

Regular Meeting and Worksession  
of the City Council

Monday, January 10, 1994

## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Corporation Counsel Silber
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The City Council convened at 7:40 p.m. on Monday, January 10, 1994, in the Council Chamber at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that the 1994 Martin Luther King Commemoration Ceremony will be held on Monday, January 17 in Council Chamber at 7:00 p.m. A program has been published for circulation. He encouraged the public to attend.

Mr. Sharp noted that for persons interested in the continuing efforts of "One Takoma" there will be a general meeting in at 7:30 p.m., Wednesday evening in upstairs meeting room #1 to discuss the status of the activities taking place and further efforts that are being planned. A pamphlet regarding the unification effort will soon be ready for publication and distribution throughout the community.

ADDITIONAL AGENDA ITEMS

Ms. Habada stated that there are no additional agenda items.

Mr. Sharp added to the agenda a Council vote to move directly into Executive Session at the beginning of the January 18th meeting.

CITIZEN COMMENTS

Raymond Altevogt commented that the Tree Ordinance is an example of government excess. Mr. Altevogt said that he is concerned about the urban forest and that the trees in Takoma Park are forest trees that are too big to be around residential areas. He stated his desire to circulate a petition to eliminate or modify the current Tree Ordinance, and explained that he would like to relieve Public Works and the Police Department of the burden of enforcing the ordinance. He said that it is inappropriate for the city to administer such an ordinance. Mr. Altevogt expressed his displeasure with having been told that he would be contacted regarding the Environmental Committee meetings, yet he was not informed. He said that he is filing a formal request for a personnel review of the staff liaison to the Environmental Committee. He noted that the committee will be making a presentation on January 18th and that he is not sure what the committee will be presenting or what his position is in regards to their report. He pointed out that he has worked with committees on the national level and that he would like to submit his comments to the Environmental Committee.

Mr. Rubin asked whether he would like to apply for membership to the committee in the future.

He said that his commitment to the Council and the efforts associated with the Tree Ordinance as he described have him too busy to participate as a member of the committee.

Rino Aldrighetti, Central Avenue stated that on Monday, December 27th, he was home raking leaves and witnessed an officer ticketing cars along Central Avenue. He said that several residents called the Public Works Director regarding the tickets that were issued because cars were in

violation of emergency no parking signs that had been posted to allow for leaf pick-up. Mr. Aldrighetti noted that in the past, the penalty of not having one's car off of the street was that the person's leaves would not be picked up. The complaints and anger expressed by citizens over this event was very high. He suggested that the city government needs to consider broader decision making, and questioned whether it would not be better to get the responses of residents before making a policy decision. There needs to be some level of flexibility such that services feel like services, not burdens. He said that more decisions need to be pre-tested by citizens and workers together and that citizens calling and visiting city departments should be received as "citizens."

Mr. Sharp said that he agrees with his suggestion to pre-test and that the City Administrator is aware that the Council is concerned with treating citizens with consideration.

Clarence Boatman, 133 Ritchie Avenue said that he would like to make a complaint about the sanitation workers who are picking up his trash. He commented that he shows them respect by placing his garbage in cans on the curb and that they should show him respect by returning the cans to where they were picked up, not thrown and left in the street. He noted that he will not be present for the Council meeting on February 14th when the Council is scheduled to discuss contracts for Heffner Park improvements, and said that he supports the work to Heffner Park and does not want the Council to pass the ordinances and then not complete the work for a period of several years into the future. Mr. Boatman said that he wants to see the work completed more timely. He also asked what the strategy is for the lobbying efforts in Annapolis on January 24th, and noted that he received a flyer regarding unification efforts.

Mr. Sharp said that the publicity attempt is to get a pamphlet out into the community and that it should be ready for distribution this week. He noted that the Takoma Voice's publication timing was such that it was not possible to get a lot of information in the paper. Mr. Sharp said that Mr. Rubin will be happy to tell him more about the activities and the pamphlet.

Mr. Boatman asked whether there would be some coordination of transportation to Annapolis on the evening of January 24th?

Ms. Porter said that there is an effort to coordinate car pooling but that there are no plans for bus transportation. She explained that the unification efforts have spontaneously sprung up backed by a largely grass roots movement of citizens.

Mr. Boatman asked that there be some information in the Newsletter regarding the work plan for the Heffner Park project.

