

**CERTIFICATION OF 1995 CITY ELECTION RESULTS AND SPECIAL SESSION
OF THE CITY COUNCIL**

Wednesday, November 8, 1995

Executive Session 10/30/95 - Moved by Mr. Rubin; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 9:50 p.m. in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF & OTHERS PRESENT: Habada, Grimmer, Espinosa, Hensley, Seedyke. The Council discussed contract negotiations regarding Takoma Junction; advice was given to the City Administrator about further negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(14))

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	Deputy City Clerk Espinosa
Councilmember Porter	Construction Specialist Kowaluk
Councilmember Rubin	
Councilmember Williams	

OFFICIAL ABSENT:

Councilmember Elrich

The Council convened at 7:38 p.m. on Wednesday, November 8, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that Mr. Elrich is attending a presentation this evening regarding the proposed mega-mall for downtown Silver Spring (American Dream Project).

SPECIAL SESSION

#1 Certification of Election Results -- 1995 City Election. Chief Election Judge, Valerie Dant, read the final election results, for the record.

City Clerk Sartoph reported that one absentee ballot was received by mail today, postmarked November 7, 1995, and therefore ineligible to be counted. Absentee ballots received by mail must be postmarked no later than the day prior to the election.

Mr. Sharp thanked the Election Judges for their service, commenting on the number of voting machines that were required to conduct the election and the consequent work demanded of the judges. He commended their fine job.

Ms. Porter extended her thanks to the Election Judges for their work.

Mr. Rubin thanked the many Takoma Park voters who came out to the polls.

Mr. Williams agreed with the remarks made by the other Councilmembers, and added his appreciation to the Election Judges.

Marie Ritzo, Central Avenue (representative of One Takoma) thanked the Council and Election Judges. She stated that she wants to distance One Takoma from the comments that were printed in the Washington Post, alleged to have been made by Mr. Elrich. Ms. Ritzo remarked that the comments are not a reflection of One Takoma's sentiment.

Rino Aldrighetti, Central Avenue said that it had been a "terrific and very historic election", and that it is unfortunate that it will be marred by the comments that appeared in today's Washington Post. The comments printed in the paper were hurtful, politically foolish, harmful and a poor reflection on the Council and City. He encouraged the Council and staff to immediately begin work at "mending the fence", and called for some Council discipline of its members.

Mr. Rubin urged citizens to keep in mind that the statement printed in the Washington Post may not have been the actual remarks made by Mr. Elrich. He noted that Mr. Elrich is not here this evening to respond to the citizen comments that have been made, but that he is knowledgeable of Mr. Elrich's intent to work on a strategy to address the reported statement.

Buddy Daniels thanked City staff (i.e. City Clerk, Deputy City Clerk, and Administration Office) for assistance throughout the months leading up to the 1995 Election.

John DelPino (Election Judge) said that he had never been so proud as he was yesterday, serving as an election judge. He commented that he enjoyed seeing the many citizens who came to the polls, and recognized the hard work of the City Clerk, Chief Election Judge and other Election Judges.

ELECTION RESULTS REPORT
(Attached)

#2 Single Reading Ordinance re: Installation of HVAC at 1007 University Boulevard. Mr. Sharp explained the ordinance. Moved by Mr. Williams; seconded by Mr. Davenport.

Ms. Habada noted that the single reading ordinance is appropriate because of the availability of monies in the City's HRHP Revolving Loan Fund.

The single reading ordinance was adopted unanimously, by roll call vote (ABSENT: Elrich, Rubin).

ORDINANCE #1995-42
(Attached)

The Council adjourned at 7:55 p.m.

CERTIFICATION OF ELECTION RESULTS

City Election
November 7, 1995

U.S. CITIZEN VOTERS

Ward #1

Election Judges:

June Aloï
Rein Parris
John Del Pino

Registered Voters: 1,975

Voters Casting Votes - 593 total (cast at poll)

Unification Referendum (Montgomery County)

57 - "for"

524 - "against"

Mayoral Candidate:

Edward Sharp - 469

Write-in Votes:

Sam Abbott - 1

Richard Joy - 1

Neil Lavon - 1

George Fulton - 1

Councilmember Candidate

Larry Rubin - 468

Write-in Votes:

Carol Hightower - 1

R.D. Woods - 1

William Leary - 2

Mike Alemar - 1

Absentee Ballots - 5 total

Unification Referendum (Montgomery County)

0 - "for"

4 - "against"

Mayoral Candidate:

Edward Sharp - 4

Councilmember Candidate

Larry Rubin - 4

Ward #2

Election Judges:

Steve Breckbill
Geneva Cross
Gary Reisner
Valerie Tonat

Registered Voters: 237 (Montgomery County)
1,380 (Prince Georges County)

Voters Casting Votes - 749 total (cast at poll)

Unification Referendum (Montgomery County)

5 - "for"
61 - "against"

Unification Referendum (Prince Georges County)

598 - "for"
74 - "against"

Mayoral Candidate:

Edward Sharp
(Montgomery County) - 53
(Prince Georges County) - 556

Write-in Votes:

Howard L. Joy - 1

Councilmember Candidate

Kathy Porter
(Montgomery County) - 55
(Prince Georges County) - 568

Write-in Votes:

Patti Murphy - 6
Owen Philbin - 2

Absentee Ballots - 21 total

Unification Referendum (Montgomery County)

0 - "for"
3 - "against"

Unification Referendum (Prince Georges County)

16 - "for"
2 - "against"

Mayoral Candidate:

Edward Sharp

(Montgomery County) - 3

(Prince Georges County) - 13

Councilmember Candidate

Kathy Porter

(Montgomery County) - 3

(Prince Georges County) - 13

Ward #3

Election Judges:

Pearl Blacksin
C.P. Cook
Kathryn Scott
Verne Wilson

Registered Voters: 1,380 (Montgomery County)
565 (Prince Georges County)

Voters Casting Votes - 630 total (cast at poll)

Unification Referendum (Montgomery County)

17 - "for"
358 - "against"

Unification Referendum (Prince Georges County)

205 - "for"
45 - "against"

Mayoral Candidate:

Edward Sharp
(Montgomery County) - 315
(Prince Georges County) - 188

Write-in Votes:

Richard Joy - 2
O.J. Simpson - 1
Andrew Busby - 1
Condie Clayton - 1
"No Preference" - 1

Councilmember Candidate

Bruce Williams
(Montgomery County) - 289
(Prince Georges County) - 157

Write-in Votes:

Geoff Burkhart - 1
Karen M. Davis - 1
James E. Ray - 1
"No Preference" - 1
"None of Above" - 1

Absentee Ballots - 17 total

Unification Referendum (Montgomery County)

0 - "for"

7 - "against"

Unification Referendum (Prince Georges County)

9 - "for"

1 - "against"

Mayoral Candidate:

Edward Sharp

(Montgomery County) - 7

(Prince Georges County) - 8

Councilmember Candidate

Bruce Williams

(Montgomery County) - 7

(Prince Georges County) - 7

Ward #4

Election Judges:

Claire Kozell
Phil Vogel
Paul Weisbord

Registered Voters: 903

Voters Casting Votes - 119 total (cast at poll)

Unification Referendum (Montgomery County)

24 - "for"

92 - "against"

Mayoral Candidate:

Edward Sharp - 91

Councilmember Candidate

Anthony Davenport - 78

Write-in Votes:

