

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

Monday, April 13, 1998

Executive Session 3/23/98 - Moved by Chavez; seconded by Stewart. Council convened in Executive Session by unanimous vote at 9:25 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Hawkins. STAFF PRESENT: Habada, Hobbs, Sartoph. The Council discussed proposals for union negotiations on police pay and benefits, and gave Assistant City Administrator Hobbs direction on negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter

Councilmember Elrich

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Assistant Corporation Counsel Perlman

Planning Center Coordinator Ludlow

Community Planner George

Parks Crew Leader David Miller

OFFICIALS ABSENT:

Councilmember Chavez

Councilmember Hawkins

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

The following remarks were made:

COUNCIL COMMENTS

Councilmember Rubin congratulated Terry Seamans and others who are connected to the Committee to Save the Library and the Takoma Park Friends of the Library, for the activities they have conducted over the last couple of weeks. Mr. Rubin commented on the citizen input at Montgomery County Council hearings, and remarked about the rally which was held in front of

the library (150 attendees). He said that the community and county are getting the message that we feel very strongly about supporting the City Library. Mr. Rubin added that he understands that the City is gaining the support of some members of the Montgomery County Council.

Councilmember Stewart announced that the TPVFD Board asked her and Councilmember Rubin to help them make contacts to find a location for the temporary fire station when the renovations take place. She noted that contact has been made with Columbia Union College. Ms. Stewart also commented that the M-NCPPC approved the naming of the park at the end of Central Avenue in memory of Becca Lilly. Park & Planning is working with the community to set the date and other specifics regarding the naming of the park.

Mayor Porter commented on Friday's celebration of Community Development Week. She noted some of the officials who were in attendance for the event which was held in Takoma Junction. The ceremony was very nice. She remarked that three individuals who were particularly helpful in putting event together were Doug Scott, Terry Reed and Jean Sickle. The event turned out very well, and ended with a photo op as officials toured the inside of the Co-op.

Mr. Rubin noted that Congressman Wynn bought some soap and County Councilmember Steve DelGiudice bought a "fine" loaf of Italian bread.

Ms. Porter also announced that members of the City Council met with Dr. Scriven of Columbia Union College over breakfast on Friday morning. It was a very good meeting and is anticipated to be the first of many meetings with the college about issues of mutual interest.

ADOPTION OF MINUTES - 3/23/98

Moved by Williams; seconded by Stewart. The Council Meeting Minutes from March 23, 1998 were adopted unanimously (ABSENT: Chavez, Elrich, Hawkins).

CITIZENS' COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about a recent Montgomery County Council public hearing about the proposed FY99 County Budget. He spoke in favor of increased funding for schools and recreational facilities (e.g., athletic fields). Mr. Onyeneke thanked the youth of Maple Avenue and other areas in the City for their efforts to reduce crime. It is the failure of the government and adults who are trying to monopolize all of the budget monies, that youth continue to be denied proper school and recreational facilities.

Raven White, Columbia Union College student, announced that there will be a fashion show on Sunday at 8:00 p.m. (7600 Flower Avenue, Wilkerson Hall, cafeteria), and invited the community to attend.

PUBLIC HEARINGS

1. Cable Television Franchise. Ms. Porter commented that this is a joint public hearing, and said that she is pleased to have officials from other jurisdictions in the audience.

Assistant City Administrator Hobbs explained that the Council has been provided with copies of the franchise agreement, and that there are people here from Montgomery Cable and Montgomery County who will explain the agreement. He noted a couple of people who were unable to attend tonight's meeting and who expressed their regrets.

Jane Lawton, Cable Administrator for Montgomery County, commented on the times she has had the pleasure of speaking to the Takoma Park Council. She said that she is happy that the representatives of the proposed cable company were able to attend this evening's hearing. The municipalities and county have before them two proposed agreements and are asking for the City Council's input. The two agreements are actually very different but are being handled together unless there arises a reason to consider them individually. Regarding the renewal of the Cable Television Franchise, the current franchise will run out on May 24, 1998, and it is being renegotiated. The SBC company has requested renewal. The second issue is the request to transfer the company from Southwest Bell to Prime Communications.

She provided some background on the discussions that have taken place to date, in regards to the franchise negotiations. Ms. Lawton remarked about some particular problems associated with cable that have existed in Takoma Park and other out-lying areas. There have been a series of surveys (e.g., telephone, written, etc.) of subscribers, and focus groups have been held in an attempt to educate the public about what it means to renew a cable franchise and about what is on the horizon in terms of cable technology. The county has tried very hard to incorporate citizen feedback into the terms of the agreement. The goals from the process are to obtain the best service and at the best value for subscribers, and to have leading edge services and the flexibility to upgrade the system in the future. Public services can be greatly enhanced by better technology.

Ms. Lawton noted that we have had two transfers in the past several years, and that there are some very innovative things in this agreement. In order to transfer the system, the company will have to show that not only does it not harm our citizens, but that it is in their best interest. She commented that Mr. Hobbs' summary covers all of the "deal points." The municipalities have been involved in the process in a slightly different way than before. There have been regular meetings with municipalities and their staff, and efforts have been made to involve municipalities in the process. Specific amounts of money that municipalities will receive as part of the deal are also being negotiated. She cited specific dollar amounts (i.e., Capital Equipment Grants and Operating Expense Grants). The County Executive has proposed a new "split" (75% City / 25% County). She said that the rate increases have been carefully scrutinized, and noted how rates are set. Over the life of the franchise, as a worse case scenario, there may be about a 30 cent increase per month to each subscriber. Ms. Lawton commented on the subscriber rates, and concluded that the county believes that this deal has a good balance. For Takoma Park in particular, this agreement represents a "unified" system (all residents would have the same provider).

Bill Proud, Acting Chief Operating Officer for Cable Television Montgomery, (Prime Communications-Potomac, LLC), commented on the discussions that have been taking place, and observed that it has been a well balanced, community encompassed process. He commended the County Executive's participation in the process. Mr. Proud stated that Prime Cable is committed to upgrading the system, and provided a brief description of the proposed system. He remarked about digital compressing, and commented on the merits of an upgraded network as evidenced in benefits to subscribers. He said that the company is committed to complete the upgrade in four years. The franchise renewal will have enormous positive consequences. All of the proposed changes and systems upgrades will benefit subscribers.

John Kay, Village Manager of Martin's Additions, offered testimony (see attached).

Ms. Porter read a letter submitted by Julian Mansfield, who also supported access to the county's cable technology from a convenient site (see attached). She also noted for the record that she sent a letter to the County Executive urging consideration of a down-county cable center.

Mark Cohen (producer of Takoma Coffee House), 729 Dartmouth Avenue, Silver Spring, stated that even though he is no longer a resident of the City, he continues to produce Takoma Coffee House. The program was begun in 1996, following discussions of a Cable Advisory Committee which was set up by City Administrator Habada. He commented on the history of the City's cable office, and remarked that the technical quality of the station is substandard, especially in regards to signal quality. It became impossible to continue to produce the program at the City building, so the program was moved to the Montgomery Television facility in Rockville in March 1997. He commented favorably about the Rockville facility, but said that it is very taxing on residents of the down-county area to produce the show in Rockville. He described an off-site production process. For a volunteer operation, the "time" element is a tremendous liability. Takoma Coffee House is the only program being produced about the down-county community. Yet, people do not know about the program. He stated that a small down-county facility would increase the coverage of this area on cable and make it easier for more people to participate in programming. The facility should have a small studio, cameras (2-3), edit suites (1-2), and provide a place for people to come and check-out equipment. He asked that the City Council reaffirm its support for a down-county facility. This facility should not come out of the operating budget of Montgomery Municipal Cable or the county. However, the current negotiations may present a source for some new funding.

Bill Schickler, 117 Lee Avenue, producer of program called "Media Watch on Hunger and Poverty", said that he supports the idea of a satellite facility in the down-county area, and encouraged the Council to get more involved in the process. He remarked about a 15-year franchise agreement that he was familiar with in the District, and described some of the specifics. He emphasized that this is a very important issue. The concern is with public access, and residents should be very concerned about how public access will be funded. There is a public access law that provides a current percentage of cable income to be put towards public access.

Benjamin Onyeneke, Maple Avenue, questioned whether SBC Media Ventures would be giving up their rights to the contract, and what is the purpose for the sale of the franchise.

Ms. Lawton stated that a few years ago, when Southwest Bell purchased the franchise, it was the first time that a telephone company went forth to acquire a cable franchise. They thought that they might expand to cable operations; however, the company later made a business decision to not go into the cable business. She named the stockholders of Prime Communications--Potomac, LLC, and commented on the operators of Prime Cable.

(Unidentified gentleman from cable company), stated that the company has been operating for many years, and have been operating the cable operations for Southwestern Bell in Montgomery County and Virginia for the past couple of years. He noted other operations in Las Vegas, Seattle, and Canada.

The Public Hearing was closed at 8:40 p.m.

Ms. Porter stated that the City Council will be discussing related ordinances on April 27th.

Councilmember Elrich added that he will be testifying at a hearing tomorrow evening in Rockville, and will be raising a lot of the same concerns heard this evening about local access.

2. S.S. Carroll Traffic Study.

Community Planner Venita George stated that this study has been in the works for several years now, and noted that the traffic engineering consultant is on hand to present a brief summary of the proposed traffic recommendations.

Norend Pen, RBA Group, referred to the study, and explained that the reason for the After Study is to determine whether the devices which were implemented in October 1996 have worked effectively to reduce traffic in the S.S. Carroll neighborhood. He listed the devices which were implemented, and stated the recommendations--continued closure of Manor Circle, sign to warn drivers on Manor Circle that "no left" turn onto Ethan Allen Avenue, "no right" turn onto Jackson at intersection with Ethan Allen Avenue, and installation of speed humps on Jackson and Boyd Avenues. The comparison of traffic volumes since devices were implemented reveals a reduction in traffic since 1996 on Lincoln, Carroll, Jackson, Boyd, and Manor Circle. The latest study also examined the speed of traffic on Jackson, Boyd and Lincoln Avenues, and there are figures to show that 90%+ of vehicles are traveling under the residential speed limit. The RBA Group concluded that the devices which were implemented in 1996 have worked, and for most part, have reduced traffic on Manor Circle, Jackson, Lincoln and Boyd Avenues. Mr. Pen recommended continuation of the implemented devices.

The public hearing began at 8:45 p.m.

Frederica Adelman, 349 Boyd Avenue, presented a petition signed by Jackson, Lincoln and Boyd Avenue residents (see attached). She read the "statement" of the petition which requests that Manor Circle not be closed permanently. Ms. Adelman encouraged the Council to consider the petition even though it is contrary to the recommendations of the RBA Group. The Sherman Avenue and Manor Circle problems may have been addressed by the devices, but at the expense of Jackson, Lincoln and Boyd Avenue. She urged the Council to remain open to alternatives to the closure of Manor Circle.

