

CITY OF TAKOMA PARK, MARYLAND (FINAL 1/24/92)
Regular Council Meeting and Public Hearing (For 2nd Review)
Monday, December 9, 1991

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Pro Tem Leary
Councilmember Elrich
Councilmember Hamilton
Councilmember Johnson
Councilmember Porter
Councilmember Prensky
ABSENT: Mayor Sharp

City Administrator Wilson
Asst. City Admin. Habada
City Clerk Jewell
Corp. Council Silber
Asst. Corp. Coun. Perlman
Police Chief Fisher
Recreation Dir. Ellis
Comm. Dev. Coor. VinCola
Public Works Dir. Knauf
Deputy Police Chief Wortman
Library Director Robbins

The City Council convened on Monday, December 9, 1991 at 7:36 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, Mayor Pro Tem Leary made his remarks.

MAYOR PRO TEM LEARY'S COMMENTS AND PRESENTATIONS

Mr. Leary announced that following a Special Session on December 16th, the Council would be on holiday recess until January 13, 1992.

Mr. Leary said that he had recently signed a document which set forth a compromise proposal for the development in downtown Silver Spring, which had been the subject of intensive discussions involving representatives of the Silver Spring/Takoma Park Coalition, and it would be announced on December 10th at a press conference, and he would distribute copies to the Council and the citizens of Takoma Park following it.

Mr. Leary announced that a public briefing on Prince George's Historic District's designation had been cancelled from this evening's agenda.

Ms. Porter announced that on December 11th in the Council Chambers, at 7:30 p.m., there would be a meeting with the state legislative representatives to discuss legislative issues for the coming year which revolved around education.

Mr. Prensky read a letter received from Ms. Robin Metalitz who commented on the Christmas decorations put up around the City, particularly the tree by the library and the holly by the Municipal Building. She questioned why the City made a big deal about Christmas and Easter but not about Hanukkah, Rosh Hashana, the Kwanzaa traditional African holidays or other religious holidays.

Mr. Johnson said that the point was well taken and that the issue was a crucial one and it appeared to him that in a City which prided itself on diversification, he saw no reason for those who were responsible for putting up the decorations to insure that the pluralism of the City were not reflected by City Hall. He said that he was not suggesting that every holiday should have some formal notice, but it did seem to him that December was a time when those holidays deserved special mention and he hoped that those who were responsible would do what had to be done to make it happen.

ADMINISTRATIVE ITEMS

1. First Reading Ordinance Re: Homeowners Tax Credit Program

Moved by Mr. Elrich; seconded by Mr. Prensky.

Mr. Leary indicated that this was an issue which was discussed three years ago; former Councilmember Paul d'Eustachio was the first person who had proposed the program and he hoped that it was finally going to take place.

Ms. Porter explained that the ordinance before the Council would institute a homeowners tax credit program for limited income homeowners in the City. She further explained that it was modeled on a state program that currently existed, which rebated all or part of the property taxes of homeowners who had limited income. Ms. Porter said that a small City supplement would be added to it and the eligibility for the credit would be based on the relationship between property taxes and income; at each income level there was a certain property tax threshold; if a homeowner's property tax exceeded that threshold, the homeowner would be eligible for a rebate which would be equal to the excess. Ms. Porter said the City was using the eligibility criteria from the state and would add a supplement for City taxes.

CITIZEN COMMENTS:

Paul d'Eustachio, 6611 Allegheny Avenue said he was pleased to see the issue brought back before Council because he had brought it before Council about 5 years ago and it was time the Council went ahead with it. He said he was concerned with it in the form that it was presented, and the reason he put the legislation before Council was twofold; the property tax structure was a remarkable regressive format and the idea was to do something to strike back a little bit and make the tax somewhat less regressive within the City and as is now there was a significant number of elderly residents in the City and they were getting priced-out of the City. He continued by saying that the tie-in for the State program was a good idea which simplified the administration, making it less costly and much more reliable and gave a basis upon which the City could easily rely. Mr. d'Eustachio said the concern that he would raise would be the 15% and the State tax credit was such a minimal credit to begin with. The City needed to look at the program and make sure that it meant something. He also said his proposal at the time was to raise taxes to the higher incomes and pass it back along and that Council needed to take that into consideration to fund the program adequately.

Ms. Porter commented that state-wide average in rebate in 1989 was \$500.00+ and if the 15% were on that it would be about \$75.00 and if it had gone up it would be higher.

Jim Douglas, 18 Sherman Avenue questioned what the budgetary effect of 15% was.

Mr. Leary explained that it was \$40,000 and as he recalled, the percentage was set as a result of the calculation of the anticipated number of people who might apply and the amount of money that could be found in this year's budget to devote to the program.

Mr. Douglas asked if there was an effect of State budget on the program and was it related to State cutbacks.

Ms. Porter explained that when a person received the rebate, the State would make up the difference to the County. She also said the State cut back on their funding to the County and the County thereby cut back on some of their funding to Takoma Park as pass-through for their property taxes. There was some discussion as to whether, in light of the fact that some of the funding to them for the State's program was being cut back, we should cut back our

program. We did not and kept the original 15% number.

Mr. Prenskey commented that this had been part of the City's budget over the past three budget years and it would be the first time that funds were expended. He also said that the previous two times the percentage of tax rebate was at 10% and through the efforts of him and Ms. Porter, they discussed it and increased it to 15% since they had experienced a savings over the last two years by not expending funds, they felt it was important to make a significant start. He said he agreed with Mr. d'Eustachio that it was a start and in future years as the program took effect, it could be determined whether it had a significant effect and whether it was important enough to look towards increasing it by encouraging the State to make its structure more progressive at the same time.

Kathy Breckbill, 7104 Woodland Avenue asked how this affected the homeowners. Ms. Porter said that it was the County that was losing out and not the homeowners. Ms. Porter also said that she agreed with Mr. d'Eustachio's comments that this was the beginning and it was low, and that one of the things which needed consideration was whether they wanted to make the tax system more progressive by raising the tax rate slightly at the top and funding a larger rebate at the bottom which would make the tax structure more progressive. She continued by saying that she felt it was important because it had an important impact on the State in terms of alleviating some of the tax burden on some of the people with the lowest incomes in the state and by extending it to the City, it made sense by making the tax structure more progressive and fairer. She said it also increased the stability of the neighborhoods; there were people in the neighborhood who had lived there for over 20 years who bought their homes when the homes were less expensive than they were at the present time and they may have already paid off their mortgage and their home was the less expensive option for them, except for the fact that the price of the homes on the market had continued to go up and their property taxes had continued to go up. Ms. Porter commented that she would hate to see some of the long-term residents forced out of their homes because of increasing property taxes; particularly people who were senior citizens and retired on fixed incomes.

Mr. Elrich said that one of his hopes was that perhaps Montgomery and Prince George's Counties would look at doing something similar to this; Montgomery County had authority from the State to implement the same program and to date, had basically refused to do it. He also said that politicians in Montgomery County were saying that they did not want to raise property taxes in Montgomery County because they did not want to hurt the poor and the people on fixed incomes; he felt that the City had the authority to protect its citizens; the County had more authority than the City did in terms of implementing a circuit breaker on the Montgomery County property tax, and he would urge anyone who was concerned about the budget issues in Montgomery County and the inability to fund schools and social program and the Council's unwillingness to address the property tax, to let their Councilmembers know that they knew they had the authority to do something to help the people who needed help.

COUNCIL ACTION: The Ordinance was accepted at first reading unanimously.

ORDINANCE NO. 1991-42
(Attached)

CITIZEN COMMENTS (those directed at items not on Council Agenda)
Gary Lovette, 308 Grant Avenue said that the Takoma Park Volunteer Fire Department again this year was selling Christmas Trees behind the Municipal Library to benefit the TPVFD. He said that the hours for selling the trees were Monday to Thursday 12 noon to 9:00 p.m. and Friday, Saturday and Sunday 10:00 a.m. to 10:00 p.m.

2. Council Position Re: The Old Town Development Advisory Committee Report

Jim Douglas, 18 Sherman Avenue explained that he would not be able to stay for Agenda Item No. 6; he had to return home because of his accident (he broke a small bone in his foot). He said that the Old Town Development Advisory Committee was created 4 years ago when he first came on the Council and at that time, there was thought that the recent impending "flipping" of the Adventist property which straddled the borders of Maryland in D.C. in the Old Town area, there was a sense of urgency that new development would be happening in that area of a scale and type which would significantly affect the Takoma community on both the Maryland and D.C. sides. He explained that a community group was created by the City Council to represent the various neighborhoods, i.e., Old Takoma, WACO, as well as Takoma/D.C. along with representatives from the business associations of the Maryland and D.C. sides and some at-large representatives in the City, to look at the issues and make recommendations back to the City Council about development in that area. In the course of its discussions, the community talked a lot about development philosophy, what would work or wouldn't work. He said they also met with developers who were planning to build projects there. He also said that the result of four years' discussions, was a report which was before Council that tried to set a tone and a philosophy for the kind of development that they felt would be most appropriate in that area. Mr. Douglas said they were looking towards something that was within the constraints of existing zoning which by-and-large meant somewhat larger structures than existed there now; something that was still within the spirit; scope, style, and magnitude of the kinds of development that everyone had become to know and love in Old Town as it was at present, and also something that was very community-oriented and did not attempt to draw people from outside the immediate Takoma East Silver Spring community but very much served their local area. He also pointed out the land-use plans on the Maryland side were 15 or more years out of date, and the binding planning document for the Old Town area on the Maryland side was prepared in anticipation of the opening of the Metro stop; not only did it focus largely on the predicted affects of the Metro stop, but it was written in the context of a much different social-economic environment for that part of Takoma Park. Mr. Douglas said in the course of discussing the issues, they did meet with County planning staff and explored the opportunity to amend the plan, but unfortunately it was very low on their agenda, that they held out very little hope that it could be on their five year planning agenda or get it reviewed. He also said that he hoped that the report would serve as a de facto update of that plan; spell out where the community felt that development should go when the market turned around and would be of assistance to not only staff of Takoma Park and D.C., but also potential developers as they began to look at what would be acceptable and what would work within the community. Mr. Douglas said that in the 4th Whereas the last substantive word was "neighborhood" and he felt a better word in that context would be "community".

Jeff Henig, 7131 Maple Avenue said he was a representative of the Old Takoma Citizens' Association on the Development Advisory Committee which drafted the report. He said what let them move forward was the gradual agreement on two operating premises 1) they became convinced that development would happen in the Takoma Park area; the zoning allowed for considerable development and the presence of the Metro Stop in the area made it likely that when economic conditions changed, development pressures on that area would lead to further interest by developers, and 2) Takoma Park would have limited direct control over the development which would occur in that area; most of the developed property - large plots - fell outside Takoma Park's jurisdiction, they fell within the District and given that lack of direct control, they felt that it was very important to offer a clear statement of broad goals and not a detailed plan which they could not enforce, that they act

before developers became committed to a particular design or product and that they would come into the process of ultimate negotiations with developers with broad community support around goals that they could agree upon. Mr. Henig explained that among the key elements was their belief that they felt it was important to link better and integrate better, Takoma/D.C. and Takoma Park, Maryland, in particular the two commercial areas which were separated by the Metro track and it was their sense that this was a community with very similar goals and histories and it was important to think towards development which brought them together rather than to push them apart. He continued by saying that secondly, they had a strong preference for mixed use development over predominantly office development; they realized that office development was the most profitable and attractive to developers and they wanted to send a strong signal that they wanted to see commercial and housing in that area also and it was important to meet the community's need for affordable housing. He said they felt that it was important to encourage community-oriented business that were owned and operated by people, either living in or committed to the community as distinct from large chain-type operations. He concluded by saying that at various times at the meetings with different developers, they were very excited about what they were about to do any day or month, and they got caught up in that sometimes; the development was not quite imminent in the current economic situation, and their feelings were that this was the exact right time to act. Mr. Henig said that once a developer would come in, things could move very quickly and it would be possible in that heightened atmosphere for a developer to take advantage of a community; to manipulate things and peel off elements of the community offering this or that to some groups to gain their support, and his group felt the best time to get a clear head of a sense of what the broad community was interested in was now before people were staring down the barrel of a gun.

Tony Giancola, 528 Cedar Street, President of Plan-Takoma, Inc., noted Plan Takoma's endorsement of the plan and proposal. He said it had been a pleasure for Plan-Takoma to be incorporated and be represented on the Old Town Advisory Committee for the past few years. Mr. Giancola said both he and Carol Warner have enjoyed the dialogue and debate associated with the preparation of the study involving many diverse views, and the final report and recommendations will provide an excellent perspective and baseline to developers, city agencies, political leaders, and citizens in the respective communities. He said Plan Takoma strongly supported and endorsed the report and looked forward to continuing dialogue and progress toward implementing its recommendations. Mr. Giancola said that he wanted to emphasize that this was one of the few times that a defined area was finally agreed to, when they considered a commercial area in the Takoma community. He also said that he felt that it was a significant achievement. He said that the plan was dynamic and there was an action required with it; the fact that it was a road map, was something that when they did have developers come in and start discussions, they would lay it on the table and there would be no misunderstandings. Mr. Giancola said that this was one of the few times that there was a document produced by a joint effort from the D.C. and Maryland side. He concluded by saying regardless of whether the resolution was passed or not, they were going to proceed to request to get the Office of Planning of the D.C. government to get it as a guide for planning in the area. He said at present there was a small area study; the economic revitalization plan of Takoma Park which was produced in 1983, and they had already received the support of their councilmember to encourage the Office of Planning to adopt the resolution as basically a planning guide for the area.

Cavan Capps, 6737 Eastern Avenue, WACO said that WACO was also involved in the process and they were supporting the report and were particularly appreciative of the proactive approach to the development which was taken. Mr. Capps said that he appreciated the attempt to encourage development that was on a human scale for

the community, rather than just to say whatever was available, whatever made money was what they were going to put in, and he felt that they had been very specific and strong in showing the advantage to the community on how the community would support that and make the community a place that people could still walk around in rather than drive through and leave at the end of the workday. He concluded by saying that he felt that the collaboration between Takoma Park and D.C. was critical; not just on the present issue, but on many other issues, and he felt that without their collaboration in the present situation, Maryland would not have much leverage on the situation. By working together, there was a chance of effecting development and making it a success for the people who lived in Takoma Park as well as the people who were developing it.

Nina Seavey, 7214 Spruce Avenue, President of Old Takoma Citizens' Association said that she was 100% in support of the Association's document. She said that document was pro-business, which was pro-development and it gave the kind of pedestrian community that they were looking forward to and it was not a no-growth plan; it took very seriously the notion that the City wanted to keep businesses within the community and looked forward to a better community business environment than was currently present. She continued by saying that it was important for citizens to work with the business developers in implementing the plan. She indicated that she came into the process late and as soon as the resolution was passed, they looked forward to working with the rental agent who was now renting space in the Adventist building and hopefully with some of the people who would be doing some of the development in the Old Barcelona Nut area which now looked very under-utilized.

Jane Lawrence, 7704 Takoma Avenue said she was representing North Takoma. She also said that North Takoma was the furthest neighborhood from Old Town, but she felt that her neighborhood had been very sensitized to the development issues because of Silver Spring and she felt that the document was good and it deserved the Council's support.

Council Comments

Mr. Hamilton commented that he would do what he could as a Councilmember to help to ensure that this plan and any other plan that goes forward gives the community what the community wanted and deserved.

Mr. Prensky said that he was also privileged to work on the late stages of the committee, taking over from Mr. d'Eustachio's earlier work and working with Mr. Douglas, and various citizen leaders, and he commended the Committee on an exceptional document. He also proposed to insert in the 3rd Resolve clause the names of specific Washington, D.C. officials that the resolution would be transmitted to--Mayor Sharon Pratt Kelly and D.C. Councilmember from Ward 4, Charlene Drew Jarvis, as well as the District of Columbia Office of Planning as suggested by Mr. Giancola.

Ms. Porter also commended all of the people who worked on the report and noted that it was a good job which took a lot of time. She said that a lot of thought went into it and it was a very good plan; one which held together very well. She noted that there were two things about the process that she found particularly commendable 1) it was done in spite of the fact that there was no crisis at hand; it was different from the usual style - which was a great improvement - and something that should be continued in the future, and 2) a great deal of participation was given by neighborhood associations and she felt it was something that had been done a lot in the past and that had a lot to do with how good the report was.

COUNCIL ACTION: The Resolution passed unanimously.

