

**INTERVIEW, PUBLIC HEARINGS & REGULAR MEETING
OF THE CITY COUNCIL**

Monday, July 13, 1998

Executive Session 7/06/98 - Moved by Williams; seconded by Stewart. Council voted unanimously to convene in Executive Session at 9:55 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Hobbs, Sartoph, Silber, Perlman, Sickle, Sanford, Walker, Reed, David Fried. (1) The Council received a briefing on legal issues and financial information regarding proposal on a property on Lee Avenue. (NOTE: Perlman, Sickle, Sanford, Walker, Reed and Fried left the room.) Staff briefed Council on (2) Union negotiations and (3) a personnel matter. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(4), (9) and (1)(i)).

OFFICIALS PRESENT:

Mayor Pro Tempore Williams
Councilmember Chavez
Councilmember Elrich
Councilmember Hawkins
Councilmember Rubin
Councilmember Stewart

City Administrator Habada
City Clerk Sartoph
Corporation Counsel Silber

OFFICIAL ABSENT:

Mayor Porter

The City Council convened at 7:35 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Councilmember Williams noted that in the absence of Mayor Porter, he is officiating as Mayor Pro Tempore for this evening's meeting.

Councilmember Rubin acknowledged the death of Louis Goldstein, State Comptroller, and noted that the Council was among the last group to hear him speak at the MML Convention Awards Luncheon on Wednesday, July 1st. At the age of 82, he was still upbeat and active, and his death

represents a tremendous loss to us all.

ADOPTION OF MINUTES

Mr. Williams commented that consideration of the Council Meeting Minutes from 6/22/98 has been postponed.

CITIZEN COMMENTS

Laura Meisner, Flower Avenue, remarked about the Rock Creek Park issue, explaining that she received a letter describing the proposal to close portions of Rock Creek Parkway, which are currently closed on weekends, during the week. The letter also indicated that the City Council endorsed the full-time closure. She questioned why the Council is sticking its nose into Rock Creek Park affairs. Ms. Meisner noted that she did speak with a Councilmember who provided some clarification. She commented that if the parkway is closed, commuter traffic will be moved closer to Takoma Park (e.g., Piney Branch Road). Ms. Meisner remarked that she uses the parkway thoroughfare, and questioned whether any of the Councilmembers use this route. Considering that the District is the second most congested area in the country, this is one of the least stressful routes for motorists. Drivers are actually courteous. She expressed her dismay that the Council would endorse such an irresponsible closure plan, and emphasized that it will only increase traffic if the parkway is closed Monday through Friday.

Mr. Rubin thanked Ms. Meisner for her views on this subject, and went on to note that when this item first came before the Council, it was at the request of citizens and others who were interested in an extended bike trail in that area. The Council's discussion was advertised on the Rolling Agenda. He commented that the Council has no interest in becoming more involved in the planning for that area.

Benjamin Onyeneke, Maple Avenue (Generation X), remarked about the incident involving some youth who physically abused a mentally disabled boy, and challenged political officials to address child abuse. He commented on the corruption in Nigeria, and concluded his comments by reading a statement from the "Mother Goddess."

INTERVIEW

1. Commission on Landlord-Tenant Affairs (COLTA) -- Mary Kay C. LeFevour.

Mr. Williams noted that Ms. LeFevour has been very involved in starting the Community Mediation Service, and remarked about the strong link between that effort and work on COLTA.

Ms. LeFevour said that she looks forward to working on the mediation committee and on COLTA, if appointed.

Councilmember Stewart thanked her for volunteering her time and skills. Councilmembers Rubin and Chavez concurred.

Mr. Williams remarked that the Council will consider a resolution of appointment on July 27th.

PUBLIC HEARINGS

Mr. Williams explained that the Council is not scheduled to discuss either of the public hearing items this evening. A discussion of the ball playing item is scheduled for next week (Worksession), and the Pine Avenue permit parking request will be discussed on July 27th (Regular Meeting). He observed the size of the audience, and directed speakers to limit their comments to three minutes to allow opportunity for all interested persons to testify.

2. Statutory Restrictions on Ball Playing in Streets and Placement of Basketball Hoops in Rights-of-way.

The public hearing was called to order at 7:50 p.m.

Gregory Seekins, 409 Ethan Allen Avenue, expressed opposition to basketball hoops being located in streets and to allowing streets to become play areas. He recalled repeated remarks about traffic dangers during discussions about proposed speed humps (especially in the Woodland and Manor Circle areas) and the safety risks for children. Mr. Seekins said that he is concerned about children running out between cars. If there is a problem with lack of playgrounds for young people, the City should address the issue in a different way other than allowing children to play in the streets.

Benjamin Onyeneke, Maple Avenue, stated that children need to play in safe areas--out of streets, and expressed concern about what will happen when parents are not home to monitor play in streets. He remarked about the tragedy a year ago when a child was struck and killed on Piney Branch Road. It is the responsibility of the government to provide more safety in playgrounds. He commented on accidents that can happen in streets, and supported a Council decision in favor of safety--e.g., called for better lighting in parks, better police presence and patrol, renovation of athletic fields, etc.--versus moving play activities to the streets. He said that he is opposed to basketball hoops in rights-of-way, but urged the Council to listen to the voices of the children.

Jack Mitton, 501 Philadelphia Avenue, cited a dictionary definition of a "street" which is inconsistent with the idea of allowing ball playing in streets. For many years, residents have complained about there being too many vehicles on City streets; consequently, the City has spent many tax dollars installing signs, speed humps and other traffic devices. If the City feels

compelled to allow street play, it should also state that hoops not be placed on streets where speed humps were justified and installed.

Jane Hurst, 7219 Spruce Avenue, applauded the Council for trying to find a resolution to this issue. From the point of view of a parent, kids already play in the street--biking, roller blading, etc.; from her point of view, basketball is a softer sport. Kids cannot grow up quietly; they make noise. She said that if we want quality kids in our neighborhoods, she cannot think of better way than to allow interaction with other children, families and mentors. Ms. Hurst recognized that the Council will have to come up with a solution that will satisfy all neighbors, but she encouraged the Council's consideration of basketball play in streets. She concluded by stating her support for repealing the law and allowing hoops in rights-of-way.

Ormond Seavey, 7214 Spruce Avenue, said that this does not seem to be an issue that should be so hard to discuss. It is the parents' responsibility to look out for the safety of their children. He expressed his opinion that parents do a good job. Mr. Seavey stated that it came as a surprise to him and other residents that there is an antiquated law on the books that prohibits ball playing in streets. The City cannot really expect police to ticket violators of this law. He explained that he would like to see the Council work on equitable arrangements for placements of hoops in rights-of-way.

Dennis Desmond, 242 Park Avenue, supported the placement of hoops in rights-of-way. The hoops have done a lot to bring the neighborhood together and keep kids in front of their yards, as opposed to having them wander somewhere else. Council has several things to resolve, for example, the petition process. He urged the Council to take the position of repealing the law and allowing for "common sense" to rule.

Sasha Holley, 242 Park Avenue, agreed with Mr. Desmond's remarks. The law is outdated. In response to Mr. Onyeneke's comment about drunk drivers being a threat to children playing in streets, the girl who was killed on Piney Branch Road was walking on the sidewalk. He supported basketball hoops in rights-of-way.

Evan Desmond, 242 Park Avenue, said that as a kid, he really has few things to do. The basketball hoop is one of the things that he enjoys. He supported the idea of fixing playgrounds and parks, but said that like his dad and other parents who may not want to follow their kids somewhere else to play (i.e., parks and playgrounds), it is also the kids who do not want to have to go far from home to play on a basketball court. Basketball hoops located on neighborhood streets are convenient for parents and kids. He expressed an understanding that most of the Councilmembers do not have children, so they may not exactly understand how kids feel about this issue. Young Mr. Desmond thanked the Council for allowing him to speak.

Mr. Williams thanked Mr. Desmond for his comments, kindly adding that most Councilmembers do have kids. For those who do not, one must remember that they were once kids themselves.

Eric Pilsk, 15 Philadelphia Avenue, stated that he has two contacts with the basketball hoops and thinks the Council should permit them with reasonable guidelines on public streets. He remarked that seeing kids and parents out playing basketball reminds him of why he likes this neighborhood. Basketball play is actually safer than roller blading and biking, which we expect to find in the streets and is probably more dangerous. He commented that when his son and daughter go out to play, he knows that there are other adults outside. Relatively few cars come up the street; speed humps help so slow traffic. He urged the Council to find a way to make ball playing possible.

Ms. Hawkins said that she would like speakers to include in their remarks some comments on the proposal that is offered for discussion.

Michael R. Graul, 101 Grant Avenue, referred to the outline from the Council's last discussion (agenda item), and asked for clarification about whether "ball playing" includes soccer and street hockey. The time restriction also needs to address early morning hours. He questioned whether the installation of signs would be at the City's cost. On a number of occasions when children have been playing street hockey, police have stopped on Grant Avenue and taken shots on the goals with which the children are playing. Mr. Graul pointed out that residents are not talking about hoops on East-West Highway or Piney Branch Road. They are talking about residential streets. He suggested, therefore, that the Council needs to clarify that hoops will only be allowed on "non-commuter" streets.

Mr. Rubin clarified that the outline includes points for discussion. He thanked Mr. Graul for his comments, noting that the points will be discussed further.

Kevin Mutonger, 7012 Woodland Avenue, noted that he had received a notice about ball playing in the streets and was amused. It struck him as an attempt to regulate a pretty simple behavior that kids have been engaging in for some time. He urged the Council to consider the upshot to restricting something that kids are going to do no matter what the City legislates. There is no one in the town who is more concerned about the safety of kids than their parents, and parents look, watch, and have them in the streets in front of their homes which is felt to be more safe.

Steve Whitney, 16 Crescent Place, noted that he lives right up the street from a basketball hoop, and that it has had a wonderful effect on the neighborhood. He said that he enjoys playing ball with his son in a very convenient location. He suspected that the Council must find it tiring to carry on this discussion. Mr. Whitney recalled legal counsel's advice about the liability to the City if the law remains on the books, and encouraged the Council to follow their gut-feelings. He said that if he were working on something like this and had legal counsel advising him to stay out of the issue, he would listen. Mr. Whitney noted that he was recently in California, where he observed motorists respect for pedestrians. Residents are asking motorists to give up a couple minutes of their time to allow mixed-use of a street. Other people have a right to be in the streets. He used the example of older people, who motorists do not simply run down because they are slower at crossing the street. He thanked the Council for installing speed humps and stop signs

which have made streets safer for basketball play.

Larry Zarker, 59 Walnut Avenue, commented that he has three children who are actively involved in Takoma Park sports, and that while he is generally speaking on behalf of the proposal, he would do away with the petition process. This type of activity is safest on streets with speed humps. He commented on the few and remote locations of Montgomery County athletic fields. It is very important for residents to be able to play sports in front of their homes. He stated that he is in favor of supervising activities of children, and that he would not allow his children to go some distance from home to a possibly bad environment where they are not directly observed by parents. Mr. Zarker expressed concern about the issue of liability, explaining that as a parent, he understands waiving liability for activities he is in control of (i.e., his children) but that he would not want liability for others. This issue needs to be discussed.

Ashley Flory, 12 Valley View Avenue, supported hoop placement in rights-of-way. She noted that she has been patrolling the Willow Avenue area for years and feels it is important for people to have use of streets. It is good to see residents taking some ownerships of the streets, evidenced by children and parents being out playing ball together. Their presence also increases the feeling of safety for people walking home from the Metro. She concluded that in general, while not a ball player herself, she supports those who do play ball.

