH.

Lynne Bradley, said it appeared that Council would pass the bond, and aside from the personal interest she had as a neighbor of the Hospital, she appreciated what Mayor Sharp and the Council had said to ensure that half of the ink was on the paper, even if it was not dry. She encouraged Council to continue the discussions and be able to explain to the citizens who would have to put up with the helipad and the three years of construction, the benefits of having such an institution in the neighborhood.

COUNCIL ACTION: Mr. Douglas moved to consider the resolution in special session on August 5th; seconded by Mr. Elrich.

8. Discussion of Proposed Charter Amendments - (a) List of Registered Voters - Certification by Supervisors of Election; (b) Nominations for Mayor and Councilmembers and Allowing Write-In Campaigns for Mayoral and Councilmember Elections; (c) Council Designated Water and Sewer Board; (d) General Contingency; and (e) Allowing Non Citizens to Vote in Takoma Park Elections

Mr. Sharp explained that the notice requirements for implementing Charter amendments had not been met. He said the Charter required the Council to advertise the proposed amendments in successive weeks in a newspaper of general circulation, the last such advertisement to appear 10 days before the Resolution was adopted. Mr. Sharp said that this had not taken place and he recommended that the Council postpone the discussion on the proposed Charter

amendments and schedule a public hearing and consider adoption of the four Charter Amendments on August 5th. He also suggested the Council discuss on August 5th what type of schedule to pursue for holding a public hearing on the proposed Charter Amendment to allow non citizens to vote in the City's elections.

CITIZEN COMMENTS:

Mr. Busby, Committee for Tenant Rights said the Committee would like for the amendment allowing non citizens the right to vote to be implemented this year, and said he did not feel that the difficulty should be as great; they did not have an objection to a public hearing, but it would have to be very timely if it were to be done before 1992, and it sounded like Council was giving up on it this year.

Mr. Sharp explained that there could not be a public hearing for implementing the Charter amendment in sufficient time for the November 1992 election.

Mike Hefland, member of Federation for American Immigration Reform in Maryland explained that the organization was monitoring the issue closely with concern, and he cautioned the Council to give it a great deal of thought because it affected not only the citizens and the residents who lived in Takoma Park, but also their surrounding neighbors. He said that American citizenship was not an issue that people played games with and he felt Council should consider the consequences of passing an issue which would be patently against the strong feelings of the majority of the residents of the County and the State. He also said in the case of a charter resolution such as the present one, the result would send up a red flag that would cause the issue to be resolved at a State level rather than a Municipal level, with the ultimate result being the elimination of Takoma Park's option to define what the rights and privileges of citizens and voters were.

Mr. Prenskey asked Mr. Hefland how did it affect him for Takoma Park to determine its regulations for voting for Council and Mayor.

Mr. Hefland responded that Takoma Park had a long history of looking at itself as a island or articulate affluent and in following that sort of principle, decided it could make decisions regarding foreign policy. He cited as an example, the City's policy of granting sanctuary to illegal aliens which he said affected not only Takoma Park, but also the economy and social structure of the entire surrounding communities. He said it also brought into question the value of the U.S. citizenship and the very strong linkage that it had to the voting privilege and the franchise.

Rino Aldrighetti said Council was doing right by having a public hearing on the issue. He also said that the Charter question was tied with the Charter amendment regarding nominations for Mayor and Councilmembers. He said if the goal of both was to have more people vote in the City, neither one individually or combined would generate a great deal of additional votes in the City.

Kay Dellinger, said that she strongly agreed that everyone should be able to vote, and Takoma Park was not at the forefront; there were some counties who allowed non-citizens to vote.

Cameron Whitman, Federation for American Immigration Reform said the importance of the vote in this country was something that most took very seriously and she did not see anything in the Charter that suggested there would be any effort to determine the legal status of people in this country. She said that would degrade the voters of the City who were voting in an election where their vote may be nullified by someone who may have broken the law on his initial act of entering the country. She also said the Council should discuss the fact that many legal aliens who were given the

choice to vote would choose not to, because by doing that, they gave up their own citizenship in their own country.

