

**PUBLIC HEARING, SPECIAL SESSION, WORKSESSION & CLOSED SESSION
OF THE CITY COUNCIL**

Tuesday, June 1, 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

Planning Coordinator Ludlow

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

Mayor Porter explained that there will not be a public hearing on the constant yield tax rate this evening. The City has been informed by the State that the notice we published advertising the subject of the hearing was "too informative" and that we must re-advertise the hearing. The hearing will have to be rescheduled.

City Clerk Sartoph noted that the notice will have to be published pursuant to the legal requirements, and that to meet the notice requirement, the hearing cannot occur prior to June 14th.

Ms. Porter announced that the hearing will be conducted on June 14th, and that the Council will consider adoption of the budget ordinances at second reading on that evening. The Council will still take-up first readings of the budget ordinances tonight. Persons here this evening who want to speak on the tax rate may do so at the time the first reading ordinance regarding the City's tax rate is discussed.

PUBLIC HEARING

1. Abandonment of Wabash Court.

Planning Coordinator Ludlow explained the history of this property. Wabash Court goes through three properties, one of which is owned by Mr. Stinson who would like to develop the property as a single-family home (part of the arrangement for development of this area). He needs to have the section of the court that abuts his property abandoned to allow him to build. The proposal is to abandon the entire right-of-way.

Ms. Porter remarked that the City would be happy to abandon the court, since the City purchased some of the adjacent lots to preclude development that would have been facilitated by the existence of Wabash Court.

Benjamin Onyeneke, Maple Avenue, remarked about the possible consequences of abandoning the court. He suggested that the single family home that the owner is trying to develop, could be developed by the City as a juvenile rehabilitation home where counseling could be made available. He urged the Council to not abandon the property. The City needs public space. He reminded the Council that we are currently looking for land to develop the new community center.

The public hearing was closed at 7:43 p.m.

Ms. Porter explained that the abandonment of Wabash Court does not affect the ownership of adjacent land since most of the land is owned by the City. Only one lot is owned by another entity.

2. Constant Yield Tax Rate.

Postponed until June 14th.

SPECIAL SESSION

3. 1st Reading Ordinance re: FY00 Storm Water Management Fee.

The Council convened as the Stormwater Management Board. Moved by Hawkins; seconded by Williams.

Moved by Chavez; seconded by Stewart.

Ordinance #1999-14 was accepted unanimously (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

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

4. 1st Reading Ordinance re: FY00 Storm Water Budget.

Councilmember Williams noted a small editorial change to the title (change "FY99" to "FY00"), and moved the ordinance; seconded by Stewart.

Mr. Williams referred to Section 4 of the ordinance where personal services and operating expenses are broken out. He asked whether future changes to the personal services figure will require changes to the budget and changes to the rate.

Ms. Porter acknowledged the point, adding that she would assume that the Council does not have to change the rate unless it decides an adjustment is needed.

City Administrator Finn confirmed that the rate would not have to be adjusted every year.

Ms. Porter noted that the total amount of revenues expected and total expenditures expected are \$216,000. She explained the increase in the fee.

Ordinance #1999-15 was accepted unanimously (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

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

5. 1st Reading Ordinance re: FY00 Tax Rate.

Moved by Williams; seconded by Chavez.

Ms. Porter noted that the Council has not yet held the required constant yield tax rate public hearing related to this item, but will do so prior to second reading of the ordinance.

Benjamin Onyeneke, Maple Avenue, suggested that the Council wait until the public hearing before considering the ordinance at first reading.

Ms. Porter stated that the Council can accept the ordinance at first reading and need only wait to consider adoption of the ordinance until after the hearing.

Mr. Onyeneke supported acceptance of the ordinance.

Ms. Porter noted that the proposal is to adopt the same tax rate for fiscal year 2000 as is for the current fiscal year (i.e., \$1.58 per \$100 assessment).

Ordinance #1999-16 was accepted unanimously (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

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

6. 1st Reading Ordinance re: FY00 City Budget.

Ms. Porter explained the ordinance, noting total expenditures and revenues.

Moved by Rubin; seconded by Williams.

Mr. Williams noted a correction to the spelling of "License" in Section 1.

Ordinance #1999-17 was accepted unanimously (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

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

Ms. Porter noted that second readings of the budget ordinances will be held on June 14th.

7. 1st Reading Ordinance re: Abandonment of Wabash Court.

