

BRIEFING, REGULAR MEETING AND WORKSESSION

Monday, March 10, 1997

OFFICIALS PRESENT:

Mayor Sharp
Councilmember Davenport
Councilmember Elrich
Councilmember Porter
Councilmember Rubin
Councilmember Williams

City Administrator Habada
Deputy City Clerk Espinosa
Major Wortman
Lieutenant Gowin
Forester Busciano
Recreation Director Bluford
Planning Center Coordinator Ludlow
Executive Director COLTA Lee-Bryant

The City Council convened at 7:40 p.m. on Monday, March 10, 1997, 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 commented on the event at the Takoma Metro Station. Governor Glendening, Delegate Peter Franchot, and other officials were there to announce the covert announcement of Operation Linkage which has been going on for some time. There will be interaction between seven police agencies to combat crime in the Metro area. It was a well attended event and received a lot of good press coverage. This is the beginning of a systematic way of working together in the future; there are ways that police agencies can communicate better to address crime. Coordination is essentially, particularly in border areas like Takoma Park and Mount Rainier.

Mr. Sharp noted that Councilmember Chavez will not be here this evening, he is out of town for the week.

INTRODUCTIONS OF NEW EMPLOYEES

Recreation Director Bluford introduced Rick Purnell, who is in charge of community programs and facilities, and Alex McDonnell, who is the Outreach Program Leader.

Forester Busciano, introduced Mike Law, the new City's gardener who is also a long time

member of the Takoma Park Horticulture Club.

ADOPTION OF MINUTES

Moved by Williams; seconded by Davenport. The Council unanimously adopted the Council Meeting Minutes from 2/18/97.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, referred to Mr. Mitton's letter to the editor which appeared in the Takoma Voice, and expressed his support of the City Administrator. He commented about the County "gun lock" law. Mr. Onyeneke maintained that only law enforcement officers should be allowed to carry guns. He urged the City to renovate the basketball court on the Ed Wilhelm athletic field.

BRIEFING

1. Multi-Jurisdictional Police Operation.

Major Wortman remarked about a series of armed robberies committed in January 1997. Other jurisdictions were consulted. Efforts were coordinated with the Maryland Police Department. Intelligence was shared and joint stake-outs were coordinated. Over a three week period, seven persons were arrested who admitted to numerous robberies in both D.C. and Takoma Park. Later, we got together with other police agencies to discuss better communications, shared resources, strategic operations and joint efforts. He noted that some persons have charges in multiple jurisdictions. Major Wortman commended Lt. Gowin's work as the liaison for Operation Linkage. As a result of covert operations, 60 arrests have been made, and drugs and guns have been confiscated. He commented on how the officers of several jurisdiction have come together in a joint effort to better protect citizens. Major Wortman remarked about the dedication and hard work of the Takoma Park Police officers.

Lieutenant Gowin commented about some of the things to come. In the next few weeks, the City will see an increase in police presence. The idea is to saturate the area with uniformed officers. All of the police jurisdictions taking part in Operation Linkage will be working together over the next fourteen days. The purpose of the program is to target hot spots, increase uniform presence, to strictly enforce traffic rules, and to demonstrate a zero tolerance to drug trafficking. The operation will go on until March 22, after which time the police department will report back to the Council.

Councilmember Rubin requested clarification about heavy uniformed presence, and asked what zero tolerance will look like on the street.

Lt. Gowin said that radar operations will be set up. In the process of making radar stops, it is

expected that some drugs may be uncovered. He remarked that there will also be more foot patrols in the neighboring community.

Councilmember Davenport asked about the long term goal of this program, and questioned whether the P.G. County police are participating.

Lt. Gowin responded that the P.G. County police are involved. He described the phases of the program: Phase I - covert efforts; Phase II - uniformed presence; and Phase III - enhanced communications among jurisdictions.

Mr. Davenport referred to a recent *Washington Post* article regarding gun and drug corridors and increased efforts to eliminate activities in these corridors. He stated that he hopes efforts are not focused at one or another stereotype.

Lt. Gowin remarked that efforts will be spread across the City, simultaneously. The effort is City-wide.

Councilmember Porter commended the Police Department for its efforts, and asked for assurance that this program does not take resources from other efforts in the City.

Mr. Sharp questioned whether the City will be working with P.G. County police to address hot spots just outside of the City in the Langley-Park area.

Lt. Gowin responded. There have been discussions about how to address crime problems in the City's portion of Langley-Park. More joint efforts with the County may come as an off-spring of this program.

Mr. Davenport thanked the Police Department for the work on this program.

Mr. Sharp stated that he will look forward the follow-up briefing.

Councilmember Elrich commented about the Nuisance Abatement Law as an effective law enforcement tool.

Councilmember Williams said that he knows there are some new police officers, and suggested that these employees be introduced to the Council and public.

Mr. Rubin said that the press conference was very inspiring and gave a lot of people an optimistic outlook. The message being sent out is that we are a caring community which will not be victimized. He commented on the mobilization of residents as a result of neighborhood crime. Because people did not let their anger paralyze them, they were able to join together and push for a program like Operation Linkage. The characteristics of a close-knit neighborhood contribute to crime prevention. There is a lot that can be done to stop criminal behavior in the future. The

main things to do are to expand, strengthen and make a permanent part of community life the efforts already being undertaken by residents (e.g., community watch, whistle alert, phone trees, call boxes, etc.) and community oriented policing.

REGULAR MEETING

2. Resolution re: Special Exception Application (6604 Allegheny Avenue). Moved by Williams; seconded by Porter.

Mr. Williams asked the applicant to speak to the point about whether there are/were three or two units.

Bob Muma stated that there are currently two units, in what was originally a three unit building. At one point, it was decided that it would be better to have two units versus three.

Mr. Williams confirmed that the building is being renovated as two units. He said that there is some question as to whether the building was rented since 1983.

Mr. Muma responded that the building was rented up to 1988, but not entirely since one unit was no longer being rented. During some of the building rehabilitation, only the basement unit was rentable. He said that during the renovation work, the rental unit license was dropped by the City since the units were no longer being rented. He described the building as a house with a basement unit.

Ms. Porter asked what is the completion date for the renovations.

Mr. Muma responded that the work the completion date is July 1997. He described the work that is underway. He said that he is not involved in any other renovation project, simultaneously.

Mr. Davenport confirmed that there will no be a third unit after the renovations are complete.

Mr. Rubin asked Mr. Williams whether he has a general feeling about the neighborhood sentiment regarding this project.

Mr. Williams stated that the only objections he has heard are those the Council has seen in writing over the past week. Not that many people have commented on the project.

Reid Baron said that he is interested in seeing the project finished. He remarked that some of the people who have spoken out are not necessarily opposed to the construction project but would like to see it completed. He suggested that the owner commit to a completion date. He challenged Mr. Muma's statement about the building being occupied after 1983. Mr. Baron requested a work plan.

Mr. Williams referred to Mr. Baron's three conditions, and stated that providing a work plan and some kind of invitation to the community to obtain information are reasonable. He questioned the condition to "maintain the integrity of the neighborhood."

