

Regular Meeting and Public Hearings of the City Council  
Monday, October 12, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Admin. Grimmer
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Public Works Dir. Knauf
Councilmember Leary	Library Director Robbins
Councilmember Porter	Recycng. Coord. Braithwaite
Councilmember Prensky	Corporation Counsel Silber

The Council convened at 8:00 p.m. on Monday, October 12, 1992 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, the following comments were made.

COUNCIL COMMENTS

Mr. Sharp commented that the October 4th Old Town Festival looked like it was a very successful endeavor. He noted two issues that needed some consideration by the City and Old Town Business Association: how to avoid the amount of trash generated at the Festival and an incident where the handicapped curb ramps were blocked by vendors who were set up for the Festival. Mr. Sharp said that the Americans with Disabilities Act did not address the issue of blocking these ramps and it might be necessary for the Council to amend its Code to regulate this.

Mr. Johnson said he had inspected the area earlier this morning and concurred that there was too much trash. He suggested the Festival sponsors assume greater responsibility for clean up efforts. It is inappropriate for Public Works to use its scarce resources to clean up after an organization that should have anticipated the problems.

Mr. Prensky said he enjoyed the Festival; he recalled that the Business Association had previously agreed not to have alcoholic beverages sold on the streets; however alcohol was sold all day in front of Talianos Restaurant. Mr. Prensky said he had asked staff to look into whether this was a violation and said he hoped this would be more carefully looked into in the future.

Mr. Prensky announced that he and Ms. Porter were sponsoring a meeting on 10/13 at the Heffner Community Center at 7:30 p.m. regarding concerns that relate to access and trespass in and around the area of Forest Park.

Ms. Porter announced a meeting on 10/15/92 at 7:30 p.m. regarding a subdivision plan for a Heather Avenue property to discuss options for closing off the intersection of Glengary; the meeting would be held at 1002 Heather.

Adoption of Minutes from 9/29/92 and 9/30/91. Moved by Mr. Hamilton; seconded by Mr. Prensky; the Minutes were unanimously adopted.

CITIZEN COMMENTS (not on Council's agenda)

Steve Del Giudice, Prince George's County Councilmember announced that after 15 years, he was no longer a citizen of Takoma Park. He said he and his wife recently moved to a larger house in the City of Hyattsville because they needed more space. Mr. Del Giudice commented that he loved Takoma Park and he was happy to have had the opportunity to serve the City and citizens of Takoma Park as a City representative and he looked forward to continuing to serve Takoma Park in his role of Prince George's County Councilmember.

Jim Douglas, 18 Sherman Avenue, speaking as co-chair of S.S. Carroll Citizens Association, said the Association met two weeks

ago and discussed revitalization of the Takoma Junction area and the type of business it was and the late hours of operation resulted in an increase of traffic, parking problems and hooliganism. Mr. Douglas said the business had not been sensitive to the concerns expressed by the citizens, so a committee was formed to meet with the business owners and report back to the City Administrator. Mr. Douglas also said the Texaco station continued to be a problem as well as the parking area behind the Carroll Avenue businesses which continued to spew gravel down Lee onto Hancock. He also said the facade ordinance was not being enforced. Mr. Douglas suggested that the former Takoma Junction committee which languished because of lack of interest, could be re-established to bring in the businesses and get their cooperation.

Councilmembers agreed that these were issues of concern; it was not the first time citizens complained about the problems and the lack of enforcement of regulations as they applied to businesses in Takoma Junction. Council asked that City staff give them an assessment of the current situation and how the problems can be addressed. Council agreed that staff would continue to work with the residents and the businesses to come up with solutions for both residents as well as the businesses which were providing a service to the City.

#### AGENDA

Mr. Sharp noted that Item 6, a single reading Ordinance regarding the Takoma Langley streetscape project, was being deferred.

Ms. Porter moved that Item #7 regarding the Gaskins property acquisition be taken up immediately following Item #3. Mr. Johnson seconded the motion and it carried by a 5 to 1 vote. (Mr. Prensky voted Nay).

1. Introduction of New City Employees. Ms. Grimmer introduced Jean Sickle, new Community Development Block Grant Coordinator who had served as a consultant and an executive director for a non profit community development organization and deputy directory of a redevelopment authority; she also holds a Masters degree. Ms. Grimmer then acknowledged the new DHCD Intern Joseph Barris who holds a bachelor's degree from Rutgers and was working on a graduate degree in community planning from the University of Maryland.

Mr. Johnson said he was looking forward to receiving the Administrator's plan on affirmative action with respect to Racial and Ethnic diversity in the City's supervisory, managerial and professional positions.

Mr. Knauf introduced the City's new Arborist, Marty Moskowitz, who holds a bachelor's degree in Horticulture, a Masters degree in landscape architecture, and who also served as a member of a tree commission of a neighboring community.

Ms. Robbins introduced Rebecca Brown who joined the Library's professional staff as Reference Librarian. Ms. Brown, a Takoma Park resident for 11 years, previously worked in the Library as a shelver and library assistant while she completed her Master of Library Science at Catholic University.

#### 2. Public Hearing on Proposed Bond Issuance.

Mr. Sharp called the Public Hearing to order at 8:35 p.m. and said the Council in its budget deliberations last year raised a question about issuing a bond for capital work. He said they made a budget allocation for this but had not made a decision to spend it because they wanted to provide an opportunity for public discussion on the proposal.

Ms. Habada remarked that the proposal was to issue bonds for \$647,000 worth of improvements of which \$640,000 would be funded through the proposed bond issue; the total bond would be \$680,000

and included issuance costs. She said the proposal was to issue the bonds through the State of Maryland Loan Infrastructure Program that the State operated on behalf of municipalities to pool requests from municipalities who desired to go out on the bond market but did not want to go out alone for a small amount of money. Ms. Habada said the next cycle would be in January.

Mr. Hamilton commented that the municipal gym had been closed most of the summer for anticipated renovations; he noted that \$57,000 listed for the municipal gym was not an adequate amount for what it would require to renovate and reopen the gym. Mr. Hamilton said he wanted to ensure that this matter would be discussed for the public record.

#### CITIZEN COMMENTS

Paul Crumrine, 6725 Poplar Avenue commented that he had lived in the Sligo Park hills area for 8 years and he did not know what the details of the proposal were for the Flower Avenue and Sligo Creek Park area, but said there was not much demand for foot traffic to merit a heavy duty investment in new sidewalk construction in that area.

Paul d'Eustachio, 6611 Allegheny Avenue said he had made a career of opposing excessive spending by the Council. He said the issue was what was the proper use of debt; most people got into debt with the expectation of a return on their investments, i.e., a house mortgage in return for shelter. He said the City was again going into debt for ordinary expenses that were ongoing every year. He noted that four years ago, the City issued a bond to catch up on streets needing repair and now four years later, the same thing was being done. Mr. d'Eustachio said the Council needed to recognize that the amount of revenues need to be matched to the amount of expenditures.

Minor Sachlis, 612 Elm Avenue said he agreed with Mr. d'Eustachio's comments. He noted that less than a month ago, the Council considered spending one and a quarter of a million dollars to acquire a church property and now the City wanted to spend three quarters of a million dollars for repairs. He questioned what happened to the taxes residents paid with the expectation of receiving basic services such as security and access to roads, and he asked why it was necessary to go out and borrow money to do these things. Mr. Sachlis suggested the Council do the repairs without the bonds and cut the additional repairs needed since the 1980s.

Mr. Sharp clarified to the previous speakers that no decision had been made on the proposed bond issue. Mr. Sharp explained to Mr. Sachlis that the City decided not to purchase the church property. He also informed Mr. Sachlis that the City went through an extensive budget process that involved the input of citizens, and the City's budget document was available to show how the City's tax dollars were spent.

Fran Hayward, 8 Montgomery Avenue said bonds should not be used for essential government services and the City should have known the street repairs were coming which proved that a more comprehensive savings plan was needed for infrastructure and improvements. She suggested that a bond could be used for buying open spaces or funding a multicultural center. Ms. Hayward said the Council should ask whether the streets listed were really important and if so, maybe the taxes should be raised.

Jim Douglas, 18 Sherman Avenue said the bond issue was a second level question; the first level question that wasn't being addressed was where were the program outlines and standards the City was going to have for streets and the kind of maintenance program that was going to take place every year. He noted that he sat on the Council for four years; the same discussions took place every year and the questions were constantly put off. Mr. Douglas



said deferred maintenance may have created a capital expenditure situation that the City ought to address; however he would not support this. He said until he saw the program and a maintenance schedule, he would suggest the Council defer the bond issuance because the means of financing were not appropriate.

Montez Boatman, 133 Ritchie Avenue said she was not prepared to state whether or not she favored the bond issuance, and she asked for clarification on the proposal. She said it was her indication that there were still some unmet needs, and during the ten years it took to repay the bond, other streets would fall into the category of needing repair and she asked the Council what strategy they were proposing to use.

Mr. Elrich explained that the City was not locked into a bond dollar amount at this time; he pointed out that Mrs. Boatman's concerns were also raised by other Councilmembers who felt that \$600,000 might not go far enough towards dealing with those problems.

Frank Caherty, 817 Davis Avenue said in his opinion, borrowing money to pay for what should be normal expenses for running an organization or taking care of a piece of property was not the way to run a business. He said this did not show good planning on the part of those running the City.

Rino Aldrighetti, 7213 Central Avenue commented on some research he had the City Clerk do a year ago comparing the City's populations with the City's annual budgets between 1960-1990. He said the City had allowed the reserve to dissipate and as the City faced an uncertain future, it could not afford to be paying off a bond. He said he would rather take a couple of years of a special tax if that was what it would take to do the job. Mr. Aldrighetti questioned that if the population has been stabilized, was the work of the City more complex--was the City taking on more things that it could not afford and letting the maintenance of infrastructure, which should be done first, deteriorate. He agreed that the Council had instituted a very comprehensive budget process; however, the last time the bond issue came up, he spoke against it then as he was doing now.

Mr. Sharp clarified that the City's reserve had not dissipated and said the City used to have an unappropriated reserve which was now an appropriated reserve--the City still had \$750,000 in reserve in an equipment sinking fund which amounted to around \$400,000 and \$600,000 in Emergency Reserve. Mr. Sharp said it was true that last year, the Council used \$415,000 of money left over from last years which had not been put into any of the reserves. He said the Council consciously did this to avoid raising taxes.

Kathy Breckbill, 7104 Woodland Avenue said she had not made up her mind on the proposal; she knew of streets with hazardous sidewalks and curbs that could present a certain amount of liability to the City. However, she asked what was wrong with the system that these repairs and maintenance had not been done. She said she agreed with Jim Douglas that until a plan was developed and put forward, it would be hard to justify the bond issuance.

