

**PUBLIC HEARING, SPECIAL SESSION, WORKSESSION
AND EXECUTIVE SESSION OF THE CITY COUNCIL**

Monday, December 4, 1995

OFFICIALS PRESENT:

Mayor Sharp
Councilmember Chavez
Councilmember Davenport
Councilmember Porter
Councilmember Williams

City Administrator Habada
Deputy City Administrator Grimmer
City Clerk Sartoph
Corporation Counsel Silber
Community Development Coor. Sickle
Construction Specialist Kowaluk

OFFICIALS ABSENT:

Councilmember Elrich
Councilmember Rubin

MAYOR'S COMMENTS

Mr. Sharp noted that Mr. Elrich is attending a School Board meeting and that he will be arriving later.

PUBLIC HEARING

#1 1007 University Boulevard--Transitional Housing Issue. Ms. Sickle gave a brief introduction, summarizing the work and plans, to date.

Bill Mihouc, 8101 Hammond Avenue, commended the city for rehabilitating the building, adding that it was a blight. He said, however, that he is concerned about the intended use of the property (i.e. housing for homeless persons), and the effects of drawing homeless and possibly "bad elements" to this commercial area. He remarked that the truly homeless are best served by moving them into a community, away from bad elements (i.e. transitional families, in some cases), not by "warehousing" them all in one building. Mr. Mihouc asserted that he is not opposed to affordable housing for the homeless, but that he does not believe that this is the best location for a homeless operation, in light of all the vacant apartments available in the city. He concluded that a transitional housing project is not consistent with the Master Plan that calls for professional office space at this location.

Frank Farley, 7317 Wildwood Drive, disagreed with Mr. Mihouc's remarks. He stated his own concern regarding whether the church will be able to keep up with the project once momentum gets going. Mr. Farley commented that he does not believe the transitional housing unit will adversely affect the community or that it will draw a lot of "dead beat" homeless people. He said that the city is doing the right thing by helping people who are trying to change their lives.

Ferd Hoefner (representative of SSIHC) introduced himself and invited questions.

Benjamin Onyeneke, Maple Avenue, expressed his support for "giving people a chance." He suggested that the city investigate enlisting a non-profit organization which could work at rehabilitating disabled homeless persons, who may take part in the housing project, as added assistance in helping them back into the community.

Irving Phillips (connected w/Rolling Terrace Civic Association (RTCA)) said that he feels RTCA is a part of the neighborhood which will be affected by the project, but noted that the association was never contacted directly about the project. He remarked that he first learned of the issue by reading the city Newsletter. He read a statement from the President of the RTCA.

Major points raised in the letter were as follows: (1) desire for community stability, security and quality of life, (2) support for transitional housing versus homeless shelter, (3) plea to SSIHC and

city to not overcrowd or abandon the property, (4) request that city provide Code enforcement, (5) support for transitional housing proposal, and (6) persuasion to spread such transitional housing units throughout the city.

Virginia Jenkins, 32 Columbia Avenue, expressed her support for the project.

The public hearing was closed at 8:03 p.m. The Council moved into Special Session.

SPECIAL SESSION

#2 1st Reading Ordinance re: Conveyance of 1007 University Boulevard. Mr. Sharp asked staff and members of SSIHC to discuss the selection process for potential tenants.

Ferd Hoefner, SSIHC representative, noted that the building will not be a shelter or permanent housing facility. He explained the plan to set-up mentoring teams to work with families after they have been chosen as tenants. He responded to the earlier concern about the church congregations losing interest in the project once momentum is gained, stating that there are over 20 congregations in the coalition which will rotate the responsibilities.

Mr. Sharp questioned whether there is a plan for the SSIHC to periodically provide the city with a progress report.

Ms. Sickle responded that the SSIHC has been asked to provide quarterly reports.

Mr. Sharp asked what ability will the city have to discuss complaints regarding tenants.

Ms. Sickle remarked that the non-profit would have to answer to complaints as would a landlord. She noted that tenants will be on an inspection schedule.

Mr. Sharp confirmed that the property will be managed in the same manner as other rental units in the city, as far as the city's Code enforcement.

Mr. Chavez queried whether the SSIHC will be acting as owner and landlord of the property.

Mr. Hoefner responded in the affirmative. There will be a lease agreement and program agreement for each family.

Mr. Chavez asked whether employment is a requirement for tenants.

Mr. Hoefner said that the review board will be looking for "employability", but that they will try to work with unemployed families as well.

Mr. Davenport questioned who will be responsibility for maintenance of the property (i.e. vandalism and graffiti clean-up).

Robert Goldman of RBJ Housing Association explained the components of the rent fee (i.e. built in cost of utilities). He said that RBJ Housing develops and manages properties. The SSIHC will be responsible for keeping the property up to Code. RBJ Housing Association will be available for technical assistance as a development corporation.

Mr. Sharp queried about the level of subsidy that will have to occur annually.

Ms. Sickle explained the sources of acquisition funds, adding that there will not have to be any annual subsidy.

Mr. Sharp asked whether Prince George's County will have an oversight authority.

Ms. Sickle responded in the affirmative. Prince George's County Home Funds and the city will have to oversee the use of the Montgomery County CDBG funds involved.

Mr. Hoefner noted that there will be an operational subsidy for the SSIHC, and that this is a

critical issue. The project will operate at a loss.

Leon Brunson, 8101 Lockney Avenue, commented regarding the safeguard of 20 churches on the coalition, adding that it can be a problem to get volunteers to donate time and effort. He asked how many of the coalition's congregations are within the Takoma Park proper.

Mr. Hoefner responded that Takoma Park Presbyterian and the Adventist Church belong to the coalition.

Benjamin Onyeneke, Maple Avenue, encouraged the city to offer support to the SSIHC for the program. He suggested that there be a 24-hour counselor on site, and concluded with his belief that the SSIHC is well qualified to handle the project.

Irving Phillips asked what provisions exist for involving neighborhood associations.

Bill Mihouc said that he thought there was an element of training involved in the program, referring to the SSIHC brochure. He questioned whether the coalition will be working with the Latino counseling center in the community, and asked for an explanation of how a tenant's rent is determined.

