

**INTERVIEWS, PRESENTATION, SPECIAL SESSION, WORKSESSION
AND EXECUTIVE SESSION
OF THE CITY COUNCIL**

Tuesday, September 3, 1996

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Executive Director, COLTA, Lee-Bryant
Councilmember Porter	Housing Services Coordinator Walker
Councilmember Rubin	Engineer Monk
Councilmember Williams	Community Planner Schwartz

The Council meeting was called to order at 7:37 p.m. on Tuesday, September 3, 1996, in the upstairs meeting room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

The following remarks were made:

INTERVIEWS

#1 Ethics Commission. The Council interviewed four applicants (Greg Lebel, Jim Douglas, Phillip Doyle and Glenn Baly), and is scheduled to interview one additional applicant (Claudine Schweber) next week. The resolution effecting appointments will be scheduled for a future discussion.

PRESENTATION

#2 Metricom Request to hang Communication Devices from PEPCO Utility Poles.

Metricom representative, Mr. McClintock, gave a brief presentation. He noted that Metricom has agreements with Rockville, Gaithersburg, the Town of Chevy Chase, and has been working on an agreement with Montgomery County. He remarked that Michael McKinnon (Metricom representative) has been handling the discussions with Montgomery County and is available to speak more about those discussions. Mr. McClintock said that Metricom has a working agreement with GSA, and currently has communications devices installed on their Washington Metro area buildings. He commented that one advantage of this type of communication device is

that it does not tie up phone lines. Most customers lease the modem which sends data transmissions via the communication devices which are installed on the utility poles. Approximately 4-5 devices are installed per square mile; the objective is to create a cluster of communication devices. As the demand increases, potentially more devices could be installed. The Metricom system operates in the "unlicensed spectrum" of the radio band, and does not use voice transmission. It is a digital system--ideal for surfing the Internet. Mr. McClintock said that the device produces fewer radio emissions than a cell phone.

Councilmembers asked questions about exclusive rights and transmission interferences (i.e. with baby monitors), and pointed out the likelihood of aesthetic concerns.

A Public Hearing will be held on October 14, to receive citizen comments on the matter. The City Administrator is to make a recommendation to the Council regarding the proposal.

SPECIAL SESSION

Moved by Williams; seconded by Davenport. The Council convened in Special Session.

#3 Resolution re: Proposed Poplar Mill Subdivision Plan. Senior Planner Schwartz noted letters submitted from PineCrest Community Association and Catherine Tunis (Co-Chair, Committee on the Environment). The Council took a moment to read the letters. Ms. Schwartz stated that the Council needs to take action on this matter tonight.

Councilmember Porter clarified that if the Council does not take action, the Prince George's County Planning Board will go forward with the plan without the City's input. Ms. Schwartz confirmed Ms. Porter's statement, noting that time runs out on September 12.

Moved by Williams; seconded by Chavez.

Councilmember Rubin questioned why the Committee on the Environment was not involved in discussions of this matter before now. The committee has expressed caution about proceeding.

Mayor Sharp responded that the Committee on the Environment was not chartered to address this type of issue, adding that while this matter might have been appropriately addressed by an Open Space Committee, there is not a standing committee to address open space.

Councilmember Williams clarified that it is on staff's work plan to deal with open space issues in the annexation area as part of the Master Plan.

Mr. Rubin stated that in regards to the PineCrest Community Association's concerns, why were these not submitted earlier.

Ms. Schwartz recalled that the Association's concerns were presented to Council in July (i.e.,

exit/entrance onto New Hampshire Avenue), noting that Engineer Monk offered a response to this suggestion at that time.

Mr. Rubin clarified that if the Council takes no action, the County will proceed with the plan. Ms. Schwartz stated that the County has to act by September 12, or else the plan is automatically approved.

Ms. Porter concluded that this is the point where the City can have a say in whether anything happens at all (i.e., development goes forward).

Kurt Marts asked for the Council to amend the resolution--Therefore clause, "1) Delete Lot 12 from the plan." He explained that lot 11 "works", and that he has a geotechnical report that shows the feasibility of this lot. Mr. Marts said, however, that he will not have an opportunity to present this information to the County until next week, and that if the City recommends that it be deleted now, he may not have a chance of convincing the County to override the City's recommendation and allow lot 11 to remain part of the subdivision plan.

Ms. Porter asked if the deletion of lots 11 and 12 would provide room for a 50 ft. bulb. Mr. Marts responded in the affirmative, but said that a 50 ft. right-of-way (ROW) would infringe on the flood plain. He remarked that Tree Specialist Busciano told him that any infringement on the flood plain would raise concerns from the "tree people."

Mark Robinowitz, stated that he lives directly on the stream that is being discussed for "clear-cut", emphasizing that the creek is already dead enough. He commented that the State is spending millions of dollars to restore the Anacostia River, yet this stream (a tributary of the Anacostia) may be destroyed. This development would be built directly on top of the underground stream. He stated that it would be nice to see the City protect this piece of land. He said that the choice is either to protect Sligo Creek or cut down the trees, and that if the Council is going to allow the trees to be cut down then they need to have the political courage to cut down the trees themselves. He remarked that the soil that will be washed off of the development site will all go into the creek, causing it to be further filled with silt. Mr. Robinowitz encouraged the Council to protect the trees whose roots serve to protect the integrity of the soil.

Jerome Franklin, Fourth Avenue, remarked that he is very concerned about stormwater management in the neighboring area (i.e., annexation area). Residents have experienced stormwater management problems in this area for years. He stated that the development will create a greater run-off than is being estimated. Asphalt and roofs will send down more water than soil would otherwise collect. He commented that the community is at the base of the water shed. Mr. Franklin recalled that there was once a problem with the sewer--man hole covers would blow off--but that they are now screwed down. He expressed his concern about this development and any others that might come to the area.

Engineer Monk commented that he understands Fourth Avenue has been having stormwater

problems for a long time, but that most problems have been with WSSC (sewer problems). He said that most of the stormwater problems he knows of have been related to water running down driveways into homes. He remarked that with regards to water going into the watershed, he does not think the amount of downstream water will effect the residents on Fourth Avenue. Mr. Monk stated that the developer will be required to stabilize the area.

Councilmember Elrich commented on State/County requirements for plastic silt fences, which in his opinion do not work.

Mr. Monk responded that silt fences do work if used properly and maintained.

Ms. Porter asked who is responsible for overseeing maintenance of these fences.

Councilmember Williams responded that the County oversees maintenance, and that if the County is notified that proper maintenance is not being executed, a stop work order can be issued to the developer.

Councilmember Davenport questioned whether there is evidence to support the claim that the soil will not be stable and water will begin seeping into basements.

Ms. Porter remarked that the elimination of lots 11 and 12 was based on the County's concern about soil stability. There is a concern expressed in the Prince George's County Planning Board Staff Report regarding soil stability. The City's resolution, as written, supports the County's concern. She stated that it is best to be cautious about these lots and soil stability, recognizing the legitimate concerns about this development (e.g., stormwater management). This plan needs to be handled according to the book. Ms. Porter commented that she understands that there are benefits to having new development in the City, but that in this case, there are important concerns which have to be considered.

Mr. Elrich said that given the information presented in the Staff Report, he agrees with Ms. Porter. He commented that the City's objection is within the County rules, and that he wishes the City was in a stronger position to say something else.

Mr. Sharp asked whether the Council might consider reserving action on lot 11.

Mr. Elrich pointed out that the County is not bound to accept all of the conditions listed in the City's resolution. If the County is persuaded that lot 11 is feasible, it can go forward with approving the lot, regardless of the City's position.

Mr. Marts stated that the County takes the City's position very seriously.

Ms. Porter suggested that the Council take action in accordance with the County Staff Report, adding that if Mr. Marts succeeds in convincing the County that lot 11 should remain in the plan,

then the County can make a decision to accept lot 11. She offered an amendment to the resolution (Therefore clause, paragraph #4) "There shall be a conservation easement covering a minimum 50-foot stream buffer, expanded to include adjacent floodplain and steep and severe slopes. The conservation easement and the landscape plan for the subdivision shall be approved by the City Administrator or her designee."

Mr. Sharp said that in terms of a conservation easement, how would this impact the tax status of the land. City Administrator responded that it effects the assessment of the land.

Ms. Porter commented that the easement would include the stream, flood plain, and buffer, areas not likely to have a high assessment.