Ms. Porter explained the ordinance. The Council has received a fair amount of information related to this item. The City purchased the adjacent land to be preserved as open space, consequently eliminating the need for development of the right-of-way.

Mr. Williams received clarification about the access route to Mr. Stinson's property. He asked how Lot 28 (Mr. Stinson's property) was going to be developed originally without abandonment of Wabash Court.

Scott Stinson, Owner of Lot 28, displayed a drawing that showed the original development proposal that was later followed by a record plat. While it has been stated that without Wabash Court abandonment the lot cannot be developed, it could be developed even if the court is not abandoned.

Mr. Williams referred to the list of persons notified of the hearing, noting the absence of an addressee at 8326 Roanoke. He asked whether the property is vacant.

Ms. Ludlow responded that we did not know the name of the property owner, but that notice was sent to the property address.

Councilmember Stewart complimented staff on the preparation of this agenda item. The packet item was extremely complete and easy to read.

Ms. Porter recalled that the intention in platting Wabash Court was to provide access for development, and now that the City has purchased the land and established it as Open Space, abandonment only removes unrealistic expectations that the court may some day be used as a right-of-way.

Moved by Stewart; seconded by Williams.

Ordinance #1999-18 was accepted unanimously (VOTING FOR: Porter, Chavez, Hawkins, Rubin, Stewart, Williams; ABSENT: Elrich).

ORDINANCE #1999-18
(Attached)

WORKSESSION / CLOSED SESSION

The Council moved into Worksession and later convened in Closed Session. Following the Closed Session, the Council adjourned for the evening.

Closed Session 6/01/99 - Moved by Rubin; seconded by Hawkins. Council voted unanimously to convene in Closed Session at 8:45 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Chavez, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Hawkins. STAFF PRESENT: Finn, Hobbs, Sartoph, Silber. (1) The Council received a briefing on the status of pending litigation. No action was taken. (NOTE: Silber left following this discussion.) (2) The Council received a briefing on the proposed new pay plan, and gave okay to City negotiator to present the plan to the union negotiators. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (9)).

Introduced by: Councilmember Chavez

First Reading: 6/1/99

Second Reading:

Ordinance No. 1999-14

Establishing the Fiscal Year 2000 Base Rate for the Stormwater Management Fee

WHEREAS, on June 10, 1996, the Council passed Ordinance No. 1996-15 adding a new Chapter 10D, Stormwater Management Fee System, to the *Takoma Park Code* and providing for a storm water management utility fee system based on the amount of runoff from each property to fund the costs of storm water management in the City; **AND**

WHEREAS, all developed property in the City, including property owned by non-governmental tax-exempt entities, contributes to runoff and either uses or benefits from the storm water system; **AND**

WHEREAS, a storm water management fee, which is a utility charge for services and not an *ad valorem* tax, will provide for a fair and equitable contribution from the owners of developed property to the City's storm water management program and to the costs of operating, maintaining, and improving the City's storm water system and will inure to the benefit of all citizens of the City; **AND**

WHEREAS, state law provides that the City may not impose a storm water management fee on government-owned property which is used for public purposes; **AND**

WHEREAS, the storm water management fee is calculated using a base unit (which is sometimes referred to as an "equivalent residential unit" or "ERU") which represents the median impervious surface area of a typical single family residence in the City; **AND**

WHEREAS, the base unit, *i.e.*, the median impervious area of single family residential properties in the City, has been established at 1,226 square feet; **AND**

WHEREAS, the base rate for the storm water management fee is the annual (fiscal year) charge for one base unit; **AND**

WHEREAS, the storm water management fee for single family residential properties in the City will be a fixed yearly fee equal to the base rate; **AND**

WHEREAS, the storm water management fee for other developed property in the City will be calculated by multiplying the number of base units of impervious area of the property by the base rate; **AND**

WHEREAS, “other developed property” is all property other than single family residential property in the City which has more than 409 square feet (one-third of the base unit) of impervious surface area, except property that is used for public purposes and is owned by the State of Maryland or an agency or unit of the State, by a County, by the City, or by a volunteer fire department.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, SITTING AS THE STORMWATER MANAGEMENT BOARD FOR TAKOMA PARK.

SECTION 1. The base rate for the storm water management fee for fiscal year 2000 (July 1, 1999 to June 30, 2000, both inclusive) is \$28.68. The base rate shall remain constant at \$28.68 for future fiscal years or until such time as the Stormwater Management Board effects a change in the level of the base rate. The base rate shall be used to calculate the storm water management fee for other developed property in the City as provided by Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*). The storm water management fee for fiscal year 2000 shall be billed to the owners of single-family residential property and other developed property in the City as provided in Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*).