Mr. Hoefner stated that the rent will be 30% of the household income. He noted that the coalition has arranged for some training and that they will have assistance communicating with the Latino community.

Ms. Porter expressed her support, stating that this is an innovative project for the city. She commented that she is concerned about the effects that rumors can have on a community, and said that should the city undertake such a project in the future, it would be her desire that the neighborhood be included in the process from the beginning.

Mr. Williams added his support. He remarked that the Council will need to address the matter of the PILOT Agreement at some point.

Mr. Chavez asserted his support. He stated his opinion that the SSIHC is a qualified organization, and commented that this project is in line with the city's affordable housing initiatives.

Mr. Davenport said that he also supports the project, and that he wants to be sure that the families who are chosen as tenants are truly "in need" of assistance.

Mr. Sharp recognized Mr. Mihouc's concern regarding this matter not having the same degree of public notification as the Takoma Junction development issues. Mr. Sharp agreed with Ms. Porter's remark about needing to include the neighborhood earlier in future projects of this kind. In regards to Mr. Phillips concern, Mr. Sharp stated that the city's staff is always looking for opportunities to expand affordable housing, and assured him that there is no effort to concentrate housing projects in any one area of the city. He concluded by stating his support for the project.

Several Councilmembers asked for clarification regarding property value and "percentage rates" translation from Section 1(2) of proposed ordinance.

Mr. Hoefner spoke in favor of the city granting a PILOT Agreement.

Mr. Goldman stated that it is easier to present more money up front in meeting acquisition costs versus raising monies each year. He remarked that the program is designed to assist the "needy", but that the greater the gap (availability of funds to pay the city), the greater the need to serve the less needy.

Moved by Williams; seconded by Porter.

Ms. Porter noted that a 15 year use requirement is mandated by the terms of the Maryland Home Fund, but that a PILOT Agreement is proposed to be extended over 30 years.

Ms. Sickle responded.

Ms. Porter proposed that the pay-back percentage be low for 15 years and then rise dramatically, prompting a "re-examination" of the project.

| Mr. Hoefner suggested that the pay-back be set at 0% for the first 15 years while the property is covered under stipulated use, and that the percentage be reconsidered in the 16th year.

Ms. Porter explained her proposal for a balloon payment structure.

Mr. Sharp suggested that staff and interested Councilmembers discuss the PILOT issue prior to second reading of the ordinance, scheduled for next week.

The ordinance was accepted unanimously (ABSENT: Elrich, Rubin).

ORDINANCE #1995-46
(Attached)

Mr. Sharp noted that Mr. Rubin is not here this evening because of a work commitment.

#3 Single Reading Ordinance re: Purchase of Pick-up Trucks. Moved by Williams; seconded by Davenport.

Ms. Porter confirmed that only one truck will be equipped with a snow plow.

Benjamin Onyeneke, Maple Avenue, expressed his support.

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

ORDINANCE #1995-47
(Attached)

#4 2nd Reading Ordinance re: Purchase of Playground Equipment (Jequie Park). Moved by Davenport; seconded by Chavez.

| Ms. Porter noted the amendment since first reading, changing the authorized purchase amount from \$18,175 to \$18,860.

Benjamin Onyeneke, Maple Avenue, stated his support.

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

ORDINANCE #1995-44
(Attached)

#5 1st Reading Ordinance re: Installation of Playground Equipment (Jequie Park). Moved by Williams; seconded by Davenport.

| At Mr. Sharp's request, Ms. Habada explained why the bid was split between installation and supply of equipment for the playground. She said that she could not offer an explanation of the difference in the bids for installation. Ms. Habada remarked that she believes the project will | come in close to budget (\$75,000).

Mr. Davenport asked whether the equipment is covered by a warranty.

Ms. Habada responded in the affirmative. She said she would provide the Council with information regarding the terms of the warranty by next week.

The ordinance was accepted unanimously at first reading (ABSENT: Elrich, Rubin).

ORDINANCE #1995-48

(Attached)

#6 1st Reading Ordinance re: Supply of Playground Equipment (Jequie Park). Moved by Davenport; seconded by Williams.

Mr. Sharp asked what was the estimated price for the playground equipment (Challenger Type I).

Ms. Habada said that she would provide the Council with this information by next week.

The ordinance was accepted unanimously at first reading (ABSENT: Elrich, Rubin).

ORDINANCE #1995-49

(Attached)

WORKSESSION

The Council moved into Worksession at 9:08 p.m. Following the Worksession, the Council convened in Executive Session.

Executive Session 12/4/95 - Moved by Davenport; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:40 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Williams. OFFICIALS ABSENT: Elrich, Rubin. STAFF PRESENT: Habada, Grimmer, Perlman. Council discussed matters related to possible foreclosure; staff directed to go forward with legal action (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced by Councilmember: Williams

Adopted: 12/04/95

Ordinance No. 1995-47

PROCUREMENT OF (2) 3/4 TON PICK UP TRUCKS
FOR PUBLIC WORKS

WHEREAS, the FY96 budget allocated \$50,000 for purchase of two (2) 3/4 ton pick-up trucks for the Public Works Department; AND

WHEREAS, these replacement truck purchases are in accordance with the Takoma Park Vehicle Fleet Replacement Policy; AND

WHEREAS, two full-size 3/4 ton pick-up (1) with 4-wheel drive and snow plow and one without this equipment are available from Sheehy Ford of Springfield; AND

WHEREAS, that these vehicles will be purchased through the COG Cooperative purchasing; AND

WHEREAS, the cost of these vehicles will be one (1) F250HD with optional equipment for \$22,764 and (1) F250HD without optional equipment for \$16,862 for a total of \$39,626;

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

SECTION 1: that authorization be granted to purchase two (2) F250 Heavy Duty Trucks from Sheehy Ford of Springfield for THIRTY NINE THOUSAND SIX HUNDRED TWENTY SIX DOLARS (\$39,626); AND

SECTION 2: funds for this purchase be charged to the Capital Budget Account No. 9100-8002 in the amount of THIRTY NINE THOUSAND SIX HUNDRED TWENTY SIX DOLLARS (\$39,626).

Adopted this 4th day of December, 1995.