Mr. Baron commented on the condition.

Planner George remarked about the conditions included in the proposed resolution.

Mr. Williams suggested two additional conditions: (1) owners provide a work plan for the project, specifying a completion date, and (2) owners distribute a written invitation to the neighborhood (i.e., block and immediate adjacent neighbors) inviting them to visit the site and discuss questions.

Ms. George stated that the County and the Zoning Officials will be focusing on the zoning issues and not the two additional conditions being proposed.

Mr. Muma stated that he would like to host an open house at some point, as opposed to the proposed meeting.

Ms. George noted that this case was reviewed by the Planning Board, will be before the Zoning Hearing Examiner on April 2.

Mr. Williams proposed the following additional conditions: "the owner provide a work plan and attend an informal meeting to be moderated by Councilmember Williams to discuss the situation."

Ms. George asked whether this meeting will happen before the case goes to the Zoning Hearing Examiner.

Mr. Williams responded in the affirmative.

Ms. Porter noted that Ms. George stated that it would be difficult to recommend that the County attach these conditions to approval of the Special Exception, and asked whether we could attach them as conditions to the City Council's approval. Essentially, if these conditions are not satisfied, the Council's resolution of approval will not be forwarded to the Zoning Hearing Examiner.

Mr. Williams moved to table the resolution; seconded by Ms. Porter. (Motion accepted unanimously.)

3. Resolution re: Farmers Market -- Street Closure. Ms. Sharp explained the resolution. Moved by Rubin; seconded by Davenport.

Benjamin Onyeneke, Maple Avenue, commented on the merits of having fresh foods available for children, and supported adoption of the resolution.

Resolution #1997-10 was adopted unanimously, authorizing the closing of Laurel Avenue between Eastern Avenue and Carroll Avenue for the operation of the Takoma Park Farmers Market on Sundays from April 20 through December 21, 1997, 9:00 a.m. to 2:30 p.m. (VOTING FOR: Sharp, Davenport, Elrich, Porter, Rubin; ABSENT: Chavez, Williams).

RESOLUTION #1997-10
(Attached)

4. 2nd Reading Ordinance re: Article 7. Landlord-Tenant Relations. Mr. Sharp described the ordinance. Moved by Davenport; seconded by Elrich.

Mr. Williams referred to the memorandum where it pertains to the “actual and reasonable interest rate” definition, and asked whether it precludes using actual interest.

Executive Director COLTA, Lee-Bryant, stated that the language was written by the Rents Analyst, and that she can obtain an answer from the Analyst and get back to the Council.

Mr. Williams said that the concern was raised that this definition would preclude actual interest, and that if this is the case, he stated his opposition to the definition. He explained the concern.

Mr. Rubin asked what problem would be created.

Mr. Williams asked how the interest which is applied to each of the improvements can be allocated, if all a part of one big loan. He queried how it will be determined what the rent increase will be for a particular item.

Mr. Rubin questioned whether this has always been a problem.

Ms. Lee-Bryant stated that it may well have always been a problem and that this is part of the reason for adopting language to set a standard.

Mr. Elrich said that as a whole, things should balance out because the payments would remain constant.

Ms. Porter remarked that this does not seem to be an insurmountable problem, as long as a standard is set which is consistently applied to all landlords.

Benjamin Onyeneke, Maple Avenue, said that one of the primary reasons tenants leave Takoma Park is in response to a feeling of lack of security. He urged the Council to support a law which would require landlords to provide security for tenants.

Larry Ravitz (landlord) encouraged the Council to adopt legislation which would allow landlords to install security systems as a capital improvement. He commented that his understanding of the

net effect of the proposed definition would actually diminish the amount of interest he would recoup.

Mr. Elrich stated that the City's Rents Analyst said that the definition should not increase the cost to the landlord or hide interest.

Mr. Ravitz responded that the person he consulted with explained that this definition will preclude a landlord from getting a return on interest. He stated that he would be willing to ask Peter Dean to provide the Council with a scenario illustrating the concern which could then be shared with the City's Analyst.

Mr. Williams proposed that the Council consider the ordinance with this one item removed. (No objections were stated.)

Ordinance #1997-9 as amended, was adopted unanimously, amending Article 7 (Landlord-Tenant Relations) (VOTING FOR: Sharp, Davenport, Elrich, Porter, Rubin, Williams; ABSENT: Chavez).

ORDINANCE #1997-9
(Attached)

5. Resolution re: Unification-related Transitional Text Amendments. Planning Center Coordinator Ludlow explained the two resolutions.

Mr. Sharp asked whether the Council needs to put forth the denial resolution regarding the Grandfathering Text Amendment.

Ms. Habada responded, explaining that the Council can wait on this resolution to see what the upcoming versions of the grandfathering text amendment would look like. She said that the question is whether to oppose the proposed amendments which went forward to Ms. Praisner, which did not meet with the City Council's policy.

Ms. Porter expressed concern about passing a denial resolution at this point.

Moved by Elrich; seconded by Porter. Ms. Porter explained the intent of the resolution.

Resolution #1997-11 was adopted unanimously, recommending approval of proposed unification-related transitional text amendments (VOTING FOR: Sharp, Davenport, Elrich, Porter, Rubin, Williams; ABSENT: Chavez).

RESOLUTION #1997-11
(Attached)

6. Resolution re: Unification-related Sectional Map Amendment and Grandfathering Text Amendment. The Council reached consensus not to address the resolution regarding the Unification-related Grandfathering Text Amendment (Agenda Item #6).

7. Resolution re: Tree Commission. Mr. Sharp explained that the Council will be discussing expansion of the Tree Commission membership.

Ms. Porter stated that the person she would nominate would not be able to serve on the upcoming hearings, and that for this reason, she would support appointment of two other candidates.

Mr. Rubin nominated Michael Guercin for appointment. Mr. Williams nominated Jeffrey Trunzo for appointment. The resolution with these two names was moved by Mr. Rubin (seconded by Williams).

Resolution #1997-12 was adopted unanimously, appointing Michael Guercin (expiration date 9/30/97) and Jeffrey Trunzo (expiration date 9/30/98) to the Tree Commission (VOTING FOR: Sharp, Davenport, Elrich, Porter, Rubin, Williams; ABSENT: Chavez).

RESOLUTION #1997-12
(Attached)

ADDITIONAL AGENDA ITEM

8. Resolution re: Fire and Rescue Concerns. Mr. Rubin proposed two revisions to the resolution: (1) delete “two from Takoma Park”, and (2) in the next sentence regarding adding a ladder truck, add “and an engine company”. With these changes, Mr. Rubin moved the resolution; seconded by Williams. Mr. Rubin stated that this resolution puts the City on record as being very eager and concerned about preserving its own fire services, and the City wants to work with neighbors to preserve their fire services. The down-county is being served well with existing services. It turns out that the proposal to cut services to Silver Spring with consolidation of stations would have the effect of cutting services to the City. He noted that Bob and Jim Jarboe from TPVFD, Nancy Cohen, and two volunteers from the Silver Spring Volunteer Fire Department, are present this evening.