Mark Gulezian, 349 Boyd Avenue, provided testimony (see attached), and spoke in opposition to continued closure of Manor Circle.

Saul Schneiderman, 306 Lincoln Avenue, referred to the "Fact Sheet", going back to the first meeting listed (August 31, 1989), and remarked about his involvement in the discussions about traffic management in the S.S. Carroll neighborhood. He congratulated City staff for the wonderful job that they have done in facilitating discussions about traffic. After Manor Circle was closed and the other changes were implemented, adjustments were made to address adverse impacts on other streets. This is an issue that affects all of the streets that surround Manor Circle. He said that he thinks this process is coming to an end, and that sometimes it is the role of City officials to determine that "this is the best that we can do." There was an increase in over-flow traffic immediately upon closure of Manor Circle, but the impact has leveled out. He applauded the process--done rationally and prudently.

Buddy Daniels, 19 Sherman Avenue (Co-Chair of S.S. Carroll Citizens Association), recalled the history of the traffic study. Some 40 meetings and six years later, we are here tonight for a public hearing. There are still concerns about the speeds of cars that use residential streets, especially on Jackson Avenue from Rt. 410 to Sligo Creek Parkway. Another concern is from 319 Boyd Avenue to the Boyd/Jackson Park where there is no sidewalk. The park is frequented by residents and children. He urged the Council to consider a sidewalk in this area, acknowledging that the budget is tight. Mr. Daniels thanked everyone who has been involved in this process over the years.

Alec French, 310 Boyd Avenue, said that he is a relatively new resident of about 2 years, and that the traffic problem, if it is a problem (he sees it to be such), should be shared by the entire community. The City needs to come up with a fair solution that would keep all streets open such that all streets can share the traffic. He remarked that he witnesses cut-through traffic daily, and that his wife has to walk in the street with their children to get to the park, since there are no sidewalks. There is a traffic problem. If there is no traffic problem, then Manor Circle should be reopened. The correct conclusion is that there is a traffic problem. The solution is to share the burden and not foist it from one street to another.

Mary Jane Muchui, 404 Boyd Avenue, while waiting for a bus one day, she witnessed over 100 cars that barely stopped at the sign at the corner of Ethan Allen and Jackson Avenues. This is a potentially dangerous intersection. Ms. Muchui commented that she has not seen police

enforcement at this site, lately, and urged a bigger, brighter stop sign for motorists on Rt. 410.

David DellaBadia, 213 Manor Circle, remarked that he first moved to Manor Circle some 25 years ago. Traffic was not always a problem; however, it has become a problem on Rt. 410. He said that he does not want Manor Circle reopened for obvious reasons, but that he does not want to see the traffic diverted to other areas in the City either. He suggested that turns onto Jackson Avenue during the p.m. rush should also be restricted, and agreed with the suggestion for sidewalks on Boyd Avenue in the vicinity of the park. More enforcement of the particular traffic "rules" we have now, should be done. If Manor Circle is allowed to be closed permanently, the right-turn capability onto Ethan Allen Avenue should be maintained.

Kent Abraham, 7401 Carroll Avenue (intersection of Carroll and Manor Circle), said that he has participated in the process over the years, and summarized the traffic problems and process that led to the closing of Manor Circle. The closure of Manor Circle has had a very positive impact on Sherman Avenue. Reopening the circle would recreate the problems of the past. It is likely that all of the traffic load would return to Manor Circle if it were reopened. Residents of Manor Circle have worked hard to find ways to address traffic concerns on Jackson, Lincoln and Boyd. He concluded, however, that he does not support the notion that by reopening Manor Circle, area streets would share the burden of traffic.

Erin O'Brien, 345 Boyd Avenue, referred to the numbers in the study (last page of Appendix B, and page 6), and concluded that the number of cars going down Jackson, even with the closure of Manor Circle, has increased twofold. Regardless of the numbers, residents on Jackson and Boyd feel that traffic and vehicular speed has increased. There is also the issue about sidewalks, and residents need to know Council's policy on sidewalk requests.

Ms. Porter recalled that the Council's discussion of setting a policy flowed from the fact that there is no money for sidewalks.

Ms. O'Brien said that it is a "catch 22". If there were money, the Council would say that there is no policy. Residents need to be given some direction about what to do to encourage installation of sidewalks. Most residents have given-up. She remarked that she would like to reserve hope that the Council is open to other alternatives aside from permanent closure of Manor Circle. Ms. O'Brien concluded that the Council has "pitted" one neighborhood against another, and urged the Council to find a solution to the animosity.

Cynthia Terrell, 7401 Jackson Avenue, said that she feels unrepresented by the Council tonight, especially since some members are absent. She stated her opposition to continued closure of Manor Circle, explaining that the traffic problem is not shared. Many residents are particularly concerned about the absence of sidewalks leading to the park. Ms. Terrell commented that even with the turn restriction, there are a lot of cars turning left onto Jackson during the a.m. rush hours. Most of the cars traveling down Jackson do not come to a complete stop at the stop sign. Enforcement needs to be regular, and the traffic problem needs to be addressed in a

comprehensive way.

Jeffrey Trunzo, 119 Sherman Avenue (Co-Chair of Citizens Association), stated that the residents of Boyd Avenue perceive there is a problem and need to be heard. The concept of "sharing" was not the original impetus for the traffic study to be done. It was done to address the commuter traffic that came off of Ethan Allen onto Manor Circle and then down Sherman. He commended the work of the traffic engineers and staff to address this issue. Mr. Trunzo stated that it was realized a few years ago that there would be spill-over traffic onto Jackson and Boyd Avenues, and that recommendations were made at that time to address the spill-over traffic. However, the remedies were rejected. Reopening of Manor Circle, at any time, will make Manor Circle and Sherman Avenue "alternate Rt. 410" as it once was. The issue needs to be divided: (1) commuter traffic, and (2) providing means for residents to get where they need to go.

Rick Leonard, 208 Manor Circle, agreed with the conclusion of the traffic planners, and said that he would support further study of the neighboring streets to see what other measures might be taken to address their concerns. The circle still gets a lot of commercial traffic from Takoma Junction.

Joe Wilson, 225 Manor Circle, reminded the Council that the circle was closed because it was dangerous. There were weekly accidents. Traffic in the area now is relatively tranquil. He sympathized with the residents who now have a "little traffic", but said that he does not believe that it is any more than that which currently exists on Manor Circle. Mr. Wilson remarked that he thinks the process has resulted in a good solution.

Mamie Bittner, 318 Boyd Avenue, said that she appreciates the process, and that she believes there has been a lot of effort to listen to all concerns over what has been a long process. Ms. Bittner stated that she does not disagree that Manor Circle was a terrible situation, and questioned findings in any study that would claim that 90%+ vehicles travel under the speed limit. She spoke in favor of sidewalks, adding that she believes the perception of traffic on Boyd is subjective. She expressed her hope that the Council and residents can continue to consider the other traffic problems, and concluded that there is a significant problem with motorists speeding up the little section of Boyd Avenue to get to Manor Circle.

Megan Waters, 315 Ethan Allen Avenue, referred to Mr. Schneiderman's comments about the process and how the closure of Manor Circle may have had an impact on other streets. Now, those concerns need to be addressed. She supported continued closure of Manor Circle. The Manor Circle/Ethan Allen Avenue intersection was very dangerous. There should be more enforcement of the speed limit throughout the City and increased monitoring of the Jackson/Ethan Allen intersection. It is true that motorists run the stop sign at Jackson/Ethan Allen Avenue. Everyone can make a difference by traveling 25 mph on City streets.

M. Morgan, 116 Sherman Avenue, requested that Manor Circle not be reopened. He referred to the last page of Appendix B and page 7 (Exhibit 4), and stated that the numbers do not

demonstrate a dramatic increase in vehicular traffic. He cited some of the specific numbers included in the study, and concluded that there has not been a dramatic increase in traffic since the closure of Manor Circle. The difference in traffic on Sherman Avenue has been dramatic. He agreed with the suggestion to also restrict turns onto Jackson in the evening rush hours, and supported addressing the traffic concerns in the Jackson/Boyd neighborhood. He suggested that the Council might leave Manor Circle closed “temporarily” until other traffic calming devices can be explored for the Jackson/Boyd neighborhood. He proposed that the monies which would have been put toward permanent closure of the circle be used toward installation of a sidewalk on Boyd Avenue, and noted that neighbors have also discussed creative ways of community financing for sidewalks.

Susan Robb, Manor Circle, strongly urged the Council to accept the recommendations included in the study presented tonight. She recalled more history of the S.S. Carroll traffic study, stating that the original number was 1200 cars in a 24-hour period cutting-through Manor Circle prior to its closure. She recalled discussions about restructuring the Manor Circle/Ethan Allen intersection and why the traffic consultants did not feel that this was a feasible approach. Mr. Robb urged increased police enforcement, and expressed concern about the relatively high volume of motorists still coming through the area in the evening (Jackson/Boyd). Further restrictions and better enforcement need to be explored. She added her support for sidewalks on Boyd Avenue.

Benjamin Onyeneke, Maple Avenue (Generation X), spoke in favor of more sidewalks and continued closure of Manor Circle.

Daniel Robinson, 217 Manor Circle, supported the closure of Manor Circle. It once had an exceptionally high volume of traffic. It was very convenient for motorists. For Boyd and Jackson Avenues, sidewalks do need to be installed; this is an unsafe area. He said that when he moved to Manor Circle in 1984, his was one of few families with small children. However, over the years the number of families with small children residing on Manor, Boyd and Jackson have increased. The intersection at Jackson/Ethan Allen has been a problem, historically. If there is a police officer who is able to sit in one of the lots at this intersection, he could monitor traffic at Jackson/Ethan Allen and Jackson/Boyd. Sidewalks are very critical on Jackson Avenue.

Ms. Adelman commented that with respect to the many years that went into the study, it still feels like the study presents the easiest solution. She encouraged stop signs at every intersection to make “cut-throughs” less convenient, and consideration of making Jackson a “one-way” street. Ms. Adelman urged the Council not to consider this solution as not the only solution.

Mr. Trunzo remarked that he was very happy to hear one Boyd Avenue resident state that an educational effort may address some of the problems. The neighborhood association will continue to support resolution of the traffic concerns.

Ms. George commented that staff and traffic consultants have made notes about some of the suggestions raised this evening and will be discussing these points with residents. She said that

she would set a date for a Worksession discussion of this issue, and noted that she has been working with the Police Department on ideas about traffic enforcement measures.

The public hearing was closed at 9:50 p.m.