AYE: Sharp, Chavez, Davenport, Porter, Williams

NAY: None

ABSTAINED: None

ABSENT: Elrich, Rubin

Introduced by: Councilmember: Williams

1st Reading: 12/04/95

2nd Reading:

Ordinance No. 95-48

INSTALLATION OF JEQUIE PARK PLAYGROUND EQUIPMENT

WHEREAS, funds have been earmarked for the installation of Playground equipment for Jequie Park; AND

WHEREAS, in accordance with City procurement procedures a request for bids was advertised in the Washington Post on 11/12/95 and mailed and faxed to nine (9) interested vendors; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., November 27, 1995 with two (2) bids being received; AND

WHEREAS, Nekoosa Contracting Corporation have submitted the lowest bid of FIFTEEN THOUSAND DOLLARS (\$15,000.00) for the installation of Playground equipment at Jequie Park; AND

WHEREAS, the Public Works Department has determined that Nekoosa Contracting Corporation are considered to be both responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract for the installation of Playground equipment; AND

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

SECTION 1. THAT the bid being received from Nekoosa Contracting Corporation in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$15,000 be charged to Special Revenue Account 0100-7191.

Adopted this _____ day of _____, 1995.

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember:
Davenport

1st Reading: 12/04/95
2nd Reading:

Ordinance No. 95-49

SUPPLY OF JEQUIE PARK PLAYGROUND EQUIPMENT

WHEREAS, funds have been earmarked for the purchase of Playground equipment for Jequie Park; AND

WHEREAS, in accordance with City procurement procedures a request for bids was mailed and faxed to three (3) distributors of Challenger, Type 1 by Playworld Systems, or an equal; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., November 27, 1995 with one bid being received from All Recreation, Inc for \$15,529; AND

WHEREAS, the Public Works Department has determined that All Recreation, Inc. are considered to be both responsive and responsible.

WHEREAS, sufficient funds are available to award a contract for the purchase of Challenger, Type 1 by Playworld Systems; AND

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

SECTION 1. THAT the bid being received from All Recreation, Inc. for Challenger, Type 1 by Playworld Systems in the amount of FIFTEEN THOUSAND FIVE HUNDRED AND TWENTY NINE DOLLARS (\$15,529) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$15,529 be charged to Special Revenue Account 0100-7191.

Adopted this _____ day of _____, 1995.

AYE:

NAY:

ABSTAIN:

ABSENT:

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city to not overcrowd or abandon the property, (4) request that city provide Code enforcement, (5) support for transitional housing proposal, and (6) persuasion to spread such transitional housing units throughout the city.

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Moved by Williams; seconded by Porter.

Ms. Porter noted that a 15 year use requirement is mandated by the terms of the Maryland Home Fund, but that a PILOT Agreement is proposed to be extended over 30 years.

Ms. Sickle responded.

Ms. Porter proposed that the pay-back percentage be low for 15 years and then rise dramatically, prompting a "re-examination" of the project.

Mr. Hoefner suggested that the pay-back be set at 0% for the first 15 years while the property is covered under stipulated use, and that the percentage be reconsidered in the 16th year.

Ms. Porter explained her proposal for a balloon payment structure.

Mr. Sharp suggested that staff and interested Councilmembers discuss the PILOT issue prior to second reading of the ordinance, scheduled for next week.

The ordinance was accepted unanimously (ABSENT: Elrich, Rubin).

ORDINANCE #1995-46
(Attached)

Mr. Sharp noted that Mr. Rubin is not here this evening because of a work commitment.

#3 Single Reading Ordinance re: Purchase of Pick-up Trucks. Moved by Williams; seconded by Davenport.

Ms. Porter confirmed that only one truck will be equipped with a snow plow.

Benjamin Onyeneke, Maple Avenue, expressed his support.

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

ORDINANCE #1995-47
(Attached)

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Ms. Porter noted the amendment since first reading, changing the authorized purchase amount from \$18,175 to \$18,860.

Benjamin Onyeneke, Maple Avenue, stated his support.

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

ORDINANCE #1995-44
(Attached)

#5 1st Reading Ordinance re: Installation of Playground Equipment (Jequie Park). Moved by Williams; seconded by Davenport.

At Mr. Sharp's request, Ms. Habada explained why the bid was split between installation and supply of equipment for the playground. She said that she could not offer an explanation of the difference in the bids for installation. Ms. Habada remarked that she believes the project will come in close to budget (\$75,000).

Mr. Davenport asked whether the equipment is covered by a warranty.

Ms. Habada responded in the affirmative. She said she would provide the Council with information regarding the terms of the warranty by next week.

The ordinance was accepted unanimously at first reading (ABSENT: Elrich, Rubin).

ORDINANCE #1995-48

(Attached)

#6 1st Reading Ordinance re: Supply of Playground Equipment (Jequie Park). Moved by Davenport; seconded by Williams.

Mr. Sharp asked what was the estimated price for the playground equipment (Challenger Type I).

Ms. Habada said that she would provide the Council with this information by next week.

The ordinance was accepted unanimously at first reading (ABSENT: Elrich, Rubin).

ORDINANCE #1995-49

(Attached)

WORKSESSION

The Council moved into Worksession at 9:08 p.m. Following the Worksession, the Council convened in Executive Session.

Executive Session 12/4/95 - Moved by Davenport; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:40 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Williams. OFFICIALS ABSENT: Elrich, Rubin. STAFF PRESENT: Habada, Grimmer, Perlman. Council discussed matters related to possible foreclosure; staff directed to go forward with legal action (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced by: Councilmember Rubin

1st Reading: 11/27/95

2nd Reading: 12/04/95

Ordinance No. 95-44

JEQUIE PARK PAYGROUND 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 (\$18,175 EIGHTEEN THOUSAND ONE HUNDRED AND SEVENTY FIVE) EIGHTEEN THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$18,860); AND

SECTION 2. THAT funds to cover this sole source purchase in the amount of (\$18,175) \$18,860 be charged to Special Revenue Account 0010-7191.

Adopted this 4th of December, 1995 by Roll Call Vote.