Ms. Habada said that the goal is to have the playground equipment installed and ready for use by the Spring. Details about the plans will be available at the Ritchie Avenue Citizens Association meeting scheduled for next Wednesday. She said that work to the building at Heffner Park will be done as soon as the project can be put out to bid.

Ms. Habada also noted that a meeting is scheduled for January 20th, 7:30 p.m. in Room #1, upstairs in the Municipal Building, regarding leaf collection. All citizens are encouraged to attend.

Mr. Rubin said that the pamphlet and a one page information flyer regarding the rally will be circulated throughout the community in the next week.

#### PRESENTATIONS

Mr. Sharp noted that the recipients of the awards are not present and moved on to the first item of the agenda.

#### REGULAR MEETING

#1 Equal Conditions for Non-U.S. Citizen Voter Registration. Moved by Mr. Elrich; seconded by Ms. Porter.

Mr. Sharp briefly explained that the amendment will eliminate any disparities in voter qualifications between citizen and non-U.S. citizen voters in Takoma Park City elections.

Mr. Davenport commented on his support for non-U.S. citizen voting rights.

Kay Dellinger, Hampshire Towers asked whether the original registration form or ordinance included that the registrant attest that he/she is not guilty of conviction of an infamous crime or under guardianship for mental disability?

Ms. Silber responded in the negative, and noted that under Sec.703(b) of the proposed resolution, these requirements are included.

Ms. Dellinger noted that she supports non-U.S. citizen voting and the proposed Charter amendment.

Mr. Elrich said that he thought the intent was that a person certify that he/she is not a registered voter anywhere else and proposed to strike the words "in the United States" from the fourth whereas clause.

Mr. Rubin explained that at first reading Council discussed this very issue and came to a consensus that the intent was to insure that a person is not a registered voter in another jurisdiction in the United States. He noted that the Council does not have the power to control foreign policies that may allow a person to vote in more than one jurisdiction.

Ms. Porter pointed out that Mr. Elrich participated by seconding the motion to add the specificity of the "United States" to the fourth whereas clause.

Mr. Elrich said that in retrospect, he does not believe that this was the intent and that he thought this was only being added to Sec.703(b).

Mr. Rubin said that the reason the Council chose to amend the whereas clause was to make the legislative history clear.

Mr. Elrich said that he thought the Council was addressing the issue more broadly but that if the Council is satisfied with the amendment to the whereas clause, he would consent.

The second reading Charter Amendment Resolution was unanimously adopted by roll call vote (AYE: Chavez, Davenport, Elrich, Porter, Rubin, Sharp, Williams).

RESOLUTION #1993-103  
(Attached)

**PRESENTATIONS**

Ms. Yolanda McLaughlin, Youth Outreach Worker of the Recreation Department, commented on the moonlight basketball league participants, the league and tournament games, and the winners. She announced the league and tournament winners and introduced representatives of the teams--Regetta Lawds of the league winners, and Victoria Butler of the tournament winners. Mr. Sharp assisted Ms. McLaughlin by presenting the team representatives with trophies.

**REGULAR MEETING**

#2 Deletion of Specific Time for New Council Organization. Moved by Ms. Porter; seconded by Mr. Chavez.

Mr. Sharp explained that the amendment will delete the specific hour of 8:00 p.m. for the organizational meeting of the newly elected Council that is held the second Monday following its election.

The second reading Charter Amendment Resolution was adopted by roll call vote (AYE: Chavez, Davenport, Elrich, Porter, Sharp, Williams; NAY: Rubin).

RESOLUTION #1993-104  
(Attached)

#3 Expanded Write-in Procedures. Moved by Ms. Porter; seconded by Mr. Williams.

Mr. Sharp explained that the amendment will change the registration provision for write-in candidates to allow a write-in candidate to register with the City Clerk up until the Friday prior to the election in order to have his/her name posted in the voting booth for the purpose of identifying the individual as a candidate for office. He noted that a write-in candidate is not required to register with the City Clerk to be eligible for election to office.

Rino Aldrighetti congratulated the Council on this amendment, and suggested that it is right to allow unlimited write-in votes. He said that he does not believe that posting names in the booth is necessary and that doing so allows persons to bypass the Nominating Caucus.