Condie Clayton - 1

Absentee Ballots - 2 total

Unification Referendum (Montgomery County)

1 - "for"

1 - "against"

Mayoral Candidate:

Edward Sharp - 2

Councilmember Candidate

Anthony Davenport - 2

Ward #5

Election Judges:

Billie Dyhouse
Connie Richards
Martin Wooster

Registered Voters: 1,082

Voters Casting Votes - 203 total (cast at poll)

Unification Referendum (Montgomery County)

11 - "for"

192 - "against"

Mayoral Candidate:

Edward Sharp - 155

Write-in Votes:

Ho Chi Minh - 1

"Yo Ma Ma" - 1

Councilmember Candidate

Marc Elrich - 152

Write-in Votes:

Andrew D. Busby - 1

"Elmer Fudd" - 1

Absentee Ballots - 2 total

Unification Referendum (Montgomery County)

0 - "for"

2 - "against"

Mayoral Candidate:

Edward Sharp - 2

Councilmember Candidate

Marc Elrich - 2

Ward #6

Election Judges:

Ruth Abbott
Carol Clayton
Howard Miller
Joan Sidell
Carrie Spicer

Registered Voters: 51 (Montgomery County)
 806 (Prince Georges County)

Voters Casting Votes - 350 total (cast at poll)

Unification Referendum (Montgomery County)

1 - "for"
10 - "against"

Unification Referendum (Prince Georges County)

296 - "for"
33 - "against"

Mayoral Candidate:

Edward Sharp
 (Montgomery County) - 11
 (Prince Georges County) - 256

Write-in Votes:

Richard Joy - 1

Councilmember Candidate

Reggie Chavez
 (Montgomery County) - 10
 (Prince Georges County) - 238

Write-in Votes:

Kay Dellinger - 1

Absentee Ballots - 6 total

Unification Referendum (Montgomery County)

0 - "for"
0 - "against"

Unification Referendum (Prince Georges County)

4 - "for"
1 - "against"

Mayoral Candidate:

Edward Sharp

(Montgomery County) - 0

(Prince Georges County) - 5

Councilmember Candidate

Reggie Chavez

(Montgomery County) - 0

(Prince Georges County) - 6

NON-CITIZEN VOTERS

Election Judges:

Harold Alston
Virginia Jenkins

Registered Voters: 195

Voters Casting Votes - 19 total (cast at poll)

WARD #1

Mayoral Candidate:

Edward Sharp - 1

Councilmember Candidate:

Larry Rubin - 2

WARD #2

Mayoral Candidate:

Edward Sharp - 2

Councilmember Candidate:

Kathy Porter - 2

WARD #3

Mayoral Candidate:

Edward Sharp - 1

Councilmember Candidate:

Bruce Williams - 0

WARD #4

Mayoral Candidate:

Edward Sharp - 1

Councilmember Candidate:

Anthony Davenport - 1

WARD #5

Mayoral Candidate:

Edward Sharp - 1

Councilmember Candidate:

Marc Elrich - 1

WARD #6

Mayoral Candidate:

Edward Sharp - 7

Councilmember Candidate:

Reggie Chavez - 12

Absentee Ballots - 1 total

Ward #6

Mayoral Candidate:

Edward Sharp - 1

Councilmember Candidate:

Reggie Chavez - 1

GENERAL RETURN and RECAPITULATION SHEET

ELECTION, CITY OF TAKOMA PARK 1995

VOTING MACHINE NUMBERS:	#158307	#158305	#158306	#158303	#158302	#158301	#158298	#158295	#158294	#	TOTAL	ELECTED	
OFFICES AND CANDIDATES BELOW:		M.C.	P.G.	M.C.	P.G.			M.C.	P.G.	Absentee Ballots	Non-Citizen Votes	Total	
Question (M.C. Voters)													
For	57	5		17		24	11	1		1		116	
Against	524	161		358		92	192	10		17		1254	Against
Question (P.G. Voters)													
For			598		205				296	29		1128	For
Against			74		45				33	4		156	
Mayor													
Edward Sharp	469	53	556	315	188	91	155	11	256	45	13	2152	Sharp
Richard Joy (write-in)	1			2					1			4	
C. Clayton (write-in)				1								1	
A. Busby (write-in)				1								1	
N. Lavon (write-in)	1											1	
H. Joy (write-in)			1									1	
G. Fulton (write-in)	1											1	

THIS IS TO CERTIFY THAT VOTING MACHINES USED IN THE CITY ELECTION WERE AS ENUMERATED ABOVE AND WERE EXAMINED BY OFFICIALS IN CHARGE OF EACH AND THAT PRINT PACK CERTIFICATES WERE SIGNED BY SUCH OFFICIALS AS TO SEALS, PROTECTIVE COUNTER READINGS ETC. AND THAT WE HAVE RE-EXAMINED SUCH PRINT PACKS AND CERTIFICATES FOR ACCURACY AND THIS IS A TRUE AND CORRECT RECAPITULATION OF ALL VOTES CAST.

H. James *Raul Blachin* *Reinold Parrie* *Connie Richards*
Werner Wilson *Galvin Grant* *H. D. Jones*
John Del Pino *Paul Weisbord*
Valerie Hart *Alfred P. Vogel*

ELECTION OFFICERS

Voting Machine Numbers: #158307
Ward 1

*(Continued)

Carol Hightower (write-in)	1
R.D. Woods (write-in)	1
William Leary (write-in)	2
Mike Alemar (write-in)	1

VOTING MACHINE NUMBERS:	#158307	#158305	#158306	#158303	#158302	#158301	#158298	#158295	#158294	#	TOTAL	ELECTED	
OFFICES AND CANDIDATES BELOW:		U.C.	P.G.	U.C.	P.G.			U.C.	P.G.	Absentee Ballots	Non-Citizen Votes	Total	
Ward 1 *	1	2	2	3	3	4	5	6	6				
Rubin	468									4	2	474	Rubin
Ward 2													
Porter		55	568							16	2	641	Porter
Murphy (write-in)			6									6	
Philbin (write-in)			2									2	
Ward 3													
Williams				289	157					13	0	459	Williams
Davis (write-in)				1								1	
Burkhart (write-in)					1							1	
Ward 4													
Davenport						78				2	1	81	Davenport
Clayton (write-in)						1						1	
Ward 5													
Elrich							152			2	1	155	Elrich
Busby (write-in)							1					1	
Ward 6													
Chavez								10	238	7	12	267	Chavez
Dellinger (write-in)									1			1	

THIS IS TO CERTIFY THAT VOTING MACHINES USED IN THE CITY ELECTION WERE AS ENUMERATED ABOVE AND WERE EXAMINED BY OFFICIALS IN CHARGE OF EACH AND THAT PRINT PACK CERTIFICATES WERE SIGNED BY SUCH OFFICIALS AS TO SEALS, PROTECTIVE COUNTER READINGS ETC. AND THAT WE HAVE RE-EXAMINED SUCH PRINT PACKS AND CERTIFICATES FOR ACCURACY AND THIS IS A TRUE AND CORRECT RECAPITULATION OF ALL VOTES CAST.