Ms. Porter expressed support for the resolution. She suggested that the first whereas clause be deleted. It appears to be a bit defensive, when the rest of the resolution is on a positive note. (Accepted by Rubin and Williams)

Nancy Cohen, volunteer with TPVFD and Silver Spring, noted the President and Chief of the SSVFD. She expressed appreciation to the Council for considering this resolution.

Ms. Porter thanked Ms. Cohen for her letter to the editor on this issue.

Mr. Elrich expressed support for the resolution.

Resolution #1997-13 was adopted unanimously, regarding area fire and rescue concerns (VOTING FOR: Sharp, Davenport, Elrich, Porter, Rubin, Williams; ABSENT: Chavez).

RESOLUTION #1997-13
(Attached)

WORKSESSION / ADJOURNMENT

The Council moved into Worksession at 9:20 p.m. Following the Worksession, the Council adjourned for the evening at 9:47 p.m.

Introduced by: Councilmember Rubin

RESOLUTION NO. 1997-10

A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM APRIL 20 THROUGH DECEMBER 21, 1997, 9:00 A.M. TO 2:30 P.M.

WHEREAS, Takoma Park Farmers' Market (the "Market") has operated on Laurel Avenue in the Takoma Old Town Business District of the City since 1983; AND

WHEREAS, the Market has been a tremendous success that benefits the Takoma Old Town economy and the Takoma Park community as a whole; AND

WHEREAS, the City Council of the City of Takoma Park desires to continue to support the Market on Laurel Avenue in the Takoma Old Town Business District; AND

WHEREAS, in order for the Market to operate in a safe and effective manner, Laurel Avenue must be closed between Carroll and Eastern Avenues to accommodate the participating vendors, their stands and their customers; AND

WHEREAS, Section 11-24(a) of the TAKOMA PARK CODE requires the approval of the City Council prior to closing a street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or her designee) is hereby authorized and empowered to develop, adopt, and promulgate such guidelines and policies as may from time to time be necessary for the operation of the Takoma Park Farmers Market.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT Laurel Avenue between Carroll and Eastern Avenues shall be closed to all through traffic for operation of the Takoma Park Farmers Market on the following dates during the following times:

Every Sunday from and including 20 April 1997 -
21 December 1997, from 9:00 a.m. to 2:30 p.m.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT parking on Laurel Avenue between Carroll and Eastern Avenues shall be prohibited on the dates and during the times set forth above, except for officially permitted vendors participating in the Takoma Park Farmers' Market.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT in the event that there are fewer than ten vendors participating in the Market on a given Sunday, the City Administrator (or her designee) may, at his/her discretion, open the northbound lanes of Laurel Avenue to through traffic between Carroll and Eastern Avenues. In this event, parking shall be permitted in those spaces so designated along the northbound lanes of Laurel Avenue.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or her designee) is hereby authorized to arrange for the physical closing of Laurel Avenue between Carroll and Eastern Avenues and the posting of appropriate signs.

ADOPTED THIS 10th DAY OF MARCH, 1997.

Introduced By: Councilmember Williams

Resolution No. 1997-11

**Resolution Recommending Approval of Proposed Unification-Related
Transitional Text Amendments**

WHEREAS, the Montgomery County Planning Department has proposed zoning and subdivision text amendments to ensure a smooth transition to Montgomery County's land use regulations for the unification area of Takoma Park; AND

WHEREAS, for new applications for development approval, there are dates beyond which it could not be reasonably expected that Prince George's County would be able to accept applications for review and action before the July 1, 1997 date of Unification; AND

WHEREAS, absent these transitional text amendments, Montgomery County would not be able to accept these applications to begin the formal review process before July 1, 1997, thus resulting in a de facto moratorium on new development within the unification area; AND

WHEREAS, some applicants have already received preliminary approvals from Prince George's County but will not be able to receive final subdivision or building permit approval from Prince George's County before the July 1, 1997 date of Unification; AND

WHEREAS, those preliminary approval decisions should be respected by Montgomery County so that applicants may continue from that stage in the process with Montgomery County development review staff and not be forced to begin the review process again;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends that the Montgomery County Council **Approve** the Unification-related zoning and subdivision transitional text amendments to Chapter 59 of the Montgomery County Zoning Ordinance and Chapter 50 of the Montgomery County Subdivision Regulations, respectively.

BE IT FURTHER RESOLVED THAT while the Council understands Montgomery County's need for some discretionary language in these text amendments as to the acceptability of previous preliminary approval decisions, the presumption should be to accept those preliminary approval decisions by Prince George's County unless real harm can be reasonably expected to occur by so doing.

ADOPTED THIS 10TH DAY OF MARCH, 1997.

ATTEST:

Catherine E. W. Sartoph, CMC
City Clerk

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Introduced By: Councilmember Rubin

RESOLUTION #1997 - 12
APPOINTING MEMBERS OF THE
CITY OF TAKOMA PARK TREE COMMISSION

WHEREAS, Ordinance #2674, as amended, adopted by the Takoma Park City Council on June 27, 1983. established the Tree Commission for the purpose of preserving, protecting, and promoting the urban forest of Takoma Park; AND

WHEREAS, There are currently two vacancies on the Commission; AND

WHEREAS, Council has interviewed residents who have expressed interest in serving as Commission Members, and Michael Guercin and Jeffrey Trunzo have agreed to serve; AND

WHEREAS, One appointment will have an expiration date of September 30, 1997, and one appointment will have an expiration date of September 30, 1998, in accordance with the provisions of City of Takoma Park, Maryland, Ordinance #1996-36 (Amending Several Sections of the City Code to Add General Provisions Regarding Statutory Council-appointed Committees).

NOW, THEREFORE, BE IT RESOLVED, THAT the following individuals be and they hereby are appointed as Members of the Takoma Park Tree Commission, with the expiration dates of their respective terms as indicated:

<u>Name/Address</u>	<u>Term Expires</u>
Michael Guercin 7406 Cedar Avenue	September 30, 1997
Jeffrey Trunzo 119 Sherman Avenue	September 30, 1998

AND BE IT FURTHER RESOLVED, THAT these appointments are effective immediately.

ADOPTED this 10th day of March, 1997.

Introduced By: Councilmember Rubin

RESOLUTION #1997 - 13

REGARDING AREA FIRE AND RESCUE CONCERNS

WHEREAS, the twin goals of the City of Takoma Park have always been to preserve our current fire station and its fire and rescue services while supporting the efforts of our Silver Spring neighbors to preserve their fire stations and rescue services; AND

WHEREAS, the City of Takoma Park is eager to help Montgomery County find options for meeting its budget-planning goals in ways that do not diminish essential public services; AND

WHEREAS, the recommendation of the Silver Spring/Takoma Park Fire Rescue Work Group to the Fire and Rescue Commission to consolidate Stations 1 and 19 would result in service cuts to Takoma Park and its Silver Spring neighbors and would lengthen the time it takes for fire and rescue squads to respond to emergencies in the Takoma Park/Silver Spring area by:

- eliminating six (6) personnel,
- eliminating one (1) ladder truck and one (1) engine company
- moving the paramedic unit that provides advanced life support services for Takoma Park from Georgia and Silver Spring Avenues to upper Spring Street, and
- designating firehouses located long distances from the Takoma Park/Silver Spring area as “next due” firehouses — those which will answer service calls if the closest firehouse is occupied; AND

WHEREAS, the Takoma Park/Silver Spring area is continually at risk because of the density of its population and buildings, the aging nature of its homes, and the narrowness and congestion many of its residential streets; AND

WHEREAS, the population of the Takoma Park service area has increased through annexation and unification.