PRESENTATION

3. Master Plan “Purpose & Outreach Report”.

Fred Boyt, M-NCPPC representative, noted colleagues here this evening--Glenn Krieger, Gene Brooks, George Caldwell and Margaret Rifkin. He brought the Council up-to-date on the process, and explained that we are at the beginning of Phase II (draft of Purpose and Outreach report). The report is designed to provide a rationale for the master plan, note any changes that have occurred since last Master Plan, and outline key themes that will be addressed in the plan. He referred to a handout which he distributed and described ongoing data analysis and community consultation. The rationale for the three plans that currently guide development in Takoma Park range from 9 years old (Takoma/Langley Area) to 24 years old (Transit Improvement Area). All plans should be reviewed periodically. The Master Plan process is a good opportunity to consolidate three documents into one. Land use and transportation issues will be looked at in the City. Zoning classifications, especially in the Unification area, will be carefully examined as requested by the Montgomery County Council. Staff will also look at issues related to “Commercial Retail and Office Vitality”, “Neighborhood-Friendly Circulation Systems” and “Parks, Open Space, Community Facilities.” The Outreach part of the report will outline a process for public participation. He commented on the proposed schedule for consideration of the Master Plan.

Ms. Porter said in regards to a special emphasis to zoning and other issues in the Unification area, since this is not an area previously covered by the Montgomery County Master Plan, the same emphasis should be placed on transportation in the Unification area. Staff should consider what might be appropriate bus service to that portion of the City. The County might not be able to fund bus service at this time, but if a need exists, it should be identified. Regarding the Master Plan Advisory Group, Ms. Porter noted that she has been to a number of neighborhood association meetings and have witnessed a high level of interest in the Master Plan process. It seems that every association will probably want a representative on the advisory group. She encouraged inclusion of a representative from each association in the group, and warned against excluding any neighborhoods. The group should also include representatives from the business communities. The Council has worked with advisory groups with memberships up to 25, and while the size of a group may make progress slow and cumbersome in some instances, it is more inclusive and results in fewer problems later in the process. Ms. Porter strongly urged Park & Planning to keep the group open to as many neighborhood associations and business groups as want to participate. She asked what is the City Council’s role in the Purpose and Outreach Report.

Mr. Boyt envisioned the Council reviewing a draft of the document and providing comment. He said that the draft of the MOU indicates that at this point in the process, the Council was intended to have an opportunity to provide input.

Mr. Williams seconded Ms. Porter's remark about participation from neighborhood associations.

Mr. Boyt said that the next steps will be for the document to be drafted, reviewed internally, and presented to the Montgomery County Planning Board on April 30th. He remarked that he hopes the board will give permission to move toward MPAG appointments.

Mr. Rubin questioned whether Mr. Boyt has a list of the City's neighborhood associations and contacts. Mr. Boyt responded in the affirmative.

REGULAR MEETING

4. Resolution re: Special Exception (7008 Sycamore Avenue). Ms. Porter described the resolution.

Mr. Williams explained that he wanted to have a formal way of gauging the neighborhood's reaction to this request. Judging by the responses received by the City Clerk, the neighbors do not have concerns about the parking situation. He proposed passing a resolution "taking no position."

Ms. Porter commented that in the past, if Council has not taken a position on a request, it would simply not pass any legislation.

Planning Center Coordinator Ludlow confirmed that this is usually the case.

Mr. Williams remarked, however, that he wanted to be sure that the neighborhood had formal notice of the request and an opportunity to speak to the issue (if there were concerns about the parking issue).

Ms. Porter called for any citizens who might want to comment on the issue. There were no citizen comments.

Mr. Williams moved the resolution (taking no position on the Special Exception); seconded by Rubin.

Resolution #1998-17 was adopted unanimously, taking no position on a request for a Special Exception for an accessory apartment at 7008 Sycamore Avenue (ABSENT: Chavez, Elrich, Hawkins).

**RESOLUTION #1998-17
(Attached)**

Mr. Rubin commended Councilmember Williams for his attention to this matter and his desire to solicit comments.

5. Single Reading Ordinance re: Purchase of Tractor. Parks Crew Leader David Miller explained that there is a \$119 difference in the two lowest bids. He pointed out, however, the difference in the locations of the two vendors (i.e., second lowest bidder in Gaithersburg versus lowest bidder in Cockysville).

Ms. Porter questioned whether the City's rules allow for us to declare a bidder non-responsive because they are located too far away.

City Administrator Habada explained that in any proposal, the City reserves the right to award the bid to the vendor who will supply in the best interest of the City. In this case, the cost of mileage and travel time to Cockysville, will exceed the difference in the bids. Staff has been told that the City could buy the tractor from Cockysville and have it maintained in Gaithersburg. However, because we did not purchase the equipment in Gaithersburg, we would be put at the bottom of the list for maintenance by the Gaithersburg vendor.

Mr. Miller summarized that the "loyal" customers would get the Gaithersburg supplier's first response.

Mr. Williams questioned what will the tractor be used for. Mr. Miller explained that it is a small farm tractor that will be used to pull lawn care equipment (e.g., aerating and seeding equipment).

Mr. Rubin asked how it will be transported to Gaithersburg when it needs service. Mr. Miller responded that it will be transported on a trailer.

Ms. Porter questioned what we will say if the lowest bidder comments on having not been chosen.

Ms. Habada responded, and reiterated that the decision is being based on what staff believes will best serve the City in terms of maintenance of the equipment.

Assistant Corporation Counsel Linda Perlman explained that the term "responsive" is not well defined in the ordinance. However, the maintenance of a piece of equipment can be included in determining what is in the best interest of the City.

Ms. Porter proposed that the ordinance be amended by adding an additional Whereas clause (after the fourth Whereas clause) "awarding the bid to this vendor would save considerable travel time in obtaining service, over awarding it to the lowest bidder."

Mr. Rubin suggested inclusion of some language in the fourth Whereas clause to note the marginally higher bid (i.e., "...which is only \$119.99 over the lowest bid."

Williams moved the resolution as amended; seconded by Stewart.

Single Reading Ordinance #1998-11 was adopted unanimously, as amended, authorizing the purchase of a tractor from Lawn & Power Equipment in the amount of \$19,904.99 (ABSENT: Chavez, Elrich, Hawkins).

ORDINANCE #1998-11
(Attached)

6. 2nd Reading Ordinance re: FY98 Budget Amendment. Ms. Porter described the ordinance.

Ms. Habada noted the items that have changed since the first reading. The underlined items will need to be accepted as amendments to the ordinance since first reading.

Ms. Porter asked for an explanation of the higher figures in the revenue accounts

Ms. Habada commented on the highway user revenues, explaining that she obtained a better figure from state. She noted why it is hard to estimate the income tax figure, and remarked that she also received a better figure for the Montgomery County in lieu of police payment. She remarked about the amendments under Special Revenue Fund (adjusting the books to reflect what has been spent this year), and stated that left over funds will show up in next year's budget.

Mr. Rubin questioned why the authority to sign the City Administrator's contract is included in the ordinance.

Ms. Porter pointed out that it was also in the first reading of the ordinance, and was included to put on the record the authority to sign an extension of the contract. She suggested that this authority remain part of the ordinance.

Mr. Rubin remarked that this particular section of the ordinance is included in the description of the ordinance as it appears on the meeting agenda.

Ms. Porter added that she wanted to be sure that there was full public notification that this item was being included.

Ordinance #1998-3 was adopted unanimously, as amended, authorizing FY98 Budget Amendment No. 1 (ABSENT: Chavez, Elrich, Hawkins).

ORDINANCE #1998-3
(Attached)

7. 1st Reading Ordinance re: Public Safety Citizens Advisory Committee (PSCAC) -

Statutory Committee. Ms. Porter described the ordinance. Moved by Rubin; seconded by Williams.

Ordinance #1998-12 was accepted unanimously, amending the City Code to add the Public Safety Citizens Advisory Committee as a statutory, Council-appointed committee (ABSENT: Chavez, Elrich, Hawkins).

**ORDINANCE #1998-12
(Attached)**

WORKSESSION

The Council moved into Worksession at 10:30 p.m., and later convened in Executive Session at 11:18 p.m. Following the Executive Session, the Council adjourned for the evening.

Executive Session 4/13/98 - Moved by Stewart; seconded by Williams. Council convened in Executive Session by unanimous vote at 11:18 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Rubin, Stewart, Williams. OFFICIALS ABSENT: Chavez, Hawkins. STAFF PRESENT: Habada, Hobbs, Sartoph. The Council discussed proposals for union negotiations, and gave direction to staff for formulating counter-proposal. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

MONTGOMERY MUNICIPAL CABLE, INC.
3710 Mitchell Street, Kensington, Md. 20895
Phone: (301) 942-6276

April 13, 1998

My name is JOHN KAY. I am Village Manager of Martin's Additions, a municipality in Chevy Chase, and the treasurer of Montgomery Municipal Cable (MMC). MMC was established by the Maryland Municipal League, Montgomery County Chapter, under the original franchise agreement, to ensure that the smaller municipalities (there are fourteen of them), should not be denied the benefits of cable.

One original thought was that residents who do not come to their local Council meetings, would like to stay at home and watch the proceedings on their TV sets. For the most part, this has turned out not to be true. In consequence, MMC has more space on its channel than originally foreseen. At the moment, MMC's station and offices are in the Kensington Town Hall. But the future depends entirely on the politics of Kensington, and the mass of the population served by MMC is in the part of the County nearer the District Line. Martin's Additions indeed shares part of its southern boundary with the District, as does Chevy Chase Village and the special taxing district of Friendship Heights.

As the residents of the down-county area become more used to the benefits of cable, they are bound to wonder more and more why they need go to Rockville, or even to Kensington, to edit, produce and transmit material that is basically of interest to Takoma Park, Silver Spring, or Chevy Chase.

Like many new users of cable, I consider it as a source not so much of entertainment as of data and information. In the same way as public libraries now make it possible to locate books at the other end of the county, or even at the other end of the state, so should the county's cable system make it possible for residents to access their tax records or vehicle documents electronically, without visiting the county seat or the Baltimore suburb of Glen Burnie.

Moreover, much of the benefit of upgrading channels and providing fiber optic cables will be lost if members of the public cannot prepare and transmit documents showing a point of view or a radical new idea from a studio within easy reach.

Like others, I am still vague as to the costs of such a facility, but it can only be a small fraction of the funds involved in the whole refranchising agreement. If we don't ask for it now, we may not have another chance for fifteen years.

I envisage cable as one of the great agents of democracy in the coming years. But if the residents, as opposed to their local governments, do not have access to it, we shall have lost half the benefit of what otherwise seems to be a good refranchising agreement, for which the County staff should on the whole be congratulated.

I recently heard Mayor Porter speaking most eloquently on the need for the County to support the coming changes in Silver Spring. A cable center could be one of these improvements. Martin's Additions has its monthly newsletter printed in Silver Spring, so we often visit. In addition, the Council has been seeking ways of communicating more rapidly with residents in case of need. All of us in the smaller communities would certainly benefit more from the County's negotiations with the cable operators, if we have access to a place where we can complete the work of preparing our work for transmission, to our residents or County-wide, within easy reach of our homes and our village halls. Thank you.