Clarence Boatman, Ritchie Avenue stated that he is concerned that if a write-in candidate who has not pre-registered with the City Clerk is elected, there will have been no evaluation of his/her character or background prior to his/her election to office. He suggested that there might be a need for a provision to address such a circumstance. He said that there needs to be a time allowance for the City Clerk or other person to ensure that a candidate is of qualified character and recalled from his work on the Elections Task Force that this was, in part, the reason for the 30 day pre-registration requirement for write-in candidates. If a person declares himself at the last minute, he/she may be voted to office without the constituents knowing his/her character. Mr. Boatman commented that conceivably, it may be necessary for the person to be removed from office after being elected.

Mr. Sharp commented on his recollection of the history behind wanting to have the write-in candidate provision in the Charter. He commented on the current provision that requires a candidate to pre-register two weeks prior to the election, and offered the scenario of an uncontested write-in campaign. He commented that the down side of eliminating the pre-registration requirement is exactly as Mr. Boatman has pointed out.

Mr. Boatman said that the Council has this under advisement, and may have to take this into consideration in the future. It is possible that a person who is undesirable may be elected to office.

Mr. Sharp noted that a discussion of a "recall provision" is scheduled for a future agenda.

Mr. Boatman said that he would support a recall provision.

Kay Dellinger, Hampshire Towers commented on the importance of a write-in provision, and said that write-in votes should be allowed for every office. All write-in votes should be counted, and the results should be published along with the results of the election.

Mr. Sharp said that the counties do allow write-in votes.

Ms. Dellinger stated that she believes that the counties do not count write-in votes or publish them, and said that she thought one of the main reasons for posting the names of write-in candidates in the voting booth was to notify voters of the proper spelling of the candidates's names. She commented that it is possible that persons working the polls do not know what the law is regarding write-in votes, and said that in the 1993 City Election she was told that Ward 6 was the only ward for which a voter could write-in a candidate. Ms. Dellinger stated that the city should have an educational process for the public and poll workers. She noted that in the last election, persons were not allowed to electioneer on the sidewalk in front of the municipal building and that this could have changed the voter responses in close races.

Mr. Rubin noted that in addition to the resolutions that are being discussed this evening, the Council will be discussing a "none of the above" option for the ballot.

The second reading Charter Amendment Resolution was unanimously adopted by roll call vote (AYE: Chavez, Davenport, Elrich, Porter, Rubin, Sharp, Williams).

RESOLUTION #1993-105  
(Attached)

#4 Redevelopment Loan--6 Grant Avenue. Ms. Habada commented on the history of the loan and the provisions for repayment. She said that Mr. Fleming is looking to refinance the loan but has not obtained a commitment on refinancing. She stated that the city is seeking an extension from the State on principal payments.

Ms. Grimmer said that representatives of Maryland Industrial and Commercial Redevelopment Fund (MICRF) recently indicated that the State extension should not be a problem, but that they need a resolution from the Council requesting the extension.

Mr. Williams asked whether there is anything that the city can do to recoup some of the extension costs.

Ms. Grimmer said that the option of charge-back fees is being investigated and that the city can change some of the terms of the interest rate to cover the margin of cost to the city.

Mr. Rubin asked whether this is a routine matter, and whether loans are often extended by the city in this manner?

Ms. Habada noted that there have only been two MICRF loans since 1985.

Mr. Rubin asked what is the cost of the extension?

Ms. Grimmer said that the State is interested in working this out in the best interest of the city. At this point, the extension is not being viewed in the light of additional costs.

Mr. Elrich asked to what extent has Mr. Fleming's building been leased at this point?

Ms. Grimmer said that it is leased at 100%.

Mr. Sharp asked if the contractor cannot make money at 100%?

Ms. Grimmer said that the problem may have arisen during the time gap up until fully leasing the building during which he used up his available principal.

Mr. Elrich asked whether the city becomes a banker in a long term situation, or whether the city can force the sale of the building?

Ms. Grimmer said that the city will have the option of forcing the sale.

Mr. Elrich commented on the servicing fee.

The resolution was adopted (ABSTAIN: Rubin).

RESOLUTION #1994-1  
(Attached)

#5 State Funding for Essex House--7777 Maple Avenue. Mr. Sharp briefly explained that the Community Preservation and Development Corporation (CPDC) a non-profit housing provider is seeking acquisition and rehabilitation of Essex House located at 7777 Maple Avenue.

Moved by Mr. Davenport; seconded by Mr. Elrich.

Mr. Davenport made some remarks about the meeting that he held with the residents of Essex House to discuss the purchase of the property by CPDC, and commented on their support for this program.

Tom Gagliardo asked what will be the impact on the tenants of the buildings, and questioned whether they will be displaced during the renovations?