Lynne Bradley, 8112 Flower Avenue said she did supported the idea of a public hearing but said she would also be extremely disappointed if it could not happen this Fall. She said there were people who may not choose to register but by allowing non-residents to vote, the City was saying that it was very important to participate at the local level.

Mr. Douglas again said the date of the public hearing would be set at the August 5th meeting and if it had to be late September or early October, it would take time and would have to be scheduled after the election.

Without objection, the Council agreed to discuss at the August 5th Worksession a schedule for holding a public hearing on the proposed Charter amendment.

9. Second Reading Ordinance - FY'92 Budget Amendment No. 1

Mr. Douglas moved the Budget Amendment Ordinance and the amendments at second reading; Mr. Hamilton seconded. The Council discussed the amendment regarding the purchase of police vehicles.

Mr. Leary indicated that he was the one who had moved to authorize the purchase of 5 police vehicles now, but he had changed his mind. He said that he was in support of the 3 vehicles needed immediately to replace the wrecked vehicle and to have the two vehicles needed for the grant programs. He said it was not unreasonable to ask the Police Department to wait a few months to replace the other two vehicles out of the next year's supply of automobiles, thereby saving the taxpayers about \$4,000. Mr. Leary said he did not believe that it would impose undue hardship on the department to wait until early next year to acquire replacements for the other 2 vehicles.

Mr. Elrich said that he supported Mr. Leary's position. He also said that it appeared to him that there would be two cars which were not going to be retired but would remain in service until the additional purchase was made in the Fall. He said the City would not have a deficit of cars, it only meant that two cars scheduled to be retired next month would get retired three months later, and given the variety of mileage on vehicles, this would be preferable. He said in the long-run he would rather see the City have a consistent fleet of Tauruses than buy one or two Crown Victorias. Mr. Elrich also said he still was concerned about the timing of the officers; it bothered him that the police force would be short-staffed for two months while two new officers go through a training program.

Chief Fisher explained that the police department would put experienced officers on the grant based on the grant applications and they would be hiring three new people. He said the department had not made a decision in-house as to whether those three people that would be hired would be experienced officers who met all of the standards and who would be bringing something to the department and be utilized as well. He said there would not necessarily be a vacuum of experience or competent personnel to perform existing duties. He explained that as soon as the grant was approved, the department would be making a decision in terms of what level of experienced officers would be hired.

Mr. Prensky said he was in support of Mr. Leary's proposal with one condition; he was not comfortable with spending another \$6,226.00 of unappropriated reserves which was the City's share of the difference between the cost of a new vehicle and the wrecked vehicle. He said he was also uncomfortable with the policy established regarding the replacement of wrecked vehicles. He also said that he would want any decision to replace the vehicle to be a one-time decision until a clearer discussion on the City's policy

in relation to its fleet policy and its fleet replacement policy was held.

Ms. Porter said that in Worksession the Council agreed to discuss this in relation to the next budget and develop some kind of policy which could then be operative in that budget year. Ms. Porter asked for some clarification on the subject. She said it was conceivable that the police force would not need two of the cars until January if the officers did not come on board until January. If they came on earlier than January the police would need the cars earlier, but only one of the replacement vehicles was needed immediately to replace the wrecked vehicle. She asked if the Council gave the department permission to purchase three cars rather than five, would it handicap operations?

Chief Fisher responded that the two patrol units would be used within the next 30 to 60 days for the two grants and would not be used by patrol. He said there would be no additions or replacements in the patrol units until additional cars were purchased in January or February.

Mr. Hamilton said he agreed with the three car proposal but what concerned him was from the budget standpoint. He said if the grant was lost, there would be two extra cars, and he questioned whether the department would have an additional manpower situation that they would be locked into if this happened.

Ms. Habada responded that if the Council would go forward with the wrecked vehicle replacement and not the increased cost of the others, they needed to enact the amendments on the first reading ordinance--Item (e) under revenue amendments and Item (c) under expenditure amendments.