SECTION 2. This Ordinance shall be effective upon adoption.

Adopted this — day of June, 1999 by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Williams

1st Reading: 6/1/99

2nd Reading:

Ordinance No. 1999-15

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 00 BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, Article XII, Section 1201 of the Takoma Park City Charter states that the Council shall, by ordinance, be designated the Storm Water Management Board for Takoma Park with all the powers therein; **AND**

WHEREAS, Section 4-204(d), Environment Article of the Annotated Code of Maryland authorizes the adoption of a system of charges for storm water management programs by the City; **AND**

WHEREAS, Article XII, Section 1205 of the Takoma Park City Charter (as amended by Charter Resolution 1996-21) states that the Storm Water Board is empowered to charge and collect storm water utility fees or user charges in order to raise sufficient annual revenue to pay for storm water management activities in the City; **AND**

WHEREAS, the Storm Water Management Board desires to maintain a Storm Water Management Fund for the collection and payment of revenues and expenditures as it deems necessary to provide for the construction, maintenance, operations and repair of the storm water drainage system in the City.

NOW THEREFORE BE IT ORDAINED BY THE STORM WATER MANAGEMENT BOARD OF THE CITY OF TAKOMA PARK

SECTION 1: THAT for the fiscal year 2000, a Storm Water Management Fee shall be imposed on real property in the City in an amount sufficient to fund the Storm Water Management Expenditures established by Section 4 of this Ordinance. The base rate for the Storm Water Management Fee shall be established by separate Ordinance.

SECTION 2: THAT a Storm Water Management Fund shall be maintained into which shall be deposited:

- (a) All the receipts and revenues from user charges, and utility fees imposed by the City to pay for storm water management; **AND**
- (b) All charges, fees, fees-in-lieu, grants, and other contributions received from any person or governmental entity in connection with storm water management activities or programs.

SECTION 3: THAT from and out of the monies known to be received from the utility fees set by the Storm Water Management Board, and from all monies to come into all funds during the twelve (12) month period ending June 30, 2000, there shall be, and hereby are appropriated Storm Water Management Fund revenues, as follows:

Utility Fees:	\$214,000
Stormwater permit fees:	2,000
EPA Grant:	0
Chesapeake Bay Fund:	<u>0</u>
TOTAL	\$216,000

SECTION 4: THAT there shall be, and here are appropriated the following sums for use for the support of storm water management activities during the 1999-00 Fiscal Year:

Personal Services:	\$ 35,000
Operational Expenditures:	<u>181,000</u>
Total:	\$216,000

SECTION 5: THAT storm water management project that are declared to be emergencies as defined by the City Council in accordance with the City Charter, may be funded through the Emergency Reserve or other reserves as may be designated by the City Council.

SECTION 6: THAT the approved FY00 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

SECTION 7: THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 8: THAT this Ordinance shall become effective July 1, 1999.

Adopted this ___ day of June, 1999 by Roll Call Vote of the Storm Water Management Board for the City of Takoma Park.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Introduced by: Councilmember Williams

1st Reading: 6/1/99

2nd Reading:

ORDINANCE NO. 1999-16

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 2000 BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, in accordance with Section 6-303 of the Tax Property Article of the Annotated Code of Maryland, the City Council is mandated to establish a municipal incorporation tax rate on or before the first day of July of each year.

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

SECTION 1. THAT Section 11a-2, Chapter 11a, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

Section 11-A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1999, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of:

General City services: \$1.58

Per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1999.

Adopted this — day of June, 1999.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Rubin

1st Reading: 6/1/99

2nd Reading:

Ordinance No. 1999-17

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2000, BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1999 and ending June 30, 2000 (FY00).

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 2000 there shall be, and hereby are appropriated General Fund revenues of TEN MILLION EIGHT HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED ELEVEN DOLLARS (\$10,884,611) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY00 budget as follows:

Taxes-Local	\$ 5,144,881
Taxes-State Shared	1,546,032
License & Permits	48,100
Revenue from other Agencies	3,121,611
Service Charges	587,420
Fines & Forfeitures	94,000
Miscellaneous	342,567
SUBTOTAL	\$10,884,611
Prior year surplus/Unappropriated Reserve	414,000
Equipment Replacement Reserve	40,000
Stormwater Fund - Debt Service Transfer	0
Equipment Replace Reserve - Debt Service Transfer	0
Tree Fund	0
TOTAL	\$11,338,611

SECTION 2: THAT the City Administrator is hereby authorized to transfer funds to the FY00 budget from the prior year surplus and/or Undesignated Fund Balance in the amount of \$414,000.