<i>W. G. Smith</i>	<i>Pearl Blackjain</i>	<i>Ben V. Davis</i>
<i>Wesley Wilson</i>	<i>Gabrie Jones</i>	<i>Gene L. Elly</i>
<i>Alan Del Pino</i>	<i>Paul Westford</i>	<i>W. D. ...</i>
<i>Valerie ...</i>	<i>Alfred P. Vogel</i>	

ELECTION OFFICERS

ORDINANCE NO. 1995-42

1007 UNIVERSITY BOULEVARD HVAC SYSTEM

WHEREAS, The City of Takoma Park has allocated a portion of the Housing Rehabilitation Homeowner Rehabilitation Program Revolving Loan Fund to the renovation of 1007 University Boulevard which will be used for a transitional housing program; AND

WHEREAS, in accordance with City Procurement procedures a Request for bids was advertised in the Washington Post; AND

WHEREAS, two bids were received and publicly opened at 4:00 pm, November 3, 1995 with the results as follows:

AB&A Incorporated	\$26,400.00
W.B. Maske Incorporated	\$22,448.00

WHEREAS, the apparent low bidder, W.B. Maske Inc., 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 on the HVAC system for 1007 University Boulevard.

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

SECTION 1. THAT the bid received from W.B. Maske Inc. in the amount of TWENTY TWO THOUSAND FOUR HUNDRED FORTY EIGHT DOLLARS AND ZERO CENTS (\$22,448.00) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of TWENTY TWO THOUSAND FOUR HUNDRED FORTY EIGHT DOLLARS AND ZERO CENTS (\$22,448.00) be charged as follows:

CITY OF TAKOMA PARK	ACCOUNT NO. 0020 0376 (\$22,448.00)
HRHP REVOLVING LOAN FUND	

ADOPTED THIS 8th DAY OF NOVEMBER, 1995

AYES: Sharp, Chavez, Davenport, Porter, Williams
 NAYS: None
 ABSTAIN: None
 ABSENT: Elrich, Rubin

INTERVIEWS, PUBLIC HEARING, REGULAR MEETING,
WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, November 13, 1995

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Sharp

City Administrator Habada

Deputy City Administrator Grimmer

City Clerk Sartoph

Corporation Counsel Silber

Asst. Corporation Counsel Perlman

Code Enforcement Supervisor Castillo

Executive Director COLTA Lee-Bryant

Housing Services Coordinator Walker

OFFICIAL ABSENT:

Councilmember Davenport

The Council convened at 7:40 p.m. on Monday, November 13, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR AND COUNCIL COMMENTS:

Mr. Sharp noted that Mr. Davenport is out-of-town on his honeymoon and therefore, will not be in attendance this evening.

Mr. Williams commented on the fair amount of concern in the neighborhood Saturday evening as a result of the winter storm. He noted the unfortunate event of a large tree falling and destroying a resident's antique car collection.

Mr. Chavez thanked the residents of his ward for re-electing him to another term as Councilmember of Ward 6. He pledged to serve his constituents diligently.

ADOPTION OF MINUTES

Without objection, the minutes from 9/5/95 were adopted unanimously (ABSENT: Davenport, Elrich).

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), congratulated the Councilmembers on their re-election and commented on his happiness with the outcome of the unification vote. He spoke in favor of longer terms for Councilmembers (i.e. four years) and employing additional police officers. He remarked about the crime reports in the Newsletter, suggesting that an emphasis should be placed on fighting "crack" sales in the neighborhoods where children play. Mr. Onyeneke commented on the tremendous work of the Neighborhood Watch groups in the City. He asked the Mayor to direct staff to take measures to clean-up recreational fields and facilities.

Lawrence Fischel, 6 Hickory Avenue, presented the Council with a petition signed by residents opposed to the Recreation Department's "\$20 pay or no play" volleyball fee.

ADDITIONAL AGENDA ITEMS

#1 Resolution recognizing City Clerk's Achievement of Certified Municipal Clerk

Designation. Deputy City Clerk explained that City Clerk Catherine Sartoph has received Certified Municipal Clerk designation, and proposed a resolution for the Council's adoption. He read the resolution for the record. (Moved by Mr. Sharp; seconded by Ms. Porter)

Councilmembers offered congratulatory remarks.

The resolution was adopted unanimously (ABSENT: Davenport, Elrich).

RESOLUTION #1995-55
(Attached)

INTERVIEWS

#2 Commission on Landlord-Tenant Affairs (COLTA). The Council interviewed applicants for COLTA--Sean Tipton, Peter Lane and Christopher Oyobio.

Danita Lee-Bryant stated that she will be coordinating additional interviews with the City Clerk for scheduling on the Council's agenda.

PUBLIC HEARING

#3 Applicability of Housing-Related Codes to Group Homes. The Mayor explained the topic of the public hearing and called for citizen comments (8:10 p.m.).

Kay Dellinger, Hampshire Towers, said that she opposes the proposed change to the Housing-related Codes, emphasizing that all landlords should be subject to housing regulations. She commented on her experience living in a group home, and her belief that group homes should remain under City housing laws--for protection of tenants, landlords, and homeowners (maintaining reputable housing in the community). She supported her belief that group homes should be regulated by giving examples, and urged the Council to continue having the City regulate housing codes for group homes.

Corine 508 Tulip Avenue, stated that she recently became a "landlord" of a group home, and testified that group homes are different than rental units. She explained that in her situation, problems are dealt with immediately, particularly since she is also affected--living on the premises. She supported the ordinance, adding that regulation of group homes is an additional burden on the City, especially in times of government spending cuts, and noted that there are a multitude of reasons why she is opposed to regulation of group homes.

Mr. Onyeneke supported the remarks of Ms. Dellinger, stating that he once lived in a similar situation as the one she described. He encouraged the Council to continue regulating group homes.

Raymond Altevogt, 7000 block of Eastern Avenue, stated that five houses on his block would qualify as "non-traditional" housing. He noted that he is an associate of R.A.G.E. (Residents Against Government Excess), and explained how he got involved in R.A.G.E. He commented that he once worked at Public Works for a while and later for the Department of Housing and Community Development (DHCD). For years, DHCD did not regulate multi-tenant homes, and all of a sudden, the City extended its jurisdiction to encompass group homes. He said that he does not understand how the City got into the business of regulating group homes. Mr. Altevogt stated that he does not agree with the comments made by Ms. Dellinger. He commented on the occupancy permit process followed by the District of Columbia. He said that no one should interfere with a businessman until there have been complaints or there is reason to suspect that the businessman needs investigation. Mr. Altevogt remarked about the high percentage of elderly people living in shared housing situations. He thanked the previous speaker for her comments regarding the incentive and concern a landlord (living on the same premises) has to maintain proper heating/cooling, maintenance, etc. He noted some of the particulars of the City's housing

Code. He commented on a judge's remarks that the City mistakenly cited Mr. Lorentz for a housing related matter--Mr. Lorentz does not fit the definition of "landlord". He remarked about Mr. Lorentz's appearance in court on November 1st. He stated that his experience with the City's housing office has had damaging effects on his emotional/physical stability--very upsetting. Mr. Altevogt commented on four incidents he has experienced involving tenants: (1) warrant for inspection (presented by Mr. Castillo)--complaint of flea infestation; (2) proper "notice to vacate" requirements--chaos to share home with a tenant at one time (did not give the traditional 30 day notice arrangement); (3) report of too many cars being registered at address--City complaint; and (4) tenant who stole from other tenants.

| Theresa Immordino, former COLTA Commissioner, said that there is some truth to what is being said in opposition to the City regulating group homes, in terms of when the Police are brought in to enforce regulation. She remarked, however, that she believes that owner-occupied arrangements have the potential to be more threatening than other traditional rental situations and therefore, need to be considered differently.

| Mr. Onyeneke reiterated his support for the City's regulation of group homes.