Mr. Sharp brought the Public Hearing to a close at 9:17 p.m.

#### COUNCIL COMMENTS

Mr. Hamilton commented that one of the problems with the process was that some years ago there had been a 5-year backlog of approximately \$800,000 in curb and gutter work that had been put off. Since that time, the City had depended on block grant funds to handle curbs and gutters in the City. He said that now there were certain streets on the Prince George's County side of the City that did not qualify for block grant funding and there were no longer block grant funds available for street work, the question

longer block grant funds available for street work, the question was how to handle these streets. Mr. Hamilton explained that block grant funds were supposed to benefit low and moderate income residents and eliminate blight and provide funding for programs that were not readily fundable. Mr. Hamilton also said the City never budgeted for repairs to the Municipal Building and Gym.

Mr. Elrich said he supported the bond issuance and said that it needed to be realized that the maintenance that had been deferred dated back to the 1960's. He said in the 1980's, a study was done that indicated there was a major amount of street work that needed to be done; however the Council then was not willing to deal with it because the size was daunting. He explained that when the Council issued the bond a few years ago, they knew that it wasn't going to fix everything. He said this Council had put large amounts of money raised through taxes back into street repairs. Mr. Elrich said that he agreed with Mr. Douglas that it was imperative that the City have a plan; but the least impact on the residents was to try to finance the work needed over a ten year period--financed in conjunction with a decent maintenance plan.

Mr. Johnson said he had not made up his mind on this issue but he was deeply troubled that the City approved the previous bond issue a few years ago for \$521,000 that was supposed to deal with the issue of infrastructure and now were proposing to float another bond issue for \$670,000. Mr. Johnson said he still did not see a program how the City was going to deal with ongoing infrastructure problems. He said if it meant the City would have to face some hard choices of addressing some popular City programs, so be it; however he could not see supporting this project without a proposal for dealing with long range street maintenance.

Mr. Leary commented that he voted against floating the previous bond issue, but he found himself in a more ambiguous situation now. He pointed out that since the Council learned there was more time to make a final decision, it was essential to pin down what kind of money was being talked about as an annual requirement to take care of the City's streets and provide for regular routine maintenance. Mr. Leary said he would insist on having some indication of this before he could support the proposal. He said the Council ought to be able to appropriate the amounts needed for street repairs and maintenance into the current budget if this was as high a priority as everyone says it is. Mr. Leary said he urged citizens who talked about the advisability of cutting programs, to give the Council some serious suggestions as to what should be cut.

Mr. Prenskey said the Council owed it to the citizens to hold a second public hearing later this year if Council was still actively considering a bond. Mr. Prenskey said he was also not in favor of the previous \$521,000 bond issuance. He said the City had a history of deferred maintenance and small incremental steps in planning, and the level of planning issued lately was the best he had ever seen. Mr. Prenskey said the unappropriated reserves would most likely begin to pay the decreases they would see in State and County cut backs. Mr. Prenskey said the City would have to figure out how to reassess the City's budget process to determine what the greatest priorities were, and this included the idea of cutting programs and not spending money traditionally spent, while at the same time more and better services were being demanded.

Ms. Porter commented that the preliminary estimate from the Public Works Director to get completely caught up on street repairs was in excess of a million dollars and if the City were to go ahead with the bond issue, it would not catch the City up on street repairs. Ms. Porter said she agreed with Mr. Douglas; it was important to talk about a plan to make sure the streets were put into reasonable shape and then maintained in reasonable shape; however, the City had to deal with things as they were right now. She said it would have been better had the plan been put into place some years ago, but at this point, the Council had to figure out the best way to

Mr. Sharp noted that since the State's infrastructure loan program had been postponed until January or longer, there would be further discussion of the proposal at a future Council Worksession.

3. Public Hearing Re: Ordinance Requiring Multi-family Recycling  
Ms. Braithwaite explained that the draft Ordinance was a proposal to bring the City's high rise apartments in line with the City's recycling requirements that were in place for single family homes and small apartment buildings that had City trash service. She said the program would affect those apartments with greater than 12 units that currently did not have City trash service and those with private contracts for trash service. The legislation phased-in over a three year period, to allow apartment dwelling residents to participate in the recycling program and established a deadline of May 1993 for apartment owners to have the first phase of a program in place. She said the language in the ordinance allowed the Public Works director to review on a case by case basis any apartment owners who could not comply with the deadlines of the ordinance. Ms. Braithwaite said the law would affect 2,078 units in 103 buildings and apartment owners would not be allowed to pass additional costs directly on to tenants unless they went through a petition process. She pointed out that apartment owners had been notified of this legislation a number of times, had received the draft legislation and the City had also prepared a how-to manual on setting up a program. Also, a pilot program had been set up in 9 apartment buildings, ranging from 19 to 400 units.

Mr. Sharp called the Public Hearing to order at 9:45 p.m.

#### CITIZEN COMMENTS

Kay Dellinger, Hampshire Towers Tenants Association said she would like to hear from landlords how they planned to implement the legislation and she questioned if they had any plans to encourage the participation of tenants. She said as far as City policy, it was important to have a planned educational effort for tenants with plenty of advance notice. She said recycling required extra effort by persons, especially the elderly. Ms. Dellinger suggested that educational materials be provided in English and Spanish and said most tenants association would be willing to work with the City in distributing the educational materials. Ms. Dellinger said she would also like the City to begin to take definitive steps in addressing the issue of over-population.

The public hearing was brought to a close at 9:52 p.m.

4. 1st Reading Ordinance Requiring Multi-family Recycling  
Moved by Mr. Elrich; seconded by Mr. Johnson.

Mr. Hamilton asked what was Montgomery County's policy on recycling and asked if there would be any exemptions for buildings which housed senior citizens.

Ms. Braithwaite said the County's plans were put on hold and they were planning to pass legislation similar to Prince George's but there would not be any County sponsored program that handled collection; this would be the apartment owners' responsibility to contract out for service. She said Montgomery County opened their recycling processing facility to recycling collectors from apartments for a fee. Ms. Braithwaite said this draft of the legislation did not address exemptions for senior housing facilities, however, the Franklin Apartments was one of the pilot programs the City was working with and they saw no problem with implementing a recycling program in their building. She explained that in most buildings, trash facilities were geared for ease in handling by seniors and disabled persons.

Mr. Hamilton commented that the legislation did not address the placement of where recyclable materials would be collected that would meet fire code inspections.

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Mr. Johnson commented that the fiscal note attached to the legislation indicated what the municipal expenditures would be but did not indicate the amount and source of those expenditures.

Ms. Braithwaite responded that the sources would come from each department's existing budget and would be implemented by existing staff.

Mr. Sharp asked what the exact uses of information that landlords would be required to report on would be.

Ms. Braithwaite said the information would be used to track the programs since the responsibility was being put on the individual building owners.

Mr. Sharp said he would like to know a little more about this, e.g., how much would it cost landlords to make these reports, before he would support the notion of requiring landlords to keep records. He also commented that in Ordinance Section (g), the Director of Public Works' compliance date authority was too broad and needed to be focused more.

Mr. Hamilton suggested that the reporting requirements issue could be solved by adding a couple of lines to the rental application process stating that the landlord was recycling and list the name of the recycling company so it would be part of the annual process as they applied for their housing license. Mr. Hamilton then asked what would happen in the event owners with properties with less than 12 units wanted the City to pick up this recycling process and he commented that this needed to be addressed as well as what the costs would be for the City to handle these units to come into the City's process.

Ms. Braithwaite said it would mean 300-350 units in approximately 60 buildings and these could feasibly be added into the existing service since routes for trash collection were run 4 days a week and 5 days a week for recycling collection; the impact would be limited because the City charged a fee for that service and the fee would offset the costs for providing services.

Council Action: The Ordinance was accepted at first reading by a 5 to 1 vote (Mr. Hamilton voted Nay).

ORDINANCE #1992-38  
(Attached)

5. Property Acquisition - Resolution Authorizing Purchase of Gaskins Property on Glenside Drive. Ms. Habada explained the documents before the Council: a Resolution authorizing the City's participation in a purchase of 7318 Glenside Drive and said that the Program Open Space (POS) application for the City's participation on the costs to be shared with the Planning Commission was hand carried to the State on October 9th. Ms. Habada also said the Council had a copy of the agreement between the City and the Park and Planning Commission for the cost sharing proposal and the Council had received confidential advice from Corporation Counsel about what could be discussed in open session. The Resolution was moved by Ms. Porter and seconded by Mr. Johnson.

Ms. Porter explained that the Resolution and associated documents before the Council reflected the end of a very long process that residents in two neighborhoods on both sides of the property had gone through. She said the property immediately adjoined an existing neighborhood park and for many years was undeveloped. A year ago, the property was sold to a private owner who intended to build a house. The neighbors became aware of this and began discussions with the owner about what might be done to satisfy his

process to negotiate the City's purchase of the property was begun. Ms. Porter said the City was fortunate to have had the assistance of Prince George's County Councilmember Steve Del Giudice who helped guide the City and encouraged County agencies to work with the City. Ms. Porter said the outcome was a favorable one to all parties involved; there was an agreement where costs would be shared between the City and the County--the City to use POS funds for the land acquisition and the County to use County funds for development costs to reimburse the previous owner for development costs that occurred while he attempted to develop the property.

Ms. Porter also said the City had in process the beginnings of a plan to designate certain areas of the City to be protected as open space and if that process were in place, this property would probably be one of the prime areas to be protected because it was an integral part of the park, both visually and in terms of preserving the park from erosion and encroachment by buildings that would take away from the value of the park and neighborhood.

Mr. Johnson said this was one of the few opportunities where the result was a win-win situation for the City. He said the City was able to preserve open spaces and there were also no direct costs to the City; the City's portion would be covered by open space money so there was no immediate financial impact at this time. Mr. Johnson also said there had been an opportunity for citizens with different points of view to work together in bringing the matter to a conclusion and he was delighted to have reached this particular point.

Mr. Leary said this was an excellent example of how interested and energetic citizens can make a difference. He said this came about because a group of citizens cared enough to push this matter and the result was another example of the cooperation from Prince George's County government that the City rarely got from Montgomery County government, and this was one reason why the situation differed from other prospective purchases of open space the City might consider. As a result of the cooperation of residents and City staff, the City had an agreement to use open space funds to pay the City's share of the purchase price. Mr. Leary said these unique factors were why he supported this; he would have had serious doubts about approving an expenditure of a substantial amount of City funds at this time for the purchase of this property. He said he and others on the Council had been urging for years the development of a comprehensive open space plan for the City so they would have a better idea of what the priorities were and what the alternatives were.