RESOLUTION NO. 1991-103
(Attached)

3. First Reading Ordinance Reauthorizing CDMA Legislation

Val VinCola explained that the Ordinance included three amendments that were discussed at worksession, and the intent of the legislation was to reauthorize the CDMA to continue to operate until January 1, 1997. She explained that the three amendments were corrections of an erroneous reference to the Annotated Code of Maryland; deletion of language providing that the City shall enforce the licensing fees on behalf of the CDMA, and an addition of language providing that the CDMA may collect reasonable legal fees incurred in instituting suits to collect unpaid CDMA fees. She also said that Corporation Counsel had included a few minor amendments they wanted to incorporate for second reading which were technical and not substantive. Ms. VinCola explained that the CDMA was a quasi-governmental organization that was empowered to assess fees from its members; its membership was based on geographic boundaries at the intersection of University Boulevard and New Hampshire Avenue; the two Takoma Park quadrants of that intersection and the CDMA was empowered by Ordinance for the purpose of promotion and marketing to provide overall revitalization, security, maintenance and amenities within the defined CDMA district.

The Ordinance was moved by Mr. Johnson; seconded by Ms. Porter.

Mr. Johnson indicated that he had lived in Takoma Park for over seven years and during that time he had lived in the area that adjoined the CDMA and he had the opportunity to observe the changes that had taken place. He also said that the contrast between seven years ago and now, was dramatic, and it was far more dramatic than a few signs and banners; it much better than it was five years ago, although it could be better and improved. Mr. Johnson said that there had been some concern on behalf of some of the small business people who felt that the CDMA was doing work that could best be done by landlords; many of the landlords over there had not done that and he felt that it was essential that the Takoma/Langley CDMA continued to thrive and he was pleased to move the adoption of the ordinance that would at least let it continue for another five years and hopefully the progress would continue.

Mr. Elrich commented that the CDMA was a good example of a private sector group working cooperatively for a mutual benefit. He also said that the CDMA had been exemplary in what they accomplished and he was happy to support their initiative.

Mr. Leary said that if the CDMA was a reminder of the good work that was done on two of the four quadrants of that intersection and if it could be expanded to the other two that were within the area, he hoped that county officials would take that into consideration.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading. (ABSENT for vote: Hamilton, Prensky).

ORDINANCE NO. 1991-43
(Attached)

4. Single Reading Ordinance Authorizing Purchase of Police Vehicles

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

Mr. Johnson commented that at the last meeting, there was a lengthy discussion on the issue of the police department's request to purchase an additional two vehicles instead of one. He said since that time, he had an opportunity to discuss the matter with a number of people, and therefore he was moving to amend Section No. 2 of the proposed ordinance so it would read: that authorizing is

given for the purchase of not "one" but "two" vehicles from Sheehy Ford at a cost which would be adjusted accordingly. He explained that Section No. 2 would be amended to provide for the purchase of two vehicles and shall be charged to the account, etc.. The motion was seconded by Mr. Hamilton. Mr. Johnson said it was his understanding that the Police Department asked for five vehicles; two of the five vehicles were to be paid for by non-city funds; the funds for those vehicles where one was through a grant which Chief Fisher and the rest of the department had secured with the approval of the City Administrator; one was for the outreach to youth program, and the second was for outreach to the Hispanic community. He said another police vehicle that had been wrecked and the replacement of it was from the insurance company for \$6,400.00, and in effect the City would have had to pay three quarters of the value. He indicated that the City was left with two vehicles that the Police Department bought, and it was his understanding that there had always been an informal understanding that the Police Department would be able to replace two of its vehicles each year. Mr. Johnson said that it seemed there were high-priced administrators who had been hired to be in charge of running the Police Department; each police officer of 38 men and women on the force, were given 17 bullets to decide whether or not under a certain situation someone would live or die, and that was the responsibility that was placed on each officer who was sworn to protect the citizens. He also said that the Council did not second-guess any officer in the performance of his duty unless and until such time a complaint was filed; the responsibility would be expected to be met by Chief Fisher, as well Captain Wortman and others, and if and when a grievance did arrive it would be handled in a normal course of events. He said that the Council needed to avoid becoming overly-involved in micro-management of any department that he hoped in the future they would be able to allocate the resources to the departments through the budgetary process and hold managers accountable for how money and resources were used, and if and when the time came if there were questions about the allocations, they would act appropriately.

Mr. Elrich said he took an opposite point of view with regard to the vehicles. He said he did not consider it micro-management and the City had long been lacking in a fleet replacement policy, and it seemed to him since Council would be moving in that direction and dealing with it, they should put off procuring additional vehicles until there was a clearer sense of what the fleet policy was going to be. He also said that the Police Department had in its inventory vehicles which were adequate and could continue to be kept on the road through the rest of the budget year, before the most important issue was resolved--how rationally should all of the vehicles in the City be handled. He continued by saying that he was sympathetic to the plans he heard about what other department heads and assistant heads had for their vehicles at their disposal. He said jealousy between the departments was not an argument for spending \$13,500.00; it was an argument for looking closely at the vehicle policy for all departments and making sure that there were no idle vehicles sitting around. Mr. Elrich said that the City would act responsibly in adopting the fleet maintenance policy and when that happened, the Police Department would be on a rational vehicle rotation system; something better than an informal agreement to replace two vehicles per year.

Ms. Porter indicated that she supported the work of the Police Department in particular, the work that they were doing on community-oriented policing was a very good effort and it was well received. She also said the issue was not whether they supported the Police Department or whether they were micro-managing, but it was a budget issue and what originally came before Council was not five police vehicles but four vehicles and that was what had been agreed upon in the budget. She went on to say that since then, they had been informed of a vehicle that had been wrecked and which would cost city funds and additional insurance funds to replace, it then became a budget issue because money would have to be taken out

of the budget to pay for the wrecked vehicle. She suggested substituting the wrecked vehicle for one of the two vehicles which would have ordinarily been replaced on a regular rotation schedule. Ms. Porter continued by saying that until there was a vehicle replacement policy which spoke to when each vehicle would be replaced and rotation schedules, she felt that this proposal made the most sense and that was why she was supporting it.

Mr. Hamilton said that as he had indicated in worksession, it was a budgetary issue and his concern was to make sure that the schedule was followed. He said that it was important to distinguish the difference between the two cars; an \$800.00 difference, but to modify the smaller car was an additional \$500.00.

Mr. Prenskey said it was his understanding that in worksession it had been agreed to authorize one Crown Victoria and two smaller vehicles and he questioned why was that proposal not before Council. Ms. Habada explained that under the City procurement rules on the other two vehicles, they would have to find a cooperative purchase arrangement like the one that they had on the Crown Victoria police packages. She also said that they had not had the time to come to a decision due to the time factor.

Mr. Prenskey questioned if it had been agreed upon to purchase three new vehicles and only one was before Council. Ms. Habada replied that one vehicle was the police package vehicle and the other two would have to be awarded under a separate ordinance. She also said that the question was whether or not they were going to be able to buy the two vehicles for \$13,000 and whether or not they would be new.

Mr. Leary asked Ms. Habada where was the other \$13,000 coming from. Ms. Habada responded that the proceeds of the insurance funding was \$6,800.00 and the difference would have to be made up from unappropriated reserves.

Mr. Prenskey commented that it was his understanding that when they agreed to move forward it was to purchase one police package and two smaller vehicles. He said Mr. Johnson's proposal to buy two police packages would make it impossible to buy the two additional vehicles for the parking enforcement officers which he felt should use smaller fuel efficient vehicles. He said he supported the ordinance as presented to Council and his understanding from the worksession was that they would attempt to find and purchase the two new vehicles; get the two parking enforcement officers out of the one vehicle that they had which was a gas guzzler. He believed that the combination of both fleet replacement policies and fleet maintenance policies being centralized in Public Works was something that a conclusion would be reached on and he felt that the Council should stay within the budget.

Ms. Habada commented that during a discussion in July about how many cars the police department would be able to buy, it had been Council's decision to allow them to buy the grant cars as well as one of the police package vehicles that was in the budget, and defer until later in the fiscal year the discussion of replacement of the wrecked vehicle. She also said that they were operating under that assumption that they would be able to come back and replace the wrecked vehicle as well as the one that was already budgeted in the capital budget, which was a commitment that had been made to staff at that time and they hoped that commitment would be fulfilled at a later date in the fiscal year. She said it was staff's intent to come up with a situation that they would be supporting the parking enforcement officers as opposed to the police officers.

Mr. Leary asked why Council deferred. Ms. Habada said that the reason for deferral was basically the decision had been in front of Council of the need to move forward with the grants; the second grant had not been approved and at that time the concern was that

Council was moving too fast on all of them at that point.

Mr. Hamilton said that they would not need one of the cars until January because the grant person was not coming until January and that was when they made that decision that they would need a car for that individual and Council deferred that until December or until the person came aboard. He that they had also talked about not having but one parking enforcement person at that time instead of two and they decided to not purchase a car for someone who was not on board yet.

Mr. Johnson said he realized that this was an issue that Council would have to deal with as responsible public officials, and he asked that the question be called as soon as possible.

Mr. Elrich said regardless of Council's decision in July, the members were entitled to rethink and reevaluate information and it would be irresponsible for them to pretend that they did not know or had not learned anything after July, and if the vehicle was needed for an officer coming on line, it could not be that crucial and he could wait until the budget process was done.

Ms. Porter said it was her understanding that at the end of the discussion no decision had been made on the issue.

Mr. Leary asked what would be the effect of a decision to purchase one vehicle and to defer a decision about any additional vehicles until a fleet replacement was adopted, including two small vehicles for parking enforcement officers.

Police Chief Fisher responded that currently there would be nine vehicles, and ideally they would always have nine vehicles, and the idea of a limit of ten; officers drove their vehicles or the vehicles were driven at least 10 hours per day. He also said that the winter months were coming and officers were expected to be on the road during morning hours when there was ice and snow on the ground, and there may be additional incidents of damage or accidents, were unpredictable. He continued by saying that those were the kinds of things that impact the overall completed fleet, but whatever happened they would have to do the best that they could with what they had. He said that the agreement made five years ago had worked exceedingly well with the Police Department and Public Works, in having a sufficient amount of vehicles for the officers to always have available, even during times when there were mechanical problems and in some cases accidents. Chief Fisher also said that it had turned out to be an ideal situation for the Police Department; it would be impossible to suggest at the present time the real impact of Council's decision based on the ability or possibility that there may be another accident or mechanical problem with may affect one of two of the cars. He said that in reference to the question of enforcement, it was an economic decision and the decision regarding the police cars was a public safety decision.

Ms. Porter commented that at the worksession, the original proposal was that with the purchase of two new police cars the two old police cars would be given to parking enforcement, i.e., they would have the same number of vehicles as they did presently. Chief Fisher responded that they only had to give parking enforcement one additional vehicle.

Mr. Leary questioned that if one vehicle was authorized instead of two, did it mean that that the police department would have only nine. Chief Fisher explained that they would have ten vehicles, that they would not retire one, and one of the ten would be older than they would like it to be.

COUNCIL ACTION: The question was called on the amendment by Mr. Johnson to authorize the purchase of two police package vehicles rather than one. The amendment failed by a 4 to 2 vote: AYE:

Johnson, Hamilton; NAY: Elrich, Porter, Prensky, Leary. The Ordinance as originally proposed was adopted unanimously.

ORDINANCE NO. 1991-44
(Attached)

5. PUBLIC HEARING - Discussion of Contracting Out Management of Cable Station

Mr. Leary explained that the ordinance before the Council was to authorize the City to enter into a contract with Takoma Park Community Television, Inc. to operate the Takoma Park Cable TV station. He suggested to the Council that people wishing to speak on the issues would be given one opportunity to speak and only one; he said there would be no second round of citizen comments as in the past.

Mr. Leary summarized the proposal. He said what was before the Council, was a proposal to enter into an agreement with Takoma Park Community Television, Inc., the group which now operated the community programming side of Takoma Park's Channel 54 to take over operation of all aspects of the community television station including Municipal Programming and other official activities of the City government. He continued by saying that they would agree to do that in exchange for control over the franchise fees which were paid to the City by Montgomery County which currently totalled \$22,000 per year, and would increase if subscribers increased. Mr. Leary said that the Ordinance as drafted also obliged Community Television, Inc. to agree to several guidelines which would be enforced by the City staff; 1) to establish and publicize guidelines for approving the form, content and scheduling of new programs; 2) to guarantee free and equal access to cable television, facilities, and programming, assistance to all Takoma Park residents who complied with the guidelines referred to in the previous paragraph; 3) to guarantee full participation by all interested Takoma Park residents in the activities of the Community Television organization; 4) provide training and cable operations to all interested Takoma Park residents at cost. Mr. Leary said what was envisioned, if a majority of the Council should agree at first reading, was that based upon the general guidelines, City staff would then draft in cooperation with officers of the Community Television, Inc., a contract which would implement the provisions insuring City control over the operation and then that contract would be available to Council for consideration for final adoption of the ordinance as written or amended.

Moved by Mr. Hamilton; seconded by Mr. Johnson.

CITIZEN COMMENTS:

Denise Jacobs, CEO Takoma Park Community Television, Inc. stated that prior to November 6, 1991 she was the executive officer responsible for all training and technical support. On November 6, 1991, she became the CEO as a result of Mr. Hamilton's being reelected as a Councilmember; he had promised to step down as the CEO to avoid any appearance of conflict of interest. She said Mr. Hamilton served on the Cable Board for 4 years and for the past 2 years, served as their chairperson. She said she was at the meeting on behalf of the Takoma Park Community Television, Inc., to offer the community's proposal to the City Council for the continued operation and funding of Takoma Park's Cable Station. Ms. Jacobs stated that she would give a brief history of the process which had brought them to the present state. She said that on August 13, 1984, Ordinance No. 2728 was adopted by the City Council establishing the original cable board. She summarized the Corporation's report and said in summary, Takoma Park's Cable operation is too valuable in terms of equipment; too cost-effective in terms of operation, and too promising in terms of public support to discontinue it or withdraw support from it. The reconfiguration of community television to incorporation and the restructuring of its relationship with municipal television and the City government,

offer the best opportunity to free it from a difficult past and allow it to continue the process of revitalization it has so clearly begun. She indicated that also included with the report, were the County's figures on programming which showed that Takoma Park Television had fallen behind Montgomery County Television by only 3 hours in original program and that MCT had a budget of \$1,700,000.00. She also said that effective July 1, 1991, the community side was mandated by the City Council and the City budget to generate \$5,400.00 in revenue and as of October 1, 1991, \$1,450.00 had been deposited in the City's account.

Ms. Jacobs said the community side had been mandated to tape Council meetings, election forums, election results, a special session the evening of the election, and oversee the day-to-day operations of the station while the municipal coordinator was on three week's vacation. Ms. Jacobs announced that there was one other thing to be aware of which was that Paul Ngo as well as she, had wired the Council Chamber and installed the overhead speakers as had been requested by the City Administrator to help improve the audio sound and lighting within the Chamber. She also commented that she and Paul did all of the labor and ran over 1,000 feet of cable; sorted large amounts of connectors; fixed demo lights around the Chamber room, which was an example of the kinds of services they provided the City. She said by them doing 62 hours of labor, they saved the City over \$3,000.00. She said on July 19th, Takoma Park Community Television became legally incorporated; the incorporation grew directly out of the 1984 ordinance that she mentioned earlier. She also said that they were very proud of being able to fulfill the vision that was started back there and bring to fulfillment at the present time. She continued that on November 5th, the Cable Board ceased to exist and what they had at present was an informal agreement with the City of Takoma Park to replace the Cable Board or to act instead of the Cable Board; i.e., there was no official liaison between the City and the community side of the television station nor a liaison between the community and the City through the television station. Ms. Jacobs explained that they realized the tough economic times could cast a dark shadow over the future of the City's cable station; they did not want to become victims of the budget axe; they had an alternative way to preserve cable, but at the same time, to reduce the City's taxes allotted to Cable and she proceeded to read the proposal from Takoma Park Community Television, Inc. She expressed her thanks for having the opportunity to share how they arrived at the present point, and said that the process had been long coming from the ideas of 1984 to what was currently being done on a daily basis in 1991, and she hoped that the rest of the discussions would focus on the proposal and the future of the City's cable operations. She indicated that she wanted to leave everyone with a picture of all the volunteer efforts that sustained the community's ability to access the station as well as the pride the volunteers took in their finished products that had become part of Cable 54. She said for each program that is shown, regardless of the type or length, it took volunteers on the camera, sound system, switcher, scheduling time and places, production, editing, dubbing, and as well as general staffing and teaching; it was all accomplished by volunteers who hold full-time jobs but had a larger than full-time dedication to making the station, not only accessible, but a viable entity within Takoma Park and the surrounding areas. In exchange for their hard work she said, they now had the opportunity to nurture the 1984 vision and prove that the citizens did care about the station and this community, and were willing to do their share to make Cable 54 last forever.

