

**CITY OF TAKOMA PARK, MARYLAND (FINAL 11/29/99)**

**REGULAR MEETING, WORKSESSION AND CLOSED SESSION  
OF THE CITY COUNCIL**

**Monday, November 8, 1999**

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Closed Session 10/25/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session at 9:45 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Finn, Sartoph, Silber. The Council discussed the legal issues surrounding the law suit on the ballot questions, and gave Corporation counsel direction on legal strategy. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Corporation Counsel Silber

Public Works Team Leader Braithwaite

Police chief Anderson

Telecommunications Manager Moffet

ECD Coordinator Ludlow

**OFFICIAL ABSENT:**

Councilmember Chavez

**COUNCIL COMMENTS**

Mayor Porter encouraged people to register for a special event next Tuesday and Wednesday which is being sponsored by the Police Department. It implements one of the recommendations of the PSCAC—a “Whole Scale Change Event.” She described the event and its goal to discuss and come to a consensus about the implementation of community oriented policing in the City. To register one should call Carol Bannerman or Jean Sickle (301/270-1700 x242 and x205).

**PRESENTATION**

The Mayor read a Proclamation recognizing “America Recycles Day” on Monday, November 15, 1999.

## ADDITIONAL AGENDA ITEMS

None.

## ADOPTION OF MINUTES

Postponed.

## CITIZENS' COMMENTS

Edward Sharp, 906 Glaizewood Court, encouraged the City to systematically make more use of its web page. He recognized the work of Rebecca Brown in getting it up and running, but observed that there seem to be other ways in which it could be used that are not being done right now. He suggested that the minutes and budget could be posted. Also, items of public interest like the recent Judge's opinion regarding the handgun referendum would be useful if made available. He proposed that there also be some links to pertinent newspaper articles. There could also be e-mail links for the City Councilmembers.

Ms. Porter thanked Mr. Sharp for his good suggestion.

Benjamin Onyeneke, Maple Avenue (Generation X), commented on "Native American Indians and Eskimos Month." He remarked about a vigil being held at the Smithsonian Institute for a Native American Indian male who has been in jail since the 1970's. He described the circumstances under which this individual was jailed, and said that he is looking forward to seeing the Council look into this issue. Mr. Onyeneke encouraged viewers to watch his program which airs on Channel 19 at 11:00 a.m. on Thursdays, to hear the message of the Universal Mother God.

Buddy Daniels, 19 Sherman Avenue (Chair of S.S. Carroll Citizens Association), said that Bruce Wagner, Athletic Director of the Montgomery College, asked him to thank the City Council for its support of the naming of the Aquatic Center in honor of Al Murray. The dedication ceremony was held back in June; many people attended. Craig Kinsley is the new Director and the pool is a wonderful place. He encouraged persons to go swimming at the pool.

Mike Cohen, Manor Circle, asked the Council to make a full and formal accounting of the funds spent by the City in regards to the recent law suit, realizing that it is still going on. A full accounting would be appropriate in showing how public funds are being spent.

Ms. Porter responded that the City can provide an interim number, but since the issue is still going on, the number will not be final at this point in time.

Mr. Cohen asked that the information be published in the City's newsletter.

Councilmember Rubin asked that the speaker please identify his involvement in this issue.

Mr. Cohen responded that he was the person who brought suit against the City for this illegal act (i.e., placing the gun question on the ballot).

Ms. Porter stated that the Council will take his request under advisement, and will certainly provide the information about expenditure of public funds to anyone who makes a request.

Terry Seamens, Citizens Y2K Advisory Committee, announced that the committee will be holding a community conversation on November 30 at 7:30 p.m. in the Council Chambers. He noted the various agencies and entities who will be in attendance.

## REGULAR MEETING

**1. Resolution re: Major Dan Wortman.** Ms. Porter noted that there is no formal presentation planned for this evening. The presentation will take place at his retirement dinner in early December. Councilmembers will be in attendance.

Moved by Williams; seconded by Hawkins.

Councilmember Williams commented that Major Wortman was invaluable in the help that he provided when he first came on the Council in understanding what the police have to deal with and how they deal with it. Mr. Williams said he came to understand the depth of work that the police take on in the City, and remarked about a specific incident where Dan's knowledge of all the "players" and background, made it possible for him to quickly resolve the issue. It was with this incident that Mr. Williams began to see how deeply Major Wortman was involved in the community.

Councilmember Hawkins noted that Major Wortman began his career with the City the day that she was born. He was a great individual, who was helpful in her transition as a new Councilmember. She said that she is sorry to see him go, but wishes him all the best and will say so again at his retirement dinner.

Councilmember Stewart recalled that when she came on the Council, she needed a lot of help in understanding the Police Department. Major Wortman gave her that assistance. He also accompanied her when she went to Montgomery County to lobby for a more equitable police rebate. It was her first experience with lobbying, and it was interesting to hear him explain the issue in a way that made it really seem like the right thing to do. He was very helpful. He has probably brought thousands of dollars to the city through his efforts. She expressed appreciation for all of his contributions.

Councilmember Rubin commented that he worked with Dan on numerous issues involving border policing, neighborhood patrols and installation of emergency call boxes in communities. Mr. Rubin said he was impressed by how well he related to, understood and felt part of the community of Takoma Park. He is greatly beloved by the residents of the City, and represents community oriented policing in his person.

Ms. Porter stated that she will save most of her comments for his formal retirement party. Certainly, Dan in a very long and courageous career has done many things (e.g., developed expertise in budget, grant writing and community). He also did a great job as a young undercover officer with a number of arrests and number of notable accomplishments. He knew the community probably as well as anyone else. He was extremely helpful in helping to deal with police aspects. He was probably as responsible as anyone for getting the increase in police rebate from the county a couple of years ago. He put together the argument, urged the Council on the lobbying effort, and worked with a group of citizens on the same. She commented that it is worth noting these two things in particular, for anyone who did not know him. Further remarks will be conveyed at the retirement dinner.

Hank Prensky, Maple Avenue, said that he was hoping to see Dan here tonight. Mr. Prensky expressed appreciation for him from a number of places, one being the Nuclear Free Committee (Dan stretched himself to really understand the significance of the ordinance and to work with Police in thoughtful/creative ways to meet the requirements of the ordinance). When Dan went back to school to get his Master's Degree in Management, he did a great deal for the City in the endless process of accreditation which made the department more highly regarded and respected among peers. He has been out there involved with the Cops vs. Kids basketball games and was involved with every element of City life (e.g., participated in the Folk Festival). He has always had a long-term view, commitment to the City and involvement. If possible, Mr. Prensky urged that the City publicize the date and location of the retirement dinner.

Mr. Williams noted that the event is scheduled for December 10 at WRAMC (limited to 100 people). He suggested that persons who are interested in attending should contact Carol Bannerman.

Buddy Daniels, Sherman Avenue, said that he has known Dan since 1971 and earlier, and has always been impressed with Dan's involvement in the community. The list is long. He can also quote statistics off the top of his head. He has been a member of the community for a long time. Mr. Daniels said he is very happy to have had the opportunity to work with and know Dan. In his early years with the Department he made a real significant difference in the department.

Benjamin Onyeneke, Maple Avenue, said he would love to see Dan get into the Department of Criminal Justice and to work with juveniles. He urged that Major Wortman continue his law enforcement career, suggesting that he might go into private investigations. Mr. Onyeneke wished him good luck.

Erwin Mack, Executive Director of Takoma/Langley CDA, said that it is difficult to compliment one person without seeming to disparage others in the same profession. Major Wortman was the source of our assistance in things like the "broken-window" theory and the discovery of materials to remove graffiti. His research on grant opportunities was phenomenal. We knew him more as a manager than a gun carrying officer. He went on to get his Master's degree, and said that he had a deep rooted concern for young people. Mr. Mack said that a lot of what Dan did on the surface was in an effort to find ways to work with young people.

Robert Klines, Cedar Avenue, expressed appreciation for Dan's many years of service to the department and the community. He was very active in the community. Mr. Klines encouraged him to continue to be involved in the community as a civilian, and wished him well in future endeavors.

David Bates, Philadelphia Avenue, expressed profound thanks for Major Wortman's many years of service. Mr. Bates said that he was the first Chairperson of the PSCAC, during which time Major Wortman was extremely helpful in assisting the committee in understanding the role of the police department and of things that we, as citizens could do. He was a great educator, and a very creative problem solver. He would come up with ways to motivate citizens to get involved and work with the department, and was always a gentleman and always patient. He was a true resource and a whiz at finding money through grants with which the City was able to have extra officers, emergency call boxes and other things. The community will miss him, and will miss being able to get information immediately when needed. He leaves a big hole in the heart of this community. Mr. Bates said that he wishes Major Wortman were still on the force.

Rudy Arredondo, 1212 Myrtle Avenue, said that Dan personifies community oriented policing. As citizen of the City since 1978, Dan guided him through various situations where the ethnic community was not being treated fairly by the police. He said that he finds it truly regrettable that the Council did not find it appropriate to ever appoint him as Chief of Police.

Catherine Tunis, remarked that she has dealt with Dan over a number of smaller issues over the years, and always found him to be personable, thoughtful, kind and working to find a solution for everyone. She recalled an incident where she took footprints at the site of a neighbor's robbery. In an effort to identify the robber, Major Wortman posted a notice to the list serve asking that people call-in any suspicious activities in their neighborhood. Someone responded and a person was arrested, who later admitted to the neighbor's robbery. The imprints of the footprints became evidence. She recalled writing a letter commending his work on this case, and again emphasized that it has always been a pleasure to work with him.

Terry Seamens, Ward 4, commented that he hopes people are listening to the testimony tonight. Dan served the City for 29 years. He was a natural resource--born here, brought up, went to Vietnam and came back, joined the police force, and the list goes on. Mr. Seamens noted that there has not been a lot of duplicity in the comments made here this evening which demonstrates

the wide range of his talents and contributions. He was a great beat officer and great with community outreach. He was the epitome of community oriented policing, and the city is really going to miss him.