Ms. ("unintelligible") said that when a tenant is unhappy in a group home situation, he/she can leave, but questioned what is the landlord's recourse when he/she is unhappy with a tenant. She explained that group homes are not just business arrangements. People enter into this type of arrangement for a variety of reasons--enhanced security, companionship, etc. She remarked that in her situation, she has a verbal agreement with the tenants in her home--not a signed lease.

The public hearing was closed at 9:05 p.m.

REGULAR MEETING

#4 Resolution expressing Appreciation to Election Judges for 1995 City Election. Moved by Mr. Rubin; seconded by Mr. Williams.

Mr. Sharp reiterated his remarks from the evening of November 8th (Certification of Election Results).

The resolution was adopted unanimously (ABSENT: Davenport).

RESOLUTION #1995-56
(Attached)

WORKSESSION

The Council moved into Worksession. Following the Worksession, the Council convened in Executive Session at 10:45 p.m. and later adjourned for the evening.

EXECUTIVE SESSION

Executive Session 11/13/95 - Moved by Mr. Elrich; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:45 p.m. in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF & OTHERS PRESENT: Habada, Grimmer, Sartoph, Silber, Perlman, Castillo, Bailey. Council discussed possible acquisition of property and the pursuit of delinquent property taxes. Council asked the City Administrator to discuss possible litigation action with the County. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (8))

Introduced By: Mayor Sharp
(Drafted By: T. Espinosa)


**RESOLUTION NO. 1995 - 55
IN RECOGNITION OF
CATHERINE SARTOPH, C.M.C.**

- WHEREAS, Catherine ("Cathy") Sartoph has served as Clerk of the City of Takoma Park, Maryland, since June, 1993; AND
- WHEREAS, Ms. Sartoph has distinguished herself as an outstanding member of the City Staff; AND
- WHEREAS, Ms. Sartoph's exemplary work record is particularly noteworthy for her superb planning and execution of the Takoma Park Municipal Elections of 1993 and 1995, and the historic Annexation Referenda of 1995; AND
- WHEREAS, Ms. Sartoph has distinguished herself as Vice President of the Maryland Municipal Clerks Association; AND
- WHEREAS, Ms. Sartoph, while maintaining the highest standards of professional conduct, has continued her professional development so as to have earned certification as a municipal clerk by the International Institute of Municipal Clerks.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the Citizens, Council, and Staff of the City of Takoma Park, that congratulations and best wishes be offered to Catherine Sartoph, C.M.C., Takoma Park City Clerk, on the occasion of her certification as a municipal clerk by the International Institute of Municipal Clerks.

Adopted this 13th day of November, 1995.

ATTEST:



Beverly K. Habada
City Administrator

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

RESOLUTION #1995-56

EXPRESSING APPRECIATION TO ELECTION JUDGES FOR 1995 CITY ELECTION

WHEREAS, the City Council appointed 27 persons, all registered voters of the City of Takoma Park, to serve as a Board of Election for the November 7, 1995, City Election;
AND

WHEREAS, of the persons appointed, 25 participated in a training session a week prior to the election, acted as the City's Board of Election on November 7th, and certified the final results to the Council, the following evening; **AND**

WHEREAS, even with a limited number of election judges, that precluded any "alternates" under the circumstances (15 voting machines in operation--all with different ballots), the polling places were run effectively and efficiently; **AND**

WHEREAS, the election judges courteously managed a steady flow of voters, and kindly offered explanation of the unification referenda, upon request; **AND**

WHEREAS, professionalism, commitment and exactness are essential characteristics of an election judge, proudly displayed by every member of the City's 1995 Board of Election.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, on behalf of the residents, voters, City Clerk's Office and City staff hereby expresses sincere appreciation to the following persons who diligently served on the 1995 Board of Election:

Ruth Abbott	Howard F. Miller
June A. Aloï	Rein S. Parris
Harold Alston	Gary Reisner
Pearl Blacksin	Connie Richards
Steven A. Breckbill	Kathryn Scott
Carol Clayton	Joan N. Sidell
C.P. Cook	Carrie Spicer
Geneva Cross	Valerie Tonat
Valerie Dant	Phil Vogel
John Del Pino	Paul Weisbord
Billie M. Dyhouse	Verne Wilson
Virginia Jenkins	Martin M. Wooster
Claire B. Kozel	

Adopted this 13th day of November, 1995.

**INAUGURAL CEREMONIES, SPECIAL SESSION AND WORKSESSION
OF THE CITY COUNCIL**

Monday, November 20, 1995

Executive Session 11/13/95 - Moved by Mr. Elrich; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:45 p.m. in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF & OTHERS PRESENT: Habada, Grimmer, Sartoph, Silber, Perlman, Castillo, Bailey. Council discussed possible acquisition of property and the pursuit of delinquent property taxes. Council asked the City Administrator to discuss possible litigation action with the County. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (8))

MEETING OF THE OUT-GOING COUNCIL

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:50 p.m. on Monday, November 20, 1995, in the Council Chambers of the Municipal building, 7500 Maple Avenue, Takoma Park, Maryland.

INAUGURAL CEREMONIES

Mr. Sharp noted that this is the first time, to his recollection, that the Out-going Council in its entirety will be sworn in as the New Council.

He explained that the Vivian Jenkins, Clerk of the Circuit Court of Maryland for Prince George's County, and Loretta Knight, Deputy Clerk of the Circuit Court of Maryland for Montgomery County are here this evening to administer the Oath of Office to him (the Mayor). Mr. Sharp remarked that he would then administer the Oath of Office to the members of the Council.

OATHS OF OFFICE

Ms. Jenkins, followed by Ms. Knight, administered the Oath of Office to Mayor Sharp. Mayor Sharp administered the Oath of Office to the newly elected Councilmembers.

MEETING OF THE NEWLY ELECTED COUNCIL

COMMENTS AND PRESENTATIONS

Mr. Sharp remarked that this is the last time that the Mayor of Takoma Park will be sworn in by the Circuit Court Clerks of both counties. He commented that two years ago the first business of the new Council was to pass a Resolution in support of unification after which, the Councilmembers departed for Rockville to testify on behalf of unification.

Mr. Sharp commented about some of the challenges that the City will face as it moves toward unification over the next two years. He stated that there will be challenges associated with the recent annexation, and that special attention should be given to resolving the tax billing issue--a fair resolution. He said that additional issues he is interested in this Council addressing are economic development (i.e. Antonelli/Zarpas site as opportunity), Open Space Plan implementation, and the Police Department and how community oriented policing is working in the City. Mr. Sharp remarked that he wants to add a discussion of plans for the upcoming Council retreat to the evening's agenda. He stated that the tax rate is always an issue, and that in light of annexation, there may be some alternatives that did not exist before. The Council and City Administrator will be discussing this matter further. He commented that he would like to see the Council give more attention to Urban Forest and Open Space efforts in the years to come, and look at the possibility of a two-year budget--priorities to be re-evaluated two budget years later.

Ms. Porter complimented the Mayor's remarks, and added traffic issues to the list. She commented on the number of people who worked on the unification effort and who came out to vote, regardless of the uncontested Council races. She said that the residents should applaud themselves as an "activist community".