NOW, THEREFORE, BE IT RESOLVED, THAT the Council of the City of Takoma Park urges the Montgomery County Council, the Montgomery County Executive, the Montgomery County Fire and Rescue Commission, the Silver Spring Redevelopment Steering Committee, and all other relevant bodies, to recommend and support preservation of the current levels of fire and rescue services in the Down County area; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park will join with Silver Spring resident associations, other area residents, and all area fire departments/corporations to work for no diminution of fire and rescue services and the maintenance of four stations in the Takoma Park/Silver Spring area (three in Silver Spring); AND

BE IT FURTHER RESOLVED, THAT the City Administrator of Takoma Park is hereby directed to inform the Montgomery County Council, the Montgomery County Executive, the Montgomery County Fire and Rescue Commission, the Silver Spring Redevelopment Steering Committee, and other relevant bodies, that there is no acceptable site in Takoma Park for a consolidated fire station; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park is eager to work with Montgomery County to develop plans for meeting County budgetary objectives without cutting essential services.

ADOPTED this 10th day of March, 1997.

Introduced By:
Councilmember Davenport

First Reading: 2/24/97
Second Reading: 3/10/97

ORDINANCE NO. 1997-9

LANDLORD-TENANT RELATIONS
(CHAPTER 6, ARTICLE 7 OF THE TAKOMA PARK CODE)

WHEREAS, Chapter 6, Article 7, Landlord-Tenant Relations, of the Takoma Park Code has outlined the rights and responsibilities of landlords and tenants in Takoma Park; and

WHEREAS, through continual administration of Chapter 6, Article 7, Landlord-Tenant Relations of the Takoma Park Code, the City Council has determined a need for clarifying language and minor technical changes to the law; and

WHEREAS, the City Council believes that the changes made to Chapter 6, Article 7, Landlord-Tenant Relations of the Takoma Park Code, by this Ordinance, further improves the law and its aim at promoting fair and equitable relations between landlords and tenants in the City of Takoma Park; and

WHEREAS, the City Council desires to extend the appeal time for rent increase petitions when a need for additional time is demonstrated by a party to a rent increase petition; and

WHEREAS, the City Council supports the use of voluntary escrow accounts by landlords and tenants during the pendency of rent increase petitions; and

WHEREAS, the City Council believes that the changes in the amortization schedule used in rent increase petitions and the elimination of the rent rollback after the amortization period expires is equitable for landlords and tenants; and

WHEREAS, for the foregoing reasons, the City Council hereby adopts this Ordinance revising Chapter 6, Housing, Article 7, Landlord-Tenant Relations of the Takoma Park Code; and

WHEREAS, the City Council adopts, ratifies and incorporates by reference the purposes and policies for revising the City of Takoma Park's Landlord-Tenant Relations Law as set forth.

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

SECTION 1. Chapter 6, Article 7, of the Takoma Park Code is hereby amended as follows:

SECTION 2. This Ordinance shall be effective immediately.

Adopted this 10th day of March, 1997, by roll-call vote as follows:

Aye: Sharp, Davenport, Elrich, Porter, Williams and Rubin
Nay: None
Abstain: None
Absent: Chavez

EXPLANATION:

1. ~~Additions~~ to the current language of the Takoma Park Code are shown by ~~shading~~.
2. ~~Deletions~~ to the current language of the Takoma Park Code are shown by ~~strickeouts~~.

CITY OF TAKOMA PARK, MARYLAND

(FINAL 4/8/97)

BRIEFING, REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION

Monday, March 24, 1997

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Senior Planner Schwartz

The City Council convened at 7:34 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

ADDITIONAL AGENDA ITEM

Assistant City Administrator Hobbs requested that a discussion of the Elson Place bridge be added to the Worksession agenda.

Councilmember Porter noted that she had a discussion with the current Chair of the Tree Commission, and as a result of their conversation, she asked to remove Item #6 from the agenda.

Mayor Sharp added his understanding that the matter of expanding the Commission may become moot with a possible resignation.

COUNCIL MEETING MINUTES

(Moved by Williams; Seconded by Porter) The Minutes from 2/24/97 were adopted unanimously.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), commended the joint venture of the Takoma Park Police Department and Metro Police. He encouraged more foot patrols and officers generalized to the community. He said that he looks forward to welcoming the new Police Chief.

BRIEFING

1. Montgomery College Expansion Plan -- New Proposals. Senior Planner Schwartz noted the public hearing scheduled for April 14. She commented on a letter from the North Takoma Citizens Association to Dr. Parilla of the College expressing appreciation for the task force meeting held on Wednesday, March 5. She introduced representatives from the College.

Heija Wheeler (Montgomery College) commented on the March 5 agenda and the great deal of clarification for the community and college which resulted from the meeting.

Mr. Sharp requested a brief presentation about some of the changes to the earlier plans.

Ms. Wheeler explained that all expansion options took into consideration current academic space needs, current and future programmatic needs, ADA and other regulatory compliance, cost efficiencies, and community needs. She explained why the baseline concept plan was ruled out-- i.e., it does not provide for future programmatic needs. She described Concept Plans 1 and 2.

Concept Plan 1: She commented that out of the community meeting arose a suggestion to move Fenton street over closer to the railroad tracks, so there would be only one barrier (Fenton Street along side the tracks) between the current campus and Blair Park. The suggestion was well received by people discussing the plan. Another thing discussed was the fact that because of the age and terrain of the campus, the campus is very ill-suited to meet the new technologies that are being incorporated into the college. One possible solution would be to take the buildings overlooking the railroad tracks (Science north/south buildings) and renovate them to a more than two-story height. Another suggestion was to buy the commercial properties along the small end of the triangle as the site of the first building (student services--media resources, technology support). Then a pedestrian bridge could be built across the tracks into the park, making sure that the transition to Georgia Avenue buildings would be safe. There remains a need to shield the Giant Food site, and the trucks entering and leaving the site would need to be re-routed. She said that the college would also need additional parking, and suggested that it might be possible to design something to provide adequate parking. Ms. Wheeler stated that one concern of the College President is that this project not drag on for 10-15 years because the college would be in a state of constant renovation. She concluded that if the College goes with this Plan, it would be accomplished in 3-4 phases.

Councilmember Rubin added his thanks for the College's meeting with the North Takoma Citizens Association, and remarked that the meeting with Dr. Parilla, Ms. Wheeler, Ms. Habada, and Ms. Ludlow was also very productive. He requested that Ms. Wheeler speak to the characterization of the proposed changes.