SECTION 3: THAT there shall be, and here are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1999-00 Fiscal Year:

Police Department	\$3,496,630
Public Works	2,861,159
General Government	1,068,286
Housing & Community Development	787,934
Recreation	871,343
Non-Departmental	918,427
Library	588,660
Capital Expenditures (General Fund)	132,158
Debt Service	293,422
Capital Expenditures (Equipment Reserves)	40,000
Media	151,405
General Fund Transfer to Special Revenue Fund	49,187
Equipment Reserve Transfer	80,000

AUTHORIZED FY00 EXPENDITURES **\$11,338,611**

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the Non-Departmental Budget, a General Contingency Account appropriation of FIFTY FOUR THOUSAND FOUR HUNDRED TWENTY THREE DOLLARS (\$54,423);

SECTION 5. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal, State or County funded projects, with Revenues of FIVE MILLION FOUR HUNDRED THIRTY NINE THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS (\$5,439,827) inclusive of a General Fund Transfer of FORTY NINE THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS (\$49,187), and an Expenditure appropriation FIVE MILLION FOUR HUNDRED THIRTY NINE THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS (\$5,439,827).

SECTION 6. **THAT** a five year Capital Improvements Program, intended to plan for large capital expenditures and their impact on the annual property tax rate, is adopted in the following amounts:

FY00	\$132,158
FY01	\$512,150
FY02	\$494,150
FY03	\$510,800
FY04	\$592,800

SECTION 7. **THAT** the Council hereby ratifies the storm water management budget for FY00 adopted by the Stormwater Board by Ordinance #1999-15.

SECTION 8. **THAT** the approved FY00 Budget Document and the Proposed FY00-04 Capital Improvements Program are to be made a part of this Ordinance by reference.

SECTION 9. **THAT** storm water management projects that are declared to be emergencies as defined by the City Council, in accordance with the City Charter, may be funded through the Emergency Reserve or as otherwise directed by the City Council.

SECTION 10. **THAT** should any section of this Ordinance can be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 11. **THAT** this Ordinance shall become effective July 1, 1999.

Adopted this ____ day of June, 1999, by Roll Call Vote:

- AYES:
- NAYS:
- ABSTAIN:
- ABSENT:

Introduced By: Councilmember Stewart

First Reading: 6/1/99
Second Reading:

Ordinance No. 1999-18

ABANDONMENT OF WABASH COURT RIGHT-OF-WAY

WHEREAS, Wabash Court is an unbuilt right-of-way shown on a subdivision plat of "Lots 28-35, Block 57, B.F. Gilbert's Addition to Takoma Park" recorded in Plat Book 174 at Plat 19579 among the Land Records of Montgomery County, Maryland; AND

WHEREAS, Wabash Court crosses Lots 28, 29, 30 and 31 of Block 57; AND

WHEREAS, Wabash Court was dedicated as a right-of-way to provide access to single-family home lots which were not developed; AND

WHEREAS, Lots 29, 30 and 31 were purchased by the City of Takoma Park with funds of the State of Maryland Program Open Space to preserve forever as open space; AND

WHEREAS, no utility company, other agency, or member of the public has shown a need for maintaining Wabash Court as a public right-of-way; AND

WHEREAS, at the time the City purchased Lots 29, 30 and 31, it identified Lot 28 as appropriate for single-family home development with access from Wabash Avenue; AND

WHEREAS, keeping Wabash Court as public right-of-way impedes development on Lot 28.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council abandons the right-of-way known as Wabash Court and directs staff to take the necessary steps to have the right-of-way removed from Montgomery County land records.

ADOPTED THIS 7TH DAY OF JUNE, 1999.

