

**CITY OF TAKOMA PARK, MARYLAND**

**(FINAL 3/15/99)**

**SPECIAL SESSION AND WORKSESSION  
OF THE CITY COUNCIL**

**Monday, March 1, 1999**

**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant Administrator Hobbs

City Clerk Sartoph

Corporation Counsel Silber

Public Works Team Leader Shafer

Public Works Team Leader McKenzie

Telecommunications Manager Moffett

Police Chief Anderson

Deputy Chief Wortman

Recreation Supervisor Claytor

Public Works Team Leader Braithwaite

Lieutenant Rosenthal

**OFFICIAL ABSENT:**

Councilmember Chavez

The City Council convened at 7:36 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Mayor Porter explained the Council meeting schedule for the month of March. The meetings are being moved back by one week as a result of next week's Council/Staff retreat which will not be televised.

**SPECIAL SESSION**

**1. Resolution re: Condolences (Former Mayor John Roth).**

Ms. Porter read the resolution for the record. Moved by Porter; seconded by Williams.

Resolution #1999-10 was adopted unanimously, extending condolences to the family and friends of former Mayor John Roth (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-10**  
**(Attached)**

**2. Resolution re: Cable Programming.**

Councilmember Hawkins recalled that the Council discussed the lack of diversity in Cable Television Montgomery programming. The thought was that as a cable franchisor, we could take action to support diversity in cable television programming and recommend that CTVM add Spanish-speaking channels to their programming. She read the resolution for the record. Moved by Hawkins; seconded by Stewart.

Ms. Porter agreed that the Council did previously discuss this issue, and noted that there was a fair amount of support on the Council for recommending more diversity in the programming by CTVM.

Benjamin Onyeneke, Maple Avenue (Generation X), supported the resolution but cautioned going after Montgomery County. He remarked about Univision. Mr. Onyeneke observed that Hispanic residents do not attend Council meetings unless they need something, and that Hispanic people always point out where they are not being served. He remarked that the Native American Indians do not "cry" for services and recognition. Hispanic residents to attend and participate in the public process. The Council should advocate channels to serve all facets of the diverse community.

Resolution #1999-11 was adopted unanimously, supporting diversity in cable television programming and recommending that Cable Television Montgomery program additional Spanish-speaking channels (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-11**  
**(Attached)**

**3. Resolution re: Anti-Smoking Legislation (M.C. Bill 2-99).**

Councilmember Elrich explained that the County Council will vote on this issue tomorrow. It is an opportunity for the county to take action to limit public and employee exposure to smoking. He applauded the efforts of the County for leadership steps in this direction, and said that it is only a matter of time before other jurisdictions follow in this suit. He expressed his desire to support the County Council in their efforts to curtail smoke exposure. Mr. Elrich described the resolution. Moved by Elrich; seconded by Williams.

Councilmember Stewart asked whether County Councilmember Berlage is still undecided on this

issue.

Mr. Elrich responded that as of yesterday, he was still undecided. Maybe, this resolution will help him make a decision.

Ms. Porter remarked about the aspects of this legislation (e.g., economic impact and the way that this legislation would encourage people to quit smoking--a benefit). If people find that more and more places discourage people from smoking, more people will stop smoking.

Mr. Elrich commented on the economics of prohibiting smoking, adding that the data is mixed. People would likely patronize some businesses more, if smoking were eliminated.

Councilmember Williams agreed, noting that business will actually go up for certain establishments.

Ms. Porter said that if the legislation passes, it would effect the City. She asked who would enforce the legislation.

Mr. Elrich and Mr. Williams responded that Montgomery County would enforce the law.

Ms. Porter said that it seems that the bill has four solid votes and one possible vote.

Councilmember Rubin commented in regards to the politics of this legislation, noting that it has been framed in the news as the Governor against County Executive Doug Duncan, in regards to the issue of economic hardships. Mr. Rubin said that he supports this legislation on the merits of the issue.

Benjamin Onyeneke, Maple Avenue, said that he spoke to Councilmember Berlage last week about his undecided vote. He suggested that the resolution be amended to provide for restaurant establishments to allow smoking in enclosed and ventilated areas, similar to the Howard County legislation. People can go outside to smoke; however, restaurant and bar owners depend on patronage from smokers and non-smokers alike. This legislation will pose an economic hardship.

Mr. Elrich requested that the resolution be faxed to the County first thing in the morning.

Resolution #1999-12 was adopted unanimously, supporting the Montgomery County legislation regarding restriction of smoking (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-12  
(Attached)**

#### **4. 2nd Reading Ordinance re: Tree Ordinance.**

Corporation Counsel Silber explained that the Council accepted the ordinance at first reading, which would amend the Tree Ordinance to require that other necessary permits would have to be provided before a City tree permit could be issued and a tree could be removed. She noted the additional changes to the ordinance from the discussion at first reading--(1) provisional license before final license and (2) final permit cannot be issued until a few other things are in place (i.e., agreement to pay for or replace trees, approved Tree Protection Plan, and inspection by Public Works staff to ensure applicant's compliance with implementation of the plan).

Ms. Porter asked about the staff responses to last week's questions about how the Council's recommendations fit in with current practices in issuing tree permits.

Ms. Silber responded that she worked with Public Works Team Leader Shafer on the ordinance and that she is comfortable that it reflects current practice. The language of the standing ordinance just needed to be tightened-up to reflect the current practice.

Mr. Rubin asked for a step-by-step explanation of the current process.

Ms. Silber responded. An applicant fills out an application for a tree permit. If the tree is in poor health, he can request a waiver. A waiver is non-appealable. Assuming that it is a healthy tree, the applicant would have to state on the application why he wants to cut it down. The Public Works staff person goes on site and examines the tree. If a preliminary okay is given by Public Works, a notice is placed on the tree. Residents have 15 days to file an appeal. If an appeal is filed, then the case goes to the Tree Commission. The Commission holds a hearing and issues an opinion regarding the tree permit (i.e., grants, grants with conditions, or denies). If no one appeals the permit, then the permit is issued.

Mr. Rubin confirmed that the permit is in the form of a piece of paper.

Ms. Silber responded in the affirmative, noting that we also forward a copy of the permit to the county. Public Works will also make a decision about whether a more comprehensive tree protection plan needs to be put in place. The applicant might be required to specify the type of machinery that will be used in removal of the tree. Public Works will also make an assessment about the cost of replacement (whether applicant can plant other trees on the property or pay the equivalent cost of the removed tree to the City's Tree Fund). Some assurance of payment to the Tree Fund may be required.

Mr. Williams questioned whether there is a triggering mechanism when a person goes to the county such that he is notified of the need for a City permit.

Ms. Silber stated that it is her impression that the county knows to instruct the applicant to obtain a permit from the City.

Public Works Team Leader Shafer added that the county knows to send a developer to the City to get a tree permit. It is part of their check list.

Ms. Silber noted that the county laws governing tree removal are very different from the City's laws.

Ms. Porter commented that we have more regulations to protect trees than does the county. What we would have to do to pass this (since it has been amended since first reading), is to accept it as amended and then vote on the ordinance.

Moved by Elrich (as amended); seconded by Stewart.

Mr. Ghoul (developer) stated that he opposes the ordinance for many reasons. This ordinance prohibits construction business in the City. It says that he cannot apply for a tree permit until he obtains necessary permits from other agencies. He remarked about the costs of the other permits, and emphasized that the city can still say "no" even after an applicant gets all of the other needed permits.

He explained that he owns two lots in the City, and that he applied for a City tree permit in October 1998 to remove 15 trees from the two lots. He said that he submitted five applications and paid the appropriate fees. Since October, he has not received a response to his applications. He commented that David Miller and a City inspector gave him a waiver for the trees, and that he was told that after 15 days with no objections, he would be able to remove the trees. When he went for the final permit, he was told he would have to pay in excess of \$7,000 for removal of the trees. Mr. Ghoul remarked about a discrepancy regarding the number of dead trees on the property. He explained that he employed a tree expert to evaluate the trees, and that the expert found in his favor regarding the trees. Mr. Ghoul said that he then suggested that the City hire a tree expert to evaluate the trees and compare the evaluation of his expert. Mr. Shafer refused. Mr. Ghoul remarked that Mr. Shafer asked him to submit a tree protection plan. Mr. Ghoul commented on his verbal exchanges with Mr. Shafer, noting that Mr. Shafer did not accept the protection plan that he submitted. Mr. Ghoul said that he then went to the City's Corporation Counsel with the plan, but was told that it still was not enough. Mr. Ghoul remarked that his engineer even tried to get in touch with Mr. Shafer, but that Mr. Shafer would not return his calls and later, would not meet with him and his engineer. Mr. Ghoul stated that he once met with Mr. Monk who said that he could not do anything about this matter because it is not his job. Mr. Ghoul remarked that he has had several meetings with Mr. Hobbs, who has promised to resolve this problem. This issue has been going on for 6 months. Mr. Ghoul stated that his engineer concluded that the City would not allow him to develop the sites and finally, quit.

Ms. Porter noted that she has had several conversations with Mr. Ghoul, and remarked about the plans that have been provided by Mr. Ghoul. She explained that the site plans do not meet the requirement of a protection plan.

Mr. Ghoul displayed his plans for the Council.

Mr. Rubin asked how this is relevant to the piece of legislation that is before the Council for consideration.

Mr. Ghoul continued talking and providing documentation.

Ms. Porter requested that Mr. Ghoul end his remarks at this point, explaining that the Council and audience remarks need to stay on track with the piece of legislation that is being considered. She again explained the legislation that is being considered by the Council, and concluded that it will effect the particular concern that Mr. Ghoul is describing, since the City can issue a provisional permit. She thanked Mr. Ghoul for bringing his concerns to the attention of the Council.

Mr. Ghoul said that Mr. Shafer promised that he would not do business in this town.

Ms. Porter restated her ruling that Mr. Ghoul's remarks are out of order. She added that she has talked with him for an hour on each of two different occasions and is familiar with his concerns.