Mr. Rubin added to the Council's agenda for the next two years a discussion of the Recreation Department's programs, suggesting that staff should explore expanding outreach to all ages, more programs for the youth of this community, and an examination of current programs.

Mr. Davenport said that he is planning to re-dedicate himself to working with the Recreation Department to educate and provide recreational resources to the youth and adults in the community. He encouraged more citizens to attend Council meetings and participate in the City's government. He invited constituents to contact him directly. Mr. Davenport said that even though the Recreation Department seems to be working well, staff needs to take a closer look at how things can be made better.

Mr. Williams echoed Ms. Porter's concern regarding traffic issues and encouraged the City to work more with other jurisdictions.

Mr. Elrich thanked the other Councilmembers for working together over the past two years, adding his appreciation for an enjoyable term. He echoed the concerns of the Mayor and others as issues the Council should examine in a more broad picture. He noted that the City has to continue to look at more ways, internally, to hold and reduce the tax rate. Mr. Elrich expressed his belief that if the City had not approached unification from a grass roots level, unification would not have become a reality. He said that he feels it will take this same grass roots energy to approach educational issues associated with unification, and that he looks forward to the next two years.

Mr. Chavez commented on the number of people who came out to vote on election day. He said that he looks forward to working with the Council over the next two years.

CITIZEN COMMENTS

Lou D'Ovidio, 7424 Piney Branch said that he is here on behalf of Congressman Wynn to congratulate the Councilmembers. He stated that Mr. Wynn looks forward to assisting the City with the unification transition, and encouraged the City to call on his office when help is needed.

Buddy Daniels, Sherman Avenue, congratulated the Council on their re-election, and thanked them for running for office again. He commented on the Turkey Trot and the professional and enthusiastic attitude of staff who organized and managed the race.

Benjamin Onyeneke, Maple Avenue, remarked about the Volunteer Fire Department's (VFD) exceptional work, and stated that the VFD should be recognized in addition to the Police Department. He commented on his desire to see more citizens attending and participating in Council meetings. He asked the Council to consider 4-5 more Police officers to patrol the City's boundaries, especially in the area that runs along University Boulevard in Langley Park. The

officers should be stationed at these locations 24-hours a day. He remarked about the safety and accommodations (i.e. playgrounds, recreational equipment) of schools for the community's children. He called for improvement of the City's Cable programming--focus more on the diversity of the City (features on ethnic events/interests).

SPECIAL SESSION

#1 Mayoral Proclamation re: Appointment of Mayor Pro Tempore. Mr. Sharp explained the proclamation effecting the appointment of Marc Elrich as Mayor Pro Tempore for the duration of the Council's term.

MAYORAL PROCLAMATION (Attached)

#2 Resolution re: Sligo Creek Hiker/Biker Citizens Advisory Committee (Hiker/Biker CAC). Mr. Sharp explained the resolution. (Moved by Ms. Porter; seconded by Mr. Davenport)

Ms. Porter noted a correction to the resolution--correct spelling of appointees name should be "Addison Greenwood".

Mr. Onyeneke stated that he does not support the resolution, noting that people who express interest in appointments do not take part in the research and real work on an issue.

Mr. Sharp explained the history of the Hiker/Biker CAC.

Ms. Porter noted that the committee has been in existence for close to 15 years and is a very active committee that has worked very closely with WSSC on the sewer project. There have been 3-4 residents of South of Sligo Citizens Association (SOSCA) who have served on the CAC over the years. She noted that many members of the CAC have been on the committee since its establishment.

Mr. Davenport remarked that there are several committees/boards that periodically have openings. Vacancies are advertised in the Newsletter, and information is available by calling the City offices.

RESOLUTION #1995-57 (Attached)

WORKSESSION

The Council moved into Worksession, and later adjourned for the evening at 8:55 p.m.

MAYORAL PROCLAMATION

APPOINTMENT OF MAYOR PRO TEMPORE

WHEREAS, on November 7, 1995, the certified voters of the City of Takoma Park elected their "City Council", a governing body of seven members--six Councilmembers (elected by ward) and a one member (elected at large) to be called the Mayor; **AND**

WHEREAS, the regular term of the Councilmembers is two years or until their successors have been elected and duly sworn; **AND**

WHEREAS, the newly elected Councilmembers take office on the second Monday in November following their election; **AND**

WHEREAS, the Mayor shall be a member of the Council and shall set an agenda and preside at all meetings of the Council; **AND**

WHEREAS, in accordance with the City Charter, the Mayor has the power to appoint a member of the Council as "Mayor Pro Tempore" who shall serve as Mayor in his absence.

NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, do hereby appoint Marc Elrich, Councilmember Ward 5, as Mayor Pro Tempore.

DATED this 20th day of November 1995.

Edward F. Sharp
Mayor

ATTEST:

Catherine E.W. Sartoph, CMC
City Clerk

Introduced By: Councilmember Porter

Adopted: November 20, 1995

Resolution 1995 - 57

A resolution to replace a member from the South of Sligo Citizens Association Washington Suburban Sanitary Commission (WSSC) Citizens Advisory Committee (CAC) for the Sligo Creek Trunk Sewer Reconstruction and Hiker/Biker Trail Project.

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

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

WHEREAS, a vacancy has occurred and a proposed replacement to the CAC has been submitted by South of Sligo Citizens' Association.

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

NAME

REPRESENTING

Addison Greenwood
915 Sligo Creek Parkway

South of Sligo Citizens' Association

ADOPTED THIS 20th DAY OF November, 1995.

Introduced By: Mayor Sharp
(Drafted By: T. Espinosa)

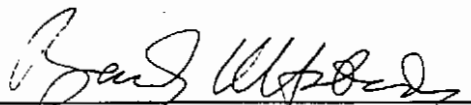
**RESOLUTION NO. 1995 - 55
IN RECOGNITION OF
CATHERINE SARTOPH, C.M.C.**

- WHEREAS, Catherine ("Cathy") Sartoph has served as Clerk of the City of Takoma Park, Maryland, since June, 1993; AND
- WHEREAS, Ms. Sartoph has distinguished herself as an outstanding member of the City Staff; AND
- WHEREAS, Ms. Sartoph's exemplary work record is particularly noteworthy for her superb planning and execution of the Takoma Park Municipal Elections of 1993 and 1995, and the historic Annexation Referenda of 1995; AND
- WHEREAS, Ms. Sartoph has distinguished herself as Vice President of the Maryland Municipal Clerks Association; AND
- WHEREAS, Ms. Sartoph, while maintaining the highest standards of professional conduct, has continued her professional development so as to have earned certification as a municipal clerk by the International Institute of Municipal Clerks.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the Citizens, Council, and Staff of the City of Takoma Park, that congratulations and best wishes be offered to Catherine Sartoph, C.M.C., Takoma Park City Clerk, on the occasion of her certification as a municipal clerk by the International Institute of Municipal Clerks.

Adopted this 13th day of November, 1995.