AYE:

NAY:

ABSTAIN:

ABSENT:

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

Monday, June 7, 1999

Closed Session 6/01/99 - Moved by Rubin; seconded by Hawkins. Council voted unanimously to convene in Closed Session at 8:45 p.m. in the Conference Room. **OFFICIALS PRESENT:** Porter, Chavez, Elrich, Rubin, Stewart, Williams. **OFFICIAL ABSENT:** Hawkins. **STAFF PRESENT:** Finn, Hobbs, Sartoph, Silber. (1) The Council received a briefing on the status of pending litigation. No action was taken. (NOTE: Silber left following this discussion.) (2) The Council received a briefing on the proposed new pay plan, and gave okay to City negotiator to present the plan to the union negotiators. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(8) and (9)).

OFFICIALS PRESENT:

Mayor Porter	City Administrator Finn
Councilmember Chavez	City Clerk Sartoph
Councilmember Elrich	Human Resources Assistant Hampton
Councilmember Hawkins	Code Enforcement Supervisor Sanford
Councilmember Rubin	Treasurer McKenzie
Councilmember Stewart	Planning Center Coordinator Ludlow
Councilmember Williams	Police Chief Anderson
	Public Works Team Leader McKenzie
	Public Works Team Leader Monk
	Public Works Team Leader Braithwaite

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

COUNCIL COMMENTS

Councilmember Williams thanked all who attended and helped with the Saturday morning town forum on energy and the environment. About 40 people were in attendance.

Councilmember Rubin thanked people in the Maple and Ritchie areas for showing up for the Walking City Council Meeting and Councilmember Hawkins for setting up the event.

Mayor Porter commented on the success of the event, and recognized the staff members who were involved in the event--City Administrator Finn, City Clerk Sartoph and others. It was a very useful event and very helpful in the regard that we had a number of people who do not come to Council meetings in attendance.

She noted that copies of the draft Master Plan are available from the City Administrator's office, Library and Park & Planning office.

ADDITIONAL AGENDA ITEMS

None.

ADOPTION OF MINUTES -- 5/10, 5/24 AND 6/1

Moved by Williams; seconded by Chavez.

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

CITIZENS' COMMENTS

Ms. Porter asked that speakers limit their comments to three minutes and to items not on the evening's agenda.

Benjamin Onyeneke, Maple Avenue (Generation X), spoke in favor of Governor George Bush as a presidential candidate. He remarked about the oncoming of lots of Code Red conditions and volcanic eruptions. Parents should be held responsible for the behavior of their children. Mr. Onyeneke said that he looks forward to seeing parents and volunteers working in concert to address youth issues. He remarked that juvenile crime and drug use is going down.

Charlotte Sobel, 905 Elm Avenue, said that she is here to say "goodbye" and "thank you" to the Council, because she is moving after living in the City for eight years. She noted that she has served on a number of task forces and other groups, and suggested that the City should appoint a high-powered blue ribbon committee to review housing control. She urged the Council to open their eyes and take a walking tour of rental housing and some single-family residences. As a person who builds affordable housing for a living, she said that the City has to allow a property owner to make some money to make it successful. Ms. Sobel wished the Council great luck, adding that it has been nice living down the street from one Mayor and behind another Mayor. She attributed a lot of her involvement to these two Mayors.

Ms. Porter commented that Charlotte Sobel has been one of our long-time and most involved residents, and that she is sorry to see her go. Ms. Porter remarked that Ms. Sobel was most active on the Affordable Housing Committee and has been on almost all of the Takoma Junction committees. She has also served on economic development related committees and the TCDC, and provided the Council with advice on economic development and affordable housing on many occasions. She presented Ms. Sobel with a certificate of appreciation.

Councilmember Stewart recalled almost two years ago when she was first thinking about running for Council and had an organizational meeting at her house. Someone invited Charlotte Sobel to that meeting. Ms. Stewart described Ms. Sobel as someone who asked the “really hard questions, and didn’t let her off the hook when she gave “really weak answers.” Ms. Stewart said that she will miss Ms. Sobel both as a supporter and friend.

Mr. Williams commented that he too will miss Ms. Sobel as a supporter, friend and customer. Our loss is South Bend’s gain. He wished her well.

Issa Ghoul, noted that in October he applied to remove some trees and was instructed to remove many more. He said that as a result of the time that has lapsed, he has lost one construction loan for \$42,000, and now has a new construction loan for \$36,000. He called on Corporation Counsel Silber to explain to the Council how much she has charged for legal advice related to this issue. Mr. Ghoul commented on the findings of the Tree Commission, and remarked about the Stop Work Order that is pending. He described his confusion about who to listen to in terms of conditions and requirements in the City’s process. Mr. Ghoul asked why the Police have called him twice at night (at approximately 10:00 p.m.). He said that City Arborist Tod Nelson has restricted access to one of the lots under construction, and remarked about Ms. Howell who has gotten involved and is not an official of the City.