#### CITIZEN COMMENTS

Ed McMahon, 7501 Cedar Avenue said that he worked for the Conservation Fund, a national non-profit which purchased open space; and he said the State legislature had already approved and issued a bond for \$33 million dollars and have already started to spend that money. He said the Board of Public Works approved expenditures on a project by project basis; there was virtually no chance the Board would not continue to spend this money. He said open space had economic, environmental and psychological values and he urged the Council to approve this action and work towards a comprehensive plan for open space in the City.

Faroll Hamer, 7418 Holly Avenue speaking for the City's Open Space Committee said the Committee was not objecting to the purchase of the Glenside property but they did have some objections to the process by which the decision was made and they had questions about the benefits of the project to the City as a whole. She said the open space plan the Committee was in the process of developing was not yet complete but there were certain criteria for evaluating each open space area. Ms. Hamer said the Glenside lot was limited in its value based on that criteria because of its small size and steepness and it was unfortunate to go ahead with this purchase before a comprehensive open space was developed for the City.



Urie Yokel, 7222 Minter Place said he took exception to everything Ms. Hamer said; the notion that a piece of property had to be flat and clear of trees to be valuable as open space was contrary to the concept of open space acquisitions. He said that although the lot was not huge, the geometry of the property made its frontage well over 200 feet to the park and it adjoined the only flat and usable area of the Long Branch Park. Mr. Yokel also said the neighborhood association and the tree commission spent a lot of time with the builder to determine whether the trees could be saved and the owner's best concession would have leveled more trees on the property than major trees on the entire proposed bike path.

Rino Aldrighetti, 7213 Central Avenue said that given the importance of this issue, the open space committee should have involved in their meetings the two citizens associations who had been working on this: Long Branch-Sligo and New Hampshire Gardens. Mr. Aldrighetti said that over the year, there were many meetings regarding the Gaskins property that were attended by City Councilmembers and he commented that the work that Mr. Del Giudice had done was very much appreciated. Mr. Aldrighetti noted that this project was the largest leveraging of open space money in the history of open space and the neighborhood was proud of it and encouraged the Council to pass the Resolution.

Tom Guins, 1200 Kingwood Drive, President of Hampshire Gardens Citizens Association said the neighborhood association did not take a lead role in pushing this forward although the neighbors did. He asked the Council to not allow the parcel to be developed and he asked for their support in maintaining the area as open space.

Frank Caherty, 817 Davis Avenue said that at first he questioned how people could tell the owner what to do with the property that he owned. He said he grew up in the neighborhood and played in the park as a child and he did not see that there would be any negative impact on the park. He commented that when houses were built, there was an increase in tax money that could be generated and having another person living in the area also contributed to the life there. Mr. Caherty suggested that if the residents wanted the property to be purchased, they should put their own money up for it. He said this was not a valid expenditure of money and he asked the Council not to pass the Resolution.

Steve Del Giudice, Prince George's County Councilmember said there were probably good and legitimate reasons for not developing the land. He said the City was now paying the price for mistakes made 40-50 years ago when sewer lines were run from properties right down into the Creek and the development of this property would have created some serious environmental concerns. Mr. Del Giudice commented that the real estate person probably did not inform the buyer about the local laws. He also said there was a Park and Planning stream valley park that the property adjoined and it could probably be used in some way to improve upon the utilization of the park and the stream valley while preserving the natural habitat without creating environmental consequences.

Barry Toiv, 7110 Central Avenue said this situation was not an adversarial one between the neighbors and the owner; the owner had been victimized all along by the realtor. He said although the owner's interests and the neighbors were not the same, this proposed conclusion was a natural one. Mr. Toiv thanked members of the Council for speaking in support of this matter, and he also expressed appreciation to Mr. Del Giudice.

Kay Dellinger, 7333 New Hampshire Avenue questioned the \$110,000 purchase price when the owner paid \$60,000 for the property.

Mr. Sharp explained that the appraised value was \$60,000; development costs brought the value up to \$98,000 and the \$12,000 difference was essentially for those development costs which also

involved developing plans, borrowing money, and paying County recordation and transfer taxes.

Mr. Elrich added that the additional costs were for lawyer's fees, part of which were spent fighting the City's tree ordinance; he said the owner was being reimbursed for fighting the City efforts for preserving the trees.

Corporation Counsel Silber added that there were difficult negotiations between both government entities and the owner and there were a lot of indirect costs the City was made aware of on top of the hard costs having to do with four relocations of the owner's home and some difficult personal circumstances resulting from the delay in being able to develop the property.

Ms. Dellinger noted the owner was also suing Remax, the real estate firm. Ms. Dellinger said she would have a problem supporting any purchase price because the owner might recoup all of his costs from his lawsuit with the real estate firm. Ms. Dellinger said if this had come at a time when other types of programs, e.g., social program were being fully funded, she might support it, but it came when important social programs were going to be cut by the State.

Mr. Elrich said he did not think the Council should settle until it knew the results of the State's decision on providing funding for project open space. He did not think the Council was prepared to vote for spending \$55,000 in tax money when there was some question as to how this would turn out and it would not prudent to make the decision until the City knew it had the money from the State. Mr. Prenskey seconded the motion.

Ms. Porter reminded Mr. Elrich that this would kill the deal; the City had gone through a long process of negotiation between the parties and agreement was reached on what was best for both sides.

Mr. Johnson said he agreed with Ms. Porter that Mr. Elrich's amendment would kill the deal and he said he would oppose the amendment offered by Mr. Elrich.

Following Council discussions on this concern, Mr. Sharp suggested adding language proposed by Corporation Counsel, to the Resolution's first Whereas clause, to read, "Subject to the City's receipt of the POS Letter of Consent, the Mayor is hereby authorized and directed to enter into an agreement with M-NCPPC for...".

The question was called on Mr. Elrich's proposal to wait until after the State Board of Public Works approved the open space funds to close the deal, failed by a 1 to 6 vote. (Mr. Elrich voted Aye).

Mr. Prenskey moved to adopt Ms. Silber's proposed amendment; seconded by Mr. Leary, the motion carried by unanimous vote.

Council Action: The Resolution, as amended, was passed by a 6 to 1 vote (Mr. Elrich voted Nay).

RESOLUTION #1992-75  
(Attached)

Ms. Porter noted that in addition to Mr. Del Giudice's role in this matter, there were many people on County and City staff who did a lot of work on this issue including Corporation Counsel Silber and City Administrator Habada. She said that the biggest responsibility for the positive result went to the neighborhood residents.

Mr. Elrich commented that he hoped the City could count on Mr. Del Giudice's assistance in getting Prince George's County to

spend block grant money on social programs to aid the people who were supposed to be the beneficiaries of block grant money.

6. 1st Reading Ordinance Re: Purchase of Recycled Products  
Moved by Mr. Elrich; seconded by Mr. Hamilton.

CITIZEN COMMENT

Eilene Sobeck, 7637 Carroll Avenue, member of the Recycling Taskforce said it would be difficult to monitor the result of this program if annual reports were not required and she recommended that there be a reporting requirement at least for the first 2-3 years. She also commented that implementation of the legislation should not be delayed until 1993 because the City as a leader in recycling was actually behind the times in purchasing recycled products.

The Council deliberated about when the legislation should take effect and whether City department should be required to submit annual reports on their purchases of recycled products since the same information would be available to the Council as part of the budget process.

A motion was unanimously passed to have the Ordinance become effective on April 1st, 1993 which would give staff time to implement the legislation prior to the budget process. In addition, reports would be required in order to measure the results of the legislation. It was also recommended that the City Administrator be directed to encourage implementation by departments immediately upon adoption of the Ordinance.

The Council asked that the Recycling Task Force investigate whether the City should purchase a lower quality paper in an effort to save money.

Council Action: The Ordinance, as amended, was unanimously adopted on first reading. (ABSENT: Mr. Johnson).

ORDINANCE #1992-76  
(Attached)

7. Resolution Re: CDBG Funding For Montgomery County. To adopt the recommendations of the Citizens Advisory Committee for Community Development Block Grant requests to Montgomery County for FY'94, and authorizing staff to submit applications to the County and to explore the Section 108 Loan Guarantee Program. Moved by Mr. Elrich and seconded by Mr. Hamilton.

Council Action: The Resolution was unanimously passed. (ABSENT: Mr. Johnson).

RESOLUTION #1992-76  
(Attached)

8. Resolution of Condolence to Family of Gibson E. McKenzie, Sr. Expressing condolence to the family of Gibson E. McKenzie, Sr., City Councilmember from April 1954 to April 8, 1968, who passed away on September 29, 1992. Moved by Sharp; seconded by Mr. Hamilton.

Council Action: The Resolution was unanimously passed (ABSENT: Mr. Johnson).

RESOLUTION #1992-77  
(Attached)

9. CONSENT AGENDA. Moved by Mr. Prensky; seconded by Mr. Hamilton, the Consent Agenda was unanimously passed. (ABSENT: Mr. Johnson).

(a) Resolution #1992-78, expressing appreciation to the Community Development Block Grant Citizens Advisory Committee for their services to the City.

(b) Resolution #1992-79, appointing Marie Ritzo and Avis Sanders to the Americans with Disabilities Act Task Force.

(c) Resolution #1992-80, appointing Karen Elrich to the Task Force on Family Diversity.

(Attached)

The Council adjourned at 11:38 p.m. to reconvene in Regular Session on October 26, 1992.

Introduced By:

1st Reading: 10/12/92

2nd Reading: / /

ORDINANCE NO. 1992-38

Recycling In Multi-Family Dwellings

WHEREAS Ordinance No. 1986-26, 1989-4 and 1990-14 established a mandatory recycling program for newspaper, glass bottles and metal cans, plastic bottles and appliances and a composting program for yard waste; AND

WHEREAS, this City operated recycling and yard waste collection program is extended to approximately 4,050 households in single family homes and small apartment buildings from which the City collects refuse; AND

WHEREAS, the City has an additional 2,708 households in other apartment buildings that are not included in the City's recycling program; AND

WHEREAS, requiring apartment owners to provide recycling opportunities for their tenants will greatly increase the amount of recycling in Takoma Park; AND

WHEREAS, it is in the long term interests of the City and its population to reduce the amount of refuse being disposed and increase recycling as an environmentally sound waste management method; AND

WHEREAS, since March, 1992, the City has assisted apartment owners and managers in the development of 8 pilot recycling programs in buildings ranging from 19 units to 448 units, and all programs appear to be operating successfully.

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

SECTION ONE. Chapter 10 (Refuse), Article 3 (Multi-Family Unit Refuse Collection), Section 10-21 of the Code of the City of Takoma Park is amended as follows:

Section 10-21. Multi-family unit recycling collection regulations.

(a) By May 1, 1993, licensees and owners of all multi-family dwellings which do not receive City refuse collection must provide an opportunity for tenants in each rental unit to recycle materials pursuant to the requirements set forth in this Section.