VILLAGE OF FRIENDSHIP HEIGHTS

VILLAGE COUNCIL

ALFRED MULLER, M.D., *Mayor*
FRANK VALEO, *Chairman*
PATRICIA FORKAN, *Vice Chairwoman*
MELANIE ROSE WHITE, *Secretary*
SAUL GOLDBERG, *Treasurer*
MICHAEL E. POLLARD, *Parliamentarian*
MICHAEL S. WEINBERG, *Historian*
JULIAN P. MANSFIELD, *Village Manager*
LESLIE STRATHMANN, *Village Manager 1987-1996*

4433 SOUTH PARK AVENUE
CHEVY CHASE, MARYLAND 20815
(301) 656-2797
FAX (301) 907-3922



April 8, 1998

The Honorable Kathy Porter
City of Takoma Park
7500 Maple Avenue
Takoma Park, MD 20912

Dear Ms. Porter:

I will be unable to attend the City of Takoma Park's public hearing on April 13 concerning cable television issues. However, I wish to express my support for having downcounty public access to a satellite cable facility as part of the county's franchise renewal agreement. I believe residents in Friendship Heights and other downcounty areas would greatly benefit from the opportunity to access the county's cable technology from a convenient site.

Please include these comments as part of your public record. Thank you for your assistance.

Sincerely,

Julian P. Mansfield
Village Manager

13 April 1998

Mayor, City Council Members, Friends & Neighbors:

On June 12th, 1996 it was agreed unanimously by the residents attending the SS Carroll Assoc. meeting that "All streets should share the burden of traffic". Since that time, nearly two years later, it is evident that not only is the 'burden of traffic' not shared, but it has been eliminated from one street, Manor Circle, and increased dramatically on the adjoining streets. Many of the residents on Manor Circle would be content to enjoy the tranquility we on Boyd once enjoyed and avoid dealing with the implications that closing the Circle has resulted in. Namely, an unfair and unequal sharing of the burden of cut-through traffic on the adjoining residential streets.

The closing of Manor Circle has not only resulted in an increase in cut-through traffic on Jackson, Boyd, and Lincoln Avenues, but by preventing left turns on Ethan Allen from the Circle, this has forced all but the most sympathetic residents on the Circle to get to Ethan Allen eastbound via North Manor, east on Boyd Ave. and up Jackson to the stop sign at Jackson & Ethan Allen. Manor Circle may at first appear to be a small cluster of residential houses, but in fact it consists of several apartment buildings with a higher population density than any other of the similar sized adjoining residential streets. Add this traffic to the drivers looking for an alternative to Takoma Junction and you find the Circle not only shifting the burden but creating a new burden for it's closest neighboring streets.

This burden consists of more than inconsiderate drivers looking for a short-cut. On a recent afternoon, while a birthday party was taking place in the front yard of a house on Boyd, a man in a station wagon pulled over across the street and tossed a quart bottle of beer from his window onto to the grass. Now, it's bad enough to be littering, but more than likely this guy just finished drinking a quart of beer in his car and is about to drive down a street that has over twenty children under the age of ten. Add to this the fact that there are no sidewalks leading to the Jackson-Boyd

Park that is used by children from a large area due to it's playground designed with young children in mind. To put it simply, the health and safety of our children have been put at increased risk, solely for the benefit and luxury of quiet streets enjoyed on Manor Circle.

Restrictions and speed-bumps on Jackson & Boyd have had minimal impact on the problem. The morning restriction is routinely ignored by several drivers and does not address the afternoon, evening, and weekend problem of cut-through or Manor Circle residents returning home.

The results of this three year trial cannot be ignored as is being recommended by the traffic consultants. The negative impact on our street is significant and real, the traffic consultants and residents of Manor Circle would like you to look only at the benefits it has brought to the Circle.

The only conclusion that should be reached from the study is that the impact on neighboring streets is unacceptable and the burden of traffic is not shared. We must go back to the beginning of the process and explore new solutions that truly count all streets as equals. To encourage Manor Circle residents to participate in this process, Manor Circle must be reopened to all traffic.

Possible solutions that would create equality without one street shouldering more of a burden than another might include imposing the same time restrictions on all streets adjoining Ethan Allen and Carroll Avenues. A stop sign and a redesigned intersection at Ethan Allen and Manor Circle would slow traffic down before entering the Circle. Speed bumps on Manor Circle have never been tried on Manor Circle. Manor Circle is essentially two one way streets, it can accommodate a share of the burden more easily than some of the neighboring streets. The three year trial closing will have had the net effect of reducing future cut-through traffic in that drivers have found more convenient cut-throughs, including Sligo Creek Parkway, Boyd, Jackson, and Lincoln Avenues, thus the burden will be more equally shared. Boyd Avenue, I'm aware, will never again enjoy the relative tranquility we had prior to the closing of Manor Circle.

Several of my neighbors on Manor Circle and Sherman Avenue are sympathetic to the problems that closing Manor Circle has caused and have expressed a willingness to explore alternative

solutions to help restore a harmonious community.

By moving to permanently close Manor Circle to eastbound Ethan Allen Ave., the City Council would be accepting the easier and first solution presented, and would not be serving in the best interests of it's entire constituency. On behalf of myself and my neighbors, I request that you not act in haste but continue to support and work with the community to find the best solution to our shared traffic problem.

Mark Gulezian

349 Boyd Avenue

Takoma Park MD 20912

301-891-2157

Introduced By: Councilmember Williams

Resolution No. 1998-17

**Resolution Taking No Position On a Request for a Special Exception
For an Accessory Apartment at 7008 Sycamore Avenue**

WHEREAS, a request has been made to allow an accessory apartment by special exception in the basement of the single-family home at 7008 Sycamore Avenue; AND

WHEREAS, the Takoma Park City Council requested neighborhood comment on this request because no off-street parking is currently available for the single-family home and none is planned to be provided for the proposed accessory apartment; AND

WHEREAS, the specific requirements for accessory apartments state that there must be a minimum of two off-street parking spaces, unless the Board of Appeals finds either that more spaces are required to supplement on-street parking or adequate on-street parking permits fewer off-street spaces; AND

WHEREAS, the applicant states that there are three on-street parking spaces in front of her house, only one of which she uses; AND

WHEREAS, residents have stated that on-street parking is available in the area and that the approval of the request for an accessory apartment will not create a hardship to residents in the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council takes no position on the application for a special exception for an accessory apartment at 7008 Sycamore Avenue.

ADOPTED THIS 13TH DAY OF APRIL, 1998.

sycamore.res

ORDINANCE NO. 1998 - 11
PURCHASE OF A TRACTOR FOR
THE PUBLIC WORKS PARKS DIVISION

WHEREAS, the FY98 Capital Budget allocated \$20,000 for the purchase of a Tractor for the Public Works Parks Department; AND

WHEREAS, bids were solicited from 9 qualified Tractor vendors and advertised in the Washington Post on 3/15/98; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m. on April 3, 1998 with three (3) bids being received; AND

WHEREAS, Lawn & Power Equipment, MD has submitted the bid in the amount of \$19,904.99, which is only \$119.99 over the lowest bid; AND

WHEREAS, awarding the bid to this vendor would save considerable travel time, in obtaining service, over awarding it to the lowest bidder; AND

WHEREAS the Public Works Team Leader has determined that Lawn & Power Equipment is considered to be both responsive and responsible; AND

WHEREAS, the Public Works Parks Department would like to proceed with the purchase of the Tractor, at a cost of Nineteen Thousand Nine Hundred Four Dollars and 99 Cents (\$19,904.99); AND

WHEREAS, funds are available for this purchase in the Capital Budget Account No. 9100-8003.

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

SECTION 1 THAT authority be granted to award a contract to Lawn & Power Equipment in the amount of Nineteen thousand Nine Hundred Four Dollars and 99 Cents (\$19,904.99); AND

SECTION 2. THAT funds to cover this procurement in the amount of \$19,904.99 be authorized from the Capital Budget Account # 9100-8003.

Adopted this 13th day of April, 1998 by Roll Call Vote:

AYE: Porter, Rubin, Stewart, Williams
NAY: None
ABSTAINED: None
ABSENT: Chavez, Elrich, Hawkins

Introduced by: Councilmember Hawkins

First Reading: 2/23/98
Second Reading: 4/13/98

**ORDINANCE NO. 1998-3
FY 98 BUDGET AMENDMENT NO. 1**

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

SECTION 1. The Fiscal Year 1998 Budget be amended as follows:

General Fund - Revenues

- a. Appropriate \$5,000 into account 0001-3680, Miscellaneous, for reimbursement from MNCPPC for unification printing expenses.
- b. Appropriate \$9,800 into account 0001-3682, Recyclable Sales, to account for additional revenues to be received.
- c. Appropriate \$4,000 into account 0001-3620, Sales of Impounded property, to account for additional revenues to be received from vehicle auctions.
- d. Appropriate \$2,618 to account 0001-3387, State recycling grant, to account for State reimbursement for the purchase of recycling containers.
- e. Appropriate \$14,857 to account 0001-3120, Highway User revenues, to account for projections of higher receipts from the State for FY 98.
- f. Appropriate \$30,000 to account 0001-3325, In Lieu of Police, to account for higher receipts from Mont. County for the FY 98 police rebate.
- g. Appropriate \$2,500 to account 0001-3693, Takoma Park Youth Project to account for Takoma/Langley Crossroads reimbursement for computers.
- h. Appropriate \$9,000 to Account 0001-3688, Police substation to account for funds received from Takoma/Langley Crossroads Development Authority for expenses related to the police substation.
- i. Increase appropriation of Donations, Account 0001-3430, by \$7,912 to account for a \$2,000 donation from Takoma Park Lions Club to the police department **and \$5,912 in donations received for the library.**
- j. Increase appropriation of Income tax, Account 0001-3130, by \$36,000.
- k. Increase appropriation of Highway user revenues, Account 0001-3120, by \$30,000.
- l. Increase appropriation of Montgomery County in lieu of police, Account 0001-3325 by \$22,559.

General Fund - Expenditures

- a. Appropriate \$62,234 to Unappropriated Funds, Account 9000-8200 to fund employee merit increases.

- b. Appropriate \$30,000 to Account 9000-4053, Compensation study, as a reappropriation of funds that lapsed at June 30, 1997, to pay for the compensation study.
- c. Appropriate \$2,500 to Account 4000-6805, to fund purchase of computers for Takoma Park Youth Project.
- d. Appropriate \$9,000 to Account 2200-7054, Police substation
- e. Appropriate \$2,000 to Account 2100-5230, Clothing Allowance, for the purchase of new police flashlights.
- f. **Appropriate \$5,912 in donations for the library to the following accounts:**
 - \$1,500 to 7000-4010, Salaries for Homework Helper program
 - \$ 550 to 7000-5250, for Reference Books
 - \$ 100 to 7000-5255, for Children's Books
 - \$ 875 to 7000-6415, for Children's Programs
 - \$ 887 to 7000-8002, for equipment purchase - computer work table
 - \$1,000 to 7000-5206, for Library Automation
 - \$1,000 to 7000-7005, for Library Automation
- g. Appropriate \$88,000 to the following Recreation accounts for the operation of the Takoma/Langley Recreation Center:
 - \$74,000 to Contracts, Account 4000-6140
 - \$ 7,632 to Expendable supplies, Account 4000-5205
 - \$ 3,938 to Part-time Salaries, Account 4000-4015
 - \$ 2,989 to Telephone, Account 4000-6205

Special Revenue Fund - Revenues

- a. Appropriate \$30,000 to Account 0010-3384, Victim's Assistance Grant, to account for State grant funding .
- b. Appropriate [~~\$38,000~~] \$34,400 to Account 0010-3769, Park Avenue Improvements, to account for CDBG project reimbursement by Montgomery County.
- c. Appropriate \$7,000 to Account 0010-3713, Ed Wilhelm Field, to account for CDBG reimbursement by Montgomery County.
- d. Appropriate \$5,600 to Account 0010-3768, as CDBG funding carryover for Ritchie Avenue sidewalk improvement project.
- e. Decrease Account 0010-3905, Takoma Junction State grant, by \$375,000.