Mr. Douglas said he in was in support of the deferral. He said it made sense to continue to buy Crown Victorias but the City did not yet have a policy either administrative or internal. He said it would make him comfortable to have such a policy. Mr. Douglas said he was also concerned that it seemed as if the Council lost track of where it was in terms of a vehicle replacement schedule. He said if these vehicles were not urgent items, he was in favor of waiting and would not want to act on purchasing additional cars until the Council was updated in terms of the mileage and age schedule. He then withdrew his motion to adopt the underlined amendments and suggested the Council move on second reading Budget Amendment No. 1 which would provide money for two grant vehicles and other expenditures. Mr. Hamilton seconded the motion.

COUNCIL ACTION: The Ordinance was adopted unanimously.

ORDINANCE NO. 1991-24
(Attached)

10. Single Reading Ordinance to Purchase Police Vehicles

Mr. Elrich moved adoption of the Ordinance on single reading.

Mr. Douglas moved the approval to purchase one patrol vehicle authorized in the Budget and two vehicles from the Federal Drug Grant program; the Motion was seconded by Mr. Hamilton.

COUNCIL ACTION: The Ordinance passed unanimously on single reading.

ORDINANCE #1991-27
(Attached)

11. Resolution Setting Forth Council's Summer Recess

Moved by Mr. Hamilton; seconded by Mr. Elrich. The Resolution set forth the recess to begin after the August 12th Special Session; the Council will reconvene in Regular Session on Tuesday, September 10, 1991.

COUNCIL ACTION: The Resolution passed by a 6 to 1 vote. (NAY: Mr. Moore)

RESOLUTION #1991-66
(Attached)

Upon motion made and seconded, Council adjourned at 1:50 a.m. to reconvene in Special Session on Monday, August 5, 1991.

Introduced by: Councilmember Douglas
(Drafted by: P. Jewell)

1st Reading: 7/8/91
2nd Reading: 7/29/91
Effective : 7/29/91

ORDINANCE #1991-21
AMENDING TAKOMA PARK CITY CODE, ARTICLE 2, SECTION 4D-5
"DESCRIPTION OF WARD BOUNDARIES"

WHEREAS, On April 23, 1990, the Takoma Park City Council established the Elections Task Force to reconfigure the City's ward boundaries based on changes made to the City Charter in 1989 and the 1990 Decennial Census; AND

WHEREAS, it is the desire of the City Council to equalize the population of the City among the six (6) wards as mandated by the Takoma Park Charter of 1989 and using the 1990 Decennial Census data; AND

WHEREAS, to achieve this end, it is necessary to redefine the ward boundaries of the City to reflect the necessary changes recommended by the Elections Task Force.

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

SECTION 1. THAT Chapter 4D, "ELECTIONS", Article 2, "WARDS", Section 4D-5, "Descriptions of Ward Boundaries" be repealed in its entirety and that there be enacted in its place the following:

ARTICLE 2. WARDS

Section 4D-5. Description of ward boundaries.

(a) The city is divided into six (6) wards for purposes of City elections. Each ward shall be compact in form and composed of adjoining territory. The populations of the wards shall be substantially equal.

(b) The boundary lines of the six (6) wards shall be as they are shown on the map and accompanying street directory, designatd "1991 District Plan and Street Directory," dated July 8, 1991, attached hereto and incorporated herein.

SECTION 2. THAT each Ward alphabet designation shall be translated into the following Ward numbers:

<u>A = 1</u>	<u>D = 6</u>
<u>B = 4</u>	<u>E = 2</u>
<u>C = 5</u>	<u>F = 3</u>

SECTION [2]3. THAT once this Ordinance is adopted, the City Council reserves the right to provide a detailed written description in elaboration of the attached map and street directory, and this description shall become a part of this ordinance.

SECTION [5]4. THAT this Ordinance becomes effective upon adoption and shall be in effect for the Election of November 1991 and thereafter.

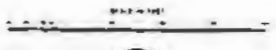
NOTE: In this Ordinance, underlining shall indicate language added at First Reading, and [brackets] shall indicate deletions.