AYE: Sharp, Chavez, Davenport, Porter, Williams

NAY: None

ABSTAIN: None

ABSENT: Elrich, Rubin

Introduced By: Councilmember Williams

First Reading: 12/4/95
Second Reading: _____

ORDINANCE NO. 1995- 46

Sale of 1007 University Boulevard, Takoma Park, Maryland

An ordinance authorizing the disposition of the property located at 1007 University Boulevard to the Silver Spring Interfaith Housing Coalition for the purpose of a transitional housing facility.

WHEREAS, the City of Takoma Park purchased the property located at 1007 University Boulevard to eliminate a neighborhood blight and to develop a resource for a transitional housing facility; AND

WHEREAS, the City implemented a solicitation process inviting area nonprofit service organizations to submit qualifications to undertake a transitional housing project; AND

WHEREAS, the City reviewed the submissions and identified three qualified nonprofit organizations which were asked to submit full proposals; AND

WHEREAS, after thorough examination of the three proposals and interviews with representatives of two of the three nonprofits, the Review Committee has recommended that the Silver Spring Interfaith Housing Coalition (SSIHC) is the most qualified; AND

WHEREAS, SSIHC has offered \$20,000 as the acquisition price and has submitted a proposal to the Maryland Department of Housing and Community Development to obtain funds to write down a portion of the cost for the rehabilitation of the property;

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

SECTION 1. The property currently owned by the City of Takoma Park and located at 1007 University Boulevard be transferred to the Silver Spring Interfaith Housing Coalition with the following conditions:

- a. The property will be placed on the City's schedule for annual licensing inspection.
- b. The residency limit will be two years.

c. Facility will be drug-free.

d. Priority will be given to households which can demonstrate a residential link to Takoma Park within the last 24 months.

e. The acquisition price for the property is \$20,000.

f. In the event that SSIHC obtains funds from the State as requested, it will allocate a minimum of \$50,000 for a paydown of the funds committed by the City to rehabilitation of the property.

2. In the event that SSIHC obtains funds from the State as requested, the City will accept the up-front payment of \$8,000 in lieu of annual property tax payments to the City for the next thirty (30) years. Thereafter, the rate will be at 50% of amount due. In the event that funds are not obtained from the State, the following schedule will apply:

Years 1-10 - forgive 75% of property tax due.

Years 11-30 - forgive 60% of property tax due.

Years 31+ - forgive 50% of property tax due.

SECTION 2. The City Administrator or her designee is authorized to complete negotiations related to the disposition documents within the conditions as set forth above.

SECTION 3. This Ordinance shall become effective upon adoption.

Adopted this _____ day of _____ by Roll Call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

INTERVIEWS, PRESENTATION, REGULAR MEETING AND EXECUTIVE SESSION OF THE CITY COUNCIL

Monday, December 11, 1995

Executive Session 12/4/95 - Moved by Davenport; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:40 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Williams. OFFICIALS ABSENT: Elrich, Rubin. STAFF PRESENT: Habada, Grimmer, Perlman. Council discussed matters related to possible foreclosure; staff directed to go forward with legal action (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	Asst. Corporation Counsel Perlman
Councilmember Rubin	Executive Director, COLTA, Lee-Bryant
Councilmember Williams	Housing Services Coor. Walker
	Community Development Coor. Sickie
OFFICIAL ABSENT:	Construction Specialist Kowaluk
Councilmember Davenport	Public Works Team Leader Braithwaite

The City Council convened at 7:34 p.m. on Monday, December 11, 1996, 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

Ms. Porter noted that the Council held its biennial retreat on Sunday. The Council set six areas that will be viewed as priorities: unification, taxes & budgeting, community oriented policing, recreation, economic development and traffic.

PRESENTATION

Mr. Hobbs stated that he was pleased to attend the annual meeting of Local Government Insurance Trust (LGIT) last week, at which time he accepted a plaque, on behalf of the Mayor, recognizing the city's participation in the insurance pool. He presented the plaque to Mr. Sharp.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, commented on youth violence in schools, encouraging members of the community to examine these problems. Parents need to take a greater role in shaping the youth, and the government needs to take a greater role in protecting the rights of young people. He appealed to young people to stay out of gangs and not get involved in drug abuse and violence. He congratulated the city's Library and Recreation Department for their continued efforts to provide activities for the young people.

Gregory Hamilton, 7611 Maple Avenue, apologized for having not been present the evening of the presentation regarding Takoma Park Middle School, explaining that he was attending a County meeting related to the school. He commented on a few of the specifics not mentioned in the presentation.

Mr. Sharp urged Mr. Hamilton to continue to keep the Council informed on this matter.

INTERVIEWS

#1 Nuclear-Free Takoma Park Committee. The Council interviewed Joan Jacobs who has expressed interest in appointment to the NFZ Committee.

#2 Commission on Landlord-Tenant Affairs (COLTA). Ms. Lee-Bryant noted that Vivian Hickman has requested that her name be removed from consideration at this time. Ms. Lee-Bryant remarked that she will hold Ms. Hickman's application for future reference.

The Council interviewed Wanda Baker and Emilia Kelley who have expressed interest in appointment to the COLTA.

Mr. Sharp suggested that a Council discussion of the appointments of two commissioners (with seven applicants) be scheduled in early January.

REGULAR MEETING

#3 2nd Reading Ordinance re: Installation of Playground Equipment (Jequie Park). Moved by Rubin; seconded by Chavez. Mr. Rubin said that the residents around Jequie Park have been eagerly awaiting the completion of this project.

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

ORDINANCE #1995-48 (Attached)

#4 2nd Reading Ordinance re: "Challenger, Type 1" Playground Equipment (Jequie Park). Moved by Porter; seconded by Rubin. Mr. Sharp recalled the questions regarding estimated costs and warranties for the equipment. He referred to the staff memorandum.

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

ORDINANCE #1995-49 (Attached)

#5 Resolution re: Council's 1995 Holiday Season Recess. Moved by Chavez; seconded by Williams.

The resolution was adopted unanimously (ABSENT: Davenport).

RESOLUTION #1995-60 (Attached)

Mr. Sharp remarked that the Council needs to try to discuss the other agenda items a little closer to their specified times on the agenda. He said that since the Council is ahead of schedule, he announced that the Council will adjourn to Executive Session for approximately 20-25 minutes to discuss a land acquisition matter.