Bob Muehlonkamp, 240 Park Avenue, supported hoops. The closest basketball hoop (public facility) is the one in the Ed Wilhelm park. A parent would not want kids playing on that glass strewn court. He noted that he does a lot of volunteer work in the community coaching softball teams, and assured the Council that playing basketball is a wonderful option to give young boys as an opportunity to work off some of their energy in front of their own homes. He said that he has watched many hours of kids playing in front of his home and has not witnessed anything close to a safety issue. In fact, he did not recall having heard a horn honked. He remarked that the permit process is not necessary, and the Council should repeal the ordinance and let common sense prevail. If there have to be guidelines, he agreed with portable hoops and no playing in the dark. He expressed mixed feelings about the liability issue, but agreed with a process for installing the hoops.

Karin Anderson, 7007 Woodland Avenue, said that it is wonderful that the Council has put the time and energy into this issue, and that she likes to see kids and parents out in the neighborhood. Playing in the streets is dangerous, however. The idea is good, but maybe, parents should consider locating hoops in driveways or dedicating a backyard for this purpose. East-West Highway and Piney Branch Road would qualify as rights-of-way, and the City might find itself in a position of having to address these streets as hoop locations. If there is a risk of possible injury or even the life of a single child, it is the moral obligation of the Council to make a decision based on safety. If this is adopted, the Council should extend the range of required signatures. She recalled an incident of a kid who was playing ball in the street and who moved when she approached in her vehicle. However, the child continued to bounce his ball and ended up hitting her car as she drove by.

Mr. Rubin noted that Piney Branch and East-West Highway are State roads.

Ms. Anderson remarked that there are some streets that are busier than others. Hoops on Maple Avenue would be a problem. There would be potential for late night users who do not live in the neighborhoods. This is a wonderful "feeling" kind of thing, but the solution needs to get the activity out of the way of cars.

Mr. Williams questioned Mr. Rubin's assertion that State roads would automatically be excluded from any provisions adopted by the City. He referred the question to Corporation Counsel.

Ms. Anderson recognized that parents are concerned about the safety of kids, but expressed disappointment with the attitude of parents supporting ball play in streets toward those who oppose hoops in streets.

Trevor Walker, 59 Walnut Avenue, said that he lives on a street where there is a lot of ball playing and a lot of traffic. He explained how children respond to approaching motorists.

Dennis Desmond, 242 Park Avenue, read a letter in support of the hoops, from a neighbor who could not attend the hearing (submitted).

Chris Whitaker, 217 Manor Circle, admitted that she is responsible for putting up a basketball hoop in front of her house. In the time that it has been there, it has been one of the nicest inclusions to a circle that tends to be a bit fragmented. She cited an incident of a person who stopped and played basketball with her daughter, and said that she would hate to see the City say that this could not happen any more. Ms. Whitaker recognized the safety hazard argument, but claimed that it would be a dis-service if ball playing were to be prohibited.

Mr. Williams closed the hearing at 8:37 p.m., and noted that the Council will discuss the matter next week.

3. Proposed Permit Parking Area -- Pine Avenue (between Carroll and Elm Avenues).

Mr. Williams called the hearing to order at 8:38 p.m.

Natalie Keller, 24 Pine Avenue, expressed opposition to the permit parking, noting that she has lived on the street for 13 years. It is a high level, cut-through street, and the presence of parked cars along the road is the only deterrent to speeding motorists. Pine Avenue is somewhat of a bowling alley for commuter cars; relocating the parked cars would only contribute to more rapidly speeding motorists. She spoke in favor of additional speed humps for the street, pointing out that she has been told that a City regulation prohibits more speed humps on the street. There are many other ways to look at the safety problem on the street other than implementing a permit parking designation--e.g., speed humps, posting as "local traffic only", street planters (as on

Walnut Avenue). There are other points that residents of the street have made--for example, the volume of foot traffic is a major deterrent to muggings. The number of commuters who park on Pine add to the increased volume of foot traffic, making the street a safer place.

Milford Sprecher, 24 Pine Avenue, expressed safety concerns. Parking has never been a problem on the street, and Metro parkers are not a problem. Parkers also patronize local businesses which is a benefit to the City. The City ordinance regarding permit parking really addresses the availability of parking for residents. In the case of Pine Avenue, this is not a problem. He concluded that he does not want to have to pay for a permit or go through the trouble of obtaining temporary visitor permits if the designation is put into place.

Linda Pompa (owner of Savory), opposed the permit parking, adding that she felt good and appreciated the comments from residents expressing an appreciation for businesses in Old Town which were included in the letters made part of the agenda item. It is nice to know that businesses are well respected. She noted that as a tax payer and business owner she feels that this proposal would impact her business directly. Almost four years ago, the Council passed a resolution supporting a parking waiver to help her open her business. As part of the resolution, it was stated that there was local parking within 500 feet of the restaurant. Ms. Pompa recalled that she was impressed at that time with the support from neighbors on Pine Avenue. The impact of permit parking on her business would mainly affect her employees. There are only 11 parking spaces on her property. She noted the number of employees who park on Pine Avenue, and stated that they are not "faceless" commuters parking on Columbia and Pine. They are primarily employees of Savory and Crossings. She remarked that even with permit parking, Pine will not become free of cars--there are people who will legitimately have permits and visitor permits and will park in front of their homes.

Mr. Rubin questioned whether the three business permits she is entitled to would address her concern.

Ms. Pompa responded in the negative, explaining that there are three employee shifts during the course of the day. There are approximately 12 employees who would need access to permits.

Debbie Hutton, 6 Pine Avenue, stated that she does have trouble parking, especially with a shared driveway. Her and her neighbors have a serious problem. Ms. Hutton remarked that she has lived on Pine Avenue for 24 years. She said that if the concern standing in the way of the request is about permit parking hindering business in Old Town or discouraging residents/commuters from using Metro, then the Council should eliminate all of the permit parking areas adjacent to the Old Town commercial area. She expressed support for providing permits to all employees of the businesses that would be negatively impacted (e.g., Savory and Crossings). In regards to Crossings, she said that she seldom sees their lot full of vehicles. Ms. Hutton commented that some of the cars which park on Pine are there for days at a time and obviously not residents of the street. She expressed support for permit parking on Pine, as well as restrictions on Hickory and Columbia. Ms. Hutton added that contractor parking is even difficult and still requires her, her

neighbor and visitors to shuffle vehicles.

Mr. Williams clarified that properly marked contractor vehicles are exempt from restrictions, and explained that vehicles must be parked a certain distance from a driveway.

Tom Anastasio, 32 Columbia Avenue, recalled that he recently spoke at a Council Worksession in opposition to permit parking on Pine, Columbia, Hickory or Montgomery. He said that even though the petition is for Pine Avenue, the Council will have to consider the impacts on adjacent streets in its deliberations about all aspects of the request before exercising judgment. Except for the Ms. Hutton and Eric Bond and Nancy O'Donnell, everyone has ample room for cars. There are not rows of apartment buildings on the street. The Council should not restrict parking. He noted that the form letters were only distributed Hickory, Columbia and Montgomery (40+ households and 16 letters were returned to the City--30%+ taking time to respond). With this in mind and the materials which have been included in the agenda package (letters from residents of Pine Avenue), he questioned whether the procedures have been followed. The Council should consider whether it has exercised judgment. The people on Pine Avenue have a right to a reasonable amount of parking. There is a balancing act. He emphasized that he is very strongly against permit parking on any street in this area.

Mr. Williams assured the audience that the procedures were followed, explaining the petition verification process. There is not a procedure for rescinding a signature from a petition. The original petition, as submitted, met the requirements to bring the matter before the Council. We are now at a point of dealing with differing opinions.

Therese Gibson, 9 Pine Avenue (originator of petition), stated that she started the petition because of her concern about congestion and vehicular traffic on the street. She cited information about pedestrian injuries and the ability of children to respond to vehicle dangers (source: National Safe Kids Campaign literature). She remarked about factors contributing to a higher incidence of childhood pedestrian injuries, and suggested some remedies--limited curbside parking, reduced traffic and lower speed limits. Ms. Gibson said that she appreciates comments made by other residents, and supported looking at other remedies, in addition to permit parking, such as, "one-way" traffic up the hill, speed humps, etc. Regarding Ms. Pompa's concerns, Ms. Gibson stated that Savory has been a good neighbor. There have been occasions where recycling/trash trucks have come early in the morning, and Ms. Pompa has been very responsive to complaints from the neighborhood. Ms. Gibson said, however, that she does not agree with Ms. Pompa about the persons who are parking in the neighborhood because she has seen the people who park in the neighborhood--commuters going to the Metro. There are other things that could address concerns about motorists having access to the Metro. She referred to the package of letters which were presented as part of the agenda item, and expressed concern about the letters of opposition which were submitted by people who originally supported the petition. She suggested that the opposition is largely at the bottom of the hill (toward Elm), and proposed that the Council consider restricting parking on the top block of Pine Avenue only. Ms. Gibson noted that she received a few (possibly, five signatures) from residents on adjacent streets who are

in favor of permit parking for their streets. She cited some incidents where parking has been a problem--movers, emergency vehicle access, contractors, etc. Ms. Gibson explained that she took a petition around Columbia and Hickory Avenues on the July 4th weekend, so a lot of people were not home. However, she plans to go back to these streets. Some people feel very passionately about permit parking, and the City should expect to receive more petitions from the adjoining streets. She thanked Council for its consideration of the request.

Ann Sergeant, 5 Pine Avenue, expressed support for the request as it would remedy problems for neighbors who do not have adequate parking. She noted that she received an anonymous note that was slipped under her door after the Council's last Worksession discussion of this item. The note even included City Clerk Sartoph's name as the person to contact. Ms. Sargent said that she was disturbed by the anonymity of the note. The people who live on the street should have rights to the available parking.

Eric Bond, 8 Pine Avenue, remarked that he and his neighbor have been discussing their parking problem for ten years. There is one section of Pine Avenue that has a lot of parking, and one section that does not. If only the upper section of the street had permit parking, it would not present a large overflow into adjacent streets. Ms. Gibson makes a good proposal--not restricting the entire street, only the upper section. He suggested that if this idea is pursued, only the immediate business neighbors (i.e., Savory and Crossings) should have access to parking. There should be some kind of a solution where there is adequate parking for these two businesses and the residents at the top of the street. He emphasized that he wants Ms. Pompa to have a prosperous business, and urged the Council to address her concerns.

Mr. Rubin asked would there be room for employees of Savory to park, if just upper Pine Avenue received the permit parking.

Mr. Bond stated that he thinks so, adding that he and his neighbor really need parking in the street. He commented that while he does not know how many cars will spill-over from Savory, he believes that will not be a problem, and pointed out that on weekends, parking would not be restricted at all.

Ms. Gibson submitted pictures of parked cars that were taken at 2:00 p.m. on a Thursday. Regarding some of the issues that Ms. Pompa might have, there is no restriction in the evening. There is also no problem with parking in the evening. Ms. Gibson complimented the Council on their handling of commercial permits in the recent revisions to the parking permit guidelines.

Mr. Rubin recognized Ms. Pompa's concern that she would only be entitled to three business permits under the parking guidelines.

Mr. Bond suggested that the Council simply grant Ms. Pompa more permits.

Ms. Pompa said that more permits would be wonderful. Working with 3 permits would be a

nightmare. No restrictions on weekends and evenings is great; however, there are still employees who work in the middle of the day. Permit parking will have an impact on Savory. She noted that she spoke with one of the owners of Crossings who expressed concern but was unable to be here this evening. There are a number of spaces in front of Crossings. In terms of Mr. Bond's situation, maybe something could be done to block off a portion of the street adjacent to his residence. There should be some kind of compromise.