Special Revenue Fund - Expenditures

- a. Appropriate \$30,000 to Account 0010-7230, Victim's Assistance program, a State grant funded program.

- b. Appropriate ~~[\$38,000]~~ \$34,400 to Account 0010-6855, Park Avenue improvements, to provide budgeted funds for a CDBG funded project.
- c. Appropriate \$7,000 to Account 0010-7177, Ed Wilhelm Field improvements, to provide expenditure account for CDBG funded project.
- d. Appropriate \$5,600 to Account 0010-6836, Ritchie Avenue sidewalk improvements.
- e. Decrease Account 0010-6754, Takoma Junction State grant, by \$375,000.

General Fund - Transfers to Expenditure Accounts

- a. Transfer \$132,234 from Account 9000-8200, Unappropriated Funds, to the following accounts to fund employee merit increases:
 - \$10,793 to Account 1120-4010, Gen. Govt. Salaries - Administration
 - \$1,954 to Account 1130-4010, Gen. Govt. Salaries - Accounting
 - \$2,869 to Account 2100-4010, Police Dept. Salaries - Office of the Chief
 - \$459 to Account 2100-4020, Police Dept. Fringe Benefits - Office of the Chief
 - \$5,156 to Account 2200-4010, Police Dept. Salaries - Community Services
 - \$1,433 to Account 2200-4020, Police Dept. Fringe Benefits - Community Services
 - \$8,034 to Account 2300-4010, Police Dept. Salaries - Patrol
 - \$3,208 to Account 2300-4020, Police Dept. Fringe Benefits - Patrol
 - \$3,712 to Account 2400-4010, Police Dept. Salaries - Criminal Investigations
 - \$439 to Account 2400-4020, Police Dept. Fringe Benefits - Criminal Investigations
 - \$1,362 to Account 2500-4010, Police Dept. Salaries - Administration
 - \$209 to Account 2500-4020, Police Dept. Fringe Benefits - Administration
 - \$5,839 to Account 3100-4010, Public Works Salaries - Administration
 - \$1,026 to Account 3100-4020, Public Works Fringe Benefits - Administration
 - \$2,849 to Account 3200-4010, Public Works Salaries - Building Maintenance
 - \$541 to Account 3200-4020, Public Works Fringe Benefits - Building Maintenance
 - \$2,025 to Account 3300-4010, Public Works Salaries - Equipment Maintenance
 - \$385 to Account 3300-4020, Public Works Fringe Benefits - Equipment Maintenance
 - \$4,469 to Account 3400-4010, Public Works Salaries - Parks
 - \$1,092 to Account 3400-4020, Public Works Fringe Benefits - Parks
 - \$7,239 to Account 3500-4010, Public Works Salaries - Solid Waste
 - \$1,559 to Account 3500-4020, Public Works Fringe Benefits - Solid Waste
 - \$11,058 to Account 3600-4010, Public Works Salaries - Streets
 - \$2,100 to Account 3600-4020, Public Works Fringe Benefits - Streets
 - \$11,846 to Account 4000-4010, Recreation Salaries
 - \$3,460 to Account 4000-4020, Recreation Fringe Benefits
 - \$14,931 to Account 5000-4010, DHCD Salaries
 - \$2,682 to Account 5000-4020, DHCD Fringe Benefits
 - \$9,847 to Account 7000-4010, Library Salaries
 - \$1,626 to Account 7000-4020, Library Fringe Benefits
- b. Transfer \$8,250 from Unappropriated Funds, Account 9000-8200, to Account 1120-4010, Salaries and \$2,475 to Account 1120-4020, Fringe benefits, to fund City Administrator's salary increase per contract.

SECTION 2. **THAT the Mayor is authorized to execute an extension of the City Administrator's employment contract (through June 30, 1998).**

SECTION 3. THAT this Ordinance shall become effective upon adoption.

Adopted this 13th day of April 1998, by Roll Call vote as follows:

AYE: Porter, Rubin, Stewart, Williams
NAY: None
ABSTAIN: None
ABSENT: Chavez, Elrich, Hawkins

o-98ba1

Note: Items in bold are additions to the ordinance since Council reviewed it in worksession of Feb. 17th. Library has received some donations for specific purchases which are reflected in the new version.

Note: Items underlined represent proposed amendments since Council accepted the Ordinance at First Reading on February 23, 1998.

Introduced by: Councilmember Rubin

1st Reading: 4/13/98

2nd Reading:

ORDINANCE #1998-12

AMENDING CITY CODE TO ADD THE PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE (PSCAC) AS A STATUTORY COUNCIL-APPOINTED COMMITTEE

WHEREAS, in 1996, the City Council established a permanent Public Safety Citizens Advisory Committee (Resolution #1996-66) 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 PSCAC is currently treated as a non-statutory committee with members appointed by the Council; **AND**

WHEREAS, recognizing the permanent nature and long term objectives of the committee, the City Council desires to establish the PSCAC as a statutory council-appointed committee; **AND**

WHEREAS, it will be necessary to assign staggered terms to the existing PSCAC members (see Attachment); **AND**

WHEREAS, upon codification of this ordinance, a further amendment to the City Code (Chapter 2. Administration, Article 6. Boards and Commissions, Division 1. General Provisions, Sec. 2-125. Membership of statutory Council-appointed committees) will be required to assign the length and expiration month/date of terms on the committee.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the following amendments to the City Code shall be effected:

SECTION 1. Division 5. Public Safety Citizens Advisory Committee.

Sec. 2-154. Establishment.

A Public Safety Citizens Advisory Committee is established, which shall provide input and advice to the City 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.

Sec. 2-155. Composition.

The Committee shall be composed of twelve citizens appointed by the Council. The twelve citizen members shall serve staggered two-year terms, with initial appointments of six members to one-year terms and six members to two-year terms. The terms shall begin on October 1 and end on September 30. The members shall elect among themselves a Chair.

Sec. 2-156. Objectives.

The objectives of the Public Safety Citizens Committee are to:

- (a) Act as a conduit between Takoma Park Residents, the Takoma Park Police Department and the City Council by soliciting and conveying information regarding community needs and expectations, long range visions and goals, and any problems and/or specific incidents that might arise.
- (b) Be an active participant in the continuous process of advising the Council and the Police Department regarding the designing and implementing of policies, plans and programs for Community Oriented Policing, Neighborhood Watch, and other neighborhood-based crime prevention activities.
- (c) Prepare and present an annual report to the Council which will include but not necessarily be limited to discussions and descriptions of community needs and expectations in the public safety area, activities being carried out to address these needs and expectations, and recommendations for making further progress.
- (d) (1) Design and implement procedures for carrying out Sec. 2-156 (a) (b) and (c).
(2) In designing and implementing procedures, the Committee shall obtain any needed input and decisions from Council, the Takoma Park Police Department, and other City agencies.
- (e) Attempt to provide the Council, the Police Department, and other appropriate City agencies, with suggestions about how services might be funded.

BE IT FURTHER ORDAINED THAT this Ordinance shall become effective upon adoption.

ADOPTED this ____ day of April, 1998.

AYE:

NAY:

ABSENT:

ABSTAIN:

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

Monday, April 27, 1998

Executive Session 4/13/98 - Moved by Stewart; seconded by Williams. Council convened in Executive Session by unanimous vote at 11:18 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Rubin, Stewart, Williams. OFFICIALS ABSENT: Chavez, Hawkins. STAFF PRESENT: Habada, Hobbs, Sartoph. The Council discussed proposals for union negotiations, and gave direction to staff for formulating counter-proposal. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

Executive Session 4/20/98 - Moved by Stewart; seconded by Chavez. Council convened in Executive Session by unanimous vote at 10:56 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada. The Council discussed issues and process for negotiating City Administrator's contract. City Administrator suggested issues; Council and City Administrator agreed on process. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

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
Planning Center Coordinator Ludlow
Community Planner George
Recreation Director Bluford
Public Works Team Leader McKenzie
Public Works Team Leader Shafer
Public Works Team Leader Braithwaite
Public Works Team Leader Monk
Community Development Coordinator Sickle
Acting Code Enforcement Supervisor Sanford
Housing Services Coordinator Walker
Library Director Arnold-Robbins
Treasurer McKenzie
Systems Administrator Castillo

Executive Director, COLTA, Lee-Bryant

The City Council convened at 7:43 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mayor Porter announced that Mayor Dantas from Brazil (Sugar Loaf, Brazil) is here as a guest this evening. He is visiting the U.S., touring towns that have a participatory form of government, and he certainly came to the right place in choosing Takoma Park.

PRESENTATIONS

Mayoral Proclamations recognizing Dr. Leroy R. Kuhn, Anna Dunbebin and Ingrid Christiansen-Flowers who are being honored during a "Retirement Farewell and Education Celebration" which will be hosted by John Nevins Andrews School.

Ms. Porter read the final clause of the proclamation for Dr. Leroy R. Kuhn, and noted that there are similar proclamations for the other two retirees. She noted that Councilmember Williams will be attending the ceremony and presenting proclamations on Thursday evening.

ADOPTION OF MINUTES - 4/13

Moved by Williams; seconded by Stewart. The Council Meeting Minutes from 4/13/98 were adopted unanimously (ABSENT: Elrich, Hawkins, Rubin).

CITIZENS' COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), welcomed the Mayor from Brazil, and encouraged the Mayor to take back a message to Brazilian youth to get involved in their community. Mr. Onyeneke spoke in support of Governor Glendening's candidacy and his position on gambling, and commented on the mission of Generation X. He encouraged the establishment of a professional women's soccer league, and said that if it does not happen, Generation X'ers will boycott Nike athletic wear. He remarked in opposition to a federal bill regarding private schools, and urged President Clinton to try to renovate the school system within the District of Columbia.

PUBLIC HEARING

1. Proposed FY99 Budget. Ms. Porter noted that this is the first of two public hearings on the City budget, the next to be held a week from today.

Called to order at 7:52 p.m.