Resolution #1999-53 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1999-53  
(Attached)**

**2. Resolution re: Election Judges.** Ms. Porter explained the resolution. The City is always very grateful to the judges who put in a lot of hours and oversee something that is very important to the City. This year was particularly challenging as they conducted the polling place for nearly three hours in almost total darkness. We owe a special thanks.

Moved by Rubin; seconded by Stewart.

Mr. Rubin commented that everybody did an excellent job under adverse conditions, but said that he has to point out that there is a plurality of judges who are residents of Takoma Tower. He thanked everyone for their service.

Benjamin Onyeneke, Maple Avenue, thanked the judges for their work, and remarked about the candidates and his support for Share Maack.

Resolution #1999-54 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1999-54  
(Attached)**

**3. Resolution re: Liz Lerman Dance Exchange.** Ms. Porter explained the resolution. Moved by Rubin; seconded by Williams.

Mr. Rubin commented that the Dance Exchange is an outstanding institution which happens to be in Ward 1. The dance exchange, since moving to the city, has had a wealth of programs that have benefitted the community--classes for children, seniors and everyone in between; performances; and opening of space to almost anyone who wants to use it. He supported their ability to get this grant.

Mr. Williams noted that from reading the grant application, it looks like any business can make a contribution and get a tax credit. He said that he would assume this would extend to sole

proprietorship businesses, and commented on the types of donations which are recognized. This is a good opportunity to make donations.

Mr. Rubin said that many businesses, particularly in Old Town, are already working with the Dance Exchange and have been for a number of years. It is appropriate that they get a tax break for what they are doing.

Ms. Porter commented that the City feels very privileged to have a dance company of such stature (nationally renown) in the community.

Resolution #1999-55 was adopted unanimously (VOTING FOR: Porter, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez, Elrich).

**RESOLUTION #1999-55**  
**(Attached)**

**4. Resolution re: Task Force on Gun Violence.** Ms. Porter explained the resolution. The Task Force was established to advise the Council on next steps, regardless of the outcome of the ballot questions, which we all know didn't come to pass. She noted that she has received a number of recommendations from Councilmembers about persons to appoint to the Task Force, and emphasized that she would like to have all of the Wards represented on the Task Force, since there is quite a variety of opinions across the City. All points of view should be represented on this group. She suggested leaving some spaces for the Wards that are not represented by the suggested names that she has received (does not have suggestions from Wards 4, 5 and 6).

Ms. Stewart asked whether the membership is limited to 11 members.

Ms. Porter responded that the Task Force was established as having 11 members, but that the Council could take action to expand the membership. If the Council is going to expand the membership, the discussion should be advertised in advance and taken up at a different time to allow for people to speak to that issue. She said she would be open to a suggestion on that point.

Ms. Hawkins questioned the disparity of suggestions across Wards.

Ms. Porter stated that she has a list of seven names from Ward 3, five names from Ward 2, and five names from Ward 1. So, 17 names have been submitted to fill 11 positions, without representatives from three Wards.

Mr. Rubin proposed that there be categories of members (e.g., liaison to the PSCAC). There might be 11 community members and "x" number of people appointed to fill specific spots.

Ms. Porter remarked that the Council could do that, but that it would be different than the

originally established membership. She clarified that she is not necessarily suggesting that the Task Force has to be exactly balanced by Ward, since this is not a Ward level issue. However, the members should have some expertise that will be useful to the Council. There are a number of attorneys who have volunteered, and persons with mediation skills, and someone who has dealt with the issue in other contexts. Jamin Raskin who is a constitutional law expert is also interested. We want a group of people who we can call on for advice for some of the very thorny issues that we will be dealing with.

Ms. Hawkins said she is disturbed by the lack of representation in Ward 4, but will get a name to the Mayor by next Monday.

Ms. Porter suggested that some spots be left open, and proposed leaving three spots open (one for each of Wards 4, 5 and 6). That leaves 8 spaces to be appointed from the list of volunteers this evening. She spoke in favor of appointing Jamin Raskin.

Ms. Hawkins asked whether the Council should interview the volunteers.

Ms. Porter responded that the Council could interview, but that this process would involve additional time.

Mr. Rubin recalled the Council having discussed the matter of interviews previously, but that the Council decided not to conduct interviews because the mandate for the committee runs out in January 2000 and it needs to get started soon. Traditionally, when the Council has appointed a committee with a specific mandate, we have relied on the individual knowledge of Councilmembers in making recommendations. We pretty much know of the pool of candidates in the community. There was a general consensus (although not voted) to not conduct interviews.

Ms. Hawkins said that this is fine, but that she will then have to rely on each Councilmember's knowledge of the candidates. She stated that she is not comfortable making decisions about those who have expressed interest without this understanding.

Mr. Rubin commented that another option is to expand the committee, and remarked about the two "sides" to doing that--could get too large but would allow for everyone to be involved. He suggested taking a shot at paring down the list of volunteers.

Ms. Porter suggested that everyone cut their list down to three names (total of 9 names from current list of volunteers). The Council should also leave open the possibility of later coming back to expand the membership, if we go forward with making initial appointments tonight.

Ms. Hawkins questioned whether the Task Force is this going to be a voting body. If so, it should not have an even number of members.

Ms. Porter explained that the Task Force will be responsible for making recommendations to the



Council, hopefully collective recommendations. Mr. Rubin suggested volunteers: Jamin Raskin, Stacey Gurian-Sherman and Joe Deering. Mr. Williams suggested volunteers: Roberta Vallente, Claudine Schweber, and Bill Brown. Ms. Stewart suggested volunteers: Herman Bouma, Claudia Wayne and Megan Water. There are four attorneys on this list. This is not a final list. The Council will take this up again because it is deliberately maintaining a number of open spots. Ms. Porter said that she would welcome recommendations from the new Councilmembers as well as recommendations from Ms. Hawkins. She concluded by noting that the Council cannot put every qualified person on the list, because the committee would be far too large.

Moved by Rubin; seconded by Stewart.

John Guernsey (Citizens Against Handguns), displayed a copy of the petition (200+ pages of signatures). He reminded the Council that the citizens did not sign petition for a conceal/carry law. Residents signed a petition to ban handguns in the City. Most of them would not want handgun owners on the Task Force, but rifle and shot gun owners would be okay. Takoma Park is on the cutting edge nationally in terms of fighting hand gun violence. He read a statement from Attorney General Curran that appeared in the *Voice*.

Benjamin Onyeneke, Maple Avenue, said that the Task Force is just part of introductions. Many people do not understand handguns issues. Violence comes from religion and cults; guns are used for violence; violence and guns are in the blood. He said that the politicians are supporting the NRA, and challenged every person to examine themselves. Violence shall follow a person where ever he goes.

Robert Klimes, Cedar Avenue, said that preserving seats for Wards 4-6 is not enough. This is a city-wide issue, and all Wards should be fairly equally represented on the Task Force. If we do not have handgun owners on the Task Force now, we are setting ourselves up for problems in the future. We need to have the perspective from people who own handguns. He recommended that there be someone on the committee who has actual law enforcement experience, since there will need to be a discussion about how legislation will be enforced. Attorneys are not the best to discuss enforcement.

Ms. Porter explained the rationale behind leaving open some spaces for the other Wards, and restated that she is open to coming back regarding the limit on number of members. She said that she does not know whether any of the appointees are gun owners, although one person is very conservative on this issue.

Mr. Kline suggested that the Task Force membership should be broadened.

Michael Cohen, expressed interest in appointment to the committee.

Ms. Porter thanked him for his interest, noting that the Council will be making additional appointments in the future and will take his interest into consideration.

Hank Prensky, referred to the resolution which specifies up to 11 members who are residents of the City, adding, however, that it seems that one of the most appropriate members might not meet the requirement (i.e., does not live in the City). He suggested that the Council ask Dan Wortman to be an “ex officio” member of the Task Force, and also suggested that the Council appoint (informally/formally) a representative from the City’s attorney’s office. This link will be significant in terms of being able to properly advise the Council on recommendations. The Council should also designate one position for someone from Attorney General Curran’s office. He has expressed great interest in this issue and could provide great resources, legal background and support to this initiative.

Ms. Porter responded that it was the Council’s assumption that members of the Police Department and Corporation Counsel would participate with this group. One of the charges to the Task Force is to seek outside resources, and the Attorney General’s office would certainly be one of the sources of information. There are other sources for information, also.

Buddy Daniels, 19 Sherman Avenue, asked whether there might be any chance for some public input to the committee (e.g., very organized meeting with sign-up sheet for speakers). It would be important to have a public meeting with the committee members.

Ms. Porter said that the meetings of this committee, as with other committees, would be open to the public. Meetings will be advertised. The committee’s function will be left up to them.

Mr. Rubin asked whether there is anyone on the list for appointment who was a direct party to the law suit.

Ms. Porter responded that neither of the persons who filed the suit are on the list.

Mr. Rubin asked about representation from “the other side” (regarding the court case on the third question).

Ms. Porter said that she does not know what he means by “the other side,” but that if Mr. Rubin is trying to ask whether there are people who are members of Citizens Against Handguns (CAH) on the list, the answer is “yes.”

Mr. Rubin explained that he was not necessarily interested in whether any of the volunteers are members of CAH, but whether there are volunteers who represented the other side during the court argument.

Ms. Porter stated that she does not understand the question. No one who was directly involved in the court suit is on the membership list.

Councilmember Elrich suggested appointment of Doug Benning and Hank Prensky, adding his

thought that the group needs to be larger than eleven members.

Ms. Porter noted that she has also promised Councilmember Hawkins and Ward 6 each, a spot. She encouraged new Councilmembers to bring forth a list of recommended appointees. The Council might have to expand the membership. She said that she would like to advertise the Council's intention to expand the committee and to make available an opportunity for people to comment on the proposal. Maybe, the way to handle the suggestions from Mr. Elrich is to put his two recommended names on the list, realizing that this would fill the eleven slots. The discussion of expanding the membership will be put back on the agenda for a later discussion.