Ms. Sergeant remarked about Council's suggestion that she call the City for curb painting, noting that she did and that the City responded within 4 hours.

Mr. Sprecher explained that if the proper parking distance from driveway cuts were enforced, there would be no parking available, even to the residents in the neighborhood.

City Clerk Sartoph cited the restricted parking times as defined by the Permit Parking Guidelines-- Monday through Friday, "8:00 a.m. to 7:00 p.m."; "8:00 p.m. to 7:00 a.m."; and "24 hours".

Mr. Williams stated that the Council will have to address the idea of reducing the permit area to a single block, since the guidelines require that the petition area be for an area greater than a single block.

Councilmember Elrich noted that the Pine Avenue petition area was two blocks, but that the Council may decide to implement for only one block.

Mr. Williams noted the reduced support since the original petition was submitted (down to 50%). He clarified issues about permanent visitor permits and temporary (30-day) permits. The intent of this process is to deal with the problem as perceived by residents of the area. He said that he has always considered the area to include Columbia, Hickory, Montgomery and Pine. However, as it turned out, only the residents of Pine got together and petitioned. The way that the Council will address the idea of dealing with the area as a whole, will depend on how the petitions come back from the other streets.

Mr. Rubin remarked that the Council will need to look for a creative solution.

Mr. Elrich hoped that some of the other petitions will come in during the intervening time. He said that he feels very constrained by people asking to remove their names from the petition-- somewhat undemocratic. He favored a creative solution, something that could address both concerns (parking for residents directly in front of homes and leaving other spaces for more general access).

Mr. Williams closed the hearing at 9:28 p.m.

REGULAR MEETING

4. Resolution re: Liz Lerman Dance Exchange.

Mr. Rubin explained that the dance exchange has applied for a Maryland Neighborhood Business Development Program grant. One of the requirements is to get a resolution of support from the municipality. The City has supported other applicants in the neighborhood (e.g., Knee High to a Grasshopper and TPSS Food Co-op). He said that the dance exchange is a good applicant for this type of funding and happens to be one of the largest private employers in the City. Mr. Rubin moved the resolution (seconded by Williams).

Resolution #1998-27 was adopted unanimously, supporting the application submitted by Liz Lerman Dance Exchange under the Maryland Neighborhood Business Development Program (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**RESOLUTION #1998-27
(Attached)**

5. Single Reading Ordinance re: Tree Pruning and Removal. Forester Busciano described the ordinance. He identified a total of 101 trees that need attention, and commented on the removal and prunings which are required. The Request for Proposals (RFP) was sent out to 10 companies; there were two “no bids.”

City Administrator Habada asked whether there was an explanation for the “no bids.”

Mr. Busciano responded, explaining that some say that City bids are not profitable.

Ms. Hawkins questioned the large bid gap between POGO and Arbor Care.

Mr. Busciano explained that when spoke to Arbor Care, they said that there bid was based on an inspection of all trees. Since a lot of the trees were so low, a lot of climbing would not be required. POGO did not inspect all of the trees and consequently, took a guess at the cost of the project.

Moved by Hawkins; seconded by Stewart.

Single Reading Ordinance #1998-28 was adopted unanimously, awarding a contract to Arbor Care in the amount of \$10,528 for City-wide tree pruning, removal and stump grinding. (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**ORDINANCE #1998-28
(Attached)**

6. Single Reading Ordinance re: Storm Drain Cleaning. Mr. Rubin mentioned the need to study storm drain problems in the Montgomery College campus area, and asked whether this proposal include inspection of that particular problem area.

Ms. Habada explained that the ordinance addresses the cleaning and TV inspection for the areas included in the budget for this cycle, and that she is not sure of the specific areas. She said that she will ask Engineer Monk to make note of the campus area and include it on the list of areas to be inspected. Part of the problem with the Montgomery College area is that it is not within our jurisdiction.

Mr. Rubin responded that part is a City problem.

Ms. Habada stated that staff will coordinate with the college, and clarified that any work done by the City will be to address the public drains.

Moved by Stewart; seconded by Chavez.

Ms. Habada explained a correction to the ordinance which was not made before copying was done--Section 1 should read "REI/Drayco be accepted" (strike "in the unit price of \$457.50").

Single Reading Ordinance #1998-29 was adopted unanimously, as amended, awarding a contract to REI/Drayco for storm drain inlet cleaning & T.V. inspection (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**ORDINANCE #1998-29
(Attached)**

7. Resolution re: Ed Wilhelm Athletic Field. Ms. Habada suggested that the Council deal with Item #8 first.

8. Resolution re: Use of Athletic Fields. Ms. Habada explained that staff and legal counsel finished discussions with Park & Planning this morning, and apologized for not having an item for the Friday package. The hold up dealt with some remaining concerns and misunderstandings. (The Council took a few minutes to read the proposed Resolution and MOU). Ms. Habada remarked that this would be the final agreement that would be approved by the City and Park & Planning regarding the use of athletic fields. The item is on Park & Planning's agenda for next Monday night. Among other things, the agreement indicates which fields are priority fields and where the adult mens soccer league will be playing (change from Ed Wilhelm to Lee Jordan and Old Blair High School). This league is not a City-based league; it is the adult league comprised of residents from Montgomery and Prince George's Counties.

Mr. Rubin remarked about the concern with adult leagues tearing up fields, and asked whether we can live with this schedule on Lee Jordan. He also questioned why the agreement includes language about the use of Old Blair High School for the league.

Ms. Habada responded, explaining that the language clarifies the split use (i.e., Lee Jordan and Old Blair High School). There was a point at which half of the time would have been spent on Ed Wilhelm and half somewhere else. Then it changed, and finally, after another change, this is the agreement that has been reached.

Mr. Rubin confirmed that the Ed Wilhelm field will be for kids only.

Ms. Habada responded in the affirmative, explaining that a condition that was placed on the Ed Wilhelm agreement which required that we find a place for the mens league to play, since it would no longer use Ed Wilhelm. She noted that we also had some assurance from Don Cockeran today that we will have a chance to play at the Old / New Blair fields.

Mr. Elrich asked whether the parties involved are happy with the agreement.

Recreation Director Bluford, Program Coordinator Corley, and Ms. Habada all responded in the affirmative.

The Council returned to the discussion of the agreement regarding the Ed Wilhelm field.

7. Resolution re: Ed Wilhelm Athletic Field. Ms. Habada provided clarification about Exhibit A. Mr. Corley added that the boundary to the right of the area of City maintenance should end with the contour line that intersects "S" of the word "soccer".

Ms. Habada described Exhibit B.

Mr. Rubin recalled that this information was of particular concern to Howard Kohn.

Mr. Corley noted that Mr. Kohn has reviewed the exhibit and is happy.

Assistant Corporation Counsel Linda Perlman noted that last Friday, Park & Planning attorney had extensively rewritten the agreement. Today's meeting was very productive in eliminating a lot of the standard clauses put in by Park & Planning. It is a good agreement. Permitting is limited to 5 days of the week. Ms. Perlman walked the Council through the resolution and the agreement, noting key points.

Mr. Corley remarked about this year's Folk Festival that will be spread over several locations, including the Ed Wilhelm field.

Mr. Rubin said that once the Lee Jordan Field is completed, the festival can return to that site.

Mr. Corley agreed that this may be the case for the Folk Festival, but said that there may be other festivals and activities which would require the use of the Ed Wilhelm field. For those activities, the Commission would need to issue permits. The primary purpose of issuing permits is for the Commission to alert the Park Police and other officials of activities at the site. Mr. Corley noted that the Commission has never turned down a request from the City in the past.

Ms. Perlman continued a summary of the provisions of the agreement, and noted in the end that the authority signing the agreement for the City will be the Mayor. Currently, the City Administrator is listed, but this will be corrected.

Mr. Rubin commented that this is a good conclusion to a very long process, and expressed appreciation to everyone's work in this regard.

Ms. Hawkins recognized the diligence of the City Administrator.

Mr. Rubin recognized the oversight, adding that the problem with naming specific people is that you risk of leaving someone out.

Mr. Elrich noted the tireless work of many residents.

Moved by Elrich; seconded by Chavez.

Resolution #1998-28 was adopted unanimously, approving a Memorandum of Understanding between the M-NCPPC and the City of Takoma Park for permitting and maintenance of Ed Wilhelm Field (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**RESOLUTION #1998-28
(Attached)**

Moved by Elrich; seconded by Rubin.

Resolution #1998-29 was adopted unanimously, approving a Memorandum of Understanding between the M-NCPPC and the City of Takoma Park on the use of athletic fields (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**RESOLUTION #1998-29
(Attached)**

9. 2nd Reading Ordinance re: 8600 Flower Avenue. Mr. Williams explained the ordinance. Moved by Elrich; seconded by Williams.

Mr. Elrich stated that he will be happy to see this property used in the interest of the City.

Ordinance #1998-27 was adopted unanimously, authorizing the conveyance of the property located at 8600 Flower Avenue to the Silver Spring Interfaith Housing Coalition for the purpose of lease-purchase home ownership program for a low or moderate income family (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**ORDINANCE #1998-27
(Attached)**

10. 1st Reading Ordinance re: Acquisition of Pringle Property. Moved by Elrich; seconded by Stewart.

Mr. Elrich commented that the neighbors will be very happy to see this property preserved. It was once proposed for development of up to 13 houses. Now, only one house will be built. The interior woods will be preserved as open space.

Ms. Stewart questioned how long the discussions around this property have been going on.

Mr. Elrich and Ms. Habada both agreed that it has been a long time. Ms. Habada estimated that the process has been in motion since the early 1990's.

Ordinance #1998-30 was accepted unanimously at first reading, authorizing the City to purchase Lots 29, 30, 31 and 32 of the Pringle Property for the purpose of preserving this property as open space (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**ORDINANCE #1998-30
(Attached)**

11. Resolution re: ENDZONE Partners. Moved by Williams; seconded by Rubin.

Mr. Rubin commented that this resolution shows that the City and utility companies have managed to work together. Hopefully this cooperation will extend to other activities.

Ms. Stewart expressed hope that the result of the resolution will be to get more information out to citizens about how they can help with ozone awareness.

Mr. Williams stated that he would be happy to see some employee initiatives (e.g., how

employees can get to work on red action days), and noted a correction in the last Whereas clause.

Resolution #1998-30 was adopted unanimously, expressing the City's support of and establishing involvement with ENDZONE Partners (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**RESOLUTION #1998-30
(Attached)**

12. Resolution re: Union Contract (AFSCME). Moved by Elrich; seconded by Rubin.

Resolution #1998-31 was adopted unanimously, ratifying the Collective Bargaining Agreement, effective July 1, 1996 through June 30, 1999, as modified for FY99, between the City and Local 3399 of the American Federation of State, County and Municipal Employees, AFL-CIO (VOTING FOR: Williams, Chavez, Elrich, Hawkins, Rubin, Stewart; ABSENT: Porter).

**RESOLUTION #1998-31
(Attached)**

ADJOURNMENT

The City Council adjourned at 10:10 p.m. for the evening.