He noted that a City Code Enforcement Officer vehicle has been parked in his lot every day. He remarked about the letter sent to him by Mr. Finn saying that he can no longer do business with staff members. He questioned how Mr. Finn can stop him from doing business in the City.

PUBLIC HEARINGS

1. 718 Maplewood Avenue.

The public hearing was called to order at 8:55 p.m.

Benjamin Onyeneke, Maple Avenue, spoke in favor of the renovation of the property, and urged that it be developed as a facility for youth counseling. It could be an emergency shelter to accommodate run-away children.

Councilmember Elrich noted that in regards to this issue, he met with a number of people in

person and has received phone calls and e-mails. The sentiment is very strong for the City to purchase the lot. Several comments were in favor of the building be used for housing; no comments were in support of using it for office space. He suggested that the next stage in the process might be to look at a number of design options. Mr. Elrich restated that there is unanimous community support for the City to purchase the lot.

The public hearing was closed at 7:58 p.m.

2. Proposed Staff Pay Plan.

The public hearing was called to order at 8:00 p.m.

Jill Pylant, Consultant with Slavin Management Consultants, provided an overview of the process and plan. The City hired Slavin Management Consultants the end of 1998 to conduct a classification and compensation study for the City. Ms. Pylant gave a slide presentation. She described the methodology of the study. The City is at the point of being between "development of proposed plan" and "implementation", and seem to be going back and forth between the two. She explained the purpose of the compensation philosophy, and defined the Labor Market as the organizations that the City, in essence, says that it competes with and wants to be compared to. She commented on the City's position in the market and goals to be achieved--want to pay competitively and want to have internal equity. Ms. Pylant described the classification process. The City is now in the appeals process which is not yet complete and probably will not be complete for another 3-4 weeks (especially in light of Mr. Hobbs' "vacation" in the hospital). The information regarding the grade system has only recently been shared with employees given where the City is with union negotiations.

Ms. Pylant explained the Slavin Evaluation System (SES), and described the factors evaluated as applied to all positions in the City. The evaluation system resulted in the establishment of a grade system. She noted that the example referred to in the presentation is not illustrative of Takoma Park. She elaborated on the columns "Ed Level", "Exp Level", "FLSA", "Total Pts" and "Grd." The salary grades themselves relate directly to a distribution system of total points available. The compensation study itself was conducted by the City staff with some assistance from Slavin, and Slavin did the analysis of the data.

She referred to the Market Summary Analysis graph, and explained that the City's salaries are higher in the lower grades and below market in the higher grade positions. This is not uncommon in local government. She commented on the development of the proposed plan, and explained the rationale of the 95-105% range of market rate. We have gone through several iterations of the implementation plan as the City has gone through negotiations with the Police Union, and are now at a point where we can determine rough cost estimates. We still have appeals to go through, but are talking about a system that will cost about \$226,000 (roughly) this year.

Through this funding, the City has gone more than half-way to meet the needs to implement this structure. Ms. Pylant said that she is real proud of the City in coming up with the resources to support the plan. She outlined the implementation plan details.

Councilmember Rubin asked how conditions of work environment are factored into the grading scale.

Ms. Pylant responded that work environment is taken into consideration, especially whether or not the position is subject to working in a hazardous environment, requires a great deal of walking, or other actual conditions to which an employee might be exposed. The lowest score is for the typical office environment.

Mayor Porter invited a representative from the staff Pay Plan Committee to make a presentation.

Public Works Team Leader Braithwaite spoke on behalf of the staff committee, noting that the information was received by the team on Friday, so they have not had an opportunity to consider and discuss all aspects in detail. They did try to call a meeting today, but some members of the committee were able to attend. In general, the plan that has been presented is consistent with the team's recommendation, and the team is happy with the structure. We have been very pleased with the structure and the process up to this point.

There have been some recent actions which are the cause of some concern. All along there has been great participation from the employees in providing information. She said that she was amazed in her department about the level of detail and information that people put into their comments. More recently, however, there has been some confusion as related to the end process of developing the class specifications. The confusion is partially--but some other things as well--due to the perception that there has been some communication break-down in the editing process. Employees have made comments on their draft class specifications, but cannot tell from the final class specifications whether their comments were received, read, accepted, rejected, etc. There needs to be more written back-up so that every employee knows that his comments were received, read and agreed/disagreed with and why.