ADOPTED BY THE CITY COUNCIL THIS 29th DAY OF JULY, 1991 BY ROLL CALL VOTE AS FOLLOWS:

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

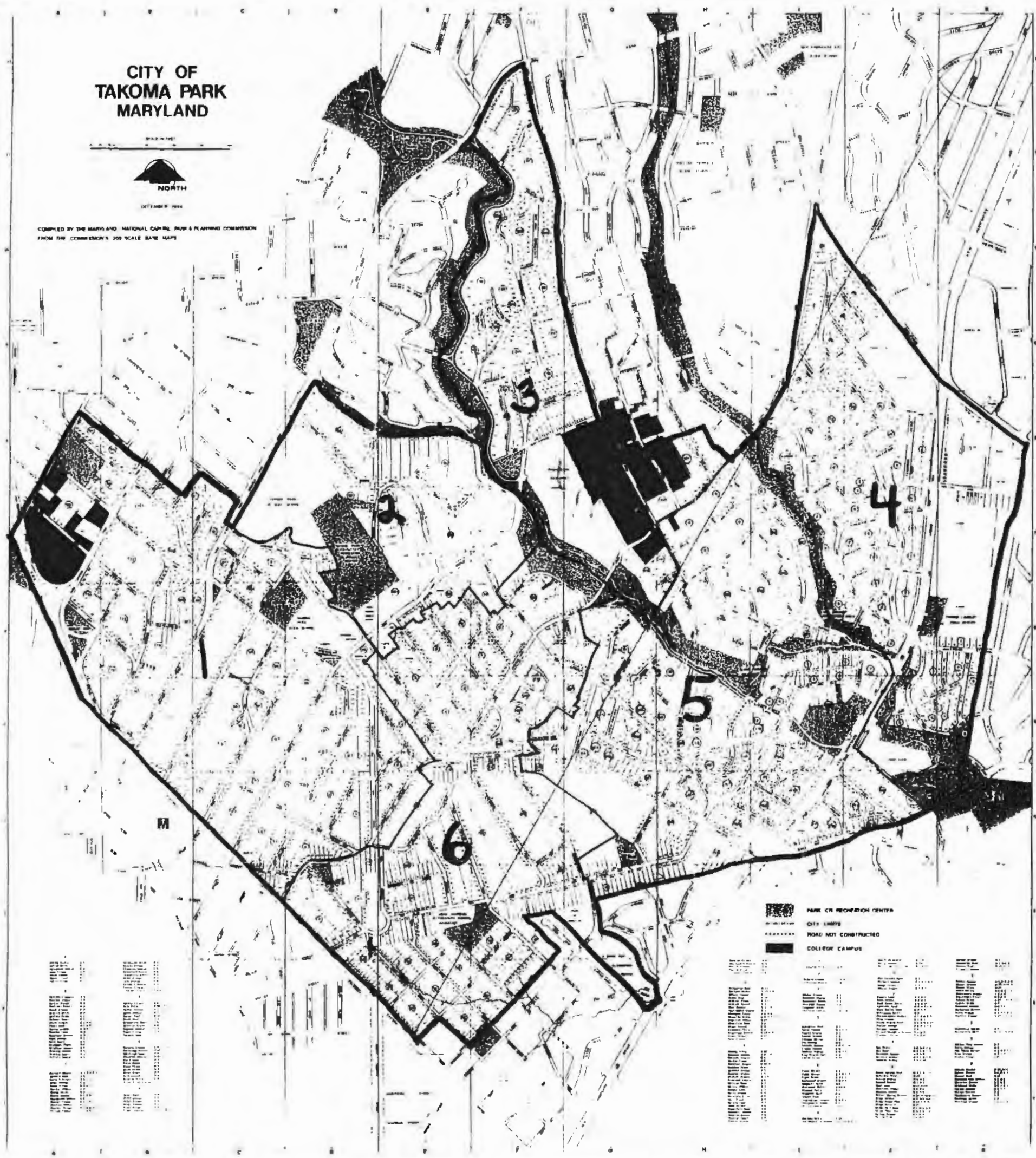
filename: ORDINAN/BOUNDARY

**CITY OF
TAKOMA PARK
MARYLAND**



OCTOBER 1964

COMPILED BY THE MARYLAND NATIONAL CAPITAL PLAN & PLANNING COMMISSION
FROM THE COMMISSION'S 200 SCALE BASE MAPS



M

PARK OR RECREATION CENTER
CITY LIMITS
ROAD NOT CONSTRUCTED
COLLEGE CAMPUS

STREETS
 A - 100' WIDE
 B - 75' WIDE
 C - 50' WIDE
 D - 30' WIDE
 E - 20' WIDE
 F - 15' WIDE
 G - 10' WIDE
 H - 5' WIDE
 I - 3' WIDE
 J - 2' WIDE
 K - 1' WIDE
 L - 0.5' WIDE
 M - 0.25' WIDE
 N - 0.125' WIDE
 O - 0.0625' WIDE
 P - 0.03125' WIDE
 Q - 0.015625' WIDE
 R - 0.0078125' WIDE
 S - 0.00390625' WIDE
 T - 0.001953125' WIDE
 U - 0.0009765625' WIDE
 V - 0.00048828125' WIDE
 W - 0.000244140625' WIDE
 X - 0.0001220703125' WIDE
 Y - 0.00006103515625' WIDE
 Z - 0.000030517578125' WIDE

RECREATION CENTER
 A - 100' WIDE
 B - 75' WIDE
 C - 50' WIDE
 D - 30' WIDE
 E - 20' WIDE
 F - 15' WIDE
 G - 10' WIDE
 H - 5' WIDE
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 Z - 0.000030517578125' WIDE

Introduced by: Mayor Sharp

Adopted: 7/29/91

Resolution No. 1991-64

*A Resolution of Appreciation Thanking the Members of the
1991 Election Task Force*

WHEREAS, on April 23 1990, the City Council adopted Resolution 1990-41 which authorized the creation of an Elections Task Force; AND

WHEREAS, the Task Force considered changes to the conduct of elections within Takoma Park and made recommendations for reconfiguration of the boundaries of Six Wards within the City; AND

WHEREAS, the members of the Task Force have generously volunteered their time, knowledge, and talents in developing these recommendations, and have performed a valuable service to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Council expresses appreciation to the members of the Elections Task Force, as listed below, and commends them for their service to the City of Takoma Park.

Paul d'Eustachio, Chairman
Jamin Raskin
Matthew MacWilliams
Elliot Rosen
Clarence Boatman
Julie Matthews
Johanna Potts

Dolly Davis
Jane Lawrence
Lissa Martinez
Dave McSpadden
George Leventhal
Frank Garcia