Dolly Davis, Ward 4 resident came forward with two letters which she read from supporters in the community: from Fran Hayward, Chair of the Takoma Foundation, thanking the Board for the professional job it did in broadcasting the 1991 candidates forum. A second letter written by Dorothy Chicello supported the proposal for letting the Corporation operate the Cable station.

Richard Allen, Executive Director Suburban Fair Housing, Inc. 414 Hungerford Drive, Rockville, Maryland said that he was before Council to speak to what had been gained in the appearances that they had made on Takoma Park Television. He went on to say that Takoma Park Television had run numerous interviews on the problem of housing discrimination and his organization, had public service announcements pertaining to housing discrimination running continuously for that period of time as well in English and Spanish. Mr. Allen also said that what was being done regarding cable television was very progressive, innovative and creative, and they had greatly gained as a private non-profit organization dedicated to the fight against housing discrimination.

Joanne Stato, Takoma Park Lesbians & Gays (TPLAG), 11 Philadelphia Avenue stated that her group was a social group which gave monthly pot luck brunches in Takoma Park and sometimes extended themselves to a more active role by educating the community about lesbians and gays. She said that her first contact was with Takoma Cable a year ago during one of the bi-annual poetry reading TPLAG held in Takoma Park; they were held in various locations, and Takoma Cable had advised them on how to use the sound equipment and made it possible for them to have sound amplification of their writers. She also said that the second occasion was a more momentous one; in September 1991, TPLAG organized a forum entitled "We Are Family"; a forum on lesbians and gays in Takoma Park for the Takoma Foundation. She continued by saying that they held the event on the second floor of the Municipal Building, and Takoma Cable took the time to set up their microphones and made it possible for them to make an audio sound recording of their event, and at the last minute former Mayor Del Guidice who had been planning to introduce their event and had lent his support public and private, had to have last minute surgery and was unable to appear at their event. On very short notice she contacted Mr. Hamilton and Mr. Ngo and the two of them took the time and energy to make a video of Mr. Del Guidice in order for them (TPLAG) to have his statement presented at their forum as part of their introduction. She also said that at all times during her contact with the people at Takoma Cable, she found them to be friendly, cooperative, very accessible, extremely knowledgeable, and professional in all of the things that they did; any group that has had to put on a public event knew the value of having a sound system that worked and they knew the value of dealing with people who were positive and friendly. She concluded by urging Council to continue to support Takoma Cable and to keep the resource available for the community because it was very important and valuable.

Gene Vivens, 7333 New Hampshire Avenue thanked Dolly Davis, Paul Ngo, and Denise Jacobs because they had made a dream come true. He said that he was the producer of the Haitian TV Show. Mr. Vivens said that the Takoma Cable TV staff had helped him; not only him but the Haitian community. He also extended his thanks to the Cable Board on behalf of the Haitian community because the Haitian people who lived in Takoma Park could see the image coming from back home and could see the news, picture, and videos of the Haitian artists. He said it was very important at a time such as this because of what was happening with the Haitian community; Channel 54 was providing the information to the Haitians who lived in Takoma Park, especially the ones who did not speak English.

Nina Seavey, 7214 Spruce Avenue said that she had been opposed to the use of city funds for cable services. She said her view was that the ways cable television got into the communities was that they offered the fees for franchises that would be devoted to public access. She also said that as production and editing costs, and technical and personnel costs had risen, they had never really met the need and the demand which communities had wanted for increased cable television services, therefore communities just like Takoma Park, in a generous spirit, had tried to bring additional revenues to these efforts. Ms. Seavey indicated that she was pleased to see Takoma Park City government get out of the

business of supporting cable television; she believed that there was a need for local access but it was not in the spirit in which it was intended--the organization becomes larger to try to meet the increasing demand for cable services. She said if in a situation when it was extremely expensive to bring a service to an organization or community to broadcasting entity, it was better that it was not brought at all, unless it could be brought in the appropriate way. Ms. Seavey said it may appear an odd position for her to take since she had been a producer for 12 years, but she believed that the expenditures tended to take on a life of their own and she would like to see a closing of the door of future expenditures.

Thelma Smith, 7819 Piney Branch Road said she supported Channel 54 and she was in support of a proposal to assist in saving her tax dollars. She said she was pleased with all of the effort which had been put into the Channel 54.

Julie Wiatt, 325 Lincoln Avenue said that cable television had been a valuable and powerful means of expression and communication for Takoma Park residents and it deserved support.

Cavan Capps, 6737 Eastern Avenue said that as a Takoma Park resident and taxpayer, he felt very privileged to have a local community cable television station. He also said that the resource had not been used to its highest potential, and there was little programming which sufficiently interested him which would justify the current programming. He said that he was concerned that the contract may only include provisions for citizens' input but not encouragement for active citizens participation in the development of programming. He continued by stating that he would like the plan for new programming published in the newsletter along with the philosophy of the station; he would only be in favor of continued taxpayer support of the cable station if the current proposals for changes resulted in high-quality programming directly to a broader segment of the population. Mr. Capps said there was an enormous amount of resource in the community if they only were given a chance to be used. He said that he attempted to reach the cable office twice and he received no answer; there should be more reliable services to the citizens in order for them to place their confidence in a group with the contract. He also pointed that dissemination of exactly what the cable station was about and the access to it was not broadly known in the community.

Bruce Moyer, 37 Philadelphia Avenue said he was in favor of and supported the proposal. He said in the earlier days of cable, they did not pursue the notion of a non-profit corporation with the kind of zeal which was evident in the present proposal. Mr. Moyer said that there were important points that he believed needed to be retained within a contract: to continue to recognize the City's authority and responsibility in regard to that channel when a franchise was renegotiated. He felt any new cable franchisee would seek to try to limit the number of access channels and have the municipal entities maybe co-share only two channels. He stated that the contract here should insure: 1) the channel remain a municipal channel with the City retaining the ultimate authority; 2) the City maintain oversight in participation as a co-franchisor in terms of the administration of its relationship as a co-franchisor; and 3) the title to the equipment remain with the City. He said that he understood from the proposal, that the non-profit would have the responsibility for the maintenance and upgrading of the equipment, and that the title should remain with the City. Mr. Moyer commented that it was a very positive contribution to the City, both economically as well as using cable as a resource by which a non-profit would handle the programming and other operational aspects of the channel. He concluded by complimenting the cable staff, Mr. Hamilton, and others for proposing the proposal and supporting it.

Lynne Bradley, 8112 Flower Avenue said that there was a lot more work to do even though she supported the general concept of the non-profit cooperation managing the channel and at least a large part of the programming. She also said the non-profit group needed to be congratulated for being so organized; at the same time the City Council represented all of the citizens of Takoma Park and the issue of keeping the responsibility for franchising with the County government, other co-franchisors, or the Cable company, should remain with the City and she felt that the non-profit cooperation would want that also. She said while this concept could be endorsed, the questions needed to be at some level of detail in order for the public to feel comfortable and trusting. She also said that the programming and administration functions had to remain accessible to the public.

Mr. Leary said that the expectation was if the ordinance would be passed at first reading, it would then authorize City staff to work out the details of the contract with representatives of the corporation and the contract would be made available to the City Council and to the public and would be the basis for taking final action at second reading, and not until they had the contract, would the ordinance be passed.

Carol Coney, 6701 Little Eastern Avenue said she was in support of the Takoma TV. She also said that in the past, she was general manager of a radio station in Pittsburgh that was community-owned and operated. Ms. Coney said that she was also in support of the concept of community incorporation of access services, both in radio and television. She continued by saying that her personal experience with Takoma Cable had been very positive; she had her training in video there, and also operated the camera occasionally at Council meetings. She also said that the community bulletin was very effective and she was amazed at how fast an announcement she brought in made it to the bulletin; it was an on-going effort by a very dedicated group of volunteers and if it were decided to be a non-profit cooperation, she would become more involved because she felt that the community would feel more invested if it were incorporated as a community organization.

Sharon Ellis, City Recreation Director said that she found cable television to be extremely important to the City Recreation Department, in getting events announced prior to their taking place and covering them and showing them to the community. She said she supported cable television and that Paul Ngo had been a very big supporter of the Recreation Department; when tapes were needed, he taped them and he was also the person who was responsible for coming up with the idea on the purchase of the City portable PA system. She thanked the cable television for all their cooperation and said that she hoped that the City would see to funding more supplies and equipment which would enable them to cover many of the outdoor events that took place in the evening, e.g., the Halloween children's costume parade. She concluded by saying that she hoped the Council would continue to support cable TV as it had been a big boost to the Recreation Department in getting the information out to the people; many people had found out about their activities because they were announced on cable television. She thanked Mr. Hamilton and Dolly Davis for their past support and she hoped that Council would consider continuing with cable television and giving it more support that it had in the past.

Michael Clinansmith, 7710 Maple Avenue said he had a unique experience during the last few months while running for political office, and many people who were associated with cable television had a chance to talk with him about it and impress upon him the good work that it had done. He referred to page 3 of the Summary of the Chief Executive Officer, in which she stated why she wished cable television to continue: in summary, Takoma Park's cable operation was too valuable in terms of equipment; too cost-effective in terms of operation, and too promising in terms of public support to discontinue it or withdraw support for it. Mr.

Clinansmith said that during the past months both sides on the issue had approached him; the cable television side impressed upon him the devotion that they had to cable television and its good works, and they also impressed upon him the cost involved; the City could not cover the cost involved. He continued by stating that Kay Dellinger and others brought the negative issues forth, i.e. the cost of her putting the Peace Concert on cable. Mr. Clinansmith said in essence, what was really at issue was that people valued organizations as the Takoma Foundation or organizations which needed cable support, but in the end the argument was about money. He also said that when he came into a discussion which listed on its budget salaries which were allocated in 1992 of \$38,819.00 and a salary request from cable television of \$17,500.00, he was going to ask questions; who were the salaries going to; how many people were covered by them; etc. He said that he would like to see questions answered before going any further on what should be the format. He said that he trusted the ability and the judgement of the people running cable and he trusted their sincerity of the things that they wanted to do with one of the City's most valuable resources; but there was a big shadow over the whole operation.

Kay Dellinger, Hampshire Towers resident said that the entire process had been mishandled, if there was going to be a hearing on the issue of the TV station, the entire proposal with the bylaws should be given to the members of the community before a public hearing was held. She said that comments from the public should be printed in the newsletter before the hearing. She asked where were the bylaws of the corporation.

Mr. Wilson replied that the bylaws had been previously distributed and she would receive a copy. He said the bylaws were part of the incorporation documents.

Kay Dellinger asked Mr. Wilson whether he was referring to the bylaws that were put out in September and said that if these were the bylaws he was referring to, they were anti-democratic and were outrageous.

Mr. Hamilton responded to Ms. Dellinger and said that the bylaws were in the membership's hands; members received a copy of the bylaws and she would have to direct her questions to the corporation, as he was not part of it.

Kay Dellinger stated that there was a proposal put out that no one had seen until tonight that did not contain any bylaws, and now it was being said that the Council and no one else had the bylaws. Mr. Hamilton said that it was part of the public presentation; the proposal was in front of the Council and the once the Council made its decision, it would be public to everyone, which was part of the contract.

Kay Dellinger stated that the public had a right to see the bylaws and the proposal and the bylaws should be given to the public before a public hearing was held. Mr. Leary said that the bylaws would be distributed as soon as they were copied.

Kay Dellinger said that the hearing was a waste of time because no one knew what they were talking about. She also said that citizens should have been able to write comments in the newsletter regarding the proposal before a public hearing was held. She said that if the present bylaws were the same ones that were put out in September, they were unacceptable and should be thrown away.

Mr. Prensky attempted to explain to Kay Dellinger that the bylaws were given to Council in September and were dated August 18th and were presented. He said her opinion may be that they were undemocratic but that was only her opinion and not a fact; the fact was that the bylaws existed and had been presented to the Council and the public at a variety of public meetings, and he did not feel

that the issue was the lack of the bylaws which were in front of her at the present time. The issue was the resolution which was presented with the kinds of guidelines that Mr. Leary had presented.

Kay Dellinger responded that the issue was that the bylaws were not there and she did not have a copy of them nor did the public. She said it was not just her opinion that the bylaws were anti-democratic; she said that Mr. Elrich had said that they were anti-democratic also. She continued by stating that at least one member of the Council told her that the bylaws were being re-written by Sue Silber's office, and questioned was that true. Mr. Hamilton replied no, and explained that the bylaws were a part of a corporation which was a private group of people who formed a corporation, and the bylaws belonged to that corporation. He also said that the City's Corporation Counsel did not have the authority to review a private group's bylaws.

Ms. Silber explained that it would be a conflict also; if the City was about to enter into a contract with the non-profit corporation, she should represent the City and not be representing both sides of that deal.

Ms. Dellinger indicated that in September she had made a freedom of information request for a list of every amount of money that the cable station had received from every source and every amount of money that they spent over the last two years, and she had never been given that information and it was now December. She also said that no evaluation of the station could possibly be made by anyone until the list was produced.

Mr. Wilson responded by saying that he was under the impression that a great part of the material had been given to her.

Ms. Dellinger responded that none of it was; she wanted a list of every amount of money that the community side and the City side spent for the last two years; she had not received anything.

Mr. Wilson told Ms. Dellinger that she had received a full accounting of the cable television group side of that dollar amount on a single sheet of paper that he personally handed to her and she subsequently told him that she had misplaced it. Ms. Dellinger acknowledged that she had the one sheet of paper and could not find it, but it did not contain what she asked for.

Mr. Wilson asked Ms. Dellinger whether or not she had a canceled check for \$160.00 paid to the Takoma Park Community Television, because if she did, her argument could be settled; there were all kinds of ways in which data could be presented and what was presented to her was fully acceptable under accounting practices in terms of an audit statement.

Ms. Dellinger said that she had the canceled check for \$160.00 and the concert was taped; she was saying that she had never received a list of the expenses that she asked for, she wanted a list showing that the TPPN paid \$160.00. She asked if a person became a member of the corporation, what did they receive by becoming a member and who was going to have control of the content and form of the programs. She also said that the TPPN had put on six concerts which had never been taped by the cable television station because they could not pay \$200 per hour, which meant that community access television was inaccessible to the community.

Mr. Leary responded that if the ordinance was passed, none of that was permitted.

Ms. Dellinger said the City should maintain control over the station and it should not be maintained by any community group; there was \$250,000 worth of equipment and the City should maintain absolute control of it and the station; the community group could

do volunteer work and if they did not charge so that the community had access it was all right for them to tape programs. She concluded by saying that the whole process had been completely mishandled.

Council Comments

Mr. Leary said that the suggestions which were made by Bruce Moyer were very instructive. He also said that final action would be taken on the proposal when Council and citizens had seen the details. He proposed an amendment to the ordinance: "The City of Takoma Park shall continue to exercise ultimate authority and responsibility for Channel 54 which shall remain a municipal channel and the City shall continue to exercise oversight and hold title to all cable television equipment". The amendment was seconded by Mr. Hamilton.

Mr. Hamilton noted that each year the City gave a request to Kay Stevens on the equipment for the next year and previous year for maintenance. He said the issue was not to negotiate the franchise but who would be the person who negotiated for the equipment on behalf of the needs for the City and the maintenance only, which was what the intent was for. He said they were not trying to negotiate the franchise, that was the responsibility of the City which was bound legally until 1998 to honor that, and the City budget did not allocate the equipment and it clarified that this group of people would work directly with the County on the equipment which would be needed.

COUNCIL ACTION: The amendment was accepted unanimously.

Mr. Johnson commented that he assumed that Ms. Dellinger opposed the resolution. He also said in terms of the resolution itself, he had problems with the present language and he felt it could be dealt with in time. He continued his remarks by referring to Section 3 subsection B, paragraph 7 and said that he was very unhappy with the quality of the televising of the proceedings, and had been unhappy with them as a private citizen; they were embarrassing and he felt that the situation must change; he would like to see community involvement in it also. He also said the public needed an opportunity to examine the documents that had been circulated which was useful and he welcomed the opportunity to review the bylaws, and just by scanning over them, he was not in a position to critique them. He also said that he felt it was essential that the kind of access was provided to make clear to the answers to the issues which had been raised by citizens. He continued his remarks by saying that one of the issues he had was that of evaluation. This was not intended to denigrate the opinions or the reviews of the City Administrator or Mr. Hamilton or the other volunteers who worked on the issue, but it seemed to him that there should be a provision for an independent evaluation, which should be a part of the budget of the program. There were a variety of people and organizations available who had the kind of expertise in cable television that he did not have, and he felt that an independent evaluation by an outside person with no hidden agenda would be essential to the program.