Jack Mitton, 501 Philadelphia Avenue, welcomed the Mayor from Brazil, pointing out that the City has a sister City in Jequie Brazil. He noted that Jequie is included in the lobby display, and that the City has a park named after Jequie. In regards to the comparison of employee salaries recently cited in the compensation study, he commented that there should also be a comparison of the residential tax rates the communities which were used for the comparison. He noted the Gazette article stating that there is only a 2 cent increase on the tax rate, but explained that there is really an increase of at least 10 cents in the proposed budget. The Gazette article included no mention of how this tax rate compares with other municipalities. Mr. Mitton encouraged the Council to take a look at other municipal tax rates. He recalled that the City borrowed monies through the state to afford two years of CIP improvements. Funds were to be put in escrow to pay back the loan if the interest on the loan ever exceeds the interest being earned on the monies in escrow. He questioned where the escrow money is reflected in the budget. Where is it being held? What is the return on the money? How is it being invested? Mr. Mitton credited Mayor Porter for persisting that the monies be set aside. He referred to the Executive Summary where the monies are referenced but there is no mention of how the funds will be invested.

Benjamin Onyeneke, Maple Avenue, referred to the Media budget, emphasizing that media can play a big role in the community. He supported youth outreach programs described in the Recreation budget, but observed that he did not see anything in the budget about teens/youth jobs. Young people are tired of working volunteer jobs. The youth programs should include a focus on the ethnically diverse youth community. Mr. Onyeneke described the budget as being very positive budget, but urged the Council to increase funding for media operations. He commended the staff team who worked on the budget.

Nellie Moxley, Eastern Avenue (Pine Crest), stated that Pine Crest has had a lot of problems, but that City Engineer Monk has had his hands tied in terms of responding since he does not have adequate funding to do the work. The City has been given appropriations by the state and county which should have been applied to work in the Pine Crest neighborhood. She noted a recent incident where Montgomery County got involved in addressing flood plain problems for a house on Fourth Avenue. Pine Crest sits in the Anacostia flood plain area. In regards to the proposed FY99 budget, all it amounts to is more money out of the pockets of residents and requests for more money from Montgomery County. There needs to be more storm water management, and employees need additional funds to perform their jobs. She reiterated that the City has been given money targeted for Pine Crest, although it is not evident in the budget. The Storm Water budget needs to be overseen. Someone needs to go to Prince George's County and demand some of the paper work that we do not have (e.g., descriptions of flood plain, sewer system, etc.). Residents cannot afford any more taxes. There are already enough houses in the City up for sale, and some have been sitting for sale for a couple of years. There are a lot of people in Pine Crest who cannot afford tax increases.

The Public Hearing was closed at 8:08 p.m.

Ms. Porter announced that Councilmember Rubin will not be here this evening because he is

tending to an emergency illness in his family. She noted that the budget this year was prepared by a team of City employees, in addition to the City Administrator. She read the names of people on the team, gave them credit for the enormous amount of work involved in preparing the budget, and thanked them all for their efforts.

REGULAR MEETING

2. Resolution re: S.S. Carroll Traffic After Study. Councilmember Williams proposed several amendments to the resolution. Ms. Porter added one regarding the turn restriction being effective only Monday through Friday. Mr. Williams moved the resolution with the amendments; seconded by Chavez.

Councilmember Stewart asked Community Planner George whether staff is going to study the feasibility of lowering the speed limit from 25 mph.

Ms. George responded that this idea has been discussed at many meetings. In next fiscal year, staff will explore several other strategies, including a lower speed limit.

Mr. Williams called attention to the resolution as it relates to enforcement of stop signs at Jackson/Boyd and Jackson/Ethan Allen. He noted that the study and residents' observations support the notion that a lot of motorists are ignoring the signs, and said that he would like to see more police enforcement in this area.

Ms. George stated that staff and police are looking at ways of enforcing traffic laws. Efforts are being made to manage and resolve this type of problem.

Williams commented that in this instance, there will need to be some targeted enforcement to get the message across.

Ms. Porter said that she also thinks the traffic light at Carroll and Ethan Allen has a bearing on the traffic flow. While the Council has been talking about making a discussion of this light a part of a larger effort to address traffic in the junction, it might be best to move forward with addressing the traffic light given the fact that development in Takoma Junction is taking longer than expected.

Ms. George noted an upcoming May meeting with representatives from the State Highway Administration (SHA) during which this intersection will be discussed.

Ms. Porter remarked that staff might suggest to SHA that the traffic light be turned off and changed to a blinking signal. There have been times when a storm has caused power to go out, resulting in the light going out, and it has been observed that traffic has flowed more smoothly without the traffic light.

Mr. Williams commented that changes in SHA staffing should not cause the City to be dropped to the bottom of their list for action items.

Resolution #1998-18 was adopted unanimously, as amended, adopting the traffic management measures for the S.S. Carroll Avenue Neighborhood Association and surrounding community (VOTING FOR: Porter, Chavez, Stewart, Williams; ABSENT: Elrich, Hawkins, Rubin).

**RESOLUTION #1998-18
(Attached)**

Mr. Williams noted that this action closes out a nine year process.

3. Resolution re: Edge Community Initiative. Ms. Porter explained the resolution. Moved by Chavez; seconded by Stewart.

Resolution #1998-19 was adopted unanimously, authorizing City staff to submit a request to Montgomery County for reprogramming of Community Development Block Grant funds (VOTING FOR: Porter, Chavez, Stewart, Williams; ABSENT: Elrich, Hawkins, Rubin).

**RESOLUTION #1998-19
(Attached)**

4. Resolution re: MOU regarding Development of Takoma Park Master Plan. Ms. Porter explained the resolution. This does not deal with the substance of the Master Plan; it deals with the process by which Park & Planning and the City will work on the plan. It outlines the types of participation that the City will have. She noted that advisory groups will be formed. Moved by Williams; seconded by Chavez.

Councilmember Chavez asked how many members will be on the Master Plan Advisory Group (MPAG).

Planning Center Coordinator Ludlow responded that a decision has not been made. By the end of the week, Park & Planning will be sending out invitations to express interest in appointment to the MPAG to neighborhood associations and other interested persons. We will have to see how it plays out.

Mr. Chavez questioned whether the thinking is that it would be most appropriate for officers of neighborhood groups to be invited to serve on the group.

Ms. Ludlow said that it will be interesting to see who responds, and whether the responses will be representative of the community. Invitations will be sent to the associations, individually, as well as to other individuals who are active in the community.

Ms. Porter commented that most associations are organized enough that they can identify a representative. She emphasized that she did not want there to be misunderstanding in the case of invitations that are sent to specific persons--these persons would not be the representative for an association. Ms. Porter clarified that there is not an implied overlap in association and individual invitations. What involvement will the City have in the final selection of members for the MPAG?

Ms. Ludlow explained that the final decision will be made by the Planning Board, but that she has been invited to sit in on discussions about membership and will be able to report back to the Council.

Ms. Porter remarked that it is extremely important that we include people from all neighborhood associations and business groups who want to have involvement in the Master Plan process. Although it may seem cumbersome, it will actually make things easier because people will not feel shut-out or compelled to push their way into the process. Mr. Williams clarified that Ms. Porter is suggesting that all associations should be allowed a representative, not every individual of an association who is interested.

Mr. Williams said that he will forward to Ms. Ludlow a list of residents who are interested in participating. Ms. Ludlow stated that she will make sure that Park & Planning staff send invitations to these persons. The deadline for selecting members is May 18th. She stated her concern about the short time frame for persons to respond to invitations.

Mr. Williams referred to the memorandum from Ms. Ludlow dated April 24th, and asked the following questions:

(1) (page 5) What land does the county own at Philadelphia and Piney Branch?

City Administrator Habada explained that the county owns a portion of the right-of-way. For a long time, the City thought that the Lower Portal Park was the City's property. Research revealed that the park and right-of-way was the jurisdiction of Montgomery County. When we asked for the park to be conveyed to us, the county reserved a portion of the right-of-way for widening of Piney Branch Road.

(2) (page 6) It needs to be noted that the historic district also extends down to Carroll Avenue and other areas.

(3) (page 7) Does the watershed include Pine Crest?

(4) (page 10) Does this include discussion of an overlay zone?

Nellie Moxley, Eastern Avenue, urged the Council to postpone the vote on the resolution. She commented that it is bothersome that Ms. Ludlow does not have a full role in the process. Ms. Ludlow should have full access to information from the Planning Board. Ms. Moxley said that

she would like to see all of the invitations sent out and members selected before the Council agrees to the MOU.

Ms. Porter explained that the MOU does not address the Master Plan process itself. There will be a process. The primary responsibility for the Master Plan rests with the Planning Board. This resolution affects mainly how we work at the staff level. It does not grant the Planning Board any more power. The MOU outlines a number of specific things where Council and staff will have input into the process. In the end, the authority rests with the Planning Board.

Ms. Moxley reiterated her concern.

Ms. Habada stated that if there is a concern about making sure that all neighborhood associations have their letters in on time, staff could help facilitate responses.

Councilmember Elrich raised the issue of associations which straddle planning areas--i.e., Between the Creeks Neighborhood Association (part in the City; part outside the City). We may want two representatives (City resident and non-City resident) from that association to bring ideas that will bridge the boundary.

Ms. Porter commented that the part of the association outside of the City is not part of our Master Plan.

Ms. Ludlow agreed, but stated that the plan for East Silver Spring is going on at the same time. The question is how much overlap discussions we want. She remarked that she can see some duplicate representation for associations that "cross the line", but pointed out that the important issue is how their input impacts the Master Plan.

Mr. Elrich restated the importance of considering the border areas.

Mr. Williams commented that he is not sure to what extent some of the joint MPAG meetings might reach this concern.

Ms. Ludlow noted that one of the first meetings is a joint meeting of MPAG's (June 15th). It will give an opportunity for some sharing of concerns as well as an opportunity to focus on issues for the separate areas.

Resolution #1998-20 was adopted unanimously, authorizing the Mayor to sign a Memorandum of Understanding with the Montgomery County Planning Board, regarding the Takoma Park Master Plan, on behalf of the City Council (VOTING FOR: Porter, Chavez, Stewart, Williams; ABSENT: Elrich, Hawkins, Rubin).

**RESOLUTION #1998-20
(Attached)**

5. 1st Reading Ordinance re: CDA Business License Requirements. Ms. Porter described the ordinance.

Ms. Habada noted that Assistant Corporation Counsel Linda Perlman should be arriving shortly, if there are any questions.

Ms. Porter commented that the Council has discussed this ordinance at a couple of Work Sessions. All of the changes have been discussed at least once.

Benjamin Onyeneke, Maple Avenue, asked why the CDA is coming up with such license fees. He said that he would love to see a strong debate on this issue. He questioned whether statistics have been reviewed to gauge probable impact on the small retailers. The fees are too high. What benefit does the money have to the City and/or CDA? He remarked about the danger of monopolies, and concluded that he does not favor the maximum fee (\$3500). The City is driving away businesses.