Introduced by: Councilmember Rubin

RESOLUTION #1998-27

**SUPPORTING APPLICATION SUBMITTED LIZ LERMAN DANCE EXCHANGE
UNDER THE MARYLAND NEIGHBORHOOD BUSINESS DEVELOPMENT
PROGRAM**

WHEREAS, the Takoma Junction & Takoma Old Town Neighborhood Revitalization District was established to facilitate economic development activities by identifying it as a "designated area" under the Maryland Neighborhood Business Development Program (NBDP); **AND**


WHEREAS, the Liz Lerman Dance Exchange has submitted an application to the Maryland Neighborhood Business Development Program for funding which would enable the business to better serve the community; **AND**

WHEREAS, the expansion of this business is compatible with the vision for this neighborhood commercial area and is a compatible use in conformance with the Montgomery County Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City supports the application by the Liz Lerman Dance Exchange to the Maryland Neighborhood Business Development Program.

ADOPTED this 13th day of July, 1998.

ATTEST:


Catherine E. W. Sartopk, CMC/AE
City Clerk

Introduced By: Councilmember Elrich

Resolution Date: 7/13/98

RESOLUTION NO. 1998-28

(Approving a Memorandum of Understanding Between the M-NCPPC and the City of Takoma Park for Permitting and Maintenance of Ed Wilhelm Field)

WHEREAS, the Takoma-Piney Branch Local Park, located at 2 Darwin Ave. in the City of Takoma Park, is owned and operated by the Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

WHEREAS, the Takoma-Piney Branch Local Park contains, among other amenities, a softball field overlaid with a soccer field known as Ed Wilhelm Field; and

WHEREAS, the City and the M-NCPPC have agreed that the City shall assume responsibility for maintaining Ed Wilhelm Field, including mowing of the field, trash collection, signage, field lining, grass seeding, and infield and soccer field maintenance; and

WHEREAS, in exchange for the City's agreement to undertake these field maintenance tasks at Ed Wilhelm Field, the M-NCPPC has agreed to grant the City authority to use and issue permits for the use of Ed Wilhelm Field; and

WHEREAS, the M-NCPPC and the City have set forth the terms of their agreement relating to Ed Wilhelm Field in a Memorandum of Understanding ("MOU") for Permitting and Maintenance of Ed Wilhelm Field; and

WHEREAS, the City's assumption of responsibility for maintenance and permitting of Ed Wilhelm Field, as set forth in the MOU with the M-NCPPC, grants the City increased local control over Ed Wilhelm Field and will result in an improved recreation resource in the City for the benefit of Takoma Park athletics.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the Memorandum of Understanding for Permitting and Maintenance of Ed Wilhelm Field at the Takoma-Piney Branch Local Park between the City of Takoma Park and the Maryland-National Capital Park and Planning Commission is hereby approved and the Mayor is authorized to execute such Memorandum of Understanding on behalf of the City.

THIS RESOLUTION IS ADOPTED THIS 13 DAY OF July, 1998.

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Introduced By: Councilmember Elrich

Resolution Date: 7/13/98

RESOLUTION NO. 1998-29

(A Resolution Approving a Memorandum of Understanding Between the M-NCPPC and the City of Takoma Park on the Use of Athletic Fields)

WHEREAS, the City has a need for athletic fields for the use of sports teams and leagues within the City; and

WHEREAS, the Maryland National Park and Planning Commission ("M-NCPPC") is empowered to grant permits for the use of M-NCPPC-owned athletic fields; and

WHEREAS, upon approval of an Adopt-a-Field agreement by the Montgomery County Interagency Coordinating Board ("ICB"), the City will receive permits for all non-school field time at Lee Jordan Field at the Takoma Middle School; and

WHEREAS, the M-NCPPC also has agreed to grant the City "priority status" for the issuance of permits for the use of certain designated priority athletic fields close to the City; and

WHEREAS, "priority status" means that the M-NCPPC will grant permits to the City for "priority fields" before permits are granted to the Montgomery County Recreation Department and to all other associations, leagues, and individuals; and

WHEREAS, the designated "priority fields" for the City, in order of importance to the City, are (a) Nolte, (b) Long Branch Recreation Center, (c) Bullis, (d) Argyle, and (e) Parkside; and

WHEREAS, by entering into a MOU with the M-NCPPC providing for the City to receive increased permits for the use of Lee Jordan Field and for the City to receive "priority status" in the issuance of permits for nearby "priority fields," the City will be better able to meet the field needs of Takoma Park neighborhood sports teams and leagues.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the Memorandum of Understanding on the Use of Athletic Fields between the City of Takoma Park and the Maryland-National Capital Park and Planning Commission is hereby approved and the City Administrator is authorized to execute such Memorandum of Understanding on behalf of the City.

THIS RESOLUTION IS ADOPTED THIS 13 DAY OF July, 1998.

Introduced by: Councilmember Williams

RESOLUTION #1998-30

EXPRESSING THE CITY'S SUPPORT OF AND ESTABLISHING INVOLVEMENT WITH ENDZONE PARTNERS

- WHEREAS,** the air quality in the Metropolitan Washington region does not meet the National Ambient Air Quality Standard for ozone; **AND**
- WHEREAS,** in 1995 the Metropolitan Washington Air Quality Committee and the Transportation Planning Board (TPB) jointly created a clean air public education and voluntary action program as part of the regional 15% Air Quality Plan; **AND**
- WHEREAS,** in 1997 the Metropolitan Washington Council of Governments and the Baltimore Metropolitan Council officially chartered the public-private partnership known as "ENDZONE Partners" as a membership organization to improve air quality through public education and voluntary action; **AND**
- WHEREAS,** ENDZONE Partners is a public-private partnership representing a coalition of public sector, business, environmental, civic and professional organizations, and citizens committed to improving the air quality in both the Washington and Baltimore regions; **AND**
- WHEREAS,** ENDZONE Partners educates the public about the health effects of ground-level ozone and motivates employers and individuals to take voluntary actions that will improve air quality in the Washington and Baltimore regions; **AND**
- WHEREAS,** local governments can take a leadership role in improving air quality and reducing ozone-forming emissions in the region through active participation in ENDZONE and Ozone Action Days; **AND**
- WHEREAS,** becoming an active member of ENDZONE Partners and taking a proactive approach to informing City employees and residents about air quality programs, their health effects, and ways to reduce pollution is consistent with other Takoma Park efforts to reduce ozone.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City will join and take an active role in ENDZONE Partners and its programs; **AND**

BE IT FURTHER RESOLVED THAT all businesses, groups and citizens of the City are encouraged to join the ENDZONE Partnership and to participate in Ozone Action Days and other programs of this voluntary campaign to improve air quality.

ADOPTED this 13th day of July, 1998.

ATTEST:


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

Introduced by: Councilmember Rubin

First Reading: 6/22/98
Second Reading: 7/13/98

Effective Date: 7/13/98

ORDINANCE NO. 1998 - 27

Sale of 8600 Flower Avenue Takoma Park, Maryland

(An ordinance authorizing the conveyance of the property located at 8600 Flower Avenue to the Silver Spring Interfaith Housing Coalition for the purpose of a lease-purchase homeownership program for a low or moderate income family.)

Whereas, the City of Takoma Park purchased the property located at 8600 Flower Avenue to eliminate a neighborhood blight and to develop a homeownership opportunity for a low or moderate income household; and

Whereas, the City has worked successfully with the Silver Spring Interfaith Housing Coalition (SSIHC) to provide a transition housing resource at 1007 University Boulevard; and

Whereas, the City believes that SSIHC can provide the support services needed to implement a lease-purchase program that will enable a low or moderate income household to move in and assume ownership of the property; and

Whereas, SSIHC has offered \$86,850 to the City as the acquisition price for the property.

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

Section One. The City shall convey the property known as Parts of Lots 10 and 20, Block 58 in the subdivision known as "B.F. Gilberts' Addition to Takoma Park" located at 8600 Flower Avenue in the City of Takoma Park, Maryland (hereinafter referred to as "the property") to the Silver Spring Interfaith Housing Coalition, Inc. (hereinafter referred to as "SSIHC"), a nonprofit corporation for development as a homeownership opportunity for a low or moderate income family under a lease-purchase program as set forth in the attached "Exhibit A" and upon the following terms and conditions:

a. SSIHC shall pay the sum of \$86,850 to the City at settlement on the sale of the property.

b. SSIHC shall sign a Promissory Note secured by a Deed of Trust on the property to repay to the City the cost of the City's rehabilitation of the property (approximately \$91,000) which was paid through the rehabilitation funds generated by the Montgomery County Community Development Block Grant allocation to the City. This housing rehabilitation loan shall be assumed by the low-moderate income purchaser at the time the SSIHC sells the property under the lease-purchase program and shall be repaid to the City under the following conditions:

(1) The housing rehabilitation loan will become due in full if the owner ceases to occupy the property; or

(2) If the property is sold within 15 years after SSIHC conveys the property to a low or

moderate income household, initial conveyance, then the housing rehabilitation loan shall be assumed by the new homeowner. If the property is sold 16-25 years after the initial conveyance, then the rehabilitation loan or a portion thereof will become due based on the amount by which the sales price exceeds the original purchase price, adjusted for documented renovation costs in excess of \$2,500, plus a percentage of the property's original purchase price equal to the increase in the cost of living as determined by the consumer price index and an equity calculation as follows: years 16-20: 7% of original purchase price; years 21-25: 10% of original purchase price. No repayment of the housing rehabilitation loan would be due after the end of 25 years from the date of the initial conveyance.

b. The City's conveyance of the property to the SSIHC shall be subject to the SSIHC's agreement to handle the property as a lease-purchase program to provide a low or moderate income household the opportunity to become the owner. Priority will be given to a candidate household which can demonstrate a residential link to the City within the last two years.

c. The Council hereby approves a payment in lieu of taxes ("PILOT") agreement with SSIHC for the property under Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland, which permits the City to enter into an agreement with certain eligible non-profit corporations which provide housing for low income families to pay a negotiated amount in lieu of the city real property taxes. The terms of the PILOT Agreement shall include the following:

(1) SSIHC shall certify that it meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland.

(2) The PILOT Agreement shall end upon the earliest to occur of the following:

- (a) SSIHC no longer meets the eligibility requirements of Section 7-503 (a) of the Tax-Property Article, Annotated Code of Maryland;
- (b) SSIHC sells or transfers the property;
- (c) The property ceases to be used for low and moderate income housing under a lease-purchase program.

Section Two. The City Administrator or her designee is authorized and empowered to enter into appropriate agreements and documents related to the conveyance of the property to SSIHC and a PILOT Agreement with SSIHC for the property within the conditions set forth in this Ordinance.

Section Three. This Ordinance shall be effective immediately.

Adopted this 13th day of July, 1998 by roll call vote as follows:

Aye: Chavez, Elrich, Hawkins, Rubin, Stewart, Williams

Nay: None

Absent: Porter

Abstain: None

Introduced by: Councilmember Hawkins

Adopted: 7/13/98
(Single Reading)

ORDINANCE NO. 1998-28
To Award a Contract for City-Wide Tree-Pruning, Removal
and Stump Grinding

- WHEREAS, the FY99 Parks Operating Budget identified funds for City-Wide Tree Pruning, Removal and Stump Grinding; AND
- WHEREAS, appropriate advertising was placed in the Washington Post and mailed to interested vendors; AND
- WHEREAS, bids were publicly opened at 2:00 p.m., June 12, 1998 with four (4) bids, two (2) of which were "No Bids", being received; AND
- WHEREAS, Arbor Care has submitted the lowest bid of \$10,528; AND
- WHEREAS, that Arbor Care is considered to be both responsive and responsible; AND
- WHEREAS, sufficient funds are available for City-Wide Tree Pruning, Removal and Stump Grinding Project.

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

SECTION 1. THAT the low bid received from Arbor Care in the amount of \$10,528 (TEN THOUSAND FIVE HUNDRED TWENTY EIGHT DOLLARS) be accepted; AND

SECTION 2. THAT authority be granted to award the contract to Arbor Care and charged to account #3400-5306 accordingly.