(b) Recycling programs in multi-family dwellings that do not have City refuse and recyclable collection must include at least two



of the recyclable material groups designated in subsection (c) of this Section by May 1, 1993, four of said designated recyclable material groups by May 1, 1994, and all of said designated recyclable material groups by May 1, 1995.

(c) The recyclable material groups covered by this Section shall include:

- 1) Aluminum and tin-plated steel food and beverage cans
- 2) Appliances
- 3) Corrugated cardboard
- 4) Glass bottles and jars
- 5) Newspapers
- 6) Other paper
- 7) Plastic bottles

(d) The licensee or owner of each multi-family dwelling which does not have City refuse and recycling collection shall complete a Recycling Plan For Multi-Family Dwellings, on a form developed by and available from the Director of Public Works. A recycling plan must be submitted to the Director of Public Works or the Director's designee no later than three months prior to each of the implementation deadlines set forth in subsection (b) of this Section.

(e) The licensee or owner of each multi-family dwelling which does not have City refuse and recycling collection shall submit an annual report to the Director of Public Works or the Director's designee on a schedule established by the Director of Public Works. Annual reporting forms shall be developed by and available from the Director of Public Works and shall include a description of the present recycling program, the approximate amounts collected by weight or volume of each of the recyclable material groups designated in subsection (b) of this Section, and any other information as deemed relevant by the Director of Public Works to an evaluation of the multi-family dwelling's recycling program.

(f) The licensee or owner of a multi-family dwelling which does not have City refuse and recycling collection may request technical assistance from the Director of Public Works or the Director's designee for the completion of a Recycling Plan For Multi-Family Dwellings and/or the implementation of a recycling program.

(g) The Director of Public Works is authorized to extend any date of compliance designated in subsection (b) of this Section if the licensee or owner requests an extension prior to the applicable date of compliance and demonstrates that he or she despite best efforts cannot comply with the requirements set forth in this Section due to the unavailability of vendor services to collect the required designated recyclable materials or due to other reasons deemed by the Director of Public Works to constitute good cause.

(h) At the request of the Director of Public Works, a licensee or owner of a multi-family dwelling must provide a listing of current operating expenses for trash and recycling collection.

(i) Failure to comply with any of the requirements in this Section shall constitute a Class C offense and may be levied on a per day, per unit basis.

SECTION 2. Chapter 6 (Housing), Article 7 (Landlord-Tenant Relations), Division 2 (Landlord-Tenant Obligations; Rents), Section 6-80.7 and Section 6-80.7 of the Code of the City of Takoma Park are amended as follows:

Section 6-80.7. Obligation of tenants.

\* \* \* \* \*

(b) Dispose from the dwelling unit all rubbish, garbage, recyclables as required by Chapter 10, Article 3, Section 10-21 and other organic and flammable waste in a clean and sanitary manner.

\* \* \* \* \*

Section 6-80.7. Obligations of landlords.

\* \* \* \* \*

(a) (5) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish, [and] garbage and recyclables as required by Chapter 10, Article 3, Section 10-21 and arranging for the frequent removal of such (waste) materials.

SECTION THREE. The effective date of this ordinance shall be \_\_\_\_, 1992.

Adopted this \_\_\_\_ day of \_\_\_\_, 1992, to be effective the \_\_ day of \_\_\_\_, 1992.

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

Note in this ordinance:

1. \* \* \* denotes matter in the Code that has not been reproduced in the ordinance.
2. [ ] denotes existing matter being deleted from the Code.
3. underline denotes matter being added to the current Code language.

Introduced by:  
Counsel Member Porter

Resolution Date: 10/12/92

Drafted by:  
Linda S. Perlman  
Asst. Corporation Counsel

RESOLUTION #1992-75

WHEREAS, the Maryland-National Capital Park and Planning Commission ("M-NCPPC") is entering into a Land Purchase Contract to buy real property known as Lot Five (5), Block Nine (9), in a subdivision known as "New Hampshire Highlands" with a street address of 7318 Glenside Drive, Takoma Park, MD 20912 (hereinafter referred to as "Gaskins Property") for the sum of \$110,000.00 from Louis J. Gaskins; and

WHEREAS, M-NCPPC intends to add the Gaskins Property to the Long Branch Stream Valley Park and to maintain the Gaskins Property as open space for park purposes; and

WHEREAS, M-NCPPC is proceeding with the purchase of the Gaskins Property with the understanding that within two (2) years from the date of settlement the City will reimburse the M-NCPPC to the extent of fifty percent (50%) of the total cost of acquisition of the Gaskins Property; and

WHEREAS, the City will apply to Program Open Space for funds for its fifty percent (50%) share of the total cost of acquisition of the Gaskins Property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THAT the Council supports the M-NCPPC's purchase of the real property known as 7318 Glenside Drive, Takoma Park, MD from Louis J. Gaskins for a proposed addition to the Long Branch Stream Valley Park and agrees to reimburse M-NCPPC, within two

(2) years from the date of settlement, for fifty percent (50%) of the total cost of this acquisition. The total cost of acquisition of the Gaskins property includes the \$110,000.00 purchase price and settlement costs, including but not limited to, appraisal fees, legal fees, title search, and other reasonable and normal settlement costs, but excluding WSSC front foot benefit charges which M-NCPPC shall pay. Subject to the City's receipt of the POS Letter of Consent, the Mayor is hereby authorized and directed to enter into an agreement with M-NCPPC for such cost-sharing arrangement on behalf of the City to implement this resolution.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized and directed to apply to Program Open Space for its fifty percent (50%) share of the total costs of acquisition of the real property known as 7318 Glenside Drive, Takoma Park, MD 20912 from Louis J. Gaskins by the M-NCPPC for a proposed addition to the Long Branch Stream Valley Park.

Adopted this 12th day of October, 1992 by roll call vote as follows:

AYE: Sharp, Hamilton, Johnson, Leary, Porter, and Prensky  
NAY: Elrich  
ABSENT: None.  
ABSTAINED: None.

corr176/kw  
glenside.res

Introduced by:

1st Reading: 10/12/92

2nd Reading:

ORDINANCE NO. 1992- 76

Purchase of Recycled Products

WHEREAS, it is the policy of the City of Takoma Park to conserve and protect natural resources for current and future residents; and

WHEREAS, the manufacture of products from recycled materials benefits the environment by conserving energy and valuable resources; and

WHEREAS, recycling does not occur and become effective until there is a market and end use for the remanufactured recycled product; and

WHEREAS, the City of Takoma Park can help create and sustain a cost competitive market for recycled products by purchasing products made from recycled materials.

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

SECTION 1. Chapter 9A (Purchasing) Article 1 (General Provisions), Section 9A-4 is amended as follows:

\* \* \* \* \*

Section 9A-4: Definitions

\* \* \* \* \*

(m) Percentage price preference means the percent by which a bid from a responsible bidder, or price available from a vendor whose product contains recycled materials (or a greater use of recycled material) may exceed the lowest responsive bid submitted by a responsible bidder whose product does not contain recycled material (or a lesser use of recycled material).

(n) Post-consumer waste means an item that has served its intended use, such as old newspapers or magazines, and has been separated and diverted from the waste stream for the purposes of collection and recycling. It does not include waste generated during production of an end product, such as printer's waste.

(o) [(m)] Procurement means \* \* \* \*



**(p) [(n)] Professional services means \* \* \* \***

**(q) [(o)] Proposal means \* \* \* \***

**(r) Recycled material means material recovered from or otherwise diverted from the waste stream, including recycled paper. It includes post-consumer waste, but does not include those materials and by products generated from and commonly reused during production of an end product.**

**(s) Recycled paper means paper or a paper product that contains recycled materials with a total gross content of post-consumer waste of at least 80 percent, or if such a paper product is unavailable or otherwise impracticable to procure, the paper or paper product has been de-inked or contains a level of post-consumer waste that exceeds the then current minimum content standards of the U.S. Environmental Protection Agency for paper and paper products containing recovered materials (40 C.F.R. 250), or if a paper or paper product meeting the requirements of set out herein is unavailable or otherwise impracticable to procure, the paper or paper product conforms to the then current minimum content standards adopted by the U.S. Environmental Protection Agency for paper and paper products containing recovered materials (40 C.F.R. 250).**

**(t) [(p)] Request for proposals means \* \* \* \***

**(u) [(u)] Responsible bidder or offerer means \* \* \* \***

**(v) [(v)] Responsive bidder means \* \* \* \***

**(w) [(s)] Specifications means \* \* \* \***

SECTION 2. Chapter 9A (Purchasing) Article 2. (Source Selection And Contract Formation), Division 3. (Other Procurement Methods) is amended by the addition of the following sections:

\* \* \* \* \*

**Section 9A-19.1: Purchase of Recycled Products**

**(a) General Preference. The City shall purchase recycled products whenever sufficient quantities are readily available and meet the City's specifications. The City shall purchase recycled products that contain the highest percentage of recovered material, and are produced to the greatest extent with post-consumer materials.**

**(b) 15% Price preference. To the extent practicable the City shall purchase recycled products, and may provide for a price preference not to exceed 15%.**

(c) Purchase of Certain Specified Products and Services. Notwithstanding any other provision of this Chapter, all procurement actions shall comply with the following provisions:

(i) All City stationery and envelopes with the City return address shall be made of recycled paper;

(ii) The City newsletter shall be produced on recycled content newsprint;

(iii) When the City is using an outside printer, the City must obtain both a price quote for recycled and non-recycled paper, and shall require that the job be done using recycled paper if there is a price differential of 15% or less; and

(iv) All copiers and laser printers purchased by the City after the effective date of this legislation shall be able to use recycled paper, and all copiers shall be able to perform two-sided copying as an automatic function.

(d) Product Specifications. All departments of the City shall review and revise product specifications so as to conform to the following guidelines:

(i) Specifications shall not require the use of products made from virgin materials.

(ii) Specifications shall not exclude the use of recycled products.

(iii) A minimum percentage of recovered material content shall be incorporated into each specification when it is known that there are sufficient and readily available supplies of a particular recycled product.

(e) Practicability of Procurement. In an assessment of the practicability of procurement of goods containing recycled materials the City shall consider, among other relevant factors: product availability, product suitability for intended use, including whether the product meets established performance standards and will not negatively impact the health and safety of employees and residents, and cost.

(f) Certification of Recycled Content. The City shall require the seller to certify in writing that any recycled product sold to the City by competitive bid contract or cooperative purchase contains the minimum percentage of recovered materials set forth in the City's product specification and shall also specify the percentage of post-consumer materials contained in the product.

(g) Labeling of Recycled Products. To the extent practical, all products purchased by the City made from recycled materials shall be labeled as such. City stationery, envelopes with the City return address and the City newsletter shall be labelled as being printed on recycled paper.

SECTION 3. The effective date for this ordinance shall be \_\_, 1992.

Adopted this \_\_ day of \_\_\_\_\_, 1992, by Roll Call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Note:

In this ordinance:

1. \* \* \* \* denotes matter in the Code that is not reproduced in the ordinance.
2. Underlined denotes matter being added to the current Code language.
3. [Brackets] denotes matter being deleted from the current Code language.

Introduced by: Councilmember Elrich

Drafted by: V. VinCola

Resolution 1992-76

A Resolution to adopt the recommendations of the Citizens Advisory Committee regarding Community Development Block Grant requests to Montgomery County for Fiscal Year 1994, to authorize DHCD staff to submit applications to Montgomery County, and to continue to explore the Section 108 Loan Guarantee Program

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery County for Fiscal Year 1994 (Program Year 19) to use for eligible projects; AND

WHEREAS, to achieve maximum citizen input into how CDBG funds received by the City are spent, the City Council formed a Community Development Block Grant Citizens Advisory Committee (CAC) composed of representatives of various community organizations for the purpose of reviewing and evaluating proposals for CDBG funds, and to make a funding recommendation based on those proposals to the City Council; AND

WHEREAS, the Citizens Advisory Committee has now completed its review and has issued its final report;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the recommendations of the Citizens Advisory Committee, for PY19 CDBG funding from Montgomery County, are hereby ADOPTED as listed below;

Montgomery County

Housing Rehabilitation	\$ 52,000
Youth Employment Corps	\$ 18,000
Section 108 Loan Guarantee	\$ 50,000
TOTAL	\$120,000

AND,

BE IT FURTHER RESOLVED THAT the Department of Housing and Community Development is hereby authorized to submit applications for Fiscal Year 1994 (Program Year 19) CDBG funding for the above recommended projects to Montgomery County.

BE IT FURTHER RESOLVED THAT the City Council substantially concurs with the priorities and preferences articulated by the CAC for the use of the \$50,000 and any future potential Section 108 Loan Guarantees funds for the Takoma Junction project.

BE IT FURTHER RESOLVED THAT the City Council hereby directs staff to include, where feasible, the development of affordable housing units and other amenities to benefit those of low and moderate income in the Takoma Junction project.

ADOPTED THIS 12th DAY OF OCTOBER, 1992



*Introduced By: Mayor Sharp*

**RESOLUTION #1992-77**

**OF CONDOLENCE TO THE FAMILY OF GIBSON E. MCKENZIE, SR.**

**WHEREAS, on Monday, September 28, 1992, Gibson E. McKenzie, Sr. departed this life; AND**

**WHEREAS, Mr. McKenzie served as a member of the Takoma Park City Council for over fourteen years, from April 12, 1954 to the time he voluntarily retired from office on April 8, 1968; AND**


**WHEREAS, during his tenure, Mr. McKenzie Chaired the City's Public Welfare Committee and the Public Works Committee; AND**

**WHEREAS, some of the things Mr. McKenzie will be remembered for was the extensive work he did in assisting the City's Legal Counsel with the 1965 revision of the City's Municipal Charter and he will also be remembered for his kindness shown towards City employees.**

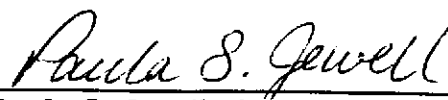
**NOW THEREFORE, BE IT RESOLVED, THAT the City Council hereby extends to the family of Gibson E. McKenzie, Sr., this expression of heartfelt sympathy in the loss that they have suffered; AND**

**BE IT FURTHER RESOLVED, THAT this Resolution be spread among the permanent records of the City of Takoma Park and that a copy be prepared for the family of Gibson E. McKenzie, Sr.**

**Dated this 12th day of October, 1992.**

  
\_\_\_\_\_  
**Edward F. Sharp**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Paula S. Jewell, CMC/City Clerk**



Introduced by: Councilmember Prensky

Drafted by: Valerie VinCola

**Resolution 1992-78**

**A resolution to recognize the members of the Program Year 19 Community Development Block Grant Citizens Advisory Committee and express appreciation for their service to the City of Takoma Park**

WHEREAS, to achieve maximum citizen input into how Community Development Block Grant (CDBG) funds received by the City are spent, the City Council is required to form a CDBG Citizens Advisory Committee (CAC) composed of representatives of citizen, tenant, civic, neighborhood, and business organizations and groups for the purpose of reviewing and evaluating proposals for the use of available CDBG funds, and to make funding recommendations based on those proposals to the City Council; and

WHEREAS, the Citizens Advisory Committee for Program Year 19 has completed its review and evaluation of proposals for the use of Community Development Block Grant (CDBG) funds to be received from Montgomery and Prince George's Counties during Fiscal Year 1994, and has submitted its recommendations to the City Council, AND

WHEREAS, the members of the CAC have generously volunteered their time, knowledge, and talents in developing these recommendations, and have performed a valuable service for the community;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK MARYLAND THAT the City Council formally thanks the members of the Program Year 19 Community Development Block Grant Citizens Advisory Committee, listed below, and commends them for their service to the City of Takoma Park.

NAME

REPRESENTING

Susan Amstadter  
Colleen Cordes  
Alfred Martins  
Mildred Morrison  
Monroe Stokvis  
Carl Elefante

Between the Creeks  
North Takoma Citizens Assoc.  
Edinburgh Tenants Association  
Ritchie Citizens Assoc.  
Takoma/Langley, CDA Inc.  
Westmoreland Area Community  
Organization  
S.S. Carroll Neighborhood  
Association

Adopted this 12th day of October, 1992

Introduced By: Councilmember Prenskey

RESOLUTION # 1992 - 79  
APPOINTING ADDITIONAL MEMBER TO THE  
AMERICANS WITH DISABILITIES ACT TASK FORCE

WHEREAS, on September 14, 1992, the City Council appointed a standing committee of seven persons from the community who will advise the Council on implementation of the ADA as it related to City government; AND

WHEREAS, two additional persons have expressed a desire to be appointed to the Task Force.

NOW THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve on the ADA Task Force:

1. Marie Ritzo                      7113 Central Avenue
2. Avis Sanders                    7130 Carroll Avenue

Dated this 12th day of October, 1992

Introduced By: Councilmember Prensky

Resolution # 1992 - 80

APPOINTING ADDITIONAL MEMBER TO TASK FORCE ON FAMILY DIVERSITY

**WHEREAS,** On June 8, 1992, the City Council established a Takoma Park Task Force on Family Diversity and subsequently appointed twelve members to explore ways in which the City can recognize and support citizen's familial rights and obligations; AND

**WHEREAS,** it is important that the Task Force represent a broad cross section of the Takoma Park, Community; AND

**WHEREAS,** one additional resident has expressed an interest in serving on this Task Force.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Council hereby appoints to the Task Force on Family Diversity

Karen Elrich

8110 Roanoke Avenue

Dated this 12th day of October, 1992

CITY OF TAKOMA PARK, MARYLAND (FINAL 11/3/92)

Regular Meeting of the City Council  
Monday, October 26, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Dep. City Admin. Grimmer
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Recy. Coord. Braithwaite
Councilmember Leary	Corp. Counsel Silber
Councilmember Porter	Comm. Planner Schwartz
Councilmember Prensky	

The Council convened at 8:05 p.m. on Monday, October 26, 1992 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, a moment of silence was observed in the memory of Daniel B. Parker, Takoma Park Police Corporal, who passed away on Sunday, October 25th. The following comments were then made.

COUNCIL COMMENTS

Ms. Porter announced that the South of Sligo Citizens Association would be meeting October 29th at 7:30 p.m. at Grace United Methodist Church regarding the City's proposed transportation plan. In addition, the meeting would also concern a proposal by the owner of property at the end of Heather Avenue.

Mr. Johnson stated that he was very impressed with the quality of the last two issues of the Newsletter, and said he found it interesting and readable and he looked forward to future issues.

Mr. Johnson then noted that the NAACP has challenged the Legislative Redistricting Plan enacted by the General Assembly. The enacted plan perpetuates the difficulties of minorities, particularly African-Americans and Hispanic residents in securing adequate political representation. Mr. Johnson stressed that this was not a matter of opposing our locally-elected representatives to the General Assembly. It is a matter of political empowerment of under represented citizens. He hopes that the Council would, at least, monitor the judicial proceedings because the outcome is essential to ensure adequate representation of all residents of Takoma Park..

Mr. Hamilton commented that he would not be participating in the Executive Session scheduled after the Council Meeting regarding the Cable Contract because a relative of his was elected to the Cable Board.

Mr. Hamilton expressed appreciation to City Administrator Habada for working with him and Prince George's County Councilmember Del Giudice in getting the Prince George's County Council meetings to be shown on Takoma Park's Cable television channel.

Adoption of Minutes from 10/12/92

Moved by Mr. Hamilton; seconded by Mr. Johnson. Mr. Sharp and Mr. Prensky noted a few corrections. The Minutes, as amended were adopted unanimously.

Additional Agenda Item

Mr. Sharp moved that the Resolution of Condolence be added as the evening's first agenda item.

CITIZENS COMMENTS (those directed at items not on Council Agenda

Michael Franco, a Resident of Bowie, Maryland speaking on behalf of his girlfriend who is a Takoma Park resident, expressed concerns about the City's noise legislation (re: neighbors playing loud music) and what he characterized as the Police Department's admittance that there was nothing they could do to address the problem without having the name of the offender. Mr. Franco indicated that the offender had also threatened the life



of his girlfriend her son as well as his.

Mr. Sharp referred Mr. Franco to speak to the Deputy City Administrator. The Council generally agreed that the City's noise legislation could use some review and rewriting.

AGENDA

1. Additional Agenda Item - Resolution of Condolence to the Family of Daniel B. Parker. Mr. Sharp read and moved the Resolution; seconded by Ms. Porter. Ms. Habada noted that the funeral service was scheduled for Friday and further details would be shared with the Council once they were known.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-81  
(Attached)

2. Second Reading Ordinance Re: Multi-Family Property Recycling Ordinance.

Ms. Braithwaite noted the amendments discussed at 1st Reading and at Council's October 19th Worksession. Mr. Sharp moved the amendments; seconded by Mr. Leary. The amendments were adopted unanimously (Mr. Prensky absent for vote).

Council Action: The Ordinance, as amended, was adopted by unanimous vote (Mr. Hamilton, Mr. Prensky absent for vote).

ORDINANCE #1992-38  
(Attached)

3. Resolution Re: Variance Case A-3691 - 19 Lee Avenue (Ward 3)

Mr. Sharp explained that the Resolution recommends (1) that the Board of Appeals deny the applicant's request for a 7 foot side yard variance and (2) expresses the Council's taking no position on the requested 1.8 foot rear yard variance.

Alan Adler, Contract Purchaser of 19 Lee Avenue and the two adjacent lots (Lots 12 and 13), said that he had recently talked with Mr. Sharp because at first he was concerned that staff had drafted up the Resolution to oppose the variance before he had an opportunity to comment with regards to the case or the noted different options that existed for development of the property. He said he initially felt the issue was biased but that the Mayor had clarified to him that the Council had not yet decided on a position and would be doing so this evening.

Mr. Adler introduced the Architect for the properties.

Alice Boyer, Architect in Maryland commented that she had done a lot of work on homes in historic districts. She said the house could be renovated and made an asset to the community and the issue was whether they could work to keep the house rather than demolishing it. She said if it could be kept, the City would have three buildable lots. She pointed out some drawings that Mr. Adler had shared with the Council and said that the plans were for victorian bay style homes. Ms. Boyer said the existing house was a 1925 Sears bungalow and it was in a state of disrepair and was currently being used as a church. She said it required extensive work to restore to the shape it should be in. Ms. Boyer said, when converted back to residential use, it would be an asset to the neighborhood and would extend the residential fabric of the existing surroundings. In order to keep the existing structure, she said Mr. Adler was proposing on the two other lots to configure the site plan so that the distance between the existing house and its adjacent house would be 15 feet. It would essentially look like two side yards; the minimum allowable side yard was 7 feet in an R-60 zone.

Mr. Adler also shared with the Council photographs showing the portions of the house that were being proposed to be removed. Ms. Boyer said they were ultimately proposing not to remove anything, to keep everything as it was and develop the three buildable lots.

Mr. Prenskey clarified that what Mr. Adler had requested the variance for was to shear 11 inches off the rear of the property.

Mr. Adler said if he were able to not have to remove a portion of the house which encroaches on the adjacent lot and instead grant an easement, than he would be willing to do that--what he'd feel would be the best scenario.

Mr. Leary asked if, in fact, the existing house were removed, could the owner of the property build three houses without any further action by the County authorities.

Ms. Schwartz said she believed that variances would still be required for that lot because the arrangement of it was such that the setbacks would still be applied.

Mr. Adler addressed this and said it was true what Ms. Schwartz said in respect to the configuration of the lot; she was referring to the fact that it was a corner lot and the setback was 25 feet from the street; since it was a corner lot, there were two streets that setbacks had to be from. There would be no variances needed if he set within those limits.

Mr. Leary asked why did he decided to preserve or restore the existing house instead of razing off.

Ms. Boyer said the house was a contributing house in the neighborhood; it's part of the existing fabric and part of what made Takoma Park what it was by having bungalows and houses of all different periods. Ms. Boyer said she thought that the neighborhood felt this way also.

In response to a question from Ms. Porter, Mr. Adler said the width of each house would be 28 feet. He said there was a 7 foot side lot requirement; the house he was proposing to build was 28 feet wide and he was proposing to build houses with 40 foot depths. He said he decided on this after speaking to the neighbors and in an attempt to preserve trees. Mr. Adler said that instead of having a 40 foot house and digging a 40 foot basement on that particular lot, he would dig for a 30 foot basement and cantilever the additional 10 feet of the house over and put it on piers so he would not have to dig down and infringe on the root structure of the trees. He said he was a strong advocate of having as many trees as possible and if he can do something to save them he will; this is what he talked to the neighbors about.

Ms. Porter asked if he had considered building only one additional house instead of two.

Mr. Adler said he had not considered this as an option because it would not have been a good financial option for him. He explained that he was the contract purchaser of the property and the property would have to developed by either him or someone else. Mr. Adler said he had a comparative advantage over most other people because he has built before in the City and he knew the market having built over 20 houses in Takoma Park in the last 7-8 years and he was familiar with the City and for another builder to come in might be risky.

Mr. Leary asked if he considered removing the existing house and putting up two new houses.

Mr. Adler responded that neither of the options worked financially because going from plans to build two new homes to just building one created a hardship.

Mr. Hamilton asked Mr. Adler to explain where the financial hardship would be in looking at the other options.

Mr. Adler said with respect to development of the property, if the variances were not granted, the house would have to be torn down. To have the house torn down and just build two new homes instead of three; it worked only if there were three homes built.

Mr. Elrich commented that he did not understand the hardships since Mr. Adler had no investment and the current owner had no hardship; they own what they own and they didn't invest an inordinate amount of money; he said that not being able to maximize the owner's profit did not constitute a hardship situation.

Mr. Sharp said that in technical terms, it was not a hardship; the owner would not make the profit that he wanted to make but it was not a hardship situation.

#### CITIZEN COMMENTS

Jim Douglas, 18 Sherman Avenue said he was representing eight neighbors on this issue and was informally representing the S.S. Carroll Citizens' Association. He noted that a copy of a letter was sent to the Council by the neighbors, to the Board of Appeals as well as a letter from S.S. Carroll indicating their support for the position of the neighbors in this matter.

Mr. Douglas urged the Council to address the issue before them now; he said the idea of options was frustrating and extremely misleading. The avenue of an easement had been explored and researched by City Staff a few years ago and the answer prepared after consultation with Park and Planning Staff, was that an easement would not address the problem of intrusion over the lot line for an existing house or a proposed new house. Mr. Douglas said the contract purchaser's claim that the existing house was a contributing resource to the neighborhood was not a valid argument for granting the variance. He said in order for the house to sit on Lot 14, the back part of the house--eleven inches-- had to be removed. He said the proposal took a small house and made it smaller. He said the notion that the house be razed and in its place a new house be built created the problem of another house in Takoma Park that would be overpriced at \$240,000. He said under this proposal there would be a truncated house and a truncated lot. Mr Douglas asked the Council to look at how the variance would affect the look and feel of the neighborhood.

Lou Feldstein, 7412 Hancock Avenue supported Mr. Douglas' arguments; he said the issue was 19 Lee Avenue and the variance before the Board of Appeals. He said the result would be an odd looking house; he said he wasn't sure what his choice would be between a chopped off house and a new house.

Ms. Boyer commented that the applicant was trying to do what was reasonable and would make all efforts to work with the community and the Council.

Mr. Prensky moved adoption of the Resolution to recommend that the Board of Appeal deny the variance. Mr. Hamilton seconded the motion. Mr. Prensky said the issue was muddied by the wide range of discussions regarding other things that might happen. He said he was not aware that if the Board of Appeals were to deny this request that it would prejudice the possibility of razing the house or prejudice the possibility of seeking the easement and other corrections or the possibility of other options Mr. Adler



spoke of. He said he was aware of other homes Mr. Adler built on Westmoreland Avenue which were tasteful, neo-Victorian homes but were far too close together and were not actually within the City's limits. Mr. Prenskey said Mr. Adler had a variety of interests that he was taking seriously; he said he believed his financial interest and his reputation as a builder was important as well as his relationship with neighborhoods and individuals and he did not believe that Mr. Adler would pursue any situation that would be offensive or out of character with the neighborhood. He said the issue before Council was whether they were in favor of the Board granting a variance to shear eleven inches off the back to make the house sit on the lot line. Mr. Prenskey said he did not personally feel the Council's intention was to maximize the density or development of new homes in the City. He said that the point was that it would create a smaller house and it would be a truncated and bizarre looking house and he was not in favor of the Board of Appeals granting this variance.

Ms. Porter said because the decision was whether the Council would go along with a variance that would cut the back eleven inches off the house, this was not something she could agree with. She said in looking at the pictures of the house, to remove one of the over hangs would make the house look unbalanced and take away the back stoop and the back door. The two windows on the side of the house would also no longer be in the center of this wall. She said one thing discussed was if the applicant did not get permission to do this, he might raze the house; she said this would not be very much worse than what he was proposing to do, which was essentially destroying the character of the house.

Mr. Adler said he appreciated the Council taking the time and said he felt the Council was fair in listening to his arguments. He said there were houses he built in the City of Takoma Park and that he looked forward to continuing to work in the City.

Mr. Leary said he would vote in favor of the Resolution and said that the sentiment Council was expressing on this question was one that everyone agreed with, including the applicant. Mr. Leary said there was some encouragement in Mr. Adler's general approach in this matter and that he hoped that the issue could be worked out in the long run.

Mr. Douglas said that is what the residents in the neighborhood wanted; he said Mr. Adler had not contacted the residents ahead of time but he hoped he would agree to meet with them to work something out.

Council Action: The Resolution was unanimously passed.

RESOLUTION #1992-82  
(Attached)

4. Discussion and Resolution Re: Council Position on County Ballot Issues. Mr. Sharp explained that the Council would discuss the issues on both County's ballot questions and decide tonight whether to take a position.

Mr. Elrich explained that Question A in Montgomery County would restrict total County tax revenues when the County set the piggyback tax above 50%. He said this year the Council planned to raise the piggyback tax to 55%; next year it would be 60%. If question A passed the Council would have to make a corresponding downward adjustment in the property tax. Mr. Elrich said if the piggyback tax rate was dropped, the County could then raise property taxes which were more regressive than income taxes. He said the passing of the Question forced the County back to a greater reliance on property taxes and away from income tax. He said the big problem was that property taxes were regressive and unfairly hit people regardless of income.



Ms. Porter explained Prince George's County Ballot Question D and said that the proposal was designed to set a cap on total revenues; a cap that would rise with inflation up to 5% per year. She said some problems with this were that if there were new developments which required new services, including educational services, there would be no allowance for an increase in the tax base that would pay for those services. Ms. Porter said an unusual twist was that since it was a cap on total revenues, it would end up benefitting primarily commercial properties rather than residential properties because commercial property values were down because of the recession the already low commercial properties would be limited at their current low level. Ms. Porter said it would also assist business property owners because personal property taxes would also fall under the inflation adjusted revenue cap and business owners would end up getting an additional break. Ms. Porter added that there was already a problem with revenues because they did not adequately support our public school system. Ms. Porter said that anyone concerned about the public school system and concerned about the quality of education for kids in Prince George's County should be opposed to question D because this would make it difficult if not impossible to bring the educational system citizens up to the level wanted in Prince George's County.

Ms. Porter commented that it was a legitimate concern that there were some people in Prince George's County who were being strapped financially because their incomes were limited and their property taxes may continue to rise even though their incomes did not. She suggested that an alternative solution to this would be a property circuit breaker program similar to the one recently passed in Takoma Park which limited property taxes based on income.

Mr. Elrich noted that he saw a survey done by Maryland State teachers and the results were that there was clear sentiment to vote in favor of the tax limitation measures. Mr. Elrich noted that the same people who supported limitations on the tax revenues voted overwhelmingly to support increases for government's expenditures on education, fighting crime, pollution control, and environmental concerns. He said there was a general distrust of government and although people thought that the government was wasting money, most did not mind the government spending more on schools.