Mr. Ghoul commented that Ms. Porter did not call him back on one occasion, and asked how he possibly can get all of the necessary Montgomery County permits (\$10,000-\$100,000 cost) without a guarantee from the City of having an approved tree permit. The bank started foreclosure last week since he did not have a construction plan. He requested that the Mayor order an investigation of his complaints.

Ms. Porter welcomed members of the Council to meet with him, if interested. She noted that she has described to him, at length, the requirements of the tree ordinance. Ms. Porter described the plans that he has provided (site versus protection).

Mr. Ghoul remarked that staff and Council are not qualified to discuss engineering plans.

Ms. Porter said that she would be happy to discuss this issue further with him, but not in this forum. She thanked him for his comments.

Benjamin Onyeneke, Maple Avenue, said that this sounds like a fishy situation, and proposed that maybe, there is some prejudice being exercised against Mr. Ghoul. He supported adoption of the ordinance.

Ms. Porter said that she has had two discussions with Mr. Ghoul, and that she is satisfied that there is nothing wrong going on.

Mr. Elrich remarked that he would like to get a staff response, although not at this moment, to the allegations that have been made by Mr. Ghoul.

Ms. Hawkins agreed.

Ms. Porter responded that she would be happy to ask staff to respond to the Council regarding the process and the issues that have been raised. She said that she is satisfied that the process has been fair, but that she would be happy for the staff to provide a response.

Mr. Elrich explained that since the issues have been raised in public, they might now deserve a public response.

City Administrator Finn noted that everything regarding this case has been documented, and agreed that this is not the time to address the concerns. He said that he will be happy to provide a written response for the Council's information.

Mr. Elrich commented that once the Council has reviewed the response, they can decide whether it deserves a follow-up Worksession discussion.

Mr. Ghoul remarked about his discussion with Mr. Finn. Mr. Ghoul commented on conversations that he had with neighbors who oppose the tree removals and who reported that Mr. Shafer had gone door-to-door, saying that Mr. Ghoul was going to build apartments on the lots. He explained that this is not his development plan.

Ms. Silber said that staff has worked many hours on this issue with Mr. Ghoul, and that Mr. Ghoul has consistently made searing comments directed at staff and legal counsel, remarks which are almost paranoid, suggesting prejudice and angry. She said to Mr. Ghoul that it is not okay to attack other people at the table who have been working hard to do their jobs as public servants, and that she has received a letter of representation from Mr. Ghoul's attorney who will be representing him in this issue. Ms. Silber remarked that she looks forward to discussions with his attorney because she believes that they may be constructive.

Mr. Ghoul gave an angry response.

Mr. Elrich interrupted and described the process as required by the legislation being considered. An applicant would not go through the county process until he knows that the city has issued a preliminary permit.

Mr. Ghoul restated that Mr. Shafer said that he could not do business in the City.

Ms. Silber responded that Mr. Ghoul's statement is not true. This allegation has already been investigated.

Ms. Porter invited Mr. Shafer to respond to the allegations made by Mr. Ghoul.

Mr. Shafer thanked the Mayor, but stated that he will not say anything this evening. The concerns

are now on public record, and he will be happy to address the questions with the Council. He concluded that the allegations are not true.

Ms. Porter stated that she is ending this discussion.

Ms. Hawkins repeated that a written report from staff would be appropriate, and to the extent that this issue has been aired publicly and to the extent that someone in the audience would like to see the report, it should be made available. It does not necessarily need to be the subject of a Worksession.

Mr. Rubin commented that the ordinance amendment that Council is discussing has no relevance to Mr. Ghoul's case. Had this ordinance been in effect, the case would still be the same.

Ms. Porter asked Mr. Ghoul to hold his remarks.

Mr. Finn said that it is important that the Council be made aware that he asked the City Attorney to get involved in this issue. All evidence shows that Mr. Shafer has handled this matter appropriately. Mr. Finn noted that he has talked with Mr. Ghoul, and that Mr. Ghoul essentially wants the City to deviate from its own ordinance. Staff has spent over 100 hours on this issue. The process has been fair and a lot of patience has been exercised.

Assistant City Administrator Hobbs added that Mr. Ghoul brought him into this issue in December 1998, and that he began working with Mr. Ghoul and Mr. Shafer. Had Mr. Ghoul followed instructions, he would have had his permits in November.

Moved by Williams (with amendments); seconded by Elrich.

Ordinance #1999-7 was adopted unanimously, amending the Tree Ordinance to provide that if a tree permit application relates to a property development project, then all County and other permits required for the construction must be granted before tree removal may commence (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-7  
(Attached)**

**5. Single Reading Ordinance re: Police Vehicles.**

Public Works Team Leader McKenzie explained the ordinance. She said that the Treasurer would like to make semi-annual payments on the vehicles, which would raise the price to \$21,398 (lease-purchase agreement terms).

Ms. Porter asked for clarification on the \$20,099 cost. The additional cost per vehicle would be



the cost to finance the lease-purchase agreement.

Police Chief Anderson explained that the City will be able to buy-out the vehicles for \$1/each at the end of the lease period of three years.

Ms. Porter explained that these vehicle purchases are linked to an effort to provide take-home cars to police officers living in the City.

Mr. Anderson noted that currently, we have two officers who reside in the City and who have cars. In two weeks there will be another officer who will be eligible, and in another month and a half, we will have another candidate. There is also an officer in the Academy who will be eligible in another year (approximately), and three officers who are looking for homes in the City.

Ms. Porter remarked that the program is having the positive effect of encouraging officers to live in the City. In addition to the good impact of having officers present in the community, we will be rebuilding some vehicles to meet the take-home vehicle demand. This will enable the Police Department to have more vehicles at a reasonable price. This ordinance is the first part of an overall plan to provide take-home cars to officers living in the City.

Ms. Stewart asked about the Public Works Department retaining two of the vehicles. How much could we sell those vehicles for?

Ms. McKenzie responded that the sell price would be approximately a couple thousand dollars, but said that she would confirm this information.

Moved by Rubin; seconded by Hawkins.

Benjamin Onyeneke, Maple Avenue, expressed support for the ordinance.

Ordinance #1999-8 was adopted unanimously, authorizing the lease-purchase of five police cruisers (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**ORDINANCE #1999-8  
(Attached)**

**WORKSESSION / ADJOURNMENT**

The Council moved into Worksession at 8:35 p.m. and later adjourned for the evening at 10:27 p.m.

**RESOLUTION OF CONDOLENCE**

**#1999-10**

**WHEREAS,** it was with sorrow that the City Council learned of the death of former Takoma Park Mayor John D. Roth; **AND**

**WHEREAS,** Mr. Roth served on the Council from 1962 to 1972 before being appointed to fill an unexpired mayoral term in 1972, from which time he went on to win three consecutive mayoral races and served as the City's mayor through 1979; **AND**

**WHEREAS,** while a Councilmember, he also served on the City's Public Works Committee and was the chairman of the committee for several years; **AND**

**WHEREAS,** Mr. Roth was very active in many organizations including the Maryland Commission for the Humanities, Metropolitan Washington Council of Governments, Maryland Municipal League, National League of Cities, Takoma Park Veterans of Foreign Wars Post No. 350 and Takoma Park Lions Club; **AND**

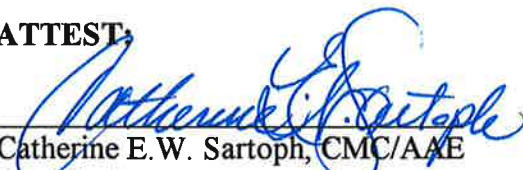
**WHEREAS,** he was particularly proud of his membership and involvement as a government representative in the National Association of Suggestion Systems; **AND**


**WHEREAS,** his professional leadership and personal contributions to the Takoma Park community will long be remembered.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, on behalf of its residents and City staff hereby extends this expression of heartfelt sympathy to the family and friends of former Mayor John D. Roth.

**ADOPTED** this 1<sup>st</sup> day of March, 1999.

**ATTEST:**

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

  
Kathryn H. Porter  
Mayor

**Introduced by: Councilmember Hawkins**

**RESOLUTION #1999-11**

**Supporting Diversity in Cable Television Programming and Recommending that Cable Television Montgomery Program Additional Spanish-Speaking Channels**

**WHEREAS, Montgomery County and Takoma Park, in particular, has a diverse and multi-lingual population; AND**

**WHEREAS, 25% of the total Hispanic population in the Metro/DC area reside in Montgomery County; AND**

**WHEREAS, Montgomery County has the fastest growing minority population in the region with 10% of its population represented by the Hispanic community; AND**

**WHEREAS, currently, there is only one Spanish channel among a total of 72 channels offered by Cable Television Montgomery; AND**

**WHEREAS, the City is one of several Cable Television Montgomery franchisors; AND**

**WHEREAS, Takoma Park takes great pride in its diverse community and feels that Cable programming should reflect the diversity of its audience.**

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby urges Cable Television Montgomery to assign a high priority to adding Spanish language channels to its basic cable offerings and that it continue to place importance on addressing this need.