EXECUTIVE SESSION

Executive Session 12/11/95 - Moved by Rubin; seconded by Chavez. Council convened in Executive Session by unanimous vote at 8:10 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Sartoph. Council discussed matters related to possible land acquisition; no action taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

REGULAR MEETING

The Council adjourned from Executive Session and reconvened the Regular Meeting at 8:33 p.m..

PRESENTATION

#6 American Dream Project. Ms. Braithwaite provided a brief introduction and turned the presentation over to Catherine Tunis who is present on behalf of the Committee on the Environment.

Catherine Tunis, Chair of Committee on the Environment, noted that the committee met and decided that it would not be appropriate for them to take a position either "for" or "against" the project. However, the committee did discuss the development project and came up with some suggestions regarding the project. She summarized their recommendations (see attached memorandum dated 11/15/95).

Mr. Sharp asked whether anyone has information regarding whether the American Dream Project developers have followed any of these recommendations at other development sites, and whether any of the recommendations have been used by other developers.

Albert Nunez said that as far as energy issues go, it is to the developer's benefit to maximize energy efficiency, thereby reducing costs. He explained how the waste heat, a product of making the ice for the indoor ice rink, could be used to heat the swimming pools. He commented on the benefits of using mirrored glass for the mall enclosures--minimizing the amount of cooling needed in the summer and heating needed in the winter. There are a number of vendors and shopping malls and resorts that use these types of strategies. He proposed that this developer use as many of the recommendations as possible in this project and monitor the "state of the art, energy efficiency" of the project, noting that this could be an educational opportunity for local students.

Mr. Sharp questioned whether the recommendations amount to cost benefits.

Mr. Nunez responded that the recommendations are primarily competing strategies regarding returns on investment. The developer and engineering team would have to evaluate a workable combination of the strategies.

Steve Shapiro commented on what relates to good air quality preservation, cautioning that the developer needs to be aware of materials being used during building construction (e.g. cleaning supplies, solvents, etc.) and design (e.g. carpets generate more dust), in consideration of maintaining good indoor air quality.

Maurice Belanger remarked in regards to transportation concerns. He said that he feels there might be more leeway to rely on public transportation since the greatest number of complaints seem to be related to traffic concerns. The area is well serviced by the transit system.

Mr. Sharp noted that this issue has been brought forward, not to take a position on the development, but to hear a presentation on some recommendations regarding the development. He asked what the Council thinks about injecting these types of considerations into the development discussions.

Mr. Williams commented in support of the recommendations, and suggested that it is never too early to get such matters on the table for discussion.

Ms. Porter said that she would be careful about how the suggestions are proffered, since the Council has not taken a position on the project. She stated it would be most desirable to get the suggestions forward, without the appearance that Council has taken a position on the matter. She suggested that the committee might proffer the suggestions by the means that any interested citizen might pursue in putting forth ideas.

Mr. Sharp said that this was a question that the committee raised, but that they were concerned about the perception of presenting the recommendations as a committee, appointed by the Council. He remarked that we need to figure out a way to "walk the line" of getting these recommendations out for discussion without taking a position, and that it would be interesting to know whether the developers have used any of the recommendations in other projects.

Mr. Nunez stated that he could get some information on the extent to which the developers have

explored and/or used energy efficient strategies in other developments. This is the best opportunity, "in the front end", to get the developer to move in the direction we want them to move by identifying the types of characteristics we would like to see in the project.

Mr. Rubin questioned to whom do we direct our recommendations. The committees of the Citizens Advisory Committee (CAC) are not cut in ways that would make addressing these recommendations clear. He said that it seems the recommendations would need to be addressed by the full CAC. He remarked that the recommendations could be presented to Montgomery County Executive Doug Duncan, the developers, the CAC, etc., and that given the scope of the suggestions, it may only make sense to present the package on behalf of the City--to give it clout.

Mr. Elrich stated that these recommendations are outside the scope of the CAC, currently. Issues, other than Monorail, have not been discussed; in part, probably, due to the fact that these recommendations are not requirements in any other developments in the County. He said, therefore, that we are back to the question regarding where to direct these recommendations. He expressed his opinion that it would seem to be an education job of convincing county officials that these are worthwhile recommendations that should be built into the development requirements. He suggested that the Committee on the Environment, as a city sanctioned committee, present these ideas to the county.

Mr. Sharp suggested that the Council think about this matter and further discuss an appropriate approach. He recalled the COG Green Lights Program, and members of the County Council who are on the COG committee. He stated that these ideas should also be brought up at the CAC meeting, with a suggestion that the CAC members expand their thinking.

Mr. Elrich said that the challenge will be to get the CAC to look toward these types of suggestions.

Mr. Rubin remarked that he doesn't believe that the CAC would be adverse to hearing the suggestions, particularly since they are being presented by citizens from Takoma Park.

REGULAR MEETING

#7 2nd Reading Ordinance re: Owner-Occupied Groups Houses. Moved by Mr. Rubin; seconded by Mr. Chavez.

Ms. Porter noted that among the changes since first reading, the definition of "dwelling unit" has been removed. She asked for an explanation.

Ms. Perlman responded that the definition was no longer necessary since the term is not used.

Mr. Sharp commented on a question he previously posed to Ms. Walker to which she responded that any step backwards to exercise regulation of the group homes would put us back where we started.

Gregory Hamilton, Maple Avenue, questioned (1) are these people "renters", (2) is this discriminating against one type of "renter"--not providing coverage under City laws, (3) how many people are impacted--would like to see racial and economic information, and (4) what are their rights under the Fair Housing Act.

Mr. Sharp said that the Council is dealing with the issue of people who live in homes that are occupied by the owner of the home.

Mr. Hamilton stated that the legislation is not clear on this definition, and that he is concerned about what county group home regulations would apply.

Mr. Sharp stated the arguments that have been made in favor of this legislation: (1) owners should be allowed more flexibility because of the intimate relationship between owner and persons living in the home, and (2) persons living in group homes have a different relationship with the home owner.

Mr. Rubin explained that a group home is basically a group of house-mates. They do not enter this arrangement with any expectation of owning the property. We are taking group homes out from under regulation.

Mr. Hamilton asked if they are co-owners or tenants.