ATTEST:



Beverly K. Habada
City Administrator

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

RESOLUTION #1995-56

EXPRESSING APPRECIATION TO ELECTION JUDGES FOR 1995 CITY ELECTION

WHEREAS, the City Council appointed 27 persons, all registered voters of the City of Takoma Park, to serve as a Board of Election for the November 7, 1995, City Election;
AND

WHEREAS, of the persons appointed, 25 participated in a training session a week prior to the election, acted as the City's Board of Election on November 7th, and certified the final results to the Council, the following evening; **AND**

WHEREAS, even with a limited number of election judges, that precluded any "alternates" under the circumstances (15 voting machines in operation--all with different ballots), the polling places were run effectively and efficiently; **AND**

WHEREAS, the election judges courteously managed a steady flow of voters, and kindly offered explanation of the unification referenda, upon request; **AND**

WHEREAS, professionalism, commitment and exactness are essential characteristics of an election judge, proudly displayed by every member of the City's 1995 Board of Election.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, on behalf of the residents, voters, City Clerk's Office and City staff hereby expresses sincere appreciation to the following persons who diligently served on the 1995 Board of Election:

Ruth Abbott	Howard F. Miller
June A. Aloj	Rein S. Parris
Harold Alston	Gary Reisner
Pearl Blacksin	Connie Richards
Steven A. Breckbill	Kathryn Scott
Carol Clayton	Joan N. Sidell
C.P. Cook	Carrie Spicer
Geneva Cross	Valerie Tonat
Valerie Dant	Phil Vogel
John Del Pino	Paul Weisbord
Billie M. Dyhouse	Verne Wilson
Virginia Jenkins	Martin M. Wooster
Claire B. Kozel	

Adopted this 13th day of November, 1995.

PRESENTATION, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL

Monday, November 27, 1995

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Deputy City Clerk Espinosa

Asst. Corporation Counsel Perlman

Housing Services Coor. Walker

Public Works Team Leader Braithwaite

Planning Center Coordinator Ludlow

The City Council convened at 7:40 p.m. on Monday, November 27, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR AND COUNCIL COMMENTS

Mr. Williams reported on the conference of Lesbian and Gay Public Officials he recently attended in Toronto. He commented on legislation regarding rent control that is being removed from California law.

Mr. Davenport extended his thanks to all who have wished him well in his recent marriage.

ADDITIONAL AGENDA ITEMS

Ms. Habada requested that a briefing on the status of activities implementing unification be added to the Worksession agenda.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), solicited financial and material support for "Generation X", a neighborhood crime suppression organization. He urged passage of a City anti-lobbying law, suggested application of community policing techniques to individual apartment buildings, and asked for exploration of ways to reduce rental rates in the City.

PRESENTATION

#1 Takoma Park Middle School (TPMS) Renovation. Dick O'Connor and Diana Kohn, TPMS Parent-Teacher Association (PTA) representatives, provided background on the eight-year fight to get TPMS renovation on schedule with the Montgomery County School Board.

Mr. O'Connor reported that the feasibility study recommendation is for TPMS to be torn down and replaced, and noted the disparity between the Montgomery County Council's suggested appropriation of \$9 million for replacement versus the architect's estimate that provision of an adequate facility will cost \$12 million. He added that TPMS, currently, is not handicapped-accessible, although it is one of the most widely used facilities in Montgomery County. Mr. O'Connor noted that the renovation schedule calls for vacating TPMS in June 1997, and opening of the new facility in September 1999. He asked for the City Council's help in lobbying the Montgomery County Council for a \$12 million appropriation, and identified three other projects being undertaken by the PTA: (1) construction of a small shed for physical education program equipment storage; (2) a historical program, incorporating historical records and artifacts into the

entrance of TPMS, which would trace the history of the school as well as Takoma Park; and (3) a greenhouse, financed by private contributions, as part of the science wing, which would be available to the community at large.

Mr. Sharp asked if the new school would be built on the site of the existing school.

Mr. O'Connor replied that the architect wants to address this in concert with public fora on the project.

Mr. Williams inquired where pupils would go while a new TPMS was being built.

Mr. O'Connor replied that Tilden Middle School is the likely place.

Mr. Rubin queried whether it was a "done deal" to reorient the new TPMS on Piney Branch Road.

Mr. O'Connor replied in the negative, adding that such a configuration is only one part of a feasibility study.

Ms. Kohn commented that the terrain is such that one can enter only from one part of Piney Branch Road. She added that engineers have ruled-out renovation of any part of the existing structure.

Mr. O'Connor indicated that PTA representatives would return to apprise Council of fundraising ideas and specific plans for the greenhouse.

Ms. Porter asked about the Montgomery County Council's schedule for action on the TPMS request.

Mr. O'Connor noted that the school Superintendent's budget goes to the County Council in May 1996, with the school system's final capital improvements program detailed in late May 1996. He added his belief that the County Council will appropriate more than \$9 million for the project.

Mr. O'Connor emphasized the importance of maintaining vigilance of the County Council action on middle school construction. This has been an issue for over eight years.

Ms. Kohn echoed his concern, reiterating that political pressure upon the County Council must be maintained until "the mortar is being poured." She added that until an adopted Capital Improvements Program (CIP) is in place (June 1996) there is not a "go ahead" on the new Blair High School.

Mr. Williams inquired if the County renovates related facilities (e.g. tennis courts, etc.) When school renovation/construction is undertaken.

Mr. O'Connor replied in the affirmative, but qualified his remarks by noting that ancillary services sometimes are left for future budgets. He concluded by asking the City County Council for a letter in support of the \$12 million funding.

Mr. Davenport inquired if the PTA's consulting architect has a basis for the \$12 million figure.

Mr. O'Connor replied that TPMS as a "magnet school" presents a unique situation, calling for special facilities. Moreover, with 1150 pupils, it is a big school.

| (NOTE: No City Council action was decided on the request for a letter of support.)

| Mr. Sharp thanked Mr. O'Connor and Ms. Kohn, and indicated that City Council looks forward to future reports on the TPMS project.

REGULAR MEETING

#2 1st Reading Ordinance re: Exemption of Group Homes from Housing-Related Codes.

Mr. Rubin proposed deletion of the second and third whereas clauses from the proposed ordinance. He explained his intention to eliminate the need to determine whether properties are well maintained. It is a burden on the City to try to establish a property's license status.

Ms. Porter agreed with deletion of the third clause, relating to licensing, but cautioned against deletion of the second, relating to maintenance.

Mr. Rubin accepted Ms. Porter's suggestion to only delete the third clause.

Ms. Porter commented on an inconsistency in Article 9, Section 6-120(g), as it relates to other changes that have been proposed.

Ms. Perlman noted the necessary amendment.

Ms. Porter also suggested clarification of nomenclature, i.e. a tenant is not a resident of an owner-occupied group home.

Ms. Perlman referred to revisions to the definitions section of the proposed ordinance as providing the desired clarification.

Mr. Davenport expressed concern that, in spite of the revised ordinance, there is a potential for tenants to be subject to abuse.

Mr. Sharp requested a recapitulation of the types of issues the City would remain able to address.

Ms. Walker and Ms. Perlman replied by citing examples of areas, in which the City could respond, as well as other remedies available to tenants. Matters related to security deposits, repair of dangerous defects (e.g. lack of heat, electricity, hot water, etc.), health and safety, and vacate notices are covered under State law. There are also County laws governing zoning.

Ms. Perlman commented specifically about issues where a tenant's remedy would lie in taking a matter to the District Court of Maryland.