Mr. Sharp suggested that the City recommendation of approval of the plan include an agreement that these areas of land will not be developed.

Ms. Porter recalled that one of the Open Space Committee's prime recommendations was to put conservation easements on land to protect from it from development--primarily on undevelopable lots.

Mr. Sharp remarked that several of the lots identified by the Open Space Committee are developable, and that seeking easements would help secure the City's position of not wanting these lots to be developed.

Mr. Elrich remarked that these areas would have a lower assessment anyway because of the land (stream, flood plain, and buffer). He said that he thinks the City can accomplish the same conservation of the land by an agreement, without giving anything away (i.e. tax dollars). Mr. Elrich suggested that the agreement be noted on the property deed(s).

Ms. Porter commented that an agreement is the same thing as a conservation easement.

Mr. Sharp pointed out that an agreement would not have an effect on the tax status.

Mr. Robinowitz stated that the City is unlikely to have cooperation from Prince George's County in enforcing soil standards. He asked whether any of the Councilmembers have toured the site. He noted that there is a fresh water spring on the site that could be cleaned up. The proposed siting of the development is directly on top of the spring. He said that he walked the site and did not see evidence of bedrock on the slope. Without some reinforcement, the soil will erode.

Mr. Franklin said that he would like P.G. County to be responsible for putting in storm drains, noting the absence of storm drains on Sligo Mill Road and a total lack of stormwater management.

Mr. Monk commented on the stormwater plan for the site--idea is to catch water upstream and

downstream. He said that Mr. Marts still has to detail the size of the storm drain pipes that are to be installed by him both upstream on Sligo Mill Road and at the site entrance, and the type of vegetation to be included in the landscaping.

Mr. Elrich clarified that the City will not accept a request for waiver of quantity or quality of stormwater. Mr. Monk confirmed. Mr. Elrich commented that the applicant's current stormwater management plan is very sketchy.

Mr. Sharp remarked that he was surprised by the public improvement request, and confirmed that the pavement, gutter and curb must be provided by the developer.

Ms. Porter restated her proposed amendment: (Therefore clause, paragraph #4) "There shall be a conservation easement covering a minimum 50-foot stream buffer, expanded to include adjacent floodplain and steep and severe slopes. The conservation easement and the landscape plan for the subdivision shall be approved by the City Administrator or her designee." (Seconded by Elrich)

Mr. Elrich suggested an addition to the amendment, to also provide for another "no build" agreement. Ms. Porter responded (Therefore clause, paragraph #4) "There shall be a conservation easement, or another agreement that accomplishes the same end, covering a minimum 50-foot stream buffer, expanded to include adjacent floodplain and steep and severe slopes. The conservation easement and the landscape plan for the subdivision shall be approved by the City Administrator or her designee." (Motion accepted.)

Noreen Wells, 7315 Cedar Avenue, said that regarding a conservation easement versus another type of agreement, an agreement may get lost over time. While an easement may result in some loss of tax revenue, an agreement made with the Home Owner's Association may get lost.

Mr. Robinowitz urged the Council to make the choice--either Sligo Creek or the town homes.

Mr. Williams referred to the Staff Report (Section D) "...removal of hazardous trees, limbs or trunks is allows," adding that he wants to be sure that our Tree Ordinance is being observed by the developer.

The resolution was adopted, recommending approval, with conditions, for Poplar Mill Preliminary Subdivision Plan (4-96028) (VOTING FOR: Sharp, Chavez, Davenport, Porter, Williams; ABSTAIN: Elrich; OPPOSED: Rubin).

**RESOLUTION #1996-51
(Attached)**

WORKSESSION

Moved by Rubin; seconded by Davenport. The Council adjourned from Special Session and

moved into Worksession. Following the Worksession, the Council convened in Executive Session at 10:55 p.m. The Council later adjourned for the evening.

Executive Session 9/03/96 - Moved by Rubin; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Silber. Council received a briefing about ongoing litigation. No action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced By: Councilmember Williams

Resolution No. 1996-51

**Resolution Recommending Approval, With Conditions,
for Poplar Mill Preliminary Subdivision Plan (4-96028)**

WHEREAS, Curt Marts and Roland Staana have submitted an application for a preliminary subdivision plan to the Prince George's County Maryland-National Capital Park and Planning Commission for the property known as Poplar Mills at the southwest corner of New Hampshire Avenue (MD Route 650) and Poplar Avenue, Takoma Park; AND

WHEREAS, the current plan, dated August 5, 1996, is the second revision of a plan originally submitted March 26, 1996; AND

WHEREAS, under the current plan, the applicants are seeking to develop 12 townhouse units along a public street; AND

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

WHEREAS, on July 29, 1996, the Council adopted Resolution No. 1996-47, recommending street standards for the preliminary subdivision plan; AND

WHEREAS, a Stormwater Concept Plan has been approved for the plan, with conditions, AND

WHEREAS, the current preliminary subdivision plan has been reviewed by City staff, who recommend that the Council **Support** the application, **With Conditions**; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on the matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Prince George's County Planning Board **Approve the revised preliminary subdivision plan, with the following **Conditions**:**

- 1) Delete Lots 11 and 12 from the plan.
- 2) Delete parking spaces 1 through 11 from the plan. Parallel parking spaces may be provided within the right-of-way on the south side of the public street, as long as the spaces are fully within the right-of-way and not partly on homeowner association property. No parking will be permitted along the north side of the public street or in the cul-de-sac bulb.

- 3) Comply with conditions of City stormwater concept plan approval:
 - a) Reduce length of pipe into stream and provide size of rip-rap.
 - b) Provide details of storm water management quality vegetative filter or provide sand filter design and also include statement of maintenance agreement.

Revise Note #10 to indicate that stormwater concept plan has been submitted to the City of Takoma Park, not the Prince George's County Department of Environmental Resources.

- 4) There shall be a conservation easement, or another agreement that accomplishes the same end, covering a minimum 50-foot stream buffer, expanded to include adjacent floodplain and steep and severe slopes. The conservation easement and the landscape plan for the subdivision shall be approved by the City Administrator or her designee.
- 5) Leland Cypresses are recommended as buffer trees along New Hampshire Avenue. Orange safety fencing will be required around the entire limit of disturbance, and chain link fencing will be required in areas where the limit of disturbance encroaches into the floodplain buffer.
- 6) Realign stormwater pipe in floodplain in order to save the 16" dbh oak and the two 20" dbh tulip poplars, and reduce the length of the stormwater pipe per the condition of the City's stormwater concept plan approval.
- 7) Ensure that the homeowners association's responsibility for the floodplain is explicitly spelled out in the homeowners association agreement, and require that the homeowners association maintain any unpaved portion of the right-of-way (e.g. grass or landscaping).
- 8) Require a fence or other barrier near the edge of the steep slope on the townhouse side of the creek to discourage access.
- 9) Comply with all relevant City ordinances and regulations.

BE IT FURTHER RESOLVED THAT the Council concurs with all recommendations of the Prince George's County M-NCPPC staff except as modified above.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 3rd DAY OF SEPTEMBER, 1996.

poplrmil.r2

**INTERVIEW, PUBLIC HEARINGS, REGULAR MEETING, WORKSESSION
AND EXECUTIVE SESSION**

Monday, September 9, 1996

Executive Session 9/03/96 - Moved by Rubin; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:55 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Silber. Council received a briefing about ongoing litigation. No action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	Corporation Counsel Silber
Councilmember Rubin	Community Development Coordinator Sickle
Councilmember Williams	Construction Specialist Kowaluk
	Planning Center Coordinator Ludlow

The City Council convened at 7:38 p.m. on Monday, September 9, 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'S COMMENTS AND PRESENTATIONS

1. Police Department Re-Accreditation. Kathleen Coursey, from the police department, gave a brief presentation on the Police Department Re-Accreditation process. The initial accreditation was granted in 1991, and was valid for five years. Once again, it is time for the Police Department to show that it meets the standards. The assessors from the Commission on Accreditation for Law Enforcement Agencies, Inc. will arrive on September 21 to examine and inspect the Department. There will be a public information session on September 23 at 7:00 p.m. in the Council Chambers. Citizens are invited to comment on the police department's services and performance either during the public information session or by telephone on Tuesday,

September 24, between the hours of 1-5 p.m. (only).