Ms. Porter said that the Council is struggling with how to define group home arrangements.

Mr. Hamilton questioned "what is broke that has to be fixed right now?" He noted that the Council discussed landlord-tenant relations for six years while he was on the Council and this was never an issue. He asked what is the urgency to change the law now.

Mr. Rubin commented on the problems with making the kinds of distinctions being raised by Mr. Hamilton. The distinctions are causing us problems with enforcing inspections, and defending the right to regulate these homes when sued and required to appear in court.

Mr. Hamilton said that it is bad legislation to "find a way out" of a problem that is difficult to resolve.

Mr. Rubin disagreed, adding that sometimes it is good legislation to get out of a business that we cannot perform well.

Mr. Hamilton asked if we are setting a precedent by exempting a group of people from city Housing Codes, and cautioned that this may open the door to more "exemption proposals" in the future.

Ms. Porter said that group homes are not like accessory apartments, and that she does not think this specific issue was discussed by previous Councils. Group homes were included simply because they were not distinguished as a separate group. She remarked that it is hard to draw lines in this situation, noting that we are dealing with situations we are not sure we should be dealing with. She commented that because of the city's laws we consider them in a category that may be different than what they consider themselves. Ms. Porter stated that while she has concerns about protecting the rights of persons in these situations, it is not clear whether these types of arrangements involve "tenants" or "family members".

Mr. Hamilton stated that until there is a good consensus among Councilmembers about why this is being done, action should be delayed.

Benjamin Onyeneke, Maple Avenue, asked (1) whether the City can inspect a group home for an environmental protection concern, and (2) how complaints of persons living in these homes can be heard. He expressed his opposition to the City exempting owner-occupied group houses, and suggested that the city only exempt "family" arrangements. He urged the Council to further consider this matter before adopting the ordinance.

Kay Dellinger, Hampshire Towers, stated her opposition to the ordinance. She said that she thinks the wording is wrong, and that there needs to be a definition of "group houses". Group houses are situations where owners rent-out rooms in their home. She explained that she once lived in a situation like this, and that all of the people living in that home considered themselves to be tenants--the owner being the landlord.

Mr. Sharp noted Ms. Porter's example of when she once lived with a friend and paid a portion of the mortgage as compensation for living there. She did not feel that she was in a landlord-tenant relationship. Mr. Sharp said that this seems to be a matter of how the people in the home consider their relationship.

Ms. Dellinger questioned whether Ms. Porter's friend rented to someone before and after Ms. Porter had lived there. If so, this is a situation that should probably be inspected. These are owner-occupied houses, and the people living there are tenants. She cautioned that this could be challenged in court--"what does the City consider to be group houses". Ms. Dellinger suggested that these homes are primarily homes where rooms are continuously rented. She said that it would be extremely onerous on a "tenant" (as she has defined) to have to go to court to protect

their rights if a home owner decides he/she wants to offer the room to a relative, giving the tenant short notice to leave the home. Even trouble makers have to be given the legal notice before being evicted. She maintained that these are not group houses. The definition of "group houses" should be one in which everyone who lives in the house, owns the house (names on lease), or no one living there owns the house, but they run the house as a group (hold meetings, etc.).

("Unintelligible") said in defense of this legislation, if the City were actively involved in regulating these types of homes, fewer home owners might consider offering rooms for rent. Since group home rents are usually cheaper than those of larger rental units, this is an affordable housing opportunity for lower income persons. He concluded that the city's regulation of these homes is an invasion of a home owner's privacy.

Mr. Chavez confirmed that notice of eviction in a group home would be governed by State law.

Ms. Walker said it would be determined by the agreement (verbal/written), depending on how the property is rented (i.e. one week rent, one week notice to vacate).

Mr. Sharp noted that Mr. Davenport expressed opposition to this ordinance at first reading. He said that he, himself, continues to be concerned about removing one group of people from the city's Housing Code. He recognized the validity of the statement that a small number of people have come forward and registered as "group homes", and that if we adopt this legislation, we would have the responsibility to seek-out other group home arrangements in the city.

The ordinance was adopted at second reading by roll call vote (ABSENT: Davenport; ABSTAIN: Sharp; RECUSED: Elrich).

ORDINANCE #1995-43
(Attached)

#8 2nd Reading Ordinance re: 1007 University Boulevard--Conveyance to Silver Spring Interfaith Housing Coalition (SSIHC).

Ms. Porter brought to the attention of the Council, a memo that she wrote outlining issues that have recently come to her attention. She said that she is not comfortable with having her recommendations go forward without the entire Council discussing them. She proposed two options: (1) have discussion now, or (2) put together some type of interim commitment statement from the Council, for the SSIHC, so they can go forward with State funding.

Mr. Sharp stated that he would like to have time to review Ms. Porter's memo and discuss it at a later date. Consequently, he suggested that there be minimal action regarding the item this evening, leaving room to discuss this matter more fully.

Ms. Sickle introduced and distributed a resolution.

Ms. Porter proposed amendment language to the therefore clause "...Takoma Park states its intention to award ownership of the property..."

Mr. Sharp asked about the time line.

Ms. Sickle noted that the State will be coming out to look at the property next week.

Ms. Perlman suggested that the therefore clause be phrased "...Takoma Park states its intention to convey the property..."

Mr. Elrich said that he thinks it is important that everyone pays taxes, and that it should be made clear that the City is looking for the maximum contribution from the State. He favored having the opportunity for a Worksession discussion of this matter.

Robert Goldman, RBJ Housing, said that the State typically looks for site control, and that based on his general experience with the State, he believes that the resolution will be adequate for the State's purposes.

Ms. Porter read the resolution for the record (seconded by Williams).

Benjamin Onyeneke, Maple Avenue, expressed his support for tax leniency, in this case, since this is a non-profit organization developing the property.

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

RESOLUTION #1995-61
(Attached)

(NOTE: The 2nd Reading Ordinance was not considered for adoption.)

Mr. Sharp suggested that a continued discussion be added to the January 8th agenda.

Ms. Porter said that there may have been an issue regarding how restrictive we can be about the HOME funds, that has not been addressed.