Kay Dellinger, New Hampshire Avenue, cited a case where family members in a group home were what she considered tenants. She underscored that being a family member does not exclude a person from being a tenant. She proposed, in lieu of exempting group homes, that the City consider conducting inspections every other year. She added that the better approach is to make some exceptions to current law and to be cognizant that it is onerous for a tenant to have to go to District Court. Ms. Dellinger echoed Mr. Davenport's concern that with the proposed exemptions, tenants will nonetheless be subject to abuse.

Benjamin Onyeneke, Maple Avenue, stated that sometimes it is necessary to have a lawyer's assistance in recovering a rental deposit, especially if the deposit is sizable. He related stories of poor maintenance in rental situations, and asked how the City will inspect for health standards if groups homes are exempted from the City's law.

Mr. Elrich asked how many homes are currently identified as "group homes."

Ms. Walker responded that there are five licensed rental facilities which can be categorized as owner-occupied group homes.

Mr. Rubin said that he is not aware of any others.

Mr. Davenport commented that for the most part, group homes work well.

Mr. Sharp stated that he is not completely convinced that exempting group homes from the City's

housing Codes is a good idea. He proposed the scenario of a non-compatible tenant. Mr. Sharp remarked that he understands the argument about why these properties are apt to be better maintained, but that this may not always hold true. He expressed his concern that by adopting the ordinance, a person who is, in effect, a tenant would have no recourse through the City. He requested that staff provide more information on how health and safety issues will be addressed.

There were no objections to the proposed amendments.

The ordinance, as amended, was accepted at first reading (OPPOSED: Davenport; ABSTAIN: Elrich).

ORDINANCE #1995-43
(Attached)

#3 Resolution re: Sole Source Purchase--Playground Equipment (Jequie Park). Moved by Mr. Rubin. He provided background as to the extensive use of Jequie Park play facilities.

Ms. Porter asked if the approximately \$18,000 cost of the equipment is in the FY96 Budget.

Ms. Habada and Ms. Braithwaite explained that the Program Open Space funds have been approved by the State, but that the project was in last year's budget and the waiver will have to be rolled-over into this year's budget. The playground equipment cost is slightly over the project budget, but the community had prioritized the project budget according to those items they want and those they would want if the money were available.

Ms. Porter stated that she understands the rationale for a sole source purchase.

Benjamin Onyeneke, Maple Avenue, asked for clarification on the location of Jequie Park. He expressed his support for the purchase.

The resolution was adopted unanimously.

RESOLUTION #1995-58
(Attached)

#4 1st Reading Ordinance re: Playground Equipment (Jequie Park). Moved by Rubin; seconded by Davenport.

Ms. Habada noted that the funds allocated in the FY95 Budget for playground equipment purchase will need to be rolled-over.

The ordinance was accepted unanimously at first reading.

ORDINANCE #1995-44
(Attached)

#5 Single Reading Ordinance re: Public Works Storage Facility Roof. Ms. Habada asked the City Council to refer to the replacement agenda item that was prepared. She noted that the ordinance recommends the contract for the replacement of the roof be awarded to Denchfield Roofing, and added that the bid review showed this vendor to be both responsive and responsible.

Mr. Sharp noted the ten-year warranty on materials and labor, and asked if there is a life expectancy for roofs.

Ms. Braithwaite noted a life expectancy of 15-20 years, factoring in maintenance over the lifespan of the roof.

Moved by Williams; seconded by Porter.

Ms. Porter inquired how much had been budgeted for the roof replacement.

Ms. Braithwaite replied that \$18,000 had been budgeted.

Ms. Habada noted that the approximately \$4,000 difference is compensated by savings in other capital equipment acquisitions.

Benjamin Onyeneke, Maple Avenue, stated his belief that Executive Contractors, who offer a 12-year warranty on materials and labor, would be a better choice of vendors.

The single reading ordinance was adopted unanimously by roll call vote.

ORDINANCE #1995-45
(Attached)

#6 Resolution re: Martin Luther King Holiday Commemoration Committee. Mr. Sharp described the proposed resolution.

Mr. Davenport encouraged residents to participate in commemoration activities, and invited all interested persons to join the committee.

The resolution was adopted unanimously.

RESOLUTION #1995-59
(Attached)

The Council adjourned at 9:08 p.m. and moved into Worksession; the Council later adjourned for the evening at 10:03 p.m.

Introduced by: Councilmember Rubin

Adopted: 11/27/95

Resolution No. 1995-58

Sole Source Purchase of Adventuresship
to be Installed in Jequie Park

WHEREAS, funds have been approved by Board of Public Works, State of Maryland Program Open Space, for the improvement of Jequie Park; AND

WHEREAS, a specific type of Playground equipment was requested by the North Takoma Citizens Association in this area; AND

WHEREAS, the Playground equipment is also recommended by Architect assisting on the improvements to Jequie Park; AND

WHEREAS, Landscape Structures, Inc. offers a warranty of 100 years on their play structures; AND

WHEREAS, it has been determined that Landscape Structures is the only vendor that offers a plastic and metal imaginative play structure in the shape of a ship; AND

NOW, THEREFORE, BE IT RESOLVED that in accordance with Purchasing Ordinance of the Takoma Park City Code (No.1990-60) Division 3, Section 9A-13(d) the City Council's approval is required for the sole source purchases; AND

NOW, THEREFORE, BE IT RESOLVED that the City Council of Takoma Park, Maryland, hereby authorizes purchase by the Public Works Department of Adventuresship from Landscape Structures, Inc.

Dated this 27th day of November, 1995.

Attest:

Catherine Sartoph
City Clerk

Introduced by: Councilmember Davenport

RESOLUTION #1995-59

**A RESOLUTION APPOINTING MEMBERS TO THE 1995-96
MARTIN LUTHER KING, JR. COMMEMORATION COMMITTEE**

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

WHEREAS, these observances have included successful commemoration celebrations planned by a Council-appointed committee, composed of citizens and supported by staff; **AND**

WHEREAS, such celebrations are planned to coincide with the Federal holiday observance of Dr. King's day of birth on Monday, January 15, 1995.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the following persons are hereby appointed to serve on the 1995-96 Martin Luther King, Jr. Commemoration Committee to plan and organize the January 15th celebration:

1. Anthony Davenport, 7600 Maple Avenue
2. Larry Rubin, 239 Park Avenue
- 3.
- 4.
- 5.
- 6.

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

Dated this 27th day of November, 1995.

Introduced By:
Councilmember Williams

First Reading: 11/27/95
Second Reading:

Drafted By: Juan Castillo,
Linda Walker, Danita Lee-Bryant
(DHCD), Linda Perlman (Asst.
Corporation Counsel)
Draft Date: December 6, 1995

Effective Date:

ORDINANCE NO. 1995-43

(An ordinance to amend the *Takoma Park Code* to exempt owner-occupied group houses from the City's rental housing laws)

WHEREAS, the Council finds that legislation is needed to clarify the applicability of the City's rental housing laws (i.e., property inspections, landlord-tenant relations, and rental licensing) to owner-occupied group houses; and

WHEREAS, the City's Department of Housing and Community Development (DHCD) Code Enforcement staff has reported to the Council that owner-occupied rental properties tend to be well-maintained, probably in large part due to their owner-occupied status; and

WHEREAS, neighboring jurisdictions do not license or inspect owner-occupied group houses or apply their local landlord-tenant laws to owner-occupied group houses; and

WHEREAS, many owners of group houses who share their homes with non-family members do so primarily out of financial necessity which allows them to remain as property owners in the City; and

WHEREAS, owner-occupied group houses provide an affordable housing alternative for many residents of the City; and

WHEREAS, based on these considerations, the Council believes that owner-occupied group houses should be exempt from the City's rental licensing, property inspection, and landlord-tenant laws.