Mr. Mike Dennett, representative from CPDC, stated that no tenants will be displaced during renovations.

Mr. Gagliardo asked what is the nature of the renovations, and how will tenants not be moved out of their apartments while renovations are being done?

Mr. Dennett said that, to name a few, renovations will consist of new roofs and windows, restoring kitchens, adding landscaping, putting in a playground, security devices, providing a community room, plumbing and pipes in the building.

Mr. Gagliardo asked what is the impact on rental rates?

Mr. Dennett said that their organization is a non-profit housing provider and that the intent is not to increase rental rates provided the tenants submit to an annual certification process.

Mr. Gagliardo asked whether there have been any discussions with CPDC regarding "affordable" rental rates beyond income certification?

Mr. Elrich said that he was also skeptical in the beginning but that he has since been provided with operating statements and other illustrations showing how rent increases will not be affected.

Mr. Gagliardo questioned whether these numbers are available upon request? He said that he would like to see these statements. He asked for a more detailed description of CPDC.

Mr. Dennett explained the how CPDC was founded and described some of its operations. He commented on the Chairman of the Board and other Board Members, briefly describing their credentials.

Kay Dellinger, Hampshire Towers asked how long CPDC anticipates owning 7777 Maple Avenue, and whether they have intentions of allowing the tenants to buy the building or providing the option of a future program for tenants to buy the building?

Mr. Dennett said that this is one of the first things that was discussed as an option that was presented to the tenants of the building. The tenants indicated that they want to keep the building as it currently is--a rental building. He commented that the decision to purchase the rental units must be made from the start or the building will remain a rental building for 30 years.

Clarence Boatman, Ritchie Avenue said that he wants to know how many apartments are currently vacant, and asked if the vacant apartments can remain vacant so that tenants may be moved around to aid in a smoother renovation process.

Mr. Dennett said that CPDC does not currently have control over leasing, but added that it would certainly facilitate the renovations if the currently vacant apartments were left open. He explained the level of timely service that will be expected of contractors during the renovation process. He stated that a couple of hospitality suites will be set up in the building and families will be provided with meal coupons for local restaurants, during times of inconvenience caused by the renovations.

Mr. Chavez asked whether a percentage of the rent will go toward an option to buy after the required period of years has elapsed.

Mr. Dennett said that at the point when the residents indicate they are interested in buying the building, CPDC will do what is necessary to provide them with this option, when permissible by the State.

Mr. Sharp clarified that the tenants will have to decide now, or wait for 15 years to once again consider whether they wish to buy the building.

Ms. Dellinger said that there should be ongoing discussions with the tenants and that the tenants should consider the future.

Mr. Elrich said that he feels this is a worth while option.

Mr. Gagliardo clarified that no tenants will be evicted and that there will be no rent increases that do not fall under the Takoma Park rent control guidelines.

Mr. Dennett assured him that this is true, and added, however, that tenants will be required to provide annual certification to avoid rent increases.

The resolution was unanimously adopted.

RESOLUTION #1994-2  
(Attached)

#### ADDITIONAL AGENDA ITEM

Council Vote to call an Executive Session - Update on Litigation by Corporation Counsel. Mr. Sharp explained that the Council might wish to hold the Executive Session at the beginning of the Worksession on January 18th (7:30 p.m.) and since the Council must publicly vote to hold an Executive Session, this is the only opportunity the Council will have prior to the desired starting time of the meeting to take such a vote. Moved by Mr. Sharp; seconded by Mr. Elrich.

The Council voted unanimously to hold an Executive Session at 7:30 p.m. on January 18th.

**ADJOURNMENT**

The Council adjourned to Worksession at 9:10 p.m. (Moved by Mr. Rubin; seconded by Mr. Elrich).

Following the Worksession, the Council adjourned for the evening at 10:35 p.m.