Alvin Nichols

Dated this 29th day of July, 1991.

Drafted by: L. Walker

Introduced by: Councilmember Hamilton 1st Reading: July 8, 1991
2nd Reading: July 29, 1991
Effective: August 1, 1991

ORDINANCE NO. 1991 - 22

ORDINANCE TO CONTINUE RENT STABILIZATION AND TO
SET A NEW RENT STABILIZATION RATE

WHEREAS the Section 6-80.17(a) of the Code of Takoma Park requires the City Council to conduct an annual review of the rent stabilization provisions of Article 7; AND

WHEREAS the City Council has been provided with substantial information which evidences emergency housing conditions in the Washington Metropolitan Area and in particular, in the City of Takoma Park, Maryland; AND

WHEREAS the Department of Housing and Community Development has recommended that rent stabilization be continued in the City of Takoma Park, and that the rate for rent increases be limited to four and one-half percent (4.5%) per annum; AND

WHEREAS the aforesaid recommendations are the results of an analyses which included consideration of the Washington-Area Consumer Price Index, the Washington-Area Consumer Price Index figures for rents, in accordance with the Section 6-80.17(a), and included consideration of other appropriate factors; AND

WHEREAS the City Council held a public hearing on July 8, 1991 and received relevant testimony from persons representing tenant and landlord interests; AND

WHEREAS the City Council, in accordance with Section 6-80.17(a) has conducted an annual review of the rent stabilization provisions taking the recommendations of the Department of Housing and Community Development, along with public testimonies, into consideration.

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

SECTION 1. THAT Rent Stabilization shall continue in the City of Takoma Park.

SECTION 2. Chapter 6, Article 7, Division 2, Section 6-80.17(c)(2) is hereby amended as follows:

Section 6-80.17(c)(2)

It shall be unlawful for the landlord or anyone acting on behalf of a landlord to impose or attempt to impose a rent increase for any dwelling unit that is more than four percent (4%) without first obtaining authorization from the Commission on Landlord-Tenant Affairs in accordance with this section of this Article.

SECTION 3. This Ordinance shall become effective on August 1, 1991.

Adopted by Roll Call Vote As Follows; this 29th day of July, 1991:

AYE: Douglas, Hamilton, Leary, Moore, Porter

NAY: Elrich, Prensky

ABSTAINED: None

ABSENT: None

Drafted By: L. Hodes
Introduced By: Councilmember Douglas

Adopted: 7/29/91

RESOLUTION NO. 1991-65

A Resolution in support of the Maryland-National Capital Park and Planning Commission/Montgomery County Department of Parks plan to pave the east shoulder of Sligo Creek Parkway from University Boulevard to Piney Branch Road as a designated bicycle lane.

WHEREAS, in light of burgeoning growth in the region, it is essential to expand non-automotive transportation to alleviate traffic congestion and maintain the quality of life in Takoma Park and neighboring communities; AND

WHEREAS, bicycle transportation is energy-efficient, nonpolluting, healthful, accessible to people of all incomes and ages, and causes less neighborhood disruption than any other mode of mechanized transportation; AND

WHEREAS, expansion of the region's growing network of safe, pleasant bicycle routes has been shown to be the most effective method of increasing bicycle transportation; AND

WHEREAS, the Sligo Creek corridor is a key segment of the region's bicycle route network, having the potential for connecting Northwest Branch, Northeast Branch, Prince George's Connector, Capital Crescent, and Metropolitan Branch Trails, and facilitating bicycle transportation among broad areas of Montgomery County, Prince George's County and the District of Columbia; AND

WHEREAS, bicycle transportation on the Montgomery County portion of the Sligo Creek corridor is currently more dangerous than necessary because faster cyclists are forced to choose between joining automobile traffic on the Parkway travel lanes where cars cannot safely pass them, or, frightening slower moving pedestrians, strollers, and joggers on the hiker-biker trail; AND

WHEREAS, the Maryland-National Capital Parks and Planning Commission/Montgomery County Department of Parks has begun to resolve this safety problem by paving as a bicycle lane, the east shoulder of Sligo Creek Parkway between Colesville Road and University Boulevard.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park supports the Maryland-National Capital Park and Planning Commission's intention to extend the paved shoulder bike lane on the east side of Sligo Creek Parkway from University Boulevard south to Piney Branch Road; AND

BE IT FURTHER RESOLVED THAT the City of Takoma Park supports the extension of the paved shoulder bike lanes on both sides of Sligo Creek Parkway, where safe, to the Prince George's County line, as budget becomes available.

ADOPTED THIS 29th DAY OF JULY, 1991.

First Reading: 7/15/91 Special Session
Second Reading: 7/29/91

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

ORDINANCE #1991-23
FY 92 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1992 BUDGET

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

SECTION 1. that the Fiscal Year 1992 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate \$20,000 from prior years Unappropriated Reserve as carryover funding from FY 91 for purchase of an expanded telephone PBX system.
- b. Appropriate \$3,000 from prior years unappropriated reserve as carryover funding from FY 91 for street tree replacement.
- c. Appropriate \$125,000 from prior years unappropriated reserve as carryover funding from FY 91 for street improvements.
- d. Appropriate \$407,000 from prior years unappropriated reserve as carryover funding from FY 91 for renovation of the municipal building.
- e. Appropriate \$12,290 from prior years unappropriated reserve for replacement of a police cruiser

EXPENDITURE AMENDMENTS

- a. Appropriate \$20,000 to Account 1120-8000, Government Administration Capital Equipment, for the purchase of an telephone PBX expansion cabinet, a project originally funded in the FY 91 Capital Budget.

- b. Appropriate \$535,000 to Account 9100-8001, Capital Expenditures, for the following Capital Budget projects:
 - o \$3,000 for street tree replacement
 - o \$125,000 for street improvements
 - o \$407,000 for municipal building renovations
- c. Appropriate \$12,290 to Account 2100-8000, Police Capital Expenditure-Equipment, to replace a wrecked police cruiser.
- d. Transfer \$2,210 from Account 9000-7010, General Contingency, to Account 9200-8100, Special Revenue Transfer, to provide additional City funds to cover increased cost of purchase of a police cruiser for the federal grant project known as the Youth Drug Prevention project.

CAPITAL BUDGET

- a. An appropriation of \$20,000 is reauthorized for purchase of an expanded telephone PBX system as a FY 92 capital equipment purchase.
- b. An appropriation of \$3,000 is reauthorized for street tree replacement as a FY 92 capital budget item.
- c. An appropriation of \$125,000 is reauthorized for street improvements as a FY 92 capital improvement budget item.
- d. An appropriation of \$407,000 is reauthorized for municipal building renovation as a FY 92 capital improvement budget item.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. A new Special Revenue line item is created, Account 0010-3392, and an appropriation of \$42,864 to account for receipt of federal funds through the State of Maryland for a law enforcement project in the Takoma/Langley Commercial district (HAND project).
- b. A new Special Revenue line item is created, Account 0010-3393, CDMA Law enforcement matching grant, with an appropriation of [\$14,288] \$16,498, to provide for receipt of funds from the Takoma/Langley CDA as the City's matching funds on the Federal law enforcement Takoma/Langley CDA project (HAND project).
- c. Increase General Fund Transfer, Account 0010-3385, by \$2,210, to provide additional funds for purchase of a police cruiser for the federal grant project known as the Youth Drug Prevention Project.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. A new Special Revenue expenditure line item is created, Account 0010-7226, with an appropriation of [\$57,152] \$59,362 for a law enforcement project in the Takoma/Langley Commercial district (HAND project).
- b. Increase Special Revenue expenditure line item, 0010-7230 by \$2,210 to cover additional costs for purchase of a police cruiser for the federal grant project known as the Youth Drug Prevention project.

Page Four
FY 92 Budget Amendment No. 1

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

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

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Porter, Prenskey
NAY: None
ABSTAIN: None
ABSENT: None

d#O/R2
O-92BA1

Introduced by:
Councilmember Douglas

Single Reading: 7/29/91
Effective: 7/29/91

ORDINANCE NO. 1991-27

AN ORDINANCE AUTHORIZING THE PURCHASE OF
THREE PATROL VEHICLES

WHEREAS, Funds were set aside in the FY 1991-92 City Budget for purchase of three new police vehicles; AND

WHEREAS, In 1990, Anne Arundel County conducted a valid competitive bid process to purchase 1991-92 police package vehicles and selected vehicles manufactured by Ford Motor Company; AND

WHEREAS, The City Administrator qualifies this purchase of three police package vehicles from Sheehy Ford as a cooperative purchase by "Piggybacking" on the Anne Arundel County bid process to purchase from said dealership; AND

WHEREAS, The City Administrator recommends approval of the purchase of a third vehicle to replace a vehicle totalled in an accident from which insurance proceeds have been received in 1991.

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

SECTION 1. THAT authorization is given for the purchase of three (3) Ford police package vehicles from Sheehy Ford at a total cost of \$36,870.00, AND

SECTION 2. THAT the purchase of one (1) vehicle shall be charged to Account 2100-8000, Capital Expenditures.

SECTION 3. THAT the purchase of one (1) vehicle shall be charged to Special Revenue Budget Account 0010-7225.

SECTION 4. THAT the purchase of one (1) vehicle shall be charged to the Special Revenue Account 0010-7226.

Adopted this 29th day of July, 1991.

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

O-PATV.

Introduced By: Councilmember Douglas

RESOLUTION NO. 1991-66

SETTING FORTH THE CITY COUNCIL'S SUMMER 1991 RECESS

WHEREAS, It has been decided that in order to accommodate vacation schedules of the City Council, a summer recess shall be called; AND

WHEREAS, this recess shall commence after a Council Worksession scheduled for Monday, August 12, 1991; AND

WHEREAS, with the first Monday of September, 1991 being the Labor Day Holiday, the Council will reconvene their meetings on Tuesday, September 3rd, in Council Worksession; AND

WHEREAS, further the Council will reconvene their first Regular Meeting of official business, scheduled on Tuesday, September 10, 1991, following the Rosh Hashanah Holiday.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its summer recess from August 12, 1991 through September 2, 1991.

Dated this 29th day of July, 1991