2. Folk Festival. Mr. Rubin congratulated the Takoma Park Folk Festival organizers on a successful event. He noted that in his opening remarks the day of the festival, he commented that of the 19 years of the festival, it had rained on the event only once. Ironically, two hours later, the rain came down.

MINUTES

Moved by Williams; seconded by Porter. The Council Meeting Minutes from 7/1/96, 7/8/96, 7/22/96 and 7/29/96 was adopted unanimously.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, commented on the incident that occurred on September 5, 1995, regarding a flyer threatening the safety of children which was posted on a bus stop structure in front of the Elementary School. He remarked about the poor treatment and disrespect he receives from the Police Department. Mr. Onyeneke quoted from a Montgomery Journal article about the dangers of secondhand smoke, and stated his opposition to the Montgomery County bus fee. He urged the Council to provide outreach programs to young people, and expressed his belief that families should be responsible for the discipline of their children.

Dolly Davis, 7611 Maple Avenue, thanked City staff and officials, County, State and Federal (elected and appointed officials), and other parade participants, for their committed efforts in making the Dominique Dawes parade a success. The celebration meant a lot to Dominique and her family. She thanked the Mayor for setting the record straight--Dominique is and always has been from Takoma Park. She thanked the City on behalf of the family.

Mr. Sharp said that he was pleased to see that the newspapers picked-up the fact that Dominique is a native of Takoma Park.

Mr. Rubin noted that Dolly forgot to mention how thankful we all are that Dominique attended and participated in the festivities.

Ms. Davis called the Council's attention to some concerns about the community's young people. She commented on a fist fight that occurred on Maple Avenue. During the break-up of the fight, one of the young men was injured by a police officer's baton. In the aftermath of the fight, graffiti which conveyed a threat to one of the police officers involved in the incident was sprayed on a dumpster on Lee Avenue. Ms. Davis said that it seems there has been a falling-out between the youth and community police officers. It was not always this way. She said that she remembers a time when there was a comradry between officers and young people. She remarked that she would like to gain the Council's support for a youth conference which could be held next month--between youth and police--in an effort to find solutions for controlled programing for young

people (particularly, 13-18 year olds), and also to listen to their concerns and needs (e.g., some play sports, some don't). Ms. Davis said that she would like to schedule some time to discuss her ideas with the Mayor. She commented that there is currently a lack of activities for young people, noting that the City provided these activities in the past. She urged the importance of bringing the kids together to talk about some issues.

Mr. Sharp said that he would like to talk with Ms. Davis.

INTERVIEW

3. Applicant for Ethics Commission. The Council interviewed Claudine Schweber, applicant for re-appointment to the Ethics Commission.

Mr. Sharp noted that in two weeks, the Council will be considering how to regularize the expiration dates for members of Council appointed committees. Only two of the original commissioners have expressed interest in re-appointment. In three weeks the Council will make the new appointments.

PUBLIC HEARINGS

4. Proposed Sanctions Against Burma. Mr. Sharp explained the proposal to establish a policy for the City prohibiting contracts for personal services with those who do business in or with Burma, and prohibiting the purchase of commodities produced in Burma or provided by those who do business in or with Burma.

Phil Robertson, 6833 Eastern Avenue, (involved in Free Burma Campaign in Takoma Park), said that he just returned from Thailand where he worked with a free trade organization. He commented on the economic pressure that the Free Burma Campaign is seeking; this pressure is needed from international communities to bring the State Law and Order Restoration Council (SLORC) to their senses. The entire state of Massachusetts and several cities in the U.S. have joined the campaign by adopting sanctions. In modern history, the military in Burma has compiled an incomparable record of abuses of human rights and sales of narcotics. Three percent of Burma's gross profit originates from forced labor. An "America's Most Wanted" criminal is being harbored in Burma. Last week one of the richest Burmese business men was not allowed into the U.S. because of suspicions about his involvement in narcotic trafficking. Mr. Robertson commented on some of the specific abuses against human rights. In the case of Burma, an international response is needed. In the past few years, many companies (named some specifics) have been forced out of Burma by consumer pressure. Why should the City get involved? He commented that having lived here and talked to residents in the City, he believes that the citizens feel we have the responsibility to step forward. He said that the Free Burma Campaign in Takoma Park is looking forward to working with the Council to bring democracy closer to realization in Burma. He noted for the record that 32 Takoma Park residents have signed the petition calling for a selective purchasing ordinance (petition submitted to the City Clerk).

Bo Hla Tint, Minister of Finance, National Coalition Government of the Union of Burma, explained his involvement in the pro-democracy movement in Burma. He commented on the National Coalition Government of the Union of Burma (NCGUB), composed of Members of Parliament who were elected in the 1990 national elections in Burma, and noted that the NCGUB was formed when it became clear that the SLORC regime would not permit the elected representatives of the National League for Democracy (NLD) assume power. Mr. Tint stated that he was one of those elected officials.

He commented that when the military reneged and did not honor the election results, he and other members of the parliament formed a NCGUB to continue the struggle to restore democracy in Burma. He expressed their support for the proposed sanctions against Burma. Funds brought into Burma are used by the SLORC to further oppress the people and remain in control. He asked the City to join the growing movement of other cities and states who are imposing sanctions (letter from National Coalition Government of the Union of Burma submitted).

Tin Tin Maung, expressed her hope that someday democracy will be brought to Burma. She commented on the offenses against human rights, added that today in Burma the majority of people are starving and poor, while military generals are becoming millionaires. She asked the Council to take the step to adopt the proposed legislation.

Stacey Heath, 7419 Holly Avenue, provided specific information regarding "forced labor". The military regime imposes forced labor. Whole villages are required to provide labor. Forced laborers are used to clear land for development of tour sites, railways, hotels, gas pipelines, etc. Companies that work and trade in Burma often work according to the "gag rule"--not repeating the offenses against human rights.

Steve Fleishman, 7419 Holly Avenue, thanked the Council for considering this action, and urged the Council to take the action proposed this evening. Why should the City do this? It is in the best Takoma Park tradition to fight for democracy and human rights. Why Burma? He said that the simple answer is that "we were asked." Mr. Fleishman noted that he was on a trip to Burma earlier in the year, and while meeting with some Burmese students, he was given a letter to bring back to the City Council (letter submitted to City Clerk). He read a passage from the letter. He stated that the Council should take this action and join a nationwide movement. Does it matter? He commented in the affirmative, explaining that while the action that the Council is considering is largely symbolic, it is important. International businesses will be watching; the Burmese government will be watching. People around the world will pay attention to this act. He urged the Council to join the other progressive communities in the nation.

Kenneth Bertsch, Investor Responsibility Research Center, explained the mission of his organization, and stated that he is not here to testify for/against the proposed legislation. He noted that there are a variety of ways to draft legislation of this kind. If the Council takes a more limited approach, they could target companies who have direct equity in Burma (fewer U.S. companies). A more extensive attempt to cover companies with licensing agreements would

involve a much longer list. He commented that in the past there has been pressure by sanctions against (selective contracting) Nigeria and Ireland. He submitted some additional information to the City Clerk.

Benjamin Onyeneke, Maple Avenue, commented on the problems with narcotics in Burma. He urged the Council to support the proposed resolution.

Susanne Lowen, 7216 Trescott Avenue (IUF North America), stated that the Union has been involved in this international campaign, and expressed support for this movement.

John Thayer, 512 Margaret Drive (sponsor of Burmese refugee), said that he and his wife first became aware of the Burmese situation when they were asked to be a host family to a Burmese immigrant. He commented that since that time, he has become more sensitized to the concerns of the Burmese people. Mr. Thayer remarked that he does not always favor sanctions, but that in this case he is inclined to believe that this approach will be helpful.

Thet Naing, Burmese Students Action Committee, expressed support for the sanctions (letter submitted to City Clerk).