Mr. Elrich said that the questions gave a lot of cause for thought. He also said there had been a worksession scheduled in October to discuss the follow-up on the public hearing; the worksession disappeared from the agenda and the Council had no opportunity to follow up in any way on the discussion nor the points which were raised on that night, and the Council would have benefitted in sitting down and having a discussion. He said he had been told that his concerns regarding the bylaws were being dealt with, but he did not have any bylaws to look at to know if that were true and he was told that the contract was being dealt with by the City's attorney. Mr. Elrich said that there was no contract in the packet and he did not know whether or not the City attorney had looked at it regarding the City's relationship to Cable since the public hearing. He also said he did not understand why the resolution

should go forward because it appeared that those issues were being worked on and the resolution was not needed to move anything forward. Mr. Elrich said that he felt that the resolution should be considered with bylaws and with the contract simultaneously and he was reluctant to approve something at present which did not have the key pieces. He asked how could it be expected to be approved on first reading without the guts of the measure which would really make it work. He also said it should come along with the contract and bylaws and the Council should have a hearing with contract and bylaws present. Mr. Elrich said that he did not feel it was in the public interest to turn a debate over to have the community access to a municipal channel over whether it would cost the City \$7,000 or \$30,000. He said the current budget was \$58,000 but they did receive franchise fees and it was not all coming out of taxpayer money; the community cable's proposal still involved City revenues, the \$23,000 in franchise fees were not the possession of the community cable, they were the possession of the City - the City could operate no station and take those fees as income or the City could use them to maintain its own operation or pass it on to a community group, but it was City revenue and it was a choice at how to use the money. He further stated that the budget also called for an additional City expenditure of over \$6,000 but a larger number was used in the presentation, which also understated the amount of City support. He also said that the City supported cable television not only monetarily but in terms of staff.

Mr. Prenskey said that the people who were responsible for cable were all of the citizens in Takoma Park, only 51% of whom were households that subscribed to cable television. He also said that he agreed with the speakers who consistently said that this was a valuable community resource and he agreed that the cable television had provided good service. He further stated that what was presently before the Council was not a resolution but an ordinance and what Council was considering to do was to vote on it at first reading. It was common practice for the Council to approve at first reading when there was a basic agreement on a proposal. In those cases, Council often went forward at first reading knowing that there was an incomplete document in front of it. He said that he did not believe that it was the case at present, and that Mr. Leary's proposed ordinance was very attractive as it had been portrayed and he commended him for writing it and for offering it. He agreed with Mr. Elrich that a large number of concerns were answered only generally and that he needed more detail to go ahead. Therefore, he would support Mr. Elrich's proposal to table the ordinance until a time when all of the details were available that were necessary.

Ms. Porter said on the one hand she agreed that more information was needed and on the other hand, she was concerned with the need to get going on the issue.

Mr. Leary agreed that it was necessary to take some tangible action which would give staff something that they did not have on the subject which would be clear direction. He also said that he felt it would be useful to have a vote of the Council to say "as of now, these are the principals associated with this change in operation and we want a contract which embodies those principals."

Ms. Porter asked if he were willing to withdraw it as an ordinance and re-propose it as a Council resolution. Mr. Leary responded yes.

Mr. Hamilton said over a year ago, the City Council argued that the community was not supporting themselves and they had to contribute to the support of the station and that was where the issue of charging fees had started. He said that there was still a grey area because some people felt that the community should not charge. He felt one question that should be asked is if the community group produced the program, who paid for the tapes? He also responded in answer to questions that had been raised by citizens, everything

that the group has done for the past two years had been geared by the Council, through the City Administrator, and he felt it was time the Council made a decision on the issue and supported it.

Mr. Leary commented that he felt the revised version would do just that; people who voted for it as a resolution should do so, only if they subscribed to the principles as enunciated in the ordinance; if they had serious doubts about any of them, they should vote against it because it was not simply a resolution to talk more about the issue, it was to negotiate an agreement which implemented the principles.

Mr. Johnson commented that it was his understanding that theoretically, he could vote in favor of the document and later at second reading, another ordinance could be substituted which would meet the general thrust of it, but would address some of the concerns.

Mr. Leary explained that the vote was for the resolution which authorized the City Administrator to draw up a contract with Takoma Park Community Television, Inc. which implemented the principles enumerated below.

Mr. Johnson commented that he had perused the bylaws and he saw some glaring omissions in them which he hoped would be addressed. Mr. Leary explained that after the contract there would be two votes on the ordinance to enact it.

COUNCIL ACTION: The Resolution which authorized the City Administrator to negotiate a contract with Takoma Park Community Television, Inc. which implemented the operating principles enumerated in the Resolution passed unanimously.

Mr. Hamilton commented that one of the important things that the ordinance did was that the community group had not been recognized as a replacement of the Cable Board and he would like to see it as part of the resolution that the City recognized the group as a replacement for the Cable Board. Mr. Leary suggested bringing something pertaining to that matter forth at the next meeting.

RESOLUTION #1991-104
(Attachment)

6. PUBLIC HEARING - Public Comment on City Administrator Job Description/Profile

Personnel Officer Hobbs said as part of drafting the profile at the direction of the Council, his office publicized and sent letters to 24 citizens requesting their input to use in the drafting of the profile. He said that of the 24 people contacted, 8 provided comments which were included in the summary; 8 persons declined to comment; 5 had not responded, and 3 of the citizens promised their input but he had not received them yet. Mr. Hobbs said that in addition to the letters which were sent out, there was a front page article in the Newsletter on November 23rd, which outlined the process the Council was following and requested any citizen to comment and he had not received a response from that. He indicated that copies of the draft had been available to the public since Friday when they made a mailing to 28 citizen's and tenant's associations; he recognized that the Council did not have a lot of time to study it in detail and it was not his understanding nor his intent to get a decision presently, it was to receive more public comment and to be able to make a decision at the next worksession. He also said that a citizen committee needed to be appointed and he would be providing the names of 12 citizens that had been nominated or had volunteered and Council would receive those by mid-week.

Ms. Porter commented that it was her understanding that at the next worksession, there would be a discussion on the make-up of a

committee. The Council had decided to appoint the committee as soon as possible, and had decided that the citizens' committee would also assist in the recruiting.

Mr. Wilson noted that the profile had also been submitted to the senior staff for their comments.

CITIZENS' COMMENTS

Michael Clinansmith said since the document was so long, he would like to have some time to discuss it with his association and several other tenant associations. He said he understood the necessity for having a committee appointed quickly, but he felt what was really needed in this particular situation was a substantial amount of citizen support for whatever came out of this. He suggested taking it slow in putting together and approving the profile and that he was sure the 12 people would give a good accounting for themselves and the community.

Condie Clayton congratulated the Council on their victory with the election. He said the City Administrator's position was the most important position the City had to deal with. He also congratulated the Council for inviting citizens to participate in the process in lieu of using an executive search firm. He offered his services and volunteered to be on the committee by serving in any capacity the Council saw fit.

Kay Dellinger asked how many people were on the committee and said that she wanted her name to be added to the committee.

Council Comments

Mr. Prenskey began to suggest some additions to the Profile. Number 1 on page 2 of the draft document, he noted said it would represent the City poorly if they added incorrectly--36 officers and 18 civilians and a total of 54, when it was 53.

Mr. Leary interrupted Mr. Prenskey by saying that he considered his comments thus far editorial and he did not feel due to the lateness of the hour there was a need to review those in public session unless there were changes of substance.

Mr. Prenskey said that he would address topics of significance: 1) to add a focus on annexation possibilities; 2) to include some language on issues of education in Montgomery and Prince George's Counties; 3) to name the City's labor unions; 4) to include a statement regarding the importance of sensitivity to progressive political initiatives, policies, and ordinances which placed special requirements upon City, staff, budget, and procedures.

Mr. Hobbs said he had been a part of many recruiting efforts and this was the most voluminous profile that he had seen so far. He was aware that whoever was hired for the position would not meet all of the qualifications and ultimately it would come down to how the person produced in the interview with the committee as well as the Council. He also said that he was anxious to get started with it and go on from there.

Mr. Prenskey asked for a clarification of what the next steps in the process would be. Ms. Porter replied that the next step would be to discuss the matter further in worksession on December 16th and discuss the content of the profile and the appointment of a citizens' committee, and she assumed that they would discuss both content and timetable on both of those matters.

7. First Reading Ordinance Re: Memorandum of Understanding (MOU) With Montgomery County For Stormwater Management Plan Review

Moved by Mr. Leary and duly seconded.

Sue Silber explained that this ordinance would permit Takoma Park to enter into an MOU until the City had its own ordinance in place.

She also explained that the ordinance was very short and it basically afforded them to enter into such a contract.

Ms. Porter commented that she had a concern regarding the division of the fees; it was her understanding that the agreement with Montgomery County would give them the direct review of service fees, which seemed appropriate since they were doing the review, and would split the waiver fees. She said if the purpose of the waiver fee was to compensate the entity for any future cost that might be attached to the action, it seemed to her that it was not equitable to split it between Takoma Park and Montgomery County. She also asked if Takoma Park had its own ordinance, would the City have some comparable to the waiver fee. Ms. Silber responded yes.

Ms. Silber explained that they entered the process after those numbers were already agreed to between Mr. Knauf and his equivalent at the County level. She said it was something that she formulated and it would be hard for her to describe what all the reasoning was for that 50-50 split; she knew that it was something that the County could agree to.

Mr. Wilson said that the first request Takoma Park made to Montgomery County on this issue was rejected. It was even rejected a second time when the City proposed a 50-50 split before Montgomery County finally agreed to it.

Ms. Porter asked what would happen if they did not go ahead with it. Ms. Silber said that at some point in time, the hospital would have good grounds for a complaint that the City was holding up their project. Ms. Porter asked how long would it take for the City to get its own procedures in place?

Mr. Wilson responded by saying that the timing of that was not in their hands, and at the moment the Environmental Protection Agency was reviewing the City's documents; they reviewed them the first time, and now they were in the process of incorporating their concerns.

Ms. Silber stated that the State marked up the first reading version of the stormwater ordinance, and even after her office completed the changes, the likelihood would be that there would have to be another level of the State reviewing it which could take several months.

Ms. Porter commented that the concern was that Council would be going into a situation next year where the budget would be very tight and if there were a procedure in place, all of the money would be coming into the City rather than half of it, which might make a difference in their ability to do some stormwater projects next year.

Mr. Elrich commented that those were not the revenues which were projected for FY'93 and it seemed to be a potential windfall based on the timing of the renovations and improvements at the hospital. He asked if they could ask Montgomery County how long it would take to do the review and how long would be a reasonable time for it to take place because if the County took over four months to review, Takoma Park could do the same which would not be an unreasonable delay.

Mr. Knauf commented that he felt the County would be able to act very quickly because they already had the resources and they did the Sediment Control Review and Stormwater Management Review simultaneously. He also said that they were sitting and waiting to do that and the City would have to complete the formality.

COUNCIL ACTION: The Ordinance was accepted at first reading.

ORDINANCE #1991-45
(Attached)

8. Resolution Setting Forth Council's Holiday Recess from 12/17/91 to 1/5/92 - Moved by Mr. Leary; seconded without objection, the Resolution passed unanimously.

RESOLUTION #1991-105
(Attached)

ADDITIONAL AGENDA ITEM - Proposed Council Forum Re: Violence in Community

Mr. Elrich commented that he heard a lot of concerns from people in his neighborhood, as well as people in other wards about issues of violence in the community. He proposed to set February 1st or 8th as a forum on violence around the community and the steps the City was taking to deal with it.

Mr. Johnson said that while he was opposed to violence, he was also opposed to the proposal of holding a public forum. He also said that he thought the Martin Luther King Committee was going to address the issue of violence and conflict resolution and for the Council to start going into the details presently, was something that he was not ready for, and he would oppose it because of the timing.

Mr. Hamilton commented that over the last three months he had three different meetings on Community Oriented Policing with the residents of his ward.

Mr. Leary noted that the officers assigned to Ward One had done two different presentations at two different citizens' associations and he felt that a small group was more effective than a City-wide meeting.

Mr. Prenskey said that there was a need for the community to move ahead with the questions and problems relating to the violence that had occurred around them.

Mr. Leary suggested putting the item tentatively on the Agenda for the December 16th worksession for discussion.

Upon motion duly made and seconded, the Council adjourned at 11:30 p.m. to reconvene on Monday, December 16, 1991.

Introduced by:
Drafted by:
Linda S. Perlman
Assistant Corporation Counsel

1st Reading: 12/9/91
2nd Reading:
Effective Date:

Draft date: December 4, 1991

ORDINANCE NO. 1991- 42

Local Supplement to State Homeowner's Property Tax Credit Program

WHEREAS, Chapter 129, Acts of Maryland, 1991 amended the Tax-Property Article of the Annotated Code of Maryland by adding Section 9-215.1 which authorizes the governing body of a municipal corporation to grant, by law, a local supplement to the state homeowner's property tax credit program; and

WHEREAS, pursuant to the authority granted to municipal corporations by Section 9-215.1 of the Tax-Property Article of the Annotated Code of Maryland, the City of Takoma Park hereby establishes a local supplement to the state homeowner's property tax credit for taxpayers within the City of Takoma Park who are determined to be eligible for the state homeowner's tax credit.

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

SECTION 1. Chapter 11A, Taxation, of the Takoma Park Code is amended by adding an Article 4, Local Supplement to State Homeowner's Property Tax Credit Program, as follows:

Chapter 11A. Taxation.

Article 4. Local Supplement to State Homeowner's Property Tax Credit Program.

Section 11A-7. Definitions.

(a) "Eligible Homeowner" means a taxpayer within the City of Takoma Park who has qualified for the State of Maryland

homeowner's tax credit program established pursuant to Section 9-104 of the Tax-Property Article of the Annotated Code of Maryland, as amended (hereinafter referred to as "state homeowner's property tax credit").

(b) "Taxable year" means July 1st to June 30th, both inclusive for which the City of Takoma Park computes, imposes, and collects real property tax.

(c) "Total City of Takoma Park real property tax" means the sum of all City of Takoma Park real property taxes for which an eligible homeowner has property tax liability for a taxable year, but does not include City special assessments and charges, such as for stormwater, refuse, and the like, or interest and penalties on overdue real property taxes.

Section 11A-8. Amount.

(a) A homeowner's tax credit local supplement shall be allowed to eligible homeowners against the total City of Takoma Park real property tax paid by the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

(b) The amount of the homeowner's tax credit local supplement shall be equal to fifteen percent (15%) of the eligible homeowner's state homeowner's property tax credit for the taxable year in which the homeowner's tax credit local supplement is sought.

(c) Notwithstanding the foregoing, the amount of the homeowner's tax credit local supplement authorized by this section shall not exceed the total City of Takoma Park real

property tax paid by the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

Section 11A-9. Eligibility.

(a) In order to receive the homeowner's tax credit local supplement, an eligible homeowner must:

(1) Be included on a list of eligible homeowners provided to the City of Takoma Park by the State Department of Assessments and Taxation; and

(2) Have paid his or her total City of Takoma Park real property tax for the taxable year in which the homeowner's tax credit local supplement is sought.

(b) Once the eligibility criteria established by subsection (a) of this section have been met, the City Administrator or his or her designee shall mail the eligible homeowner, by first-class mail directed to the address listed in the City of Takoma Park tax records for the mailing of real property tax bills, a check for the amount of the homeowner's tax credit local supplement.

Section 11A-10. Regulations.

The City Administrator may promulgate regulations to carry out this homeowner's tax credit local supplement program.

SECTION 2. Effective Date.

This Ordinance shall become effective immediately and shall be applicable to all taxable years beginning with the earliest taxable year provided by Section 9-215.1 of the Tax-Property Article of the Annotated Code of Maryland, as amended.