Ms. Porter noted that Councilmember Hawkins has been out of the country on business (sent by her firm), and will be returning shortly. Ms. Porter again described the ordinance and its application to the CDA. She invited CDA Executive Director Erwin Mack to comment on how the money is used and the positive impact of the CDA on the businesses in the Takoma/Langley area.

Erwin Mack, Executive Director of CDA, stated that the Takoma/Langley CDA is a model for business CDA's in the State of Maryland. The monies that the CDA has been permitted to challenge have resulted in \$750,000 which has been applied to public safety initiatives. He noted Mr. Onyeneke's concern about the fees, and commented on the use of funds for the police substation and this year, the Esau Program (\$3100 donated to Carole Highlands Elementary School).

Mr. Chavez remarked that the CDA has also donated computers to the Recreation Center.

Mr. Mack commented that the CDA purchased one complete computer, and that they have also purchased two police bicycles. No money goes to private interests. It all goes back into the community.

Ms. Porter said that the CDA has made shopping in the area more appealing, and has done a lot for the business development in that area.

Mr. Mack cited recent examples of work being done by the CDA (e.g., lighting at Holton Lane, graffiti removal, street scape plans, etc.). These things would not have been done without the CDA in place.

Mr. Chavez noted that the CDA has also given grants to neighborhood associations for special

projects.

Ms. Stewart asked whether the CDA has thought about the procedure that will be used if the City does not proceed with collecting on MI's.

Mr. Mack responded that it would be no different than how it is currently handled. Collections are an unfortunate part about doing business. Where payment to the City or payment to the private attorney, it would make no difference (cost the same).

Ms. Porter commented that the City will reserve the right to go forward with MI's.

Mr. Mack reiterated that the costs would not be any more with or without the ordinance. He noted the changes in the ordinance.

Mr. Onyeneke said that there are a lot of retailers who employ summer youth workers, and that the higher fees might force them to fire these employees. Teenagers may be forced out of jobs. He emphasized his concerns for the retailers. Mr. Onyeneke remarked that Mr. Mack did not offer rationale for the level of fees. In response to Mr. Mack's comment about grants awarded by the CDA, Mr. Onyeneke observed that in general grants are awarded based on prejudice. There is no focus on Generation X'ers.

Ms. Porter commented that the ordinance does not impose any new fees. The fees in the ordinance have been in place for ten years

Mr. Williams stated that he thinks that some of the statements made by Mr. Onyeneke go beyond the bounds of appropriateness, but refrained from addressing those statements further.

Moved by Chavez; seconded by Elrich.

Ordinance #1998-13 was accepted unanimously, for the purpose of making the failure to obtain an annual license issued by the Takoma/Langley Crossroads Development Authority, Inc. a municipal infraction, increasing the late payment fee, and providing for businesses to be charged a license fee for each license category in which the business falls (VOTING FOR: Porter, Chavez, Elrich, Stewart, Williams; ABSENT: Hawkins, Rubin).

ORDINANCE #1998-13
(Attached)

6. Cable Television Franchise Agreement and Transfer of Cable Television Franchise.

Assistant City Administrator Hobbs summarized points from his memorandum, and explained the ordinances. He recommended that the Council accept the ordinances at first reading, but noted that there is still discussion at the county about the 75/25 split. He said that he will be reporting back to the Council. He noted that there has also been some discussion about the terms of the

franchise and the split of the grants. Mr. Hobbs concluded that before asking the City Council to vote on the ordinances at second reading, he wants to be sure that things we want are still intact.

Mr. Williams questioned what are the alternative if negotiations do not go as we would like.

Mr. Hobbs explained that the City could pull-out and say "no" as a co-franchiser, leaving us in a position to go on our own (hold our own negotiations). The other option would be that City Councilmembers would need to lobby the County Councilmembers.

Mr. Williams confirmed that if the City were to go on its own, then it would be in the same position as Gaithersburg which negotiates its own agreement.

Ms. Porter observed that there is a timing issue. Mr. Hobbs explained that agreements need to be finalized by May 24.

Ms. Porter commented that the reason for going forward with the first reading of the ordinances, is that by doing so, the Council can reserve the second reading for the last minute.

Mr. Elrich asked whether MML is looking to go on its own.

Mr. Hobbs responded that the MML Channel is one of the co-franchisers that has been working on this issue. He described the positions of several County Councilmembers in regards to the agreement (i.e., Hanna supports the 75/25 split; Potter is concerned about a contribution to public access and educational system; and Praisner is concerned about contribution to public access).

Ms. Porter remarked that there have been some discussions since the last MML Montgomery Chapter meeting that Mr. Elrich attended. The MML Channel is not as concerned about not reaching an agreement, and is not likely, at this point, to go on its own.

Mr. Williams confirmed that based on Mr. Hobbs' information, Councilmembers may have to do some lobbying.

Ms. Porter suggested that the Council consider each ordinance individually.

1st Reading Ordinance re: Cable Television Franchise Agreement. Moved by Elrich; seconded by Williams.

Ordinance #1998-14 was accepted unanimously, authorizing the renewal of the cable communications franchise by SBC Media Ventures, L.P. within the corporate limits of the City pursuant to several conditions (VOTING FOR: Porter, Chavez, Elrich, Stewart, Williams; ABSENT: Hawkins, Rubin).

ORDINANCE #1998-14

(Attached)

1st Reading Ordinance re: Transfer of Cable Television Franchise. Moved by Williams; seconded by Chavez.

Mr. Elrich said that there is a lot of concern in the community about cable rates, but observed that local jurisdictions are unable to control rates since the federal government (FCC) exercises this control. He explained how the transfer is a prime example of a kind of monopoly, and remarked about some of the problems experienced by Bell Communications.

Ms. Porter acknowledged Mr. Elrich's concern, but explained that even if the Council decided not to pass this ordinance, the situation would still exist.

Mr. Onyeneke recalled that representatives of the cable company described, during the public hearing, the reason for the transfer of the franchise. He said that he liked Mr. Elrich's analogy regarding cable rates, and expressed appreciation for Council's attention to this very important matter.

Ordinance #1998-15 was accepted unanimously, approving the transfer of the cable communications franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C. within the corporate limits of the City pursuant to several conditions (VOTING FOR: Porter, Chavez, Elrich, Stewart, Williams; ABSENT: Hawkins, Rubin).

ORDINANCE #1998-15
(Attached)

7. 2nd Reading Ordinance re: Public Safety Citizens Advisory Committee. Ms. Porter explained the ordinance, noting that it does not change the responsibilities or membership of the committee. Moved by Chavez; seconded by Williams.

Mr. Onyeneke supported adoption of the ordinance. Ward 4 is not represented on the PSCAC. He suggested that language be added to the ordinance to give the City Administrator the authority to make recommendations about appointments if it is identified that a Ward is not represented.

Ms. Porter explained that Ward representation was one of many things that was considered when appointments were made to the committee. Obviously, equal Ward representation is desirable and will be taken into account with future appointments.

Ordinance #1998-12 was adopted unanimously, amending the City Code to add the Public Safety Citizens Advisory Committee (PSCAC) as a statutory Council-appointed committee (VOTING FOR: Porter, Chavez, Elrich, Stewart, Williams; ABSENT: Hawkins, Rubin).

ORDINANCE #1998-12

(Attached)

**BUDGET WORKSESSION / WORKSESSION / EXECUTIVE SESSION /
ADJOURNMENT**

The Council moved into Budget Worksession at 9:05 p.m. and later, into a regular Worksession. Following the Worksession, the Council convened in Executive Session and upon completion of the closed meeting discussion, the Council adjourned for the evening.

Executive Session 4/27/98 - Moved by Chavez; seconded by Stewart. Council convened in Executive Session by unanimous vote at 10:10 p.m., in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Stewart, Williams. OFFICIALS ABSENT: Elrich, Hawkins, Rubin. STAFF PRESENT: Habada, Hobbs, Sartoph. (1) Staff provided update on Union negotiations. Council gave direction on negotiations. (NOTE: Staff left the room.) (2) The Council discussed City Administrator contract negotiations and the Council's position on the negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

Introduced By: Council member Williams

RESOLUTION NO. 1998 - 18

Resolution Adopting the traffic management measures for the S. S. Carroll Avenue Neighborhood Association and Surrounding community which proposes:

- Continuing the partial closure of Manor Circle;
- Keeping signs warning motorists who enter Manor Circle from Carroll Avenue that they cannot make a left turn onto Ethan Allen Avenue;
- Enforcing "No Right Turn" restrictions during rush hours (between 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Monday through Friday) on Ethan Allen Avenue for motorists turning onto Jackson Avenue;
- Completing the existing sidewalk on the south side of Boyd Avenue between Jackson and Carroll Avenues (between the intersection of Jackson Avenue/Boyd Park and 319 Boyd Avenue);
- Installing 25 - MPH speed signs on neighborhood streets in the study area; and,
- Increasing enforcement of traffic regulations on neighborhood streets.

WHEREAS, In 1994, the S. S. Carroll Neighborhood Association requested that the City of Takoma Park arrange for a traffic study for their neighborhood; AND,

WHEREAS, The City's traffic engineering consultants conducted many studies and reviewed the measures and endorsed those mentioned above; AND,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby Adopts the above mentioned traffic management measures.

BE IT FURTHER RESOLVED THAT the Council commends the S. S. Carroll Neighborhood Association for its contributions to the preparation of the transportation measures.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby directed to prepare an implementing schedule for the above-mentioned transportation measures.

ADOPTED THIS 27TH DAY OF APRIL, 1998.

Introduced by: Councilmember Chavez

RESOLUTION 1998 - 19

A resolution authorizing City Staff to submit a request to Montgomery County for reprogramming of Community Development Block Grant funds.

WHEREAS, the City receives Community Development Block Grant Funds as a passthrough allocation from Montgomery County; and

WHEREAS, these funds can be used for eligible activities to benefit low- and moderate-income households or assist in the elimination of slums and blight; and

WHEREAS, there is the necessity to redirect funds to respond to changes in City needs.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park that a request to reprogram Community Development Block Grant Funds in the total amount of \$5,000 for support of the Edge Community Initiative, a joint project of Casa de Maryland and the Washington Area Housing Partnership, be submitted to Montgomery County as follows:

1. Reprogram \$1,825 from PY20 Transitional Housing
2. Reprogram \$3,175 from PY20 Headstart Health Project

Adopted this 27th day of April, 1998.

Introduced By: Councilmember Williams

Resolution No. 1998-20

**Resolution Authorizing the Mayor to Sign a Memorandum of Understanding
With the Montgomery County Planning Board, Regarding the Takoma Park Master Plan,
On Behalf of the City Council**

WHEREAS, the Maryland National-Capital Park and Planning Commission is required to prepare and update master plans for communities within its jurisdiction; AND

WHEREAS, an update of the City of Takoma Park's Master Plans has begun; AND

WHEREAS, as a municipality, the City of Takoma Park has special responsibilities to its citizens regarding planning within its jurisdiction; AND

WHEREAS, the City of Takoma Park has staff knowledgeable in planning and in working with the organizations and citizens of Takoma Park; AND

WHEREAS, the City of Takoma Park has standard processes for obtaining community views on matters pertaining to Takoma Park; AND

WHEREAS, a Memorandum of Understanding between the Montgomery County Planning Board and the Takoma Park City Council has been drafted identifying how the two bodies and their staffs will work together in the preparation of the Takoma Park Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council authorizes the Mayor to sign the Memorandum of Understanding with the Montgomery County Planning Board, regarding the preparation of the Takoma Park Master Plan, on behalf of the City Council.