Mr. Johnson said he felt a great sense of frustration; he was politically aware enough to realize that people listening and watching the Council this evening fully understood the complexities of the issue being discussed. However, he said the Election was eight days away and he asked that the Council focus on what they could do beyond passing the Resolution tonight. He asked what the Council could do to ensure that the people in Takoma Park were informed of this.

The Council discussed at length some ideas and suggestions for informing Takoma Park voters what the issues were and the ramifications of both County ballot questions. Following discussion, it was agreed that the best solution would be for Staff to prepare a press release noting the Council's position on the two referendums. In addition, Ms. Porter will draft an informational/educational letter for the voters in the Prince George's County portion of Takoma Park. Councilmembers will work with each County's democratic precincts in having the letter dropped off at all residents' doorsteps. Suggested was made that the letter should reference the Council's passage of the Resolution of opposition.

The Resolution was moved by Mr. Leary; seconded by Mr. Johnson. with editorial corrections.

Council Action: The Resolution as amended, passed unanimously.



RESOLUTION #1992-83  
(Attached)

5. Single Reading Ordinance Awarding Bid for Takoma/Langley Streetscape Project. Mr. Sharp explained that the Ordinance awards a bid to Concrete General Incorporated for \$149,054 to make streetscape improvements at the intersection of New Hampshire Avenue and University Boulevard.

The Council asked that Staff indicate on future bid ordinances, the name of the budget account that funds are being charged against.

Ms. Porter noted a technical amendment in the first Whereas clause to change "Physical Year" to "Program Year".

Council Action: The Ordinance, as amended, was passed unanimously.

ORDINANCE #1992-40  
(Attached)

Mr. Prenskey referenced the Sign Legislation adopted by the City Council which designated four gateways to the City and welcomed persons entering Takoma Park. He said in line with this he had discussions with Mr. Jeff Zellmer about the gateway signs; he suggested that the City's unique qualities be advertised at these gateways and he asked that Staff make available to the Takoma/Langley Commercial Development Authority, the various City designations (e.g., NFZ, Tree City) so that they could be posted on the banners which the CDA planned to put up in the Spring.

6. Single Reading Ordinance Amending FY'93 Budget. Moved by Mr. Hamilton; seconded by Ms. Porter.

Council Action: The Ordinance was accepted at first reading.

ORDINANCE #1992-41  
(Attached)

7. CONSENT AGENDA:

Mr. Sharp moved adoption of the Consent Agenda with the suggestion that Item 7(b), a Resolution making an appointment to COLTA be removed and discussed by Council. The motion was duly seconded.

(a) Resolution #1992-84, recognizing October as National Crime Prevention Month. (Attached)

Council Action: The Consent Agenda was unanimously adopted.

ORDINANCE #1992-  
(Attachment)

9. Additional Agenda Item - Discussion of COLTA Appointment. Council asked Staff to provide information on the current make up of the Commission was (i.e., number of landlord, tenant reps), where the Commission is and what the needs are and whether if there are any near term resignations.

Mr. Hamilton noted that the make up of COLTA has changed in recent years and he suggested that Council might want to consider in the future, not designating a set number of Commissioners.

Council will discuss selection of an applicant at the November 2nd Worksession.

The Council adjourned to Worksession and Executive Session at 10:22 p.m. to reconvene in Regular Session on November 9, 1992.

Introduced by: Mayor Sharp

RESOLUTION OF CONDOLENCE

#1992-81

**EXPRESSING CONDOLENCES TO THE FAMILY OF DANIEL B. PARKER**

WHEREAS, On Sunday, October 25, 1992, Corporal Daniel ("Danny") Parker departed this life in his thirty-fourth year following a lengthy illness; AND

WHEREAS, On August 11, 1984 Danny began his employment as a Police Officer for the City of Takoma Park, bringing with him 4 years experience as a Hyattsville City officer and specialized backgrounds in DWI enforcement, narcotics investigation and crime prevention; AND

WHEREAS, Danny performed his duties while a Takoma Park Police Officer in an exemplary manner having received a Meritorious Recognition Award in 1987, a Meritorious Service Award in 1990 an Administrative Recognition Award in 1991 and a Command Recognition Award in September 1992; AND

WHEREAS, Officer Parker, who has also served as Assistant Shift Supervisor, Field Training Officer, and a PR-24 Instructor, was promoted to Police Corporal in December 1989 and served in that capacity until illness forced him to retire from service on disability on October 1, 1992; AND

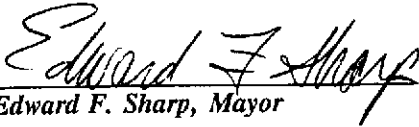
WHEREAS, He was well liked and respected by the community he served, in particular, the residents, shoppers and business owners in the Takoma-Langley Crossroads shopping area, his fellow Police Officers and employees at the City of Takoma Park; AND

WHEREAS, Danny Parker will be missed by all who knew him.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, on behalf of the City employees, as well as the citizens of the community, hereby extend to the family of Daniel B. Parker this expression of heartfelt sympathy in the great loss that they have suffered, and which we all share; AND

BE IT FURTHER RESOLVED THAT this Resolution be spread upon the permanent records of the City of Takoma Park, and that an appropriate copy be prepared for the family of Daniel B. Parker.

Dated this 26th day of October 1992.

  
Edward F. Sharp, Mayor

Attest:

  
Paula S. Jewell, CMC/City Clerk





Introduced By: Mayor Sharp

1st Reading: 10/12/92

2nd Reading: 10/26/92

1st Compliance Deadline: 5/01/93

ORDINANCE NO. 1992-38

Recycling In Multi-Family Dwellings

WHEREAS Ordinance No. 1986-26, 1989-4 and 1990-14 established a mandatory recycling program for newspaper, glass bottles and metal cans, plastic bottles and appliances and a composting program for yard waste; AND

WHEREAS, this City operated recycling and yard waste collection program is extended to approximately 4,050 households in single family homes and small apartment buildings from which the City collects refuse; AND

WHEREAS, the City has an additional 2,708 households in other apartment buildings that are not included in the City's recycling program; AND

WHEREAS, requiring apartment owners to provide recycling opportunities for their tenants will greatly increase the amount of recycling in Takoma Park; AND

WHEREAS, it is in the long term interests of the City and its population to reduce the amount of refuse being disposed and increase recycling as an environmentally sound waste management method; AND

WHEREAS, since March, 1992, the City has assisted apartment owners and managers in the development of 8 pilot recycling programs in buildings ranging from 19 units to 448 units, and all programs appear to be operating successfully.

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

SECTION ONE. Chapter 10 (Refuse), Article 3 (Multi-Family Unit Refuse Collection), Section 10-21 of the Code of the City of Takoma Park is amended as follows:

Section 10-21. Multi-family unit recycling collection regulations.

(a) By May 1, 1993, licensees and owners of all multi-family dwellings which do not receive City refuse collection must provide an opportunity for tenants in each rental unit to recycle materials pursuant to the requirements set forth in this Section.

(b) Recycling programs in multi-family dwellings that do not have City refuse and recyclable collection must include at least two of the recyclable material groups designated in subsection (c) of this Section by May 1, 1993, four of said designated recyclable material groups by May 1, 1994, and all of said designated recyclable material groups by May 1, 1995.

(c) The recyclable material groups covered by this Section shall include:

- 1) Aluminum and tin-plated steel food and beverage cans
- 2) Appliances
- 3) Corrugated cardboard
- 4) Glass bottles and jars
- 5) Newspapers
- 6) Other paper
- 7) Plastic bottles

(d) The licensee or owner of each multi-family dwelling which does not have City refuse and recycling collection shall complete a Recycling Plan For Multi-Family Dwellings, on a form developed by and available from the Director of Public Works. A recycling plan must be submitted to the Director of Public Works or the Director's designee no later than three months prior to each of the implementation deadlines set forth in subsection (b) of this Section.

(e) The licensee or owner of a multi-family dwelling which does not have City refuse and recycling collection may request technical assistance from the Director of Public Works or the Director's designee for the completion of a Recycling Plan For Multi-Family Dwellings and/or the implementation of a recycling program.

(f) The Director of Public Works is authorized to extend any date of compliance designated in subsection (b) of this Section if the licensee or owner requests an extension prior to the applicable date of compliance and demonstrates that he or she despite best efforts cannot comply with the requirements set forth in this Section.

(g) Failure to comply with any of the requirements in this Section shall constitute a Class C offense and may be levied on a per day, per unit basis.

SECTION 2. Chapter 6 (Housing), Article 7 (Landlord-Tenant Relations), Section 6-81 Obligations of Tenants and Landlords of the Code of the City of Takoma Park are amended as follows:

Section 6-81 (a). Obligation of tenants.

\* \* \* \* \*

(2) Disposing all rubbish, garbage, [and other waste] recyclables as required by Chapter 10, Article 3, Section 10-21, and other organic and flammable waste from the rental facility in a clean and sanitary manner.

\* \* \* \* \*

Section 6-81 (b). Obligations of landlords.

\* \* \* \* \*

(4) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish, [and] garbage and recyclables as required by Chapter 10, Article 3, Section 10-21 and arranging for the frequent removal of such [waste] materials.

SECTION THREE. The effective date of this ordinance shall be October 26, 1992.

Adopted this 26th day of October, 1992, to be effective the 26th day of October, 1992.

AYES: Elrich, Johnson, Leary, Porter, Sharp

NAYS:

ABSTAIN:

ABSENT: Hamilton, Prenskey

Note in this ordinance:

1. \* \* \* denotes matter in the Code that has not been reproduced in the ordinance.
2. [ ] denotes existing matter being deleted from the Code.
3. underline denotes matter being added to the current Code language.

Introduced By:

1st Reading: 10/12/92

2nd Reading: / /

ORDINANCE NO. 1992-

Recycling In Multi-Family Dwellings

- WHEREAS Ordinance No. 1986-26, 1989-4 and 1990-14 established a mandatory recycling program for newspaper, glass bottles and metal cans, plastic bottles and appliances and a composting program for yard waste; AND
- WHEREAS, this City operated recycling and yard waste collection program is extended to approximately 4,050 households in single family homes and small apartment buildings from which the City collects refuse; AND
- WHEREAS, the City has an additional 2,708 households in other apartment buildings that are not included in the City's recycling program; AND
- WHEREAS, requiring apartment owners to provide recycling opportunities for their tenants will greatly increase the amount of recycling in Takoma Park; AND
- WHEREAS, it is in the long term interests of the City and its population to reduce the amount of refuse being disposed and increase recycling as an environmentally sound waste management method; AND
- WHEREAS, since March, 1992, the City has assisted apartment owners and managers in the development of 8 pilot recycling programs in buildings ranging from 19 units to 448 units, and all programs appear to be operating successfully.