Ms. Wheeler responded that at one time, the College was talking about conditions for the different plans, but that what was characterized as "conditions" were really "ideas" that the College President had in reaction to the Plans. She added that the College is also interested in creating an entry for the campus (e.g., a sign and possibly some green space--a couple of properties on Fenton Street).

Councilmember Davenport questioned whether the proposed street closures would be permanent, and what would be the effect on residents.

Ms. Wheeler described the proposed street closures, but stated that one alternative to closing Fenton Street from the parking garage to East-West Highway, is the idea to move Fenton Street against the tracks. She went on to describe the proposed expansion along the Georgia Avenue corridor. Ms. Wheeler stated that the most time at the March 5 meeting was spent discussing Plan 1, and continued with a brief presentation of Concept Plan 2.

Concept Plan 2: This plan cannot be phased-in. In order for it to be effective, it would need to be done all at once--entire campus built in one shot. She commented that the President is concerned with this single phase approach and the fact that the playing fields on Jessup/Blair park would not be easily accessible. The cost is also a concern.

Mr. Rubin commented on the issue of the College having more control over the scheduling of activities in Jessup/Blair Park.

Ms. Wheeler explained that for the College to be able to plan physical education curriculum, there would need to be more control over scheduling activities in the park. There would at least need to be an assurance that the College would have preference in scheduling.

Mr. Rubin stated that he does not believe this would be a problem with the community.

Ms. Wheeler noted that in Plan 2, there is a little piece of vacant property which is currently zoned for apartment housing, which would be proposed in addition to the Canada Dry site. The College would like to also acquire this piece of land to provide one continuous flow of buildings. There would still need to be some passage across the tracks.

Mr. Rubin pointed out the general lack of open space in Plan 2.

Ms. Wheeler remarked that urban campuses have to be conceptualized in a slightly different way, adding that she knows of many successful urban campuses. The College would have to rely on a good architect to provide an open, needs-meeting design.

Paul Christowsky, Takoma Avenue, expressed appreciation for Task Force meeting. He said that many residents are concerned that the Task Force will meet its demise with the larger Silver Spring Task Force at work, and he presented the idea of establishing this community Task Force as a permanent committee ("town gown"). He requested that the Council and College consider this proposal. In regards to Plan 2, he remarked that the residents would consider single family detached homes an appropriate alternative use for the current campus. It would be preferred if these home maintain the density of current housing stock, and that they be consistent with the historic nature of homes in this area. He expressed concern about property values in North Takoma.

Stacey Gurian-Sherman, 527 Albany Avenue, echoed the idea about a permanent committee. She related comments from the March 18 Board of Trustees Meeting. (1) The lynch pin in Plan 1 is access to the park. The community agrees with the concern about parking, and recognizes that the college needs some streets in the interior of the campus to be closed off for more “walking campus.” (2) She noted that Dr. Parilla stated that for the first time in 17 years he thought the community believed in the college’s need to expand. Ms. Sherman stated that the residents still desire to be consulted on issues. She used a map to illustrate the proposal to move Fenton Street over against the tracks. She remarked that things are going well between the community and College, and said that she hopes the college decides soon that expansion is the best option. Ms. Sherman emphasized that the community cannot promise to support closing Fenton Street because residents do not currently know enough about this proposal. She added that there are also areas where residents would definitely not want to see the heights of buildings increased.

Benjamin Onyeneke, Maple Avenue, asked whether students been surveyed about their vision of the future campus, and questioned the timing of the project.

Joe White (Montgomery College) remarked that the College is facing serious problems, and that the project needs to move forward. The quickest the College can get through the State aid funding process is FY99. However, the process has to go through the County process before going to the State.

Mr. Sharp restated that a public hearing is scheduled in two weeks.

Mr. Rubin said that between now and the public hearing, there are no pressing actions which have to take place in regards to the proposals. He confirmed that Dr. Parilla is talking about making a recommendation in mid-May. Mr. Rubin said that he was hoping to hold the first meeting of the Town Gown Committee before the public hearing, and emphasized that the College expansion is not the only topic for discussion by the committee. The committee is meant to focus on community/college concerns. He offered to contact representatives about a meeting date.

Ms. Schwartz proposed that the next steps for Council could be a Worksession discussion of a resolution on April 21 with consideration for adoption on April 28.

REGULAR MEETING

2. Resolution re: Special Exception Application (6604 Allegheny Avenue). Mr. Sharp recalled that this item was tabled until this evening to provide an opportunity for a neighborhood meeting, which has occurred.

Councilmember Williams stated that the individuals who appeared at the last Council meeting with concerns, now feel that their issues have been resolved with the time table provided at the walk-through. He said that as long as the owners stick with the time table (no reason that they won’t with unification approaching), there are no objections.

The item was removed from the table. Moved by Williams; seconded by Davenport.

Ms. Porter confirmed that all concerns have been satisfied, and that the remaining conditions on the City's approval are conditions that Park and Planning has required.

Mr. Davenport noted an amendment to change "1996" to "1997" in the adopted date line of the resolution.

Resolution #1997-14 was adopted unanimously, recommending approval of Special Exception No. 4262 (6604 Allegheny Avenue) (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1997-14
(Attached)**

3. Resolution re: Public Safety Citizens Advisory Committee (PSCAC) Expansion. Mr. Sharp recalled that the Council had a discussion last week about expanding the membership to accommodate more applicants than spaces on the committee.

Moved by Davenport; seconded by Williams.

Mr. Davenport expressed support for the resolution.

Mr. Chavez asked whether the resolution should state a specific number of members rather than "not to exceed 12".

Mr. Sharp suggested that the Council needs to start making appointments, even if not to fill all 12 positions at one time.

Benjamin Onyeneke, Maple Avenue, supported increasing the membership, but suggested that it be limited to 10 members. He also proposed that there be a deadline for applications.

Resolution #1997-15 was adopted unanimously, expanding the membership of the PSCAC to no more than 12 member (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

**RESOLUTION #1997-15
(Attached)**

4. Resolution re: Takoma Park-Silver Spring Food Cooperative (TPSS). Moved by Davenport; seconded by Chavez.

Ms. Porter explained that the Council has been talking about providing some assistance to the Co-op, for some time, and feels that it is a good thing to do. The Co-op is viewed as the centerpiece for the Junction, and there are advantages for the Co-op and community in its relocation. She

said that this is in the form of a grant because it turns out that the Co-op's other financing would be jeopardized if this is not a grant. The City cannot legally attach conditions to grant; however, there is an understanding with Co-op that something will be provided to the City in return for this assistance. She noted that the City has also committed to providing some parking for the Co-op.

Mr. Sharp remarked that he is sorry that things have worked out in such a way that the City cannot make a direct relationship between the two things (i.e., grant and loan). He expressed his strong feeling that there needs to be something coming back to the City (e.g., money coming back to work on further revitalization of the Junction) from the Co-op. He remarked that while he appreciates the offer to assist with labor in future development of the Junction, he would prefer to see the "return" in the form of money. Mr. Williams agreed.

Councilmember Elrich requested that staff to have further discussions along these lines with the Co-op so the City's expectations are clear.

City Administrator Habada stated that she has had discussions with the Co-op about parking and configuration of the loading dock. The expectations of the City for the Co-op to provide a "return" to the City has not been made explicit.

Mr. Davenport questioned how many parking spaces are the Co-op requesting. Ms. Habada responded that the Co-op needs a total of 32 spaces, 15 of which the City will provide.

Resolution #1997-16 was adopted unanimously, authorizing a grant in the amount of \$125,000 to the Takoma Park Silver Spring Cooperative for renovation of the Turner Electric property located in the Takoma Junction commercial area--assistance to be made available from the Capital Project Grant received by the City from the State of Maryland (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams).

RESOLUTION #1997-16
(Attached)

WORKSESSION

Moved by Rubin; Seconded by Davenport. The Council temporarily adjourned to Worksession to discuss (1) proposed changes in fire and rescue service boundaries, and (2) the Elson Place Bridge. Following these discussions, the Council reconvened the Regular Meeting at 8:55 p.m. (Moved by Williams; Seconded by Davenport)

REGULAR MEETING

5. Resolution re: Poplar Mills Subdivision. Ms. Schwartz summarized the discussions to date, and recalled staff's recommendation last week to deny the site plan because there had not been time to evaluate changes to the plan. Since that time, staff has reviewed the plan and is recommending approval with conditions. She noted that the Prince George's County Health

Department can require conditions on the project requiring the developer to address the area outside of the excavation area once the site is developed, and to conduct a Phase I site assessment prior to development.

Ms. Porter asked whether the Health Department is going to require these conditions.

Ms. Schwartz explained that the City has the same authority with respect to these conditions and could write a letter requesting that these things be done. She stated, however, that by including these requirements in the resolutions, they become recommended conditions of approval. She apologized for having not had time to research the citizen question about whether this plan is in accordance with State conservation plans.

Mr. Elrich asked whether P.G. County is required to review this type of question as part of their approval process.

Ms. Schwartz stated that she does not recall seeing mention of State conservation plans as part of the County's materials. She noted the conservation plans which have not been researched (i.e., Anacostia River Restoration, Chesapeake Bay Agreement, and the State's Buffers for the Bay Program).

Mr. Elrich questioned whether this project would have been handled differently had it been presented to Montgomery County for approval.

Ms. Schwartz explained that Montgomery County has more rigorous stream buffer requirements, noting that the buffer in this project varies according to the slope (50-150 feet depending on the slope).

Mr. Elrich asked what would be the implications for this plan under Montgomery County standards.

Ms. Schwartz responded that the developer would likely have to create a larger stream buffer than the one proposed. She said that she is not sure whether the project would still be feasible under the Montgomery County requirements.

Moved by Porter; seconded by Chavez.

Mr. Elrich proposed adding a condition--the project must be found to meet the requirements of the three State conservation plans previously named by Ms. Schwartz. He suggested that the City ask the County to certify the plan's conformance.

Mr. Sharp expressed doubt that the City would have much luck requiring the County to certify conformance.

Mr. Elrich then suggested that the applicant certify conformance (amendment seconded by Porter; accepted by Council).

The Council discussed the Resolution as amended.

Mr. Elrich stated that this land was zoned residential area which is consistent with the plan, but that it is sad that P.G. County standards are less rigorous than those of Montgomery County. The Montgomery County laws do a better job, when enforced, of protecting the environment. Short of being unable to put the project under Montgomery County standards, it would still seem that the state and counties made a commitment to the Anacostia and Bay restoration and that consequently the development should meet these objectives.

Ms. Porter noted that the Council does not have final say in approval of this project, and pointed out that P.G. County is friendly to development. She clarified that the Council can only recommend conditions by voting for "approval with conditions." She commented on concern about protecting as much land as possible for conservation easement, and clean-up of possible hazardous materials at the site. Ms. Porter stated her belief that the Council has gone as far as it can to protect the site and persons in the surrounding area, given that the ultimate decision on the plan will likely be approval by the County.

Mr. Williams seconded the comments of Mr. Elrich and Ms. Porter. He remarked that for a while he was more comfortable opposing the plan, but as the process has moved forward, it has become obvious that putting conditions on the approval is leverage the City would not have if the Council were to simply disapprove the plan. He expressed support for the resolution.

Charles Martin, Kansas Avenue, referred to a March Newsletter article submitted by the Tree Commission Chair which included a statement that Sligo Mills was assessed a \$10,000 fine for tree cuttings.

Mr. Williams reminded Mr. Martin that this agenda item is about the Poplar Mills Subdivision.

Mr. Martin suggested that in regards to approval of the Stormwater Concept Plan, the City should demand a bond. He remarked about stormwater mitigation, and said that the liabilities associated with the site would be lessened if the site were left alone, undeveloped. Records indicate that there is a depth of 16-25 feet of debris on the site. He referred to a June 1996 Mitigation Study and findings by the project manager. Mr. Martin claimed that the site was not properly posted prior to the September development notification. He said that the site is "soft to the touch" and should not be built on or excavated to remove fill. He argued that it would not necessarily have to cost the City the \$3,000 quoted by Forester Busciano to clear vegetation. Mr. Martin questioned how the Homeowner's Association is going to handle being at the low point of 700 acres. Everyone is ignoring that waters of the U.S. run through this property. He stated that it has come to his attention that the road to the development, which is being built with the Council's approval, does not meet the State's minimum standards. He described how the site is at

the bottom of a hill and certain to catch run-off from other developments and commercial areas. The silt fence that was installed near the stream is flattened. This is simply not a prime building lot, and the site never should have been approved for townhouse development. He commented that he told the Planning Board that this project is going forward with little public notification. Mr. Martin requested that the hold open the record to allow him time to submit the documents which he has referred to and others which he did not have time to read from.

Mark Robinowitz presented a slide presentation which began with a picture of Spring Creek where it first comes above ground at Lake Street and the drainage culvert which has gouged out a big pit. This is the start of the property being discussed tonight. The concrete acts as an accelerator for the water. There is already the start of a gully. Prince George's County is approving townhouses to be built on a site with 55 degree slopes. There is no flood plane; it is a gully created by run-off. Downstream, the creek has been channelized by PEPCO facilities and then goes underground. The creek surfaces again at a point where a stormwater pipe dumps into the stream. This goes on to Sligo Creek, then flows into the Northwest branch where there are enormous sediment piles. Further downstream, the entire flood plane has been channelized and then flows into the Anacostia river and later into the Bladensburg marina. The marina was once 30 feet deep. Now the bottom can be touched with a canoe paddle. He commented about trees on the property (e.g., Chesnut Oak, Tulip Poplar). There are vines that have covered up native vegetation. Survey sticks are already placed in the woods, and trees have been painted with numbers. Mr. Robinowitz expressed dismay at the fact that very few places are left in the City where trees exist in a forest. He showed slides of some of the wildlife that lives in the wooded area. He acknowledged that things have been dumped on the site, but concluded that the site is not a landfill. Prince George's County will approve any development; they are shameless. He closed the presentation with slides illustrating deforestation and the message that housing developments are the number one threat to green space preservation.

Mr. Robinowitz offered a couple of suggestions for the resolution: (1) who will do the enforcing since P.G. County no longer has a siltation inspection staff, (2) require minimum of 100 foot buffer which is required in most federal logging programs, (3) no non-native tree species be planted, (4) remove any references to vinyl (number one source of dioxin), (5) observation that the Chesapeake Bay Agreement requires the preservation of existing habitats, (6) permit from the Army Corps of Engineers for discharge of waters, (7) permit from MDE for same thing, (8) inspection of coastal plane sand deposits to prevent landslides, (9) Homeowners Association should not be responsible for the run-off pond, and (10) would be nice if Council would delay the resolution or vote "no", and let the Planning Board rubber stamp the site plan. He reminded the Council that they are an elected body and that they are all up for election this year. Mr. Robinowitz stated that if the Council approves this plan, it should repeal the Tree Ordinance and take down all the Tree City signs. He also objected to the Tree Commission making decisions in closed session, and said that he is curious why the Commission's Chairperson works for the lobbying division of Georgia-Pacific, a company involved in deforestation.

Debbie Sugarman, 320 Ethan Allen Avenue, asked Council not to approve the resolution.

Wooded areas are a luxury and essential to the environmental health of the community. She said that she is saddened to learn that Sligo Creek is not safe to wade in on a hot day. What goes into the Creek will go into the Anacostia River. Each community should take the responsibility to protect the watershed. The City should take an initiative to preserve environmental health. Residents need wooded, non man-made areas. There need to be non-asphalt buffers. People need to stop imagining that these spaces are optional.

Ms. Porter clarified that the planned development is not on Sligo Creek.

DeeDee Leverage, remarked that she is here to urge protection of the property for the City and State. She offered the remainder of her testimony time to Mr. Martin so he can continue citing from other sources of record.

Catherine Tunis, Committee on the Environment, noted that the membership of the Committee is made up of senior environmental professionals. She commended the Council for efforts to minimize the negative environmental impacts on this property. She noted that the Committee did ask the City to consider the site for Open Space, but that in the interim, the Commission has come to believe that it is not the best site in the City for this purpose. She commented on the Forester's findings (e.g., landfill quality, not recreational possibilities that other areas in City have, environmental and safety liabilities, etc.). Additionally, more than 2/3 of the site will be preserved in its natural state with a 100 year flood plane with buffer on each side. This is the most sensitive area of the site. The area where the town homes will be built already has some concrete pads. She noted that an Environmental Site Assessment will be conducted. Ms. Tunis expressed concern about removing trees from the site, but concluded that she believes the City has done as much as possible to minimize the impact to the property.

Nellie Moxley, presented a copy of the Takoma Park *Newsletter* with an article about the development. She suggested that the Council consider what will happen 10 years into the future as a result of the development (e.g., houses will slide down the slope). Ms. Moxley also referred to articles in the Sunday *Washington Post* about green space in Montgomery County. She urged the Council to take an interest in the Pine Crest neighborhood, and expressed concern that soon there will be no more trees.

Mr. Martin referred to a recommendation of the 1992 Soil Conservation District documentation. The principal soil on the site is sand and clay, which is not suitable for development. There is also a significant amount of rubbish on site, but there was no evidence of toxins in 1992. The slopes are steep and could have a significant impact on Sligo Creek. The stream is considered water of the U.S., and impact on waters of the U.S. requires approval from the Army Corp of Engineers. He urged the City to preserve the site as open space.

Ms. Tunis proposed minor changes to the resolution: (1) Resolved clause, Item #1, fourth line, change "or" to "and", and (2) second Resolved clause, add "on both sides of the hundred year flood plane" after "variation requests."

Mr. Robinowitz questioned how far from the flood plane will homes be built. A bond should be posted, and conditions need to specify how far the homes are from the gully. He maintained that the site is not an inappropriate place for conservation, noting that he knows of only one other site in the City along the stream bed (i.e., Domer Avenue). Trees on the Domer Avenue site will soon be removed.

Ms. Schwartz noted that in the staff report of March 14, it was indicated that the closest townhouse is approximately 40 feet from the edge of the steep slope. The site plan shows the 50 foot plane buffer. She stated that she does not object to the additional conditions on approval which have been proposed and the text amendments suggested by Ms. Tunis. She clarified that the requirement for a bond does not have to be put in the resolution because it can be included in the terms of the Stormwater Permit.

Mr. Elrich asked what would happen if the City asked for compliance with Montgomery County standards (in terms of buffers).

Ms. Schwartz predicted that P.G. County's response would be currently, the property is in P.G. County and would fall under the county's standards.

Ms. Porter commented that Prince George's County would probably consider it an insult for the City to suggest that the development comply with Montgomery County buffer standards.

Mr. Elrich proposed that a condition be added required that the plan comply with the Montgomery County buffer standards (Seconded by Sharp). He said that the project should also have permits from MDE and the Army Corp of Engineer, as applicable.

Ms. Schwartz stated that these permits are already required under county standards.

Ms. Porter proposed that the text amendments suggested by Ms. Tunis be accepted (seconded by Davenport).

There were no objections to the amendments proposed by Mr. Elrich or Ms. Porter.

Ms. Porter stated that these types of decisions are always difficult, but that the Council is in the position of deciding whether to fall on its sword for ideals, or to do its best to help shape the development. The county is clearly going to approve the plan. If the Council simply opposes the plan, it does not have the opportunity to recommend conditions. She stated that she feels strongly about the conditions, especially those dealing with the conservation easement and control over hazardous materials that may be on the site. She concluded that the responsible thing to do would be to support the resolution. It is worth approving to get conditions on the record.

Mr. Elrich stated that if he were a member on the body with authority over this project he would vote against the plan, but that since he is not, he is left with constraining the development as much

as possible to get the conditions the Council would like to see. He clarified that the Council does not have the ability to stop this project.

Mr. Sharp referred to a remark made during the citizen testimonies about the process used by the Tree Commission. He pointed out that the Commission is a quasi-judicial body--holds hearings and then has deliberations.

Ms. Porter attested to the fact that the present Chair of the Tree Commission conducts hearings in fair and impartial manner.

Ms. Schwartz confirmed the wording of the additional conditions.

Mr. Rubin acknowledged that some good points have been made, but said that he takes real issue with just about every point made about how the issue has been handled by staff and citizens on the Committee on the Environment and Tree Commission. He said that he will abstain from voting on this resolution with the knowledge that colleagues will pass the resolution. He emphasized, however, that he does not want his abstention vote to be seen as support for the majority of the comments made by residents this evening.

Resolution #1997-17 was adopted, recommending approval, with conditions, of the Poplar Mills Subdivision Detailed Site Plan (VOTING FOR: Sharp, Chavez, Davenport, Elrich, Porter, Williams; ABSTAIN: Rubin).

**RESOLUTION #1997-17
(Attached)**

ADJOURNMENT

The Council adjourned at 10:12 p.m. and immediately convened in Executive Session. Following the Executive Session, the Council adjourned for the evening.

EXECUTIVE SESSION

Executive Session 3/24/97 - Moved by Elrich; seconded by Porter. Council convened in Executive Session by unanimous vote at 10:12 p.m., in the Conference Room. **OFFICIALS PRESENT:** Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. **STAFF PRESENT:** Habada, Grimmer, Sartoph, Perlman. (1) Council discussed litigation, and directed staff on how to proceed. (2) Staff members left the session, and the Council continued with a discussion of the City Administrator's evaluation. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (1)(i)).

Introduced By: Councilmember Bruce R. Williams

Resolution No. 1997 - 14

**Resolution Recommending Approval of
Special Exception No 4262 - 6604 Allegheny Avenue**

- WHEREAS, The applicant 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 15, Pinecrest Subdivision, located at 6604 Allegheny Avenue, Takoma Park, Maryland; AND
- WHEREAS, the applicant is seeking a special exception for a conversion of a single family detached dwelling to a two - family dwelling 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 application has been reviewed by City staff, who recommend **Approval** subject to the implementation of the conditions cited by the M-NCPPC's technical staff report and on the basis of analysis contained in the City's staff report dated February 28, 1997; AND
- WHEREAS, the City has provided public notice and the Council has taken public comment on the matter; AND
- NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby recommends **APPROVAL** of the special exception application subject to the conditions cited by M-NCPPC.
- 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 MARCH, 1997.

Introduced by: Councilmember Davenport

RESOLUTION #1997-15

**EXPANDING THE MEMBERSHIP OF THE
PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE**

WHEREAS, on November 12, 1996, the City Council adopted Resolution #1996-66 establishing the Public Safety Citizens Advisory Committee as a permanent Public Safety Citizens Advisory Committee to provide input and advice to the Council and the City's public safety agencies about how the City can better meet the ongoing needs and concerns of residents in the area of police services and public safety; AND

WHEREAS, the committee was to consist of seven (7) City residents appointed by Council;
AND

WHEREAS, the Council desires to increase the membership of the committee to better enable the committee to address the broad charter outlined in Resolution #1996-66.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, hereby expands the membership of the Public Safety Citizens Advisory Committee from seven (7) members to a membership which shall not exceed twelve (12) members, appointed by Council.

ADOPTED this 24 day of March, 1997.

Introduced by: Councilmember Davenport

RESOLUTION 1997 - 16

A resolution authorizing a grant in the amount of \$125,000 to the Takoma Park Silver Spring Cooperative for renovation of the Turner Electric property located in the Takoma Junction commercial area. Assistance to be made available from the Capital Project Grant received by the City from the State of Maryland.

WHEREAS, the City received a Capital Appropriation in the amount of \$500,000 from the State of Maryland to support the development goals for the Takoma Junction commercial area; and

WHEREAS, the City has determined that having the Co-op move into Takoma Junction will be a major step in the revitalization of the area; and

WHEREAS, the Co-op has obtained the additional funding required for completion of the planned improvements.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park that City staff is authorized to make the funds available for the renovation of the Turner Electric property in accordance with the Capital Project Grant guidelines. Assistance to the Co-op will be provided in the form of a grant and will not require repayment.

Adopted this 24th day of March, 1997.

Introduced By: Councilmember Williams

Resolution No. 1997-17

**Resolution Recommending Approval, With Conditions,
for Poplar Mills Detailed Site Plan**

WHEREAS, Curt Marts and Roland Staana have submitted an application for a Detailed Site 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 applicants are seeking to develop 10 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, the applicant previously submitted a Preliminary Subdivision Plan for the property, which was recommended for approval, with conditions, by the Takoma Park City Council in Resolution No. 1996-47, adopted on September 3, 1996, and which was subsequently approved with conditions by the Prince George's County Planning Board on September 5, 1996; AND

WHEREAS, the applicants have revised their originally submitted Detailed Site Plan in accordance with comments previously provided by City of Takoma Park staff; AND

WHEREAS, these revisions include the following:

- 1) Adjustment of the on-street parking spaces so that they are located entirely within the right-of-way, and relocation of the handicapped parking space to an off-street site.
- 2) A "No Outlet" sign at the entrance to the development.
- 3) A notation that any proposed entrance signs must receive approval from the City of Takoma Park.
- 4) A notation that the Homeowners Association will be responsible for maintenance of all non-paved areas of the street right of way, the retaining wall and the stormwater management facility. Access will be provided for inspection by the City of Takoma Park.

- 5) A notation that narrowing of the separation between Lots 6 and 7 from 20 feet to 10 feet was necessary in order to facilitate the widening of all units to a minimum width of 22 feet.
- 6) A notation that the specifications for the lighting, which will be located in the City right-of-way, are to be approved by the City of Takoma Park.
- 7) Compliance with all requirements of Zoning Bill CB-56-1996, adopted on November 12, 1996, and with the Planning Board's conditions of approval of the preliminary subdivision plan, which incorporated the City's recommended conditions.

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

WHEREAS, the revised Detailed Site 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) Prior to conveyance of Parcel A to the Homeowners Association, the developer shall hire a site assessment team approved by the County Health Department that is experienced in evaluating subsidence and toxic leachate to evaluate potential subsidence and the possibility of toxic leachate or hazardous materials reaching the stream or otherwise creating a public health hazard in the part of the site that will not be excavated during construction. The plan for assessing the site must be approved by the Takoma Park City Administrator or her designee and the County Health Department. The team shall do a survey of the site using professionally accepted methods in a manner that would remove any reasonable doubt that toxic pollutants are located on the site. Tests shall be conducted by appropriate laboratory analysis by a certified laboratory to determine what pollutants may be there. The developer shall make appropriate remediation measures for any toxic pollutants found. Copies of laboratory reports and any appropriate remediation measures shall be provided to the County Health Department and the Maryland Department of the Environment for approval. Once approved, the final reports shall be provided to the Homeowners Association and the City of Takoma Park.
- 2) Prior to recordation of the final subdivision plat, the developer shall hire a site assessment consultant approved by the County Health Department that is experienced in evaluating subsidence and toxic leachate to conduct a Phase I site assessment. The report from this assessment shall be reviewed and approved by the County Health Department, and a copy of

the approved report shall be provided to the Homeowners Association and the City of Takoma Park.

- 3) The endwall of the end unit in the townhouse grouping at the entrance to the site shall be clad in brick in order to comply with the requirement of Zoning Bill CB-56-1996 that endwalls visible from public streets or spaces contain additional architectural or natural features such as brick, stone, or stucco.
- 4) That the project be in conformance with the Anacostia River restoration, the Chesapeake Bay Agreement, and the State's "Buffers for the Bay" program.
- 5) That the project be required to comply with Montgomery County stream buffers and steep slope standards for development.

BE IT FURTHER RESOLVED THAT the conservation easement for the site will include, at a minimum, a 50-foot floodplain buffer on both sides of the 100 year floodplain except for approved variation requests, as indicated on the Detailed Site Plan.

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 MARCH, 1997.