Ohmar Khin, Burmese Student, explained that she is a student in exile. She recalled that during a month of struggle in 1988, she watched in horror as the military opened fire on people (women, children, students, etc.). Thousands of students were forced to flee the country. She remarked that she came to this country seeking political exile, where she was welcomed by a host family (i.e. the Thayer's). She extended her gratitude, but said that while she enjoys feeling safe, free, and part of a family, her soul is not free as long as the people in her country are suffering under the SLORC. She stated that friends and colleagues who participated in the movement in 1988 are still imprisoned in Burma, and that she fears for the safety of friends and family while she is active in this movement in the U.S. She recalled that educators had to attend military classes to learn how to take control of student movements. Every day people are fleeing across borders to escape persecution by the SLORC. Ms. Khin said that the Free Burma Campaign is trying to encourage foreign investors not to do business with Burma until democracy is achieved. Strong support from the international community is greatly needed. She reminded the Council that Burma remains a police state. She commented on suspicions that the SLORC military uses heroine to suppress activists. Heroine is readily available to students on campuses in Burma, making it very questionable that the military regime is involved in the heroine trafficking. She said that she has been involved in many speaking engagements in the U.S. (communities and colleges), and has found that many people support sanctions against Burma. She remarked that she believes actions of this kind are critical to change ever occurring in Burma. She urged the Council to adopt the resolution. She concluded by asking for people in the audience who support the resolution to stand. (There was an overwhelming show of support.)

Jay Levy, Baltimore Avenue, urged the Council to enhance education locally and nationally, by supporting this legislation. He noted that he is a teacher, and teaches a student who fled Burma.

He commented with dismay on the limited education of this child coming out of Burma.

The public hearing was closed at 8:42 p.m.

Mr. Sharp noted that a discussion of this proposal is not scheduled for this evening. If the Council does make a decision to endorse the sanctions, there are some implementation questions that need to be addressed. He noted that the Nuclear-Free Takoma Park Committee has indicated that it will provide assistance in monitoring enforcement of the sanctions. Mr. Sharp stated that the matter will require additional discussion. He said that he is in support of this effort, and commended tonight's speakers, in terms of the way the overall presentation was made. He suggested that the Council schedule a discussion of a draft resolution in support of the sanctions, adding that the resolution that has been presented to the Council needs to be edited.

Mr. Rubin said that in regards to why the City would support sanctions against Burma, (1) it is the nature of human beings to help each other (has happened throughout history--normal and natural), and (2) Takoma Park fundamentally is a prosperous community that attracts concerned and aware people, because the community has taken action on issues (e.g. NFZ, selective purchasing (South Africa)).

Mr. Chavez stated that adoption of the proposed sanctions would be consistent with the City's position on providing assistance to immigrants, and noted the City's Sanctuary Ordinance.

Ms. Porter remarked that Mr. John Ackerly sent her a letter in support of this proposal.

Mr. Davenport commented on the compelling stories related by speakers this evening. For these kinds of things to occur in this day and age, whether home or abroad, is unbelievable. He congratulated the efforts of those present.

Mr. Williams said that the tone of the testimony was overwhelming. He offered to help redraft the resolution for Council's next discussion.

Mr. Sharp stated that this continued discussion will be scheduled for September 24, and confirmed that Councilmembers will have a draft resolution ready for discussion by that time. He thanked all persons who came out this evening to testify on this matter.

5. Bond Issue. City Administrator Habada noted that Mr. Kelly from Nations Bank is here this evening to provide information.

Mr. Kelly, stated that based upon discussions with Ms. Habada, he ran some numbers, and that assuming the investment rate of funds in Local Government Investment Pool would be an overall, all inclusive rate, 1.295% was the average differential over time from Jan 1995- July 1995. He distributed two spreadsheets, and explained the figures shown on each.

Mr. Sharp commented that assuming a bond for \$700,000 with a differential of 1.296% between funds borrowed and City funds invested, it looks as if the break-even point (borrowing versus investment comparison) would be around 20 months. Mr. Kelly said that once the costs for bond Counsel are added in, it may be an additional 6 months.

The public hearing was called to order at 8:57 p.m.

There were no citizen comments.

The public hearing was closed at 8:58 p.m.

REGULAR MEETING

6. 1st Reading Ordinance re: 650/410 Gateway Commercial Revitalization District. Mr. Sharp introduced the ordinance. He noted the staff memorandum which explains changes to the ordinance since the first version was presented to the Council.

Community Development Coordinator Sickie explained the amendments. She noted that staff people from the State office recommended that we use the wording that other municipalities have used. This "common language" will raise fewer questions.

Mr. Sharp described the area included in the proposed district.

Ms. Porter noted that the boundary is different from the first map presented to the Council, and that it has been changed to include all of the commercial area.

Moved by Porter; seconded by Chavez.

Mr. Elrich asked that since this property is only temporarily in P.G. County, has staff had any success working with Montgomery County on commercial revitalization. He noted that he has toured all of the City's Prince George's County commercial properties with Montgomery County officials. He remarked that he wants to see the City apply for revitalization monies under the State's Neighborhood Business Development Program.

Ms. Porter confirmed that this action will not negatively impact on the City's ability to work with Prince George's County on intersections along the City's boundary.

The ordinance was accepted unanimously, designating the "650/410 Gateway Commercial District" as a "designated neighborhood" as established by the criteria under COMAR.05.13.09A for participation in the Neighborhood Business Development Program (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

ORDINANCE #1996-31
(Attached)

7. Single Reading Ordinance re: Stormwater Utility Rate Structure Study. Mr. Sharp explained the ordinance and the contract the City entered into with CH2M Hill to develop a stormwater utility rate system. He noted that this contract will cover services to develop the rate structure. Moved by Rubin; seconded by Williams.

Ms. Porter commented on the strikeout version of the Scope of Services (distributed in Friday's Council package), and clarified that the money to be received from the fees on residential properties will be included in the overall analysis.

Fernando Pasquel (CH2M Hill representative), provided clarification. He stated that the fee for multi-family units will be based on the total impervious area per unit.

Mr. Elrich commented on the report of the Montgomery County Stormwater Task Force-- conclusion was that a system like this would shift some of the cost from home owners to the parcels which contribute more to the stormwater problems. A stormwater utility fee system will offer significant savings to the residents. He suggested that Montgomery County residents watching the Council meeting this evening, might want to approach their County Councilmembers about this discussion on the County level.

Ms. Porter noted that the bulk of the cost of this project is being paid for with State monies. Ms. Habada explained that the State's contribution is \$40,074 (EPA grant funds), and the City's portion will be \$9,799.

Ms Porter questioned whether the scope of services has been narrowed as much as possible. Ms. Habada confirmed.

The Single Reading Ordinance was adopted unanimously, authorizing the City Administrator or her designee to enter into a contract with CH2M Hill for Phase II of the City Stormwater Utility Project in the amount of \$49,873. The source of funding for this contract shall be from EPA grant funds available in FY97 (\$40,074) and \$9,799 charged to the City's FY97 Stormwater Budget (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

ORDINANCE #1996-32
(Attached)

WORKSESSION

The Council moved into Worksession at 9:05 p.m. Following the Worksession, the Council convened in Executive Session at 10:10 p.m. The Council later adjourned for the evening.

Executive Session 9/09/96 - Moved by Rubin; seconded by Davenport. Council convened in Executive Session by unanimous vote at 10:10 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. (Item #1) STAFF PRESENT: Habada, Grimmer, Sartoph, Sickle, Koch. Council received a briefing about matters directly related to the acquisition land; no action was taken. (Item #2) STAFF PRESENT: Habada, Grimmer, Sartoph, Sickle. OTHERS PRESENT: (Takoma Park-Silver Spring Co-op Representatives) Klockher, Frank, Walker, Basset, Buch. Council discussed matters related to the investment of public funds; no action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) and (5)).

**MAYORAL PROCLAMATION
IN HONOR OF
DOMINIQUE DAWES**

WHEREAS, Dominique Dawes is a daughter of Takoma Park, Maryland, having been raised in our City and having attended Takoma Park Elementary, Piney Branch Elementary, and Takoma Park Intermediate Schools; AND

WHEREAS, Ms. Dawes was a member of the Honor Roll of Gaithersburg High School; AND

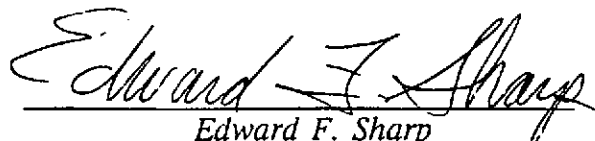
WHEREAS, a four-time World Championships Team Member in gymnastics, and a recipient of a Bronze Medal at the 1992 Olympics, Ms. Dawes won the Gold Medal in her sweep of the 1994 Coca-Cola National Championships; AND

WHEREAS, named "1994 Sportsperson of the Year" by USA Gymnastics, Ms. Dawes also was awarded the 1995 Henry P. Iba Citizen Award for good citizenship; AND

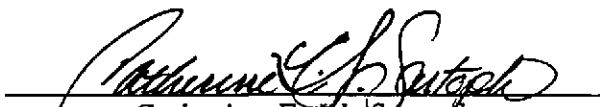
WHEREAS, Ms. Dawes won the Gold Medal in gymnastics in the 1996 Olympics.

NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby proclaim our great admiration of and pride in the citizenship, academic, and athletic accomplishments of Dominique Dawes, and do hereby express our appreciation of the great honor she has brought to the City of Takoma Park, the State of Maryland, and the United States of America.

DATED this 20th day of August, 1996.


Edward F. Sharp
Mayor

ATTEST:


Catherine E. W. Sartoph
City Clerk

Introduced by: Councilmember Porter

1st Reading 9/09/96
2nd Reading

Ordinance #1996-31

AN ORDINANCE concerning Maryland Neighborhood Business Development Program Revitalization Area

WHEREAS, the City desires the designation "650/410 Gateway Commercial Revitalization District" as a "designated neighborhood" for participation in the Neighborhood Business Development Program (NBDP) of the State of Maryland Department of Housing and Community Development; and

WHEREAS, COMAR 05.13.01 has established a Neighborhood Business Development Program (the "Program") under the jurisdiction of the Secretary of Housing and Community Development for the purpose of:

- (a) Assisting in the development, redevelopment, or expansion of small business enterprises in designated neighborhoods;
- (b) Stimulating investment by the private sector in designated neighborhoods;
- (c) Investing in small business revitalization projects in designated neighborhoods;
- (d) Stimulating the participation of local jurisdiction in developing and expanding small business enterprises in designated neighborhood; and

WHEREAS, COMAR 05.13.09A requires that "designated neighborhoods" be established by local jurisdictions in accordance with the following factors:

- (a) The availability, cost, and condition of business facilities;
- (b) The age and number of abandoned structures;
- (c) The age and number of substandard structures;
- (d) The income of resident relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;
- (e) The extent of unemployment and the availability in the area of jobs for residents of the designated neighborhood;

- (f) The need for financing for small businesses in order to upgrade the social and economic condition of the designated neighborhoods;
- (g) The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood;
- (h) Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhood;
- (i) Standards established for other relevant State of federal programs;
- (j) Local government participation in revitalization activity including whether the local jurisdiction has been designated as an empowerment zone;
- (k) The presence of a special taxing district or historic district;
- (l) Support from community or business organization; and
- (m) Other revitalization projects undertaken in the designated neighborhood; and

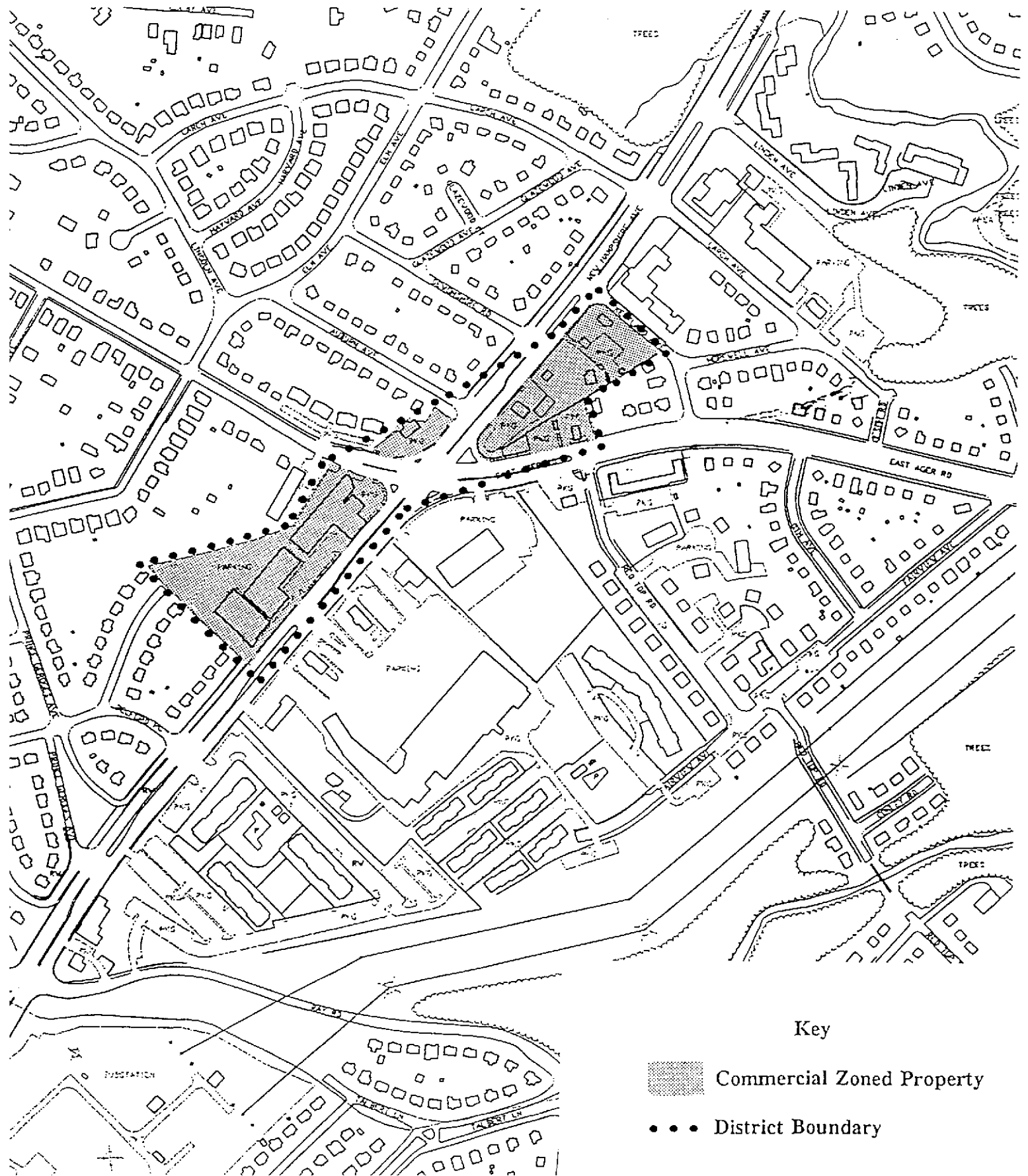
WHEREAS, the City, by this Ordinance, wishes to designate the "650/410 Gateway Commercial Revitalization District" as delineated in Attachment "A" as a "designated neighborhood" as established by the criteria under COMAR 05.13.09A for participation in the Neighborhood Business Development Program.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City of Takoma Park hereby designates the "650/410 Gateway Commercial District" as delineated in Attachment "A" as a "designated neighborhood" as established by the criteria under COMAR.05.13.09A for participation in the Neighborhood Business Development Program.

ADOPTED THIS _____ DAY OF SEPTEMBER, 1996.

Aye:
Nay:
Abstain:
Absent:

650/410 Gateway Commercial Revitalization District



Introduced by: Councilmember Rubin

Single Reading: 9/09/96

ORDINANCE NO. 1996-32

Award of Contract to CH2M Hill for Phase II of Stormwater Utility Project

WHEREAS, for FY96, the City received an EPA grant from the State of Maryland to study implementation of a stormwater utility fee system; and

WHEREAS, for FY97, the State of Maryland will receive an additional EPA grant which has been designated for the City's Phase II implementation of stormwater utility fee system; and

WHEREAS, the Phase II study would give the Council information to assist in determining the stormwater utility fee to be set for FY97 which will be based on the amount of stormwater runoff contributed by each property in the City; and

WHEREAS, in May, 1996, the City Council adopted Ordinance #1996-12 awarding a contract to CH2M Hill to assist with implementation of a City stormwater utility fee system and to develop rate structure recommendations and billing data system development; and

WHEREAS, CH2M Hill has submitted an outline for Scope of Services for Phase II that includes Stormwater Utility Implementation, Design and Implement Billing System, and Public Information Program.

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

SECTION 1. The City Administrator or her designee is authorized to enter into a contract with CH2M Hill for Phase II of the City Stormwater Utility Project in the amount of \$49,873 (Forty-nine thousand Eight hundred and Seventy-three dollars). The source of funding for this contract shall be from EPA grant funds available in FY97 (\$40,074) and \$9,799 charged to the City's FY97 Stormwater Budget.

SECTION 2. This ordinance shall be effective immediately.