Introduced by: Councilmember Elrich  
(Drafted by: Susan Silber,  
Corporation Counsel)

1st Reading: 12/13/93  
2nd Reading: 01/10/94  
Posted: 01/11/94  
Effective: 03/01/94

CHARTER AMENDMENT RESOLUTION #1993-103

AMENDING CHARTER ARTICLE VII, SECTION 701(A) REGARDING  
"QUALIFICATIONS OF VOTERS" AND SECTION 703(B) REGARDING  
NON CITIZEN VOTER REGISTRATION

- WHEREAS, Citizens of the United States who live in Takoma Park must register to vote at the Board of Election supervisors for Montgomery and Prince George's Counties.
- WHEREAS, Each citizen of the United States who wishes to register to vote at the Board of Election Supervisors for Montgomery and Prince George's Counties must certify, under penalty of perjury, that he or she: is a citizen of the United States, will be at least 18 years old by the next general election, is a legal resident of Maryland, has not been convicted (without pardon) more than once of an infamous crime, is not under sentence or on probation following conviction for an infamous crime, is not under guardianship for mental disability.
- WHEREAS, Residents of Takoma Park who are not United States citizens may register to vote with the City Clerk for Takoma Park.
- WHEREAS, Each resident of Takoma Park who is not a United States citizen who wishes to register to vote must certify that he or she: resides within the corporate limits of Takoma Park, is not a registered voter anywhere else in the United States, and will be at least 18 years old by the next City Election.
- WHEREAS, The City Council of Takoma Park recognizes that all residents of the City have an equal interest in participation in City government, and deserve an equal opportunity to influence decisions that directly affect there lives.
- SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT pursuant to Article XI-E of the Maryland Constitution and Article 23A of the Annotated Code of Maryland (1990 Replacement Volume) that Sections 701 (a) and Section 703 (b) of the Charter of the City of Takoma Park are hereby amended as follows:



**ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS**

**SECTION 701- QUALIFICATIONS OF VOTERS**

(a) Every person who (1) is a resident of Takoma Park, (2) is at least eighteen years of age, (3) has resided within the corporate limits of the City for 30 days next preceding the City election, [and] (4) has not been convicted of buying or selling votes, and (5) is registered in accordance with the provisions of this charter, is a qualified voter of the City. Every qualified voter of the City is entitled to vote in all City elections.

**SECTION 703- REGISTRATION**

(b) Any resident of Takoma Park who is not a United States citizen, and who is otherwise qualified to be registered as a voter in any election, pursuant to Article I, Section 1 of the Constitution of Maryland, and Section 3-4 of Article 33, as amended, or any equivalent provision(s) of the Annotated Code of Maryland, may register with the City Clerk, who shall maintain a separate voter roll from the existing voter rolls generated by the Montgomery County and Prince George's County Boards of Election, to include the names of those non United States Citizens. The City Clerk shall promptly send notice to any jurisdiction in the United States, if any, where the new registrant was formerly registered, requesting the cancellation of said voter's prior registration.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is scheduled for January 10, 1994, and the amendment of Sections 701 (a) and Section 703 (b) of the Charter of the City of Takoma Park hereby enacted shall become effective on March 1, 1994, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until February 22, 1994, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

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

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

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

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, January 10, 1994, seven (7) members of the City Council voting affirmative, no members of the City Council voting negative, none abstaining, and no members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 1st day of March, 1994.

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

Adopted this 10th day of January, 1994 by Roll Call vote as follows:

AYE: Chavez, Davenport, Elrich, Porter, Rubin, Sharp, Williams  
NAY: None  
ABSTAINED: None  
ABSENT: None

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

\_\_\_\_\_  
Edward F. Sharp, Mayor

\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

Anthony Davenport, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Reggie Chavez, Councilmember, Ward 6

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

regis.ord  
mcr7/mr

Introduced by: Councilmember Porter  
(Drafted by: C. Sartoph)

1st Reading: 12/13/93  
2nd Reading: 1/10/94  
Posted: 1/11/94  
\*Effective: 3/01/94

\*Unless a petition meeting the requirements of Sec.602 of the City Code is received by 2/22/94.

CHARTER AMENDMENT RESOLUTION #1993-104

AMENDING CHARTER ARTICLE III, SECTION 304 REGARDING THE  
TIME OF THE FIRST MEETING OF THE NEWLY ELECTED COUNCIL

WHEREAS, Section 304 of the Takoma Park Charter of 1989, as amended, requires that the newly elected Council shall meet at 8:00 P.M. on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but generally not less frequently than once each calendar month; AND

WHEREAS, the Council has adopted Council Procedures that prescribe that the Council will hold its meetings at 7:30 P.M.; AND

WHEREAS, the specific hour of 8:00 P.M. for the organizational meeting of the newly elected Council is not in keeping with the regular time for Council meetings and furthermore, the inclusion of any specific time in the Charter for this meeting does not allow for flexibility in scheduling.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Section 304 of the Charter of the City of Takoma Park is hereby amended as follows:

**Section 304      Meeting of the Council**

The newly elected Council shall meet at ~~8:00 P.M.~~ on the second Monday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules, but generally not less frequently than once each calendar month. However, the Council may recess, but not more than for one calendar month during the year.