ADOPTED THIS 27TH DAY OF APRIL, 1998.

Introduced by:
Councilmember Chavez

First Reading: April 27, 1998
Second Reading:

Drafted by: Linda S. Perlman
Asst. Corporation Counsel
Draft Date: April 28, 1998

Effective Date:

ORDINANCE NO. 1998-13

(For the purpose of making the failure to obtain an annual license issued by the Takoma/Langley Crossroads Development Authority, Inc. a municipal infraction, increasing the late payment fee, and providing for businesses to be charged a license fee for each license category in which the business falls.)

WHEREAS, by Ordinance No. 1987-54, which is codified as Chapter 4A.1 of the *Takoma Park Code*, the Council of the City of Takoma Park established the Takoma/Langley Crossroads Development Authority ("CDA") as a commercial district management authority; and

WHEREAS, the purposes of the CDA are to promote and market the portion of the Langley Park commercial district which is within the City, and to provide security, maintenance, and amenities within this district; and

WHEREAS, every business within the district is required to obtain an annual license from the CDA; and

WHEREAS, the annual license fee is based on the nature of the business and the number of square feet used by the business; and

WHEREAS, some businesses within the district have failed to pay the annual license fee to the CDA; and

WHEREAS, license fee collections have been time-consuming and burdensome to the CDA, leaving less time and money available for the CDA to work towards improvements within the district; and

WHEREAS, the Council wishes to make failure to obtain an annual license from the CDA a municipal infraction in order to aid enforcement of, and to encourage compliance with, the CDA license requirement.

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

SECTION 1. Chapter 4A.1, Commercial Management Districts and Authorities, Sec. 4A.1-10, Licenses, of the *Takoma Park Code*, is amended as follows:

**CHAPTER 4A.1. COMMERCIAL MANAGEMENT DISTRICTS
AND AUTHORITIES.**

Sec. 4A.1-10. Licenses.

Every business in the district must obtain an annual license issued by the Authority. Failure to obtain an annual license, and to pay the annual license fee, shall be a Class C municipal infraction.

Sec. 4A.1-11. License fees.

(a) The annual license fee shall be based on the nature of the business and the number of square feet used in the business.

(b) Exempt businesses do not pay any fees.

(c) *Enumeration of fees.*

(1) The fees shall be as follows:

Category	Fee per Square Foot	Maximum Fee
Retail	\$0.20	\$3,500.00
Professional	0.10	3,500.00
Hotel/motel/theater	0.0667	3,500.00
Property owner	0.05	3,500.00
Warehouse	0.00	0.00

(2) If a business falls in more than one (1) license fee category, it shall be charged a license fee for each category in which the business falls, only for the category with the highest fee.

(d) At the request of the Board, the city shall collect license fees on behalf of the Authority, as its agent. Unpaid license fees shall be assessed an additional late payment fee of ~~2%~~ 1% of the fee per month or any portion of a month. The city may charge the Authority for the expenses incurred in collecting fees and for the costs and attorney's fees incurred by the city in connection with enforcement of the license requirement through the issuance and prosecution of municipal infraction citations. The Authority, by vote of its Board, is empowered to institute suit to collect unpaid fees, plus all reasonable legal fees incurred in this collection of unpaid fees.

(e) The Board shall appoint an appeals panel as provided in the bylaws. The appeals panel shall hear all objections to the license fee set for each business. The only issues that may come before the appeals panel are whether:

(1) The nature of the business has been accurately determined;

(2) The number of square feet of space used by the business is correct;

and

(3) The fee has been correctly calculated based on the rate and the square footage.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 1998, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

~~Additions~~ to the existing language of the *Takoma Park Code* are shown by ~~shading~~.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

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Introduced by: Councilmember Elrich

First Reading: 4/27/98

Second Reading:

Effective Date:

Ordinance 1998-14

WHEREAS, the City of Takoma Park, has granted to SBC Media Ventures, L.P., a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; and

WHEREAS, SBC Media Ventures, L.P. has applied to renew the aforesaid franchise for an additional fifteen (15) years; and

WHEREAS, Montgomery County and the municipal co-franchisors, including the City of Takoma Park, conducted a public hearing on the proposed renewal on March 2, 1998; and

WHEREAS, a second public hearing was conducted by the City of Takoma Park and other municipal co-franchisors on April 13, 1998; and

WHEREAS, based upon the application and supporting materials supplied by SBC Media Ventures L.P., and the record of the hearings, the Council of the City of Takoma Park finds that the proposed renewal will serve the best interests of the City and its residents, provided that the renewal is based upon the terms and conditions set forth herein.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Takoma Park, Maryland,

SECTION 1. The renewal of the cable communications franchise by SBC Media Ventures, L.P. within the corporate limits of the City of Takoma Park is hereby approved upon the following conditions:

- (a) SBC Media Ventures, L.P. shall enter into an agreement with the City of Takoma Park for the renewal of the franchise containing the substantive terms and conditions set forth in the form attached hereto.
- (b) SBC Media Ventures, L.P. and Montgomery County shall enter into a Franchise Agreement, containing substantially the same terms and conditions as set forth in the form attached hereto, renewing the franchise in the unincorporated areas of Montgomery County.
- (d) The effective date of the renewal shall be the same date as the renewal is effective in the unincorporated areas of Montgomery County.

SECTION 2. The City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purposed of this Ordinance. This

Ordinance shall be effective immediately.

Adopted this ____ day of _____, 1998 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

Introduced by: Councilmember Williams

First Reading: 4/27/98

Second Reading:

Effective Date:

Ordinance 1998-15

WHEREAS, the City of Takoma Park, has granted to SBC Media Ventures, L.P., a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; and

WHEREAS, SBC Media Ventures, L.P. and Prime Communications-Potomac, L.L.C. have applied to the City of Takoma Park for approval to transfer the franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C.; and

WHEREAS, Montgomery County and the municipal co-franchisors, including the City of Takoma Park, conducted a public hearing on the proposed transfer on March 2, 1998; and

WHEREAS, a second public hearing was conducted by the City of Takoma Park and other municipal co-franchisors on April 13, 1998; and

WHEREAS, based upon the application and supporting materials supplied by SBC Media Ventures L.P. and Prime Communications-Potomac, L.L.C., and the record of the hearings, the Council of the City of Takoma Park finds that the proposed transfer will serve the best interests of the City and its residents, provided that the transfer is upon the terms and conditions set forth herein.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Takoma Park, Maryland,

SECTION 1. The transfer of the cable communications franchise from SBC Media Ventures, L.P. to Prime Communications-Potomac, L.L.C. within the corporate limits of the City of Takoma Park is hereby approved upon the following conditions:

- (a) SBC Media Ventures, L.P. shall enter into an agreement with the City of Takoma Park for the renewal of the franchise containing the substantive terms and conditions set forth in the form attached hereto.
- (b) SBC Media Ventures, L.P. and Prime Communications-Potomac, L.L.C. shall execute an agreement whereby Prime Communications-Potomac, L.L.C. assumes all of the obligations of SBC Media Ventures, L.P. under the renewed franchise agreement.
- (c) Prime Communications-Potomac, L.L.C. and Montgomery County shall enter into a Franchise Transfer Agreement or Settlement Agreement, containing substantially the same terms and conditions as set forth in the form attached hereto, transferring the franchise in the unincorporated areas of Montgomery County.

- (d) The effective date of the transfer shall be the same date as the transfer is effective in the unincorporated areas of Montgomery County.

SECTION 2. The City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purposed of this Ordinance. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 1998 by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

Introduced by: Councilmember Rubin

1st Reading: 4/13/98

2nd Reading: 4/27/98

ORDINANCE #1998-12

AMENDING CITY CODE TO ADD THE PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE (PSCAC) AS A STATUTORY COUNCIL-APPOINTED COMMITTEE

WHEREAS, in 1996, the City Council established a permanent Public Safety Citizens Advisory Committee (Resolution #1996-66) 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 PSCAC is currently treated as a non-statutory committee with members appointed by the Council; **AND**

WHEREAS, recognizing the permanent nature and long term objectives of the committee, the City Council desires to establish the PSCAC as a statutory council-appointed committee; **AND**

WHEREAS, it will be necessary to assign staggered terms to the existing PSCAC members (see Attachment); **AND**

WHEREAS, upon codification of this ordinance, a further amendment to the City Code (Chapter 2. Administration, Article 6. Boards and Commissions, Division 1. General Provisions, Sec. 2-125. Membership of statutory Council-appointed committees) will be required to assign the length and expiration month/date of terms on the committee.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the following amendments to the City Code shall be effected:

SECTION 1. Division 5. Public Safety Citizens Advisory Committee.

Sec. 2-154. Establishment.

A Public Safety Citizens Advisory Committee is established, which shall provide input and advice to the City 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.

Sec. 2-155. Composition.

The Committee shall be composed of twelve citizens appointed by the Council. The twelve citizen members shall serve staggered two-year terms, with initial appointments of six members to one-year terms and six members to two-year terms. The terms shall begin on October 1 and end on September 30. The members shall elect among themselves a Chair.

Sec. 2-156. Objectives.

The objectives of the Public Safety Citizens Committee are to:

- (a) Act as a conduit between Takoma Park Residents, the Takoma Park Police Department and the City Council by soliciting and conveying information regarding community needs and expectations, long range visions and goals, and any problems and/or specific incidents that might arise.
- (b) Be an active participant in the continuous process of advising the Council and the Police Department regarding the designing and implementing of policies, plans and programs for Community Oriented Policing, Neighborhood Watch, and other neighborhood-based crime prevention activities.
- (c) Prepare and present an annual report to the Council which will include but not necessarily be limited to discussions and descriptions of community needs and expectations in the public safety area, activities being carried out to address these needs and expectations, and recommendations for making further progress.
- (d) (1) Design and implement procedures for carrying out Sec. 2-156 (a) (b) and (c).
(2) In designing and implementing procedures, the Committee shall obtain any needed input and decisions from Council, the Takoma Park Police Department, and other City agencies.
- (e) Attempt to provide the Council, the Police Department, and other appropriate City agencies, with suggestions about how services might be funded.

BE IT FURTHER ORDAINED THAT this Ordinance shall become effective upon adoption.

ADOPTED this 27th day of April, 1998.

AYE: Porter, Chavez, Elrich, Stewart, Williams

NAY: None

ABSENT: Hawkins, Rubin

ABSTAIN: None