Adopted this 9th day of September, 1996, by roll call vote as follows:

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

NAY: None

ABSENT: None

ABSTAIN: None

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION

Tuesday, September 24, 1996

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Elrich	Deputy City Clerk Espinosa
Councilmember Porter	Senior Planner Schwartz
Councilmember Rubin	Community Development Coordinator Sickle
Councilmember Williams	Program Coordinator Corley

OFFICIAL ABSENT:

Councilmember Davenport

The City Council convened at 7:38 p.m. on Tuesday, September 24, 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

Mayor Sharp announced that Councilmember Davenport will not be here this evening due to a family emergency.

PROCLAMATIONS

Mentoring Month. Mr. Sharp read the proclamation for the record, recognizing the month of October 1996, as "Mentoring Month." (Copy attached)

Debi Gartland. Mr. Sharp read the proclamation for the record, recognizing Debi Gartland as recipient of the Council for Learning Disabilities Professional of the Year Award. (Copy attached)

Police Chief Robert Phillips. Mr. Sharp read the proclamation for the record, extending appreciation to Chief Phillips who is leaving the City for a position with the United States Department of Justice.

Chief Phillips thanked the Council for the proclamation and expressed his esteem for the City.

Councilmembers commented on Chief Phillips' integrity, professionalism and effectiveness in serving the public.

ADOPTION OF MINUTES

The Council Meeting Minutes from 9/3/96 and 9/9/96 were adopted unanimously (ABSENT: Davenport, Elrich).

ADDITIONAL AGENDA ITEMS

Mr. Sharp announced that action on the proposed acquisition of a leaf mulch tub grinder is being postponed, and that Councilmember Rubin will be providing an update on matters related to the proposed construction of a new fire station.

CITIZEN COMMENTS

C.P. Cook, Carroll Avenue, said that Chief Phillips will be missed. He commented that he thinks the process of a national search for a replacement Chief is a waste of time. He encouraged the Council to consider appointment of Deputy Chief Wortman to the Chief position. Mr. Cook remarked about some of Capt. Wortman's accomplishments i.e., police department accreditation, and grants amounting to \$100,000+. He concluded that the Council should go with the proven talent of Capt. Wortman, adding that he would serve the City proudly.

Benjamin Onyeneke, Maple Avenue, commented on his inspiration to get involved in crime reduction efforts. He supported Mr. Cook's remarks, and he remarked favorably about the work of Officer Coates.

REGULAR MEETING

#1 Resolution re: Appreciation of Anne Eden, Library Assistant. Moved by Sharp; seconded by Rubin. Mr. Sharp read the resolution for the record.

Councilmember Rubin commented about Ms. Eden's dedication to the Library and her warm and gentle demeanor.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**RESOLUTION #1996-52
(Attached)**

#2 Resolution re: Special Exception 7207 Flower Avenue. Mr. Sharp asked whether staff has anything to add to the memorandum dated 9/20/96.

Senior Planner Schwartz noted a letter submitted from James and Lucia Buie, and the finding that the proposed conversion is not in accord with the City's Master Plan. She remarked that the case will be heard before the Planning Board on 10/10, and before the Zoning Examiner on 10/23.

Councilmember Porter pointed out that the neighborhood association has submitted a letter in support of the special exception application.

Mr. Sharp asked for clarification regarding zoning for this area.

Ms. Schwartz restated that the application is not consistent with the Master Plan, and explained the reasons (e.g., should revert to single family).

Mr. Sharp questioned where in the M-NCPPC memorandum is the non-conformance noted.

Ms. Schwartz commented that it is in the Master Plan narrative, as it relates to the Special Study Area. She added that if the special exception is not approved, the property would continue to have the requirement of owner-occupancy.

Mr. Sharp asked what is the conclusion of the County staff.

Ms. Schwartz responded that they feel the property use would not impair the integrity of the Master Plan. She quoted from page 4 of the staff report.

Ms. Porter stated that no negative impact on the community is anticipated.

Mr. Sharp noted the proposed condition for approval of the recommendation for special exception, i.e., provision of screening at least three (3) feet high.

Moved by Porter; seconded by Williams.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**RESOLUTION #1996-53
(Attached)**

#3 Resolution re: Special Exception--6906 New Hampshire Avenue. Ms. Schwartz reported on a suggested substitution for the first "Whereas" clause in the proposed resolution recommending denial of Special Exception No. 4245.

Moved by Porter; seconded by Rubin.

Abigail Bruce-Watson, legal counsel for applicant Abdul Rauf, M.D., related his remarks. She cited eight factors, as well as census-based data in support of his application. (Hand-outs were distributed to the Council.)

Mr. Sharp noted that the address in question is near his own home. He referred to the Master Plan and the stipulation for a special exception regarding “community need,” noting that there are competing services and office space available in nearby Langley Park. He asked how many of the doctor’s patients live in the surrounding neighborhood.

Abdul Rauf, M.D., responded that he cannot say, exactly. He remarked that his patients come from many areas and regional hospitals. He stated that his practice is primarily located in a hospital.

Ms. Porter commented that it has been her observation that the property is not actively being used, and that therefore, the current impact on the community is minimal. However, the Special Exception would be permanent, perhaps giving rise to a conflict in the future.

Mr. Rauf said that his office hours at this location are basically on Wednesdays.

Mr. Sharp questioned how many patients use the facility on a monthly basis.

Mr. Rauf responded that there are approximately 50 patients.

In response to Mr. Sharp’s request, Ms. Schwartz commented on the current zoning for the property. Mr. Sharp concluded that the applicant still needs to show a need for medical services in the community.

Sally Taber, 703 Auburn Avenue, Chair, South of Sligo Citizens Association (SOSCA), commented that area residents, increasingly, are becoming more and more uncomfortable with the idea of the proposed special exception. She expressed concern about reports that the premises are uninhabited, and that if the special exception were issued, it would go with the property. She added that SOSCA has no problem with someone in residence engaged in a home occupation.

Ms. Bruce-Watson noted that the only thing that will change from the current way things are, is that the applicant will no longer be living on the property.

Councilmember Elrich questioned whether the need for an additional practitioner has been established, especially in light of the proximity of professionals at and to Washington Adventist Hospital. He expressed concern about the taking of a first step in the area being altered to a commercial office area.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-54
(Attached)

#4 Resolution re: Community Development Block Grant (CDBG) Proposals. Mr. Sharp described the proposed resolution.

The resolution was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

RESOLUTION #1996-55
(Attached)

#5 Resolution re: Bond Issue. Mr. Sharp explained the resolution.

City Administrator Habada commented that a reference to "Treasury obligations" in her memo dated 9/20/96, to Council should be corrected to read "Treasury regulations."
Moved by Williams; seconded by Elrich.

Ms. Porter made a motion to amend Item 1 to delete "acquisition of equipment." (NOTE: No second to the motion was entered.)

| Ms. Habada asked Council's guidance as to the dollar amount to be entered in the "Not to Exceed" clause.

Mr. Elrich queried whether determination of the amount should follow Worksession deliberation.

Patrick Arey, City Bond Counsel, commented that the proposed resolution simply preserved the City's ability to secure financing for projects, and concurred with Mr. Elrich that specific purchases can be determined at a later date.

Ms. Habada described amortization periods for infrastructure and other items.

Mr. Sharp commented that passage of the resolution this evening would vest Council with general expenditure authority, as well as a ceiling on such expenditures.

Messrs. Elrich and Williams concurred with Mr. Sharp's recommendation that the amount not exceed \$1.5 million.

Joseph Kelly, Vice President, NationsBank, described next steps in the finance process.

Ms. Porter commented that the proposed resolution does not address her concerns, and that accordingly, she would oppose adoption of the resolution.

The resolution was adopted (VOTING FOR: Sharp, Chavez, Elrich, Rubin, Williams; OPPOSED: Porter; ABSENT: Davenport).

**RESOLUTION #1996-56
(Attached)**

#6 2nd Reading Ordinance re: 650/410 Gateway Commercial Revitalization District.
Moved by Porter; seconded by Chavez. Mr. Sharp described the proposed ordinance.

The ordinance was adopted unanimously (VOTING FOR: Sharp, Chavez, Elrich, Porter, Rubin, Williams; ABSENT: Davenport).