Adopted this _____ day of _____, 1991 by

roll call vote as follows:

Aye:

Nay:

Abstain:

Absent:

NOTE: The only change since the 12/2/91 Council Worksession is the addition of the word "special" to Section 11A-7(c) (after the word "City" and before the word "assessments").

corr129/taxcredi.t/mb

Drafted by: V. VinCola

1st Reading: 12/9/91

2nd Reading:

Introduced by:

Ordinance 1991- 43

An Ordinance to Re-authorize the Takoma/Langley Commercial District Management Authority

WHEREAS, The Takoma/Langley Commercial District Management Authority (CDMA) was established by Ordinance 1987-54, pursuant to the Annotated Code of Maryland Art 23A 2(35), for the purpose of promotion and marketing, as well as to provide overall revitalization, security, maintenance, and amenities within the defined CDMA district; AND

WHEREAS, The Takoma/Langley CDMA has, in cooperation with the City of Takoma Park, planned, promoted, and undertaken a multi-year commercial revitalization program for the area funded, in part, through the license fees of the members of the CDMA; AND

WHEREAS, largely through the efforts of the CDMA, the City of Takoma Park has been awarded over \$200,000 in grant funds which have been used in the CDMA area for various streetscape improvements and promotional activities, and also through which the area has realized a decrease in the incidence of crime; AND

WHEREAS, the implementation of the Takoma/Langley commercial revitalization program is only 30% complete and the additional time and resources of the CDMA are necessary for its successful completion; AND,

WHEREAS, the sunset date of the CDMA as set forth in Ordinance 1987-54 is January 1, 1992, and formal action must be taken to allow the CDMA to continue.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THAT Chapter 4A.1. of the City Code be amended as follows:

SECTION 1. Sec. 4A.1-2 Establishment. (a) Pursuant to Article 23A, Section 9 2 (35) of the Annotated Code of Maryland, there is hereby established the Takoma/Langley Commercial Management District and the Takoma/Langley Crossroad Development Authority, as an independent entity.

SECTION 2. Sec. 4A.1-11 License Fees. (d) At the request of the Board, the City shall collect ~~and enforce~~ license fees on behalf of the Authority as its agent. Unpaid license fees shall be assessed an additional late payment fee of one percent of the fee per month or any portion of a month. The City may charge the Authority for the expenses incurred in collecting fees. The Authority, by vote of its Board, is empowered, to institute suit to collect unpaid fees, plus all reasonable legal fees incurred in the collection of unpaid fees.

SECTION 3. Section 4A-13 - Expiration. Unless extended by an ordinance adopted by the Council, Sections 4A1-1 through 4A1-12 will no longer have any effect and are hereby repealed effective January 1, 1997.

SECTION 4. This Ordinance becomes effective January 1, 1992.

ADOPTED BY ROLL CALL VOTE THIS ____ DAY OF _____, 1991:

AYE:

NAY:

ABSTAINED:

Introduced by: Councilmember Elrich Single Reading
Effective: 12/9/91

ORDINANCE NO. 1991-44

AN ORDINANCE AUTHORIZING THE PURCHASE OF
ONE POLICE PATROL VEHICLE

- WHEREAS, Funds were set aside in the FY 1991-92 City Budget for the purchase of one new police package vehicle; AND
- WHEREAS, In 1991, Anne Arundel County conducted a valid competitive bid process to purchase 1991-92 police package vehicles and selected vehicles manufactured by Ford Motor Company; AND
- WHEREAS, The City Administrator qualifies this purchase of one police package vehicle from Sheehy Ford as a cooperative purchase by "Piggybacking" on the Anne Arundel County bid process to make a purchase from said dealership; AND

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

- SECTION 1. THAT authorization is given for the purchase of one (1) Ford police package vehicle from Sheehy Ford at a total cost of \$13,575.00, AND
- SECTION 2. THAT the purchase of one (1) vehicle shall be charged to Account 2100-8000, Capital Expenditures.

Adopted this 9th day of December 1991.

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

Introduced by: Councilmember Leary

RESOLUTION 1991-104

- WHEREAS, the City of Takoma Park, Maryland is a co-franchisor of the Montgomery County Cable Television franchise; AND
- WHEREAS, a municipal channel on the Montgomery County Cable Television system has been dedicated for the use of the City of Takoma Park; AND
- WHEREAS, the Takoma Park municipal channel has significant potential as a communications vehicle for use by the City of Takoma Park and its residents to inform, educate, and entertain city-wide and county-wide with regard to matters of public and cultural interest; AND
- WHEREAS, it is in the interest of the City of Takoma Park and its residents to actively promote and use the municipal channel as a municipal communications resource; AND
- WHEREAS, both municipal access and community access programming should be presented on the Takoma Park municipal channel; AND
- WHEREAS, Ordinance #2728, Adopted 8/13/84, established a Takoma Park Cable Television Board (hereafter, "The Board") to oversee, coordinate and promote the use of the Takoma Park Municipal Channel by the City and its residents; AND
- WHEREAS, This Ordinance gave the Board the authority and responsibility to annually report to the City Council and the public, on the operations of the municipal channel, as well as an assessment of the Board's operating structure and the suitability of a non-profit corporation as an alternative structure; AND
- WHEREAS, in 1990 the Council enacted legislation (Ordinance 1990-32) which amended Ordinance 2728 and among other things, called for the municipal and community programming functions to be operated under the direction of the City Administrator and the cessation of the Takoma Park Cable Television Board on November 5, 1991; AND
- WHEREAS, A report prepared by the City Administrator, dated January 22, 1991, recommended that upon dissolution of the present Cable Board, Takoma Park Community Television (hereafter "TPCT") will form a non-profit corporation; AND
- WHEREAS, on July 19, 1991, the Takoma Park Community Television, Inc. was approved by the State of Maryland and became a duly qualified non-profit corporation of the State of Maryland.

WHEREAS, The primary purpose and essence of the Corporation are exclusively nonprofit and for social welfare as defined under section 501(c)(4) of the Internal Revenue Code of 1986, as amended (or any corresponding provisions of any future United States Internal Revenue Law or Regulations thereunder, hereinafter collectively referred to as the Internal Revenue Code);

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

SECTION 1. the City Administrator is authorized to develop a contract between the City and the TPCT, Inc. that shall transfer the full authority and responsibility to operate Takoma Park's cable station (Channel 54) with all access, privileges, and use of facilities needed for municipal and community programming pursuant to the guidelines enunciated in Subsections 1, 2, 3, 4, 5, 6, and 7 below; AND

SECTION 2. In exchange for full control over the franchise fees paid by Montgomery County, TPCT shall provide the following services:

(A) All planning, taping, and editing needed to produce the full range of municipal programming currently available on Channel 54, including all regular and special Council meetings, the video bulletin board, and departmental programs, such as public meetings that are not regularly scheduled, special events sponsored by the City, and departmental programs like the Green Show.

(b) All planning, taping, and editing needed to produce the community programming currently available on Channel 54, plus additional productions that satisfy established criteria for new programming. In supporting community programming, TPCT shall adhere to the following principles and practices:

(1) Establish and publicize guidelines for approving the form, content, and scheduling of new programs.

(2) Guarantee free and equal access to cable television facilities and programming assistance to all Takoma Park residents who comply with the guidelines referred to in the previous paragraph.

(3) Guarantee full participation by all interested Takoma Park residents in the activities of TPCT.

(4) Provide training in cable operations to all interested Takoma Park residents at cost.

(5) Ensure fair, nonpartisan, unbiased coverage of controversial issues, which shall include a policy of not promoting the candidacy of any political candidates.

(6) Require that each officer of TPCT avoid any appearance of conflict of interest.

(7) Promote programming that represents a diversity of community interests and make a good faith effort to involve minority, female and disabled members of the community: AND

SECTION 2. TPCT shall prepare and forward to the City Administrator an annual budget and an annual report that account for the expenditure of all TPCT income; AND

SECTION 3. The City of Takoma Park shall continue to exercise ultimate authority and responsibility for Channel 54, which shall remain a Municipal Channel, and the City shall continue to exercise oversight and hold title to all cable television equipment.

SECTION 4. The channel shall remain a municipal channel with the City retaining the ultimate authority and the City shall maintain oversight in participation as a co-franchisor in terms of the administration of its relationship as a co-franchisor, and the title to the equipment shall remain with the City; AND

SECTION 5. The proposed contract developed by the City Administrator and TPCT shall be submitted to the City Council for review prior to implementation and enactment as an ordinance.

Dated this 9th day of December, 1991.

Introduced by:

First Reading: 12/9/91

Second Reading:

Effective Date:

ORDINANCE NO. 1991 - 45

(Authorizing Contract with Montgomery County
for Stormwater Management Review Assistance)

WHEREAS, Chapter 369, Acts of Maryland 1990 transferred to the City of Takoma Park the authority of the Washington Suburban Sanitary Commission for stormwater management in the City of Takoma Park; and

WHEREAS, the City of Takoma Park is in the process of establishing minimum stormwater management requirements and setting up a stormwater management review and permit process applicable to development occurring within the City; and

WHEREAS, development activities may occur in the Montgomery County portion of the City of Takoma Park prior to the City's implementation of a stormwater management review and permit process and the State of Maryland Department of Environment, Sediment and Stormwater Administration's approval of the same; and

WHEREAS, there is a need to develop an interim process for review of stormwater management plans in the City of Takoma Park; and

WHEREAS, the City of Takoma Park desires to contract with and appoint Montgomery County as its agent to apply its stormwater management law and regulations and to review stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park.

NOW, THEREFORE, BE IT ORDAINED BY THE STORMWATER MANAGEMENT BOARD AND THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. The City Administrator or his or her designee is authorized to enter into a contract with Montgomery County, Maryland providing: (1) for Montgomery County to apply its laws and regulations relating to stormwater management to the review of stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park; and (2) for Montgomery County to act as the agent of the City of Takoma Park by reviewing stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park and by applying and enforcing its stormwater management laws and regulations in the Montgomery County portion of the City of Takoma Park; provided, that the Stormwater Management Board and the Council intend said contract with Montgomery County to be an interim measure which will apply until the City of Takoma Park adopts and implements a stormwater management review and permit process and the City's stormwater management ordinance is approved as necessary by the State of Maryland.

SECTION 2. This Ordinance shall be effective immediately.

This Ordinance was adopted the _____ day of _____, 1991 by roll call vote as follows:

Aye:
Nay:
Absent:
Abstained:

TAKOMA.ORD/CORR145/KW

Introduced By: Mayor Pro Tem Leary

RESOLUTION NO. 1991-105

SETTING FORTH THE CITY COUNCIL'S HOLIDAY 1991 RECESS

WHEREAS, It has been decided that as in past years the City Council shall have the annual holiday recess scheduled;
AND

WHEREAS, this recess shall commence the day after the Council Worksession scheduled for Monday, December 16, 1991; AND

WHEREAS, the Council will reconvene their meetings on Monday, January 6th, 1992 in Council Worksession; AND

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its holiday recess from December 17, 1991 through January 5, 1992.

Dated this 9th day of December, 1991

December 10, 1991

TO : Distribution Noted Below
VIA : Beverly K. Habada, *BKH* Deputy City Administrator
FROM : Paula S. Jewell, CMC *Paula Jewell*
City Clerk
SUBJECT: Summary Report from December 9, 1991 Regular Session
and Public Hearing

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

(Mayor Pro Tem Leary presided)

- [] 1. 1st Reading Ordinance Re: Homeowners Tax Credit Program - Ordinance #1991-42 was accepted at first reading, establishing a local supplement to the State homeowner's property tax credit for taxpayers within the City who are eligible for the State homeowner's tax credit. Second reading is scheduled for Special Session on 12/16.
- [] 2. Council Position Re: Old Town Development Advisory Committee Report -Resolution #1991-103 was unanimously passed, as amended. In the fourth Whereas clause, an amendment was suggested by the drafter of the Resolution, Jim Douglas, to change the word "neighborhoods" to "community". In the fourth Resolved clause, Mr. Prensky moved an amendment to insert the names of certain District of Columbia officials that the CITY ADMINISTRATOR will be publicizing the report's contents to. CITY CLERK to draft letters transmitting Resolution to these officials.
- [] 3. Reauthorization of Commercial District Management Authority legislation - Ordinance #1991-43 was accepted at first reading, amending Chapter 4A of the City Code to reauthorize the CDMA for another 5 years, through January 1, 1997. COMMUNITY DEVELOPMENT COORDINATOR VINCOLA will have some technical amendments from CORPORATION COUNSEL that she will incorporate for second reading of the ordinance scheduled for 12/16/91.

(Over)

[] 4. Purchase of Police Vehicles - Ordinance #1991-44 was unanimously adopted at single reading, authorizing the purchase of one police patrol vehicle from Sheehy Ford for \$13,575. A motion was made by Councilmember Johnson to amend the ordinance to authorize purchase of two vehicles, but the amendment failed 4 to 2. POLICE DEPARTMENT to follow up on information regarding the purchase of vehicles for the parking enforcement officers and bring back this information at a later date for Council action.

[] 5. Public Hearing - Discussion of Contracting Out Management of Takoma Park Cable Station - The Council heard from approximately 18 speakers on the issue of whether to transfer the cable services to come under the authority and responsibility of the Takoma Park Community Television, Inc. with conditions to provide municipal and community programming. A request by Kay Dellinger was made to obtain a complete listing, by individual's names, of every amount spent and paid through the Cable Board. Councilmembers agreed that there were a number of details that needed to be worked out before an ordinance between the City and TPCT is negotiated for these services. Mr. Johnson commented that he would like to see more than good faith efforts made to involve minority, female and disabled members of the community in program promotion. Mr. Elrich commented that the ordinance ought to be considered at the same time as the bylaws and the contract.

Ms. Porter moved that the Ordinance instead be put forth as a Resolution authorizing preparation of a contract to implement the operating principals enumerated in the former ordinance. Mr. Leary offered an amendment to the Resolution and both the motion and the amended Resolution (#1991-104) carried unanimously.

CORPORATION COUNSEL is directed to bring forth a draft ordinance recognizing the TPCT Corporation in place of the Cable Board which ceased to exist on November 5th.

[] 6. Public Hearing - City Administrator Job Description /Profile - The Council heard from approximately 5 speakers who commented on the draft Profile, and accepted into the record, a letter from Jim Douglas providing comments on the draft Profile. Citizens Condie Clayton and Kay Dellinger requested that their names be placed

(Next)

into consideration to serve on the City Administrator Selection Committee. The Council expects to appoint a Committee on January 13, 1992.

Councilmember Prensky offered additional comments and corrections to the draft Profile: correct the number of personnel in the Police Department from 53 to 54. Add to Section 5 of the Profile the following points: investigate annexation issues and pursue educational issues in both counties. In Section 2, add: honoring City relationships with both unions (named), sensitivity to the City's legislation, i.e., NFZ Act, Tree Ordinance, etc. Mr. Elrich offered that the Profile should include having the willingness and desire to feel comfortable implementing the City's policy of thinking globally and acting locally.

The Council will discuss further additions to the content of the draft Profile at the 12/16 worksession.

- [] 7. Memorandum of Understanding With Montgomery County for Stormwater Management Plan Review - Ordinance #1991-45 was accepted at first reading, authorizing the CITY ADMINISTRATOR to enter into an agreement with Montgomery County for stormwater management review assistance. This measure is needed as an interim process for development activities that may occur in the Montgomery County portion of the City prior to the City's implementation of a stormwater management review and permit process which is awaiting approval by Maryland's Department of Environment, Sediment and Stormwater Administration. Concerns were expressed by Councilmembers about the costs of this with an anticipated tight FY'93 budget. The ordinance is scheduled for second reading on 12/16.
- [] 8. Council Holiday Recess - Resolution #1991-105 was passed unanimously, setting forth the City Council's Holiday recess. The Council will adjourn following a Special Session and Worksession on 12/16/91 and will meet in Worksession on 1/6/92 and reconvene in Regular Session on January 13, 1992.

(Over)

- [] 9. Additional Agenda Item - Forum Re: Violence in The Community - Mr. Elrich proposed that the Council schedule a public forum on Saturday, January 8, 1992 , to focus on input from the community, community groups, peace groups and the POLICE DEPARTMENT on solutions for dealing with the violence problems in the City. Mr. Johnson objected to discussing this at the late hour without notice, and again expressed the idea of a task force being developed to address this type of issue. Other Councilmembers commented that they had attended a number of recent meetings with tenants, residents, community groups and the police on this issue. Mr. Leary commented that he thought a smaller group presentation would be more effective than a City-wide meeting. Council may discuss this at the 12/16 worksession.

