

CITY OF TAKOMA PARK, MARYLAND (FINAL 2/7/92)
Regular Council Meeting

Tuesday, November 12, 1991

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Elrich	Asst. City Admin. Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	Corp. Counsel Silber
Councilmember Porter	Asst. Corp. Counsel Perlman
ABSENT: Councilmember Douglas	Housing Svc Coord. Walker
Councilmember Prensky	Rents Analyst Baker

The City Council convened on Tuesday, November 12, 1991 at 8:10 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

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

MAYOR/COUNCIL COMMENTS AND PRESENTATIONS

Mayor Sharp commented that Mr. Prensky and Mr. Douglas were out of town on business and Mr. Elrich was testifying before the Montgomery County Council and would be arriving later.

Mr. Moore made a request to withdraw Agenda Item No. 6. He said that the neighborhood association had been working with an ad hoc group and were trying to resolve some overall traffic problems in the Hampshire Gardens neighborhood; they had an initial meeting and representatives from both sides of the speed hump issue asked him to withdraw this item from the agenda in order for the issue to be resolved in the context of a broader plan to solve traffic problems for the entire neighborhood.

Mr. Sharp commented on Volunteer Day which took place on Saturday, November 9th and said it was the Takoma Park version of the National Volunteer Day, which was held last August for returned Peace Corps volunteers. He thanked the volunteers; especially Mr. Duberstein and his organizational efforts in that regard and said it would be something that Takoma Park would be doing on a regular basis.

Mr. Hamilton said he wanted to comment on Volunteer Day because there were a lot of people who were from Arlington, Virginia as well as a lot of people who were working for Takoma Park, who were part of the Peace Corps. He extended his thanks to the Public Works Department who chipped in and did a good job in helping to procure items that were needed, and the Recreation Department for providing the lunch.

Mr. Leary announced that on November 25th, at 7:30 P.M., there would be public hearing on the future of the City's Newsletter.

Mr. Wilson indicated that there was a letter from Mr. Elrich pertaining to the education and budget cutbacks in Montgomery County. Mr. Hamilton announced that there would be a public forum at the Piney Branch Elementary School on November 14th at 7:30 p.m. on this same subject.

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

Michael Duberstein, 106 Hodges Lane thanked everyone for participating on Volunteer Day. He said that he felt as if he had won an Oscar and he proceeded to give credit to some of the people who participated: Mayor Sharp, Ms. Porter, Mr. Hamilton, Mr. Prensky; Recreation Director Sharon Ellis and her staff--Dolly

Davis and Matt Corey; Willis Shaefer, and other staff at Public Works; Nancy Grimmer; Washington Adventist Hospital for providing the lunch; Darnell Daley and Pat Heneath (two former Washington Redskins) He continued and said that it showed tremendous positive energy in solving things that could be done by the community for something as easy as starting with the City's parks and he wanted to continue these efforts. Mr. Duberstein said that he would like to see everyone pull together with the same positive energy on the education issue. He stated that over the last month in both counties, we were facing serious problems in maintaining the quality of education for not only this generation, but for the generation to come. He also said that it was imperative for the Council to go on record supporting the teachers in their efforts to get quality education and in support of the energy tax which was now before the Montgomery County Council; the tax would add an estimated \$30 per household, which was not a lot when compared to the tradeoffs if that effort was not passed.

Ms. Porter thanked Mr. Duberstein for organizing the entire effort and said she was pleased that he was interested in applying his organizational ability to the education issue, and she noted that the Council did go on record previously in favor of more adequate funding for education on the Prince George's County side. She also said there would be a lot of sympathy for doing similar things on the Montgomery County side, and she hoped that the Council could work together on both counties' school systems.

Rino Aldrighetti, 7213 Central Avenue congratulated everyone who participated in the election including the new Council. He also said that what everyone did in the process of this election was a discussion of the many issues. He gave his praise to Mr. Prensky and Mr. Douglas.

Michael Clinansmith, 7710 Maple Avenue said it was unique to run for office and he congratulated the Council for a very well-run campaign. He continued his praise by congratulating City Clerk Paula Jewell for the tremendous job that she did in administering the election, carrying it through, answering questions, and helping everyone to find their way. He commented that Ms. Jewell had helped him more than once and he wanted to personally thank her for the work that she did during the campaign. Mr. Clinansmith said for all of the candidates who lost - not to give up hope; the people and the issues would not go away until they were addressed. Quoting from one of the former mayors of Takoma Park, he said "there are no permanent victories, there are no permanent defeats". He concluded by saying that the only way to put these issues behind us is to address them frankly, forthright and constructively; with no more divisions, and make Takoma Park once more a community that all could be proud of; a unified community and hopefully, see it through over the next two years. He also said that he wished the Council would address the issue of election polling places; City Hall was convenient for most people, but it was inconvenient for others and it caused congestion and confusion for elections to be held at City Hall. He suggested going back to the idea of using the same polling places that are held for state and national elections. Mr. Clinansmith thanked all the Takoma Park voters for coming out on election day.

Mr. Sharp commented that there were a number of issues that had come up during the election and he had recently talked to staff and the Elections Task Force chairman about reconvening the group to take care of some unresolved issues. Mr. Sharp said there were some members of the ETF who were no longer residents of Takoma Park and some who would not want to continue to serve, however the City Clerk was to speak to the chairman and get a letter out to all the current members asking about their interest to continue on the Task Force. In addition, there would be an announcement in the upcoming Newsletter seeking new members to the ETF.

Karen Mitchell, President AFSCME said on behalf of the members of AFSCME Local No. 3399, she was extending congratulations to the members of the Council who were elected and reelected. To Mr. Moore and Mr. Douglas, she conveyed best wishes in all of their future endeavors. She said that she and the members of the local would be looking forward to continuing the good relationship that they had enjoyed with the City Council, and that they planned to continue to work with them to provide the very best services to the citizens of Takoma Park. She continued her remarks by stating that the Public Works Department was currently pursuing an aggressive schedule with the leaf pickup, and postings were done in scheduled neighborhoods several days prior to the pickups. She said that the postings were quite visible along the streets, and she personally had been out on the sites several times in the past two weeks and observed many cars parked on top of the leaves that had been raked to the curb to be picked up. Ms. Mitchell said obviously, it was intended for the leaves to be picked up since they were raked down to the curb, but with cars parked on top of them, the men could only try to rake around the cars to pick up those leaves. She continued by saying that the hoses that were on the leaf boxes which were used to pick up were 12 inches in diameter, which made it impossible to get the leaves from under the cars. She said that those leaves which were left under the cars were a potential fire hazard if a person warmed their car up with the engine idling. She also said that the men were working hard to get the leaves picked up in a timely manner and it would be helpful if all of the cars on the street scheduled for pickup, could be moved by 8:30 a.m. Additionally, she said there seemed to be a misunderstanding regarding recycling pickup of cardboard; there were parameters regarding how it was to be set out for pickup; a great deal of the cardboard was boxes, with some it as big as refrigerator and stove boxes that were not broken down nor tied together, and compactor trucks did not pick up cardboard, causing the men on the pickup trucks to have to take the time to break the boxes down and then throw it into the recycling truck.

Lloyd Johnson, 1120 Holton Lane said the essence of citizenship was the right to vote, and as one of those who was able to prevail in this election, he looked forward to joining the City Council. He assured the citizens in Ward 6 who saw fit to vote for him, that he would do all that he could to begin to reach the expectations that they had laid out for him; to those who saw fit to vote for his opponent, he said he would work very hard to earn their support and to address their concerns in the years ahead. He continued by saying that he looked forward to working with his opponent during the next couple of years, and the first commandment that he would have would be to remember the people in Ward 6 who had sent him to the Council. Mr. Johnson concluded his remarks by thanking the many people who supported him during the campaign.

Mr. Sharp said that he noticed that one of the news articles spoke of the number of registered voters in the City who voted in the election (37%) which was a low number and also a deceiving number. He said that the 37% was the percentage of registered voters but many of the registered voters no longer resided in the City and therefore he would not be surprised if the actual turnout of registered voter residents who continued to reside in the City were twice that.

ADMINISTRATIVE ITEMS

1. (Proclamation) Resolution on Medical Clinic for Homeless

Mr. Sharp read a Resolution/Proclamation on Health Care for the Homeless Day. The Montgomery County Council declared November 28, 1991 as Health Care for the Homeless Day in order to promote a Thanksgiving Day Telethon to raise donations to help the homeless in Montgomery County, and Takoma Park passing this Resolution declaring November 28, 1991 as Health Care for the Homeless Day would help to increase public awareness of this important fundraising telethon. The Resolution also urged Takoma Park to

tune into Maryland Public Television on November 28th and 29th from 8:00 p.m. to 10:00 p.m. and pledge their donations for this worthy cause. Mr. Sharp then presented the proclamation to Sara Lynch who had been involved in organizing the Telethon.

Sara Lynch, 7405 Birch Avenue received the Proclamation and on behalf of the Board of Directors of the Community Clinic, Inc., thanked the Council for declaring November 28th Health Care for the Homeless Day. Ms. Lynch said the City Councils of Gaithersburg and Rockville as well as the Montgomery County Council, would be joining Takoma Park in promoting and providing support for the Telethon. She also said that all the money that was pledged by Montgomery County residents came back to Montgomery County; the money would then come to the CCI Health Care for the Homeless Project, which provided health care services to the homeless in Montgomery County. Ms. Lynch explained that CCI had three clinics which provided health care to low income families in Montgomery County; Germantown, Rockville, and Silver Spring.

Council Action: The Proclamation/Resolution passed unanimously.

RESOLUTION NO. 1991-86
(Attached)

2. Resolution Appointing Members to the Recycling Committee

Moved by Mr. Hamilton; seconded by Ms. Porter.

Mr. Sharp indicated that nine applications had been received in which all the candidates appeared to have a great deal to offer and therefore, the Council had decided to appoint all of them.

COUNCIL ACTION: the Resolution passed unanimously appointing nine members to the Recycling Committee: Eileen Sobeck, Larry Zarker, Elizabeth Pond Cologer, E. Ann Reindollar, Pierre R. Erville, Jonathan S. Jan, Liz Cook, Margaret Altemus and John J. Mitchell.

RESOLUTION NO. 1991-87
(Attached)

3. Resolution Re: Purchase of Pringle Property

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

Mr. Elrich said that he and Mr. Sharp heard a lot from the neighbors in Ward 5 concerning the Pringle property. He said that it was a substantial piece of green wooded, open-space property which overlooked Sligo Creek Park and it was unique in that most of Sligo Creek Park had been highly developed by residential property. Mr. Elrich went on to say that there was an interest in the County to acquire the site as an additional parkland; it would preserve open-space and serve to buffer or help protect the buffer around Sligo Creek Park which was a stream that fed into the bay, and it would also provide an opportunity to provide play space for the children who lived in that neighborhood. He also said that they were asking the County to look into what part of the money it would have for open-space and acquisition of parkland and see if they could do something to help preserve it.

Mr. Sharp asked about the third Whereas clause which identified the property as the "Pringle Property", and asked Staff to insert the legal description of the property to make it clearer which property was being referred to.

CITIZEN COMMENT:

Rino Aldrighetti, 7213 Central Avenue said the property was almost an exact description of property in his neighborhood where there was similar hill property abutting the park that had been acquired, and he asked if it were on the Montgomery County side and if the

money was available.

Mr. Elrich said he was not sure and some of the neighbors had talked with the Montgomery County staff and received mixed messages.

Mr. Aldrighetti also said that if the resolution were to be passed, it would be a good idea to pass a similar resolution for the Prince George's County side of the City and present it to Mr. Glendening in terms of an issue relating to unification.

Council Action: The Resolution passed unanimously.

RESOLUTION NO. 1991-88
(Attached)

4. Resolution to Appoint a Representative of Longbranch-Sligo Citizens' Association to the Sligo Creek Citizens Advisory Committee

Mr. Sharp indicated that the CAC had put forward the name of Bill Easterly to represent the Association.

The appointment was moved by Ms. Porter and seconded by Mr. Hamilton.

Ms. Porter noted for the record that the reason for the resolution was that the current limit on the size of the CAC's was ten members; the current CAC did not include a person who was considered by the Longbranch Sligo Citizens' Association to be their representative and she did not feel it was fair that there be a citizens' association that did not have someone on the CAC they considered their representative and therefore Council was asking WSSC to increase the size of the CAC by one member in order to accommodate a representative from Longbranch-Sligo.

COUNCIL ACTION: The Resolution passed unanimously to appoint Bill Easterly to the Sligo Creek CAC.

RESOLUTION NO. 1991-89
(Attached)

5. Resolution to Appoint Additional Members to the Prince George's County Historic District Citizens Advisory Committee

Mr. Sharp read the names of the appointees: Brian Sayer, Spring Avenue; Doug Harbit, Auburn Avenue; Tod Bethel, 13th Place; Jim Martin, Second Avenue; Ann Vogel, Garland Avenue; Pierre Urville, Spring Avenue; Laura Lester, Garland Avenue; Martha Feldman, Prince George's Avenue. He said that the appointments at present were Laura Lester and Martha Feldman and the others were made previously.

The appointments were moved by Ms. Porter and seconded by Mr. Hamilton.

Ms. Porter commented that all of the neighborhood associations in her ward were represented except Cherry-Colby and she had been talking to people there about getting a member on the task force, but she felt it was important that any remaining neighborhoods who did not have representatives on the task force, to try and nominate someone to be their representative because it was a very important issue which would have an impact on the size and type of historic district on the Prince George's side of the City and she would like to see all of the neighborhood associations on the Prince George's side of the City represented on the task force.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-90

(Attached)

6. Second Reading Ordinance Re: Glenside Avenue Speed Humps (Tabled)

Mr. Sharp indicated that this Ordinance was pulled as Mr. Moore had indicated earlier.

7. ADDITIONAL AGENDA ITEM - Re: Montgomery County Council and The 1991 School Budget

Mr. Elrich said that he just returned from Rockville where there was a very large crowd gathered to protest the proposed budget cuts; he said the large crowd was very enlightening. He also said there were a lot of people who were concerned with the cuts that were taking place pertaining to the school budget and the County Executive was proposing further substantial cuts to the school budget as of now which would result in the closure of schools, and a number of additional days in the school year; previous cuts had already affected supplies and other things that schools needed to continue to operate successfully. He said one of the things that the County could do to mitigate the need for cuts was to look at short term alternatives, e.g., the energy tax. He said the energy tax proposal would cost an average household about \$1.50 per month, which was not a significant burden to put on the taxpayers to at least maintain what was left in the school budget from last year and not subject it to another cut. He also said there were longer fights to be made in the spring when the budget for the next fiscal year comes up and when the County had to reconcile its budget with the limitations which may be imposed by the State. But for the short-term, the County did have remedies short of furloughs and short of reduction in services that would allow it to maintain as much of the school system as was currently known. Mr. Elrich continued his remarks by saying he was at the meeting to urge the Councilmembers to support the resolution and go on record as letting the Montgomery County Council know that it placed education as a very high priority and that it looked to them to provide leadership and to deal with difficult issues, but to deal with it by assuring them and insuring the children that the quality of education was going to be maintained and that they recognized the smaller amount that individual taxpayers would have to pay, was not so significant that they should choose to furlough workers and close the schools.