Mr. Rubin said that expanding the committee, per se, is not necessarily something that he would support.

Ms. Hawkins acknowledged his point, but added that she is very interested in having representation from Ward 4.

Ms. Porter stated that if no new names are brought forward, then the Council will not have to deal with the expansion question.

Mr. Williams clarified whether additional recommendations would be accepted from any source or only from Wards 4 and 6.

Ms. Porter explained that the intention is to represent the two Wards that are currently not on the committee, but said that she would accept for discussion recommendations from other members of the Council.

Mr. Elrich urged that the apportionment of appointments be fair across Wards. He observed that the biggest problem is the January 2000 deadline (expiration of the Task Force).

Ms. Porter remarked that she will also entertain a proposal to amend the date (expiration of terms). There are now eleven names on the table for consideration. She read the list for the for the record.

Mr. Prensky noted that there is nothing in the original resolution or the current resolution effecting appointments that indicates any date certain that the Task Force will make a report to the Council. At time the Council considers amendments, it should consider making a date certain for the report.

Ms. Porter responded that the deadline for a report was intended to be when the Task Force would go out of operation, but that the Task Force could make a report before going out of operation. The Council can come back and discuss the make-up of the committee (its size), the expiration of the committee and the date for a report.

Resolution #1999-56 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-56  
(Attached)**

**5. Single Reading Ordinance re: Cable Equipment.** Ms. Porter explained the ordinance, noting that the City got a grant at the time of signing the contract with Cable TV Montgomery for purchase of cable equipment.

Telecommunications Manager Moffet added that she has been working with several different kinds of consultants regarding equipment upgrades. The first phase, as indicated in the packet, is to purchase robotic cameras to be installed in the Council Chambers.

Ms. Porter commented that installing robotic cameras would be an overall savings, and would also upgrade our equipment enabling later conversion to digital equipment. The Council is being asked to essentially ratify the method of making a decision on cable equipment--changing our kind of equipment, operations of the station and the purchase of equipment itself.

Ms. Stewart asked whether there is a reason why we are not going straight to digital equipment. Is it the cost involved?

Ms. Moffet responded in the affirmative. To convert right now would cost more than what we have designated over the next 15 years. She remarked about the thinking behind the phase-in. We are trying to bridge the timing of the phase to a digital world.

Mr. Williams said that it sounds like a good way to approach this.

Ms. Porter remarked that Ms. Moffet did a great deal of work in talking to this consultant about how we go through purchasing in terms of camera upgrades. She restated the proposal--purchase of a robotic camera system that can be upgraded to digital (\$38,016).

Moved by Elrich; seconded by Hawkins.

Single Reading Ordinance #1999-47 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-47  
(Attached)**

**6. Single Reading Ordinance re: Amending Ordinance #1999-8 (Lease/Purchase Police**

**Vehicles).** Ms. Porter explained the ordinance.

Moved by Stewart; seconded by Hawkins.

Single Reading Ordinance #1999-48 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-48  
(Attached)**

**7. A. Resolution re: Sole Source Purchase (Leaf Vacuum).**

Ms. Porter explained that both items "A" and "B" deal with the sole source purchase of a leaf vacuum.

City Administrator Finn noted his recommendation, explaining that in order to stock parts, we need to purchase the equipment from the same vendor.

Ms. Porter noted that the only bid received last time was from this vendor.

Mr. Finn recalled the advice given since adoption of the last Ordinance regarding the purchase of a leaf vacuum.

Ms. Porter commented that this is the only vendor that makes this kind of equipment, adding that there is a certain utility in having all of this equipment purchased from the same vendor.

Moved by Stewart; seconded by Elrich.

Resolution #1999-57 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-57  
(Attached)**

**B. Single Reading Ordinance re: Repeal/Replace Ordinance #1999-42.** Moved by Williams; seconded by Hawkins.

Ms. Stewart asked whether we will have the vacuum for this season.

Mr. Finn responded in the negative, but said that he has been advised that we are in good shape for this season.

Single Reading Ordinance #1999-49 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-49  
(Attached)**

**WORKSESSION / ADJOURNMENT / CLOSED SESSION**

The Council moved into Worksession at 9:10 p.m. and later convened in Closed Session at 9:50 p.m. Following the Closed Session, the Council adjourned for the evening.

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Closed Session 11/08/99 - Moved by Stewart; seconded by Hawkins. Council voted unanimously to convene in Closed Session at 9:40 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Finn, Hobbs, Sartoph, Silber, Anderson (Item #1). (1) The Council discussed a personnel issue, and received information and suggestions from the City Administrator. No decisions were made. (2) The Council discussed the lawsuit against the City on the issue of the ballot questions regarding handguns. The Council received advice from Corporation Counsel and decided on a course of action. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i) and (7)).

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## MAYORAL PROCLAMATION

### AMERICA RECYCLES DAY PROCLAMATION

Each year, Americans generate more than 217 million tons of municipal solid waste, more than 4.4 pounds per person per day. In Takoma Park the average is just over 1 ton per household each year or 5.5 pounds per household per day. While the nation has reached an overall recycling rate of more than 28% and Takoma Park has a 41% recycling rate, much more can be done, especially in closing the loop and purchasing products made with recycled content.

WHEREAS, to focus the nation's attention on the importance of recycling and closing the loop, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Day and are encouraging their employers, staff, customers, membership, and all citizens to pledge to buy more recycled-content products starting on November 15<sup>th</sup>; AND

WHEREAS, participating in America recycles Day is one way citizens can help raise awareness about the need to reduce waste by reusing, recycling, and buying recycled products; AND

WHEREAS, the theme of America Recycles Day is "For Our Children's Future...Buy Recycled Today"; AND

WHEREAS, state and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclable materials, and the importance of buying recycled products.

NOW, THEREFORE, I, KATHRYN PORTER, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, HEREBY PROCLAIM, ON BEHALF OF THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that Monday, November 15, 1999, be named:

### AMERICA RECYCLES DAY IN TAKOMA PARK

Resolved this 8th day of November, 1999

RESOLUTION #1999-53  
Resolution of Appreciation to  
Major Daniel N. Wortman

- WHEREAS, Major Daniel N. Wortman has retired from the police department after a twenty-nine year career that began March 15, 1971; AND
- WHEREAS, His dedication and high standards both modeled and inspired Departmental efforts in the areas of criminal apprehension and crime prevention; AND
- WHEREAS, He worked diligently and skillfully to bring numerous criminal investigations to successful conclusions, and shared the experience gained with junior officers, AND
- WHEREAS, He contributed to greater professionalism in the Department and officers, including the successful effort to receive National Accreditation for the Department; AND
- WHEREAS, His research, writing, and management were instrumental in obtaining grant and rebate funding in support of the City and the Department; AND
- WHEREAS, He developed bridges between the Department, young people and recent immigrants through Outreach and Community programs; AND
- WHEREAS, Through his training, many officers were guided and encouraged in the law enforcement profession and citizens in crime prevention and awareness, AND
- WHEREAS, He continually exhibited dedication to the City of Takoma Park and his profession, working tirelessly to ensure public safety,

NOW, THEREFORE, be it resolved that the Mayor and City Council, on behalf of the employees and citizens of the City of Takoma Park, do hereby proclaim appreciation of Major Dan Wortman, thank him for his dedicated and valued service, and wish him every success and happiness in the months and years ahead.

Dated this 8<sup>th</sup> day of November, 1999.

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Kathryn H. Porter  
Mayor

ATTEST:

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



Introduced by: Councilmember Rubin

**RESOLUTION #1999-54**

**EXPRESSING APPRECIATION TO ELECTION JUDGES FOR 1999 CITY ELECTION**

**WHEREAS,** the City Council appointed 26 persons, all registered voters of the City of Takoma Park, to serve as a Board of Election for the November 2, 1999, City Election; **AND**

**WHEREAS,** those appointed participated in a training session a week prior to the election, acted as the City's Board of Election on November 2<sup>nd</sup> and certified the final results to the Council the evening of November 3<sup>rd</sup>; **AND**

**WHEREAS,** even with the unforeseen, approximately three-hour power outage which resulted in the use of flashlights and alternate light sources to keep the polling place operational, the good spirit and accommodating nature of the Judges prevailed and the polling place continued to be run effectively and efficiently; **AND**

**WHEREAS,** the election judges courteously managed a steady flow of voters, and kindly offered explanation of the prior week's change to the election ballot (removal of ballot questions); **AND**

**WHEREAS,** professionalism, commitment and exactness are essential characteristics of an election judge, proudly displayed by every member of the City's 1999 Board of Election.

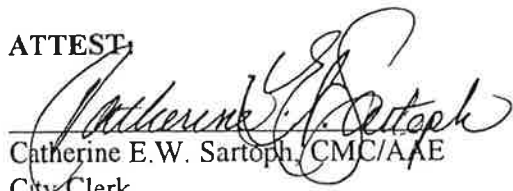
**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, on behalf of the residents, voters, City Clerk's Office and City staff hereby expresses sincere appreciation to the following persons who diligently served on the 1999 Board of Election:

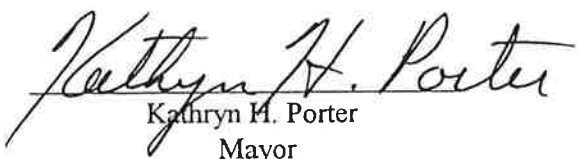
Ruth Abbott  
June A. Aloï  
Harold Alston  
Pearl Blacksin  
Charlie T. Branch  
Elizabeth Carrington  
Alan R. Centa  
Valerie Dant  
Billie M. Dyhouse  
Doretha Elmore  
Estella B. Hendrickson  
Leonard M. Hendrickson  
Virginia S. Jenkins

Charles Johnson  
Xiomara Jova  
Claire B. Kozel  
April LeGrand  
Joyce C. Malachi  
Howard F. Miller  
Patricia Shaw  
Joan N. Sidell  
Nikolai Vishnevsky  
John Weimer  
Paul Weisbord  
Verne Wilson  
Martin Morse Wooster

Adopted this 8th day of November, 1999.

**ATTEST:**

  
Catherine E.W. Sartoph, CMC/A&E  
City Clerk

  
Kathryn H. Porter  
Mayor

Introduced by: Councilmember Rubin

**RESOLUTION #1999-55**

**RESOLUTION TO APPROVE A GRANT PROPOSAL BY THE LIZ LERMAN DANCE EXCHANGE TO THE NEIGHBORHOOD PARTNERSHIP PROGRAM TO SEEK TO IDENTIFY NEW AND INCREASED FUNDING SUPPORT TO SUPPORT THE DEVELOPMENT OF THE NEW DANCE EXCHANGE ARTS CENTER IN TAKOMA PARK**

**WHEREAS**, the Liz Lerman Dance Exchange, a nonprofit organization, proposes to undertake the development of a new Dance Exchange Arts Center in Takoma Park (the "Project"); **AND**

**WHEREAS**, the Liz Lerman Dance Exchange has applied to the Department of Housing and Community Development of the State of Maryland for approval of the Project and an allocation of tax credits for business entities that contribute to the Project, under the Department's Neighborhood Partnership Program; **AND**


**WHEREAS**, the City Council approves the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Takoma Park, Maryland, hereby expresses approval of the Project, as described above.

**ADOPTED** this 8<sup>th</sup> day of November, 1999.

**ATTEST:**

  
Catherine E.W. Sartopa, CMC/A&E  
City Clerk

  
Kathryn H. Porter  
Mayor

Introduced by: Councilmember Rubin

**RESOLUTION #1999-56**

**EFFECTING APPOINTMENTS TO THE  
TASK FORCE ON GUN VIOLENCE**

**WHEREAS,** on October 25, 1999, the City Council established a Task Force on Gun Violence in the Community (Resolution #1999-51) to study the issue of gun violence in the City, to make recommendations for local programs and initiatives to reduce gun violence in the City within the parameters of current state law, and to explore the desirability and feasibility of expanding the regulatory authority of the City by amending the Maryland law on state preemption of weapons and ammunition regulations; **AND**

**WHEREAS,** Council decided to discuss recommendations for persons to be appointed to the Task Force at a later meeting; **AND**

**WHEREAS,** it is the Council's desire to appoint a membership (up to eleven members who are residents of the City) which is representative of differing viewpoints on the issue of gun control.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following persons are hereby appointed to serve on the Task Force on Gun Violence:

<b>NAME</b>	<b>ADDRESS</b>
Doug Boenning	Carroll Avenue
Herman Bouma	
Bill Brown	6704 Westnoreland Avenue
Joe Deering	
Stacey Gurian-Sherman	527 Albany Avenue
Hank Prenskey	8018 Maple Avenue
Jamin Raskin	7209 Holly Avenue
Claudine Schweber	7004 Sycamore Avenue
Roberta Valente	7409 Carroll Avenue
Megan Waters	315 Ethan Allen Avenue
Claudine Wayne	7220 Central Avenue

**BE IT FURTHER RESOLVED THAT** all terms shall expire on January 30, 2000, unless said terms are extended by the Council; **AND**

**BE IT FURTHER RESOLVED THAT** the appointments shall be effective immediately.

**ADOPTED** this 8th day of November, 1999.

**ATTEST:**

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

Introduced by: Councilmember Stewart

RESOLUTION NO. 1999-57  
DESIGNATION OF OLD DOMINION BRUSH  
AS SOLE SOURCE SUPPLIER  
FOR THE PURCHASE OF LEAF VACUUMS

WHEREAS, the Public Works Department desires to ensure the compatibility of equipment, accessories and replacements parts for leaf vacuums; AND

WHEREAS, the Public Works Department has provided the City Administrator with sufficient information to enable him to make a determination in designating Old Dominion Brush Company a Sole Source supplier for leaf vacuums; AND

WHEREAS, based on the information provided, the City Administrator has approved this designation of sole source supplier to Old Dominion 'Brush Company; AND

WHEREAS, §9-13(a) of the City Code of Takoma Park states that the Council must approve the City Administrator's determination of a sole source purchase.

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

SECTION 1. THAT Council approved the determination made by the City Administrator that Old Dominion Brush Company qualifies as a sole source supplier; AND

SECTION 2. Public Works is granted approval to purchase leaf vacuums solely from Old Dominion Brush Company eliminating the need for competitive bidding; AND

SECTION 3. THAT the purpose for this is to enable Public Works to ensure the future compatibility of equipment, accessories and replacement parts for leaf machines.

Adopted this 8<sup>th</sup> day of November 1999.

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

NAY: None

ABSTAIN: None

ABSENT: Chavez

ORDINANCE 1999-47  
Award of Bid for Cable Television Equipment

- WHEREAS, the City of Takoma Park desires to upgrade production capabilities for City Council meetings and other Community events held in Council Chambers; AND
- WHEREAS, a list of equipment comprising a robotic camera system for Council Chambers was developed in conjunction with a video engineer; AND
- WHEREAS, bids were solicited from four metropolitan area video equipment vendors; AND
- WHEREAS, bids were received from *Kipp Visual Systems, Washington Professional Systems, CTL Video and Professional Products, Inc.*; AND
- WHEREAS, the bid from *Kipp Visual Systems* was the lowest bid and is consistent and responsive to the proposal's criteria (delivery time and price); AND
- WHEREAS, the funds for this equipment are allocated in the FY00 Budget as part of the Special Revenue Fund and are part of the Equipment Grant received from Cable TV Montgomery.

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

- SECTION 1. THAT the City Administrator or designee is authorized to order the equipment from Kipp Visual Systems; AND
- SECTION 2. THAT the funds to cover this contract shall not exceed Thirty-eight thousand and sixteen dollars and shall be charged to Account 0010-7241; AND
- SECTION 3. THAT this Ordinance shall be effective immediately.

ADOPTED this 8<sup>th</sup> day of November, 1999.

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

ORDINANCE NO. 1999- 48  
AMENDING ORDINANCE NO. 1999-08  
AUTHORIZATION TO LEASE FIVE (5) POLICE CRUISERS

- WHEREAS, the FY99 Capital Budget identified funds in the amount of \$66,000 for the purchase of Police Department vehicles; AND
- WHEREAS, after some discussion and subsequent approval for the Police Department to expand its fleet in order to implement a limited Personal Patrol Vehicle (PPV) program, the City Council adopted Ordinance No. 1999-08, Authorization to Lease Five (5) Police Cruisers, on March 1, 1999; AND
- WHEREAS, the City had the opportunity to participate in a cooperative purchase through the State of Maryland at a cost of \$20,099 per vehicle; AND
- WHEREAS, on March 1, 1999 the semi-annual payments of \$17,768.22 were based on an interest rate of 4.85%; AND
- WHEREAS, the City has taken possession of five (5) year 2000 Ford Crown Victorias; AND
- WHEREAS, the interest rate for the lease purchase has increased to 5.25%; AND
- WHEREAS, the semi-annual payments have increased from \$17,768.22 to \$17,852.53 resulting in an additional amount of \$506.17 over the 3-year lease/purchase period; AND
- WHEREAS, the first five (5) payments will be \$17,852.34 and the sixth payment will be \$17,852.84 for a grand total of \$107,115.49.
- WHEREAS, sufficient funds are available in the FY-00 Capital Budget to award a lease/purchase contract to Ford Motor Credit Company for (5) semi-annual payments in the amount of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND FIFTY-THREE CENTS (\$17,852.53) and a final payment of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$17,852.84).

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

SECTION 1. THAT the City of Takoma Park lease five (5) Ford Crown Victorias for the leased price of (5) semi-annual payments in the amount of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND FIFTY-THREE CENTS (\$17,852.53) and a final payment of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$17,852.84) with the City purchasing said vehicles for a sum of \$1.00 per vehicle at term end.

SECTION 2. THAT the City Administrator is authorized to enter a 3-year lease purchase agreement with Ford Motor Credit, and to take all actions deemed necessary to accomplish this agreement.

SECTION 3. THAT this cost of (5) semi-annual payments in the amount of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND FIFTY-THREE CENTS (\$17,852.53) and a final payment of SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY TWO DOLLARS AND EIGHTY-FOUR CENTS (\$17,852.84) be charged to the Capital Budget Account No 9100-8000.

Adopted this 8th day of November 1999.

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

NAY: None

ABSTAIN: None

ABSENT: Chavez

ORDINANCE NO. 1999-49  
REPEALING AND REPLACING  
ORDINANCE NO. 1999-42  
PURCHASE OF ONE (1) LEAF VACUUM  
FOR PUBLIC WORKS DEPARTMENT

WHEREAS, the Equipment Replacement Reserve (ERR) has available \$15,000 for the purchase of one (1) Leaf Vacuum for the Public Works Department; AND

WHEREAS, the City Council authorized this purchase, by Ordinance No. 1999-42, on September 27, 1999; AND

WHEREAS, this ordinance was based on an extension of the price bid by Old Dominion Brush for a Rear-load Leaf Vacuum in FY99 in the amount of \$14,200; AND

WHEREAS, it is now the desire of the Public Works Department, as a result of legal opinion, to request approval for this purchase on the basis of being a Sole Source supplier; AND

WHEREAS, Old Dominion Brush Co. has supplied the City with Leaf Vacuum equipment for the past four (4) years; AND

WHEREAS, to ensure the compatibility of equipment, accessories and replacement parts for leaf vacuums; AND

WHEREAS, Old Dominion Brush Co. has agreed to extend the same price for a Rear-load Leaf Vacuum as in FY-99; AND

WHEREAS, Council has approved a Resolution supporting the City Administrator's determination that Old Dominion Brush Co. serves as a sole source supplier; AND

WHEREAS, the City Administrator has determined that Old Dominion Brush Co. serves as a sole source supplier; AND

WHEREAS, Old Dominion Brush Co. has always been and continues to be both responsible and responsive; AND

WHEREAS, sufficient funds are available in the ERR to award a contract to Old Dominion Brush Co. in the amount of FOURTEEN THOUSAND TWO HUNDRED DOLLARS (\$14,200); AND



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

SECTION 1. THAT the quote submitted by Old Dominion in the amount of FOURTEEN  
THOUSAND TWO HUNDRED DOLLARS (\$14,200) be accepted; AND

SECTION 2. THAT funds to cover this purchase in the amount of FOURTEEN THOUSAND  
TWO HUNDRED DOLLARS (\$14,200) be charged to the Equipment  
Replacement Reserve Account 9100-8003.

Adopted this 8<sup>th</sup> day of November 1999.

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

NAY: None

ABSTAIN: None

ABSENT: Chavez

**SWEARING-IN CEREMONY (FINAL 11/29/99)**

**Monday, November 15, 1999**

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Closed Session 11/08/99 - Moved by Stewart; seconded by Hawkins. Council voted unanimously to convene in Closed Session at 9:40 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Hawkins, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez. STAFF PRESENT: Finn, Hobbs, Sartoph, Silber, Anderson (Item #1). (1) The Council discussed a personnel issue, and received information and suggestions from the City Administrator. No decisions were made. (2) The Council discussed the lawsuit against the City on the issue of the ballot questions regarding handguns. The Council received advice from Corporation Counsel and decided on a course of action. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i) and (7)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

City Clerk Sartoph

Police Chief Anderson

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

**OUTGOING COUNCIL**

Members of the outgoing Council made remarks, and the 1997-1999 City Council adjourned.

**SWEARING-IN CEREMONY**

Geraldine Stark, Supervisor of Licensing Department (on behalf of Molly Ruhl, Montgomery County Circuit Court Clerk), administered the Oath of Office to Mayor-elect Kathryn H. Porter. Ms. Stark congratulated Mayor Porter on her re-election.

Mayor Porter then administered the Oath of Office to the Councilmembers-elect. Following their recitation of the Oath, the new Council took their seats.

## INCOMING COUNCIL

### OFFICIALS PRESENT:

Mayor Porter	City Administrator Finn
Councilmember Elrich	City Clerk Sartoph
Councilmember Maack	Police Chief Anderson
Councilmember Rubin	
Councilmember Seamens	
Councilmember Stewart	
Councilmember Williams	

The new Council convened in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Members of the incoming Council made remarks.

**Mayoral Proclamation re: Appointment of Mayor Pro Tempore.** Mayor Porter noted the only item of business, and read the proclamation appointing Councilmember Williams Mayor Pro Tempore, for the record.

**Presentation from Takoma/Langley Crossroads Development Authority.** Erwin Mack of the CDA read a letter to the Council and presented each member, as well as the City Administrator and Police Chief with appreciation gifts (signature CDA logo clocks). He thanked the Council for its continued support and looked forward to working together in the future.

### ADJOURNMENT

Without objection, the meeting was adjourned at 8:20 p.m.

# MAYORAL PROCLAMATION

## APPOINTMENT OF MAYOR PRO TEMPORE

**WHEREAS,** on November 2, 1999, the certified voters of the City of Takoma Park elected their "City Council", a governing body of seven members--six Councilmembers (elected by ward) and a one member (elected at large) to be called the Mayor; **AND**

**WHEREAS,** the regular term of the Councilmembers is two years or until their successors have been elected and duly sworn; **AND**

**WHEREAS,** the newly elected Councilmembers take office on the second Monday in November following their election; **AND**

**WHEREAS,** the Mayor shall be a member of the Council and shall set an agenda and preside at all meetings of the Council; **AND**

**WHEREAS,** in accordance with the City Charter, the Mayor has the power to appoint a member of the Council as "Mayor Pro Tempore" who shall serve as Mayor in her absence.

**NOW, THEREFORE, I, KATHRYN H. PORTER, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND,** do hereby appoint Bruce Williams, Councilmember Ward 3, as Mayor Pro Tempore.

**DATED** this 15th day of November 1999.

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Kathryn H. Porter  
Mayor

ATTEST:

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

**REGULAR MEETING, WORKSESSION AND CLOSED SESSION  
OF THE CITY COUNCIL**

**Monday, November 29, 1999**

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Closed Session 11/22/99 - Moved by Stewart; seconded by Rubin. Council voted unanimously to convene in Closed Session in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams. STAFF PRESENT: Finn, Hobbs, Silber, Anderson. (1) The council discussed a proposal to be developed and offered to union employees. Staff was directed to develop the proposal. (2) The Council discussed a personnel issue and options for dealing with the issue. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) and (1)(i)).

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Maack

Councilmember Rubin

Councilmember Seamens

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

ECD Coordinator Ludlow

Community Development Coordinator Sickle

Construction Specialist Kowaluk

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 Seamens noted that a new "Mom's Club" has begun to provide support to stay-at-home moms. The next meeting will be on December 17th at 11:00 a.m. at Heffner Park; interested persons are to call Nicole Pauls at 301/270-8170.

**ADDITIONAL AGENDA ITEMS**

None.

## **ADOPTION OF MINUTES - 9/13, 9/21, 9/27, 10/25, 11/03, 11/08 and 11/15**

Moved by Williams; seconded by Stewart. The minutes were adopted unanimously.

### **CITIZENS' COMMENTS**

Suria Leventhal stated that she has been reading in the paper about the problems with the City's Police Department. She described a personal experience which occurred one day when she was in the park with her son. They were approached by a Police Officer who asked her if she had two sons who were running wild. The Officer explained that he was responding to a citizen complaint regarding a Spanish-looking woman. Ms. Leventhal emphasized that she is not Spanish, but in fact, Brazilian. She said that she moved to the City because it is a liberal community, and that she felt this incident was very strange. Ms. Leventhal asked why the Police labeled her as someone different than other citizens. The stories about discrimination may be true, as she felt victim to the same. She also emphasized that there are other officers who are very helpful. Ms. Leventhal urged that discrimination issues be addressed. The Council need to take care of this situation.

Councilmember Rubin asked which park had Ms. Leventhal been in with her son.

Ms. Leventhal responded that it was Jequie Park.

Mayor Porter remarked that she is very sorry to hear of this incident.

George Leventhal, 7336 Piney Branch Road, commented that he has been extremely appreciative of the Police in the City, and noted that he has served on several volunteer boards. He urged the Council to not simply rely on assurances from staff that "everything is fine" in response to complaints about racial slurs and discrimination practices. Mr. Leventhal said he hopes Council will approach these issues with the seriousness that is deserved. In general, the Police are very good and are not appropriately compensated.

Ms. Porter said that it is important to understand that an accusation is not the same as something that has been proven. She added an assurance that the Council is not simply relying on staff assurances.

Joe Perez, Vice President of Hispanic Law Enforcement Association, noted the officers in the audience. Back in 1997 when Chief Anderson came to the department, the command sergeants and other officers tried to give him a vote of "no confidence." The officers in this room are the ones who gave him a chance and a vote of "confidence." He called on the Council to react and do something about the allegations that have been filed. Chief Anderson is very different than Chief Phillips. Chief Phillips came from Prince George's County and was very professional; he was a true chief. He reacted like a true manager by taking disciplinary actions when necessary. Officer Perez noted an incident of a person who he claimed was victimized by the Takoma Park

Police Department (person who is on his way to tonight's Council meeting). This person was stopped on a "traffic" call in a shopping center.

It is hard enough to get a Hispanic citizen to file a complaint, but this one did file a formal complaint. The complaint is being rewritten and submitted.

Ms. Porter stated that if the specifics are submitted, the Council will look into it.

Officer Perez noted that there is a complaint and that it will be submitted. He went on to comment that everyone is hearing the news and reading the paper regarding discrimination issues. A written complaint was filed today by an officer regarding a racial slur committed by a Sergeant. He said that he will hand in a complaint today and wants something to be done on both counts.

Ms. Porter responded that she would be happy to personally receive any specifics on the complaints and will look into the complaints. She also expressed that she would be very happy to meet with any Takoma Park Police Officer who has a concern about this or any other issue. Ms. Porter noted her office hours, and said that if these times do not work, persons can call her at home. She expressed her concern about the issues that have been raised.

Officer Perez said that he has filed a complaint with the Justice Department on behalf of 25 Officers. The Takoma Park Police Department cannot police themselves. If the Council is thinking about hiring an independent consultant, it will be a waste of money because officers will not cooperate with anything less than an official investigation. We want people to be held accountable, and not just the minorities.

Mr. Rubin stated that the Council has been advised that a Justice Department investigation may take 2-3 years or longer. What we have been talking about would produce results much quicker. He asked whether Officer Perez is stating that Officers here would not cooperate with an objective investigator who would be looking at a much broader spectrum of issues.

Officer Perez commented that quicker is not better. The matter is in the hands of the Justice Department. They have jurisdiction over government agencies. If you do spend the money, the officers will oppose it. We want someone who is totally outside. He noted that he is speaking for the Hispanic Law Enforcement Association.

Carlos Mensa (male in incident described by Officer Perez), related his story about being stopped by Takoma Park Police.

Ms. Porter stated that she is sorry he felt that he was not being treated respectfully.

Officer Perez commented that the Takoma Park Police Department is one of the most professional that he knows of, and that he knows a lot of these things are reflecting on the Chief. However, the problems were here before Chief Anderson and will continue to be here if not

addressed.

Councilmember Elrich stated that the Council does not want to wait 2-3 years for Justice Department investigation. He commented that he appreciates the interest in an objective investigator, and that it seems best that the officers could participate in identifying someone who would be suitable. This will not stop the Justice Department process, but neither the officers or the community want to wait 2-3 years for a resolution. If we are going to operate under the long-term cloud, we cannot implement community oriented policing.

Officer Perez said that the officers are open to ideas, and that the situation would not have gotten to this point if the officers had gotten some reasonable responses. We will listen. He urged the Council to ask the Chief to recite some of the complaints that he has been hearing, but which have not been put in writing. He knows the problems.

Mr. Rubin commented that the City is the only municipal police department in the county that is a full service police department. Most towns get along well without a full police department; they rely on the county. Our situation is not the usual; it is the "unusual". He addressed Officer Perez, saying that he has presented a picture of officers using undue force on citizens. Fifteen officers (current officers who signed the complaint) question the authority of their leadership, and have vowed not to follow the authority of the City by cooperating with an investigation. He asked Officer Perez whether he feels that the department is functioning. If not, then maybe the City should consider turning police services over to the county.

Officer Perez responded that the department could work well if obstacles were removed. There is a lot of bologna going on between command staff and the sergeants. He stated that he was not able to fully do his job when on the City's force because of these problems. Officers are enduring and doing their jobs, most of them being very professional. Some of the officers committing violations come to work and leave. They do not want anything to do with the community. Yet, you have officers who live in the community or who have been on the force and want to stay here, who are the ones doing a good job and keeping the reputation up. The others are part of the "good old boys."

Ms. Porter expressed appreciation to the officers in the audience this evening for showing their concern.

Ralph Ruckner, said that he is a recent member of the community and lives a short distance from the Municipal Building. His home is slightly north of Sligo Creek Parkway with an entrance off Piney Branch Road. The drive to his home does not have a name, and consequently, the Post Office will not deliver mail to his home.

Economic and Community Development Coordinator Ludlow clarified that his home is located off of Domer Avenue.



Mr. Ruckner explained that the only way he can get mail is by general delivery or by renting a mail box. He feels he should be able to put out a mail box at the curb and get delivery. Mr. Ruckner said that he is retired and on disability, and gets a lot of medications by mail. He commented that the Post Office has suggested that he put up a box on Piney Branch or Domer. They have a rule that they do not deliver mail in alleys. Another option is to give the street a name and put up a sign. They will then think about whether to deliver mail.

Ms. Porter remarked that the City is not responsible for mail delivery and has been less than successful on other issues with the post office. With that said, however, staff can talk to the post office and see what we can do. She referred the matter to the City Administrator--check into the disposition of the street and look into the situation.

Nellie Moxley, announced that there will be a Y2K Community Conversation Meeting tomorrow night from 7:30-9:30 p.m., Tuesday, November 20 in the Council Chambers. Representatives from Holy Cross Hospital, Washington Adventist Hospital, WSSC, Metro and Ride-on will be present. There will be an opportunity for questions and there will be some surprises. In regard to the comments that have been made this evening, they are very disturbing. The City had a Chief who was here for a number of years and left. Now, all of this comes out. This is an issue that should have been kept in the City and dealt with before coming public. We should conduct our own investigation. Forwarding the complaint to the Justice Department for investigation should have been the second step. Chief Anderson should not be blamed for this situation, which can probably be attributed to just a few officers. Ms. Moxley remarked about concealed weapons and how they promote a fear among citizens and officers. The media should not be involved. The issue should be brought back "in-house."

Benjamin Onyeneke, Maple Avenue, commented on the vigil for a jailed man, a fellow Native American Indian. He displayed a poster of native Indian heroes who have perished in this land, and commended the Post Office for commemorative articles. He said that he looks forward to seeing how the PSCAC Chairman and Council define ethical community oriented policing, and commented on racial discrimination against Native American Indians. Ethics need to be taught. He expressed support for Chief Anderson.

Rino Aldrighetti, 7213 Central Avenue, noted that he came tonight to talk about the Change Event but after the earlier remarks, he does not feel it is appropriate this evening, so he will talk about it some other time. It is obvious that the conversation tonight was important. Anyone who lives in the City should be concerned about the charges that have been brought forward. It seems that the Council is in a tough position--being told on the one hand to clean it up and being told on the other, not to investigate. Then the officers walk out without conversation. It is an organizing strategy, and for a community, it is a lousy organizing strategy. As a citizen, he said that this situation is truly unfortunate. He recognized Councilmember Rubin's comments about if a police department cannot work here in Takoma Park, then it should not be here. The Council should not listen individually, although they may have to do some of this. The focus should be on the need for a larger conversation. However, without the investment of the officers in the process, it may

be useless. He suggested that the Council take Officer Perez at his word that they will not cooperate. We need to find a strategy that will bring everyone into the conversation. People cannot say "do the right thing" but "do not investigate." We have to get people participating in the conversation. This is a very difficult situation.

Ms. Porter said that her offer to meet with officers was not intended as a substitute to anything else that the Council may do, noting that she has always had an open door policy. This might be an opportunity to get additional information on the situation.

## **REGULAR MEETING**

### **1. Resolution re: Gun Violence Task Force.**

Ms. Porter noted that she attended the first meeting of Task Force last Tuesday, and was extremely impressed with members of the committee. They have a wealth of interests and expertise. They set forth the next meeting date and agendas for upcoming meetings. Areas of research were assigned to individual members. They will meet every week (maybe not as frequently during the holidays). They asked that the Council not set an extended expiration date for the Task Force at this time, because they want to report to Council on January 24 with a recommendation for an extension if needed. Ms. Porter said that she told them that the Council is planning to appoint additional members. Only one person was not present for the first meeting. It appears to be a very dedicated group. She remarked that Councilmember Seamens has another person to add to the list of appointments.

Councilmember Stewart stated that she also wants to make an additional appointment.

Ms. Porter added that she would like to make three more appointments of her own to round-off the committee in terms of balance. She noted a change to the language of the resolution.

Ms. Stewart suggested Doug Tursman.

Mr. Seamens pointed out that the name he wanted to suggest is already on the list.

Ms. Porter added Richard Joy, Anne Ludlow and Doug Tursman.

Ms. Stewart asked about the time line.

Ms. Porter responded that the Task Force has suggested that the Council leave the expiration date as previously set. They will come back at the end of January with an estimate on any needed extension.

Moved by Williams; seconded by Rubin.

Mr. Rubin asked whether we have an address for Doug Tursman.

Ms. Porter suggested that the address be submitted to the City Clerk.

Benjamin Onyeneke, Maple Avenue, remarked about the Task Force, and suggested that it talk with the NRA and gun manufacturers. People have to accept peace. He commented on gun violence and genetic disorders which contribute to gun violence. This community has nothing to do with gun violence.

Resolution #1999-58 was adopted unanimously (VOTING FOR: Porter, Maack, Rubin, Seamens, Stewart, Williams; ABSENT: Elrich).

**RESOLUTION #1999-58**  
**(Attached)**

**2. Resolution re: 7408 Glenside Drive Accessory Apartment Request.**

Councilmember Maack said that she understands from staff that usually, this type of exemption request is not considered by Council, but that she knows many citizens in the neighborhood are concerned about this property because of the flagrant disregard for the law. She stated that she did not have an opportunity to fully discuss this matter with staff (a position not reflected in the resolution as presented this evening).

Construction Specialist Kowaluk described the history of the issue. The owner can apply for one apartment. Generally, when we get these types of requests, we defer to the county as long as the request meets county requirements by law. One of the requirements is that there are no adverse impacts on the neighborhood. One of the things that is considered is availability of parking. Staff went out and looked at parking, but did not feel that one apartment would have an adverse impact on the neighborhood. We do not have a code enforcement file on this property, in terms of being a problem property. This is the first problem we have had with the property. He noted that he has had some conversation with Councilmember Maack about the concern regarding whether the owner actually lives in the home. This is a requirement of the county for an accessory apartment. We can certainly forward something to the Board of Appeals to get their assurance that the property owner resides in the home.

Mr. Rubin suggested that the Council might take a position in opposition to the request.

Mr. Kowaluk agreed that the Council could take that position, but that staff would recommend the position being supported by some justification.

Mr. Rubin commented that if we know for a fact that the owner is not living there, we could say that and take a position against the request.

Ms. Porter said that if the owner is not living in the house, the Board will not grant the request.

Ms. Maack responded that if the Board is not aware of this fact, they might approve the request.

Ms. Porter restated Mr. Kowaluk's suggestion that the resolution encourage the county to take steps to ensure that the owner resides in the home.

Ms. Maack recognized that there are people in the audience who want to speak to the issue.

Ms. Porter said that she will be happy to accept comments after Council's discussion.

Mr. Seamens commented that he is familiar with the neighborhood—a nice single family home neighborhood. He confirmed the statement that it is suspected that there are three apartments in the home.

Ms. Porter explained that the owner is trying to legalize an accessory apartment.

Mr. Kowaluk noted that at best, they can only get permission for one apartment.

Ms. Maack said that an additional issue that concerns the neighborhood association, is the desire for some retribution for the many years of flagrant disrespect for the law.

Eric Sholman, 1100 Merwood Drive, opposed the resolution as proposed. The history of the property is that of a transient motel--different cars and people going in and out, with an extraordinary amount of garbage. Once the sign came up requesting the special exception, a community discussion began. People started discussing concerns. Originally, this was a really nice single family home with a built-in pool. He said, however, that since he has lived in the neighborhood, there has been a lot of coming and going, and that he was not surprised to learn that there were illegal apartments in the home. Mr. Sholman remarked that he doesn't have a lot of confidence that if the county grants the special exception, a single family will live in the apartment. It will continue to be a transient apartment. In terms of the parking situation, there is a lot of room in front of the house to put cars, but historically, a bottleneck is formed at this location. Citizens will be going to the county to advise against the special exception.

He asked the Council to take into consideration some research that he has done. Mr. Sholman said that he wanted to find out about the owners of the property. There is no one listed under their name as living in the house. During daylight hours, a neighbor went and knocked on the door. He was told that he was "stalking" and that the police would be called. He only wanted to know more about the pending application. This seemed to be a rather paranoid response to what seems to be a reasonable request. In summation, we have had to be affected by the three apartments being there illegally, and don't believe that the situation would not just return to the way it has been without serious oversight. He concluded that he seriously doubts that the owner occupies the property.

Mr. Rubin asked whether the police were called in response to the neighbor inquiring about the application.

Mr. Sholman responded in the affirmative. The neighbor was questioned, and there was no further action.

Mr. Seamens asked about the effects of the past situation on the neighborhood.

Mr. Sholman said that it has affected parking, but has had a greater impact on a sense of “place” and “neighborhood”. It affects peace of mind (the coming and going). We want to have a neighborhood where people know each other, not one where if you knock on the door the police are called. He said that he could put up with the additional trash cans, but that he remains concerned about the lack of opportunity for neighbors to form a stable community.

Ms. Porter explained that the situation is that there is a property that has been a problem in the past because it has been carrying an illegal number of units; however, the current request is for a number of units that would be legal. The issue is the concern about the applicants being residents of the property. We want to be sure that people are following the rules. She suggested that either formally, through a resolution or a letter, we address that issue to the Board and suggest that they look into that before making a decision. If they find that the applicants are not residents of the property, they will not pass the application. She favored drafting a letter to the Board, giving us more flexibility in terms of putting in information about concerns. We could do this quickly enough to get it to the Board before the hearing.

Mr. Rubin asked whether Councilmember Maack can write the letter.

Ms. Maack noted that the New Hampshire Gardens Neighborhood Association will be sending a letter in response to this issue. Twelve people specifically said that they would have loved to be here this evening to comment, but were unable. She expressed understanding about the “grounds” we have for opposition, but remarked that there have been parking concerns. It is something that has become a habitual problem in the neighborhood. Some of the neighbors feel that they have been cheated by paying taxes for their trash pick-up for a number of years. They want the Council to think about the idea of rubber stamping these types of things one way or another. What kind of weight does a letter carry versus a resolution?

Ms. Porter said that a letter is probably the most useful of the two, since we do not have grounds to oppose. Through a letter, we can raise our concerns, and it probably conveys the same level of concern as a resolution. She urged residents to attend the hearing before the Board. Often persons appearing before the Board carry more weight than the Council’s position.

Ms. Stewart agreed that the flexibility of the letter is a good idea.

Ms. Maack asked whether she should prepare something for signature.

Ms. Porter suggested that the two of them work with staff on drafting the letter.

Ms. Maack questioned the deadline for the letter.

Mr. Kowaluk explained that the Board can receive written material up to 10 days prior to the hearing date (i.e., up to December 5 in this case).

Mr. Williams noted that December 5 is on a Sunday.

The Council reached a consensus to send a letter to the Board expressing concerns about the application for an accessory apartment. There was no action on the resolution.

### **3. Resolution re: CDBG Project Proposals.**

Ms. Porter explained the resolution.

Community Development Coordinator Sickle referred to the agenda item materials as the same information that was presented last week, with the exception of a slight modification to the work under "Takoma/Langley Improvement" to clarify that a cul-de-sac is proposed.

Moved by Rubin; seconded by Maack.

Resolution #1999-59 was adopted unanimously (VOTING FOR: Porter, Maack, Rubin, Seamens, Stewart, Williams; ABSENT: Elrich).

#### **RESOLUTION #1999-59 (Attached)**

Ms. Porter confirmed the priority of the items recommended for the program year.

Ms. Stewart asked what are the chances of us receiving an amount considerably less than anticipated.

Ms. Sickle said that it could happen. We have been getting approximately \$160,000-161,000. The amount we receive is based on the available HUD funds and their allocations to the entitlement communities. We should be hearing in the near future. She noted that she talked to the Director of Federal Programs this morning who indicated that they have not heard anything more at this point.

### **4. Resolution re: Sustainable Building Guidelines.**

Economic and Community Development Coordinate Ludlow recalled the Council's Worksession discussion about the Committee on the Environment's initiative to have the Council adopt guidelines. There have been a few minor clarifications in the text. She noted the changes and provided some explanation. This is a reasonable beginning to a process that we would like to see in the City.

Ms. Porter described the resolution. The City does not have any binding authority to force anyone to do this, but it would be an encouragement for builders. We are also saying that the City in its building projects will act to incorporate the guidelines.

Ms. Ludlow remarked that staff has been discussing how to communicate the adoption of the guidelines.

Mr. Seamens asked how much staff time is involved in this effort.

Ms. Ludlow responded that we do most of this already--review plans and work with other staff on in-house projects. Additional staff time might be involved in the public education component.

Moved by Elrich; seconded by Williams.

Benjamin Onyeneke, Maple Avenue, favored adoption of the resolution. In the future, the City cannot accommodate any new constructions, especially around Sligo Creek. He provided some reasons. The City should work to protect the environment.

Nellie Moxley, supported the resolution. She noted that Councilmember Williams went on the walk to view the areas in concern. Adoption of the Guidelines is a step forward. She thanked the persons who drafted the guidelines. This will cover a lot of the Takoma Park areas. She urged the Council to vote in support of the resolution. This is just a beginning step that protects the environment and property owners. This might offer some protections for the City.

Catherine Tunis, Chair of Committee on the Environment, supported the resolution. She said that she hopes the Planning Board will look at these things and use them as well. These guidelines will help staff with keeping up-to-date on technologies that apply.

Resolution #1999-60 was adopted unanimously (VOTING FOR: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams).

**RESOLUTION #1999-60  
(Attached)**

**5. Resolution re: 718 Maplewood Avenue.**

Mr. Kowaluk explained the resolution. Staff has discussed with the County a “contract purchaser” role for the City in this matter. We would enter into a contract agreement with the County saying that we will purchase the property (without transfer of deed), and we will then instruct the County to convey the property/deed to the successful bidder.

Ms. Porter noted that this issue has been discussed for some time. The property is owned by the County.

Mr. Kowaluk added that the County purchased it with a public interest in mind some time ago.

Ms. Porter said that if the property goes to a private owner, it will go back on the tax rolls.

Mr. Kowaluk noted that there is a provision to negotiate a sales contract with the successful bidder. We need a time frame for construction. If Council has other specific concerns that need to be in the contract, staff needs to be advised.

Mr. Williams said he would like to see the contract before it is final, as it may raise concerns after review.

Ms. Stewart remarked that she does not want to take the reputation of the greedy Councilmember, but wonders what the revenue might be.

Mr. Kowaluk responded that the City would have to pay \$32,000 to the County. The offer, as it stands, is \$145,000. We do not think there will be recording or settlement fees, although there will be some legal expenses. There may be some other things that would be worked out with the buyer (e.g., title report on the property and some other inspection fees). He said that he does not feel that these types of costs will be significant.

Ms. Porter added that there will also be the indirect cost of staff time.

Moved by Elrich; seconded by Stewart.

Resolution #1999-61 was adopted unanimously (VOTING FOR: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams).

**RESOLUTION #1999-61  
(Attached)**

**6. Resolution re: Retirement Plan Options.**

Assistant City Administrator Hobbs noted the resolution as it was discussed last week. AFSCME voted in support of the enhanced benefits plan; Local 400 has not completed voting. He pointed



out the revised resolution with the additional resolved clause regarding approval to go forward with enrollment in the enhanced benefits plan pending a favorable vote from Local 400. We anticipate that they will complete the vote within the next week. If they do not vote in favor, no one can go into the plan.

Ms. Porter explained the “all or none” requirement (full participation by all City employees, or none at all). The enhanced pension benefit costs employees 2% of pay and the City contributes another 2.34 % (this figure could go up/down in future years). There is cost sharing between the City and employees. We have also said that we would loan any employees who would like, a low interest loan to buy-in. The new plan would provide enhanced benefits.

Mr. Williams commented that the plan benefits lower paid employees more than the higher paid ones.

Moved by Williams; seconded by Stewart.

Resolution #1999-62 was adopted unanimously (VOTING FOR: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams).

**RESOLUTION #1999-62**  
**(Attached)**

**7. Resolution re: Holiday Recess.**

Ms. Porter explained the resolution, noting the Council/Staff retreat on December 6 and the Council Retreat on December 13.

Moved by Stewart; seconded by Elrich.

Mr. Rubin wished everyone a Merry Christmas, Happy Chanukah, and Happy New Year!

Benjamin Onyeneke, Maple Avenue, said that while in recess, the Council should think about the initiatives being anticipated in the Year 2000. He remarked about community oriented policing, and commented that we will need to balance the racist camouflage that is being faced by the Council. The Native American Indians would like to see their stamp on the post mark. He predicted heavy storms and “twisters.” Mr. Onyeneke concluded by naming three challenges for the upcoming year, (1) implementation of community oriented policing, (2) fight against racial discrimination, and (3) how to contribute to Native American Indian cause.

Resolution #1999-63 was adopted unanimously (VOTING FOR: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams).

**RESOLUTION #1999-63**  
**(Attached)**

**WORKSESSION / CLOSED SESSION / ADJOURNMENT**

The Council moved into Worksession to discuss the comments regarding the Police Department which were made during the Citizen Comment period. Following the Worksession, the Council convened in Closed Session at 10:05 p.m. The Council later adjourned for the evening.

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Closed Session 11/29/99 - Moved by Rubin; seconded by Stewart. Council voted unanimously to convene in Closed Session at 10:05 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Maack, Rubin, Seamens, Stewart, Williams. STAFF PRESENT: Finn, Hobbs (Item #1), Sartoph, Silber, Anderson (Item #1), and Ludlow (Item #2). (1) The Council received legal advice on a matter involving city employees. Council was briefed on the matter. (2) Council was briefed on a development proposal. No action was taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (4)).

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**Introduced by:** Councilmember Williams

**RESOLUTION #1999-58**

**AMENDING RESOLUTION #1999-51 WHICH ESTABLISHED THE TASK FORCE ON GUN VIOLENCE IN THE COMMUNITY**

**WHEREAS,** on Monday, October 25, 1999, the City Council adopted Resolution #1999-51 which established the Task Force on Gun Violence in the Community; **AND**

**WHEREAS,** this resolution set forth the membership, duties and responsibilities, and timetable for completion of the Task Force's work; **AND**

**WHEREAS,** on Monday, November 8, 1999, the City Council adopted Resolution #1999-56, effecting eleven appointments to the Task Force; **AND**

**WHEREAS,** the Council desires to expand the "up to eleven" membership and appoint additional members to the Task Force; **AND**

**WHEREAS,** recognizing the condensed time frame in which the Task Force has been charged with completing its work, the Council wishes to set a date for an interim report from the Task Force, as well as to extend the term of the Task Force beyond January 30, 2000.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby amends Resolution #1999-51 as follows:

1. The Task Force on Gun Violence shall be comprised of up to 17 members who are residents of the City.
2. In addition to those members previously appointed, the following persons are hereby appointed to serve on the Task Force:
  - a. Richard Joy, Westmoreland Ave.
  - b. Ukpong "Ekam" Udo, 1108 Linden Avenue, #203
  - c. Lloyd Johnson, 1121 Holton Lane
  - d. Anne Ludlow, 7051 Carroll Ave., #1101
  - e. Richard Turman, 7415 Carroll Avenue
  - f. Brian Vaughn, 111 Lee Avenue
  - g. Doug Tursman, 7208 Trescott Avenue

**ADOPTED** this 29<sup>th</sup> day of November, 1999.

**ATTEST:**

  
Catherine E.W. Sartosh, CMC/A&E  
City Clerk

Introduced by: Councilmember Rubin

RESOLUTION 1999-59

**A resolution to adopt the recommendations of the Community Advisory Committee regarding funding proposals to Montgomery County for Program year 26 and to authorize staff to submit proposal application and to authorize reprogramming of remaining loan fund balances for the purpose of providing assistance to existing single-family and multi-family properties.**

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds as a passthrough from Montgomery County for PY 26; AND

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

WHEREAS, there are fund balances which are to be reprogrammed for rehabilitation assistance to existing single-family and multi-family properties.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND** that the following proposal recommendations for PY 26 CDBG are hereby adopted as listed below and the City staff is hereby authorized to submit applications for funding to Montgomery County:

<u>Activity</u>	<u>Amount</u>
1. ADA Sidewalk Improvements	\$16,000
2. Takoma/Langley Improvements	\$89,000
3. 7600 Maple Park Path	\$36,800
4. Grant Ave. Sidewalk Improvements	\$19,000
5. Historic Takoma, Inc.*	\$15,000

\*Service Projects cannot exceed 15% of the total allocation

In the event the allocation received from Montgomery County does not reach the \$175,800 needed to fully fund the proposed project activities, up to the first \$10,000 will be deducted from #2 Takoma/Langley Improvements. As needed, up to \$5,000 or the amount required to meet the 15% restriction be deducted from #5 Historic Takoma, Inc. Any deduction required after that will be on a share-and-share-alike basis for all projects.

**BE IT FURTHER RESOLVED THAT** City staff is hereby directed to liquidate current loan fund balances and request Montgomery County to reprogram these balances for the purpose of providing assistance to single-family and multi-family properties.

ADOPTED THIS 29<sup>th</sup> DAY OF NOVEMBER, 1999.

Introduced By: Councilmember Elrich

**Resolution No. 1999-60**

**Resolution Adopting Sustainable Building Guidelines  
For Use in Review of Development Proposals**

WHEREAS, the City of Takoma Park has long been interested in promoting development that helps sustain the community and the environment; AND

WHEREAS, the Committee on the Environment has prepared "Guidelines for Construction and Renovation in Takoma Park: Creating a Sustainable Environment" for use in advising public and private developers on desirable building practices, and in review of development proposals; AND

WHEREAS, many of the recommended actions are inexpensive or may result in significant cost savings to the owner in addition to the environmental benefits to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Council hereby adopts "Guidelines for Construction in Takoma Park: Creating a Sustainable Environment" as a guide for use in advising public and private developers on desirable building practices, and in review of development proposals.

AND BE IT FURTHER RESOLVED THAT if both the City Administrator and the Committee on the Environment agree on amendments to the Guidelines, such amendments may be adopted administratively.

**ADOPTED THIS 29<sup>TH</sup> DAY OF NOVEMBER, 1999.**

Introduced By: Councilmember Elrich

Resolution No. 1999-61

**Resolution Authorizing the City to Acquire the Property Known as 718 Maplewood Avenue, Takoma Park, Maryland from Montgomery County, Maryland and then to Direct the County to Convey the Property to a Purchaser Pursuant to Sales Terms Between the City and the Purchaser**

WHEREAS, the Montgomery County Department of Property Acquisition has offered the City the opportunity to purchase the property known as 718 Maplewood Avenue, Lot 8, Block 52, Flower Avenue Park Subdivision, for Thirty Two Thousand Dollars and Zero Cents; AND

WHEREAS, the City desires to acquire and convey the property known as 718 Maplewood Avenue, Takoma Park, Maryland to a private owner or developer so that the property will be rehabilitated for the benefit of the community and the property will be returned to the City's tax rolls; AND

WHEREAS, the City solicited interest in the property through a formally advertised Request for Proposal (RFP) to purchase and redevelop the property known as 718 Maplewood Avenue; AND

WHEREAS, the RFP resulted in the submission of three responsive and responsible proposals; AND

WHEREAS, a high bid of \$145,000 was received from Edward Hamm, and the Council desires to authorize the City Administrator to negotiate a sales contract for 718 Maplewood Avenue with Edward Hamm;

WHEREAS, the City under the terms of a contract with Montgomery County for the purchase of 718 Maplewood Avenue will direct Montgomery County to convey the property known as 718 Maplewood Avenue to Edward Hamm for a sum and on terms to be determined through negotiation; AND

WHEREAS, the net proceeds from the conveyance of the property to Edward Hamm will be paid directly to the City's General Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the Council authorizes the City, through the City Administrator to enter into a contract with Montgomery County for the purchase of 718 Maplewood Avenue for the sum of \$32,000.00 and then to direct Montgomery County to convey the property to Edward Hamm in accordance with the terms and conditions of a sales contract to be negotiated between the City and Edward Hamm.

**ADOPTED THIS 29<sup>TH</sup> DAY OF NOVEMBER, 1999**

Introduced By: Councilmember Williams

**RESOLUTION 1999-62**

**ELECTION BY THE CITY OF TAKOMA PARK, MARYLAND TO PROVIDE  
ITS EMPLOYEES WITH THE CONTRIBUTORY PENSION BENEFIT UNDER  
TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE  
OF THE MARYLAND CODE**

**WHEREAS**, the City of Takoma Park, Maryland, met on November 29, 1999 to consider whether to elect to provide its employees with the contributory pension benefit under Title 23 of the State Personnel and Pension Article of the Annotated Code of Maryland as amended by Chapter 176 of the Laws of Maryland 1999 (Senate Bill 363); AND

**WHEREAS**, the Council deemed it to be desirable and appropriate to provide the City's employees with the contributory pension benefit; AND

**WHEREAS**, Local 3399, Council 67 of the American Federation of State, County, and Municipal Employees, AFL-CIO, representing the City's non-police personnel, is in agreement with the decision to participate in the contributory pension benefit; AND

**WHEREAS**, Local 400 of the United Food & Commercial Workers Union, AFL-CIO & CLC, representing the City's Police Officers has not completed voting on this issue.

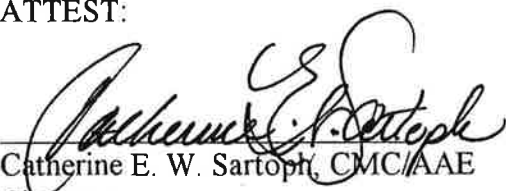
**BE IT RESOLVED** by the Council of the City of Takoma Park, Maryland that pursuant to §31-116 of the State Personnel and Pensions Article of the Annotated Code of Maryland (the "Pension Article"), on November 29, 1999, it irrevocably elects to provide its employees with the contributory pension benefit under Title 23 of the Pension Article;

**BE IT FURTHER RESOLVED**, that the City of Takoma Park, Maryland agrees to continue to abide by all laws, rules, and regulations governing the Employees' Pension System and the Employees' Retirement System, as now in force and as amended from time to time.

**BE IT FURTHER RESOLVED**, that this Resolution becomes effective upon agreement of Local 400 of the United Food & Commercial Workers Union, AFL-CIO & CLC, that they are willing to participate in the contributory pension benefit.

Dated this 29<sup>th</sup> Day of , November 1999

ATTEST:

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

Introduced By: Councilmember Stewart

**RESOLUTION #1999 - 63**

**SETTING FORTH THE CITY COUNCIL'S HOLIDAY 1999 RECESS**

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

**WHEREAS**, the Council will conduct its last Regular Meeting prior to the recess on Monday, November 29, 1999; **AND**

**WHEREAS**, the Council is scheduled to hold retreats on the evenings of Monday, December 6 and December 13 to discuss Council priorities and staff proposals for implementation plans; **AND**

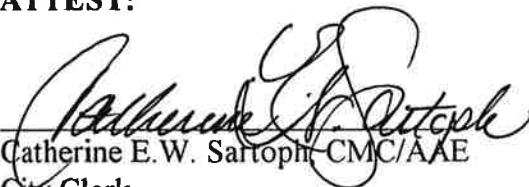
**WHEREAS**, the recess shall commence following adjournment of the Council Retreat on Monday, December 13, 1999; **AND**

**WHEREAS**, the Council will reconvene on Monday, January 10, 2000 in Worksession.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby set forth its Holiday Recess from December 13, 1999, through January 9, 2000.

**ADOPTED** this 29th day of November 1999.

**ATTEST:**

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