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)

PSJ/psj

CITY OF TAKOMA PARK, MARYLAND (FINAL 1/24/92)
Special Session of the City Council
Monday, December 16, 1991

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Sharp

Councilmember Elrich

Councilmember Johnson

Councilmember Johnson

Councilmember Leary

Councilmember Porter

Councilmember Prensky

ABSENT: Mr. Hamilton

City Administrator Wilson

Asst. City Admin. Habada

City Clerk Jewell

Recreation Dir. Ellis

Police Capt. Wortman

Police Chief Fisher

Police Lt. Gowin

Dep. Public Works Dir. Laster

Comm. Dev. Coord. VinCola

DHCD Director Grimmer

Ass't. Corp. Counsel Perlman

The City Council convened on Monday, December 16 1991 at 7:35 p.m. in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, Mayor Sharp announced the first item:

1. Presentation to Volunteers Who Worked on the 1991 Haunted House and Participants in the 1991 Turkey Trot. Recreation Director Ellis asked Mayor Sharp to step forward to assist with the presentations. She commented that all of the activities with the Recreation Department involved a very dedicated staff, however nothing could be accomplished without the volunteers who were greatly appreciated by the City. She thanked them all for their efforts. She said both events were highly successful and she then presented certificates to the following people: the Takoma Park Police and Public Works Department, Paul Plant, Dan Newcome, Takoma Repertory Theatre, Takoma Funeral Home, Washington Adventist Amateur Radio Association, Montgomery County Department of Recreation, Councilmember Hamilton, Solomon Adjetey, Bob Padula, Lee Vidal, Carlos Moore, Terry Nelson, Paul Aloï, Mickie Riley, Charles Riley, Lisette Doyle, Takoma Park Youth Outreach Kids, Paul Ngo, Takoma Park Community Cable and Beverly Habada. Mayor Sharp noted that it was good to see those who could be present to receive their certificates and he also thanked everyone for their volunteer efforts.

2. Washington Area Council on Alcoholism and Drug Abuse 1991 Holiday Hotline - Mayor Sharp noted that the Proclamation/Resolution was to proclaim the weeks from December 22, 1991 to January 5, 1992 as "Holiday Hotline Against Alcohol and Drug Abuse Weeks" in Takoma Park and to recognize WACADA's 1991 Holiday Hotline which will operate during those dates to take calls from persons who experience problems with alcohol and drugs during the holiday season. Mayor Sharp moved adoption of the Resolution which was seconded by Councilmember Prensky. Mr. Prensky noted that the Holiday Hotline phone number was (202) 783-1300 and was accessible 24 hours a day, 365 days a year.

Council Action: The Resolution passed unanimously. (ABSENT: Hamilton)

PROCLAMATION/RESOLUTION #1991-106
(Attached)

3. Single Reading Ordinance Authorizing Purchase of Police Radios - Mr. Sharp explained that funds were appropriated in last year's budget for the police radios and therefore the ordinance would only require single reading. Mr. Leary moved adoption of the ordinance; seconded by Ms. Porter.

Chief Fisher gave some background information on the purchase. He said based on the budget process this past year, the department had asked to purchase additional radios to replace the Unidens no longer being made. He said they advertised and solicited bids and received responses from six companies. Motorola Radius from Metrocom was the low bidder and had met the specifications; the company has long set an industry standard for the portables and provides a three year warranty with purchase unlike the other bidders. Chief Fisher stated that the proposed vendor, Metrocom is located within a five minute drive of the Police Department and the bid price included three rapid chargers. He stated that Motorola is the industry leader and is not among the companies listed in the nuclear free zone top 100 list and the Police Department was recommending the purchase of Motorola Radius radios because of this.

Council Comments

Mr. Prensky pointed out for the record that about six months ago, the City Council discussed the nuclear free zone requirements regarding procurement in the City and agreed that until January 1992, the City would be using the list of the top 100 nuclear weapons producers in the United States as the prohibited list of weapons producers. He noted the Council had in their possession at that time an expanded list of approximately the top 3,000 nuclear weapons producers that the Council agreed would not be the basis for their decision making. He said at this time the Motorola Company was not on the top 100 list, however was on the top 3,000 list.

Mr. Elrich raised a question about the Johnson Scorpion radios and asked what was the difference in the "state of the art" radios as the Police Department described them, and the Motorolas. Chief Fisher responded that the Scorpion radio was more comparable to the standard industry Motorola Radius P100. The manufacturers were not able to provide the Department with a great deal of information, and the first radio had not even been made yet, there had been no internal testing of it and it would be January/February before they were off the production line.

Mr. Johnson clarified that it was his understanding that Motorola was not on the top 100 list and would save approximately \$2,700 by the third year of the contract because it had a 3-year warranty and it was the industry standard.

Citizen Comment

Mark Rabinowitz noted that Motorola, by a mere technicality, did not get on the top 100 list but they were listed on the list of top 100 military contractors; they did \$323 million dollars a year for weapons systems. He said many of their products were used to inflict death in the Persian Gulf. He said Nuclear Free America does not consider radars, etc, that could be used in nuclear war but might not necessarily be part of the top 100 criteria.

Mr. Rabinowitz said if the Council were to allow this waiver, they needed to waive the entire law altogether. He accused the Council of not being honest about their intentions--either they were in support of the nuclear free zone or they were against it.

Mr. Rabinowitz also commented that Takoma Park ought to use recycled paper.

Mr. Sharp said that he would reject the claim that the Council was not being honest in dealing with this; they have spent a number of hours discussing exactly how they should treat the 3,000 and the 100 list. He said it was his recommendation that the Council use the 3,000 list, and if a preferred bidder showed up on this list, then a waiver would have to be considered. He said it was the Council's judgment to go with the 100 list and make an assessment of the City's costs for doing this and that this was a perfectly legitimate, honest and straightforward step to take and this was how it ought to be characterized.

Mr. Prenskey complimented the Police Department on their diligent work with the Nuclear Free Takoma Park Committee in trying to work out the difficult question of radios over the last couple of years. He said however, he did not think the single reading ordinance in front of the Council completely solved the dilemma. He said the Police Department's description of the Johnson radio speaks very highly of the company and the products that the City has been using; radios that were the more expensive units. He suggested tabling the ordinance definitely for two months and contacting the Johnson Company to let them know of the City's interest in the earliest possible testing of their product and that the procurement decision would have something to do with how quickly they could provide the City with that information. The two month wait would also allow for the Council to follow its own promise to the City and come to a conclusion in January 1992 about what list of nuclear weapons producers is to be the officially adopted list of this Council.

Mr. Leary said he saw no good reason to do this; there was no evidence before the Council to suggest that three months from now they would have definite reliable and unimpeachable evidence about the Johnson Radios. Mr. Leary said that he did not think it was prudent to put off purchase of something presumably needed in hopes that something that is very indefinite might become certifiable.

In response to Mayor Sharp, Chief Fisher spoke to the Department's need to purchase radios at this point. He said for approximately 5 years the Department has been putting together a capital plan to assist them in replacing radio equipment based on warranty and expected life span. He noted that Unidens currently used were no longer manufactured and parts were difficult to obtain, making it time consuming to get them repaired. He said the Department was not in a crucial position to obtain radios tomorrow or next week; however, they can't predict how many of the current Unidens may become inoperable and may need to be repaired.

Mr. Elrich clarified a point he had tried to make about the "state of the art" comment. He noted that when this issue was discussed with him over the past couple of weeks, he was reminded of the radios that the Police Department isn't getting, and he was reminded that the Motorolas are less of a radio than what other jurisdictions have. When the Johnsons were mentioned as a state of the art radio, comparable, he assumed, to the features that are on the better Motorola the department wished it had, he wondered why the department was not interested in getting a radio with the features that were comparable to the kind of radio they wished they had for a price that is less than the comparable Motorola but more than the lower Motorola they wished they weren't using.

Chief Fisher said the two existing Johnsons cost approximately \$850. They are consistent with some of the other radios that are on the list that other agencies are using. He said the Scorpions are consistent with the Radius and this is what was bid. Chief Fisher said he could not provide information that they would be a better radio than radios that have been bid by any of the companies that responded to the request. The Scorpion has the same features as what Motorola bid this time, not the same features as the better Motorola.

Ms. Porter expressed her concern about untested equipment; the Police did not want to be the first organization to try a complicated product such as this. She also noted significant drawbacks about the other items on the list; the Kenwood Model had mixed reviews and she noted she was not sure if the Council put off the decision for a period of time whether they wouldn't be in equally bad shape to make a decision down the road with none of the options being very good other than the Motorolas. She said, however, that if it were the will of the Council to put the decision off, the Police Department should go out to bid again.

Mr. Johnson said he did not feel this was a rush headlong into a purchase; it seemed that the work done by staff in presenting the options to the Council was useful and he did not feel they should ignore some of the issues raised. He said he would vote to authorize the purchase of the Motorola radios at this time, because Motorola was the least expensive and given the City's financial constraints, this was an issue that had to be addressed. He said it should not be ignored that the Motorola, because they offered a three year warranty against a two year warranty, proposed to save the City \$2,700. Mr. Johnson also said that Motorola has long set the industry's standards and he has had experiences similar to Ms. Porter and he knows the problems that arise out of buying something untested. Mr. Johnson also noted, notwithstanding what might be the status of events three months from now, that Motorola is not on the top 100 list and that unless he missed something, there is no waiver the Council was considering at this time. He noted that this was a different Council; legally they were a different Council today than what was composed at the time when the waiver resolution was passed, and that he would even question the issue of whether or not this Council was bound by an action that the previous Council took.

Mr. Prensky said it was very explicit in the Nuclear Free Zone Ordinance that the cost of an item may not be the sole reason for a waiver of that ordinance. He said that he knew the City did not currently have a waiver situation, but it was important to know that economics never were the reason the City passed and lived under that law; it was a statement for the future and good of the planet and a position that represents the City to the vendors who participate in the production of nuclear weapons. He said it was a small attempt to deny the profitability of the nuclear weapons industry and it was something that was taken very seriously. Mr. Prensky said he was not convinced from any of the arguments presented on the need to go forward with this ordinance tonight. He said, he too has had difficult experiences with untested products and he pointed out that the Police were satisfied with the radios manufactured by the same manufacturer that the Council was considering the possibility of waiting a few months to check out. If the Council were to wait a few months to check out the Johnson radios, it in no way made more difficult the purchase of Motorolas 2-3 months from now. He said what will change is that the Council will finally come to a conclusion of what is the definition of a nuclear weapons producer in terms of the City's purchasing policies, something the Council has failed to do in the 8 years the law has been on the books. Mr. Prensky said based on these reasons and his own personal conviction on the importance of the nuclear free zone law, he moved to table adoption of the single reading ordinance for a period of 2 months. Mr. Elrich seconded the motion. The motion failed by a 2 to 4 vote (Nay: Porter, Leary, Sharp, Johnson; Absent: Hamilton).

Mr. Sharp said he shared many of the sentiments expressed by Mr. Johnson; it did seem to him that not much more information would be known in two months. Mr. Sharp said that one of things Council would want to know about would be what the long term reliability of the radios would be, because the Unidens have not been a wise choice for the City.

Council Action: The Ordinance was adopted at single reading by a 4 to 2 vote (Nay: Elrich and Prensky; Absent: Hamilton)

ORDINANCE #1991-46
(Attached)

4. Second Reading Ordinance Reauthorizing Commercial District Management Authority (CDMA) Legislation - The Ordinance was moved by Mr. Elrich and seconded by Mr. Leary. Mr. Sharp explained that the CDMA authorization terminated on January 1st, 1992. He said the success of the organization warranted that it not be allowed to discontinue on that date. He noted that the Council accepted the

ordinance at first reading on December 9th and that changes had been proposed by Corporation Counsel and had been incorporated in the ordinance before the Council for second reading. Adoption of the ordinance tonight would re-authorize the CDMA for another five years. Ms. VinCola noted the technical changes which included a rewording of the Ordained clause to more accurately reflect that the Council was adding a new Chapter 4A-1 to the Code and re-authorizing and re-enacting the legislation with the noted amendments. Ms. VinCola noted that in Section 2, a citation referencing the Annotated Code of Maryland, was corrected in the City's ordinance, regarding the first meeting of the members of the CDMA that must be announced 14 days in advance.

Council Action: The Ordinance was unanimously adopted on second reading (Absent: Hamilton and Johnson).

ORDINANCE #1991-43
(Attached)

5. Second Reading Ordinance Re: Homeowners Tax Credit Program. Mr. Sharp explained that this was a City program that tracked the State's homeowners tax credit program and it essentially allowed a property tax reduction or rebate for citizens of certain income categories in Takoma Park. At first reading last week, some changes were made and he asked staff to explain these changes. Mr. Elrich then noted that he would recuse himself from discussion and vote on this item as he was told he may benefit from the program.

Ms. Habada noted that there were no changes in the ordinance; however the regulations which the Council was not addressing this evening did have some changes. Ms. Habada noted that a notice would appear in the Newsletter about the regulations, for the public to comment on for a 21-day period.

Ms. Porter said that Mr. Elrich informed her that he desired his name to be removed as the mover of the ordinance and that she, as the original seconder would put her name forth as the mover. The ordinance was then seconded by Mr. Johnson.

Mr. Prensky noted it would be helpful to know what the proposed changes to the regulations were. Ms. Habada responded that most of the changes were stylistic. Ms. Habada noted that her substantive additions to the regulations were on page 2, that would provide for any additional benefactors of the program who might have late-filed or were late processed by the State, so they would not be shut out of the program. She noted the deadline for filing would be through the end of the fiscal year on June 30th.

In response to a question from Mr. Johnson, Ms. Habada noted that she would publish in the Newsletter a summary or basic description as to what the changes in the program were. Ms. Porter asked that the article also describe the State tax credit program and how citizens could apply for it.

Council Action: The Ordinance was unanimously adopted on second reading by a 5-0 vote (Abstained: Elrich; Absent: Hamilton).

ORDINANCE #1991-42
(Attached)

6. Second Reading Ordinance Authorizing Memorandum of Understanding With Montgomery County for Stormwater Management Plan Review. Mr. Sharp noted that the need for this ordinance stemmed from the fact that the City was currently getting a system up and running with regard to a stormwater management plan review. Although the City took over responsibility for stormwater management a couple of years ago, they had to get authorization to do its own plan review and the State of Maryland had to review the City's structure and rules before this could happen. In the interim, that plan review needed to be started by somebody; in this

case by Montgomery County.

The Ordinance was moved by Mr. Prensky and seconded by Mr. Johnson.

Council Action: The ordinance was adopted by unanimous vote on second reading (Absent: Elrich, Leary, Hamilton)

ORDINANCE #1991-45
(Attached)

7. Resolution Authorizing Memorandum of Understanding With Council of Governments (COG) for Telephone Directories Recycling Agreement. The resolution was moved by Mr. Prensky and seconded by Ms. Porter. Mr. Sharp explained that the resolution authorized an arrangement with Bell Atlantic to pick up the City's telephone directories and dispose of them. He noted that the City had a process for recycling phone books, although it was not without cost and the system was actually no longer in place. City Administrator Wilson noted that the actual logistics of how this new system would work were not in place at the moment, and that this two year agreement would not impact Takoma Park until later in the Fall of 1992.

Mr. Prensky noted that Bell Atlantic was the distributor of roughly one-half of the 17,000 tons of telephone directories distributed annually in the Washington region. Mr. Prensky said he found out that the Donnelley System, who distributed the "One-Book" directories, were responsible for distributing the other half and were not willing to sit down with the Council of Governments to work out participating in a pick up and recycling program.

Mr. Johnson pointed out that his vote in support of signing the COG agreement was based on the assumption that when the drop off points in Takoma Park were determined, it should be taken into consideration that some of the City's wards were located a relatively long way from City Hall and the Department of Public Works. Mr. Wilson noted that there would have to be some coordination between the participating local governments and Bell Atlantic to work this out so it did not cost the City.

Council Action: The resolution passed unanimously. (Absent: Hamilton).

RESOLUTION #1991-107
(Attached)

8. Resolution Appointing 1992 Martin Luther King, Jr. Commemoration Committee. Mr. Sharp noted that the Resolution established the 1991-92 Commemoration Committee, appointed the first three members to it, and authorized him to make additional appointments to a committee that might comprise of 7-8 people. The Resolution was moved by Mr. Elrich and seconded by Mr. Prensky. Mr. Sharp noted that the charge of the Committee has always been to plan the Martin Luther King Day celebration in the City; he understood that there would be some additional thoughts about what the Committee would do.