**ADOPTED** this 1<sup>st</sup> day of March, 1999.

**ATTEST:**

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

**Introduced by: Councilmember Elrich**

**RESOLUTION #1999-12**

**Supporting Montgomery County Legislation Regarding Restriction of Smoking**

**WHEREAS, Cigarette smoke is now generally accepted as being a serious public health hazard; AND**

**WHEREAS, cigarette smoke is dangerous to both the smoker and to anyone having a secondary exposure to smoke; AND**

**WHEREAS, it is normally the policy of public health officials to protect the public and employees, whenever possible, from exposure to carcinogens and other toxic products which are harmful to health; AND**

**WHEREAS, it is both possible and feasible to further reduce exposure of both the general public and employees to the toxic chemicals contained in cigarette smoke; AND**


**WHEREAS, the Montgomery County Council has before it a bill that would ban smoking in public eating establishments, the effect of which will be to reduce public and employee exposure to cigarette smoke; AND**

**WHEREAS, the City of Takoma Park as recognized the dangers associated with cigarette smoking as well as the exposure to cigarette smoke, and has been a leader in efforts to reduce and restrict the availability of tobacco products.**

**NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of Takoma Park wishes to express its support for the anti-smoking legislation now before the Montgomery County Council and urges the County Council to support the legitimate concerns for the public health and welfare and to pass the legislation introduced by Council President Ike Leggett.**

**ADOPTED** this 1<sup>st</sup> day of March, 1999.

**ATTEST:**

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

Introduced by: Councilmember Williams

First Reading: 2/22/99  
Second Reading: 3/1/99  
Effective Date: 3/1/99

**ORDINANCE NO. 1999-7**

**(Amending the Tree Ordinance to provide that if a tree permit application relates to a property development project, then all County and other permits required for the construction must be granted before tree removal may commence and providing for the issuance of provisional tree permits.)**

**WHEREAS**, the City's Tree Ordinance requires property owners to obtain a tree permit or tree permit waiver before removing or taking other actions that are likely to lead to destruction of an urban forest tree or trees; and

**WHEREAS**, one of the criteria for the granting of a tree permit is that the tree clearing is necessary to achieve proposed development or land use; and

**WHEREAS**, Montgomery County and other governmental units and agencies are responsible for issuing many of the permits and approvals which are required before an owner can begin property development and construction activity on property; and

**WHEREAS**, the City does not want to approve tree permits allowing urban forest trees to be removed from property for purposes of development or construction when all necessary permits and approvals for such development or construction have not been granted--and may never be granted--by Montgomery County and/or by any other governmental units and agencies with jurisdiction over the project; and

**WHEREAS**, providing that the issuance of all necessary permits and approvals for the development or construction is a condition precedent to the approval of a tree permit or to the commencement of tree removal or other actions that are likely to lead to destruction of an urban forest tree or trees will minimize unnecessary loss of the City's urban forest trees.

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

**SECTION 1.** Chapter 12, Trees and Vegetation, Article 3, Urban Forest, Sec. 12-29, Tree permit applications; waivers, and Sec. 12-32, Criteria for permit decisions, of the *Takoma Park Code*, are amended as follows:

**CHAPTER 12. TREES AND VEGETATION.**

**Article 3. Urban Forest.**

**Sec. 12-29. Tree permit applications; waivers.**

- (a) An owner may apply for a tree permit or tree permit waiver covering action relating to

an urban forest tree or trees on the owner's property. The application shall be made under procedures specified by the City Administrator.

(1) In the case of an applicant who requests a tree permit for the purpose of constructing on or developing property, the City Administrator may require the applicant to submit copies of all permits, licenses, and approvals which are required for the construction or development to take place before any action is taken on the application. This may include, but is not limited to, county building permit, builder's license, grading permit, sediment control permit, stormwater management permit, zoning variance, special exception, and site plan review.

(2) If all necessary permits, licenses, and approvals have not been granted as of the date the application is filed, then the City Administrator, in his or her sole discretion, may accept other satisfactory evidence that all necessary permits and approvals for the construction or development will be granted or may impose conditions on the issuance of the tree permit requiring that all necessary permits and approvals for the construction or development be granted and submitted to the City Administrator for review and approval before the tree removal or other action for which a tree permit is required (see Section 12-28(a)) may commence.

\* \* \* \*

(g) If the City Administrator determines that the tree permit application is complete and the criteria set forth in Section 12-32(b) indicate that the applicant is entitled to a tree permit, the City Administrator shall notify the applicant that the city has granted preliminary approval for a tree permit. Within two (2) working days of this notification, the Department shall post notice of the preliminary approval, on the property in question, in plain view from the public right-of-way. A copy of the notice shall be posted on a bulletin board at the Municipal Building. The notice must describe the procedure and time limit for filing an appeal from the preliminary approval for a tree permit. If no appeal is filed within fifteen (15) days after the notice has been posted, the City Administrator shall issue the a provisional or final tree permit. If an appeal from the preliminary approval for a tree permit is filed in accordance with Section 12-31, then no tree permit (either provisional or final) shall be issued until the appeal has been decided,

(1) A provisional tree permit is required when an applicant requests a tree permit for the purpose of constructing on or developing property and/or where mechanical equipment (excluding chain saws and other hand-held devices) will be used in connection with the action relating to an urban forest tree or trees. No tree removal or other action for which a tree permit is required (see Section 12-28(a)) may occur under a provisional permit.

(2) A final tree permit, allowing the applicant to proceed with the tree removal or other action for which the permit is granted, shall be issued when the City Administrator determines that all conditions for issuance of a final permit have been met. These conditions may include, but are not limited to:

(A) Compliance with the tree replacement requirements of Section 12-30;

(B) Approval of a tree protection plan and/or inspection of the property by the City to verify that all required tree protection devices are in place prior to the commencement of any tree removal, any activity within the drip line of an urban forest tree which may destroy a significant portion of the roots of a tree or endanger the water supply to the roots, or any other action for which a tree permit is required; and

(C) Submission to the City of all necessary County and other permits, licenses, and approvals which are required for the construction or development of the property.

**Sec. 12-32. Criteria for permit decisions.**

(a) The City Administrator or, upon appeal, the Tree Commission shall approve an application for a permit if so indicated by the factors set forth in Subsection (b). Upon appeal, the Tree Commission shall, taking into account the factors set forth in Subsection (b), approve the permit, disapprove the permit, or approve the permit with modifications and/or conditions. In the case of an applicant who requests a tree permit for the purpose of constructing on or developing property and/or where mechanical equipment (excluding chain saws and other hand-held devices) will be used in connection with the action relating to an urban forest tree or trees, the Tree Commission may approve a provisional tree permit. Thereafter, a final tree permit is required before the commencement of any action covered by Section 12-28(a).

\* \* \* \*

**SECTION 2.** This Ordinance shall be effective immediately and shall apply to all pending applications.

Adopted this 1st day of March, 1999, by roll-call vote as follows:

Aye: Portcr, Elrich, Hawkins, Rubin, Stewart, Williams  
Nay: None  
Absent: Chavez  
Abstain: None

**EXPLANATORY NOTE**

- 1. Additions to the existing language of the *Takoma Park Code* are shown by shading.
- 2. Deletions to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.
- 3. \* \* \* \* denotes language of the *Takoma Park Code* that is not reproduced in this Ordinance.

F:\WPDOC\TAKOMA\ORDINANC\TREE\$REV.ORD

Introduced by: Councilman Rubin

Single Reading: 3/1/99

ORDINANCE NO. 99-8  
Authorization to Lease Five (5) Police Cruisers

- WHEREAS, the FY99 Capital Budget identifies funds in the amount of \$66,000 for the purchase of Police Department vehicles; AND
- WHEREAS, Council had a discussion and granted approval for the Police Department to expand it's fleet in order to implement a limited Personal Patrol Vehicle (PPV) program: AND
- WHEREAS, the Police Department recommends that the City enter into a lease purchase agreement for five (5) Ford Crown Victorias through Ford Motor Credit for a period of three years; AND
- WHEREAS, the City has the opportunity to participate in a cooperative purchase through a State of Maryland contract for a cost of \$20,099 per vehicle; AND
- WHEREAS, these vehicles will be covered by the same warranty as a direct purchase would include; AND
- WHEREAS, at the end of the three year lease, the City has the option of purchasing these vehicles for a sum of one dollar (\$1.00) per vehicle; AND
- WHEREAS, this lease purchase will require semi-annual payments of Seventeen Thousand Seven Hundred Sixty Eight Dollars and Twenty-Two cents (\$17,768.22).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park lease five (5) Ford Crown Victorias for the leased price of \$17,768.22 semi-annually for three (3 years) with the City purchasing said vehicles for a sum of \$1.00 per vehicle at term end.

BE IT FURTHER ORDAINED THAT the City Administrator is authorized to enter a lease agreement with Ford Motor Credit, and to take all actions deemed necessary to accomplish this agreement.

BE IT FURTHER ORDAINED THAT the City Treasurer will charge the Capital Budget Account #9100-8000 for the semi-annual payments of \$17,768.22.

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

Adopted this 1<sup>st</sup> day of March, 1999

Aye: Porter, Elrich, Hawkins, Rubin, Stewart, Williams  
Nay: None  
Abstain: None  
Absent: Chavez



**PRESENTATION, REGULAR MEETING AND WORKSESSION  
OF THE CITY COUNCIL**

**Monday, March 15, 1999**

**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

Assistant City Administrator Hobbs

City Clerk Sartoph

Telecommunications Manager Moffett

Community Development Coordinator Sickle

Police Chief Anderson

Major Wortman

Lieutenant Rosenthal

Public Works Team Leader Shafer

Public Works Team Leader Braithwaite

Administrative Clerk Ross

Library Technical Services Coordinator Fontem

Police Administrative Specialist Pinkard

Police Administrative Aide Taylor

City Gardner Welch

The City Council convened at 7:45 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Mayor Porter apologized for starting a little late this evening. She noted that the Council has been touring the Police Department Dispatch Office in preparation for a later discussion of renovations to this office (Item #4).

Councilmember Williams pointed out that he had the opportunity to look at the video tape from the City of Rockville (i.e., September public hearing regarding telecommunications ordinance), and said that it was very informative. He encouraged other members of the Council to view the tape.

Councilmember Rubin said that he is proud and honored to announce that the Liz Lerman Dance

Exchange has been named one of 50 sites to be counted as a millennium site. In each of 50 states, a composer has been chosen to do a piece celebrating the U.S. history in the Year 2000. In the state of Maryland, it is the Liz Lerman Dance Exchange that has been chosen. The effort is being called the "Hallelujah project".

Mr. Rubin welcomed a group of young boys from Boy Scout Troop 33 who are working on their citizenship merit badges. It is important for these young men to see the formal structure of government (e.g., City Council meeting) and to look beneath that and see the kind of community that the City government represents--a very special community. The main thing to be learned about the community is its diversity. The community of Takoma Park can add to the boy scout experience by providing a unique experience.