**ORDINANCE #1996-31
(Attached)**

#7 Fire Station Update. Mr. Rubin reported on recent developments related to the proposed construction of a new fire station, including possible relation to the revitalization of Takoma Junction. He added that the City/County Workgroup plans to publish its recommendations in early October, 1996, and then refer the matter to the Montgomery County Fire and Rescue Commission for budgetary action in either FY98 or FY99. Also, it has been suggested that Mr. Williams either take Mr. Rubin's place in the Workgroup or be added to the Workgroup.

WORKSESSION

The Council moved into Worksession at 9:40 p.m. Following the Worksession, the Council convened in Executive Session at 10:05 p.m. to discuss personnel matters. The Council later adjourned for the evening.

Executive Session 9/24/96 - Moved by Rubin; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:05 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Hobbs, Phillips. Council received a briefing about personnel matters; no action was taken (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

**MAYORAL PROCLAMATION
IN RECOGNITION OF MENTORING MONTH**

WHEREAS, *mentoring programs and mentors empower children and young adults with interpersonal skills needed to achieve, to grow academically, and to become contributing members of their communities; and*


WHEREAS, *mentoring is a positive educational experience that provides friendship, leadership, and guidance to youth; and*

WHEREAS, *through the Montgomery County Human Relations Commission, the Montgomery County Task Force on Mentoring promotes education and awareness of mentors and mentoring programs by publishing a directory of mentoring organizations and mentoring services; and*


WHEREAS, *the Task Force disseminates information through community workshops and monthly meetings about one-on-one mentoring, group mentoring, vocational and apprenticeship programs, and offers opportunities for public and private partnerships.*

NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, *on behalf of the Citizens, Council, and City Staff, do hereby proclaim the month of October, 1996, as "Mentoring Month" in the City of Takoma Park, and do hereby urge our residents to make a positive investment in the lives of children by supporting the efforts of the Montgomery County Human Relations Commission and the Task Force on Mentoring.*

Dated this 24th day of September, 1996.


Edward F. Sharp
Mayor

ATTEST:


Catherine E. W. Sartoph
City Clerk



MAYORAL PROCLAMATION

WHEREAS, Ms. Debi Gartland, resident of Burtonsville, Maryland, has been named the recipient of the Council for Learning Disabilities Professional of the Year Award; **AND**

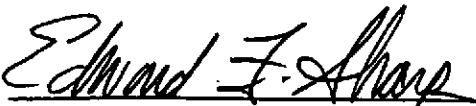
WHEREAS, she was one of hundreds of professionals nominated at local levels, and one of only four who were chosen to receive this prestigious award; **AND**

WHEREAS, Ms. Gartland is an Associate Professor and serves as the Chair of the Special Education Division at Towson State University; **AND**

WHEREAS, exemplary performance in her field, and dedication to teacher education and students with learning disabilities set her apart from others in the field of education.

NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the residents, Council and City staff members, do hereby extend congratulations to Ms. Debi Gartland in honor of her commendable efforts to provide leadership opportunities for educators and exceptional students, and receipt of the Council for Learning Disabilities Professional of the Year Award.

ADOPTED this 24th day of September, 1996.


Edward F. Sharp
Mayor

ATTEST:


Catherine Sartoph, City Clerk

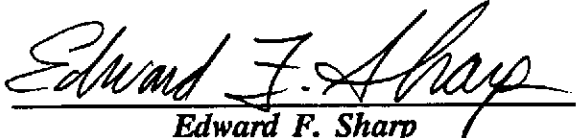
MAYORAL PROCLAMATION

IN APPRECIATION OF ROBERT PHILLIPS


- WHEREAS,** *Colonel Robert Phillips has served with distinction as Chief of Police of the City of Takoma Park, Maryland, since May 9, 1994; AND*
- WHEREAS,** *Col. Phillips embodies the highest standards of a police officer's integrity and commitment to public service; AND*
- WHEREAS,** *Col. Phillips' extensive management experience of twenty-four years in law enforcement has served to well-preserve the nationally-recognized standards of professionalism of the Takoma Park Police Department; AND*
- WHEREAS,** *the high regard in which Col. Phillips is held in our Community has been enhanced by his personal warmth and unsurpassed interpersonal skills; AND*
- WHEREAS,** *although our Citizens, Council, and Staff are sorry that Col. Phillips is leaving, we are happy that our Nation is to be served by a man of his caliber at the United States Department of Justice.*

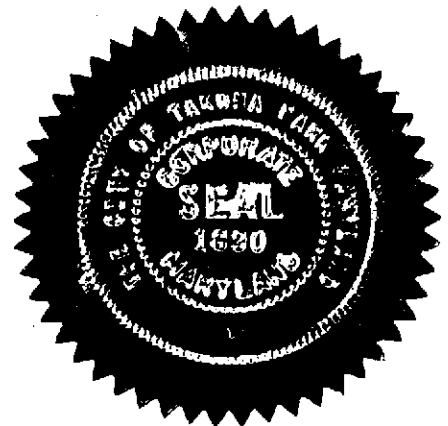
NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, *on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby express our appreciation of and best wishes to Col. Robert Phillips on the occasion of his entering the service of his Nation in the United States Department of Justice.*

DATED *this 24th day of September, 1996.*


Edward F. Sharp
Mayor

ATTEST:


Beverly K. Habada
City Administrator



Introduced By: Mayor Sharp

**RESOLUTION 1996 - 52
IN APPRECIATION OF ANNE S. EDEN
LIBRARY ASSISTANT**

WHEREAS, *Anne Eden has recently left the Takoma Park Maryland Library to accept a position as Assistant Manager of a bookstore near her home in West Virginia; AND*

WHEREAS, *Ms. Eden was a long-time resident of Takoma Park and a valued member of the Library staff for eighteen years; AND*

WHEREAS, *she was distinguished for the excellent, customer-oriented reference service she always provided to Library patrons, and her continued efforts to improve her skills through formal and informal means; AND*

WHEREAS, *she used her literary knowledge and artistic skills to create many thought-provoking and visually arresting displays in the Library's reading room; AND*

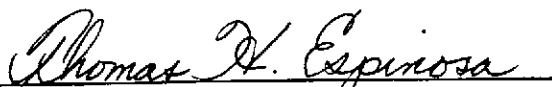
WHEREAS, *she supported co-workers through her efforts on an interdepartmental safety committee; AND*

WHEREAS, *Ms. Eden will be missed and fondly remembered by her friends, colleagues and many acquaintances throughout the City and in the Library for her conscientiousness, energy, multi-faceted interests and enthusiasm.*

NOW, THEREFORE, BE IT RESOLVED THAT *the City Council, on behalf of the Citizens and Staff of the City of Takoma Park, commends and thanks Anne Eden for her many contributions and dedicated service to the Library and the Takoma Park community, and extends its best wishes to her in her new position.*

ADOPTED *this 24th day of September, 1996.*

ATTEST:



Thomas H. Espinosa
Thomas H. Espinosa
Deputy City Clerk



Introduced By: Councilmember Porter

Resolution No. 1996-53

**Resolution Recommending Conditional Approval
for Special Exception No. 4244 - 7207 Flower Avenue**

WHEREAS, Ms. Catherine F. Scott has submitted an application for a special exception to the Prince George's County Maryland-National Capital Park and Planning Commission for Lot 18, Block 46, Fletcher's Addition to Takoma Park, located at 7207 Flower Avenue, Takoma Park, Maryland; AND

WHEREAS, the applicant is seeking a special exception for conversion of a one-family detached dwelling to three units in the R-55 zone; AND

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

WHEREAS, the special exception application has been reviewed by City staff, who recommend **Conditional Approval** of the application on the basis of analysis contained in the pertinent staff report dated September 13, 1996; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on the matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Zoning Hearing Examiner **Approve** the Special Exception, with the following **Condition**:

—That the applicant provide screening (either landscaping or an opaque fence or wall) at least 3 feet high along the east side of the parking lot to screen car headlights from adjoining properties.

BE IT FURTHER RESOLVED THAT, if this Special Exception is approved, the City Administrator or her designee will require the applicant to meet additional conditions under the City's housing code prior to granting a rental license.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 24TH DAY OF SEPTEMBER, 1996.