Special meetings may be called by the Mayor, or a majority of the members of the Council. All meetings of the Council shall be open to the public except for executive matters as defined by state law. The rules of the Council shall provide that residents of the City will have a reasonable opportunity to be heard at any meeting in regard to any municipal question.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is January 10, 1994, and the amendment of Section 304 of the Charter of the City of Takoma Park hereby enacted shall become effective on March 1, 1994, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until February 22, 1994, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

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

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

SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, January 10, 1994, six (6) members of the City Council voting in the affirmative, one (1) member of the City Council voting in the negative, no members of the City Council abstaining, and no members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 1st day of March, 1994.

SECTION 6. In this Resolution, ~~striketrough~~ shall denote language to be deleted from the current City Charter.

Adopted this 10th day of January, 1994, by Roll Call vote as follow:

AYE: Chavez, Davenport, Elrich, Porter, Sharp, Williams  
NAY: Rubin  
ABSTAINED: None  
ABSENT: None

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

\_\_\_\_\_  
Edward F. Sharp, Mayor

\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

\_\_\_\_\_  
Kathy Porter, Councilmember, Ward 2

\_\_\_\_\_  
Bruce Williams, Councilmember, Ward 3

\_\_\_\_\_  
Anthony Davenport, Councilmember, Ward 4

\_\_\_\_\_  
Marc Elrich, Councilmember, Ward 5

\_\_\_\_\_  
Reggie Chavez, Councilmember, Ward 6

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

Introduced by: Councilmember Porter

1st Reading: 12/13/93

2nd Reading: 1/10/94

Posted: 1/11/94

\*Effective: 3/01/94

\*Unless a petition meeting the requirements of Sec.602 of the City Code is received by 2/22/94.

CHARTER AMENDMENT RESOLUTION #1993-105

AMENDING CHARTER ARTICLE VII, SECTION 704 (d), 704 (e), and 704 (f)  
REGARDING NOMINATIONS AND SECTION 704.1 REGARDING WRITE-IN  
CANDIDATES FOR MAYOR AND COUNCILMEMBER

WHEREAS, Residents of Takoma Park who wish to be write-in candidates for the Takoma Mayor or Councilmember must file their names with the City Clerk at least seven days prior to the election to be eligible to hold office; AND

WHEREAS, It is the desire of Takoma Park residents to write-in the candidates of their choice at the time they cast their ballots, regardless of whether such candidate has filed with the City Clerk; AND

WHEREAS, The Mayor and City Council of Takoma Park want to provide potential candidates with maximum access to public office in the City.

SECTION 1. NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1990 edition, as amended), title: "Corporations - Municipal," that Sections 704 (d), 704 (e), 704 (f) and 704.1 of the Charter of the City of Takoma Park are hereby amended as follows:

**ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS**

**Section 704 Nominations**

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

(e) repealed.

(f) repealed.

**Section 704.1 Write-In Candidates**

(a) Any write-in candidate for Mayor or Councilmember who wishes to be pre-registered as a write-in candidate and to have

her/his name posted in the voting booth for the purpose of identifying her/him as a candidate for office, must file her/his name with the City Clerk [at least seven (7) days before] by 5:00 p.m. on the Friday prior to the election. [Only those write-in candidates who are registered are eligible to hold office.]

(b) A voter in a City election may write-in the name of any [candidate] person for the office of Mayor or Councilmember in the method provided by the City Clerk on election day.

(c) A voter may only write-in one candidate for each office.

(d) Only those write-in candidates who are qualified to serve for the office for which they are written-in as Mayor or Councilmember as provided by this Charter shall be eligible to hold said office.

[(e) Any write-in candidate who is declared elected may decline her/his nomination and choose not to serve in the office for which she/he was elected.]

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is January 10, 1994, and the amendment of Section 304 of the Charter of the City of Takoma Park hereby enacted shall become effective on March 1, 1994, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until February 22, 1994, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

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

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered



mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5. The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, January 10, 1994, seven (7) members of the City Council voting in the affirmative, no members of the City Council voting in the negative, no members of the City Council abstaining, and no members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 1st day of March, 1994.