#9 Single Reading Ordinance re: 1007 University Boulevard—General Contractor. Moved by Elrich; seconded by Williams.

Ms. Habada noted that monies are coming out of the Housing Rehabilitation Fund.

Mr. Sharp commented on the vastly different bids that were received.

Mr. Kowaluk stated that he estimated the overall project at \$160,000-175,000 (upper end). The first vendor did not arrange for a site visit, so he bid on the entire project--parts of which have already been done. The second two firms were higher end vendors; the lowest bidder was basically a new vendor who did not know what he was doing--could not afford to do project within bid price.

Ms. Porter recalled a situation where we accepted a low bid and the vendor was not able to complete the project within the authorized funding. She asked for confirmation that the city will not pay until the job is done.

Mr. Kowaluk confirmed.

Ms. Porter expressed concern about the wording of the ordinance, noting that the term "lowest bidder" does not have the same meaning as it usually does since we are not selecting the actual lowest bidder. She suggested amendments to the ordinance.

The single reading ordinance, as amended, was adopted unanimously by roll call vote (ABSENT: Davenport, Chavez).

ORDINANCE #1995-50
(Attached)

#10 1st Reading Ordinance re: Takoma Junction Consultant Contract. Moved by Williams; seconded by Rubin. Mr. Sharp noted that there have been fairly extensive discussions of this matter, with several opportunities for citizen input.

Mr. Williams commented that it is his understanding that those persons who were concerned, are pleased with the amendments to the contract proposal.

Ms. Porter noted that there is a citizens meeting tomorrow evening at 7:30 p.m. upstairs in the Municipal Building.

The ordinance was accepted at first reading (ABSENT: Davenport).

ORDINANCE #1995-51
(Attached)

#11 Resolution re: Takoma Junction Citizens Action Committee (TJCAC). Moved by

Williams; seconded by Rubin. Mr. Williams commented that a concern has been raised that this committee will be working in a different direction than the TJCDC, and stated that he does not believe that this will be the case. There will be communication and coordination between the two groups.

Ms. Porter asked how the Mayor will handle further appointments to the committee.

Mr. Sharp restated his position that anyone interested should be able to participate on the committee.

Mr. Williams suggested that the City Administrator be given the authority to make additional appointments, so that a list of members is maintained. He encouraged all interested persons to attend an organizational meeting tomorrow evening.

The Council reached consensus to amend the resolution to give the City Administrator the authority to make future appointments to the TJCAC.

Mr. Chavez asked that Erwin Mack be added to the committee.

Mr. Rubin stated that he will be coming forward with some more names.

Benjamin Onyeneke, Maple Avenue, cautioned about too many people being appointed to the committee. He referred to the Public Safety Citizens Advisory Committee (PSCAC), stating that the membership and momentum gradually dwindled, and questioned whether the PSCAC is still active.

Mr. Williams said that (1) the Takoma Junction Citizens Action Committee's (TJCAC) charge will be different from that of the PSCAC--the committee will be helping guide citizen participation in the process, (2) the PSCAC is scheduled to report to Council in the near future, and (3) one of first items of business will be to appoint a Co-Chair to the TJCAC.

Mr. Sharp commented on the point raised by several citizens, that the charge to the TJCAC is ambiguous. He said that he does not believe this to be a bad thing.

Mr. Elrich said that we need to be clear that the TJCAC will be facilitating the discussion between the community and contractor.

Ms. Porter remarked that she has been trying to encourage neighborhood associations to appoint members to this group by saying that communities need to have contact persons.

Mr. Rubin stated that the interested citizens of Ward 1, who he is aware of, are persons who wish to be involved and interested in keeping informed on the issue.

The resolution, as amended, was adopted unanimously (ABSENT: Davenport)

**RESOLUTION #1995-62
(Attached)**

ADJOURNMENT

(Moved by Chavez; seconded by Rubin) The meeting was adjourned at 10:36 p.m.

Introduced By: Councilmember Chavez

RESOLUTION #1995 - 60

SETTING FORTH THE CITY COUNCIL 1995 HOLIDAY SEASON RECESS

WHEREAS, it has been decided that in order to accommodate holiday season schedules of the City Council, a recess shall be called; AND

WHEREAS, this recess shall commence following adjournment from the Council's Regular Meeting of official business on Monday, December 11, 1995; AND

WHEREAS, the Council will reconvene their first Regular Meeting on Monday, January 8, 1996.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its 1995 Holiday Season Recess from December 12, 1995, through January 7, 1996.

ADOPTED this 11th day of December, 1995.

Introduced By: Councilmember Porter

RESOLUTION NO. 1995-61

A resolution identifying Silver Spring Interfaith Housing Coalition as the nonprofit to which the City intends to convey the property located at 1007 University Boulevard for a transitional housing facility pending agreement on all conditions for disposition and directing the staff to continue negotiations as outlined by Council.

WHEREAS, the City of Takoma Park purchased the property located at 1007 University Boulevard to eliminate a neighborhood blight and to develop a resource for a transition housing facility; AND

WHEREAS, the City implemented a solicitation process inviting area nonprofits to submit qualifications to undertake a transitional housing project; AND

WHEREAS, the City reviewed the submissions and identified three qualified nonprofit organizations which were asked to submit full proposals; AND

WHEREAS, after thorough examination of the three proposals and interviews with representatives of two of the three nonprofits, the Review Committee has recommended that the Silver Spring Interfaith Housing Coalition is the most qualified.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City of Takoma Park states its intention to convey the property located at 1007 University Boulevard to Silver Spring Interfaith Housing Coalition subject to conditions acceptable to Council, and staff is directed to complete negotiations and prepare an ordinance defining those conditions at the earliest possible time for disposition of the property.

Adopted this 11th day of December, 1995

Introduced By: Councilmember Williams

RESOLUTION NO. 1995 - 62

Resolution to establish the Takoma Junction Planning Network and appoint Committee members.

WHEREAS, The City of Takoma Park has allocated \$35,000 for obtaining the services of a consultant to prepare the Takoma Junction Development Plan; AND

WHEREAS, It is important to involve community stakeholders in every phase of the development of the plan; AND

WHEREAS, City Council wants to assure that every opportunity is provided for productive exchange between all stakeholders and the consultant; AND

WHEREAS, Citizen action committees have provide a valuable service to the community;

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the Takoma Junction Planning Network be established to coordinate citizen input in the preparation of the Takoma Junction Development Plan and that further the following persons be appointed to serve. Further appointments can be made by ~~Mayer Sharp as appropriate.~~ the City Administrator.