Ms. Porter commented that since the last meeting of the Council, we have had two snow storms. Particularly in the instance of the first which was larger, Public Works did its usual fine job of keeping the roads clear of snow. She said she is glad to have a department that handles this work so well, and thanked the staff at public works.

#### ADDITIONAL AGENDA ITEMS

Councilmember Elrich asked that a resolution expressing concern over the environmental impacts of Home Depot's selling wood from old growth and headwater forests and tropical rain forests, be added to the agenda. He explained the timeliness of this issue.

#### ADOPTION OF MINUTES -- 2/22 AND 3/1

Moved by Williams; seconded by Stewart.

The minutes were adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

#### CITIZENS' COMMENTS

Benjamin Onyeneke, Maple Avenue (Generation X), commented on President Clinton's remarks about public safety and the public perception of police officers. He urged the President to fund additional training and technology advances for police officers. Mr. Onyeneke remarked about the cultural diversity in the nation, and commented on racial tension.

#### PRESENTATION

## 1. Starpower Franchise Proposal.

Councilmember Hawkins reminded the Council that she is abstaining from all discussions and the vote on this item because of a conflict of interest.

Telecommunications Manager Moffett explained that Montgomery County and staff have been negotiating with Starpower, and that there are a number of issues that are reaching closure and some that have been brought to resolution. She noted that Tony Peduto of Starpower is present for the discussions this evening. After tonight's discussion, a letter summarizing the remarks will be sent to the County Executive's Office.

Ms. Porter remarked that Starpower has put in a proposal for a franchise that would include cable and other telecommunications services. By law the company is afforded the opportunity to compete with the existing cable provider by putting forth a proposal.

Ms. Moffett added that the county has done the bulk of the negotiations. Citizens are invited to submit written testimony to the county cable office and it is anticipated that a franchise will be awarded and signed-off on by the end of May.

Tony Peduto (Starpower representative) explained that Starpower is a joint venture (50/50) between RCN and L.L.C. (PEPCO), and noted the areas where RCN is currently offering services. Starpower wants to bring choice to Montgomery County and Takoma Park. It will bring fiber optics deeper into the neighborhoods and will offer access to more residential homes. While competitors' technology may work for now, Starpower will have wider band widths for more expansion in the future. He noted the channels and services, and commented on the costs and various packages. There will be a digital basic tier which will carry 19 channels--services that Starpower believes will be in demand in the future (e.g., discovery network). Mr. Peduto said that the channel line-up for the money is the best in the area, and that Starpower has been very thrilled with the public response, to date. They have gotten great response from residents who are interested in when the service will be available. He noted the number of customers being served at this time. Starpower is offering a bundle service to consumers at discounted rates.

In general, Starpower believes that there is room for competition, consumers want opportunity to shop competition, and this company is here with the competition. The company believes in service is trying to accommodate the needs of residents by offering installation appointments between noon and 9 p.m., and running service and installation seven days a week. The incumbent company (CTVM) is entrenched and has been very good for 15 years. When a customer calls Starpower he will get a live voice. Service is the name of the game when a company is coming in as the second provider in the market. Starpower will serve all of Takoma Park. Takoma Park is scheduled to be one of the first areas to be built-up. Starpower will be looking to work with the City to gain access to the rights-of-way to lay fiber. The construction will cause some disruption, but the company will work closely with the community and City to provide notice about upcoming work. Once customers receive notification about the work being done in the area, a

customer can request a line to be run up to their home. Customer can also chose to have a line run at a later date. Mr. Peduto explained that the company expects to fully comply with all regulations--Tree trimming and other ordinances. Starpower engineers will meet with City staff to discuss routing of fibers through the City and any associated construction. He said they anticipate the first customers in the City coming on line in late 1999.

Ms. Moffett noted that she has additional copies of the proposal. A full copy of the proposal is available in the Library next door.

Councilmember Williams questioned whether the proposal includes an open video system.

Mr. Peduto explained that the proposal is only for a cable franchise, and that they are not bundling any other services at this time.

Mr. Williams questioned the size of the fiber nodes.

Mr. Peduto described the battery back-up cabinet to be 2 x 3 x 5 feet, and said that they will work to the nodes on existing utility poles.

Mr. Williams asked whether the fiber will be placed underground by mole or trenching.

Mr. Peduto responded that trenching will be done.

Councilmember Elrich commented that he feels a great deal of ambivalence--wants to welcome the competition (prices have gotten ridiculous), but recognizes the somewhat "sweetheart" nature of this deal. Starpower (by virtue of its partnership with PEPCO and an existing cable company) is not a start-up company. He remarked about the map showing the wiring plan (32% of the physical county reaching about 2/3 of the potential users, but not reaching out to the less profitable areas). Starpower seems to be coming in and "cherry picking". He noted that the capital investment from customers will be less than what CTVM is receiving, and will consequently put CTVM at a disadvantage. This is not necessarily good for competition. Mr. Elrich remarked that it strikes him as somewhat strange.

Mr. Peduto responded that the map did not include Gaithersburg which is part of the service plan. Starpower does not view this as a sweetheart deal in any way, shape or form. While CTVM was required to build-out the entire county (that was in their agreement), they were a monopoly at that time. There are about 15 customers per mile in the county. For a second company to come in and build-out into the same areas, it would become less profitable for both companies. CTVM was able to get tax benefits from the customers they already have. When Starpower comes in as the second company there will be some competition. Mr. Peduto remarked about the federal regulations regarding competition. Starpower has to look at where the best financial return exists. The company would love to build-out the entire county, and may continue to extend its service area in the future. CTVM built-out into the county over time (started in the most densely

populated areas first). He concluded that he does not view Starpower's proposal as being that much different.

Councilmember Rubin asked questions regarding PEPCO's role: (1) what exactly is the nature of their role, and (2) there has been talk in the paper of PEPCO changing drastically--getting out of electricity--so is there concern about a certain amount of instability in PEPCO.

Mr. Peduto explained that PEPCO is a subsidiary. Their role is one of an investor. RCN brings the telecom experience. He said that he has day-to-day, full autonomy for decisions regarding Starpower, and that he consults with RCN regarding telecom issues and consults with PEPCO regarding investments. Mr. Peduto stated that he cannot speak to the changes that are being discussed by PEPCO as they are strategic decisions that the company will make.

Mr. Rubin clarified that his question does not go so much toward their decision, but when a company goes through a level of change, there is always some instability. Do you see PEPCO as unstable? If it does go through drastic changes, what would happen if it could not come through on commitments to the venture?

Mr. Peduto noted that the funding for the partnership is already committed. He said that his job is to bring on customers and revenues to extend services.

Ms. Porter referred to Mr. Peduto's mention of Starpower abiding by statutes regarding tree trimming, and said that the City might be willing to explore whether Starpower would sign on to a MOU for Tree Trimming and Cutting. She asked that staff follow-up on this issue, and described the purpose of the MOU to Mr. Peduto (clarifies a number of things in our dealings with utilities). She said that it is her understanding that the county agencies arranged to get free Internet services, and noted that this is something that the City is also interested in. Ms. Porter explained that we are concerned about our signal quality.

Mr. Peduto responded regarding the Internet accounts, explaining that he will be meeting with the county cable director again, in the near future, and that this issue is on the table for further discussion.

Ms. Porter emphasized that we want to be certain that there will be a good signal quality.

Mr. Peduto said that Starpower will be held to high standards, and remarked about the ways this might best be accomplished.

Ms. Porter invited persons in the audience to speak.

Harris Bass, Chief Executive for CTVM, said he is here tonight to voice some concerns. CTVM has long enjoyed a wonderful working relationship with the City, and agreed in the most recent franchise agreement to a total build-out of the county. He remarked about the potential of a two-

class system in Montgomery County (the haves and have nots), with a system that does not cover the entire county. The requirements that CTVM has in its franchise are not addressed in the Starpower proposal. This is perplexing. Why was there not the same community assessment done? Why weren't the same requirements applied? The issue is not competition. Ultimately, CTVM thinks that competition will make us better providers of service. The issue is a level playing field. It includes things like public access and education, and comparable insurance requirements. Starpower is a competitor that has resources and already has a relationship with virtually 100% of the potential customer homes (via PEPCO). The opportunity for PEPCO to favor Starpower in use of existing utility poles is great. He said that he wants to ensure that the CTVM network is not severed and disrupted in the Starpower build-out. Mr. Bass encouraged the Council to look at the issues beneath the Starpower proposal, as it reaches a decision about a competitive and fair playing field as this issue moves forward. He reported that (1) the area of the City that is not built-out by CTVM will be by September of this year, and (2) the upgraded fiber optic system will be in place by the end of this year. He said that CTVM commits to working with the City and Starpower as we go forward in this competitive environment, and encouraged the Council to look at the issues that he has raised.

Ms. Porter noted that Mr. Bass addressed her main questions.

Mr. Elrich suggested that Mr. Bass write a memo to City staff and the Council about the main points of inequity in the proposal.

Councilmember Hawkins reminded the Council that she is not at liberty to talk about the Starpower proposal, but asked about CTVM's response to the City's recent Resolution regarding Spanish-speaking channels.

Mr. Bass explained that Telemundo will be part of the new programming which will be in place by the end of the year.

Mr. Williams said that he understands that this agreement is only dealing with cable, but asked when Starpower will be offering other services.

Mr. Peduto explained that Starpower is currently authorized to offer telecom services through a separate license with the State.

Ms. Williams clarified then that Starpower could bundle services in the future.

Mr. Peduto responded in the affirmative.

Joe Griffo (young man from audience), asked whether customers will still have access to CTVM while Starpower is wiring in this area.

Mr. Peduto responded in the affirmative, explaining that the installation will not interrupt CTVM

access. In fact, Starpower will be paying CTVM to raise/lower wires on the poles to ensure safe construction. We will work with CTVM, Bell Atlantic and PEPCO to ensure safe construction.

## **REGULAR MEETING**

### **2. Resolution re: 7611 Maple Avenue Condominiums.**

Ms. Porter explained the resolution and provided a brief history of the discussions as related to 7611 Maple Avenue.

Community Development Coordinator Sickle added that on Wednesday the State will be looking at the new proposal for a condominium structure. The City should hear something soon.

Mr. Elrich asked if there has been any preliminary feedback.

Ms. Hawkins suggested that Ms. Sickle provide an overview of the meeting in Crownsville.

Ms. Sickle commented that members of the 7611 Maple Avenue Cooperative Board submitted a revised proposal. It was received late on Friday. It takes into account some of the expenses that would be required in moving to a condominium concept. She said that she talked to the State staff person who said that it was not as good of a proposal that they might have hoped for, but that they would look at it. They will be meeting with the credit committee tonight.

Ms. Porter remarked that from looking at this proposal, she cannot see remarkable changes from the preliminary condo proposal they prepared.

Ms. Sickle commented that the changes have to do with transfer of notes. The restrictions on the notes would have to be eliminated through the foreclosure process. She explained that there are costs involved, but that they found out this problem Monday evening before the Tuesday morning meeting. So, they were trying to work it out as they went along. It is clear that there needs to be this kind of three-tiered agreement system. The Co-op would offer the deed in lieu of foreclosure, and the State would offer the deed to the new owner. At the same time, there would be an agreement between the Co-op and whatever entity is established regarding the changing of hands. It would accomplish the same purpose and avoid the restrictions. However, it will cost more, and they are having to evaluate the extra costs.

Mr. Williams clarified that there will be an agreement in lieu of foreclosure.

Ms. Sickle confirmed, adding that there are other costs that would be generated through this process (since not transferring the note, but transferring property).

Mr. Williams expressed concern that there would be long-term implications with foreclosure (e.g.,

credit ratings) that might make the deal worse.

Mr. Elrich emphasized that the City needs to weigh-in with State staff to let them know that we do not want a repeat of the last process. We want the State to be in a “let’s-work-it-out mode”, and for the State to identify the problems with the proposal and give the group an opportunity to make adjustments. He concluded that it is not the proper role of an agency to simply turn people away when it is supposed to help people.

Ms. Sickle agreed that this will be an important piece in the process.

Councilmember Stewart commented that a lot of people are putting a lot of time and energy in this process, for the State to just say “no.”

Moved by Hawkins; seconded by Stewart.

Ms. Porter said that this is a way for the Council to assist with maintaining affordable housing for the homeowners of 7611 Maple Avenue. They have paid off the majority of the loans, and under the current financial situation of the Co-op, it seems that forgiveness of the loans is appropriate to help them maintain ownership of the units.

Resolution #1999-13 was adopted unanimously, providing for the City to forgive the loan balances due to the City from the 7611 Maple Avenue Cooperative, Inc. (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1999-13**  
**(Attached)**

**3. Single Reading Ordinance re: Promotional Process.**

Police Chief Anderson explained the ordinance. Police Departments our size traditionally use outside consultants to conduct promotional processes. It is complex, time consuming and requires a great deal of expertise to ensure that it will withstand scrutiny. The City has used a contractor for this service for many years, and has had successful processes. He commented on the bi-annual promotional process that is required by contract. We included funding for this process in the current budget. Four different sources were solicited for quotes. He gave a brief description of the processes relating to ranks of Corporal, Sergeant and Lieutenant. All quotes were considered responsive, ranging from a high of \$16,500 to a low of \$7,875. Chief Anderson noted that the low quote was from Law Enforcement Products. They have provided this service to the City since the mid-1980's. He explained that the reason the Council has not seen this in the past, is because of the changes to the competitive bidding process. He recommended that the Council approve the use of the contractor, Law Enforcement Products. This is a timely issue. We have already begun by providing materials to candidates, and need to move forward



expeditiously. In the past, there were not a lot of participants in the promotional process. However, this time there are approximately 20 people who will be competing for promotions.

Mr. Rubin said that this is a marvelous thing to do. Money will be well spent going toward addressing on-going problems with retention and morale. He asked for clarification about the statement that we have exhausted the last promotional process.

Chief Anderson responded. Candidates are stratified within lists (best qualified, well qualified, qualified), and are promoted from the lists as vacancies open.

Ms. Porter recognized that the process of promotion in the Police Department is complicated and more regulated than in other areas of City government. We need to comply with agreements and understandings that apply to the department.

Mr. Rubin asked whether this process impacts our accreditation.

Chief Anderson explained that the accreditation requires that we have a promotional process.

Moved by Rubin; seconded by Chavez.

Single Reading Ordinance #1999-9 was adopted unanimously, authorizing the City Administrator to enter into a written contract on behalf of the City of Takoma Park with Law Enforcement Products for the performance of the Police Department Promotional Processes in the amount of \$7,875 (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1999-9**  
**(Attached)**

**ADDITIONAL AGENDA ITEM**

4. Resolution re: Home Depot Wood Sales.

Mr. Elrich noted that this issue was brought to his attention by one of his constituents. He invited a resident to speak.

Robert Frish, Student Environmental Coalition, noted that Mike Taber asked him to be here this evening to speak on this issue. He noted that Home Depot has repeatedly stated that they would move away from old growth forests. They have promised for years and have not come through. He remarked about the various products sold by Home Depot that come from wood harvested in forests that are several hundred years old. Many U.S. companies have gone "old growth" free. He named several companies that have taken on this policy. On St. Patrick's day, there will be demonstrations where information will be provided on this subject and there will be protests of

Home Depot's policy.

Ms. Porter asked whether the City purchases items from Home Depot.

Public Works Team Leader Shafer explained that the material we buy is basically building and plumbing materials, and that we use Hechingers and Home Depot as sources.

Ms. Porter asked if wood products are purchased.

Mr. Shafer responded in the affirmative.

Ms. Porter questioned whether we purchase old growth lumber.

Mr. Frish noted that a lot of plywood (2x4) and other products do come from old growth wood.

Ms. Stewart asked if we know whether other stores that sell lumber are old growth free.

Mr. Frish responded that we do not know, but that people are asking Home Depot to take the lead in this movement. Other companies use old growth wood also.

Mr. Elrich agreed with the idea of targeting Home Depot since it is the leader in the market. He commented that he did not have time to ask staff about the potential impact on the City of restricting purchase from Home Depot.

Ms. Porter pointed out the difference in the intent of the proposed resolution versus a restrictive purchasing effort. The resolution is targeting just one company.

Mr. Elrich said that this is the company that the environmental groups are targeting.

Mr. Frish stated that he would like the City to eventually adopt a more sweeping policy of restricting purchases from any old growth wood selling company.

Mr. Elrich commented that staff will need to explore whether it is feasible to be old growth free.

Moved by Elrich; seconded by Williams.

Terry Seamens, Ritchie Avenue, commented on clear-cut logging, and noted that the U.S. has already lost 96% of its old growth forests. He said that he does not cut down many trees or buy wood products, but noted that wood is incorporated in many different tools and other household implements. Mr. Seamens encouraged the Council to adopt the resolution and have Home Depot urge consumers to recognize preservation. There need to be alternatives to buying wood. He provided an e-mail address (Sharon\_Holland@homedepot.com), phone number and corporate address for Home Depot.

Michael Brown, noted that some people depend on availability of wood to maintain their livelihood (e.g., wood carvings). He commented on the revitalization of Baltimore, and said that this restriction might impede improvements by individual homeowners. Mr. Brown commended the speaker for bringing this issue to the Council's attention, but favored allowing people more latitude.

Ms. Hawkins commended the speaker for coming forward, noting her intent to vote in favor of the resolution. She addressed Mr. Shafer, and asked whether the City will face problems if we stop purchasing from Home Depot.

Mr. Shafer responded that there are other vendors, but that Home Depot and Hechingers are convenient. (The speaker provided Mr. Shafer with a list of alternatives).

Mr. Williams said that we need to be sure that any alternatives to Home Depot are certified as not using old growth forest wood.

Mr. Rubin noted that Mike Taber is a very well known activist in this area of concern.

City Administrator Finn clarified that staff is being asked to look into the products purchased from Home Depot and come back to the Council with an analysis.

Mr. Elrich thanked the Council for considering this item at the last minute.

Ms. Porter noted that she has investments in Home Depot, but does not think that will affect her decision on this issue. She commented that this did come to the Council at the last minute, but that she understands instances where timing can dictate when an item comes forward. She said that while she wishes there had been more time to consider this issue, she is happy to consider it this evening.

Resolution #1999-14 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**RESOLUTION #1999-14  
(Attached)**

**WORKSESSION / ADJOURNMENT**

The City Council moved into Worksession and later adjourned at 11:13 p.m.

**RESOLUTION NO. 1999 - 13**

**Providing for the City to forgive the unpaid loan balances  
due to the City from the 7611 Maple Avenue Cooperative, Inc.**

WHEREAS, the real property located at 7611 Maple Ave., Takoma Park, Maryland 20912 ("the property") is owned by the 7611 Maple Avenue Cooperative, Inc., a limited equity housing cooperative; and

WHEREAS, the 7611 Maple Avenue Cooperative has been experiencing serious financial difficulties and is in default on its loan obligations; and

WHEREAS, in order to avoid foreclosure, the 7611 Maple Avenue Cooperative has been working with the Maryland Department of Housing and Community Development and has reached a tentative agreement to convey the property to the Maryland Department of Housing and Community Development which will then convey the property to a developer; and

WHEREAS, the 7611 Maple Avenue Cooperative and the developer will enter into an agreement providing for the property to be converted to a condominium; and

WHEREAS, the 7611 Maple Avenue Cooperative and the developer have represented to the City that there will be no forced displacement of the current residents of the property, that necessary repairs and improvements will be made to the property, and that every effort will be made to ensure that the purchase price for the condominium units at the property will be affordable to the current residents of the property; and

WHEREAS, the 7611 Maple Avenue Cooperative and the Maryland Department of Housing and Community Development have asked the City to forgive the balance due on two loans that the City made to the Cooperative at the time of the purchase of the property in order to facilitate the transfer of the property and its conversion from a cooperative to a condominium, as set forth above; and

WHEREAS, the Council's goal is to promote affordable home ownership opportunities in the City and the proposed conversion of 7611 Maple Avenue to condominium housing appears to offer the current residents of the property a realistic opportunity for affordable home ownership; and

WHEREAS, the Council is willing to forgive the balance due from the 7611 Maple Avenue Cooperative on the two City loans because the Council believes that such loan forgiveness will make it more likely that the property can be successfully redeveloped as condominium housing affordable to the current residents of the property; and

WHEREAS, if the Maryland Department of Housing and Community Development, Community Development Administration, the holder of the first and second Purchase Money Deeds of Trust secured by the property, proceeds with a foreclosure sale of the property, then the Deed of Trust evidencing the City loans (which is the fifth lien on the property) will be extinguished by the foreclosure sale; and

WHEREAS, on October 26, 1998, the Council passed Resolution No. 1998-52 forgiving the balance due from the 7611 Maple Avenue Cooperative on the two City loans and providing for a Payment in Lieu of Taxes ("PILOT") Agreement between the City and the 7611 Maple Avenue Cooperative; and

WHEREAS, the Maryland Department of Housing and Community Development rejected the 7611 Maple Avenue Cooperative's prior plan to restructure the debt on the property and continue as a limited equity housing cooperative, thereby rendering the provisions of Resolution No. 1998-52 moot.

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

RESOLVED THAT Resolution No. 1998-52 is hereby rescinded.

RESOLVED THAT the City of Takoma Park forgives the remaining balance due from the 7611 Maple Avenue Cooperative, Inc., in the approximate amount of \$10,600.00, on two loans made on March 12, 1992, and secured by a Deed of Trust on the real property at 7611 Maple Ave., Takoma Park, MD 20912; one loan in the original amount of \$40,000.00 and the other loan in the original amount of \$15,000.00;

PROVIDED, HOWEVER, THAT the City's loan forgiveness may be rescinded by a subsequent Council resolution in the event that the Maryland Department of Housing and Community Development, the 7611 Maple Avenue Cooperative, and a mutually-agreed upon developer are unable to reach an agreement providing for the property ultimately to be deeded to the developer for the purpose of making necessary repairs and improvements and redeveloping the property to condominium housing affordable to the current residents of the property.

FURTHER RESOLVED that the Mayor is authorized to execute the necessary documents to accomplish the loan forgiveness as set forth in this Resolution.

**THIS RESOLUTION IS ADOPTED THIS 15TH DAY OF MARCH, 1999.**

Aye: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams  
Nay: None  
Abstain: None  
Absent: None

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Introduced by: Councilmember Elrich

**RESOLUTION #1999-14**

**EXPRESSING CONCERN OVER THE ENVIRONMENTAL IMPACTS OF HOME DEPOT'S SELLING WOOD FROM OLD GROWTH AND HEADWATER FORESTS, AND TROPICAL RAIN FORESTS**

- WHEREAS,** the City of Takoma Park supports efforts to preserve and protect our environment; **AND**
- WHEREAS,** the City of Takoma Park recognizes the importance of having strong environmental laws at all levels; **AND**
- WHEREAS,** the City of Takoma Park is a Tree City and recognizes the importance of preserving existing forests; **AND**
- WHEREAS,** the City of Takoma Park has enacted local legislation designed to protect our Urban Forest; **AND**
- WHEREAS,** the City of Takoma Park recognizes that the problems of protecting forests are not just local, but are global in scope; **AND**
- WHEREAS,** the City of Takoma Park recognizes the link between preserving our forests and ending environmental degradation and destruction of habitat throughout the world; **AND**
- WHEREAS,** Home Depot is the leading national hardware and lumber supply company in the Washington DC area; **AND**
- WHEREAS,** negotiations with Home Depot since 1992 have failed to convince them to phase out their sale of old growth timber and wood products obtained from rain forests and headwater forests throughout the world despite pledges to do so; **AND**
- WHEREAS,** the City Council's of Madison, Wisconsin and Logmont, Colorado have voted to delay construction of Home Depots until the company changes their policies regarding their wood product sources; **AND**
- WHEREAS,** environmental groups have designated Saint Patrick's Day, March 17th, as a day of national protest against Home Depot, including protests at the five Home Depot stores in the Washington area.


**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Takoma Park expresses its support for the national campaign, and the day of protest, to get Home Depot to change its policies regarding the sale of old growth and tropical rain forest products; **AND**

**BE IT FURTHER RESOLVED THAT** the City of Takoma Park will make its opposition to Home Depot policies known to the President and CEO of Home Depot, Arthur Blank, and urges other concerned citizens to do the same; **AND**

**BE IT FURTHER RESOLVED THAT** the City Council of Takoma Park directs staff to look into our business relationship with Home Depot and determine the availability of alternative sources for the products that we may be obtaining from Home Depot currently.

**ADOPTED** this 15<sup>th</sup> day of March, 1999.

**ATTEST:**

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

Introduced by: Councilmember Rubin

Adopted: 3/15/99

**ORDINANCE NO. 1999-9**

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

**WHEREAS**, proposals for the conduct of the Police Department Promotional Process for the ranks of Police Corporal, Sergeant, and Lieutenant were solicited from four (4) qualified consulting firms; AND

**WHEREAS**, four responsive proposals were received, including a proposal from Law Enforcement Products, Mitchellville, Maryland; AND

**WHEREAS**, after evaluating the proposals, it was determined that the proposal submitted by Law Enforcement Products in the amount of \$7,875 is responsive, acceptable, and least costly, AND

**NOW, THEREFORE, BE IT ORDAINED THAT** the City Administrator is hereby authorized to enter into a written contract on behalf of the City of Takoma Park with Law Enforcement Products for the performance of the Police Department Promotional Processes in the amount of \$7,875.

**BE IT FURTHER ORDAINED THAT** moneys to fund this contract in the amount of \$7,875 are in the approved FY 99 Budget with the entire amount to be charged to Police Department account 2000-2100-6140.

Adopted this 15<sup>th</sup> day of March 1999

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

**NAY:** None

**ABSTAIN:** None

**ABSENT:** None

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

**Monday, March 29, 1999**

**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

Assistant City Administrator Hobbs

City Clerk Sartoph

Public Works Team Leader Shafer

Community Development Coordinator Sickle

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 Rubin noted that he attended a meeting in Ward 1 this morning on the campus of Montgomery College, along with Randy Boehm, Lorraine Pearsall and Suzanne Ludlow. He commented on several topics of interest. The plans for expansion of the college are getting better and better, and the expansion is going to serve our community well. Participants at the meeting discussed that Metro decided not to surplus a certain piece of property that was going to be used as part of this plan. Instead, Metro was going to sell the property as an industrial site. As of two hours ago, it was learned that Metro changed their mind and are now going to sell to the college. The college wants to reiterate that they consider their relationship with the City to be among one of their top priority relationships. We all want this relationship to flourish. He noted that City Administrator Finn was unable to be at the meeting today because he is out of town on the sad occasion of a death in his family.

Councilmember Hawkins extended "goodbye" wishes to Terry Reed, noting that he has worked very hard in his capacity as the coordinator on Lee Avenue. Ms. Hawkins said that she is very thankful for his help and sorry to see him leave the City.

Mr. Rubin remarked that the City is very proud of the fact that our cable operators have won a



“Communicator Award” which is part of a national recognition program. He named several persons who are due a great deal of thanks, and extended thanks to everyone involved in our Cable station.

Mayor Porter mentioned that this morning we had our second annual celebration of Community Development Block Grant Week. The event was held at the Essex House which in the past, received CDBG funds for a computer center for children residents. She stated that she was pleased to have Congressman Al Wynn, as well as four members of the County Council in attendance. The event was a success.

### **ADDITIONAL AGENDA ITEMS**

Ms. Porter added a resolution to the end of the regular meeting agenda.

### **CITIZENS' COMMENTS**

Benjamin Onyeneke, Maple Avenue (Generation X), commended President Clinton on his actions overseas in response to the Yugoslavian government. He remarked about the new building for UDC. Mr. Onyeneke supported Governor Glendening in his efforts to prohibit discrimination in the workplace, and urged the Governor to legalize use of marijuana for medicinal purposes. He recalled the comments of Mr. Ghoul several weeks ago about his experience in trying to obtain a tree permit from the City, and said that he has since investigated the claims that Public Works Team Leader Shafer lobbied in the neighborhood against Mr. Ghoul's request for a tree permit. Mr. Onyeneke concluded that the accusations were true.

Charles Martin, Kansas Lane, cited from a newspaper article regarding the inappropriate cutting of trees in the Pine Crest neighborhood. He noted that last September, a similar incident occurred involving a tree in front of his home, and that on the day his tree was trimmed he witnessed the crews cutting the tree. Mr. Martin cited from a “Dr. Gridlock” article of March 1999. He asked if trees have less protections than hedges. He suggested that homeowners be consulted about the vegetation on their property.

Ms. Porter clarified that she has taken a look at Mr. Martin's tree and agrees with his concerns. Public Works has agreed to re-trim the tree so that it will be back to a symmetrical shape.

Mr. Martin said that he looks forward to an apology from the trimming company and compensation.

Issa Ghoul stated that he has yet to get an answer from the City regarding his tree permit applications.

Ms. Porter said that his request went before the Tree Commission last week.

Mr. Ghoul said that a City inspector went to the door of a neighbor a few weeks ago and suggested that the resident appeal the request. He remarked that he will hold the City responsible for all damages. He restated that the City inspector said that he (Mr. Ghoul) would never do business in this City. Mr. Ghoul noted that he has spoken with the Mayor about his concerns on three occasions, and alleged that the City has not investigated his concerns.

Ms. Porter concurred that she has spoken to him on three occasions, and that during one discussion she explained that a tree protection plan would be needed. The plan has been completed, and the case has gone to the Tree Commission. A ruling will be provided by the commission.

Mr. Ghoul said that other people have taken down trees without a protection plan. He asked why he is being treated differently. The Tree Commission has been deliberating for over 11 days. He stated that he is requesting to remove 40 trees from his own property.

Ms. Porter invited Mr. Ghoul to come and discuss his concerns with her at another time. She requested that he lower his voice.

Mr. Ghoul responded that he wants the City Council to investigate what has happened with his applications and fees.

Ms. Porter thanked him for his comments, repeating that she would be happy to meet with him at another time.

## **PUBLIC HEARING**

### **1. Revenue Generating Advertisements -- Bus Shelters (Culver & Associates Proposal).**

The public hearing was called to order at 7:53 p.m.

Benjamin Onyeneke, Maple Avenue (Generation X), supported the proposal for shelters with advertisements. However, there are too many juveniles in Ward 4 who may loiter and potentially harass residents in the areas of the bus shelters. The shelters are for people using public transportation. He urged the parents of Ward 4 to be made aware of the youth who are harassing residents in the vicinity of bus stops on Maple Avenue. This is a good idea; however, we have some work to do in terms of managing loitering. Mr. Onyeneke said that police officers are doing their jobs in Ward 4 when it comes to controlling loitering of young people. Families and parents should be held responsible for their children. He referred to the Montgomery County legislation regarding loitering.

Wendy Taylor, 6833 Eastern Avenue, said that she moved to Takoma Park in October 1998, and expressed opposition to the proposal. She commented on the community and the apparent attention to open space, residential areas, historic preservation and business communities. She remarked about preservation of community livability and about the assessments of gateways to the City. However, the consideration of bus shelters does not fit in with the other values of the City. Public advertisements are a blight, in and of themselves. These shelters would be a blatant act of commercialization. She said that the City will not be able to micro-manage the ads in the shelters. From recent court cases, she understands that the City may not be able to censor what is advertised. Ms. Taylor questioned the legality of restricting advertisements. She commented that she can appreciate the revenue side of the proposal, but that she would encourage the Council to not go with the proposal.

Ms. Porter asked whether Ms. Taylor has looked at the test shelters in the City.

Ms. Taylor responded in the negative.

Ms. Porter noted the two sites, and suggested that Ms. Taylor visit the sites.

Erwin Mack, Takoma Langley Crossroads Authority CDA, joined in part, the objection to additional commercialism, but said that he was forced to temper objection with the understanding that Metro riders need shelter. Where there are shelters or bus stops, there has been little maintenance for years. He remarked about the decay of the structures at bus stops. The improvement of the bus stop sites outweighs the concern about advertisements. Mr. Mack noted that the Board of the CDA sent a letter to the Council favoring the contracting of a company that would maintain the shelters on a daily basis. He referred to Attachment 1 of the agenda item, and noted a couple of street names that are misspelled (i.e., Kirkland and Anne). He said that he would hope that the value to the people waiting in snow and rain would overcome the temporary unsightliness that may occur as a result of the shelters having advertisements.

Lorraine Pearsall, President of Historic Takoma, said that she would like some clarification about the locations of the shelters. It appears as though some shelters are planned for Takoma Junction and Old Town, and that it is a matter of design at this point. She remarked that it was her understanding that the shelters were not going to be placed in the Historic District.

Ms. Porter said it was also her understanding that shelters would not put in Old Town or Takoma Junction.

Public Works Team Leader Shafer confirmed her statement.

Ms. Porter explained that in general, predominantly residential areas and Old Town/Takoma Junction would not be considered for shelter sites. She noted some of the major areas that are being proposed.

Ms. Pearsall asked whether all of the sites are outside of historic districts.

Ms. Porter said that she is not certain, but believes that this is the intention.

Councilmember Williams noted one site that has been eliminated from the list that would have been in a historic district.

Ms. Pearsall requested that Historic Takoma be involved in the discussion of sites. She suggested that the Economic Development Committee might also be interested in discussing this issue.

Ms. Porter restated that the current understanding is to not put shelters in historic districts, Old Town or Takoma Junction.

Mr. Rubin said that he has received a number of calls on this issue, and that he has stated the same understanding. The list of proposed sites includes 16 locations that are in historic areas.

Ms. Porter questioned which list (Attachment 1 or 2) Mr. Rubin is referring to.

Mr. Rubin responded that he is referring to both.

Ms. Porter clarified that the Council is only considering the sites listed on Attachment 1 at this point.

Mr. Rubin noted the Chicago/Philadelphia site on Attachment 1.

Councilmember Stewart pointed out that this would be a replacement shelter.

Mr. Rubin agreed, but said that the new shelter would have advertising.

Mr. Shafer commented that on the list (Attachment 1), there are some sites that are within historic district boundaries, because originally, it was thought that "historic district" was being used as a reference to Old Town and Takoma Junction. Culver & Associates was asked for a proposal based on that understanding.

Ms. Porter noted that she has heard a general concern about these types of shelters in historic districts.

Mr. Rubin commented that there might be sites within historic districts that would be appropriate (e.g., shelter at corner of Philadelphia and Maple).

Mr. Shafer questioned the appropriateness of a shelter at Chicago and Philadelphia.

Ms. Pearsall noted that this would also be in a historic district.

Councilmember Hawkins noted that community kiosks have been slated for two sites, but noted that neither are slated for Ward 4.

Mr. Shafer explained that the first phase was to focus on bus shelters. All sites listed in Attachment 1 are for shelters with the exception of two, where it is noted that they could be kiosks.

Ms. Hawkins said that she would like this option to be extended to all sites in Ward 4. How much space could the City (either by contract or quid-quo-pro) use for public notices?

Jim DiLuigi, Central Avenue, noted that he serves on the committee for community development and that the committee has discussed this issue. Some concerns were mentioned at a previous meeting, and the committee later held a meeting with the representatives from Culver & Associates. He said he is quite pleased with their knowledge of maintaining the shelters and plans for placing advertisements. The shelters will benefit the community. He remarked about a poor example of a bus shelter that is located in front of the Sunoco station (outside of the City). Much better examples are on New Hampshire Avenue--the Culver & Associates test shelters. Mr. DiLuigi said that he is a bit concerned about the control over certain types of advertisements, and recognized the difficulty in judging "good taste." Regarding historic areas, he pointed out that he is a business and property owner in the Junction, and that he does not personally believe that a shelter adjacent to the Co-op would be objectionable or infringe on the character of the Junction. It would be a service to the community to have a shelter at this location. He asked Historic Takoma to carefully consider their position.

Terry Seamens, President of Ritchie Citizens Association, supported Ms. Hawkins' request for information kiosks in Ward 4. There are many residents without vehicles who walk the streets as a means of transportation. Many do not have access to Internet. The information kiosks would be appreciated. In response to Mr. Onyeneke's concern, he would encourage the installation of a few park benches which young people can hang-out.

Mr. Mack said that it is a great thing when citizens can disagree, agreeably. He stated the view that Takoma Park is larger than Takoma Junction and Old Town, and invited persons to come to the CDA area and comment on things that they do not like. He noted that there are other areas in the City that are not sightly. Takoma Park is a much larger City than just Old Town or the Junction.

Ms. Pearsall stated that Historic Takoma loves the City in its entirety, but that their role has them linked unavoidably with Old Town and the Junction. She said that she is concerned about the City as a whole, and noted that she is working on the development committee. In response to Mr. Seamens' comments about kiosks, people are concerned about the advertising aspect of kiosks in the historic district.

Ms. Porter thanked Ms. Pearsall for her offer to work with the City on this issue, and invited her to talk with Willis Shafer.

Mr. Onyeneke said that he is skeptical about the kiosks being discussed for Ward 4. In regards to children, his only concern is about their well being. Kiosks are nice things to do, but the City should not encourage children to be in conjugate in public places (e.g., around shelter, kiosks and park benches). He suggested that emergency phones be installed on Maple Avenue.

The public hearing was closed at 8:23 p.m.

## **REGULAR MEETING**

### **2. Resolution re: Arbor Day.**

Ms. Porter described the resolution. Moved by Williams; seconded by Hawkins

Catherine Tunis, Chair of Committee on the Environment, said that this is the 7th year that the committee has hosted these activities, and noted that Woodsie the Owl will also be present.

Ms. Hawkins recognized that the Ritchie Citizens Association will be busy the day before bagging seedlings for the give-away.

Ms. Porter added that they will be joined by the Committee on the Environment.

Councilmember Chavez asked what kinds of trees will be given away.

Ms. Tunis noted 11 different types of seedlings.

Ms. Stewart noted that Ms. Tunis saved her a seedling last year and that it has thrived. It is a red bud.

Resolution #1999-15 was adopted unanimously, supporting Arbor Day in Takoma Park (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

### **RESOLUTION #1999-15 (Attached)**

### **3. Resolution re: National Community Development Week.**

Ms. Porter described the resolution, and noted that it was read at the event this morning.

Moved by Hawkins; seconded by Williams.

Ms. Hawkins apologized because she had planned to speak at this morning's event but was called out of town unexpectedly. She remarked about the community development program, and expressed excitement about the President's initiatives through HUD in this area.

Resolution #1999-16 was adopted unanimously, recognizing National Community Development Week and the success of the Community Development Block Grant Program (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

**RESOLUTION #1999-16  
(Attached)**

**4. Resolution re: Y2K Citizens Advisory Committee.**

Ms. Hawkins moved the resolution with an amendment to add Joyce Seamens to the membership. Seconded by Williams.

Ms. Porter explained that the committee came before the Council a month ago and asked for funding. The Council thought that the best way to offer assistance was to make the committee a council-sponsored committee.

Mr. Williams noted that they put on a very good program last week.

Mr. Chavez commented that a couple of weeks ago, a book appeared on his door step regarding the Y2K Bug.