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

Adopted this 10th day of January, 1994, by Roll Call vote as follow:

AYE: Chavez, Davenport, Elrich, Porter, Rubin, Sharp, Williams

NAY: None

ABSTAINED: None

ABSENT: None

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

\_\_\_\_\_  
Edward F. Sharp, Mayor

\_\_\_\_\_  
Larry Rubin, Councilmember, Ward 1

\_\_\_\_\_  
Kathy Porter, Councilmember, Ward 2

\_\_\_\_\_  
Bruce Williams, Councilmember, Ward 3

\_\_\_\_\_  
Anthony Davenport, Councilmember, Ward 4

\_\_\_\_\_  
Marc Elrich, Councilmember, Ward 5

\_\_\_\_\_  
Reggie Chavez, Councilmember, Ward 6

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

Introduced by: Councilmember Porter

**RESOLUTION NO. 1994-1**

**Resolution requesting a time extension on the City loan from the State of Maryland for 6 Grant Avenue**

**WHEREAS,** in 1991 the City received a Maryland Industrial and Commercial Redevelopment Fund (MICRF) loan for the redevelopment of 6 Grant Avenue in the principal sum of \$297,000.00; **AND**

**WHEREAS,** this redevelopment loan is structured with State funds loaned to the City and reloaned to Constructive Alternatives, Inc. for the redevelopment of 6 Grant Avenue; **AND**

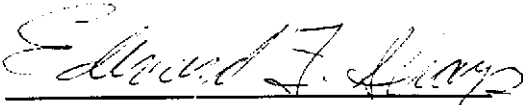
**WHEREAS,** repayment of the loan principal was to begin in April 1993, and one 6 month time extension was previously granted by the State; **AND**

**WHEREAS,** problems in the commercial lending market have resulted in Constructive Alternatives, Inc.'s need for extra time to pursue a loan work out, which in turn requires additional time for the City to repay the principal, since the principal payments to the City are not yet forthcoming from Constructive Alternatives, Inc.

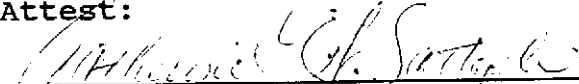
**NOW, THEREFORE, BE IT RESOLVED THAT,** the City Council of Takoma Park, Maryland, requests that the State of Maryland extend to the City an option to continue quarterly interest-only payments on the MICRF loan to January, 1995; **AND**

**BE IT FURTHER RESOLVED THAT** the City Administrator is hereby directed to forward a copy of this Resolution to the appropriate State authorities.

Adopted this 10th day of January, 1994.

  
Edward F. Sharp, Mayor

Attest:

  
Catherine Sartoph, City Clerk

Introduced by: Councilmember Davenport

**RESOLUTION NO. 1994 - 2**


IN SUPPORT OF ACQUISITION AND REHABILITATION OF ESSEX HOUSE  
LOCATED AT 7777 MAPLE AVENUE, TAKOMA PARK, MARYLAND BY COMMUNITY  
PRESERVATION AND DEVELOPMENT CORPORATION

- WHEREAS** There is a significant need for affordable housing for low and moderate income families in Takoma Park; and
- WHEREAS** The Community Preservation and Development Corporation, (CPDC) a not-for-profit housing provider proposes to acquire and rehabilitate Essex House, an existing 135 unit multifamily rental housing development located at 7777 Maple Avenue in Takoma Park; and
- WHEREAS** CPDC intends to make the units affordable to low and moderate income households; and
- WHEREAS** The Community Development Administration ("CDA") of the State of Maryland has received an application from CPDC for a taxable bond loan in the amount of \$5,158,000 under the Multi-Family Bond Program (MBP Loan) and a loan in the amount of \$1,000,000 under the Rental Housing Production Program (RHPP) to support the acquisition and rehabilitation of Essex House; and
- WHEREAS** State regulations require that all projects financed by CDA be approved by the governing body of the locality in which the project is situated and where appropriate, by the chief elected official of that locality.

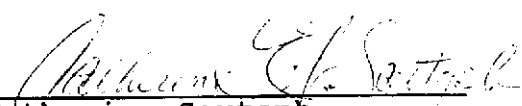
**NOW, THEREFORE BE IT RESOLVED THAT** the Council approves the acquisition and rehabilitation of Essex House located at 7777 Maple Avenue, Takoma Park, Maryland by the Community Preservation and Development Corporation, a not-for-profit housing provider; and

**BE IT FURTHER RSOLVED THAT** the Council will send a copy of this approved resolution to the Secretary of Housing and Community Development for the State of Maryland.