CHAIRPERSON: Bruce Williams, Councilmember

MEMBERS:

William Seedyke
34 Freemont Avenue

Kit Gage
14 Philadelphia Avenue

Gary Reisner
7110 Woodland Avenue

Susan Robb
203 Manor Circle

Benjamin Onyeneke
7667 Maple Avenue #306

David Band
7101 Sycamore Avenue

Jeffrey Weiss
6616 Westmoreland Avenue

Charlotte Sobel
905 Elm Avenue

Dan Robinson
120 Grant Avenue

Carl Elefante
6607 Westmoreland Avenue

Roy Kahn
505 Elm Avenue

Tom Kaufman
214 Manor Circle

Kathy Breckbill
7104 Woodland Avenue

Charles Duke
7001 Carroll Avenue

C.P. Cook
7602 Carroll Avenue

Buddy Daniels
19 Sherman Avenue

Introduced By:
Councilmember Williams

First Reading: 11/27/95
Second Reading: 12/11/95

Effective Date: 12/11/95

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 (2) 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 11th day of December, 1995 by roll-call vote as follows:

Aye: Chavis, Porter, Rubin, Williams
Nay: None
Absent: Davenport
Abstain: Sharp
Recusals: Elrich

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.

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Introduced by: Councilmember Williams

1st Reading: 12/04/95

2nd Reading: 12/11/95

Ordinance No. 95-48

INSTALLATION OF JEQUIE PARK PLAYGROUND EQUIPMENT

WHEREAS, funds have been earmarked for the installation of Playground equipment for Jequie Park; AND

WHEREAS, in accordance with City procurement procedures a request for bids was advertised in the Washington Post on 11/12/95 and mailed and faxed to nine (9) interested vendors; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., November 27, 1995 with two (2) bids being received; AND

WHEREAS, Nekoosa Contracting Corporation have submitted the lowest bid of FIFTEEN THOUSAND DOLLARS (\$15,000.00) for the installation of Playground equipment at Jequie Park; AND

WHEREAS, the Public Works Department has determined that Nekoosa Contracting Corporation are considered to be both responsive and responsible; AND

WHEREAS, sufficient funds are available to award a contract for the installation of Playground equipment; AND

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

SECTION 1. THAT the bid being received from Nekoosa Contracting Corporation in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$15,000 be charged to Special Revenue Account 0100-7191.

Adopted this 11th day of December, 1995.

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Davenport, Elrich

Introduced by: Councilmember: Davenport

1st Reading: 12/04/95

2nd Reading: 12/11/95

Ordinance No. 95-49

SUPPLY OF JEQUIE PARK PLAYGROUND EQUIPMENT

WHEREAS, funds have been earmarked for the purchase of Playground equipment for Jequie Park; AND

WHEREAS, in accordance with City procurement procedures a request for bids was mailed and faxed to three (3) distributors of Challenger, Type 1 by Playworld Systems, or an equal; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m., November 27, 1995 with one bid being received from All Recreation, Inc for \$15,529; AND

WHEREAS, the Public Works Department has determined that All Recreation, Inc. are considered to be both responsive and responsible.

WHEREAS, sufficient funds are available to award a contract for the purchase of Challenger, Type 1 by Playworld Systems; AND

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

SECTION 1. THAT the bid being received from All Recreation, Inc. for Challenger, Type 1 by Playworld Systems in the amount of FIFTEEN THOUSAND FIVE HUNDRED AND TWENTY NINE DOLLARS (\$15,529) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$15,529 be charged to Special Revenue Account 0100-7191.

Adopted this 11th day of December, 1995.

AYE: Sharp, Chavez, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Davenport, Elrich

ORDINANCE NO. 1995-50

1007 UNIVERSITY BOULEVARD GENERAL CONTRACTING SERVICES

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, five bids were received and publicly opened at 4:00 pm, November 20, 1995; AND

WHEREAS, the lowest bidder was not considered responsive and responsible; AND

WHEREAS, the second lowest bidder, Constect, is considered to be responsive and responsible; AND

WHEREAS, based on the unit costs of the lowest responsive and responsible bidder, the allocated funds are sufficient to accomplish the authorized work included on the drawings and specifications for 1007 University Boulevard.

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

SECTION 1. THAT the bid received from Constect in the amount of FIFTY EIGHT THOUSAND TWO HUNDRED ELEVEN DOLLARS AND SIXTEEN CENTS (\$58,211.16) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of FIFTY EIGHT THOUSAND TWO HUNDRED ELEVEN DOLLARS AND SIXTEEN CENTS (\$58,211.16) be charged as follows:

CITY OF TAKOMA PARK ACCOUNT NO. 0020 0376 (\$58,211.16)
HRHP REVOLVING LOAN FUND

ADOPTED THIS 11th DAY OF DECEMBER, 1995

AYES: Sharp, Elrich, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Davenport, Chavez

1st Reading 12/11/95

2nd Reading _____

Introduced By: Councilmember Williams

ORDINANCE NO. 1995-51

TAKOMA JUNCTION DEVELOPMENT PLAN CONTRACT

Ordinance to award the contract for preparation of the Takoma Junction Development Plan to Hammer, Siler, George Associates.

WHEREAS, the City of Takoma Park has allocated \$35,000 (\$20,000 from Community Development Block Grant Funds and a \$15,000 grant from the MD Department of Housing and Community Development); AND

WHEREAS, appropriate solicitation of interest through a formally advertised Request for Proposals resulted in the submission of seven responsive and responsible proposals; AND

WHEREAS, based on the selection criteria and in consideration of other qualifications included in the Request for Proposals, the Review Team recommended award of the contract to Hammer, Siler, George Associates; AND

WHEREAS, the available funds are sufficient to pay for the cost of the services to be provided;

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the contract be awarded to the firm of Hammer, Siler, George Associates in the amount of \$35,000.

Ayes:
Nays:
Abstain:
Absent: