

**REGULAR MEETING, WORKSESSION & EXECUTIVE SESSION
OF THE CITY COUNCIL**

Monday, January 12, 1998

Executive Session 1/05/98 - Moved by Rubin; seconded by Stewart. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIALS ABSENT: Hawkins. STAFF PRESENT: Habada, Sartoph, Sickle, Ellis Koch. (1) The Council received legal advice about the Co-op lease of loading dock and parking area; Counsel Koch was given direction on proceeding with negotiations. (NOTE: Staff and legal counsel left the room.) (2) The Council discussed City Administrator's contract, and developed an outline of a potential contract offer. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (1)(ii)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Police Chief Anderson

Library Director Arnold-Robbins

Community Development Coordinator Sickle

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

ADOPTION OF MINUTES. The City Council Meeting Minutes from 11/17, 11/24, 12/08 and 12/15 were adopted unanimously.

Mayor Porter noted a couple of minor typographical changes to the minutes from 12/08. Corrections were submitted to the City Clerk.

Moved by Chavez; seconded by Williams. The minutes from 11/17, 11/24, 12/08 and 12/15 were adopted unanimously, as amended. (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

CITIZEN COMMENTS

Bill Schickler, Lee Avenue, distributed two informational flyers addressing the problem of hunger. He asked for the Council's support of the "Hunger Has a Cure" (H.R. 1507) Act which in part, would restore some funding for the food stamp program for illegal immigrants. He explained that the House Budget Committee will be deciding what the overall budget parameters will be for the House, and that he would like to have a statement from the City Council regarding this issue.

Ms. Porter remarked that both she and Councilmember Rubin work on this issue in conjunction with their day-jobs, assuring Mr. Schickler of the Council's interest in the issue.

Councilmember Rubin noted that Mr. Schickler has a cable show that deals with hunger and poverty issues, and pointed out that Congressman Albert Wynn is a co-sponsor of H.R. 1507. It has been said that money will be set aside in the federal budget for food stamps. He suggested that the City Council might write a letter thanking Congressman Wynn for his support.

Ms. Porter agreed that a letter to Congressman Wynn, applauding his decision to support the bill, would be appropriate. She added that the Council might also send a similar letter to other representatives.

Benjamin Onyeneke, Maple Avenue (Generation X), commented on world affairs, and spoke in favor of capital punishment. He characterized himself as the "chosen one"--appointed by the Mother God to receive and deliver meditations to the community.

REGULAR MEETING

1. Resolution re: Pay-Go Legislation. Moved by Elrich; seconded by Williams.

Councilmember Elrich announced that the Montgomery County Council is going to hold a public hearing tomorrow night about County Councilmember Neal Potter's changes to the "Pay and Go" legislation. The legislation would permit development to go forward, whether or not the infrastructure is in place to support the development. He explained details of the legislation. Mr. Elrich remarked about problems with schools which have already reached capacity, the back-logged plans for school modernization, and the disrepair of county roads. The proponents of the legislation think that "Pay and Go" will encourage development. He said that there is a group of people who will be asking the County Council to repeal the law and go back to the regular planning process. If the County Council does not repeal the law, the Council will be asked to support the modifications proposed by Mr. Potter.

Councilmember Chavez asked for further explanation of the "Pay and Go" legislation.

Mr. Elrich responded, stating that under the proposed legislation, development could create the

need for a road anywhere in the County, regardless, of whether a road has been planned for the area.

Ms. Porter added that the additional demand on transportation is probably not going to be addressed with new transit stations.

Resolution #1998-1 was adopted unanimously, recommending to the Montgomery County Council repeal or modification of the "Pay and Go" Legislation (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1998-1
(Attached)**

Mr. Elrich noted that a rally is planned for tomorrow night at the Montgomery County Council Building. Many people are expected. He invited the audience to attend.

2. Single Reading Ordinance re: Police Cruisers. Moved by Rubin; seconded by Stewart.

Ms. Porter referred to the FY98 budget narrative, noting that one of the three cruisers was to be a factory-installed compressed natural gas (CNG) vehicle. She recalled a previous discussion with staff about modified CNG/regular fuel vehicles which resulted in a decision last year to start purchasing dedicated CNG vehicles. She observed that from the quoted prices, it does not appear that any of the three proposed vehicles is a dedicated CNG vehicle.

City Administrator Habada confirmed Ms. Porter's observation. The quoted prices do not reflect the cost of a CNG vehicle. She stated that she does not know what the specific amount would be for a CNG vehicle, and suggested that the Council approve purchase of two vehicles, allowing staff time to obtain a figure for the CNG vehicle which the Council could consider at a later date.

Ms. Porter asked which of the vehicles will be an unmarked car.

Police Chief Anderson responded that the vehicles had not yet been identified for "marked" or "unmarked" designation. He also recalled that the additional price for a dedicated CNG vehicle was once quoted at approximately \$4,000-5,000.

Councilmember Williams noted information about the 2002 Year requirement for jurisdictions to have CNG-fueled vehicles in their fleets.

Ms. Porter proposed amendments to the ordinance which would reflect approval for purchase of two vehicles for a total of \$41,870. She noted her support for the purchase of the third vehicle, but explained that she wants more information on the cost of a dedicated CNG vehicle before approving purchase of the third vehicle.

The amendments were accepted unanimously.

Single Reading Ordinance #1998-1 was adopted unanimously, as amended, authorizing purchase of two Ford Crown Victories (two marked cars) from Norris Ford for a total of \$41,870 to be charged to Capital Budget Account No. 9100-8000 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1998-1
(Attached)**

Mr. Elrich requested that a discussion about the 4x4 vehicle be placed on a future Worksession agenda, prior to the time that Public Works staff proceeds with the bid process.

Councilmember Hawkins referred to the letter received from Congressman Wynn in response to the City's letter and resolution in support of federal funding for police technology, and asked that a discussion about issue be added to the Worksession agenda.

Ms. Porter added the discussion to the Worksession agenda (between Items #7 and #8).

CONSENT AGENDA

Ms. Porter noted the items on the Consent Agenda, and commented that she received a request from a Councilmember to explain how appointments are determined. She explained that typically, if there are the same number of candidates as there are vacancies for a committee, the appointments are generally made with the consent of the Council.

Ms. Hawkins requested a division of the question.

3. Resolution re: Montgomery County Citizens Cable Advisory Committee. Moved by Porter; seconded by Williams.

Resolution #1998-2 was adopted unanimously, appointing Adele Abrams to the Montgomery County Citizens Cable Advisory Committee (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSTAIN: Hawkins).

**RESOLUTION #1998-2
(Attached)**

4. Resolution re: Nuclear-Free Takoma Park Committee. Moved by Porter; seconded by Williams.

Resolution #1998-3 was adopted unanimously, appointing Adam Frank and Thomas Roberts to

the Nuclear-Free Takoma Park Committee (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1998-3
(Attached)**

Ms. Hawkins explained that she abstained from the vote on Resolution #1998-2 because Ms. Abrams is a colleague of hers, who she recommended for appointment to the committee.

WORKSESSION / ADJOURNMENT / EXECUTIVE SESSION

The Council moved into Worksession at 8:10 p.m. Following the Worksession, the Council convened in Executive Session and later adjourned for the evening.

Executive Session 1/12/98 - Moved by Williams; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Sartoph. (1) The Council received a briefing on the City's possible involvement in litigation to prevent eviction and foreclosure actions against a City resident; no action was taken. (NOTE: Staff left the room.) (2) The Council discussed the City Administrator's contract; decision on the proposal will be presented to the City Administrator. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (1)(ii)).

Introduced by: Councilmember Elrich

RESOLUTION #1998-1

**RECOMMENDING TO THE MONTGOMERY COUNTY COUNCIL
REPEAL OR MODIFICATION OF THE "PAY AND GO" LEGISLATION**

- WHEREAS,** decisions made by Montgomery County have an impact on Takoma Park residents;
AND
- WHEREAS,** the Pay and Go legislation as it currently exists will foster more growth at a time when the County has been unable to meet existing needs particularly in transportation and schools; **AND**
- WHEREAS,** Pay and Go legislation replaces the planning process and thereby, subverts an important tool in managing growth in a responsible manner; **AND**
- WHEREAS,** an immediate impact will be to allow increased development in areas where the roads cannot support existing levels of traffic; **AND**
- WHEREAS,** Pay and Go does not require developers to pay fees adequate to cover the cost of the infrastructure needs they generate in roads alone; **AND**
- WHEREAS,** Pay and Go requires no developer contribution toward other aspects of the infrastructure such as schools, parks, libraries, and police and fire service; **AND**
- WHEREAS,** school over-crowding, the need to reduce class size and out-dated school facilities are a major issue in the County, and fostering more residential development will only pit the demands of servicing such development against the need to address the aforementioned existing school problems; **AND**
- WHEREAS,** there are substantial residential and commercial projects planned and ready to go without the existence of Pay and Go; **AND**
- WHEREAS,** Pay and Go legislation would allow these previously approved developments to reduce their previous commitment to fund necessary infrastructure improvements; **AND**
- WHEREAS,** any reduction in developer obligations to support their infrastructure needs will require that other tax payers either accept an increase in taxes or a diminishing of services in order that the unfunded portion of these infrastructure needs be adequately supported; **AND**