Introduced By: Councilmember Porter

Resolution No. 1996-54

**Resolution Recommending Denial of
Special Exception No. 4245 and Departure from Parking and Loading Spaces No. 218
6906 New Hampshire Avenue**

- WHEREAS, Dr. Abdul Rauf has submitted applications for a special exception and a departure from parking and loading spaces to the Prince George's County Maryland-National Capital Park and Planning Commission for Lot 11, Block 109, Glazewood Manor, located at 6906 New Hampshire Avenue, Takoma Park, Maryland; AND
- WHEREAS, the applicant is seeking a special exception for a medical practitioner's office in a one-family detached dwelling in the R-55 zone and a departure from parking and loading spaces of seven (7) spaces for this use; AND
- WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND
- WHEREAS, the applications have been reviewed by City staff, who recommend **Denial** of both applications on the basis of analysis contained in the pertinent staff report dated September 13, 1996; AND
- WHEREAS, the City has provided public notice and the Council has taken public comment on the matters; AND
- WHEREAS, the Council finds that the applications do not meet the required findings for the special exception and the departure from parking and loading spaces for the following reasons:
1. Approval of the applications is likely to encourage further non-retail commercial activities along New Hampshire Avenue. The location of the property on New Hampshire Avenue makes the area particularly vulnerable to such conversions, which could harm the residential character of the area and impair the integrity of the Master Plan.
 2. Approval will also create a vacant residential unit that will not be supervised during non-office hours, creating a potential nuisance. Unauthorized office use of the residential unit would also be difficult to monitor. If the residential unit is rented, although additional parking is not required by the zoning ordinance, the parking needs of the residents may conflict with the employees and patients of the medical practice.

3. The specialist nature of the doctor's practice (urologist) is not primarily neighborhood-serving. Appropriate commercial office space is not currently available in the immediate neighborhood, but is available at the intersection of New Hampshire and University Avenues, which is approximately one mile away.
4. The front of the property has been altered so that the current use alters the residential character and appearance of the premises.
5. The applicant is requesting a departure of seven of the eight spaces required. No additional parking can be provided on-site. Only six spaces are available on the service road, and only one off-street space can be counted on the property. While the current medical office does not create a parking problem in the neighborhood, the special exception would allow up to six employees (two practitioners and four nonprofessional assistants). If another, more intensive medical office replaces the existing office, or if the residential unit is rented, parking problems could result.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Prince George's County Planning Board and the Zoning Hearing Examiner Deny Special Exception No. 4245 and Departure from Parking and Loading Spaces No. 218 because the proposed use:

1. is not in harmony with the purpose of the Zoning Ordinance;
2. could harm the residential character of the area and impair the integrity of the Master Plan;
3. could adversely affect the health, safety, or welfare of residents or workers in the area;
4. could be detrimental to the use or development of adjacent properties; and
5. alters the residential character and appearance of the premises.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 24TH DAY OF SEPTEMBER, 1996.

Introduced by: Councilmember Porter

RESOLUTION 1996 - 55

A Resolution to adopt the recommendations of the Community Advisory Committee regarding funding proposals to Montgomery County for Program Year 23 and to authorize staff to submit proposal applications.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds as a passthrough from Montgomery County for PY 23; AND

WHEREAS, the Community Advisory Committee composed of community representatives has prepared recommendations for Council consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND that the following proposal recommendations for PY 23 CDBG are hereby adopted as listed below and that City staff is hereby authorized to submit applications for funding to Montgomery County (proposal requests for Project Reclaim and Takoma Junction are based on estimated passthrough of \$160,000):

<u>ACTIVITY</u>	<u>AMOUNT</u>
1. Recreation Department Outreach	\$16,680
2. New Hampshire Avenue Streetscape	\$68,116
3. Project Reclaim, Year 3	\$67,704
4. Takoma Junction Public Improvements	\$ 8,500

BE IT FURTHER RESOLVED THAT City staff is hereby directed to apply any additional funds from the passthrough allocation from Montgomery County over the amount requested to Project Reclaim and any decrease to Takoma Junction Public Improvements.

ADOPTED THIS 24th DAY OF SEPTEMBER, 1996.

Introduced by: Councilmember Williams

RESOLUTION #1996-56

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF TAKOMA PARK, MARYLAND, TO REIMBURSE EXPENDITURES TO BE INCURRED WITH RESPECT TO CERTAIN PROJECTS OR PROGRAMS OR FROM CERTAIN FUNDS WITH THE PROCEEDS OF DEBT TO BE ISSUED BY THE CITY OF TAKOMA PARK, MARYLAND

WHEREAS, to facilitate an efficient borrowing program, the City of Takoma Park, Maryland (the "Issuer") may expend money on certain projects or programs or from certain funds prior to the issuance of debt by the City of Takoma Park for such purposes; and

WHEREAS, the Issuer intends to reimburse any such expenditures from the proceeds of debt to be issued by the Issuer; and

WHEREAS, to comply with applicable provisions of the Internal Revenue Code of 1986, as amended, and Section 1.150-2 of the Income Tax Regulations, it is necessary, in order to reimburse any such expenditures with the proceeds of tax-exempt debt, that the City Council of Takoma Park declare the official intent of the Issuer to make reimbursement of any such expenditures with the proceeds of such tax exempt debt.

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

- 1) The Issuer may expend money on various street and storm drain infrastructure improvements projects, the acquisition of equipment, and renovation of various City buildings, (known as "Capital Projects" as described in the Capital Improvement Program) prior to the issuance of bonds or other debt obligations to reimburse such expenditures.
- 2) The Capital Projects to be financed with the proceeds of the Bonds includes all costs associated with the designing, developing, acquiring, constructing, equipping and inspecting the Projects (including without limitation rehabilitation costs).
- 3) The Issuer reasonably expects to issue debt obligations for this project in an amount not to exceed \$1,500,000.00 and to reimburse Capital Project costs with debt obligations not to exceed same amount.
- 4) This Resolution is intended to be the Issuer's official intent under Treasury regulations Section 1.150.2.

BE IT FURTHER RESOLVED THAT this Resolution shall become effective immediately.

ADOPTED this 24th day of September, 1996.

Ordinance #1996- 31

**AN ORDINANCE concerning Maryland Neighborhood Business Development Program
Proposed Revitalization Areas**

WHEREAS, the City desires the designation "650/410 Gateway Commercial Revitalization District", as a "designated neighborhood" for participation in the Neighborhood Business Development Program (NBDP) of the State of Maryland Department of Housing and Community Development.

WHEREAS, COMAR 05.13.01 has established a Neighborhood Business Development Program (the "Program") under the jurisdiction of the Secretary of Housing and Community Development for the purposed of:

- (a) Assisting in the development, redevelopment, or expansion of small business enterprises in designated neighborhoods;
- (b) Stimulating investment by the private sector in designated neighborhoods;
- (c) Investing in small business revitalization projects in designated neighborhoods; and
- (d) Stimulating the participation of local jurisdictions in developing and expanding small business enterprises in designated neighborhoods.

WHEREAS, COMAR 05.13.09A requires that "designated neighborhoods" be established by local jurisdictions in accordance with the following factors:

- (a) The availability, cost, and condition of business facilities;
- (b) The age and number of abandoned structures;
- (c) The age and number of substandard structures;
- (d) The income of residents relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;
- (e) The extent of unemployment and the availability in the area of jobs for residents of the designated neighborhood;
- (f) The need for financing for small businesses in order to upgrade the social and economic condition of the designated neighborhoods;

- (g) The neighborhood development or redevelopment strategy of the local jurisdiction for the designated neighborhood;
- (h) Any plans and financial commitment of the local jurisdiction to undertake improvements in the designated neighborhood;
- (I) Standards established for other relevant State or federal programs;
- (j) Local government participation in revitalization activity including whether the local jurisdiction has been designated as an empowerment zone;
- (k) The presence of a special taxing district or historic district;
- (l) Support from community or business organizations; and
- (m) Other revitalization projects undertaken in the designated neighborhood; and

WHEREAS, the City, by this Ordinance, wishes to designate the "650/410 Gateway Commercial Revitalization District located within Takoma Park, Maryland that meets the above-stated factors as a "designated neighborhoods" in order to establish eligibility for participation in the Program.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City of Takoma Park hereby designates "650/410 Gateway Commercial District" as delineated in Attachment "A" as a "designated neighborhood as established by the criteria under COMAR.05.13.09A for participation in NBDP.

ADOPTED THIS 24th DAY OF SEPTEMBER, 1996.

Ayes: Sharp, Chavez, Elrich, Porter, Rubin, Williams
Nays: None
Abstain: None
Absent: Davenport

650/410 Gateway Commercial Revitalization District