Mr. Elrich read Takoma Park's resolution which urged the Montgomery County Council to take steps necessary to provide an adequate revenue base which would enable the County to support, maintain and improve the quality of education that is provided by our schools. The resolution also urged the Montgomery County Council to recognize that in times of economic distress it becomes imperative that the so-called safety net of Social Services be maintained in order to protect those who are economic victims of the failure of the economy to provide adequately for all of our citizens. Mr. Elrich said his purpose of adding the second clauses was largely due to his experience in the schools, that is if kids were not fed and did not have clothes or have adequate medical care, the job of the schools got increasingly more difficult, and to only keep the schools open and only keep the teachers on duty, but to pull back even more in the area of Social Services from people who really needed them, was only going to make the teacher's job harder and it would not give the children the kind of service that they deserved.

Ms. Porter said that she would support the resolution and she would note that Prince George's County was facing similar issues. She also said when she attended their school board meeting last week, they were discussing similar things; cut-backs in books and materials, furloughs for the entire school system for three days during January. She said that the issue had become a very serious one and earlier this year Council passed a similar resolution regarding adequate revenues from the Prince George's County side

for the Prince George's County School system, and it was something which needed addressing in a very serious way the remainder of this year and early next year. Ms. Porter also said that she was glad to see people really focusing on the issue in terms of the quality of life in the City and she would urge people to get involved and provide for adequate funding for the schools for next year, and what was happening this year would be repeated next year unless legislators could be convinced at the State and County level that they have got to adequately fund education and that was not the place to take the cuts.

Mr. Elrich suggested inviting Montgomery and Prince George's delegates to Takoma Park to come in and talk with the Council and residents about what was really important. He said the delegates really needed to hear from citizens to get a clear message that there were things important enough that Takoma Park citizens were willing to spend more money on taxes if they knew they were going to get the things they needed delivered to them.

Mr. Sharp indicated that such a meeting was in the works and several of the delegates had been contacted to try to set up a date for the first or second week in December, which would have to occur before the legislative session took place.

Mr. Hamilton suggested that copies of the resolution should be sent to all the member municipalities of the Maryland Municipal League in addition to the delegates.

Barbara Gibson, 7110 Woodland Avenue said she was at the meeting representing the Takoma Park Elementary School PTA in which she was the Co-president. She said that the school was in favor of the resolution and thanked Mr. Elrich for presenting it, but they felt it was a first small step in the Council taking a more active role in supporting the schools in Takoma Park. She said the schools had special needs and they felt it was critical that the Council become involved. She continued by saying that the schools faced devastating budget cuts which would have long-lasting effects; lowering the temperatures in the classrooms was small but not being able to maintain the buildings properly over years would have a terrible effect. Ms. Gibson said the schools would like to see the Council take a more active role and work with the Montgomery County Council and the Board of Education, in helping to lobby for the schools in Takoma Park. She concluded by inviting the Council to come visit the school and noted that there would be a meeting on Thursday evening at 7:30 p.m.; Blair Ewing, President of the School Board would be attending as well as Derick Berlage and many citizens. She also noted that in some of the campaign literature she read that some of the Councilmembers had indicated that they were interested in seeing the unification of Takoma Park into one county go forward and she felt that it was wonderful but she felt the implications on the schools had to be considered as well. Takoma Park schools were already at 118% of capacity.

Kathy Breckbill, 7104 Woodland Avenue said she was a non-parent, but she could see the problems of the schools as being one of the greatest problems which faced the counties at the present time. She also said the Council had to take the lead in the issue and give guidance to citizens who would like to do something to help. She said that she was able to talk to people during the campaign, but as a non-parent, she would like to work with the Council and the Council would have to take the lead in this type of project because they were the ones who could contact the school boards and have an effect on how the money would be spent for the children. Ms. Breckbill also said that the schools were the most important thing for everyone's future; if there were children who could not function in society, there would be more problems.

Michael Duberstein, 106 Hodges Lane thanked Mr. Elrich for his resolution. He said that he felt it was important because he urged him not only to have the resolution with the present Council but to

introduce the same one to the next Council. He also said that serious decisions had to be made in the allocation of our resources, difficult decisions would have to be made and the Council had to take an advocacy role for the citizens on both sides of the line for the parents and children.

Mr. Sharp commented that the resolution did not mention tax increases as an additional alternative, but that it should. He said when the issue came up on the Prince George's side it was very clear that the taxes would be raised. He suggested adding this language in the first resolve clause.

COUNCIL ACTION: The Resolution passed unanimously as amended.

RESOLUTION NO. 1991-91
(Attached)

7. Second Reading Re: Article 7

Nancy Grimmer, DHCD Director explained that a second report was delivered to Council regarding the rent control justification as well as the economist report. She also said that the errata sheet was before Council and for the public's benefit copies of it were available. She said that Liz Tracey would explain it and highlight some of the key pieces.

Liz Tracey explained a number of errata and technical corrections at the bottom of Section 9 before (a) adding "the commission may allow additional upward adjustments in rent if: The section 10 would be deleted which had become 9(a) on page 37 and replace it with the language on the bottom of page 2 on the errata sheet. She explained that what it did was because of the issues which were raised by Bob Sheehan regarding refinancing and variable rate mortgages, they felt that there may be times when the landlord's profit may be eroded either completely or in part, by something that was not foreseen - a boost in the interest rates. She said what they were trying to do was to allow the landlord to demonstrate that the purchasing power or the value of his property had been eroded more than the landlord with a fixed debt service.

Mr. Sharp asked what could happen to cause a problem for the landlord.

Ms. Tracey said it might occur where the landlord had a balloon mortgage where they had to finance and pay the balloon. She also said that all of the justification that she was doing was assuming that the landlord's debt service was fixed and did not have to adjusted for inflation.

Mr. Elrich said that the qualm he had was that landlord could say one year that the rate change caused a reduction in his cashflow and there was no obligation for him to come back the next year when the rate went down and got a downward adjustment in rents. He also said it would be simpler and cleaner to leave it as it was.

Ms. Tracey said she saw it as two separate issues: 1) the refinancing problem and 2) the variable rate problem. She explained that the variable rate problem meant that if the rate went down and the landlord's profit was boosted, he would be treated like any other landlord and have his net operating income indexed to 50% of the Consumer Price Index. She explained if the rate went up and the landlord was able to show the deterioration in his cash flow the landlord may have an equal protection challenge, which meant that he was not being treated the same as the others.

Mr. Sharp asked why was that not still something that the landlord could make a claim for under what was being proposed anyway; was that expense not able to be recognized?

Ms. Tracey replied no, those expenses were written out and were not recognized under the current Article 7 without the errata sheet.

Warenetta Baker, Rents Analyst explained that the three exceptions were felt to be necessary partly based on Mr. Sheehan's economic report which seemed especially relevant: a) the refinancing was most current; if you get mortgages since the recession they were always going to balloon in a short period of time, and the likelihood for many of the owners of property is that they would have a change in debt service. She said that since the rest of the formula did not take any account for debt service, it meant that their cash flow would be severely eroded, and the idea was to give some elasticity to the model for those kinds of situations. They were written very narrowly and she did not feel that they would be abused. The variable rate would not be used very much.

Mr. Sharp asked if they were not proposing to have it in the future for landlords who would buy in; landlords who would buy property for the first time.

Ms. Tracey responded by saying no, it was written only for existing mortgages. She explained page 42 of Article 7 by saying that the reason the mortgages they were going to make exception for were limited to those already in existence as of the effective date of the Article was to be consistent with paragraph 7 of page 42. This provides that no rent increase shall be authorized by the Commission because of the landlord's interests or other expenses resulting from the purchase of the property if at the time the landlord acquired the property, the landlord could have reasonably foreseen that such expenses would not be covered by the rent schedule in effect. This requirement should only apply to rental units acquired after the date of adoption of the ordinance.

Ms. Porter asked if it was a grandfather clause which covered only existing mortgages. If someone were to refinance in such a way that they got more cash out of the property, would it be considered a new mortgage and not be covered.

Ms. Baker responded no; if they already had a mortgage and were refinancing, it would be covered; it was new mortgages that would not be covered, and Ms. Porter's example would be covered by the last clause and the landlord would have to be able to prove the financing conditions after refinancing had reduced the landlord's cashflow or profit. If it were shown in a COLTA review that there had been no production in proper or cashflow (they took the money out and used it personally), it would not meet that second part of the test.

Ms. Porter asked if they took the money out and used it for something else would their profit on the building be lower?

Ms. Baker responded yes, but she would read it to mean that its diversion for profit for personal use was part of the cashflow profit even though it did not stay in the building.

Ms. Porter said that it should be made clear that pulling money out for personal use was not covered.

Ms. Silber said if it were the will of the Council, it should be clarified; either 1) to take it off and come up with some amending language, e.g., at the next meeting or 2) to pass it and express Council intent on the record which would guide staff in drafting regulations.

Mr. Sharp asked if they could discuss that point. He understood that what they were proposing was that none of the changes in Article 7 would occur until next February, and it was late for him to be comfortable with it and he was not completely convinced that cashflow covered cash taken out of the building and used for something else. He also said he did not want to postpone it.

Mr. Elrich said he had serious misgivings about A and B and unless he was clear what they were used for, he did not want to sign.

Mr. Sharp commented that the thing to do was not to put it in.

Mr. Hamilton asked if there was anything else on the errata sheet that stood out or was this the only issue that did, because it could make a difference.

Ms. Baker said it was the only substantive one.

Ms. Tracey explained that on page 37 section 11 (which was now 10, "greater than" became "less than").

Mr. Sharp explained that the paragraph attempted to get at the issue of landlords filing something in bad faith. The first requirement in determining bad faith was that, according to the article, the base year income was greater than the petition year income. That it seemed to him to be backward. He said the whole point for filing a petition was that the income that they were currently generating was not as great as it was in the base year. That was what they were trying to get back to, because the base year was established as an appropriate level of income for them to be receiving and the language was not stated correctly. He said if "greater than" was changed to "less than" it made sense.

Mr. Elrich asked a question regarding the issue of bad faith, and questioned whether the figures were contrived or were they the result of honest error, and if they were the result of honest error, it was not fair if a mistake led to rent rollbacks. This is because every other landlord in the City could routinely take their guaranteed rent increase in identical circumstances, and wind up with an increase in that operating income without going to COLTA and it was possible that their actual numbers could increase without ever seeing COLTA and they should not be punished for making a mistake, but should be punished for deliberately trying to mislead.

Mr. Sharp announced that he felt it should read: if upon consideration of a landlord's hardship position, the Commission finds that the landlord's actual petition year net operating income is less than his/her adjusted base year net operating income.

Mr. Leary proposed to excise the whole section.

Mr. Sharp said that was a good idea. He asked what was the source of the bad faith.

Mr. Leary said that there was only one prong; the only issue to be determined was the motivation of a filer who was not entitled to an increase, which happens if you could prove bad motivation. He said it seemed to him that the tests were as subjective as one could imagine and were subject to endless debate in court and hardly worth what was intended.

Ms. Silber explained that the way they worked it under Article 7 if someone did all of those things and acted in bad faith, they did not actually lose anything. They would stay where they were. They would not get a hardship increase but they would maybe still get the rent stabilization increase, but their rents would not be taken away and they would not receive roll-backs.

Mr. Leary said it seemed to him that one of the virtues of the whole effort was to make the process more objective and less subjective; it reintroduced a whole new category of total subjectivity as far as he was concerned and for a limited potential gain. There would be more requests for hardship until people learned, and after that the frequency for hardship would most likely disappear.

Mr. Moore said he disagreed. He said the first 4 of the 5 criteria were perfectly objective; they were the sort of things that the landlord submits something, and if someone could prove at the hearing that they were false, that was a legitimate factual issue for COLTA to resolve. He also said it was a good idea, instead of just having it be a municipal infraction to submit false documents in support of the rent increase petitions to have a roll-back petition. It was saying if a landlord would come in and deliberately do that, they were not only going to not get their rent increases, but they would not get the 4% that year. Mr. Elrich commented that he agreed with Mr. Moore.

Ms. Porter asked if the argument was that the landlords who filed in bad faith should have their rent rolled back, or was it supported by the fact that their expenses in this year were lower.

Mr. Sharp explained that he was not convinced that the first language did that because he was still confused by it, but even if there was bad faith in what was presented, the point was that if they were still in a situation that they were not as well off as they were before, even after all of it were sorted out, the rents would not be rolled-back.

Ms. Porter said she felt that they were looking at it as a response to people who went through the process in bad faith and they got their rents rolled-back.

Mr. Sharp suggested going back to the new No. 10 on page 37. He said that the point they were making was that in the petition year, it, notwithstanding the fact that after a landlord put in the false information and got caught, and it was already adjusted, the petition would still show a loss, and in that situation there was no roll-back. He said that the logical point was that there was no standard to roll-back to; if the petition year was above the base year, i.e., the income from the petition year would make adjustments above the base year, then you have a year to roll-back to what would be the base year. But if the petition was assessed, there would be no standard to roll them back to.

Mr. Elrich said that the annual increase was needed to maintain a net operating income and if it were to be taken away for a year, they would come back with another petition and no longer maintain that the net operating income had a basis for a petition, and it was no really a punishment. It deferred the increase for a year and put a higher potential rent increase in the second year with the same tenants. The tenants could receive no increase in one year and 8% the next year. Mr. Elrich said his preference would have been to install something that made it a permanent penalty.

Mr. Moore said that Mr. Elrich was saying that the operating expenses were cumulative in the way that the model worked as opposed to a snapshot of the thing in motion.

Mr. Sharp commented that there was another issue: a rent increase was not just profit but also for operating expenses. Wouldn't a roll-back take away money from them that would be used for the expenses of the building?

Mr. Moore asked what were they going to do without paying the expenses; how was it different from a fine of the same amount? He also said that they would have to come up with the operating expenses for that year or not pay the bills to the utility companies, etc.

Mr. Sharp said that the problem was that it was not a very precise type of penalty; the penalty would be different for different people depending on their circumstances. He said for some people it may hurt their profits and for others it may hurt their profits as well as their ability to maintain their building. Mr. Sharp said if there was to be a penalty, make it a defined penalty.

Ms. Silber commented that the problem with that was under state law penalties for municipal infractions were limited to \$400 per infraction and it was a very small sum. Mr. Hamilton asked if the penalty could be made per unit. Ms. Silber replied yes.

Mr. Elrich suggested language to specify the penalty to read "no rent roll-back shall reduce the income so that it actually resulted in the reduction of money available for property expenses". He also said that the profit could be reduced to zero, but could not be reduced below the level for landlords to pay their operating expenses.

Ms. Porter asked if the landlords were paying debt service out of net operating income and debt service varied from landlord to landlord, how would they be protected because they had to pay their debt services.

Ms. Silber explained that the nature of the penalty determined who got the money; if it were a fine it meant that the City would be the beneficiary of the fine. A roll-back provision was intended to benefit the tenants.

Ms. Porter asked if they were talking about doing the fines on top of the roll-backs or instead of roll-backs.

Mr. Sharp said he hoped they were discussing unusual cases, and it was not what they would expect in terms of behavior and he did not see it as something that would be encountered every week. He also said that his concern about the roll-backs was that it was unclear what the implication would be from building to building.

Ms. Porter commented that it appeared that there were two different situations 1) a landlord who falsifies records in a clear attempt to make their profit look lower than it was, when in fact they were not making a profit and they were penalized by being slapped with a penalty, and 2) a landlord who falsified records and in fact are making more money than they should and not less. These were two different situations and it did not seem fair to treat those two situations the same.

Mr. Elrich said he would opt for a roll-back and get staff to clean up some of the cases and he agreed that Council did not want to cause harm. The overriding concern was the maintenance of the property and the health and safety of the tenants.

Ms. Silber responded that they all were victims of rushing on some of the refinements and that the question for Council should be generally where we want to go and there were already several areas where staff and Corporation Counsel would go back to the drawing board and come up with some refinements. They really have enough time to do that because they would not be putting anything in until February.

Mr. Sharp indicated that the proposal on the table was not to change it with the exception of the errata, and asked if that was acceptable to the Council.

Ms. Porter questioned if that were done, would there be no penalty for a person who filed a false report but who was making as much or less profit than they were in the base year.

Mr. Sharp replied that he was not sure, but he referred to 38(d) which was a basis for not permitting landlords to get the 4%. He said the question came up in the context of were they making a distinction between the two types where the rent petition year was less than the base year or greater than the base year.

Ms. Silber said there was an argument in both directions and that the Council should give guidance to which way it wanted to go.

Mr. Hamilton suggested that the penalty would come out that there was no increase filed on bad faith; if the rents were rolled back, it would cause a hearing to determine it and he would rather for it to go in front of COLTA or a rent analyst and let them find out that the information was not correct and it would not effect the operating income today or the tenants and would not be an increase for that annual period and to him it was cleaner and easier to enforce.

Ms. Porter commented that in essence it was more egregious for someone to come in and claim that they were losing money when in fact they were making money, than it was for someone to come in and claim they were losing money when they were losing money but not as much as they said.

Mr. Sharp replied that they were both egregious but he suggested to have a flat penalty for everybody.

Ms. Porter asked that if a landlord's petition year was higher than his base year and they claimed it was lower, would they keep it or roll-back their stabilization increase.

Mr. Sharp responded yes, that was his understanding.

Ms. Tracey asked why was it a penalty and what was to prevent them from coming back next year if they were froze this year.

Mr. Duberstein explained that if a player who had a drug suspension and was out for a year or a player who did not play that year would have his contract tolled and a player for some reason was not in the league, although he was under contract for that league, his contract when he came back the next year would be in effect from the year before. He continued by saying what could be done in the case of landlords was to toll the landlord's ability to get the rent increase, therefore you would not be giving them the ability to add it on; it was going to be in the record of the building and you act as if he got it in the tolling procedure.

Mr. Elrich said that it would be possible to track what the landlord lost by simply saying in future petitions get the landlord's history and the penalty would show that they lost 4% of their rents and that would be added to the net operating income as if they had it, and it would be something that they would have lost permanently.

Ms. Baker said true, you could combine it with Mr. Elrich's suggestion earlier but there was some limit on it.

Mr. Sharp said that was a recordkeeping problem. He also said that people would not do that a lot either.

Ms. Baker said that she saw the provisions as deterrents which were not intended to be used a lot. She also suggested to excise the section or pass it as it was and come up with an amendment.

Mr. Sharp indicated that it was not something that could be cleaned up by regulations as was said about earlier sections.

Mr. Hamilton moved not to put the recommendation on the errata sheet in, recognizing that there was an issue which needed addressing with more detail. He also asked who was charged to write the rules for COLTA that would go in effect with the ordinance. Ms. Tracey responded that she was.

Mr. Hamilton said the \$800 was well spent for Mr. Sheehan's services and for the record the report needed to be acknowledged that Council received it and read it, and had taken it into consideration.

CITIZEN COMMENTS:

Michael Clinansmith said that it had been a long, hard trail to get something passed that even acknowledged that tenants were in the process. He also said that it made no difference what the law said, because someone totally divorced from the tenants was going to make the regulations based on what they were going to do with the ordinance. He said now they were told the tenants would be involved and have citizen comments in about three months; why not sooner. Mr. Clinansmith said it was ridiculous and citizens liked the idea that the issue was finally addressed, and the four of five items did not happen; the facts were presented by the management company; found to be faulty; not penalized but given a second chance without giving the tenants a chance to respond to their revised figure. He said if the landlords were going to play a crap game with the tenants in the City of Takoma Park, they should be penalized for falsely submitting information to a City body and should receive more than a slap on the wrist. He referred to a series that was in the Washington Post which showed opposition to Mr. Sheehan's article and it said the \$800 which was paid to him was wasted. He commended Mr. Elrich for leading the effort to revise the law; the tenants of Takoma Park thanked him and they hoped that they could work effectively with the new council coming in, to put it in effect and once more to make it a fair and level playing field for all involved.

Michael Duberstein, 106 Hodges Lane said he hoped that this was not a breech birth. He also said that last Monday night during the discussions, it seemed that a lot of grey areas had appeared over the last week, and in reading the Sheehan Report, he was saying that it all depended on a lot of factors. He also said that it was a very important piece of legislation and Council's record would stand on it. Mr. Duberstein continued his remarks by saying again he hoped that when Council passed it, they would do it because they felt that they were at a point where they felt they were finished rather than because the Council was coming to an end. He said that it seemed to him that the worksession showed that there were some key areas that Council had not made a policy decision on yet. He said that Ms. Porter brought up questions that were not defined. He congratulated the Council and said it had been a very positive piece of legislative history and also that Council did a tremendous job; he learned a lot as well as all who worked on the issue and he appreciated being able to go through the process with them.

Kay Dellinger, Hampshire Towers said she had not had time to read the whole thing and it was quite complicated. She asked if it were passed, could Council state exactly what changes that would be made. She continued by saying when it spoke of the fine or rent roll-back for the tenant, she felt that it should be a rent roll-back so it would not go into the operating expenses and COLTA would make that decision rather than the court and the tenants should get the benefit if there was fraud, and she would like Council to clarify what their decision was on the issue. She also said that on Number 11 the wording should be changed; why couldn't it be changed immediately before the law was passed. She continued by saying that it was very important to have a rent control law which preserved affordable housing and protected tenants, and if the law was passed she wanted to know the changes that were going to be made; not just pass it and say something would be done in the future.

Vincent Abel, Owner of Parkview Towers said he felt that the new ordinance was more restrictive and it did not do a thing for affordable housing; it was a taking from landlords. He also said that the law was far-reaching; stabilization stabilized the rent for existing tenants and Takoma Park was the only City that he knew of that controlled rents when there was a turnover, most cities granted a turnover factor. He said that landlords had costs; paint apartments, etc., and the law was so restricted that it would force every landlord to file a petition. Mr. Abel said as far as reasonable rate of return went, COLTA did not allow it. He said someone unbiased needed to be hired to have hearings because COLTA

was not unbiased, and Council needed to take a long look at what was going on in the marketplace today. He continued to express his dismay by saying that the landlords needed to make a profit and profit was not a dirty word; that's what built the buildings and the City. He said that Council raised the taxes to run the City by more than what they were proposing that landlords were supposed to run their buildings and maintain them. When a unit turned over by a normal course, a landlord should be entitled to raise his rent; at least give the landlord a turnover factor or stabilization guideline at the time of a normal turnover. He also said that with all the restrictions on the landlords, the City could become a slum by not allowing any profit or reasonable rates of return.

Jack Feldman, Eastern Garden Apartment said he could ditto the statements that Mr. Abel made. He also said he had a problem with the base year rents which were being approved in the process. He continued by saying that there were avenues over the last 10 years for some people to have hardship rent petition increases; some people may have been overwhelmed with the process and did not take advantage of that years ago and were not being penalized for their inaction; there was a wide variety for one and two-bedroom apartment in the City and he did not know what was a reasonable amount - \$500 or \$700 - some people may deserve the higher amount were being held down to the lower amount. Mr. Feldman asked what was a reasonable rent for any size apartment. He also said that there did not appear to be any motivation to anyone to make an improvement to their building; they needed maintaining and he had done that for his whole business career; he was proud of his buildings, and he would like to stay that way; he would like to make more improvements to his buildings but he did not see how he could do that because he did not receive payback, which would be something that he would have to take into consideration. He said that the process should have an avenue to negotiate an agreement with the tenants (D.C. has this); not everyone wanted low-priced quality housing, they may like higher quality and there were many people who could afford to pay for a certain degree of higher quality or the highest of quality. He said there was no motivation to make the improvements which made the property deteriorate and he felt an agreement process with the majority of the tenants or one-on-one would be on order and he concluded by asking Council to be fair in its decision.

Mr. Sharp said that there were still some things that needed changing in Article 7. He said he felt it should be passed with the present provision and come back and look at it at a later date. He also said that the problem with not going ahead was that it would be delayed a great deal longer; not just one or two weeks, and they were close enough to addressing almost all of the issues that he believed it would be a mistake to delay. With regard to the report from Sheehan Associates, he had opposed spending money on it. However, he understood the rationale for doing it, and it did seem to him that the report did what was wanted. Mr. Sharp said with regard to what the landlords had stated, what the changes to Article 7 were intended to do was to replace what COLTA now did; the landlords and Council had felt that there was too much arbitrariness in the types of decisions that the Commission could make, not as a criticism of the Commission, but a criticism of the law. He said regarding the statement that there was no incentive to maintain a building, that was not the case; the provisions in Article 7 did provide for expenses being taken care of and capital improvements being made.

Mr. Elrich said he felt that this was the best piece of legislation that Council had done in the four years that he had been on the Council and he did not think that he had been part of a discussion that was more thorough, more intelligent and without the kind of bickering and nastiness that was characteristic of some of the other debates. Mr. Elrich pointed out that the issues that were unresolved were not the major philosophical issues of the piece and he expected that there would have to be more fine-tuning. It was

extremely fair to tenants and was a vast improvement over past legislation; it created an understandable playing field for people to operate on. Most importantly, it did what Mr. Abel did not want the legislation to do: it preserved units and not just protected existing people. The fundamental problem faced in the metropolitan area was that it was easy to build housing for the middle and upper classes. Takoma Park was the repository of one of the largest concentrations of affordable housing left in Montgomery County and he felt they had an obligation to preserve that stock of affordable housing; not just to protect the tenants who lived there presently, but to make sure that there were units that were affordable for tenants who wanted to move into the City or who were looking for affordable units in the Metropolitan area in the future. He also said that the Council had done an excellent job and should feel good about it and should pass the ordinance.

Mr. Hamilton said that a lot of the legislation started in the first housing committee which consisted of him, Mr. Elrich and Mr. Sharp and later Mr. Moore who picked up his position. He said that this Ordinance was not new, but what was new was the petition process. He also noted that there were a lot of landlords who had participated in the process; a lot of housing committee meetings where the landlords showed up and made suggestions. Mr. Hamilton apologized to staff that they were criticized for putting out options suggested by landlords for the Council to look at. He also said that he felt that the whole Council and everybody had put in the hours they deserved to be happy about, and that it was something that everyone could be proud of.

Ms. Porter said she was impressed with the analytical process that went on in developing the law. She said in answer to Mr. Duberstein's question, she did not think that they would ever get to a point with this where they were totally satisfied and there were no questions left to ask, and she thought it would probably not be wise to say that they would put it off until they reached that point. Ms. Porter said that she thought it was a good law; the process by which it was developed was good (including the citizens input), and she personally appreciated all the help that she received from the staff; it was very useful to her and people went out of their way to answer her questions.

Mr. Moore said he supported the present version of Article 7 that had been worked on for so long, but he was not completely happy with the way things were. He also said that he was supporting it in part because nothing else was available to take its place at the present time. He said that he had serious reservations that rent control was the way the problem should be handled in the City and he was not saying that rent control was not a good idea, but he was not sure that Council knew that it really worked, and if so, how it worked and was it handling the problem. Mr. Moore said that his experience on the Council had led him to conclude a number of things about it: rent control had serious costs as far as the City was concerned. The administrative and legal costs were obvious. Another cost that he feared may be resulting from the rent control policies was an obvious deterioration in the rental housing stock in the City. Another cost that he identified was the intangible cost, which was the breakdown in the trust between the tenants in the City who were a large part of the population and the City staff and the Council on the other hand. He said that the Council had become the adversaries in problems between tenants and their landlords to the extent to where the City got blamed for a lot of things that were problems that stemmed from problems in this Country and the Takoma Park area and from the policies of the federal and state government. He continued by saying to take this problem on, we were creating a lot of the problems in terms of our relations with a large portion of our population that could be managed in a better fashion. Mr. Moore said he wondered who rent control in the City really helped and he was not sure that it gave enough help to people who really needed it: the really poor, the really indigent and those on fixed incomes. He continued that

there was no doubt in his mind that rent control helped middle income people who perhaps could pay higher rents, but who were perfectly happy to accept lower rents by living in Takoma Park. He said he was perfectly happy to do the same thing in the District of Columbia. He also said that he agreed that you could not leave truly poor and those on fixed incomes and single parents with children and those who desperately needed help, out in the cold the way the rental market was in the area; but what the Council should do was to take a hard look at what the policies were and see if there were rational alternatives to some of the things they were doing, without running the sort of rent control bureaucracy that was being developed.

Mr. Leary said that Mr. Moore had summed up his misgivings about the present legislation. He went on to say that the misgivings, which were not strong enough for him to vote against it, but which did trouble him, related to what he felt was the main objective; to promote decent, affordable housing in Takoma Park. He felt that Council should step back and ask some basic questions now that it had satisfied itself about some of the urgent pressures which pushed it to the present legislation, without presuming the answer. The greatest danger would be a deterioration of the quality of rental housing in Takoma Park, and before the worst outcome occurred, we ought to step back and see if the administrative costs and the other costs were worth the benefits received from the system.

COUNCIL ACTION: Mr. Sharp announced that there should be a vote on the second reading of Article 7, and that the implementation date for all of the provisions of the changes to Article 7 was February 1st; not only the rent provisions but all provisions.

Ms. Porter made a motion to amend to put in all the errata underlines and shadings (except for the one that was removed); the motion was seconded by Mr. Hamilton.

The amendment carried. The ordinance as amended passed by 5-0; ABSENT: Douglas, Prensky.

8. Additional Agenda Item for Discussion: COLTA Applicants

Mr. Hamilton moved the appointments of Arthur Stroud, Laura Misner, and Mark Garfinkel to COLTA; the motion was seconded by Mr. Leary.

COUNCIL ACTION: The Resolution passed unanimously.

COUNCIL RESOLUTION NO. 1991-92
(Attached)

Upon motion duly made and seconded, Council adjourned at 11:27 p.m. to reconvene on Monday, November 25, 1991.

Introduced By: Councilmember Leary

PROCLAMATION
(Resolution #1991-86)

WHEREAS, *affordable health care and homelessness continue to be two of our country's most pressing issues; AND*

WHEREAS, *Health Care for the Homeless, a project of Community Clinic, Inc. (CCI) has been providing medical and mental health care, counseling, outreach and educational services to homeless individuals and families as well as low income residents throughout Montgomery County ; AND*

WHEREAS, *the Montgomery County Council has declared November 28, 1991 as "Healthcare for the Homeless Day" in order to promote a Thanksgiving Day telethon to raise donations to help the homeless in Montgomery County; AND*

WHEREAS, *the Takoma Park City Council wishes to help increase public awareness of this important fund raising telethon.*

NOW THEREFORE BE IT RESOLVED, THAT *the City Council hereby proclaims November 28, 1991 as "Healthcare for the Homeless Day" in Takoma Park; AND*

BE IT FURTHER RESOLVED THAT *Takoma Park residents in the Montgomery County area are encouraged to tune in to Maryland Public Television on November 28 and 29 from 8-10 PM and pledge their donations for this worthy cause.*

Edward F. Sharp
Mayor

ATTEST:

Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Elrich

RESOLUTION #1991-88

REQUESTING MONTGOMERY COUNTY EXPLORE ACQUISITION OF THE
PRINGLE PROPERTY

- WHEREAS, there is an acknowledged shortage of recreation facilities in the down-county area that includes Takoma Park; AND
- WHEREAS, the lack of available land is cited as the primary constraint in providing additional parks; AND
- WHEREAS, the lots known as the Pringle Property and legally described below are being slated for development; AND
- WHEREAS, these lots border on Sligo Creek which is an environmentally sensitive tributary of the Bay; AND
- WHEREAS, acquisition of these lots and their preservation for open space and recreation would meet the need for more parkland and protect a portion of the watershed of the Bay from additional development; AND
- WHEREAS, this neighborhood has a large number of young children who would benefit from the placement of a park on this site.

NOW THEREFORE BE IT RESOLVED by the City Council of Takoma Park, Maryland that we urge Montgomery County and the MNCP&PC to consider acquisition of these lots for the purpose of protecting and preserving a significant open space and for providing badly needed recreational facilities.

Legal Description

In B. F. Gilberts Subdivision, Block 57, lot P2, 22, 24, 26, 23, 25, 57 P2; and in Gilberts Addition, Block 57, P3 and P2.

Dated this 12th Day of November, 1991.

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1991- 87

APPOINTING MEMBERS TO THE RECYCLING TASK FORCE

WHEREAS, there are currently vacancies on the City's 20 member Recycling Task Force; AND

WHEREAS, nine Takoma Park residents have expressed an interest in serving on the Task Force.

NOW THEREFORE BE IT RESOLVED THAT the following persons are hereby appointed to the Takoma Park Recycling Task Force:

<u>Name</u>	<u>Address</u>
Eileen Sobeck	7637 Carroll Avenue (Ward 3)
Larry Zarker	59 Walnut Avenue (Ward 3)
Elizabeth Pond Cologer	7411 Hancock Avenue, #202 (Ward 3)
E. Ann Reindollar	33 Freemont Avenue (Ward 3)
Pierre R. Erville	201 Spring Avenue (Ward 3)
Jonathan S. Jay	702 Chaney Drive, #401 (Ward 5)
Liz Cook	7130 Willow Avenue (Ward 1)
Margaret Altemus	7722 Carroll Avenue, (Ward 5)
John J. Mitchell	424 Ethan Allen Avenue (Ward 2)

Dated this 12th day of November, 1991

Introduced By: Councilmember Porter

Adopted: November 12, 1991

Drafted By: V. VinCola

Resolution 1991-89

A resolution to nominate an additional member to the existing Washington Suburban Sanitary Commission (WSSC) Citizens Advisory Committee (CAC) for the Sligo Creek Trunk Sewer Reconstruction and Hiker/Biker Trail projects for the purpose of broadening the representation of the CAC.

WHEREAS, WSSC has established and maintained a CAC in connection with the Sligo Creek Trunk Sewer Reconstruction Project; AND

WHEREAS, the purpose of the CAC is to provide citizen input on the WSSC Sligo Creek Trunk Sewer Reconstruction and the Sligo Creek Hiker/Biker Trail projects; AND

WHEREAS, WSSC has agreed to expand the existing CAC from ten (10) to eleven (11) members in order to broaden its representation; AND

WHEREAS, WSSC has agreed to allow the City Council to nominate one (1) individual to fill the newly-created position on the CAC;

WHEREAS, the name of a nominee to the CAC has been submitted by Longbranch-Sligo Citizens Association.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the following individual is hereby nominated to fill the vacant newly-created position on the CAC relating to the WSSC Sligo Creek Trunk Sewer Reconstruction and Hiker/Biker Trail Projects:

NAME

REPRESENTING

Bill Easterly

Longbranch-Sligo Citizens Association

ADOPTED THIS 12th DAY OF November, 1991.

Introduced by: Councilmember

ADOPTED:

Drafted by: Robin D. Ziek

RESOLUTION 1991-

WHEREAS, the Council of the City of Takoma Park has already appointed six members to the Citizens' Advisory Committee studying the potential for the designation of a county historic district on the Prince George's side of the City; AND

WHEREAS, the Council wishes to assure that this committee is representative of the community and serves as a forum for debate on the preservation issues involved; AND

WHEREAS, two additional citizens have come forward to serve on the committee.

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

7. Laura Lester 7218 Garland Avenue Ward 2
8. Martha Feldman 6907 Prince George's Avenue Ward 2

BE IT FURTHER RESOLVED THAT the terms of the members of the Prince George's County Historic Preservation Citizen Advisory Committee shall expire on June 30, 1992 unless extended by a further resolution of the Council.

ADOPTED THIS DAY OF NOVEMBER 1991.

rz/hp/pg'cacls.res

T A B L E D 11/12/91

Agenda Item # 6

Introduced by:

1st Reading: 10/14/91
2nd Reading *Tabled 10/12/91*
Effective:

ORDINANCE #1991-38

INSTALLATION OF SPEED HUMPS

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a) (14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following location:

(a) Glenside Drive, between Haverford Road and Lancaster Road, two (2) speed humps to be placed adjacent to 7402 and 7322 Glenside Drive.

SECTION 2. THAT funds to cover these installations be appropriated from Capital Expenditures, Account 9100-8001.

SECTION 3. THAT this Ordinance becomes effective upon adoption.

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

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by: Councilmember Elrich

Resolution #1991-91

WHEREAS, the Montgomery County Council is considering further changes to this year's budget; AND

WHEREAS, proposed changes to that budget will have a negative impact on a wide range of County services; AND

WHEREAS, the school system and our children will be forced to bear a large portion of the burden of those cuts; AND

WHEREAS, proposed cuts in the education budget will undermine the quality of the education that our children both need and deserve to receive; AND

WHEREAS, the weakening of the education system has long-term implications for our society and the future of our children and those who will depend upon them; AND

WHEREAS, the County has the ability to raise revenues that would be adequate to prevent cuts to the education budget; AND

WHEREAS, the City of Takoma Park recognizes the importance of our children to the health of our City and to the broader society in which they must find a place.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park supports the Montgomery County Council to take those steps necessary to provide an adequate revenue base that will enable the County to support, maintain and improve the quality of education that is provided by our schools; AND

BE IT FURTHER RESOLVED THAT, the City Council of Takoma Park urges the Montgomery County Council to recognize that it is precisely in times of economic distress that it becomes imperative that the so-called "safety net" of social services be maintained in order to protect those who are economic victims of the failure of the economy to provide adequately for all of our citizens.

Dated this 12th day of November, 1991.

Introduced by: Councilmember Porter

1st Reading: 9/16/91
2nd Reading: 11/12/91
Effective:

ORDINANCE NO. 1991 - 34

LANDLORD-TENANT RELATIONS
(CHAPTER 6, ARTICLE 7 OF THE TAKOMA PARK CODE)

- WHEREAS a landlord-tenant relations law was adopted by the Council in 1981; AND
- WHEREAS since 1981, the Council has passed a number of amendments making changes to various sections of the City of Takoma Park's landlord-tenant relations law (hereinafter referred to as "Article 7"); AND
- WHEREAS it has become apparent to the Council that a comprehensive revision and updating of Article 7 is needed; AND
- WHEREAS the purposes and policies of this Ordinance revising Article 7 are to:
- (1) Simplify and clarify the law governing the rental of dwelling units;
 - (2) Encourage landlords and tenants to maintain and improve the quality of rental housing in the City of Takoma Park;
 - (3) Assure fair and equitable relations between landlord and tenants;
 - (4) Supplement the public general state laws dealing with rental housing and with landlord-tenant relations; and
 - (5) Revise and modernize the law of landlord and tenant to serve more realistically the needs of landlords and tenants within the City of Takoma Park; AND
- WHEREAS this Ordinance revising Article 7 also continues rent stabilization in the City of Takoma Park; AND

WHEREAS rent stabilization was established by the Council by Ordinance No. 2532A passed on June 9, 1980; and

WHEREAS at that time, it was determined by the Council that rent stabilization was necessary in order to prevent excessive, unjust, unreasonable and oppressive rent increases; to forestall profiteering, speculation and other disruptive practices tending to impair the public health, safety and general welfare; and for other reasons as set forth in Ordinance 2532A; AND

WHEREAS it is the desire of the Council to continue rent stabilization in the City of Takoma Park; AND

WHEREAS the Council finds that a public emergency and shortage in rental housing in the City of Takoma Park continues to exist; that there is often unequal bargaining power between landlords and tenants, particularly in the area of rental amounts and rental increases; that in the absence of regulation of rents, excessive rent increases may result which will impair the health, safety and welfare of a large segment of the population of the City of Takoma Park; that unregulated rent increases lead to tenant turnover and rent stabilization promotes and encourages a stable community; and that rent stabilization is an economic policy which the Council deems necessary and desirable to maintain and promote the health, safety and general welfare of the citizens of the City of Takoma Park through the exercise of its police powers; AND

WHEREAS the Council has determined that the rent stabilization provisions of this Ordinance revising Article 7 permit fair and reasonable compensation to landlords for the use of their property by tenants, including provisions for adjustments in rent in order to meet rising operating expenses and to receive a fair return, while preventing excessive and unjust rent increases; AND

WHEREAS the Council finds that it is necessary and appropriate for the City of Takoma Park to continue rent stabilization and to provide certain minimum rights and remedies, obligations and prohibitions for landlords and tenants in the use and occupancy of rental housing; AND

WHEREAS the Council believes this Ordinance revising Article 7 will promote an equitable working relationship between landlords and tenants in the City of Takoma Park; AND

WHEREAS for the foregoing reasons, the Council hereby adopts this comprehensive revision of Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code.

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

SECTION ONE

Chapter 6, Housing, Article 7, Landlord-Tenant Relations, of the Takoma Park Code is hereby repealed in its entirety, and reenacted as follows:

November 13, 1991

TO : Distribution Noted Below

VIA : James S. Wilson, Jr., City Administrator

FROM : Paula S. Jewell, CMC
City Clerk *Paula Jewell*

SUBJECT: Council Summary from November 12, 1991 Regular Meeting

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

- [] 1. Comments Pertaining To Staff - Mayor Sharp commented that Volunteer Day activities held November 9, 1991 were extremely successful and he thanked all the people who participated, including Mike Duberstein who coordinated the Volunteer Day efforts. Councilmember Hamilton added his appreciation to the DEPARTMENT OF PUBLIC WORKS for their part in the activities.
- [] 2. Public Hearing Re Newsletter - Councilmember Leary announced that the Council would be holding a public hearing on Monday, November 25th at 7:30 P.M. on the future of the Newsletter.

AGENDA

- [] 1. Health Care for the Homeless - Resolution #1991-86 was unanimously passed and presented to Sara Lynch of Community Clinic, Inc. CCI is sponsoring a Health Care for the Homeless project and will be holding a telethon on November 28 and 29. The Resolution proclaims November 28, 1991 as "Health Care for the Homeless Day" in Takoma Park and encourages all residents to tune in to Maryland Public Television and pledge donations for this worthy cause.
- [] 2. Recycling Committee - Resolution #1991-87 was unanimously passed, appointing the following residents to serve on the Recycling Committee: Eileen Soback, Larry Zarker, Elizabeth Cologer, E. Ann Reindollar, Pierre Erville, Jonathan Jay, Liz Cook, Margaret Altemus, and John Mitchell. CITY CLERK to notify these appointees of the Council's action.

(Over)

- [] 3. Purchase of Pringle Property - Resolution #1991-88 was unanimously passed, urging Montgomery County and the Maryland National Capital Park and Planning Commission to consider acquisition of some lots bordering on Sligo Creek (known as the Pringle Property), for the purpose of protecting and preserving this open space area. Council accepted as an editorial correction, a suggestion to use a plot and lot description in the third Whereas clause to better describe the property.

- [] 4. Longbranch-Sligo Creek CAC - Resolution #1991-89 was unanimously passed, appointing Bill Easterly to the Longbranch-Sligo Creek Citizens Advisory Committee.

- [] 5. Prince George's County Historic District CAC - Resolution #1991-90 was unanimously passed, appointing Laura Lester and Martha Feldman to the Citizens Advisory Committee. Councilmember Porter commented that all of the neighborhood associations in her Ward were represented with the exception of the Cherry\Colby Citizens Association. Ms. Porter encouraged that organization to send a representative.

- [] 6. Glenside Avenue Speed Humps - Ordinance #1991-38 which was scheduled for second reading, was pulled from the agenda at Councilmember Moore's request.

- [] 7. 2nd Reading Ordinance - Article 7 - DHCD DIRECTOR GRIMMER explained that the information delivered to the Council on November 11th was the result of the recently delivered report done by Robert Sheehan and the second staff report on rent control justification. COLTA EXECUTIVE DIRECTOR LIZ TRACEY explained the amendments made to Article 7 on the errata sheet. Following discussion on some of the amendments made, Ordinance #1991-34, as amended (including all changes made since first reading on 9/16/91 and including all changes in the errata sheet, except the changes to Section 6-91(c)(9)* indicated on page 2 of the errata sheet, which were not approved by Council), was unanimously adopted (Absent: Douglas, Prensky). Councilmember Porter expressed appreciation to all the DHCD STAFF for their efforts and analysis of the entire review of Article 7. The COLTA regulations will be available to the public by December 20th and will then be subject to a 21-day comment period. All of the provisions of Article 7 will be implemented on February 1, 1992.

*new number, changed from 6-91(c)(10) on the errata sheet

- [] 8. Additional Agenda Item - Resolution #1991-91, urging the Montgomery County Council to Provide An Adequate Revenue Base In Order To Maintain the Quality of Education in County Schools was unanimously passed. The Resolution urges the Montgomery County Council to consider short term remedies (raising energy taxes, etc.) to provide an adequate revenue base. Councilmember Porter commented that this same issue must be stressed for the Prince George's County side of Takoma Park as well. The Council is working on scheduling a meeting with Takoma Park's delegates in the second week of December and this topic will be on the agenda. Councilmember Hamilton suggested and the Council agreed, that this Resolution be sent to the Maryland Municipal League and all of Takoma Park's delegates.
- [] 9. Discussion of COLTA Applicants - DHCD STAFF noted that there were three vacancies on the Commission and four applicants had applied to serve. Councilmember Hamilton recommended that the Council appoint Arthur Stroud, Lora Meisner and Mark Garfinkel to the vacancies. The motion was seconded and passed by unanimous consent. (Council Motion/Resolution #1991-92).

Copies to: City Council
City Administrator Wilson
Assistant City Administrator Habada
Personnel Officer Hobbs
Corporation Counsel
Housing & Comm. 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
Admin. Office (Mitchell, Rivers, Johnson, Vidal)

CITY OF TAKOMA PARK, MARYLAND (FINAL 2/7/92)

SPECIAL MEETING OF THE CITY COUNCIL

November 18, 1991

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Deputy Chief Wortman
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	Police Chief Fisher
Councilmember Porter	Personnel Ofc. Hobbs
Councilmember Prensky	Public Works Dir. Knauf

The City Council convened on Monday, November 18, 1991 at 8:07 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the City Council made the following remarks.

MAYOR/COUNCIL COMMENTS AND PRESENTATIONS

Mr. Prensky commented that he was pleased to receive a letter from Montgomery County State Delegate, Dana Dembrow recognizing the Returned Peace Corps volunteers that participated in Citizens' Volunteer Day on November 9th and thanking all the citizen volunteers.

Mr. Sharp read from an award presented by Citizens' Concerned for a Cleaner County in Prince George's County, recognizing the City of Takoma Park, and the Peace Corp volunteers for contributions to and involvement in educational programs on litter control and recycling in Prince George's County.

Mr. Elrich announced that on November 19th at Woodsen High School, the Montgomery County Council would be taking citizen testimony on the proposal to raise energy taxes by \$11 million to enable schools to avoid not furloughs. Mr. Elrich also announced that on November 20th at Sligo Middle School, there would be a meeting of the County Council to discuss some local projects, i.e., the expansion of the Longbranch Center.

ADMINISTRATIVE ITEMS

1. Resolutions of Appreciation Re: Cows for Kids Program

Moved by Mr. Prensky; seconded by Mr. Hamilton and Ms. Porter.

Mr. Prensky read the Resolution which recognized and thanked the individuals and groups who contributed to the campaign to raise funds for the purchase of dairy cows and supporting facilities in Santa Marta.

Nancy Chisholm, Co-organizer of the Cows For Kids Campaign, said that during her visit, just a month ago to Santa Marta, she went to the field where the cows were kept and drank their milk. She said that throughout her visit to Santa Marta, the people frequently expressed their gratitude for the support they had received from Takoma Park. She said that she also played the song that Michael Hasty wrote entitled "There'll be Cows in Santa Marta", and the people were moved by it. Ms. Chisholm said that there were six cows on the Municipal Library roof which meant that \$9,000.00 had been raised in Takoma Park, and the Campaign was still trying to reach the ultimate goal of 20 cows.

Mr. Prensky read the names of those who received awards: Fran Heaps, Tom Anastasio, Doretta L. Allison, Itzcaya (a musical group), Gertrude Murgner, Brownie Scout Troop #2986, Dean and Jo Hogie, Frank London, The Takoma Park Santa Marta Companion Cities Project, Now and Then Store, The Takoma Park Old Town Business

Association, Tim Waters and Ben & Jerry's Homemade Ice Cream, Lissa Martinez and Brian Hughes, Miguel Noel Nesbaum, Westmoreland Area Community Organization, Paul Rimer, Ruth Holly, Laurie Somers, Girl Scout Troop #804, Well-Read Books, Doug Lent Memorial Fund, South of Sligo Citizens' Association, Jim Avery, Takoma Park Presbyterian Church Benevolent Fund, Takoma Park Presbyterian Church Sunday School, MaryLou Jordan, Joe Gaye, Evelyn Harris and Ruth Paston, Michael and the Arch Angels and Jose Pena, Alyson Baker, and the Students for Global Responsibility from Blair High School.

Mr. Prensky said that he was accepting the award on behalf of the Doug Lent Memorial Fund and he explained how the Fund was established. Mr. Prensky said that in 1990 he was honored to travel to Santa Marta with Mr. Lent and the four representatives from Takoma Park. He said that Mr. Lent was a father-figure and a role model to him also; a friend and a compassionate, fun-loving, joyous soul who had no false pride and very few limitations aside from his fractured Spanish. Mr. Prensky said that Mr. Lent was not aware that he had liver cancer and a few months after returning from Santa Marta, he died. When the Takoma Park Santa Marta Companion Cities Project initiated the Cows for Kids Campaign, various people made contributions to the project. They thought it was a perfect way to remember him by contributing something that he would have done himself. He said it was in that spirit that the Doug Lent Memorial Fund was proud and thrilled to make a contribution which would go for the people and the children of Santa Marta.

Michael Hasty, expressed his thanks for the award he received and to the Arc Angels and Jose Pena who was now on the road with his band selling tapes. He also said that he previously lived in Takoma Park and it was a great town and it should be proud. He said that Takoma Park was recognized as a leader nationwide on the concept of taking local action on global issues and he hoped that it never stopped.

Nancy Chisholm introduced Nicholas Arsensio, a citizen of Santa Marta and a leader there, and said he had been a leader for peace and justice in El Salvador for many years and had suffered because of his leadership. She also said that Mr. Arsensio had been in Takoma Park for two months and would be returning home soon.

Nicholas Arsensio came forward and through the use of an interpreter, expressed his appreciation to Takoma Park and its citizens for all the efforts to benefit their community. Mr. Arsensio said that it was his hope that the community could continue and that it was written in their history that the work Takoma Park was doing on their behalf was the work of God and something that the City would reap the benefits of in the future.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-93
(Attached)

Mr. Prensky read from a second resolution recognizing and expressing appreciation to Dr. Rebecca Davis Elon, Joan B. Horn and Edward J. Murphy, residents who had met the critical need to provide transportation to the United States and daily support for Alex Riveras, a Santa Marta resident in need of advanced medical care.

Nancy Chisholm brought forth and introduced Alex Riveras.

Alex Riveras, through the use of an interpreter, expressed appreciation to everyone for the Cows For Kids Project and thanked the Companion City Project for helping him with his medical care to see if he could recover some of his eyesight, that was lost as a result of actions by the Salvadorian government. Mr. Riveras said that he has had examinations by three specialists and there is a

possibility that he will be able to see. He said that he is also studying English because of Takoma Park's help.

Mr. Prenskey explained that Alexander lost the vision in his eyes and lost both of his arms while he was farming the fields around Santa Marta and a land mine planted by the Salvadorian government and their armed forces exploded.

COUNCIL ACTION: The resolution passed unanimously.

RESOLUTION NO. 1991-94
(Attached)

1. ADDITIONAL AGENDA ITEMS

(A). 21st Annual Festival of Praise - A Resolution acknowledging the 21st Annual Festival of Praise, sponsored by the Sligo Seventh Day Adventist Church, to be held November 23, 1992.

COUNCIL ACTION: The Resolution was moved by Mr. Hamilton, seconded by Ms. Porter and was passed unanimously.

RESOLUTION NO. 1991-95
(Attached)

(B). Resolution of Appreciation to Pastor Warren Zork - A Resolution of Appreciation to Pastor Warren Zork of the Sligo Seventh Day Adventist Church for his long standing work in the community and his outreach efforts on behalf of the community.

COUNCIL ACTION: The Resolution was moved by Mr. Prenskey; seconded by Ms. Porter, and passed unanimously.

RESOLUTION NO. 1991-96
(Attached)

2. Resolution Re: Montgomery County Recycling Rebate

Mr. Sharp explained that a Memorandum of Understanding was to have been executed with Montgomery County regarding the recycling rebate that Takoma Park was due to receive from them regarding the collection of recyclables in Takoma Park. Mr. Sharp said the MOU which should have been signed some time ago, was not executed by the County. This Resolution would authorize the City Administrator to execute a recycling rebate MOU with the County on the FY'92 Recycling Rebate. The Resolution was moved by Mr. Hamilton; seconded by Ms. Porter.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-97
(Attached)

OTHER COMMENTS AND PRESENTATIONS - Police Department Appreciation Mementos

Police Chief Fisher, on behalf of his Department expressed appreciation to the Councilmembers stepping down from Office. Chief Fisher told Mr. Douglas that it had been a pleasure working with him; he had challenged the Department over the years in budget preparations, and the department had grown from the challenge. Chief Fisher also expressed appreciation to Mr. Moore and thanked him for his insight and his prior experiences with the criminal justice system on police issues. He said that many times Mr. Moore was their voice on the Council in explaining some of the complex and detailed issues regarding criminal justice and the Department thanked him for his energy spent to make Takoma Park a better place to live.

Council Comments

Mr. Douglas thanked the present Council and the previous Council for the assistance they had given him. He thanked his wife and his constituents now scattered among the two wards who had supported him the over the last 4 years. He pointed out some of the issues he hoped the new Council would address, i.e., the tree ordinance which needed a systematic review and updating. Mr. Douglas said he was glad to see after four years that there was a consensus on the Council and the community that it was time to address traffic in a systematic way and he hoped that the Council would continue on that track. He also said that the City Code needed updating. He continued his remarks by saying that he understood the concerns that were raised pertaining to Council representation; there was a perception that the Council did not listen as well as it should. He said it was crucial that citizen comment and input happen; but ultimately the Council had to make the decisions and he would not want to see the Council paralyzed by too much process and not enough moving ahead with action. Mr. Douglas said regarding the role of Newsletter which was being considered, the key was to figure a way to get timely and accurate information; that people would have the opportunity to see and to follow what was being done, and participate if they desired to do so. He urged the citizens' associations to be active. He said he hoped that the citizens associations would be active and take advantage of their opportunity to meet periodically with Council members. Mr. Douglas said that it was his impression that Takoma Park had a very high level of expectations of its government and elected officials, who were increasingly called upon to get involved in a great number of issues and problems. He concluded his remarks by saying that city services in Takoma Park were not delivered in a way that satisfied a lot of people; some of the pieces of the entire organization were not working very well and did not have a very good image, which came down to a lack of commitment to quality and excellence, and that the next City Council would have to look for ways to overcome those obstacles and to regain the confidence of the citizens.

Mr. Moore said he was sorry to leave after having only served on the Council for two years. He said he never felt that comfortable to do what he was supposed to do as a Councilmember until the past few months and but now there were commitments at home which required him to leave; much to his regret. He said he learned from his experience of sitting on the City Council that for solving problems at the local level, there were no simple solutions. He said it amazed him how few solutions there were and he knew that very few people realized that fact. He also said that most of the things that he had seen accomplished since he had been on the Council were that the citizens had become actively involved in working with the City government. He concluded his remarks by expressing his appreciation to the residents of Ward 6 who he said were a great range of people with a great deal of sense about what they wanted and there was a great sense of cohesiveness in the community which he felt was wonderful. He also thanked the citizens of Takoma Park and said that he intended to stay active in the City through the Takoma Foundation, his neighborhood association and with the Council. He also expressed his thanks to his wife Kathy.

Mr. Douglas moved to adjourn this last meeting of the 1989-1991 City Council at 9:20 P.M.; seconded by Ms. Porter.

* * * * *

Installation Ceremonies

1. Swearing in Ceremony for Mayor Edward F. Sharp by Vivian Jenkins, Clerk of the Prince George's County Circuit Court and Jo Anne Niefeld, Representative of the Clerk of the Montgomery County Circuit Court. Mayor Sharp was sworn in at 9:30 p.m. by both County Clerks.

Mayor Sharp then swore in the 1991-1993 City Councilmembers: Mr. Elrich, Mr. Hamilton, Mr. Johnson, Mr. Leary, Ms. Porter and Mr. Prensky. City Clerk Paula Jewell was seated at the Council Dais.

CITY OF TAKOMA PARK, MARYLAND
SPECIAL MEETING OF THE CITY COUNCIL
November 18, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Elrich	Assistant City Admin. Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Police Chief Fisher
Councilmember Leary	Police Captain Wortman
Councilmember Porter	Personnel Officer Hobbs
Councilmember Prensky	DHCD Director Grimmer
	Public Work Director Knauf

The members of the 1991-1993 City Council convened on Monday, November 18, 1991 at 9:35 p.m.

MAYOR SHARP'S COMMENTS AND PRESENTATIONS:

Mr. Sharp stated that this year was Takoma Park's most competitive election since 1985. He also said that as difficult as a race could be for the individuals who were involved in it, it was good to be elected after facing an opponent, and it was good for the citizens to have competition. He said the campaign forced candidates to think about and address a wider range of issues than they would otherwise do and to learn more about all of their constituents, and it gave the successful candidates a feeling that they had earned their seat and more confidence in what they were doing because of that validation by the electorate. He also said that competition was good for the citizens because it provided people with a choice which allowed them to give some direction to their government of whom they chose to lead it, and it got more people involved in the process. Mr. Sharp said that in looking at the present election, it appeared to him that the voters gave some direction to the government, and while all of the incumbents who stood for election and had opposition, were returned to office, the margins of victory ranged from relatively small to very small. He said he believed that while there was a general approval of the programs that the City had undertaken over the last several years, there was also some concern that those in elected offices had not always listened as closely to people as they should have in reaching their decisions.

Mr. Sharp pledged to insure that the processes used to make decisions would be inclusive ones and to consider the wide range of views which existed in Takoma Park before making any decisions. He commended the councilmembers who campaigned so diligently during the election, and he called on them to echo his pledge to maintain communication between the council and the citizens. He touched on some of the issues he wanted the city government and council to focus on: state and county revenue short-falls were being felt by the education budget and was posing a threat to the quality of education in Montgomery and Prince George's Counties. He said that he would be working with the Council and the citizens of Takoma Park to let county and state officials know that they must insure that the quality of education in Maryland would not be harmed notwithstanding the present difficult budget times.

He announced that there would be a meeting on Wednesday, December 11, 1991 at 7:30 p.m. with the delegates and senators of districts 20 and 21 to discuss funding for education in the upcoming state legislative session. Mr. Sharp indicated that the most important issue that the City government would have to face in the next two years was the tidal wave of revenue problems that the State and County were facing as they cut back in certain areas; it was

important for people to know about this issue because as a community they could make decisions on how to deal with it.

Mr. Sharp said that another important issue was the hiring of a new City Administrator, whose job would become vacant in April when Mr. Wilson retired. Mr. Sharp explained that the City Administrator on a day-to-day basis insured that the City was well-run and that person's actions contributed greatly to how people felt about their city. Mr. Sharp stated that he wanted Takoma Park to be the best-run City in Maryland and that could only happen if there was a very good City Administrator. He said that the Council wanted to hear from citizens in Takoma Park regarding what should be looked for in a new City Administrator and that the Council was still seeking volunteers to serve on the search committee for the City Administrator.

Mr. Sharp commented on several goals he wanted to see accomplished during the new council's term. He said the Council should begin planning for the establishment of an affordable housing commission whose purpose would be to assist the tenants in the purchasing of their apartments to own as limited equity cooperatives. He explained that the conversion to limited equity cooperatives resulted in renters becoming owners and individuals building up equity in their property with that equity being limited so that the property would remain affordable for subsequent purchasers; the commission should provide technical expertise to accomplish conversion and provide a funding source for the ability to issue bonds and set up a down payment assistance program to help those who needed it. Mr. Sharp also wanted the council to consider setting up an open-space fund financed through bonds which would provide a source of money to buy underdeveloped properties in Takoma Park and maintain them as open-space, and the revenues raised by issuing bonds should be leveraged with state, county, and private funds as well. Mr. Sharp said that he recognized that the ability to accomplish both of those goals would be greatly affected by the budget situation and he would work hard to implement them. He also said that he wanted to sign a new fire station agreement in the upcoming months with Montgomery and Prince George's Counties to keep the Takoma Park fire station in the City and serving all of the citizens of Takoma Park. Mr. Sharp said he would ask the council to set up an environmental quality task force to look at long-range options available to the City in the area of environmental quality. He concluded his remarks by saying that he wanted to set up a task force to review and make recommendations to the City Council and government regarding implementation of the Americans with Disabilities Act. Mr. Sharp also said he hoped to discuss other issues, e.g., expansion of the recycling program, a city-wide traffic policy, modification of the tree ordinance, and many others.

1. Resolution Designating Bill Leary as Mayor Pro Tempore

Mr. Sharp moved and read the Resolution appointing Councilmember Bill Leary, Ward 1, to serve as Mayor Pro Tempore in the absence of the Mayor. The motion was seconded by Mr. Hamilton.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-98 (Attached)

2. Resolutions of Appreciation for Outgoing Councilmembers

Mr. Sharp moved and read the Resolutions expressing appreciation for the services of Jim Douglas and Michael Moore, as Councilmembers during the periods: Jim Douglas - November 1987 to date; and Mike Moore 1989 to date on behalf of the City and its citizens. The Resolutions were seconded by Mr. Hamilton and Mr. Prensky.

Council Comments

Mr. Prenskey said that he was saddened by the retirement of Mr. Douglas and Mr. Moore. He said they added a great deal of knowledge, information, questions and perspective to the Council; particularly Mr. Douglas when he devoted himself almost tirelessly to the work of the Council and he felt that there would be more work for the new Council without Mr. Douglas. He also said that he valued the diligence and extra effort that he put out on behalf of the citizens of Takoma Park. Mr. Prenskey said that he came to know and respect Mr. Moore and Mr. Douglas and he was pleased to count them among his friends; the Council would be hard-pressed to continue to take on all of the perspectives that would be necessary and he looked forward to their continued presence and he welcomed their participation.

Mr. Johnson said that over the last few weeks, he and Mr. Moore had gotten to know each other quite well and he looked forward to explore his knowledge and wit and good sense in the years ahead.

Mr. Leary said he was going to miss Mr. Douglas and Mr. Moore. He said that he had the good fortune to sit between them for the last two years and benefit from their asides. He said that Mr. Douglas had a thought-provoking analysis on a variety of issues, forcing all to think about things that they would otherwise not have thought about. He also said that Mr. Douglas had helped the Council organize its efforts in a more constructive and productive way. He said that Mr. Moore had always demonstrated his humor and his good common sense; that was an extremely important ingredient for an inherently contentious group of people, meeting on a weekly basis and dealing with a lot of controversial issues. Mr. Leary said that both of those qualities were far too rare and absolutely essential to productive undertakings, and both men had made invaluable contributions.

Mr. Hamilton commended Mr. Moore for taking his seat on the Housing Committee and said Mr. Moore took over review of the second half of Article No. 7 and he felt that he learned a lot of what Article No. 7 was about. Mr. Hamilton continued his remarks by reassuring Mr. Moore that rent control really worked. He said that Mr. Moore had an effectiveness in the Langley Park area; his participation in that area brought the business owners to the meetings and he saw a bridge that he had never seen. He said that there was no job description for being on the Council. Mr. Hamilton said that the Council would have to do some homework to continue where Mr. Douglas had left off.

Ms. Porter said that both Councilmembers had been very helpful to her since she was a new councilmember. She also said that Mr. Moore had been the one person on the Council who could always be counted on to cut right to the heart of something; everyone else was going around in circles but Mr. Moore was the one who came to the central issue. Ms. Porter said that she and Mr. Douglas had been friends for a long time and Mr. Douglas had been particularly helpful to her by giving her ideas and a means to accomplish some things.

Mr. Elrich said that he felt both Councilmembers brought important contributions to the Council. He also said that he enjoyed working with them and hopefully they would see them on the other side of the microphone.

Mr. Sharp said that he considered both Mr. Douglas and Mr. Moore good friends of his and he was sorry to see them leave.

COUNCIL ACTION: Both Resolutions passed unanimously.

RESOLUTION NO. 1991-99
RESOLUTION NO. 1991-100
(Attached)

3. Presentation of the Report of Newsletter Review Committee and Resolution Acknowledging Receipt of the Report

Bob Guldin, member of Newsletter Review Committee apologized for not getting the report to the Council earlier. He said that the Committee had worked on a short schedule and they felt pride in getting it completed by the deadline. He proceeded to go over some of the highlights of the Report. He said that the Committee overall found that the Newsletter met most of the guidelines and that people found the newsletter to be more readable and interesting than it had been in the past. Mr. Guldin said that there had been significant problems with the Newsletter in several areas--a number of complaints from City staff and others who had contact with the Newsletter that their input had not been treated carefully; sometime facts were blurred or became the subject of inaccurate reports during the publishing and editing process which was a significant problem.

He said additionally, there were a number of controversial issues were not given an accurate or objective treatment and in some cases it appeared that the controversial issues were made more controversial by their treatment in the Newsletter. He said there was a failure of communication between the Council, the Editor, and the City Administrator and they did not feel it was appropriate to point fingers at particular individuals, but they did feel that the Council had an important responsibility for looking over that process. He also said that in talking to people it was clear there was a growing wave of discontent on the Council about how the Newsletter was going. The Committee talked to Carollyn James and this was never conveyed to her in a way in which she understood it. One issue the Council needed to address was what kind of publication did they want the Newsletter to be; a fairly narrow newsletter which would report on City programs and City events, or more of a broad-based newspaper for the entire community which would air a number of issues and would be more open to a broader input for many members of the community. Mr. Gulden said it was up to the City Council to determine which way to go because the requirements for a newsletter editor were going to be different in all cases. He continued his explanation by saying that there were a number of good ideas on the production and the distribution of the Newsletter which were never followed through; there were a lot of good ideas in the 1989 report, which should be looked at by the next editor. He also said that this Committee's recommendations were written out in the new mission statement and editorial guidelines. He said in terms of the editorial guidelines, there was more of a firm insistence on communications and lines of authority, which they felt clearly given the example of the last year, was something that should be improved. They particularly recommended a review of the new editor after three months; a review with the Council after six months, and an annual review thereafter. He said there were statements on the new guidelines pertaining to rights and responsibilities of authors and editors to the newsletter, which was something that had not been worked out in the past. He said it should be made clear that someone who submitted something to the Newsletter had a right to know how their article or submission would be treated. He also said that another recommendation they made was that the existing guidelines on the coverage of political races and political issues was extremely narrow and they felt it was okay to have brief statements by candidates who were running for office or for different issues which would come before the City. Mr. Guldin said that there seemed to be an understanding by the Council that they would not submit columns or other written pieces to the Newsletter; he said this was found to be a disappointment and the Committee urged the Council to change their position on this because they felt it would be beneficial to have occasional pieces by the Mayor and Councilmembers in the Newsletter.

Council Comments

Mr. Sharp said that he appreciated that Mr. Guldin and the Committee had a short time-frame to get the report out and it was miraculous that they were able to do it as quickly as they did.

Mr. Leary said that he did not expect to see the report so fast and he was impressed and pleased. He also said that he had read the report, the draft revision of the guidelines and the mission statement and he felt that the points raised were sensible. Mr. Leary said that it seemed to him that what Mr. Guldin had drafted in terms of the statement and revised guidelines were guidelines for the first option which was a continuation of a newspaper as opposed to a more narrowly-focused newsletter. Some of the guidelines appeared to be pertinent only if the decision was made to continue to publish something as was published over the last 10 years.

Mr. Guldin responded that for the most part, that was what they had done.

Mr. Sharp commented that since they just received the report, he suggested it be made available to the citizens who wanted to receive it and it would also be available on November 25th at the Public Hearing.

Mr. Elrich said that he found Mr. Guldin's report to be an excellent presentation. He also said that one of the most difficult things was to provide a sense of what was important without directly demanding what should be published.

Mr. Leary said that the most practical suggestion was that the City Administrator should review every issue of the Newsletter in advance of publication.

Mr. Hamilton questioned if the Committee's recommendations were accepted, did the Council feel that a 12-page Newsletter would be adequate to cover the suggestions raised in guidelines or would more page pages be needed.

Mr. Guldin said he did not see a big increase in the number of pages.

Committee Member, David Prosten, said ultimately, no matter what function the paper would have, it would have to have an editor who had some discretion in editing a newspaper, to a point of cutting articles back. He cautioned the Council against hiring an editor who would not be allowed to edit the publication.

Mr. Sharp moved the Resolution that acknowledged receipt of the Newsletter Review Committee's report and expressed appreciation for their work; seconded by Mr. Prensky.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-101
(Attached)

CITIZEN COMMENTS:

Jim Douglas, 18 Sherman Avenue thanked the Newsletter Review Committee for evaluating the Newsletter in such a timely and prompt fashion and asked what was the procedure of order for citizen comments at the November 25th public hearing.

Mr. Leary said that his purpose of asking that the public hearing be held was to solicit citizen comment on the options that were outlined by the committee. He gave his options for the future of the Newsletter: continued operation in one of the two different forms as outlined in the report, or a third option to discontinue the Newsletter. He said that people did not have to be rigorously confined to the subject of the hearing and he felt it would be

appropriate for people to say what they felt about the report.

Mr. Douglas commented that Mr. Leary should make clear what he was taking comment on, because both of them were separable items.

Mr. Sharp commented that it appeared to him that if the public hearing was going to accomplish its purpose, one of the issues people would talk about was whether they would like the newsletter to continue the way it was, and if they got into that kind of discussion, it made sense to discuss the Newsletter Committee's report.

4. Discussion of the Charter Amendment Re: Non-U.S. Citizens Vote

Mr. Sharp explained that the purpose of this discussion was to establish a day at which the Council would hold be a public hearing on this issue.

Mr. Prensky commented that he was thrilled to see an article in the Los Angeles Times regarding voting for all citizens who were not U.S. citizens and said that it was an issue that had gone beyond the boundaries and the borders of Takoma Park.

Mr. Sharp explained that the public hearing would take citizens comment on action that Council should take regarding an amendment to the City Charter as a result of the passing of the November 5th advisory question. He explained that a non-binding referendum gave the Council the citizen's advice on the issue and at this point he felt that the discussion needed to be opened up to the citizens for what implementation steps they felt that Council should take on the matter.

Mr. Johnson commented that he looked forward to the public hearings and he also looked forward to the fact that representatives of Ward 6 would have an ample opportunity to participate in those hearings. He also said that as he had indicated in the campaign, he would be bound by their collective wisdom on that particular issue. He also said the voters of Ward 6, by vote of 3 to 1, opposed the particular proposition and he felt bound by that.

CITIZEN COMMENTS:

Henry Quintero, representative of the Hispanic Alliance of Montgomery County explained that his organization sought to promote the interest of Hispanics in the County in the economic, social, and political fields. He also said that the Alliance spoke in favor of the passage of the referendum prior to November 5th, and they were gratified at the outcome and hoped to see the quick implementation of the referendum into law. He also said that the Alliance also recognized the opposition to the referendum and he remembered during the election of John Kennedy there was the fear of what Catholicism might have meant to the Country; it turned out that Kennedy's religion had no bearing on his decision nor the issues which faced him. He also said that during the Civil Rights Movement in the 1960s there was a great fear and concern in the South when voter rights were given to Blacks in the South; and now there are minority Black representatives in the deep south and life goes on in the South just as it did with John Kennedy's Catholicism. He continued by saying that life could go on in Takoma Park with other minorities receiving the vote and he felt that it would follow; Hispanics would take a responsive position in Takoma Park and follow very similar patterns that had been developed in the City. Mr. Quintero said that this was an historical step for Takoma Park which was being watched by other municipalities in Montgomery County as it was within the Alliance and they had great hope that Council would move in the right direction.

Lissa Martinez, 7107 Cedar Avenue noted for the record that she was the treasurer of the Share the Vote Campaign and she was delighted at the support that the community had shown for the idea of having non-citizens residents voting in municipal elections. She said in the course of the campaign, the number of people who had affiliated themselves with the Share the Vote Campaign also had the opportunity to talk with many of the voters and non-voters in Takoma Park with the discussions focusing on the narrow agenda. Ms. Martinez said that the Campaign would be glad to help the Council prepare for the kinds of viewpoints in support and opposed to the initiative. She stated that it was her hope that the City Council would endorse the vote which was expressed by the people and would move to implement voting for non-citizen residents. She said that she had heard a number of viewpoints from different people; some commented what a difference it would be to deal with people who may have never had the opportunity to vote in any election anywhere in their life, at least without fear of intimidation, and she felt that it could be a very positive experience for the entire community; it could spark new voter registration interest among the citizens who already had the right but did not exercise it - to vote. Ms. Martinez suggested the Council include plans for educating new voters in the community as part of the implementation of a separate voter registration system.

Nina Seavey (commenting on the outgoing Councilmembers) said that she appreciated Mr. Douglas's activities on behalf of her neighborhood; they felt he was very studious and responsive to all of their phone calls and their community needs.

Upon motion duly made and seconded, the Council adjourned at 10:41 p.m. to reconvene on Monday, January 27, 1992.

RESOLUTION

#1991-94

WHEREAS, *the City of Takoma Park joined with Santa Marta, El Salvador, as companion cities in 1988; AND*

WHEREAS, *residents of the Takoma Park community and members of the Takoma Park-Santa Marta Companion Cities Project have been called upon to respond to special needs of the community of Santa Marta in time of crisis; AND*

WHEREAS, *certain area residents recently met the critical need to provide transportation to the United States and daily support for Alexander Rivas, a Santa Marta resident in need of advanced medical care.*

NOW THEREFORE, BE IT RESOLVED THAT *the City Council recognizes the generosity and good will of Edward J. Murphy, Jr. in providing urgently needed assistance to our friend from our Companion City of Santa Marta.*

Dated this 18th Day of November, 1991.

*Edward F. Sharp
Mayor*

ATTEST:

*Paula S. Jewell, CMC
City Clerk*

*Recipients of Resolution #1991-93
For Their Contributions to the
Cows for Kids Campaign*

*Brownie Scout Troop #2986
Gertrude Mergner
Tom Anastasio
Doretta L. Allison
Itzqueye
Fran Heaps
Allison Baker
Michael and the Archangels and Jose Pena
Evelyn Harris and Ruth Pinkston
Jill Gay Mary Lou Jordan
Takoma Park Presbyterian Church Sunday School
Takoma Park Presbyterian Church Benevolent Fund
Jim Avery
South of Sligo Citizens Association
Doug Lent Memorial Fund
Well-Read Books
Girl Scout Troop 804
Laurie Summers
Ruth Holly
Paul Rhymer
Westmoreland Area Community Organization
Miguel Noel Nosbaum
Students for Global Responsibility
Lissa Martinez and Brian Hughes
Tim Waters and Ben and Jerry's Homemade Ice Cream
Takoma Old Town Business Association
Now & Then
Takoma Park - Santa Marta Companion Cities Project
Frank Lundin
Dean and Jo Hoge*

RESOLUTION

#1991-93

WHEREAS, *the City of Takoma Park joined with Santa Marta, El Salvador, as companion cities in 1988; AND*

WHEREAS, *95% of the children under seven in Santa Marta suffer some degree of malnutrition, and the supply of milk and dairy products is entirely inadequate; AND*

WHEREAS, *the community of Santa Marta is desperately poor and in need of income for food, clothing and other basic necessities; AND*

WHEREAS, *on April 22, 1991, the City of Takoma Park endorsed the campaign known as "Cows for Kids", for the purchase of dairy cows and supporting facilities in Santa Marta; AND*

WHEREAS, *the greater community of Takoma Park, including many individuals and organizations, has given creative, enthusiastic and generous support to the "Cows for Kids" campaign.*

NOW THEREFORE, BE IT RESOLVED THAT *the City Council recognizes and thanks those who have expressed their goodwill by contributing to the campaign; AND*

BE IT FURTHER RESOLVED THAT *the City Council especially recognizes the efforts of Itzqueye in support of the "Cows for Kids" campaign and our friends in Santa Marta.*

Dated this 18th Day of November, 1991.

*Edward F. Sharp
Mayor*

ATTEST:

*Paula S. Jewell, CMC
City Clerk*

*Recipients of Resolution #19991-94
For Providing Assistance For A
Santa Marta Resident In Need of Medical Care In The U.S.*

*Dr. Rebecca Davis Elon
Joan B. Horn
Edward J. Murphy, Jr.*

Introduced by: Councilmember Hamilton

RESOLUTION #1991-95

A RESOLUTION IN HONOR OF THE TWENTY-THIRD ANNUAL FESTIVAL OF PRAISE UNDER THE SPONSORSHIP OF THE SLIGO SEVENTH-DAY ADVENTIST CHURCH OF TAKOMA PARK, MARYLAND

WHEREAS, Thanksgiving Day was first declared a national holiday by President Abraham Lincoln in 1863 as a day of thanksgiving and praise: AND

WHEREAS, the Thanksgiving season in November has continued to be a time set aside for community and family sharing traditions, of giving thanks for the basic necessities of life - food, shelter, and work; AND

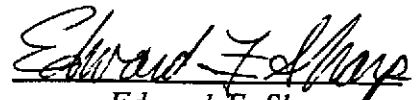
WHEREAS, on Saturday, November 23rd, 1991, the Sligo Seventh-Day Adventist Church will continue its annual Thanksgiving tradition marking the 23rd Annual Festival of Praise Celebration; AND

WHEREAS, this Celebration includes a procession of food and clothing by the church members as an offering to be distributed to needy families; AND


WHEREAS, those who receive the donations of food and clothing include the working poor, elderly citizens living on fixed incomes, new immigrants to this country, and the homeless; AND

NOW THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland hereby note their appreciation to this Church and its members for their efforts to share with families and individuals in need and do hereby recognize the **TWENTY-THREE YEARS** of continuing support to this community and the Metropolitan Washington area.

Adopted this 18th day of November, 1991.


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC
City Clerk



Introduced by: Councilmember Prensky

RESOLUTION #1991-96

A RESOLUTION OF APPRECIATION TO PASTOR WARREN ZORK


WHEREAS, Pastor Warren Zork will be retiring from his formal ministry with the Seventh-Day Adventist Church, having served as a minister for over 40 years;
AND

WHEREAS, Pastor Zork has served on the pastoral staff of Sligo Seventh-Day Adventist Church for 18 years and during that time has provided compassionate leadership to this community in the following venues - as a member of the Silver Spring Interfaith Housing Coalition, the Silver Spring Group Ministry, a board member of the Community Services Center of Seventh-Day Adventists, a boardmember of the Montgomery County Red Cross and as a boardmember of the Shepherd's Table; a soup kitchen serving the homeless.

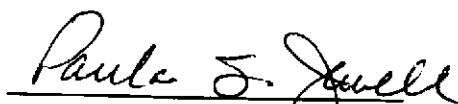
NOW THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland acknowledge the years of service Pastor Warren Zork has contributed to this community in his outreach efforts and remembers especially with gratitude, his contribution to arrangements with the Adventist Development Relief Agency to supply medicines to residents of Takoma Park Companion City, Santa Marta, El Salvador.

BE IT FURTHER RESOLVED THAT the City Council wishes Pastor Zork well in his retirement.

Adopted this 18th day of November, 1991.


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC
City Clerk



Dated: November 18, 1991

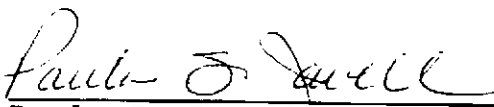
Introduced By: Councilmember Hamilton

Resolution No. 1991-97

Authorizing A Memorandum Of Understanding For Recycling
Reimbursement From Montgomery County

- WHEREAS the City of Takoma Park acknowledges that it is in the best public interest and welfare to conserve resources by reducing waste and recycling as much of the wastestream as possible; AND
- WHEREAS the City provides refuse and recycling collection to all single family households and any multi-family dwellings that pay the refuse fee; AND
- WHEREAS refuse collected from residents in Montgomery County is disposed of at the Montgomery County Transfer Station; AND
- WHEREAS the City desires to be reimbursed for the cost of collecting recyclables from City residents in Montgomery County; AND
- WHEREAS the City understands that as a condition of participating in the Montgomery County recycling reimbursement program, the City must specify that, where applicable, the Montgomery County Comprehensive Solid Waste Management Plan, specifically Council Resolutions 11-382 and 11-2132, apply within the Montgomery County portion of the City;
- NOW THEREFORE BE IT RESOLVED that the City Council specifies that Montgomery County Council Resolutions 11-382 and 11-2132 apply within the Montgomery portion of the City of Takoma Park to the extent necessary for the County recycling reimbursement program; AND
- BE IT FURTHER RESOLVED that the City Administrator of Takoma Park is authorized to execute a Recycling Reimbursement Memorandum of Understanding between Montgomery County and the City of Takoma Park.

ATTEST:



Paula S. Jewell CMC
City Clerk

RECYCLING REIMBURSEMENT MEMORANDUM OF UNDERSTANDING
BETWEEN MONTGOMERY COUNTY, MARYLAND AND
CITY OF TAKOMA PARK, MARYLAND
(Fill in name of municipality)

This Recycling Reimbursement Memorandum of Understanding (hereinafter, "MOU") is made this 20th day of November, 1991, between Montgomery County, Maryland (hereinafter, "County"), and City of Takoma Park, (fill in name of municipality) (hereinafter, "Municipality").

R E C I T A L S

R1. The County in Council Resolution 11-2132, adopted July 5, 1990, amended its recycling program goals to achieve recycling of 35% of the solid waste stream by 1995, and 40% of the solid waste stream by the year 2000.

R2. Both the County and the Municipality acknowledge that it is in the best public interest and welfare to conserve resources by reducing waste, recycling as much of the waste stream as possible and efficiently disposing of the remainder of the waste stream.

R3. Montgomery County Code 1984, as amended, Chapter 48, deals with solid waste matters in general, including but not limited to, the recycling of solid waste.

R4. Municipality presently provides for the disposal of the solid waste of its residents as follows:

- [] Entering into contracts with private haulers to collect, on behalf of the Municipality, the solid waste of the Municipality's residents.
- [X] Using its own employees and equipment to collect the solid waste of the Municipality's residents.

Residents individually contract with haulers for collection of solid waste.

R5. The Municipality presently provides or will provide recycling collection services to its residents by the following means:

Municipality enters or will enter into contracts with private haulers to collect, on behalf of the Municipality, the recyclables of single family and townhouse residents. Copies of the contracts are attached hereto as Exhibit A. Copies of contracts which are executed after the date of this MOU must be promptly provided to the County.

Uses or will use its own employees and equipment to collect the recyclables of the Municipality's single family and townhouse residents.

R6. The Municipality's recycling collection services include the following:

<u>Recyclable</u>	<u>Weekly Curbside Collection</u>	<u>Drop-Off</u>	<u>Other (Please specify)</u>
Newspapers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leaves	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Vacuum collection (Nov.-Jan)
Christmas Trees	<input checked="" type="checkbox"/> (January)	<input type="checkbox"/>	<input type="checkbox"/>
Plastics (Specify types)	<input checked="" type="checkbox"/> 1 & 2	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/> Mixed paper <input checked="" type="checkbox"/> Corrugated cardboard	<input checked="" type="checkbox"/> Used oil	<input type="checkbox"/>

R7. Presently, the County is providing the following recycling collection services:

All single family residences and all residential complexes of six (6) or fewer units or townhouses which have garbage collected from cans rather than, for example, roll-off bin collection (dumpster) receive weekly curbside collection of:

1) newspapers; and 2) Christmas trees between December 26 and January 31 of each year.

R8. Some areas of the County receive weekly curbside collection of grass clippings and leaves when placed in special compostable lawn and garden bags.

R9. The County anticipates expansion of the residential recycling program will begin in mid-1991 when the County's recycling center is completed. The recycling collection services provided to County residents will be as follows:

All single family homes, and all residential complexes of six (6) or fewer units or townhouses which have garbage collected from cans rather than, for example, roll-off bin collection (dumpster) will receive weekly curbside collection of newspapers, cans, glass, and certain plastics. Separate curbside weekly collection of grass clippings and leaves contained in compostable paper lawn and garden bags will be provided in all of the County except the Upcounty Area. Weekly curbside collection of Christmas trees will be provided from December 26 through January 31.

R10. Municipality acknowledges that in order to participate in the program implemented by this MOU, the Municipality must, at its expense, provide comparable recycling collection services to those provided by the County. When the County's recycling collection services increase, Municipality must, within sixty (60) days of written notice of the additional recycling services, provide the increased level of service.

R11. The County and the Municipality acknowledge that the recycling collection services described in Recitals 8 and 9 are funded by the Solid Waste Disposal Fund established pursuant to Chapter 48 which derives its revenues from: 1) the tip fee paid for disposal of trash at the Montgomery County Solid Waste Transfer Station, 2) the disposal charges which are placed on County residents' tax bills within the solid waste collection districts, and 3) recovery of resources including but not limited to sale of methane, energy and recyclables. The County and the Municipality desire that the program implemented by this MOU will exist only as long as: a) the County recycling program is funded from solid waste disposal charges; b) the Municipality is providing substantially the same or greater recycling collection services as the County; and c) the Municipality is complying with the terms of this MOU.

R12. Montgomery County Code 1984, as amended, Section 48-50 provides that the County Executive may enter into contracts, subject to appropriation, with public agencies to aid or operate recycling programs and to create incentives for recycling.

R13. Council Resolution 12-110 approving Supplemental Appropriation #29-S91-OSWD-1 provides as background in pertinent part:

"9. To eliminate this inequity, the County will offer a reimbursement program for municipal recycling. Beginning January 1, 1991, those municipalities providing recycling services consistent with the level of service provided outside the municipalities will be eligible for a reimbursement. The eligibility criteria for program participation will be commitment by

municipalities seeking reimbursement to collect recyclables, and to send all non-recyclable household solid waste under the control of the municipality to County disposal facilities."

R14. The parties understand and agree that it is a condition precedent of the County providing any funding under this MOU that the Municipality:

(1) Cause all residential municipal solid waste that is not collected for recycling to be delivered to the Montgomery County Solid Waste Transfer Station or another location approved by the County; and

(2) Cause all recyclable materials collected from the Municipality's residents to be delivered to the County Materials Recycling Facility unless this MOU provides otherwise

R15. The County may in its sole discretion accept yard waste materials at the County's Materials Recycling Facility for a processing fee to be determined by the County. Municipality is not required to deliver yard waste to the County's Materials Recycling Facility. However, it is a condition precedent of the County providing funding under this MOU that Municipality, except those in the UpCounty, provide in some manner for the recycling of grass clippings and leaves.

R16. (Applicable only to MOU with Takoma Park). Municipality is located both within Montgomery County and Prince George's County, Maryland. The provisions of this MOU apply only to solid waste and recyclables collected from residences located in that portion of Takoma Park which is located within Montgomery County.

IN WITNESS WHEREOF, and in accordance with Council Resolution 12-110 and the provisions of Montgomery County Code 1984, as amended, Section 48-50, the County and the Municipality agree as follows:

1. Incorporation of Recitals. The recitals of this MOU are incorporated herein as if fully set forth.

2. RECYCLING REBATE. Subject to the conditions set forth in this Memorandum, the County, to provide an incentive for the Municipality to recycle, agrees to pay the Municipality a certain sum of money in accordance with this section to be applied to the recycling collection costs incurred by the Municipality.

(a) The County agrees to pay Municipality a rebate as follows:

- (1) Provided that Municipality has complied with the provisions of this MOU, County will pay Municipality an amount equal to the average collection costs charged to the County by the County's collection contractors for the services described in R7 and R9 on a per household basis. Notwithstanding the foregoing, the costs of collection associated with the collection of grass and leaves is not included in the calculation of this rebate. The rebate in subsection (2) reflects the costs of collection of grass and leaves.

(2) In addition to the rebate in subsection (1), if Municipality provides weekly curbside collection of grass clippings and leaves for disposal at the County composting facility, County will pay Municipality an additional rebate on a per household basis. This additional rebate equals the difference between the average collection costs charged to the County by the County's collection contractors in the areas of the County with weekly curbside grass clippings and leaves collection service and the average collection costs charged to the County by the County's collection contractors in the areas of the County without weekly curbside grass clippings and leaves collection service.

(b) As a condition precedent to payment, the Municipality must, on a quarterly basis, provide the County with invoices or other documentation satisfactory to the Department of Environmental Protection (hereinafter, "Department"), reflecting the payments for the recycling collection services provided for the prior 3 month period. The invoice or other documentation must be provided by Municipality no later than the 10th of the month following the 3 month period covered by the invoice or other documentation.

(c) Recycling rebate payments are to be made _____ in arrears so that the payments are, in fact, reimbursement for expenses incurred by the Municipality for recycling collection services.

2. CONDITIONS PRECEDENT TO ANY PAYMENT. The County is under no obligation to make any recycling rebate payment if any of the following conditions have not been met to the County's satisfaction. The Municipality acknowledges and agrees that the County's agreement to provide a recycling rebate is subject to appropriation and expressly conditioned upon the following:

(a) Municipality must demonstrate to the County that its non-recycled municipal solid waste (excluding construction and demolition debris and other materials approved by the Department in writing) is disposed of at the Montgomery County Solid Waste Transfer Station (hereinafter, "Transfer Station") and that the recyclables identified in R7 and R9 are delivered to the County's Materials Recycling Facility. Municipality acknowledges that the County's disposal charges and solid waste revenues pay for the costs of recycling and that if Municipality's solid waste generated within its boundaries is not delivered to the Transfer Station for disposal or to the Materials Recycling Facility for processing, the County cannot rebate the costs of recycling collection within the Municipality's boundaries. Municipality can demonstrate to the Department that its municipal solid waste generated within its boundaries is delivered to the Transfer Station as follows:

- (1) Providing evidence that Municipality collects municipal solid waste within its boundaries and that the municipal solid waste which it collects is delivered to the Transfer Station; or
- (2) Municipality can provide evidence that it contracts for the collection of municipal solid waste within its boundaries and that it requires the municipal solid waste to be disposed of at the Transfer Station; or
- (3) Municipality provides other evidence and documentation satisfactory to the Director of the Department that Municipality has mechanisms in place sufficient to ensure that the municipal solid waste generated within the Municipality's boundaries is delivered to the Transfer Station.

(b) Municipality's recycling program must be comparable to the County's recycling program referenced in R7 and R9.

(c) If the County expands its recycling collection services, the Municipality, in order to continue to receive a recycling rebate, must increase its recycling collection services within sixty (60) days of written notice of the County's additional recycling services. For the expanded recycling services referenced in paragraph R9, Municipality must provide comparable services by January 1, 1992. Failure to

provide comparable recycling services will result in termination of this MOU.

(d) Municipality must deliver or cause to be delivered to the County's Materials Recycling Facility, any recyclables designated by the County which are collected by Municipality or its contractor(s).

3. YARD WASTE BAN. Municipality acknowledges that the Montgomery County Comprehensive Solid Waste Management Plan requires a ban of yard waste at the Transfer Station effective January, 1993. The banned yard waste includes, but is not limited to, grass clippings, leaves, brush, limbs, branches, garden waste, etc. In order to continue to participate in the recycling rebate or to extend this MOU, Municipality must have a yard waste program acceptable to the Director of the Department. At a minimum, the yard waste program must include increased curbside or drop off service for yard waste materials and an education program on grasscycling and backyard composting.

4. TERM.

(a) The initial term of this MOU commences upon January 1, 1991 and, unless terminated earlier, expires _____.

(b) This MOU is terminable by the County or Municipality at will. Termination must be by thirty (30) days advance written notice.

(c) This MOU is expressly conditioned upon the receipt of appropriations to cover the recycling rebate.

(d) This MOU terminates automatically if the County starts charging for recycling collection services.

(e) If any of the conditions stated in section 2 are not met, the County may, at its election, terminate this MOU immediately.

WHEREFORE, the County and Municipality have executed this Memorandum of Understanding as of the above-written date.

WITNESS:

Paula J. Jewell
Paula Jewell, City Clerk

WITNESS:

MUNICIPALITY:

(name of Municipality)
CITY OF TAKOMA PARK, MARYLAND

By: Beverly K. Habada
Beverly K. Habada, Deputy City Administrator

MONTGOMERY COUNTY, MARYLAND

By: _____
William H. Hussmann, Chief
Administrative Officer

0914.DRK:rpc
91.00745

Introduced by: Mayor Sharp

P R O C L A M A T I O N

(RESOLUTION #1991-98)

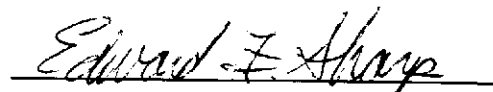
WHEREAS, *Section 404(c) of the Takoma Park City Charter, empowers the Mayor to appoint a member of the Council as Mayor Pro Tempore to serve as Mayor in the absence of the Mayor.*

NOW THEREFORE, I, Edward F. Sharp, Mayor of Takoma Park, Maryland,
hereby proclaim the appointment of

William Leary
Councilmember, Ward 1


as Mayor Pro Tempore

Effective this 18th day of November, 1991.



Edward F. Sharp
Mayor

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced by: Mayor Sharp

RESOLUTION OF APPRECIATION
#1991-100

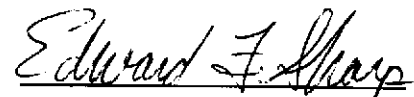
WHEREAS, *as of this date, Councilmember Michael Moore will retire from elective office; AND*

WHEREAS, *it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period November 1989 to date.*

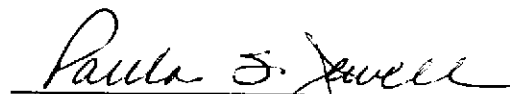
NOW THEREFORE BE IT RESOLVED THAT *the City Council of Takoma Park, Maryland does hereby take recognition of the accomplishments of Michael Moore and expresses gratitude for his valued efforts on behalf of the City and its citizens.*

BE IT FURTHER RESOLVED THAT *this resolution be spread among the permanent records of the City of Takoma Park.*

November 18, 1991


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC
City Clerk

Introduced by: Mayor Sharp

RESOLUTION OF APPRECIATION

#1991-99

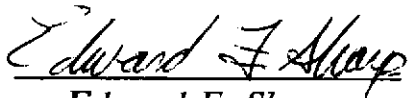
WHEREAS, as of this date, Councilmember Jim Douglas will retire from elective office; AND

WHEREAS, it is our desire to take note of, and express appreciation for, his service to the City as Councilmember during the period November 1987 to date.


NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park, Maryland does hereby take recognition of the accomplishments of Jim Douglas and expresses gratitude for his valued efforts on behalf of the City and its citizens.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

November 18, 1991


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC
City Clerk

November 19, 1991

TO : Distribution Noted Below

VIA : Beverly K. Habada, *Beverly* Deputy City Administrator

FROM : Paula S. Jewell, CMC *Paula Jewell*
City Clerk

SUBJECT: Council Summary from November 18, 1991 Special Meeting
of the Outgoing Council, Installation of the New
Council and Worksession

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

- [] 1. Resolutions of Appreciation - Cows For Kids Campaign - Resolution #1991-93 was unanimously passed, acknowledging a total of 31 individuals and organizations who had contributed substantially to the Cows for Kids Campaign. In addition, Resolution #1991-94 was unanimously passed, expressing appreciation to Dr. Rebecca Davis Elon, Joan B. Horn and Edward J. Murphy, Jr., who had provided assistance for a Santa Marta resident in need of medical care in the U.S.
- [] 2. Montgomery County Recycling Rebate - Resolution #1991-97 unanimously passed, authorizing the City Administrator to execute a recycling rebate Memorandum of Understanding with Montgomery County on the FY'92 Recycling Rebate. **RECYCLING COORDINATOR** to forward copy of Resolution along with MOU back to Montgomery County.
- [] 4. Additional Agenda Items -
- a. Festival of Praise - Resolution #1991-95 was unanimously passed, in honor of the Twenty-third Annual Festival of Praise under the sponsorship of Takoma Park's Sligo Seventh-Day Adventist Church. **DEPUTY CITY ADMINISTRATOR HABADA** will be presenting the Resolution to the Church on November 23rd.
- b. Appreciation to Pastor Zork - Resolution #1991-96 was unanimously passed, noting Pastor Warren Zork's retirement from ministry with the Seventh-Day Adventist Church after 40 years and expressing appreciation to Pastor Zork for his contributions to the Takoma Park community.

(Over)

- [] 3. Other Comments and Presentations - POLICE CHIEF FISHER on behalf of his department, presented tokens of appreciation to outgoing Councilmembers Jim Douglas and Mike Moore.

The last meeting of the 1989-1991 City Council adjourned at 9:20 P.M.

Installation Ceremonies - Mayor Edward Sharp was sworn in by Vivian Jenkins, Clerk of the Prince George's County Circuit Court and Jo Anne Niefeld, representative of the Clerk for the Montgomery County Circuit Court. Mayor Sharp then swore in the 1991-1993 City Councilmembers: Mr. Elrich, Mr. Hamilton, Mr. Johnson, Mr. Leary, Ms. Porter and Mr. Prensky. In addition, City Clerk Paula Jewell was seated at the Council Dais.

- [] 1. Mayor Sharp's Comments - Mr. Sharp noted that there would be a meeting on Wednesday, December 11, 1991 at 7:30 P.M. here at City Hall to give citizens an opportunity to meet with their State legislators to discuss the sole issue of funding for education.

Mr. Sharp commented on some of the important issues he wanted to see this Council address this legislative year: education, the decrease of State revenues trickling-down to the City, the hiring of a new City Administrator, establishment of an affordable housing program, funding for open space financed thru bonds, executing of a new fire station agreement, and establishment of a task force to implement the Americans with Disabilities Act.

- [] 2. Mayor Pro Tem - Resolution #1991-98 was unanimously passed, designating Councilmember Bill Leary, Ward 1, as Mayor Pro Tem.
- [] 3. Appreciation to Outgoing Councilmembers - Resolutions #1991-99 and #1991-100 were unanimously passed, expressing appreciation to outgoing Councilmembers Jim Douglas and Mike Moore. Mr. Douglas served on the Council since 1987 and Mr. Moore served since 1989.
- [] 4. Presentation of the Report of the Newsletter Review Committee - Bob Guldin, member of the Newsletter Review Committee, presented the NRC's Report to the Council.

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The Committee found that many of their own recommendations outlined in this report had been made by previous review committees but had not been implemented adequately. The Committee also concluded that the editorial guidelines are inadequate. The Council will discuss the direction to take on options for the future of the Newsletter as well as the NRC's recommendations at a public hearing to be held November 25, 1991.

Resolution #1991-101 was unanimously passed, acknowledging receipt of the report of the Newsletter Review Committee members and expressing appreciation for their work in preparing the report.

- [] 5. Discussion of Charter Amendment Regarding Non U.S. Citizens Vote - The Council will hold a public hearing on a proposed amendment to the City Charter that would allow non United States the right to vote in Takoma Park elections, on Monday, January 27, 1992. CITY CLERK to prepare draft Charter amendment resolution for the Council's consideration and be prepared to explain the process of amending the City Charter. Advertisements for this Public hearing should appear in the City Newsletter as well as other sources, including those required under State law.

The Special Meeting of the City Council adjourned at 10:40 P.M. The Council then convened into Worksession.

- [] 7. Worksession -
- a. Meet and Confer Meeting - The Montgomery County Chapter of the Maryland Municipal League will be meeting with the Montgomery County Council on Thursday, November 21st, 7:30 P.M. in the Stella Werner Council Building. COUNCILMEMBERS LEARY, ELRICH and DEPUTY ADMINISTRATOR HABADA will be attending.
 - b. Council Committees - The Council will discuss at a later date, whether to continue these committees and the appointments thereto.

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- c. Council Retreat - The Council decided on Saturday, December 14, 1991, 4-8 p.m. at a location to be determined and arranged for by STAFF. Council consensus that no City staff other than the CITY ADMINISTRATOR AND DEPUTY ADMINISTRATOR need to be present and the issues the Council will focus on will be decided on first. CITY CLERK'S STAFF to arrange for dinner that evening for the Council and Staff.
- d. Rebates - BEV HABADA reported on the problems that the State Funding reductions are having on the State homeowners tax credit program reimbursements to the Counties. These reductions will reduce property tax revenue to the City from Prince George's County and maybe from Montgomery County as well. Council wants to wait and see what the figures are before taking any action. See Habada memo of 11/19/91 for details on revenue reductions.
- e. CDMA Legislation - expires on 12/31, and is scheduled for Council's re-authorization in December.
- f. TPVFD Board Appointments - Councilmember Hamilton reminded the Council that appointments of a Council and RECREATION DEPARTMENT representative need to be made on the Fire Department's Board of Directors.
- g. Martin Luther King, Jr. Commemoration Committee - A committee to plan the 1992 celebration will need to be appointed soon. CITY STAFF INTERESTED IN WORKING ON THIS COMMITTEE SHOULD LET PAULA JEWELL KNOW.
- h. Municipal Chapter Meetings - Mayor Sharp would like to see Council assignments made for regular attendance at future Prince George's and Montgomery County municipal chapter meetings.

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Summary from 11/18/91
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City Administrator Wilson
Assistant City Administrator Habada
Personnel Officer Hobbs
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