Adopted this 13th day of July 1998 by Roll Call Vote.

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

Introduced by: Councilmember Stewart

Adopted: 7/13/98
Single Reading

ORDINANCE NO. 1998 - 29

AN ORDINANCE TO AWARD CONTRACT FOR
STORM DRAIN INLET CLEANING & T.V. INSPECTION

WHEREAS, the FY99 budget identifies funds for the Storm Drain Inlet Cleaning & T.V. Inspection throughout the City of Takoma Park, AND

WHEREAS, in accordance with City's procurement procedure a Request for Bids was advertized in the Washington Post on June 7, 1998 and mailed to interested Vendors; AND

WHEREAS, bids were publicly opened at 2:00 p.m. on Friday, June 26, 1998 with four (4) bids being received; AND

WHEREAS, REI/Drayco has submitted the lowest bid in the unit price of \$457.50; AND

WHEREAS, the Public Works Team Leader/Storm Drain Engineer has determined that the lowest bidder is both responsive and responsible; AND

WHEREAS, funds are available to award a contract to the lowest bidder; AND

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

SECTION 1. THAT the bid being received from lowest bidder, REI/Drayco be accepted; AND

SECTION 2. THAT funds to cover this work be charged to Storm Water Budget No. 3700-6145.

Adopted this 13th day of July 1998.

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

Introduced by: Councilmember Elrich

1st Reading: 07/13/98

2nd Reading:

ORDINANCE NO. 1998 -30

An Ordinance Authorizing the City of Takoma Park to
Purchase of Lots 29, 30, 31, and 32 of the Pringle Property
for the Purpose of Preserving this Property as Open Space

WHEREAS, preserving open space is important to the residents of the City of Takoma Park; and

WHEREAS, the property assessed as 1.28 acres, Map 4, Grid 9-E, Block 57, known as 8503 Sligo Creek Parkway, Takoma Park, MD 20912 (hereinafter referred to as "the Pringle property") is undeveloped with mature forest cover; and

WHEREAS, on or about June 16, 1997, the Council adopted Resolution No. 1997-39 amending the City's Open Space Plan to recommend the acquisition of the Pringle property; and

WHEREAS, Scott R. Stinson, the contract purchaser of the property assessed as 1.28 acres, Map 4, Grid 9-E, Block 57, known as 8503 Sligo Creek Parkway, Takoma Park, MD 20912, is willing to sell this property to the City for the sum of \$126,667; and

WHEREAS, the purchase can be funded with money from the State of Maryland Open Space Program; and

WHEREAS, the price for Lots 29, 30, 31, and 32 of the Pringle property is consistent with the appraisals of the property obtained by the City; and

WHEREAS, the City declares that the acquisition of Lots 29, 30, 31, and 32 of the Pringle property promotes a public purpose by preserving an undeveloped area of significant recreational and environmental value to the community.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park shall purchase the property assessed 1.28 acres, Map 4, Grid 9-E, Block 57, known as 8503 Sligo Creek Parkway, Takoma Park, MD 20912, from Scott R. Stinson for \$126,667.

BE IT FURTHER RESOLVED THAT the City Administrator is authorized to enter into a contract with Scott R. Stinson, to purchase the property assessed as 1.28 acres, Map 4, Grid 9-E, Block 57, Lots 29, 30, 31, and 32, known as 8503 Sligo Creek Parkway, Takoma Park, MD 20912, for the sum of \$126, 667 and to take all actions deemed necessary to accomplish the purchase and settlement on the purchase of this property.

THIS ORDINANCE IS ADOPTED THIS ____ DAY OF _____, 1998 AND TAKES EFFECT UPON ADOPTION.

Ayes:

Nays:

Abstain:

Absent:

**PRESENTATIONS, BRIEFING, REGULAR MEETING, WORKSESSION
AND EXECUTIVE SESSION
OF THE CITY COUNCIL**

Monday, July 27, 1998

OFFICIALS PRESENT:

Mayor Porter	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Hawkins	Corporation Counsel Silber
Councilmember Rubin	Planning Center Coordinator Ludlow
Councilmember Stewart	Public Works Team Leader Shafer
Councilmember Williams	Code Enforcement Supervisor Sanford
	Executive Director COLTA Lee-Bryant
	Housing Services Coordinator Walker
	Community Development Coordinator Sickle
	Engineer Monk
	Human Resources Assistant Hampton
	Administration Clerk/Typist Vidal

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

COUNCIL COMMENTS

City Administrator Habada noted that the dilapidated house at 7404 Jackson (Ward 2) is being torn down tomorrow.

Councilmember Williams reminded the Council that Councilmember Jim Marrinan is coming tomorrow night at 7:30 p.m. to discuss with the Council Rockville's experience with the selection of a City Administrator and use of consultants in the search process.

ADOPTION OF MINUTES -- 6/22 AND 7/13

Moved by Williams; seconded by Chavez. The Council Meeting Minutes from 6/22 and 7/13 were adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), expressed condolence to the families of officers slain at the Capital Building on Friday. He remarked about global warming and other afflictions upon mankind that are signs from the "Mother Goddess." Mr. Onyeneke urged political leaders to send a message to the U.S. government that no one can predict the end of the world (e.g., global warming, drug usage, turmoil, etc.) other than the Mother Goddess. He commented on the unhappiness of children in today's world.

PRESENTATIONS

Mayor Porter noted that there are a number of resolutions to be presented this evening, and that while she feels fortunate to have the opportunity to present these resolutions, it is unfortunate that they are being presented on the occasion of people departing from the City (both residents and staff). She read the resolutions for the record, and then invited each recipient to come forward for their presentation.

1. Resolution of Appreciation -- Tom Guins. Moved by Porter; seconded by Chavez.

Resolution #1998-32 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-32 (Attached)

Mr. Guins said that he has gotten as much from the community as he has given to it, and that he has loved every minute of his work in the City, which he will greatly miss. He commended the work of the Recreation Department and other staff.

Councilmember Chavez expressed appreciation for Mr. Guins' work in Ward 6, and wished him well in his future endeavors.

Ms. Porter thanked Mr. Guins for all of his years of very fine help and volunteer work.

2. Resolution of Appreciation -- Senior Planner Lisa Schwartz.

Moved by Porter; seconded by Elrich.

Resolution #1998-34 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-34
(Attached)

Departing Senior Planning Lisa Schwartz thanked the Council for a wonderful resolution, adding that she is really going to miss--already does miss--working for the City. She said her experience with the City has been very rewarding and that she has learned a great deal, but that she also enjoys being a full-time mother to her new daughter. Ms. Schwartz remarked that she will continue to think of the Council and staff, especially on Monday nights.

Councilmember Rubin referred to the list of projects credited to Ms. Schwartz which are included in the resolution, noting that it does not take into account the day-to-day work that she performed. He commented that Ms. Schwartz's work enabled elected officials to present responses to citizens--responses which were a direct outcome of her work. He said that Ms. Schwartz gave him his first constituent matter regarding a set-back, and has continued to be extremely helpful in advising the Council on planning issues. Becoming a full-time mom is a promotion; but she will be missed.

Mr. Williams noted that there are other projects, which are not included in the text of the resolution, that she worked on for years to bring to conclusion.

Councilmember Elrich noted that Ms. Schwartz's beginning date with the City was a few weeks before he was elected to the Council. He remembered her being an integral part in Council discussions for years, and commented that she has contributed to professional presentations at county and higher levels. He thanked her for her help both internal and external to the City.

3. Resolution of Appreciation -- Building Maintenance Supervisor Sean Stone.

Moved by Porter; seconded by Williams.

Resolution #1998-35 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-35
(Attached)

Mr. Stone thanked the Council for the resolution, and said that it has been a pleasure working for the City over the years.

Ms. Porter remarked that although the maintenance of the building may be taken for granted by many, the building is well maintained and Council, staff and residents appreciate the hard work of the building maintenance staff. She commended him on a very fine job.

4. Resolution of Appreciation -- Richard Csarny.

Moved by Chavez; seconded by Williams.

Resolution #1998-33 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-33 (Attached)

Ms. Porter invited citizens to comment on any of the four resolutions.

Erwin Mack, Takoma-Langlely CDA, said that when he received the agenda, he was stunned by the news of the departures, because he sometimes does not hear, at the remote end of the City, of the happenings closer to the center of the City. He noted that his first contact with Tom Guins was a request for money for the Independence Day Committee, and remarked about Mr. Guins' "flaming" float in this year's parade. Mr. Mack commented on Lisa Schwartz's friendly and positive nature--always willing to please. He said that he got acquainted with Richard Csarny as related to the Hampshire Gardens Neighborhood Association. As a representative from the CDA, Mr. Mack said that he is most pleased to share positive comments about these people who are departing.

Public Works Team Leader Willis Shafer remarked that Mr. Stone has been a great leader in the Public Works team, and that he is sorry to see him leave. Mr. Shafer said that Mr. Stone has done some great things for the City, and thanked him for his service.

Belle Ziegler, Takoma Park Independence Day Committee, commented that she has always been able to depend on Mr. Guins' assistance over the years. She wished him well, but hoped that his employer might decide that the City needs him more and send him back. Ms. Ziegler thanked him, adding that he will never be forgotten.

(Unidentified Gentleman), New Hampshire Gardens Citizens Association, stated that he will sorely miss Richard Csarny and Tom Guins. They have been a tremendous help. He wished the best of luck to them both.

Planning Center Coordinator Suzanne Ludlow said that it was hard to include all of Ms. Schwartz's accomplishments in the resolution. She has been a "right-hand" to many people in the City, and has had the ability to respond to requests quickly. Ms. Ludlow said it was a delight to work with her, and that now the concept of not working with her requires a deep breath. How many people will it take to fill her shoes? Aside from work, Ms. Schwartz is a genuinely nice person--a pleasure to work with. Ms. Ludlow assured that she will remain friends with Ms. Schwartz, but that the daily one-on-one contact will be missed. She extended her heartfelt thanks.

Ms. Habada remarked that both of the departing staff members are very special to her. She commented on the projects managed by Lisa--e.g., Lake Street Property, which took on a life of its own and went on forever. Ms. Schwartz had the hard part of the project. Ms. Habada commented that Mr. Stone has worked through floods and major snow storms, and has been there through it all. He has remained quiet and calm, while taking charge and being responsive. She thanked them both for all of their work and contributions to the City.

Mr. Chavez said that he is sorry that Mr. Csarny cannot be here tonight. Mr. Csarny has been a very active community member. His home has always been open to neighbors. Mr. Chavez thanked him for his work and involvement in the community.

Mr. Williams added thanks to Mr. Csarny, remarking about their work together on the Family Diversity Task Force and recalling his valuable input and commitment.

Ms. Ziegler said that she has known Sean Stone since Calvin Avant's days ("one of Calvin's boys"), and has watched him grow up. Mr. Stone has always been available to the Independence Day Committee in supporting their activities. She extended her thanks to Sean.

Ms. Porter concluded by thanking everyone, saying that she is sorry to see them leave.

BRIEFING

5. Census 2000 Plans (presented by: Planning Center Coordinator Ludlow). Planning Center Coordinator Ludlow provided the Council with an update on planning for Census 2000, which is surprisingly not too far away. State and national levels are getting their promotions underway; training has been held for contact people from jurisdictions. She noted that she and City Clerk Sartoph have attended a number of training sessions. The Census Bureau would like each jurisdiction to have a Complete Count Committee (CCC) to get people excited about filling out and returning forms. Ms. Ludlow explained the importance of the Census to the City. There are a lot of services which depend critically on an accurate census count. The Census bureau's major approach for the Year 2000 is to conduct a nation-wide advertising campaign and to get CCC's involved. She described some of the advertisements--provided in different languages, targeted at different ethnic communities. She noted a copy of the booklet that is attached to the agenda item, and referred to pages 3-9 as related to the Complete Count Committee Program. The bureau wants things to be targeted to the area. Takoma Park had a very low return-rate to the mail-out census forms in 1990, which required enumerators to go door-to-door. She remarked about some of the skepticism surrounding the census.

Ms. Ludlow explained that the first thing that staff will be doing is to verify the address list prior to the census. This is the first time that review of mailing lists will be done before the census. She described how the process has been in the past. The Federal Law has been changed to allow for review of the address lists prior to the census. Ms. Ludlow commented on the confidentiality

requirements. She said that she has already looked over the materials and will be holding a staff meeting soon to discuss the internal process of reviewing the list, which must be conducted in the 90-day period following receipt of the list. Other than reviewing the lists and maps (done by staff), the rest will be a matter of public relations. It would be helpful to have some activities to make sure people respond.

Also during this census, there are going to be numerous mailings to each household. She noted the various notifications. Forms will be provided in multiple languages at community centers, and persons will also be able to call into an "800 number" to respond to the census forms. Surprisingly, there are indications that the 800 number will not be used that much.

Ms. Ludlow suggested that the Council start thinking about the census--e.g., what kinds of community organizations might benefit from the census data, people/organizations who might be candidates for census employment, and people/organizations to be represented on a Complete Count Committee. She encouraged the Council to appoint the committee in Fall 1998, and said that she will come back to the Council upon their return from summer recess to discuss appointments.

Ms. Porter commented on the work that the Census Bureau has been doing for most of the decade in planning for the Census 2000. Are a number of reasons that people do not respond to the census; however, one concern of the Census Bureau is that people are just more busy. Another reason for undercount and lower response is lower income and minority communities. One of the things that the Council set for a priority this year is to broaden participation, especially in the "under heard" areas of the City. When the Council returns from recess, the Council should make this issue a priority for discussion. It might be discussed in context of broadening the City's outreach efforts. As another approach, the Council might consider appointing a committee to explore how to reach these communities.

Ms. Ludlow remarked that she is impressed with the quality of the advertising that is planned to promote the census. Testing conducted on focus groups shows that the ads will be effective. The Census Bureau is trying to save money with this census--one reason they are looking to advertising and paying enumerators more (hoping for less turnover). She commented on the promotional materials. The bureau recognizes that they have a tougher job than they have had in the past and have thought things out very well. They are very nervous about not being able to get a sampling count to address the issue of undercount (if Congress does not approve). She concluded by emphasizing that it is important for all levels of government to push for a complete count.

REGULAR MEETING

6. 1st Reading Ordinance re: Ball Playing.

Moved by Rubin; seconded by Elrich.

Ms. Porter referred to the last Whereas clause, and observed that there appears to be a grammatical problem. She questioned whether the last clause was supposed to be part of the previous Whereas clause. Ms. Porter suggested moving "...or is a substantial inconvenience to an immediate neighbor" to after "...police protection".

There were no objections from the Council.

Ms. Porter referred to the remaining issues discussed in the cover memo, and asked whether the Council wants to include reference to "goal nets" in the ordinance.

Mr. Elrich said that goal nets are much more portable than basketball hoops. The kids can easily roll them away.

Mr. Rubin commented that nets are in the same category as carrying a baseball bat with the intention of hitting a ball. They are extremely portable and can be rolled away.

Mr. Elrich added that the goal nets are highly visible and can be moved quickly and easily. He commented that he has seen kids move this type of net, and described how they are placed in the streets to allow for playing "long-way" in the road.

Councilmember Stewart stated that she does not recall the Council discussing Section (a) of the proposed ordinance, adding that by telling parents how to supervise their children, the Council is getting its hands too deep into the issue.

Ms. Porter explained that it might be there because it was always part of the assumption that parents would take responsibility for children playing in the street.

Mr. Rubin recalled from the last discussion his recollection of the agreement to simply insert two words into the current code--prohibition of playing "after dark." Parent supervision is addressed in the Whereas clauses. He agreed with Ms. Stewart.

Mr. Elrich said that he did not envision "direct supervision" by parents, and commented that nets should be placed where appropriate.

Mr. Rubin stated that supervision will be whatever parents feel is appropriate. Parents will also be responsible for placement of the hoops, since they are too big for the kids to handle.

Ms. Porter questioned the objection to the proposed ordinance.

Mr. Elrich said that Section 1(a) seems unnecessary.

Mr. Rubin restated his recollection of a two-word amendment to the current code, and asked why it is being proposed differently.

Corporation Counsel Silber explained that it was written this way in an attempt to have the clauses form a legislative history, capturing the points that were made at public hearing and during discussions. Regarding whether Section 1(a) is necessary, she said that she thought this was Council's direction, but has no problem removing the paragraph. The important point is that the City will not be responsible for the supervision, and this point is adequately stated in the Whereas clauses. Ms. Silber added that she did not think that the "two-word" amendment adequately covered all of the "dark hours."

Mr. Rubin recognized her point, but questioned why the language "between the hours of sunset and sunrise" was not simply inserted.

Ms. Silber commented on grammatical problems, and explained that the proposed ordinance attempts to capture the Council's intent.

Mr. Rubin questioned why not have the same Whereas clauses and make only the simple change to the Code language. He recited his recollection of the current Code provision.

Ms. Silber said that without the Code in front of her, she cannot respond to the suggestion.

Mr. Elrich asked why not go forward with the proposed ordinance if it accomplishes what we want--especially, if the result is the same.

Ms. Stewart said that she does recall the Council discussing the option of repealing the old law.

Mr. Rubin remarked that he would accept a proposal to delete Section 1(a).

Ms. Silber read from the City Code, which was provided by Code Enforcement Supervisor Sanford.

Mr. Elrich stated that he likes the proposed ordinance language better than the current Code.

Mr. Rubin proposed amending the ordinance to delete Section 1(a) of the proposed ordinance (seconded by Elrich).

Ms. Stewart said that Section 1(b) needs clarification, questioning whether it means that temporary hoops have to be removed at night.

Ms. Silber asked whether "utilize" be a better word than "place."

Ms. Stewart responded in the affirmative.

Mr. Elrich said that the original language in the Code talks about the parent being responsible, and asked whether we should keep language about the parent's responsibility since clearly, the children will not be cited, and the language regarding the "Class C offense" is being retained in the Code.

Ms. Silber explained that any citation would be passed-on to the parents or person responsible.

Mr. Rubin agreed with the assumption that parents are responsible for minors. He made a motion to strike Section 1(a), and replace the word "place" with the word "utilize" in Section 1(b), and renumber the subsections as appropriate. (Seconded by Elrich)

Benjamin Onyeneke, Maple Avenue, recalled the public hearing two weeks ago, at which time he spoke on behalf of the children. He said the ordinance should include language that the City is not liable for accidents--City should be held at "no fault." He urged the City to work with Park & Planning to obtain better play grounds and ball playing facilities, and said that he plays on the street every day. Mr. Onyeneke remarked that motorists should have "no fault" insurance in the case of children playing in the streets, and commented on streets being blocked by children at play. He concluded by saying that this ordinance is the biggest joke of the year, and that it does not address the real issue of adequate activities for children.

VOTE ON THE AMENDMENT: (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart; AGAINST: Williams).

Mr. Rubin read the proposed language.

Mr. Williams emphasized that he is not comfortable with encouraging any child to play in the streets.

Ms. Porter remarked that this has been a long process, and that she is not happy with where it has ended. There were a number of issues originally discussed by the Council--number one, being child safety. She commented that she is not as convinced as Mr. Williams about the danger to children, and added that she has talked to a number of parents and has become aware that parents are very concerned about allowing their children to go to neighborhood parks. Another issue that the Council has failed to address is the issue of fairness--the issue that brought the matter before the Council. There was a proposal at one point to establish a process to determine where/whether a hoop could be placed. Council decided during its last discussion not to have a formal process. Ms. Porter supported a belief that there should be a process--everyone needs to have the same expectations of hoop placements. She commented that she would have liked to see a process that would address concerns of people who might object or have concerns about the placement of a hoop. The third issue is that of liability. The Council has to take the responsibility of protecting the City's financial situation, although this should not be the overriding issue. She concluded that the ordinance moves in the right direction, and said that she will support the ordinance. However, she made it clear, for the record, that she would have preferred a fair and reasonable way to deal

with concerns.

Mr. Williams said that in regards to the parental concern about having kids play at parks, he would urge parents to encourage children to play in their yards.

Ordinance #1998-31 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart; AGAINST: Williams).

**ORDINANCE #1998-31
(Attached)**

Ms. Porter noted that the second reading will be held when Council returns from recess.

7. Resolution re: City Administrator Selection Advisory Committee. Ms. Porter explained that she is moving this item up in agenda at a Councilmember's request, since there is someone in the audience who wants to hear the Council's discussion of the resolution. She explained the resolution, and suggested that in the Resolved clause, the committee should not be limited to a given number of finalists. The committee should submit an appropriate number of finalists to the Council. Ms. Porter proposed changing "list of approximately 5 finalists" to "short list of finalists".

Mr. Rubin expressed a concern that the committee not submit too long a list to the Council.

Ms. Porter responded that the word "short" gets to this point, and explained that she wants the committee to pick a small number of the really good applicants who apply. She commented that she does not want to choose an arbitrary number--either requiring inclusion of extras to meet the number or exclusion of applicants who might be part of best group.

Mr. Rubin agreed, but emphasized that the Council's intent should be conveyed to the committee. The Council wants the committee members to use good judgment.

Ms. Porter brought to Council's attention the addition of Dana Hoffman to the list.

Mr. Chavez noted corrections to the addresses for Frank Farley and Isaiah Dupree.

Moved by Chavez; seconded by Hawkins, as amended.

Ms. Porter read the list of persons being appointed to the committee.

Resolution #1998-36 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

RESOLUTION #1998-36
(Attached)

8. 1st Reading Ordinance re: Licensing and Inspection Fee. Moved by Elrich; seconded by Williams.

Ms. Porter noted that this topic has been discussed a number of times and that the Council held a public hearing. She explained the ordinance.

Councilmember Hawkins clarified that the intent is to shift the burden of repeated re-inspection costs to those who are violating the law versus those who are responsive and not violating the law.

Ordinance #1998-32 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

ORDINANCE #1998-32
(Attached)

9. Single Reading Ordinance re: Elevator Renovation. Ms. Porter explained the ordinance which authorizes the use of CDBG funds for award of the contract.

Moved by Williams; seconded by Stewart.

Mr. Elrich referred to the memo, observing that the County has granted money to other municipalities to do similar work related to ADA rehabilitation of facilities.

Community Development Coordinator Sickle said that the County has allowed other communities to use CDBG funds for rehabilitation to meet ADA requirements.

Mr. Elrich questioned whether, in all cases, the County required other communities to give up CDBG funds for ADA related projects. It seems peculiar that they might have given the other municipalities additional monies.

Ms. Habada remarked that more than likely, the smaller municipalities do not have funds set-aside and would have to go through the County for funds.

Mr. Elrich said that he is curious about how the County deals with the other jurisdictions. Are we being treated fairly? Was there an application, outside of the block grant process, for the funds?

Ms. Habada commented that she would think that the municipalities would have to apply on the

same schedule as the block grant applications, but that she will check with the County on this point and negotiate if appropriate.

Mr. Elrich emphasized that he does not want the City to surrender anything that the County may be giving to other municipalities.

Ms. Porter confirmed that the form in which the money is being offered to us is not in the form of reprogramming, but rather as a forgivable loan.

Ms. Sickle agreed, but only on the basis that we would be “reprogramming” the funds back from our rehabilitation loan fund. This approach was the County’s sense of how to get funds to us as soon as possible without having to go through the reprogramming process.

Ms. Habada noted that the reprogramming process could take four months.

Ms. Sickle remarked that the County looked at the definition of “rehabilitation” to see if the elevator project could be included without having to go through all of the “red tape.” However, the project did not meet the criteria. It was suggested that this approach be used as an alternative to the more lengthy process.

Ms. Porter noted the sources of funds for the project--some from City budget and some from CDBG funds (ADA compliance portion of project). She pointed out that there is a clause under the conditions of the loan that requires approval from the County DHCD to confirm compliance.

Ms. Sickle stated that she, Public Works Team Leader Shafer and two representatives from the County DHCD met today and looked over the project proposal. They were satisfied that it meets the criteria.

Single Reading Ordinance #1998-33 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

ORDINANCE #1998-33
(Attached)

10. Single Reading Ordinance re: Street Improvements. Engineer Monk confirmed that he checked references of the low bidder today, and had talked to persons from College Park, Bowie, Greenbelt and Cheverly. He noted that he has also tried to make contact with Riverdale and WSSC. The general comments regarding VMP Construction’s performance ranged from “great” to “excellent”, with the only negative remark from one reference being “sloppy flaggers.”

Ms. Porter said that the City could require that the contractor use our police officers on site during construction. She explained that the proposal is to award the contract to the low bidder,

and since staff was not familiar with this contractor, references were checked.

Moved by Hawkins; seconded by Williams.

Single Reading Ordinance #1998-34 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1998-34
(Attached)**

11. Resolution re: Commission on Landlord-Tenant Affairs (COLTA). Ms. Porter explained the resolution. Moved by Williams; seconded by Chavez.

Resolution #1998-37 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1998-37
(Attached)**

12. Resolution re: City Council Recess. Ms. Porter explained the resolution. Moved by Stewart; seconded by Chavez.

Mr. Rubin noted the upcoming Council/Staff Retreat, and explained that the term "retreat" refers to a special type of Worksession, during which participants discuss issues in general, issues not specific to a proposed item. He commented that the last time Council announced a retreat, some residents thought that we are off to some exotic destination.

Human Resources Assistant Hampton noted that the retreat will be held at Grace Methodist Church.

Resolution #1998-38 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1998-38
(Attached)**

WORKSESSION

The Council moved into Worksession at 9:33 p.m. and later convened in Executive Session at 11:25 p.m. Following the Executive Session, the Council adjourned for the evening.

EXECUTIVE SESSION / ADJOURNMENT

Executive Session 7/27/98 - Moved by Williams; seconded by Stewart. Council voted unanimously to convene in Executive Session at 11:30 p.m. in the Conference Room.

OFFICIALS PRESENT: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams. STAFF PRESENT: Habada, Sartoph, Silber. The Council discussed a proposed settlement to avoid potential litigation with Greenhorne & O'Mara, Inc. The Council agreed to terms of settlement (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8)).

Introduced By: Councilmember Elrich

RESOLUTION 1998- 31

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT
BETWEEN LOCAL 3399, THE AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES AND THE CITY OF TAKOMA PARK, MARYLAND**

WHEREAS, the Negotiating Team representing the City of Takoma Park, Maryland and the Union representing City employees who are members of Local 3399 of the American Federation of State, County, and Municipal Employees, AFL-CIO, have culminated negotiations over pay issues for the third year of the existing contract which covers three years from July 1, 1996 through June 30, 1999; AND

WHEREAS, both parties request that funds necessary to implement the Agreement be approved by the Council pursuant to Section 8B-206 (g) of the Takoma Park Code; AND

WHEREAS, both parties request Council Approval of any provisions of this agreement which conflict with City Code, rule, or regulation, pursuant to Section 8B-206 (g) of the Takoma Park Code.

NOW, THEREFORE, BE IT RESOLVED, that the Council ratifies the Collective Bargaining Agreement, effective July 1, 1996 through June 30, 1999, as modified for FY 99, between the City of Takoma Park and Local 3399 of the American Federation of State, County, and Municipal Employees, AFL-CIO.

Dated this 13th Day of July, 1998

ATTEST:

Catherine E. Sartoph
City Clerk

RESOLUTION #1998-32

RESOLUTION OF APPRECIATION

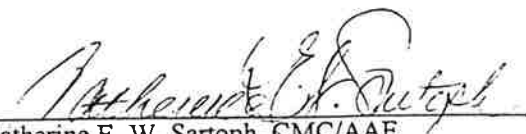
- WHEREAS, it is with regret that the Mayor, Council and citizens of the City of Takoma Park learned that Thomas (Tom) Guins and his family are leaving the City of Takoma Park, as he is being transferred to Pueblo, Colorado; AND
- WHEREAS, Tom has been a dedicated volunteer since moving to Takoma Park twenty-one years ago; AND
- WHEREAS, Tom has spent a great deal of his time working for the community in various capacities; AND
- WHEREAS, he has been a tireless worker for the Takoma Park Independence Day Committee for twenty-one years, ten of them as President, several years as Vice President, and more than ten years as the Parade Director; AND
- WHEREAS, Tom has also devoted twenty years as a hard-working member of the New Hampshire Gardens Citizens Association, ten of those years he served as the President; AND
- WHEREAS, he was a volunteer for the Recreation Department for ten years, helping build floats for the 4th of July parade, helping with the Halloween parties, festivals, kite contests, and numerous special events; AND
- WHEREAS, Tom served for two years on the Takoma Park Traffic Committee and, served five years on the Community Development Block Grant Committee; AND
- WHEREAS, he spent a great deal of time volunteering in the public schools, two years as President of the Carole Highlands Elementary School, and two years as Vice President at Nicholas Orem Middle School; AND

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens of Takoma Park, extends their thanks, appreciation and gratitude for his many years of untiring efforts and dedicated service to the community.

Dated this 27th day of July 1998.


Kathy Porter
Mayor

ATTEST:


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

RESOLUTION #1998-33

A Resolution of appreciation to Richard Csarny for his involvement and dedication to the City of Takoma Park.

- WHEREAS, the Mayor and Council of the City of Takoma Park note with regret that Richard Csarny is moving from Takoma Park; AND
- WHEREAS, Mr. Csarny has been active with the New Hampshire Garden Citizens' Association since 1988 by being on the Executive Committee and assisting with the distribution of the Association's Newsletter; AND
- WHEREAS, Mr. Csarny served as Secretary for New Hampshire Garden Citizens' Association Secretary for two years and assisted with the distribution of the Association's Newsletter since 1988; AND
- WHEREAS, Mr. Csarny has served as block captain; AND
- WHEREAS, Mr. Csarny greatly assisted his neighborhood and City staff in his work on the New Hampshire Gardens Traffic Study by spearheading the effort, thinking about what would work for the neighborhood as a whole, building a neighborhood consensus, and then pushing for the completion of the work; AND
- WHEREAS, Mr. Csarny often assisted his neighborhood and City staff on zoning and development matters, always taking a broad view and providing useful and thoughtful recommendations.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens of the City of Takoma Park, commends and thanks Richard Csarny for his contributions and service to the City of Takoma Park, Maryland and offers best wishes for his continued success.

Dated this 27th day of July 1998.


Kathy Porter
Mayor

ATTEST:


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


**RESOLUTION 1998-34
IN APPRECIATION OF LISA SCHWARTZ
SENIOR PLANNER**

- WHEREAS,** Lisa Schwartz is leaving City of Takoma Park employment to devote her energies to caring for her daughter Leora and enjoying family life; AND
- WHEREAS,** Lisa began her employment with the City of Takoma Park October 26, 1987; AND
- WHEREAS,** Lisa has been a creative, dedicated employee for the City of Takoma Park in the fields of housing, community development and city planning throughout her tenure; AND
- WHEREAS,** highlights of her work include work with committees regarding, and preparation of, the City's Transportation and Open Space Plans; assistance in planning the City's Unification into Montgomery County and primary responsibility for the highly successful Unification Week activities; the establishment of the City's development review process; coordination of the Program Open Space acquisition process with significant work on the Lake Street and Jackson-Garland acquisitions; conscientious work on review of significant development projects, such as Poplar Mills; and her liaison work regarding Montgomery College's recent relocation discussions; AND
- WHEREAS,** one of Lisa's special talents was conflict resolution and mediation, as shown by her moderating role as staffperson to the initially contentious Historic Preservation Task Force in 1989-90, her successful negotiations in the purchase of the Lake Street property, and by the acclaimed 2-day Conflict Resolution Workshop she developed for the local American Planning Association chapter which was then used at the APA National Conference; AND
- WHEREAS,** Lisa is committed to promote and uphold the highest standards of the planning profession as evidenced by being certified in the American Institute of Certified Planners, by serving on the executive board of the National Capital Area Chapter of the American Planning Association, and by promoting the planning profession to students; AND
- WHEREAS,** Lisa was an extremely hard-working, thorough and knowledgeable employee who was very patient in answering questions from citizens, who diligently researched information, and who worked well with planners and other staff from surrounding jurisdictions; AND
- WHEREAS,** as a direct result of her efforts, the City of Takoma Park's planning functions are well-regarded and respected by citizens, community organizations, and area planning agencies alike, thus contributing to the community's positive view of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens and employees of the City of Takoma Park, commends and thanks Lisa Schwartz for her exemplary contributions and dedicated service to the citizens, staff and Council of the City of Takoma Park, Maryland.


Kathy Porter
Mayor

ATTEST:


Catherine E. W. Sartoph
City Clerk

RESOLUTION #1998-35

*In Appreciation of Sean Stone
Building Maintenance Supervisor*

WHEREAS, *Sean Stone is leaving the employment of the City of Takoma Park to pursue his career goal of becoming a Chief Engineer; AND*

WHEREAS, *Sean began his employment with the City of Takoma Park on September 21, 1992 and has served the City for six years; AND*

WHEREAS, *Sean was first hired as Building Maintenance Helper, and on August 22, 1994 was promoted to the position of Building Maintenance Supervisor, AND*

WHEREAS, *Sean has been at the forefront of staff development and restructuring at Public Works, providing leadership and ideas to all staff and divisions; AND*

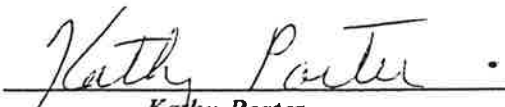
WHEREAS, *highlights of his work include, major facility upgrades at the Municipal Building, Library and Public Works, including the HVAC systems, light fixture improvements, office renovations and the implementation of six day janitorial coverage. The Building Maintenance Division was the first to undertake the process improvement program; AND*

WHEREAS, *Sean provided direction and leadership to the division and improved the structure and implemented long term planning by developing numerous maintenance and cleaning schedules; AND*

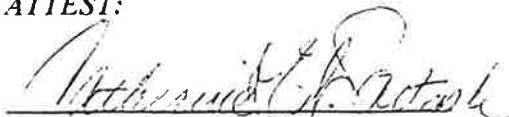
WHEREAS, *As a result of Sean's efforts, the City of Takoma Park's Building Maintenance Division and the building users that rely on a clean facility and comfortable environment are now better served.*

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, on behalf of the citizens and employees of the City of Takoma Park, commends and thanks Sean Stone for his hard work, contributions and dedicated service to the citizens, staff and Council of the City of Takoma Park, Maryland.

Dated this 27th day of July 1998


Kathy Porter
Mayor

ATTEST:


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

Introduced by: Councilmember Chavez

RESOLUTION NO. 1998-36

**APPOINTING MEMBERS TO THE CITY ADMINISTRATOR SELECTION COMMITTEE
AND ADOPTING THE SELECTION COMMITTEE'S MISSION STATEMENT**

WHEREAS, the Council has decided to create an advisory committee composed of citizens and staff to participate in the selection of a new City Administrator; AND

WHEREAS, the City Administrator Selection Committee will review applications for the position of City Administrator and recommend to the Council those applicants considered as the most highly qualified; AND

WHEREAS, the Selection Committee shall be composed of the following members; AND

WHEREAS, a number of persons have volunteered to serve on the Committee or have been nominated by the Council.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby appoint the following persons to serve on the City Administrator Selection Committee for such time as is required for the Committee to fulfill its purpose as outlined below.

<u>Name</u>	<u>Address</u>
1. Edward Sharp	906 Glazewood Court
2. Rino Aldrighetti	7213 Central Avenue
3. Joe Jenkins	908 Jackson Avenue
4. Laurie Lester	7218 Garland Avenue
5. Jim Douglas	7112 Maple Avenue
6. Jeanne Alexander	106 Hodges Lane
7. Bryan Sayer	215 Spring Avenue
8. Susan Robb	203 Manor Circle

- | | |
|--------------------------|--------------------------|
| 9. David Keyser | 110 Ritchie Avenue |
| 10. Harold Alston | 7710 Maple Avenue #105 |
| 11. Roland Dawes | 7819 Piney Branch Road |
| 12. Janet P. Pepin | 8500 Flower Avenue |
| 13. Frank Farley | 7317 Wildwood Drive |
| 14. Isiah Dupree | 1104 Jackson Avenue |
| 15. Dana Hoffman | 7051 Carroll Avenue #915 |
| 16. Jean Sickle | City Staff |
| 17. Major Daniel Wortman | City Staff |
| 18. Jerry Sanford | City Staff |
| 19. Terry Reed | City Staff |

BE IT THEREFORE FURTHER RESOLVED THAT the Committee is tasked to review the applications of all applicants for the position of City Administrator and submit to the Council by October 12th 1998 a short list of finalists who are considered by the Committee to be the most highly qualified candidates.

Dated this 27th day of July, 1998.

Introduced by: Councilmember Williams

RESOLUTION #1998-37
APPOINTING NEW COMMISSIONERS TO COLTA

WHEREAS, there presently exists three vacancies on the City's Commission on Landlord-Tenant Affairs (COLTA); AND

WHEREAS, Mary Kay C. LeFevour has applied to the Council seeking to fill one of the vacancies; AND

WHEREAS, Council has interviewed Ms. LeFevour and has evaluated her qualifications.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, hereby appoints the following individual to fill a vacancy on the Takoma Park Commission on Landlord-Tenant Affairs:

<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
Mary Kay C. LeFevour	7302 Hilton Avenue	June 30, 2000

BE IT FURTHER RESOLVED THAT this appointment becomes effective immediately.

Dated this 27th day of July, 1998.

Attest:


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

Introduced By: Councilmember Stewart

RESOLUTION #1998 - 38

SETTING FORTH THE CITY COUNCIL'S SUMMER 1998 RECESS

WHEREAS, in order to accommodate vacation schedules of members of the City Council, a summer recess shall be called; **AND**

WHEREAS, this recess shall commence following adjournment of the Council/Staff Retreat on Monday, August 3, 1998; **AND**


WHEREAS, City Offices will be closed in observance of the Labor Day holiday on Monday, September 7, 1998; **AND**

WHEREAS, the Council will reconvene on Tuesday, September 8, 1998, in Worksession.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its Summer Recess from August 4, 1998, through September 6, 1998.

ADOPTED this 27th day of July 1998.

ATTEST:


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

Introduced by: Councilmember Elrich

1st Reading: 7/27/98

2nd Reading:

Effective:

ORDINANCE #1998-31

**ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 6, ARTICLE 9,
SEC. 6-126(a) (1), LICENSING AND INSPECTION FEES**

WHEREAS, Section 6-126 (a) (1) of the Takoma Park Code currently requires the payment of \$62.00 by rental property owners for the license and inspection fee; **AND**

WHEREAS, there has been no increase in this fee since 1993.

NOW, THEREFORE, BE IT ORDAINED THAT the City shall increase the current fee of \$62.00 per licensing term to \$68.00 per licensing term, impose a late payment penalty charge, and impose a \$60.00 fee for repeated re-inspections; **AND**

BE IT FURTHER ORDAINED THAT Section 6-126(a)(1) of the Takoma Park Code shall be amended as follows:

Sec. 6-126. Licensing and inspection fee.

(a) Each rental [property] unit subject to licensing under this Division shall be charged the following fee:

(1) One or more units: [~~\$62.00~~] \$68.00 per licensing term, where such term or duration is specified in Section 6-125 of the Code.

(2) All accounts shall be considered delinquent if not paid within thirty (30) days after the due date. All delinquent accounts are subject to a late penalty charge of ten percent (10%) of the amount due.

(3) The license inspection fee shall include one (1) initial license inspection and one (1) reinspection. Each additional reinspection shall be subject to a \$60 per unit charge.

ADOPTED this ____ day of _____, 1998 by roll call vote.

AYE:

NAY:

ABSTAIN:

ABSENT:

NOTE: Language to be deleted is [bracketed]; language to be added is underlined.

Introduced By: Councilmember Rubin

First Reading: 7/27/98

Second Reading:

Effective Date:

Drafted by: Office of Corporation Counsel

Draft Date: July 29, 1998

ORDINANCE NO. 31

(Repealing and re-enacting limited restrictions on ball playing in public areas and prohibiting ball playing after sunset and before sunrise.)

WHEREAS, the use of public right of ways for ball playing has been generally prohibited because of issues of public safety; and

WHEREAS, the supervision of children is ultimately the responsibility of a parent, guardian, or other responsible adult; and

WHEREAS, the City has determined that the placement on residential streets of temporary basketball hoops and/or temporary goal nets which are properly supervised by parents and other adults will not substantially interfere with the safe and orderly movement of vehicular traffic; and

WHEREAS, placement of temporary basketball hoops on residential streets facilitates family, neighborhood, and community cohesion, abates crime, promotes positive use of neighborhood streets, and encourages parents, children and neighbors to play together; and

WHEREAS, "children at play" signs may be provided upon notification to the City of the placement of a temporary basketball hoop and/or temporary goal nets on residential streets; and,

WHEREAS, the temporary basketball hoops and/or temporary goal nets shall be subject to such requirements and conditions as the City in its sole discretion deems necessary for protection of public health, safety and welfare in the City's right-of-way and the construction of permanent hoops will not be permitted.

WHEREAS, in the event that the temporary basketball hoops and/or temporary goal nets are improperly placed or used, cause a dangerous condition on City streets, are used at night, or the use cause excessive noise in the neighborhood, the City reserves the right to abate any nuisance and stop ball playing in the street,

WHEREAS, in the event that the temporary basketball hoops and/or temporary goal nets, impair the health, welfare, and safety of the public, or unreasonably interferes with vehicular or pedestrian traffic or access to property, interferes with proper fire and police protection, or causes substantial inconvenience to an immediate neighbor, the City also reserves the right to abate any nuisance or stop ball playing in the street.

WHEREAS, this Ordinance shall apply to any temporary basketball hoops and/or temporary goal nets or other temporary ball playing equipment erected, placed or maintained on or after the effective date of this ordinance, even though it may have been erected, placed or maintained prior to the effective date of this ordinance.

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

SECTION 1. Chapter 8, Morals and Conduct, Article 3, Division 3, Section 39, the *Takoma Park Code*, is repealed and a new Section 8-39 is instated as follows:

CHAPTER 8. MORALS AND CONDUCT.

ARTICLE 3. OFFENSES AGAINST PUBLIC PLACES.

Division 3. Prohibited Activities

Sec. 8-39. Ball playing in public areas.

- (a.) No parent, or person responsible shall permit his or her child to play or utilize basketball hoops, goal nets or other temporary ball playing equipment on the streets, avenues, alleys or highways of the City between the hours of sunset and sunrise.
- (b.) Failure to comply with the terms and conditions of this section is a Class C offense.

SECTION 2. This Ordinance shall be effective immediately.

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

Aye:

Nay:

Absent:

Abstain:

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ORDINANCE NO. 1998-33

AN ORDINANCE TO AWARD A CONTRACT FOR RENOVATION OF HYDRAULIC ELEVATOR AT MUNICIPAL BUILDING

WHEREAS, the FY-99 Capital Budget set aside funds for the Renovation of the Hydraulic Elevator located at the Municipal Building, 7500 Maple Avenue, Takoma Park, MD 20912, AND

WHEREAS, in accordance with the City's procurement procedures a Request for Bids was advertised in the Washington Post on December 28, 1997, AND

WHEREAS, bids were publicly opened at 2:00 p.m. on Friday, January 16, 1998 with two (2) bids being received; AND

WHEREAS, bids were evaluated by Robert L. Seymour, the City's Vertical Transportation Consultant and Public Works Team Leader, Willis Shafer, AND

WHEREAS, after critical evaluation of the two (2) bids by the City's Consultant and the Team Leader; it is recommended that the bid received from ELEVATOR CONTROL SERVICE be accepted; AND

WHEREAS, that authority be granted to award the contract to ELEVATOR CONTROL SERVICE in the amount of \$119,943 (One Hundred Nineteen Thousand Nine Hundred Forty Three Dollars); AND

WHEREAS, Elevator Control Service is considered both responsive and responsible

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

SECTION 1. THAT upon written approval from Montgomery County for the use of CDBG funds in the elevator renovation, staff is authorized to reprogram \$64,943 from the City's rehabilitation funds; AND

SECTION 2. THAT upon confirmation from Montgomery County that the funds can be expended, a contract in the amount of ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED FORTY THREE DOLLARS (\$119,943) be authorized to award to ELEVATOR CONTROL SERVICE; AND

SECTION 2. THAT funds to cover this work be charged as follows:

Bond Funds	-	9100-8004	-	\$ 55,000
CDBG funds	-		-	\$ 64,943

		Total	-	\$119,943

Adopted this 27th day of July, 1998.

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

Introduced by: Councilmember Hawkins

Adopted: 7/27/98
Single Reading

ORDINANCE NO. 1998-34

AN ORDINANCE TO AWARD CONTRACT FOR
INDEFINITE QUANTITIES - STREET IMPROVEMENTS

- WHEREAS, the FY99 Capital Budget identifies funds for the Street Improvements throughout the City of Takoma Park, AND
- WHEREAS, in accordance with City's procurement procedure a Request for Bids was advertized in the Washington Post on June 28, 1998 and mailed to interested Vendors; AND
- WHEREAS, bids were publicly opened at 2:00 p.m. on Friday, July 24, 1998 with three (3) bids being received; AND
- WHEREAS, VMP Construction has submitted the lowest unit prices, AND
- WHEREAS, the Public Works Team Leader/Storm Drain Engineer has determined that the lowest bidder is both responsive and responsible; AND
- WHEREAS, funds are available to award a contract to the lowest bidder; AND

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

- SECTION 1. THAT the bid being received from lowest bidder, VMP Construction be accepted; AND
- SECTION 2. THAT funds to cover this work be charged to Capital Budget Account No. 9100-8000.

Adopted this 27th day of July, 1998.

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