Mr. Johnson explained that he had hopes that this year's commemoration would identify a few issues that the City could do that would give some strength and reality to Dr. King's "dream", i.e., address the issues of minority entrepreneurship, non-violent conflict resolution, as well as other long-term issues rather than simply a one time "feel-good" commemorative activity.

Council Action: The resolution appointing Joan Jacobs, Jay Bayerl, and Councilmember Lloyd Johnson passed unanimously (Absent: Hamilton).

RESOLUTION #1991-108
(Attached)

9. General Comments

Mr. Wilson noted for the Council's information that on December 17th, State Attorney General Curran would be at Takoma Park City Hall to express his opinion and make an announcement in support of legislation regarding hand guns.

Ms. Porter reminded citizens of a meeting at 7:30 P.M. on December 17th, at City Hall to talk about legislative strategy and the issue of education funding in the next legislative year. Ms. Porter noted that people from both Montgomery and Prince George's County interested in this issue would be meeting together.

Mr. Johnson noted receipt of a letter from the Prince George's delegation announcing that for those residents in the area of Ward 6, particularly in the Hillwood Manor area, the traffic light will be installed in February 1992, although this was originally promised to be done in December.

Mr. Prenskey noted that on December 18th, at 7:45 P.M., the Nuclear Free Takoma Park Committee would be meeting at City Hall and the public was welcome. Mr. Prenskey additionally noted that an ad appeared in the Takoma Voice announcing that Oliver North would be at the Potomac Adventist Book Store, 8400 Carroll Avenue at 2:00 P.M. to sign copies of his recently published book. Mr. Prenskey stated for the record that this book store was not within the corporate limits of Takoma Park. He noted that there would be a vigorous protest planned at that time at the book store and he encouraged his friends and neighbors to come to the protest.

Upon motion duly made, without objection, the Council adjourned into worksession at 8:55 P.M., to reconvene in Regular Session on January 13, 1992.

PROCLAMATION
Resolution 1991-106

Recognizing the Washington Area Council on Alcoholism &
Drug Abuse, Inc. 1991 Holiday Hotline for Alcohol
and Drug Problems

WHEREAS, alcohol and other drug abuse, and the complications of such abuse, are among the most serious health problems affecting our citizens; AND

WHEREAS, the Washington Area Council on Alcoholism and Drug Abuse (WACADA), an affiliate member of the National Council on Alcoholism and the United Way of the National Capital Area, has assisted Northern Virginia in addressing these problems for more than 40 years; AND

WHEREAS, since 1973, this assistance has included operation of the annual Holiday Hotline offering telephone counseling and referral for persons having problems with alcohol and other drugs during the holiday season; AND

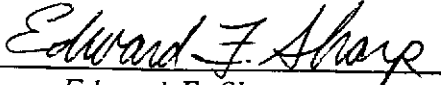
WHEREAS, such telephone counseling and referral has been shown to be an effective instrument in attempting to realize the objective of treatment access to all in need.

NOW, THEREFORE, I, Edward F. Sharp, Mayor of the City of Takoma Park do hereby proclaim the weeks of December 22, 1991 to January 5, 1992 as

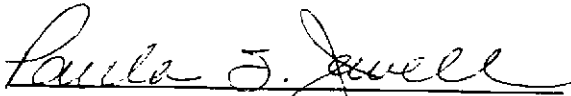
HOLIDAY HOTLINE AGAINST ALCOHOL
AND DRUG ABUSE WEEKS

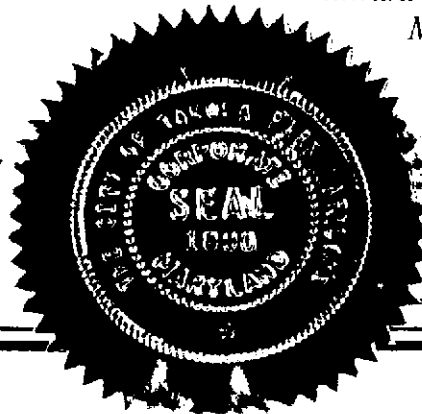
in Takoma Park and urge all residents to join with us in support of the work of the Washington Area Council on Alcoholism and Drug Abuse in its campaign against drug abuse in all its forms

Adopted this 16th day of December, 1991.


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC
City Clerk



Introduced by: Councilmember Leary Single Reading: 12/16/91

ORDINANCE 1991-46
AN ORDINANCE FOR THE PURCHASE OF 25 PORTABLE TWO-WAY POLICE RADIOS

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

WHEREAS, Proposals were solicited as advertised in the Montgomery Journal for twenty-five (25) portable radios and accessories for the police department communications system; AND

WHEREAS, Six (6) written priced technical proposals were received by 2:00 p.m. on December 6, 1991, as follows:

Metrocom, Inc. Radius (Motorola)	\$15,309.50
HI TEC Scorpion (Johnson)	16,065.00
Mt. Airy Comm. Bendix/King	16,861.25
C.E.S. Kenwood	17,475.00
Mt. Airy Comm. Radius (Motorola)	17,759.25
Tectronics Radius (Motorola)	19,796.00

AND

WHEREAS, Information was provided by the six referenced vendors, and research was conducted as to the experience of other police departments using the radios; AND

WHEREAS, The police department Review Committee has considered and evaluated all the priced bids, and based on the needs of the Department, recommends acceptance of the proposal of Metrocom, low bidder, for the twenty-five (25) hand-held (Radius) Motorola radios and accessories,

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

Section 1. THAT the City Administrator is authorized and directed to enter into a contract with Metro-Com, Inc., and

Section 2. THAT the purchases shall be charged to capital expenditures, line item 2100-8000.

Adopted this 16th day of December, 1991.

AYES: Sharp, Johnson, Leary, Porter
NAYS: Elrich, Prensky
ABSTENTIONS: None
ABSENT: Hamilton

Drafted by: V. VinCola

1st Reading: 12/09/91

2nd Reading: 12/16/91

Introduced by: Councilmember Elrich

Ordinance 1991-43

An Ordinance to Re-authorize the Takoma/Langley Commercial District Management Authority

WHEREAS, The Takoma/Langley Commercial District Management Authority (CDMA) was established by Ordinance 1987-54, pursuant to the Annotated Code of Maryland Art 23A 2(b)(35), for the purpose of promotion and marketing, as well as to provide overall revitalization, security, maintenance, and amenities within the defined CDMA district; AND

WHEREAS, The Takoma/Langley CDMA has, in cooperation with the City of Takoma Park, planned, promoted, and undertaken a multi-year commercial revitalization program for the area funded, in part, through the license fees of the members of the CDMA; AND

WHEREAS, largely through the efforts of the CDMA, the City of Takoma Park has been awarded over \$200,000 in grant funds which have been used in the CDMA area for various streetscape improvements and promotional activities, and also through which the area has realized a decrease in the incidence of crime; AND

WHEREAS, the implementation of the Takoma/Langley commercial revitalization program is only 30% complete and the additional time and resources of the CDMA are necessary for its successful completion; AND,

WHEREAS, the sunset date of the CDMA as set forth in Ordinance 1987-54 is January 1, 1992, and formal action must be taken to allow the CDMA to continue.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THAT [Chapter 4A.1. of the City Code be amended as follows:] Ordinance No. 1987-54, which adds a new Chapter 4A.1, Commercial Management District and Authorities, to the Takoma Park Code, is reauthorized and reenacted with the following amendments:

SECTION 1. Sec. 4A.1-2 Establishment. (a) Pursuant to Article 23A, Section 9 2 (b)(35) of the Annotated Code of Maryland, there is hereby established the Takoma/Langley Commercial Management District and the Takoma/Langley Crossroad Development Authority, as an independent entity.

SECTION 2. Section 4A.1-7. Bylaws. (a) The first meeting of the members of the Authority must be announced fourteen (14) days in advance. At that meeting, a majority of the voting members present shall adopt bylaws consistent with the requirements of Article 23A Section 2(b)(35) of the Annotated Code of Maryland and this chapter. A copy of the bylaws shall be provided to the City for its review.

SECTION [2]3. Sec. 4A.1-11 License Fees. (d) At the request of the Board, the City shall collect ~~and enforce~~ license fees on behalf of the Authority as its agent. Unpaid license fees shall be assessed an additional late payment fee of one percent of the fee per month or any portion of a month. The City may charge the Authority for the expenses incurred in collecting fees. The Authority, by vote of its Board, is empowered, to institute suit to collect unpaid fees, plus all reasonable legal fees incurred in the collection of unpaid fees.

SECTION [3]4. Section 4A-13 - Expiration. Unless extended by an ordinance adopted by the Council, Sections 4A1-1 through 4A1-12 will no longer have any effect and are hereby repealed effective January 1, 1997.

SECTION [4]5. This Ordinance becomes effective January 1, 1992.

ADOPTED BY ROLL CALL VOTE THIS 16th DAY OF December, 1991:

AYE: Sharp, Elrich, Leary, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: Johnson (for vote); Hamilton

Note: Double underlining indicates language added and [brackets] indicate language deleted after first reading.

SECTION 2. Section 4A.1-7. Bylaws. (a) The first meeting of the members of the Authority must be announced fourteen (14) days in advance. At that meeting, a majority of the voting members present shall adopt bylaws consistent with the requirements of Article 23A Section 2(b)(35) of the Annotated Code of Maryland and this chapter. A copy of the bylaws shall be provided to the City for its review.

SECTION [2]3. Sec. 4A.1-11 License Fees. (d) At the request of the Board, the City shall collect ~~and enforce~~ license fees on behalf of the Authority as its agent. Unpaid license fees shall be assessed an additional late payment fee of one percent of the fee per month or any portion of a month. The City may charge the Authority for the expenses incurred in collecting fees. The Authority, by vote of its Board, is empowered, to institute suit to collect unpaid fees, plus all reasonable legal fees incurred in the collection of unpaid fees.

SECTION [3]4. Section 4A-13 - Expiration. Unless extended by an ordinance adopted by the Council, Sections 4A1-1 through 4A1-12 will no longer have any effect and are hereby repealed effective January 1, 1997.

SECTION [4]5. This Ordinance becomes effective January 1, 1992.

ADOPTED BY ROLL CALL VOTE THIS 16th DAY OF December, 1991:

AYE: Sharp, Elrich, Leary, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: Johnson (for vote); Hamilton

Note: Double underlining indicates language added and [brackets] indicate language deleted after first reading.

Introduced by: Councilmember Porter

1st Reading: 12/9/91

2nd Reading: 12/16/91

Effective Date: 12/16/91

ORDINANCE NO. 1991-42

Local Supplement to State Homeowner's Property Tax Credit Program

WHEREAS, Chapter 129, Acts of Maryland, 1991 amended the Tax-Property Article of the Annotated Code of Maryland by adding Section 9-215.1 which authorizes the governing body of a municipal corporation to grant, by law, a local supplement to the state homeowner's property tax credit program; and

WHEREAS, pursuant to the authority granted to municipal corporations by Section 9-215.1 of the Tax-Property Article of the Annotated Code of Maryland, the City of Takoma Park hereby establishes a local supplement to the state homeowner's property tax credit for taxpayers within the City of Takoma Park who are determined to be eligible for the state homeowner's tax credit.

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

SECTION 1. Chapter 11A, Taxation, of the Takoma Park Code is amended by adding an Article 4, Local Supplement to State Homeowner's Property Tax Credit Program, as follows:

Chapter 11A. Taxation.

Article 4. Local Supplement to State Homeowner's Property Tax Credit Program.

Section 11A-7. Definitions.

(a) "Eligible Homeowner" means a taxpayer within the City of Takoma Park who has qualified for the State of Maryland homeowner's tax credit program established pursuant to Section 9-

104 of the Tax-Property Article of the Annotated Code of Maryland, as amended (hereinafter referred to as "state homeowner's property tax credit").

(b) "Taxable year" means July 1st to June 30th, both inclusive for which the City of Takoma Park computes, imposes, and collects real property tax.

(c) "Total City of Takoma Park real property tax" means the sum of all City of Takoma Park real property taxes for which an eligible homeowner has property tax liability for a taxable year, but does not include City special assessments and charges, such as for stormwater, refuse, and the like, or interest and penalties on overdue real property taxes.

Section 11A-8. Amount.

(a) A homeowner's tax credit local supplement shall be allowed to eligible homeowners against the total City of Takoma Park real property tax paid by the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

(b) The amount of the homeowner's tax credit local supplement shall be equal to fifteen percent (15%) of the eligible homeowner's state homeowner's property tax credit for the taxable year in which the homeowner's tax credit local supplement is sought.

(c) Notwithstanding the foregoing, the amount of the homeowner's tax credit local supplement authorized by this section shall not exceed the total City of Takoma Park real

property tax paid by the eligible homeowner for the taxable year in which the homeowner's tax credit local supplement is sought.

Section 11A-9. Eligibility.

(a) In order to receive the homeowner's tax credit local supplement, an eligible homeowner must:

(1) Be included on a list of eligible homeowners provided to the City of Takoma Park by the State Department of Assessments and Taxation; and

(2) Have paid his or her total City of Takoma Park real property tax for the taxable year in which the homeowner's tax credit local supplement is sought.

(b) Once the eligibility criteria established by subsection (a) of this section have been met, the City Administrator or his or her designee shall mail the eligible homeowner, by first-class mail directed to the address listed in the City of Takoma Park tax records for the mailing of real property tax bills, a check for the amount of the homeowner's tax credit local supplement.

Section 11A-10. Regulations.

The City Administrator may promulgate regulations to carry out this homeowner's tax credit local supplement program.

SECTION 2. Effective Date.

This Ordinance shall become effective immediately and shall be applicable to all taxable years beginning with the earliest taxable year provided by Section 9-215.1 of the Tax-Property Article of the Annotated Code of Maryland, as amended.

Adopted this 16th day of December, 1991 by
roll call vote as follows:

Aye: Sharp, Johnson, Leary, Porter, Prensky

Nay:None

Abstain: Elrich (by Recusing himself from discussion/vote)

Absent: Hamilton

corr129/taxcredi.t/mb

Introduced by: Councilmember Prenskey First Reading: 12/9/91
Second Reading: 12/16/91
Effective Date: 12/16/91

ORDINANCE NO. 1991 - 45

(Authorizing Agreement with Montgomery County
for Stormwater Management Review Assistance)

WHEREAS, Chapter 369, Acts of Maryland 1990 transferred to the City of Takoma Park the authority of the Washington Suburban Sanitary Commission for stormwater management in the City of Takoma Park; and

WHEREAS, the City of Takoma Park is in the process of establishing minimum stormwater management requirements and setting up a stormwater management review and permit process applicable to development occurring within the City; and

WHEREAS, development activities may occur in the Montgomery County portion of the City of Takoma Park prior to the City's implementation of a stormwater management review and permit process and the State of Maryland Department of Environment, Sediment and Stormwater Administration's approval of the same; and

WHEREAS, there is a need to develop an interim process for review of stormwater management plans in the City of Takoma Park; and

WHEREAS, Section 1 of Chapter 369, Acts of Maryland 1990 (Article 29, Section 3-202(a) of the Annotated Code of Maryland) provides that Montgomery County and the City of Takoma Park may agree that Montgomery County shall exercise all the rights, powers and duties relating to stormwater management within the City of Takoma Park; and

WHEREAS, the City of Takoma Park desires to enter into an agreement with and appoint Montgomery County as its agent to apply its stormwater management law and regulations and to review stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park.

NOW, THEREFORE, BE IT ORDAINED BY THE STORMWATER MANAGEMENT BOARD AND THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. The City Administrator or his or her designee is authorized to enter into an agreement with Montgomery County, Maryland providing: (1) for Montgomery County to apply its laws and regulations relating to stormwater management to the review of stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park; and (2) for Montgomery County to act as the agent of the City of Takoma Park by reviewing stormwater management plans for development activities in the Montgomery County portion of the City of Takoma Park and by applying and enforcing its stormwater management laws and regulations in the Montgomery County portion of the City of Takoma Park; provided, that the Stormwater Management Board and the Council intend said agreement with Montgomery County to be an interim measure which will apply until the City of Takoma Park adopts and implements a stormwater management review and permit process and the City's stormwater management ordinance is approved as necessary by the State of Maryland.

SECTION 2. This Ordinance shall be effective immediately.