Mr. Rubin asked who reviewed the comments.

Ms. Braithwaite responded that the comments were submitted to Slavin. Essentially, this process has been between Slavin and the employees. She said that this concern could be remedied with some documentation and back-up. There is also some concern about the appeals process, and the committee feels that this too can be corrected. Employees were originally given a deadline of May 28 to submit appeals, but it would help to have an extension with notice of a final deadline, since final class specifications were not made available to some teams well enough in advance of the May 28 deadline. There is also concern about the appeal process (e.g., some people feel uncomfortable that we are appealing to Slavin since they wrote the process). There is interest in a

third party review. People are confused about what you are allowed to appeal (e.g., only the class specification?). Ms. Braithwaite observed that it didn't seem that people were as interested in appealing their class specifications until they saw their grade. Can you appeal your grade? There is confusion about whether only employees or whether supervisors can appeal their employees' classifications. The process sort of feels fragile to some staff. It seems important at this point to put some extra gas on in the process to keep communication high and to let people feel they can continue to have input and be part of the process.

Ms. Braithwaite offered some suggestions: (1) a written response from Slavin regarding the choices they made on edits; (2) adjustment to the appeal process--some would rather have a face-to-face appeal at this point; (3) an extension to the appeal filing deadline; and (4) meetings to explain the structure that was assigned to staff positions. Some members of the committee would like to see definitions of the differences between grades, and want more background on why the grades were assigned as proposed. She concluded by saying that the committee thinks the process will work out to the good, and that they do not want to be perceived as the nay sayers in the process.

Ms. Porter thanked Ms. Braithwaite for her comments and the committee for its suggestions. The suggestions will be discussed.

Benjamin Onyeneke, Maple Avenue, remarked about his concerns for employees. He asked whose insurance the City is relying on for workers compensation, maternity leave, and transfer of insurance benefits. How long does an employee have to be here before his salary increases?

Ms. Porter explained that Slavin was not employed to study insurance or retirement plans.

Police Department Lieutenant Rosenthal referred to the Market Summary Analysis chart and the Pay Structure Chart, observing that all of the police positions with the exception of Police Lieutenant are at 100%. Police Lieutenant is at about 94% of market. Is this discrepancy an administrative oversight or intentional. Everyone is at 100% except for the two Lieutenants.

Ms. Porter said that she does not know the answer, but recalled the comment earlier about the range (94-105% of market) that is being applied. She said that a more specific answer will be obtained.

Ms. Pylant stated that it appears to be an error.

Lieutenant Rosenthal noted that he has already posed his second question to City Administrator Finn who had a good response, but that he wanted to pose it again. He said that he has been with the City for 25 years, and while some may view being put at midpoint is a good thing, mentally he actually feels that midpoint is a "step down", especially when he has been receiving "exceeds expectations" evaluations for years. There is no longevity incentive in this plan. He commented that he thought that when the City started this process, the Council took a position of recognizing

longevity.

Ms. Porter responded that her understanding is that the plan is going to be phased-in over time, and maybe this is a factor.

City Administrator Finn added that it is somewhat dependent upon how much money we have to spend. The midpoint is market place--not the midpoint of salary, per se. We are trying to move all employees to the midpoint, but do not have money to move people beyond that point. It is a matter of priorities for the available money. After this and next year when program is implemented (still subject to negotiations), employees would be eligible to receive market adjustments and some increase based on performance. In effect, they will move beyond midpoint each year based on performance. We cannot literally afford to go back and account for past years.

Ms. Porter agreed that this is an implementation issue. We are switching from a grade system to a hybrid system (steps to midpoint and then based on performance). The decision is to put employees at the market and then allow employees to use their performance to move beyond that point.

Lieutenant Rosenthal acknowledged the explanation, but respectfully disagreed. There are a number of employees who have been here for many years and doing a fine/outstanding job and who should not be slid into a system. They should not be put on the same level as someone who has been here only a few years. He thanked Mr. Finn for taking time to respond to his question earlier today.

Ms. Porter commented that she hopes as process is fine tuned, it will work out some of the concerns.

The public hearing was closed at 8:42 p.m.

Ms. Porter invited persons to continue to provide comments on the plan, and thanked those who came out for the public hearing.