Adopted this 10th day of January, 1994

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

**ATTEST:**

  
\_\_\_\_\_  
Catherine Sartoph  
City Clerk

Regular Meeting and Worksession of the City Council

Monday, January 24, 1994

**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Asst City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	DHCD Director Nance-Sims
Councilmember Rubin	DHCD Asst Director Ludlow
Councilmember Williams	Corporation Counsel Silber
	Public Works Director Knauf

**OFFICIALS ABSENT:**

Councilmember Davenport

The City Council convened at 9:40 p.m. on Monday, January 24, 1994, in the Council Chamber at 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp commented on the Council's trip to Annapolis, along with participants of One Takoma, earlier in the evening, and noted that the next meeting of One Takoma will take place on Tuesday, January 25th at 7:30 p.m. upstairs in the Municipal Building.

Ms. Porter stated that the kick-off program for One Takoma was very successful and received good press coverage that will be a big help in the unification effort.

ADOPTION OF MINUTES

Moved by Ms. Porter; seconded by Mr. Sharp. The Council meeting minutes from December 13, 1993, were unanimously adopted.

REGULAR MEETING

#1 Resolution of Condolence--Elizabeth ("Betty") Robinson. Moved by Mr. Sharp. Mr. Sharp read the resolution into the record.

The resolution was unanimously adopted.

RESOLUTION #1994-3  
(Attached)

Mr. Sharp commented that Ms. Robinson had definitely contributed to the community over the years and that her passing is a loss to the city. He extended condolence on behalf of the Council and city to her family.

#2 Appointment to Recreation Committee. Moved by Mr. Rubin; seconded by Mr. Sharp. Mr. Sharp explained that the resolution appoints John T. McCarthy to the Takoma Park Recreation Committee.

The resolution was unanimously adopted.

RESOLUTION #1994-4  
(Attached)

ADJOURNMENT

The Council adjourned to Worksession at 9:58 p.m. (Moved by Ms. Porter; seconded by Mr. Chavez).

Following the Worksession, the Council adjourned for the evening at 11:07 p.m.

## RESOLUTION OF CONDOLENCE

#1994 - 3

WHEREAS, it was with sorrow that the City Council learned of the death on Wednesday, January 12, 1994, of Elizabeth ("Betty") Robinson, a longtime resident and outstanding citizen of Takoma Park; AND

WHEREAS, Mrs. Robinson served the City as its Accounts Payable Clerk for eighteen years; AND

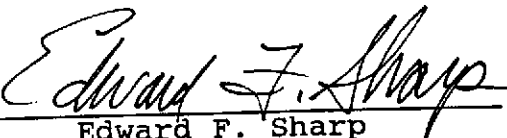
WHEREAS, a longtime participant in the activities of the Takoma Park Recreation Council and the Independence Day Committee, Mrs. Robinson served her community with distinction; AND

WHEREAS, through her membership in the Parent-Teacher Association, as well as her affiliation with Our Lady of Sorrows Church and St. Michael's Church, Mrs. Robinson established herself as a good friend of many generations of Takoma Park residents; AND


WHEREAS, Mrs. Robinson will long be remembered for her cheerfulness and kind-heartedness; and her memory will be cherished by her colleagues and many friends, who share with her family a deep sense of loss.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its employees and the citizens of the community, that we hereby extend to Mrs. Robinson's family, this expression of heartfelt sympathy.

Adopted this 24th day of January, 1994.

  
Edward F. Sharp  
Mayor

ATTEST:

  
Catherine Sartoph  
City Clerk

Introduced By: Councilmember Rubin

**RESOLUTION NO. 1994-4**

**APPOINTING MEMBERS TO THE RECREATION COMMITTEE**

**WHEREAS,** the Takoma Park Recreation Committee has been established by the City Council as a means to promote citizen volunteers and their assistance to the Recreation Department of the City; **AND**

**WHEREAS,** there are vacancies on the City's Recreation Committee; **AND**

**WHEREAS,** the following Takoma Park residents have made application to serve on the Recreation Committee.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND,** does hereby appoint to the Takoma Park Recreation Committee:

Name	Address	Term Expires
John T. McCarthy	212 Hodges Lane	June 14, 1994

**BE IT FURTHER RESOLVED, THAT** this appointment becomes effective immediately.

Adopted this 24 day of January, 1994 .

**ATTEST:**

  
\_\_\_\_\_  
Catherine Sartoph, City Clerk