This Ordinance was adopted the 16th day of December, 1991 by roll call vote as follows:

Aye: Sharp, Johnson, Porter, Prensky

Nay: None

Absent: Elrich, Leary (for vote); Hamilton

Abstained: None

TAKOMA.ORD/CORR140/KW

November 13, 1991

MEMORANDUM OF UNDERSTANDING
REGARDING RECYCLING TELEPHONE DIRECTORIES
IN THE WASHINGTON METROPOLITAN REGION

BY AND BETWEEN

MWCOG, THE SIGNATORY JURISDICTIONS, NVPDC
AND BELL ATLANTIC DIRECTORY SERVICES

WHEREAS, outdated telephone directories are disposed of in area landfills which are reaching capacity, and local governments are implementing waste reduction and recycling programs to reduce the flow of materials to landfills; and

WHEREAS, an estimated 17,000 tons of telephone directories are distributed annually in the Washington region, and more than half of these are distributed by Bell Atlantic Directory Services; and

WHEREAS, a MWCOG-NVPDC study of markets for outdated directories in the Washington region indicates that methods and markets exist to implement a telephone directory recycling program; and

WHEREAS, citizens, volunteer groups, local governments, and telephone directory publishers have expressed an interest in recycling telephone directories; and

WHEREAS, the signatories to this memorandum of understanding are committed to implementing a joint solution which will achieve a significant level of outdated telephone directory recycling in the Washington region,

NOW, THEREFORE, BE IT RESOLVED THAT THE SIGNATORIES AGREE AS FOLLOWS:

1. To establish for a two year period beginning in January, 1992, a partnership between Metropolitan Washington Council Of Governments (MWCOG), the Government of the District of Columbia and participating jurisdictions (hereafter collectively called "participating local governments"), in the Metropolitan Washington region, Northern Virginia Planning District Commission (NVPDC) and Bell Atlantic Directory Services to recycle outdated telephone directories, the operational details of which are described in Attachment I.

2. Participating local governments will collect outdated directories and will inform citizens about the recycling effort.

3. Bell Atlantic Directory Services will arrange for preparation, transportation, and end-markets, and will continue this effort for the period of two years beginning in January 1992.

4. MWCOG in cooperation with NVPDC will coordinate with the affected jurisdictions as needed during the distribution, and MWCOG will monitor the effectiveness of the recycling effort.

Attachment I

I. RESPONSIBILITIES OF THE SIGNATORIES

A. Participating Local Governments

Participating Local Governments will arrange to collect outdated directories for pick-up. They will select collection sites, either public or private, in their jurisdiction based on the number of sites recommended by Bell Atlantic Directory Services. Participating Local Governments will designate a staff representative to negotiate the actual location and duration of collection sites with Bell Atlantic Directory Services prior to directory distribution. Participating Local Governments will negotiate with Bell Atlantic Directory Services the type of collection container to be used, recognizing that the container requirements may vary with the market agreements. The containers will be provided by either the jurisdiction, Bell Atlantic Directory Services, or the vendor, subject to discussion among the parties.

Participating local governments will designate a staff representative to coordinate publicity for the recycling effort with Bell Atlantic Media Relations prior to directory distribution. They will inform residents about the recycling effort, publicizing information about the dates, time, and location of collection.

If participating local governments wish to staff collection sites with government staff or volunteers, the local government will coordinate that effort. If participating local governments choose to have the collection organized and run by volunteers, the local government agrees to designate a staff contact person to monitor the volunteer effort.

If a participating local government prefers to arrange for its own market, it will assume the costs involved.

B. Bell Atlantic Directory Services

Bell Atlantic Directory Services will contract with end-markets for the outdated telephone directories. Bell Atlantic Directory Services will assume preparation, transportation, and hauling costs for whatever tonnage and types of telephone directories the local governments collect. Bell Atlantic will recommend the duration of collection and the number of sites based on directory distribution data. Bell Atlantic Directory Services will negotiate the location of collection sites in the affected jurisdictions prior to distribution.

Bell Atlantic Directory Services will pick-up outdated directories from collection sites in affected jurisdictions on a schedule to be negotiated with the participating jurisdictions.

Bell Atlantic Directory Services will report tonnages of recycled directories by end-market to MWCOG within a reasonable period after distribution. Bell Atlantic Directory Services will report distribution data to MWCOG for the purpose of apportioning recycling credit for the directories to the participating jurisdictions.

C. Metropolitan Washington Council of Governments

The Metropolitan Washington Council of Governments (MWCOG) will coordinate with the affected jurisdictions as needed during directory distribution. MWCOG will monitor the effectiveness of the recycling effort as measured by reported tonnages recycled, and will apportion recycling credit to the participating jurisdictions based on jurisdiction-specific collection data provided by Bell Atlantic Directory Services. MWCOG will assist in resolving any disagreements that may arise between a Participating Local Government and Bell Atlantic Directory Services.

MWCOG will provide a clearinghouse for publicity regarding the collection and will maintain a list of collection sites through the metropolitan region.

D. Northern Virginia Planning District Commission

The Northern Virginia Planning District Commission (NVPDC) will assist MWCOG by coordinating with the participating local governments in Northern Virginia as needed during directory distribution. NVPDC also will coordinate recycling efforts of non-MWCOG jurisdictions located in Northern Virginia, that are parties to this agreement.

II. LIABILITY

Participating local governments will be liable for activities in collecting and storing all telephone directories in their jurisdictions. Bell Atlantic Directory Services will accept liability for loaded containers in transit.

III. PERIOD OF PERFORMANCE

This Memorandum shall remain in effect until January 1, 1994, or until such time as it is terminated by any of the signatories. If one or more of the parties withdraws from the Memorandum, it shall remain in effect among the remaining signatories. It is the intent of the parties to either renegotiate or extend the Memorandum of Understanding prior to its termination date of January 1, 1994. Any party may withdraw from this agreement at any time through the provision of written notice to all other parties.

IV. AMENDMENTS TO THE MEMORANDUM

Amendments and additions to this Memorandum shall be effective only by mutual written agreement by all parties. The MWCOG Board of Directors shall act as the facilitating body for any proposed major amendments.

V. AGREEMENTS WITH OTHER DIRECTORY PUBLISHERS

This agreement in no way limits participating local governments from making similar agreements with other directory publishers in the Metropolitan Washington region to recycle outdated directories during the period of that publisher's directory distribution.

VI. EFFECTIVE DATE

This Memorandum is hereby agreed to and adopted upon signature by MWCOG, Bell Atlantic Directory Services, NVPDC, and at least one MWCOG member jurisdiction.

VII. PUBLICITY

Each party agrees to submit to all other parties named therein all advertising, press releases, and other publicity matters relating to this Agreement which contain or infer the names of other parties. Such advertising, press releases, or other publicity matters relating to this Agreement shall not be released or published without the written permission of all parties whose names are used or inferred therein.

SIGNED THIS DAY, 11-13-91 :

Emil Beran

Bell Atlantic Directory Services

[Signature]

Metropolitan Washington Council of Governments

[Signature]

Northern Virginia Planning District Commission

VI. EFFECTIVE DATE

This Memorandum is hereby agreed to and adopted upon signature by MWCOG, Bell Atlantic Directory Services, NVPDC, and at least one MWCOG member jurisdiction.

VII. PUBLICITY

Each party agrees to submit to all other parties named therein all advertising, press releases, and other publicity matters relating to this Agreement which contain or infer the names of other parties. Such advertising, press releases, or other publicity matters relating to this Agreement shall not be released or published without the written permission of all parties whose names are used or inferred therein.

SIGNED THIS DAY, 11-13-91:



Bell Atlantic Directory Services



Metropolitan Washington Council of Governments



Northern Virginia Planning District Commission

Introduced by: Councilmember Elrich

RESOLUTION #1991-108

A RESOLUTION APPOINTING MEMBERS TO THE 1992
MARTIN LUTHER KING, JR. COMMEMORATION COMMITTEE

WHEREAS, in years past, the City Council of Takoma Park, Maryland, has observed a day of memory for the late Dr. Martin Luther King, Jr., a leader of remarkable vision and courage; AND

WHEREAS, these observances have included successful commemoration celebrations planned by a Council appointed committee, made up of the citizens and City Staff of Takoma Park, Maryland; AND

WHEREAS, such celebrations are planned to coincide with the Federal holiday observance of Dr. King's day of birth which is celebrated on Monday, January 21, 1992.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the following persons are hereby appointed to serve on the 1992 Martin Luther King, Jr. Commemoration Committee:

1. Joan Jacobs, 7428 Carroll Avenue
2. Jay Bayerl, 6733 Eastern Avenue
3. Lloyd Johnson, Councilmember, Ward 6

BE IT FURTHER RESOLVED THAT the Mayor of Takoma Park, Maryland is hereby authorized to make additional appointments to this Committee as necessary.

Dated this 16th day of December, 1991.

December 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 December 16, 1991 Special Session
and Worksession

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

Special Session

- [] 1. Presentation to Volunteers Who Worked on the 1991 Haunted House and Participants in the 1991 Turkey Trot - RECREATION DIRECTOR SHARON ELLIS and MAYOR SHARP presented certificates of appreciation to persons who helped to make both events a success.
- [] 2. Washington Area Council on Alcoholism & Drug Abuse 1991 Holiday Hotline - Proclamation/Resolution #1991-106 was unanimously passed, recognizing WACADA's 1991 Holiday Hotline which will be operating a telephone counseling and referral hotline from December 22, 1991 to January 5, 1992. The Holiday Hotline can be reached by calling (202) 783-1300, any time of day or night.
- [] 3. Reauthorization of CDMA Legislation - Ordinance #1991-43 was unanimously adopted on second reading, as amended, (Hamilton absent and Johnson absent for vote), amending Chapter 4A of the City Code to reauthorize the Commercial District Management Authority through January 1, 1997.
- [] 4. Purchase of Police Radios - Ordinance #1991-46 was adopted on single reading by a 4 to 2 vote (Elrich and Prensky voted Nay; Hamilton absent), authorizing the purchase of 25 portable two-way police radios for the POLICE DEPARTMENT. A motion to table the ordinance for a two month period, pending the Council's upcoming decision on and receipt of additional information about the listing of top nuclear weapons producers, failed by a 4 to 2 vote.

(Over)

- [] 5. Homeowners Tax Credit Program - (Councilmember Elrich recused himself from discussion and vote on this matter because he may benefit from this program). Ordinance #1991-42 was adopted on second reading by a 5-0 vote (Elrich Abstained; Hamilton absent). Per Mr. Elrich's request, Councilmember Porter asked that her name be substituted in the Ordinance for Mr. Elrich, as the Councilmember who introduced the legislation. This ordinance establishes a local supplement to the State homeowner's property tax credit for taxpayers within the City who are eligible for the State homeowner's tax credit. **COUNCILMEMBER JOHNSON** would like a brief summary of what the regulations are and a description of the State tax credit program in a City Newsletter article. **DEPUTY CITY ADMINISTRATOR HABADA** will be publishing an announcement about the regulations in the 12/20 Newsletter and will prepare an article for the next City Newsletter describing the State and City programs.
- [] 6. Memorandum Of Understanding With Montgomery County for Stormwater Management Plan Review - Ordinance #1991-45 was unanimously adopted on second reading, (Hamilton absent) authorizing the **CITY ADMINISTRATOR** to enter into an agreement with Montgomery County for stormwater management review assistance.
- [] 7. Memorandum of Understanding With Council of Governments for Telephone Directories Recycling - Resolution #1991-107 was unanimously passed, (Hamilton absent) authorizing the **CITY ADMINISTRATOR** to enter into a two year agreement beginning in January 1992, for collection, transportation, preparation and delivery to end-markets of Takoma Park's telephone directories.
- [] 8. 1992 Martin Luther King, Jr. Commemoration Committee - Resolution #1991-108 was unanimously passed (Hamilton absent), appointing Joan Jacobs, Jay Bayerl, and **COUNCILMEMBER LLOYD JOHNSON** to the committee that will be planning the January 20, 1992 Commemoration Celebration. The Resolution also authorizes **MAYOR SHARP** to make additional appointments as needed.

Worksession

- [] 1. DHCD Priorities - Council discussed **DHCD DIRECTOR GRIMMER'S** memo regarding DHCD priorities in their economic and community development projects; the memo outlined a listing of the projects the department expects to accomplish or substantially begin within the remainder

(Next)

of the fiscal year. In addition, MS. GRIMMER noted that her department will be short on staffing. In addition to the loss of one intern and the uncertainty of funding for the remaining intern, the CONSTRUCTION SPECIALIST, ROBIN ZIEK is accepting new employment in early 1992 and it was just learned that COMMUNITY PLANNER SCHWARTZ is ill and is expected to be out for 6 weeks. Council consensus to go along with MS. GRIMMER's recommendations that the department continue to pursue the Transportation Plan (including the related WACO plan and Prince George's County study) as a first priority and to identify parts of the Open Space planning process that a CAC could perform with the least amount of staff support necessary.

- [] 9. Discussion of Development of City Newsletter Mission Statement - The Council discussed ideas of what a Newsletter Editor should do and also discussed the idea of an editorial board. Some Council ideas focused on that the Editor should do some reporting of legislation that the Council is taking up and provide a forum for issues that people are concerned about.

Some ideas discussed about the editorial board were that the CITY ADMINISTRATOR could serve on this Board which would evaluate the Newsletter and semi-annually, the Council could meet with the Board. Also discussed, was whether the Board could assist the Editor with deciding which issues are important and whether the Board should do the up front and end result work.

MAYOR SHARP pointed out that the CITY ADMINISTRATOR had proposed formation of a Board some months ago. MR. WILSON to bring his recommendation before the Council at the January 20, 1992 worksession. The Council will use the 6 recommended points that the Newsletter Review Committee recommended in their mission statement to discuss editorial guidelines after the CITY ADMINISTRATOR reports back in January 1992. CITY ADMINISTRATOR authorized to publish advertisement seeking a new Editor in the December 20th Newsletter as well as an advertisement that the Council is looking for people to serve on a 5-member Editor Selection Committee.

- [] 3. City Administrator Profile - Council consensus was reached on the following:

(Over)

(a) Advertisement - PERSONNEL OFFICER HOBBS' ad was approved as written (with change in salary language, instead of listing a salary range--see (b) below). The ad will run in the media sources he suggested. MR. HOBBS also to talk to other city administrators to get some ideas for additional media sources.

(b) Salary - Advertise the salary at \$60,000 +.

(c) Profile - correct page 1, paragraph 3 - the City is a sanctuary City [delete "for Central American refugees"].

- Under "Public Education", remove the second sentence regarding education budget cuts.

- Page 5 - Re: strengthening of relationships, delete "Counties" and add "surrounding jurisdictions particularly with regard to them as funding sources."

The Council commented that the Profile was well-done.

(d) Selection Committee - Council took a straw vote on whether to appoint a 9, 11 or 13 member committee. Council voted 4 to 2 for appointment of an 11-member committee. The members selected by the Council include: Rino Aldrighetti, Jim Douglas, Condie Clayton, Ellen Brown, Herb Kaufman, Carl Smith, Juanita Nunn, Kathy Breckbill, Jeff Zellmer, Robin Ziek and Charles Shipp. Karen Anderson and Michael Duberstein were selected as alternates should any of the 11 members be unable to serve. MR. HOBBS to notify these members that the Council will make the appointments by Resolution on January 13, 1992 and to also send everyone a copy of the final Profile.

- [] 4. Mailing Rolling Agendas - The Council discussed the idea to begin mailing the rolling agenda to everyone who receives Council agendas. CITY CLERK JEWELL recommended that the Council consider that this is an extra piece of paper and an extra step in the agenda mailing process and will involve additional time and possibly expense. Some concern was expressed that there may be some confusion caused by the constantly updated rolling agenda which

(Next)

shows items that appear sometimes as actual and non-actual matters along with very tentative dates. Council straw vote 4 to 2 to try mailing rolling agendas for a couple of months. **CITY CLERK'S STAFF** to emphasize on the rolling agenda that the matters listed are tentative. **MAYOR SHARP** and **PAULA JEWELL** to work out the logistics of mailing these without incurring additional expenses.

- [] 5. Additional Agenda Item - Letter of Request from Karl Kessler - A letter was received from Mr. Kessler requesting the Council's consideration of an alternative funding arrangement to the special assessment of property owners for funding stormwater site work required for his property in Takoma Junction. His request was for a one year moratorium on his property taxes. The Council discussed **DEPUTY CITY ADMINISTRATOR HABADA'S** proposed response to Mr. Kessler for a City offer of \$2,000 to assist with the storm water site work. General Council agreement that Mr. Kessler does not need assistance from the City and there was reluctance to spend any City money. However, the Council deferred to **HABADA'S** judgement on whether to reject Kessler's proposal and make the offer of \$2,000 pending further review of site development plans.

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)

PSJ/psj