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

SECTION 1. Chapter 6, Housing, of the *Takoma Park Code*, is amended as follows:

CHAPTER 6. HOUSING.

ARTICLE 2. PROPERTY MAINTENANCE CODE.

Sec. 6-6. Exceptions and modifications to Property Maintenance Code.

* * *

PM-201.0 Applied Meaning of Words and Terms, shall remain in full force and effect with the following additions, deletions and amendments:

* * *

Rental Facility: Any dwelling, apartment house, rooming house, dwelling unit, rental unit, structure, building, premises or room which is intended or arranged for use or occupancy as a residence by one (1) or more persons and for which the owner or operator charges or receives rent or other consideration, but excluding any owner-occupied group house.

Owner-occupied group house: Any dwelling which is occupied as the principal residence of an owner of the dwelling or a family member of an owner of the dwelling and by one or more non-family members or housemates. For purposes of this definition, a family member of an owner of a dwelling means any of the following:

(1) an owner's parents, grandparents, children or grandchildren, or their spouses or domestic partners; or

(2) an owner's spouse or domestic partner and the spouse's or the domestic partner's parents, grandparents, children or grandchildren, or their spouses or domestic partners.

ARTICLE 7. LANDLORD-TENANT RELATIONS.

Sec. 6-79. Definitions.

* * *

(y) Rental unit shall mean either a dwelling unit, including a single-family home or a rooming unit which has as its purpose occupancy by one (1) or more tenants, but shall not mean any rooming unit within an owner-occupied group house. See also Subsections (1) and (z) of this section, definitions of "dwelling unit" and "rooming unit."

* * *

(cc) Tenant shall mean any person who lawfully occupies a rental unit or dwelling as a residence and where the tenant, housemate or some other person has an obligation to pay rent or other consideration for such accommodations. "Tenant" shall not mean any owner-occupant of a dwelling or rental unit, any occupant of an owner-occupied group house (except that an occupant of a dwelling unit or an accessory apartment located in an owner-occupied group house shall be considered a tenant), any shareholder-occupant of a unit in a cooperative housing corporation, or any employee (including a nanny, babysitter, au pair, maid, and the like) of an owner-occupant of a dwelling or rental unit.

(dd) Family member of an owner of a dwelling shall mean any of the following:

(1) an owner's parents, grandparents, children or grandchildren, or their spouses or domestic partners; or

(2) an owner's spouse or domestic partner or the spouse's or the domestic partner's parents, grandparents, children or grandchildren, or their spouses or domestic partners.

(ee) Housemate shall mean any person who lawfully occupies a rental unit or dwelling as a residence and where the housemate has an obligation to pay or share household expenses or to perform chores in lieu of rent for such accommodations.

(ff) Owner-occupied group house shall mean a dwelling which is occupied as the principal residence of an owner of the dwelling or a family member of an owner of the dwelling and by one or more non-family members or housemates.

Sec. 6-95.1. Rent Stabilization Allowance.

* * *

(b) The rent stabilization allowance and all provisions relating to rent stabilization in this Article are applicable to all rental units, except the following:

* * *

(4) Any owner-occupied group house.

ARTICLE 9. LICENSING OF RENTAL UNITS.

Division 1. Licensing.

Sec. 6-120. Definitions.

* * *

(e) Owner-occupied group house means a dwelling which is occupied as the principal residence of an owner of the dwelling or a family member of an owner of the dwelling and by one or more non-family members or housemates. For purposes of this subsection, a family member of an owner of a dwelling means any of the following:

(1) an owner's parents, grandparents, children or grandchildren, or their spouses or domestic partners; or

(2) an owner's spouse or domestic partner or the spouse's or the domestic partner's parents, grandparents, children or grandchildren, or their spouses or domestic partners.

(f) ~~(e)~~ Rental facility means * * *

(6) Owner-occupied group houses.

(g) ~~(f)~~ Rental unit means an apartment, room, group of rooms or any part of a rental facility forming a single unit intended

for human occupancy and/or such uses as living, sleeping, cooking or eating, but shall not mean any rooming unit within an owner-occupied group house.

(h) ~~(g)~~ Revocation or denial of a license means * * *

(i) ~~(h)~~ Service of process means * * *

(j) ~~(i)~~ Suspension or revocation means * * *

SECTION 2. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 1995 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstained:

Recusals:

EXPLANATION:

1. Additions to the current language of the *Takoma Park Code* are shown by underlining.

2. ~~Deletions~~ to the current language of the *Takoma Park Code* are shown by ~~strikeouts~~.

3. * * * denotes language of the *Takoma Park Code* which is not changed by this Ordinance and is not set forth in this Ordinance.

f:\wpdocs\takoma\group.hse\grp.hse.ord

Ordinance No. 1995 - 44

JEQUIE PARK PLAYGROUND IMPROVEMENT
SOLE SOURCE PURCHASE OF ADVENTURESHIP

WHEREAS, funds have been approved by State of Maryland, Board of Public Works Program Open Space for the improvement of Jequie Park Playground; AND

WHEREAS, a specific type of playground equipment was requested by the North Takoma Citizens Association, and also recommended by Architect assisting on the improvements to Jequie Park; AND

WHEREAS, Landscape Structures, Inc. is the sole manufacturer of Adventureship 100000B; AND

WHEREAS, Landscape Structures, Inc. play ground equipment is used all over the world and their equipment carries a warranty of 100 years; AND

WHEREAS, the Landscape Architect has determined that the sole source supplier, Landscape Structures, Inc. is both responsive and responsible.

WHEREAS, sufficient funds are available to award a contract to the sole source supplier of Adventureship 100000B; AND

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

SECTION 1. THAT the authorization is hereby granted to purchase the Adventureship 100000B from Landscape Structures, Inc. in the amount of EIGHTEEN THOUSAND ONE HUNDRED SEVENTY FIVE ONLY (\$18,175); AND

SECTION 2. THAT funds to cover this sole source purchase in the amount of \$18,175 be charged to Special Revenue Account 0010-7191.

Adopted this _____ of _____, 1995 by Roll Call Vote.

- AYE:
- NAY:
- ABSTAIN:
- ABSENT:

Introduced by: Councilmember

Single Reading: 11/27/95

Ordinance No. 1995 - 45

PUBLIC WORKS STORAGE ROOF REPLACEMENT

WHEREAS, the FY 96 budget earmarked funds for replacement of the Public Works Storage Roof; AND

WHEREAS, in accordance with City procurement procedures a request for bids was mailed to nine (9) interested vendors and advertised in the Washington Post, Dodge Reports and Blue Reports; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., November 20, 1995 with ten (10) bids received; AND

WHEREAS, _____ has submitted the lowest bid; AND

WHEREAS, the Public Works Team Leaders have determined that the lowest bidder is considered to be both responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract to the lowest bidder; AND

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

SECTION 1. THAT the bid being received from _____ in the amount of \$ (\$) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$ be charged to Equipment Replacement Reserve Account No. 9100-8002.

ADOPTED THIS 27th DAY OF November, 1995

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

NAY: None

ABSTAIN: None

ABSENT: None