Mr. Seamens said that he believes the publication was put out by the Lee Avenue Citizens Association. It is a very nice publication. The Y2K Committee is trying to get in touch with the Lee Avenue association about working together on this topic.

Ms. Hawkins remarked that she has encouraged them to work with the Y2K Citizens Advisory Committee.

Mr. Rubin thanked the committee for their work.

Mr. Seamens thanked Mr. Williams for attending the meeting last week.

Ms. Hawkins thanked the committee for the Y2K toilet paper (item for the "preparedness kit").

Ms. Porter said that it is a good point, that people should be prepared for potential problems (e.g., power outages), whether caused by Y2K computer problems, thunderstorms, ice storms, etc.

Mr. Onyeneke remarked about the computer virus "Melissa", saying that residents will suffer in the Year 2000, until people begin to respect him as a prophet. He welcomed "Melissa" to interfere with Internet e-mail.

Resolution #1999-17 was adopted unanimously, establishing the Y2K Citizens Advisory Committee as a non-statutory, Council-sponsored committee and effecting initial appointments (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

**RESOLUTION #1999-17  
(Attached)**

**ADDITIONAL AGENDA ITEM**

**5. Resolution re: State Legislation regarding Discrimination based on Sexual Orientation.**

Mr. Williams explained the resolution. He noted that the City has these protections in place. These State laws would extend the protections that are currently held by only half of the jurisdictions in the State, to the entire state. He moved the resolution; seconded by Stewart.

Mr. Rubin commented that it is very timely to pass the resolution, not just because of the hearings coming up but also because of the tragedy in Wyoming. Maryland should do everything possible so that should something happen here, it is absolutely clear that our community and state does not allow such discriminatory actions.

Councilmembers Chavez and Hawkins agreed.

Resolution #1999-18 was adopted unanimously, supporting SB138/HB315 Human Relations Commission-Jurisdiction-Sexual Orientation, and SB139/HB969 Crimes-Gender & Sexual Orientation Crimes-Prohibitions (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

**RESOLUTION #1999-18  
(Attached)**

Ms. Porter suggested that the resolution be conveyed to the state legislature as soon as possible.

Mr. Williams stated that he has arranged to have it faxed in the morning.

**WORKSESSION / CLOSED SESSION / ADJOURNMENT**

The Council moved into Worksession. Following the Worksession, the Council voted to convene



in Closed Session on Thursday beginning at 7:30 p.m. to discuss items related to union negotiations.

The Council adjourned for the evening at 11:30 p.m.

**Introduced by: Councilmember Williams**

**RESOLUTION #1999-15**

**SUPPORTING ARBOR DAY IN TAKOMA PARK**

**WHEREAS,** the environment is important to the residents of Takoma Park; **AND**

**WHEREAS,** the Committee on the Environment, a City Council appointed body of City residents who advise the City on developing programs and administrative practices that are environmentally responsible, have organized a special event to celebrate Arbor Day; **AND**

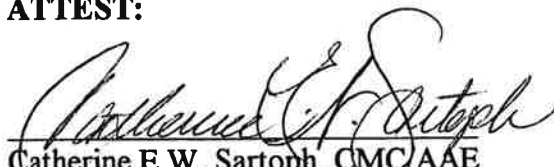
**WHEREAS,** this event encourages the local community to participate; **AND**

**WHEREAS,** Arbor Day will be celebrated Saturday, April 10th at the Takoma Park Library from 10 AM to 3 PM, and will include the distribution of free tree saplings, answers to tree questions provided by Tree Doctors and a special visit from Woodsy Owl.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park supports and encourages the local environmental celebration of Arbor Day on Saturday, April 10th.

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

**ATTEST:**

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

Introduced by: Councilmember Hawkins

**Resolution No. 1999-16**

**A resolution recognizing National Community Development Week and the success of the Community Development Block Grant Program.**

**WHEREAS,** the week of March 29-April 4, 1999 has been designated as National Community Development Week, in recognition of the myriad of social service, economic development, and housing programs funded under the Community Development Block Grant program (CDBG); **AND**

**WHEREAS,** in this community, as well as communities throughout the nation, twenty-five years of CDBG program funding has developed a strong network of relationships between local government, residents and the non-profit agencies that provide services to help make possible our commitment to meet community needs; **AND**

**WHEREAS,** this community recognizes that the CDBG program is a partnership of Federal, state, and local government, business, non-profit and citizen efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local non-profit organizations, relies heavily on the dedication of and good will of our combined efforts;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT DURING** National Community Development Week 1999, this community will give special thanks and recognition to all participants whose hard work and devotion to our neighborhoods help insure the quality and effectiveness of the Community Development Block Grant program, and that this community petition the U. S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program, and of its vital importance to the community, and that copies of this resolution be conveyed to the appropriate elected and appointed officials of the Federal government and that this community's name be added to the roll of those committed to the preservation and full funding of the Community Development Block grant program and maintenance of its essential features over the course of the next session of Congress. Further, that the work of the members of Takoma Park's Community Advisory Committee is acknowledged.

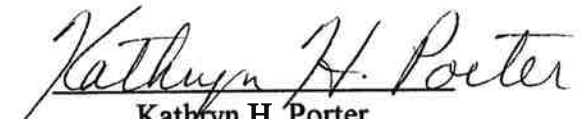
Community Advisory Committee

Dan Robinson, Chair  
Mary Stover  
Menchu Martinez  
Sandra Fillippi

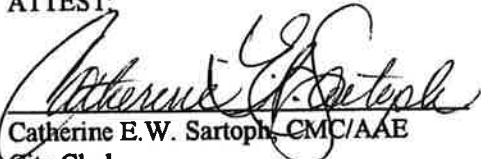
Frank Farley  
Alison Martin  
Lee Feldstein  
Gregory Cichy

Howard Kohn  
Rudy Arredondo  
Kimichelle Burton-Boseman

Adopted this 29th day of March 1999.

  
Kathryn H. Porter  
Mayor

ATTEST:

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

Introduced by: Councilmember Hawkins

**RESOLUTION #1999-17**

**ESTABLISHING THE Y2K CITIZENS ADVISORY COMMITTEE AS A NON-STATUTORY, COUNCIL-SPONSORED COMMITTEE AND EFFECTING INITIAL APPOINTMENTS**

- WHEREAS,** in January 1999, interested citizens formed a committee to educate the Takoma Park community about possible ramifications of the Year 2000 computer crisis; **AND**
- WHEREAS,** members of the community met and defined the committee's purpose as the collection and dissemination of information, response to public inquires, organization of local events and suggestions regarding strategies for coping with any problems the Y2K computer bug may present; **AND**
- WHEREAS,** the committee has held several meetings, including a one larger, advertised informational meeting aimed at heightening public awareness of the Y2K issue, and has plans for future public meetings and publication of educational literature; **AND**
- WHEREAS,** the City Council feels that the efforts of the Y2K Committee have been helpful to the community and wants to assist in these efforts; **AND**
- WHEREAS,** the best way to accomplish this is to make the Y2K Committee a Council-sponsored committee.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby establishes the Y2K Citizens Advisory Committee as a non-statutory, Council-sponsored committee, with the following initial member appointments:

Linda Rabben, Chair	402 Lincoln Avenue
Terry J. Seamens, Secretary	149 Ritchie Avenue
Karin Anderson, Treasurer	7007 Woodland Avenue
Lisa Buchsbaum	8317 Roanoke Avenue, #3
Ellen H. Ensel	8319 Roanoke Avenue, #3
Nellie Moxley	6411 Eastern Avenue
Joyce Seamens	149 Ritchie Avenue


**BE IT FURTHER RESOLVED THAT** the committee shall have the authority to make all future appointments to its membership providing that the Council is notified of an appointment within 30 days of its effective date; **AND**

**BE IT FURTHER RESOLVED THAT** future requests for funding and/or use of City resources shall be directed to the City Administrator; **AND**

**BE IT FURTHER RESOLVED THAT** a review of the Y2K Citizens Advisory Committee's activity shall be conducted in January 2000, and the Council will decide at that time whether its status as a Council-sponsored committee will extend beyond that date.

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

**ATTEST:**

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

Introduced by: Councilmember Williams

**RESOLUTION #1999-18**

**SUPPORTING SB 138/ HB 315 HUMAN RELATIONS COMMISSION-JURISDICTION-  
SEXUAL ORIENTATION, and SB139/ HB 969 CRIMES-GENDER & SEXUAL  
ORIENTATION CRIMES-PROHIBITIONS**

**WHEREAS,** the Maryland Senate Judicial Proceedings Committee is considering a bill, SB 138, to add sexual orientation to state law already prohibiting discrimination in housing, employment and public accommodations based on race, creed, sex, age, color, national origin, marital status, and mental or physical handicap, and allowing a person to sue for remedies described in a different part of state law; **AND**

**WHEREAS,** the Judicial Proceedings Committee is also considering a bill, SB 139, which would add sexual orientation and gender to existing state law that adds additional penalties for crimes motivated by race or religion (hate crimes); **AND**

**WHEREAS,** the Maryland House of Delegates has already passed HB 315 and the House Judiciary Committee has passed HB 969; **AND**


**WHEREAS,** both these bills were introduced as part of Governor Glendening's administration package of bills; **AND**

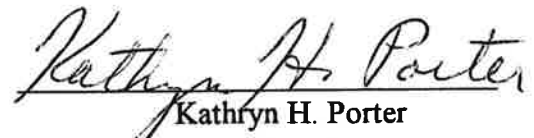
**WHEREAS,** the City of Takoma Park already prohibits such discrimination and provides for penalties for hate crimes based on sexual orientation and gender, and believes that all residents of Maryland should enjoy such protections,

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park urges the Judicial Proceedings Committee and the full Maryland Senate to pass SB 138 and SB 139 and it urges the Maryland House of Delegates to pass HB 969.

**Adopted** this 29<sup>th</sup> day of March, 1999.

**ATTEST:**

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

  
Kathryn H. Porter  
Mayor