WHEREAS, the combination of all of these effects: increased traffic, more school over-crowding and the choice of accepting higher taxes or reduced services, threatens to diminish the quality of life in our community and, indeed, in all of Montgomery County; **AND**


WHEREAS, perceived problems in the planning process should be addressed by legislation aimed at remedying specific problems and not by abandoning the process itself.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, urges the Montgomery County Council to take the necessary steps to repeal Pay and Go in its entirety; **AND**

BE IT FURTHER RESOLVED THAT the City Council urges the Montgomery County Council to strengthen and pass the amendments offered by Montgomery Councilmember Potter, if and only if, the repeal of Pay and Go cannot be accomplished.

DATED this 12th day of January, 1998.

ATTEST:


Catherine E.W. Sartoph, CMC/AAE
City Clerk

Introduced by: Mayor Porter

RESOLUTION #1998-2

**APPOINTING CITY REPRESENTATIVE TO THE MONTGOMERY COUNTY
CITIZENS CABLE ADVISORY COMMITTEE**

WHEREAS, the Montgomery County Citizens Cable Advisory Committee (CCAC) was established to provide advice and recommendations on the administration of County and municipal cable television franchise agreements; AND

WHEREAS, the CCAC membership includes one representative selected by the City of Takoma Park; AND

WHEREAS, the Takoma Park representative, Mr. Michael Strait is no longer a resident of the City; AND

WHEREAS, the City of Takoma Park Council desires to appoint another City resident to serve as the City's representative on the CCAC.

NOW THEREFORE BE IT RESOLVED THAT the Council hereby appoints the following individual to serve as the City's representative on the Montgomery County Citizens Cable Advisory Committee:

Adele L. Abrams
311 Elm Avenue
Takoma Park, Maryland 20912

AND BE IT FURTHER RESOLVED THAT this appointment is effective immediately.

Dated this 12th day of January, 1998.

Introduced by: Mayor Porter

RESOLUTION #1998-3

**APPOINTMENTS TO THE
NUCLEAR-FREE TAKOMA PARK COMMITTEE**

WHEREAS, Takoma Park's Nuclear Free Zone Act established a seven member Nuclear-Free Takoma Park Committee to oversee implementation of and adherence to this Act; **AND**

WHEREAS, the Committee is composed of seven residents appointed by the Council; **AND**

WHEREAS, currently, there are two vacancies on the Committee; **AND**

WHEREAS, one of these terms expired on March 31, 1997, and one is an incomplete term which will expire on March 31, 1998; **AND**


WHEREAS, two persons have expressed interest in appointment to the Committee, and have been interviewed by the Council.

NOW, THEREFORE, BE IT RESOLVED THAT the following persons are hereby appointed, effective immediately, to serve on the Nuclear-Free Takoma Park Committee.

Name/Address	Term Expires
Adam Frank 408 Boyd Avenue	3/31/98
Thomas M. Roberts 6741 Eastern Avenue	3/31/99

ADOPTED this 12th day of January, 1998.

ATTEST:


Catherine E.W. Sartoph, CMC/AAE
City Clerk

Introduced by: Councilmember Rubin

Single Reading: 1/12/98

Ordinance No. 1998-1

PROCUREMENT OF POLICE DEPARTMENT VEHICLES

WHEREAS, the FY-98 Capital Budget identifies funds to purchase three (3) Police Department vehicles; AND

WHEREAS, the City has the opportunity to participate in a cooperative purchase through a State of Maryland contract; AND

WHEREAS, two (2) Ford Crown Victorias are available from Norris Ford, 2 marked cars for \$20,935 each for a total of \$41,870; AND

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

SECTION 1: that authorization be granted to purchase two (2) Ford Crown Victorias for \$20,935 each from Norris Ford for a total of FORTY ONE THOUSAND EIGHT HUNDRED AND SEVENTY DOLLARS (\$41,870); AND

SECTION 2: funds for this purchase be charged to Capital Budget Account No. 9100-8000 in the amount of FORTY ONE THOUSAND EIGHT HUNDRED AND SEVENTY DOLLARS (\$41,870).

Adopted this 12th day of January, 1998.

AYE: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams

NAY: None

ABSTAINED: None

ABSENT: None