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

SECTION ONE. Chapter 10 (Refuse), Article 3 (Multi-Family Unit Refuse Collection), Section 10-21 of the Code of the City of Takoma Park is amended as follows:

Section 10-21. Multi-family unit recycling collection regulations.

(a) By May 1, 1993, licensees and owners of all multi-family dwellings which do not receive City refuse collection must provide an opportunity for tenants in each rental unit to recycle materials pursuant to the requirements set forth in this Section.

(b) Recycling programs in multi-family dwellings that do not have City refuse and recyclable collection must include at least two

of the recyclable material groups designated in subsection (c) of this Section by May 1, 1993, four of said designated recyclable material groups by May 1, 1994, and all of said designated recyclable material groups by May 1, 1995.

(c) The recyclable material groups covered by this Section shall include:

- 1) Aluminum and tin-plated steel food and beverage cans
- 2) Appliances
- 3) Corrugated cardboard
- 4) Glass bottles and jars
- 5) Newspapers
- 6) Other paper
- 7) Plastic bottles

(d) The licensee or owner of each multi-family dwelling which does not have City refuse and recycling collection shall complete a Recycling Plan For Multi-Family Dwellings, on a form developed by and available from the Director of Public Works. A recycling plan must be submitted to the Director of Public Works or the Director's designee no later than three months prior to each of the implementation deadlines set forth in subsection (b) of this Section.

(e) The licensee or owner of a multi-family dwelling which does not have City refuse and recycling collection may request technical assistance from the Director of Public Works or the Director's designee for the completion of a Recycling Plan For Multi-Family Dwellings and/or the implementation of a recycling program.

(f) The Director of Public Works is authorized to extend any date of compliance designated in subsection (b) of this Section if the licensee or owner requests an extension prior to the applicable date of compliance and demonstrates that he or she despite best efforts cannot comply with the requirements set forth in this Section.

(g) Failure to comply with any of the requirements in this Section shall constitute a Class C offense and may be levied on a per day, per unit basis.

SECTION 2. Chapter 6 (Housing), Article 7 (Landlord-Tenant Relations), Division 2 (Landlord-Tenant Obligations; Rents), Section 6-80.7 and Section 6-80.7 of the Code of the City of Takoma Park are amended as follows:

Section 6-80.7. Obligation of tenants.

\* \* \* \* \*

(b) Dispose from the dwelling unit all rubbish, garbage, recyclables as required by Chapter 10, Article 3, Section 10-21 and other organic and flammable waste in a clean and sanitary manner.

\* \* \* \* \*

Section 6-80.7. Obligations of landlords.

\* \* \* \* \*

(a)(5) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish, [and] garbage and recyclables as required by Chapter 10, Article 3, Section 10-21 and arranging for the frequent removal of such (waste) materials.

SECTION THREE. The effective date of this ordinance shall be \_\_\_\_, 1992.

Adopted this \_\_\_\_ day of \_\_\_\_, 1992, to be effective the \_\_ day of \_\_\_\_, 1992.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Note in this ordinance:

1. \* \* \* denotes matter in the Code that has not been reproduced in the ordinance.
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3. underline denotes matter being added to the current Code language.

Introduced By: Councilmember Prensky

ADOPTED: OCTOBER 26, 1992

Resolution No. 1992-82

A Resolution Concerning an Application for Variances  
for 19 Lee Avenue (Case No. A-3691)

WHEREAS, Mr. Farid Srour has applied to the Montgomery County Board of Appeals for side and rear yard variances for Lot 14, Block 5, Carroll's Addition to Takoma Park Subdivision, located at 19 Lee Avenue, Takoma Park (Case No. A-3691); AND

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

WHEREAS, the application has been reviewed by City staff, which has recommended DENIAL of the application on the basis of analysis contained in the pertinent staff report dated October 16, 1992;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby OPPOSES the requested side yard variance, and recommends that the Board of Appeals **DENY this variance because it does not meet the required standards for granting a variance** for the following reasons:

1. Lot 14 is substandard, in that it does not meet the minimum lot size requirement of 5000 square feet under the 1928 County Zoning Ordinance; though it is legally non-conforming, its non-conforming status should not be perpetuated if it can otherwise be remedied, in this case by resubdivision.
2. Denial of the requested side yard variance would not result in a hardship, and this variance is not the minimum reasonably necessary, because the property owner can remedy the current non-conforming side yard condition through subdivision;
3. The side yard variance cannot be granted without substantial impairment to the intent, purpose and integrity of the City of Takoma Park Master Plan objective to "Maintain and protect the existing sound residential areas and strengthen the residential character of the neighborhood;"

4. Granting of the side yard variance would be detrimental to the use and enjoyment of adjoining and neighboring properties, and has been opposed by several neighboring property owners on the basis of the harm that they feel the proposal would do to them.

BE IT FURTHER RESOLVED THAT the City Council takes NO POSITION on the requested rear yard variance.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 26TH DAY OF OCTOBER, 1992.



Introduced by: Councilmember Leary

RESOLUTION #1992-83

EXPRESSING OPPOSITION TO MONTGOMERY COUNTY REFERENDUM QUESTION A  
AND PRINCE GEORGE'S COUNTY REFERENDUM QUESTION D AND  
URGING TAKOMA PARK VOTERS TO VOTE AGAINST BOTH MEASURES

WHEREAS, Maryland taxpayers, like taxpayers throughout the United States, are being severely affected by budget cuts made on the Federal, State and local levels; AND

WHEREAS, local leaders are constantly challenged by the cuts which force decisions to be made between increasing taxes to residents while reducing local services; AND

WHEREAS, supporters of tax limit referendums have proposed measures in both Montgomery and Prince George's Counties that would repeal a recent income tax hike imposed by the Counties and limit annual tax increases to residents; AND

WHEREAS, Montgomery County's Question A and Prince George's County's Question D would limit each County's ability to raise sufficient County revenues; AND

WHEREAS, these tax reform measures not only fail to provide homeowners with tax relief, they would restricts growth and limit property tax bases on new construction; AND

WHEREAS, with the City of Takoma Park being situated in both counties, a vote "For" Question A and Question D would mean reduced revenues for both Counties and subsequently for Takoma Park, and would diminish local government's ability to adequately fund education and other critically needed services; AND

WHEREAS, if Question A in Montgomery County and Question D in Prince George's County are favorably passed by voters, basic services will decrease and the public safety and education of all City residents in both counties will suffer.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND expresses its strong opposition to Referendum Question A in Montgomery County and to Referendum Question D in Prince George's County; AND

BE IT FURTHER RESOLVED, THAT Takoma Park voters residing in Montgomery County are urged to vote "Against" Question A and Takoma Park voters residing in Prince George's County are urged to vote "Against" Question D on November 3, 1992.

Dated this 26th day of October, 1992.

Introduced by: Councilmember Johnson

Adopted: 10/26/92

ORDINANCE NO. 1992-40

TAKOMA/LANGLEY CROSSROADS STREETScape IMPROVEMENTS

WHEREAS, Prince George's County has allocated \$125,000 in Program Year 17 and \$153,000 in Program Year 18 to the City through the Community Development Block Grant Program for streetscape improvements at the intersection of New Hampshire Avenue and University Boulevard; AND

WHEREAS, in accordance with City procurement procedures a Request for Bids was advertised in the Washington Post, Baltimore Sun, Dodge Report, and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 pm, September 14, 1992 with three (3) bids being received; AND

WHEREAS, the apparent low bidder is considered to be responsive and responsible; AND

WHEREAS, based on the unit costs of the low bidder, the allocated funds are sufficient to accomplish the authorized work at the intersection.

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

SECTION 1. THAT the low bid received from Concrete General Incorporated in the amount of ONE HUNDRED FORTY NINE THOUSAND AND FIFTY FOUR DOLLARS (\$149,054) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of ONE HUNDRED FORTY NINE THOUSAND AND FIFTY FOUR DOLLARS (\$149,054) be charged as follows:

PRINCE GEORGE'S COUNTY	ACCOUNT NO. 0010 6905 (\$125,000)
PRINCE GEORGE'S COUNTY	ACCOUNT NO. 0010 6906 (\$24,054)

ADOPTED THIS 26th DAY OF OCTOBER, 1992

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

First Reading: 10/26/92  
Second Reading:

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

**ORDINANCE #1992-41  
FY 93 BUDGET AMENDMENT NO. 1**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 1993 BUDGET**

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

SECTION 1. that the Fiscal Year 1993 Budget be amended as follows:

**SPECIAL REVENUE BUDGET**

**Revenue Amendments**

- a. Delete the appropriation of \$22,000 Community Development Block Grant funds for the Mutual Housing Association project. (Account 0010.3705)
- b. Appropriate an additional \$10,000 for the Maple Sherman CDBG project (Account 0010.3704)
- c. Create a revenue account for the 801 Colby Avenue project in the amount of \$5,290 (Account 0010.3711)

**Expenditure Amendments**

- a. Delete the appropriation of \$22,000 Community Development funds for the Mutual Housing Association (Account 0010.7241)
- b. Appropriate an additional \$10,000 for the Maple Sherman CDBG project (Account 0010.6905)
- c. Create an expenditure account for 801 Colby Avenue project in the amount of \$5,290 (Account 0010.6821)

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

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

AYE:

NAY:

ABSTAIN:

ABSENT:

d#O/R3α836XO-93BA1

Introduced by: Mayor Sharp

**PROCLAMATION  
(RESOLUTION NO. 1992-84)**

- WHEREAS, Neighborhood and other "Watch" programs have been shown to be effective anti-crime measures; AND
- WHEREAS, "Security Surveys" performed by police, at no cost to residents, have also been shown to be effective in preventing crime; AND
- WHEREAS, The Takoma Park Drug Abuse Resistance Education ("D.A.R.E.") program in elementary school is an effective way to discourage drug use by young people; AND
- WHEREAS, Neighborhood citizen patrols are another example of citizen determination and sacrifice to prevent crime; AND
- WHEREAS, Individual citizen efforts and cooperation with police are also vital to the continued municipal health,

NOW, THEREFORE, I, Edward F. Sharp, Mayor of Takoma Park, do hereby proclaim October and November, 1992, to be "Crime Prevention Months," and do further proclaim appreciation to all residents now working to prevent crime, and finally, do proclaim strong encouragement of individual or group involvement by all residents, for the purpose of preserving the beauty and safety of Takoma Park.

---

Edward F. Sharp  
Mayor

ATTEST:

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Paula S. Jewell, CMC  
City Clerk