REGULAR MEETING

3. 1st Reading Ordinance re: FY99 Budget Amendment No.3.

Ms. Porter explained items listed in the budget amendment.

Treasurer McKenzie noted that there is a grant that will run over into next fiscal year, so the Council will see an amendment to next year's budget in the future.

Moved by Williams; seconded by Chavez.

Ordinance #1999-19 was accepted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

**ORDINANCE #1999-19
(Attached)**

4. 2nd Reading Ordinance re: Abandonment of Wabash Court.

Ms. Porter explained the ordinance.

Moved by Elrich; seconded by Williams

Ordinance #1999-18 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

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

5. Single Reading Ordinance re: Vehicle Rehabilitations.

Ms. Porter explained the ordinance. She noted that this item was discussed in Closed Session because it was tied to a plan to provide take-home vehicles for officers living in the City. At that time, it was linked to an item in union negotiations.

Moved by Elrich; seconded by Rubin.

Benjamin Onyeneke, Maple Avenue, questioned the speed of the Ford Crown Victorias, and urged the Council to consider providing police officers with motorcycles. They need to be out patrolling. Why not try to introduce the City officers to motor cycles? He noted that Councilmember Rubin is member of the PSCAC and might be able to respond.

Ms. Porter commented that the Crown Victoria is the standard vehicle for the department. This ordinance will provide for rehabilitation of vehicles as an option to the purchase of new vehicles. We do have officers who ride bicycles, and we had a discussion in the past about safety issues related to motorcycles.

Councilmember Elrich commented on a recent news article where other jurisdictions are doing the same thing and saving substantial dollars by rehabilitating vehicles.

Ordinance #1999-20 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Hawkins, Rubin, Stewart, Williams).

**ORDINANCE #1999-20
(Attached)**

WORKSESSION / ADJOURNMENT / CLOSED MEETING

The City Council moved into Worksession and later convened in a Closed Meeting at 10:15 p.m. Following the Closed Meeting, the Council adjourned for the evening.

Closed Session 6/07/99 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Closed Session at 10:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez, Hawkins. STAFF PRESENT: Finn, Sartoph, Anderson. The Council received an update on the outcome of negotiations with Local 400. No action was taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

Introduced By: Councilmember Stewart

First Reading: 6/1/99
Second Reading: 6/7/99

Ordinance No. 1999-18

ABANDONMENT OF WABASH COURT RIGHT-OF-WAY

WHEREAS, Wabash Court is an unbuilt right-of-way shown on a subdivision plat of "Lots 28-35, Block 57, B.F. Gilbert's Addition to Takoma Park" recorded in Plat Book 174 at Plat 19579 among the Land Records of Montgomery County, Maryland; AND

WHEREAS, Wabash Court crosses Lots 28, 29, 30 and 31 of Block 57; AND

WHEREAS, Wabash Court was dedicated as a right-of-way to provide access to single-family home lots which were not developed; AND

WHEREAS, Lots 29, 30 and 31 were purchased by the City of Takoma Park with funds of the State of Maryland Program Open Space to preserve forever as open space; AND

WHEREAS, no utility company, other agency, or member of the public has shown a need for maintaining Wabash Court as a public right-of-way; AND

WHEREAS, at the time the City purchased Lots 29, 30 and 31, it identified Lot 28 as appropriate for single-family home development with access from Wabash Avenue; AND

WHEREAS, keeping Wabash Court as public right-of-way impedes development on Lot 28.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council abandons the right-of-way known as Wabash Court and directs staff to take the necessary steps to have the right-of-way removed from Montgomery County land records.

ADOPTED THIS 7TH DAY OF JUNE, 1999.

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

Introduced by: Councilmember Williams

First Reading: June 7, 1999

Second Reading:

**ORDINANCE NO. 1999-19
FY 99 BUDGET AMENDMENT NO. 3**

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

SECTION 1. The Fiscal Year 1999 Budget be amended as follows:

General Fund - Revenues

1. Increase account 0001-3430, Donations, by \$1,250 for a donation by Friends of the Library.
2. Appropriate \$7,689 to account 0001-3691, MFS cable operations, for reimbursement to the City for staff costs related to MFS fiber optic cable installation.

General Fund - Expenditures

1. Increase Library Budget, Account 7000-5250, Adult Books, by \$1,250 for a donation by Friends of the Library.
2. Increase Police Budget, Account 2300-4030, Overtime, by \$7,689 for police expenses related to MFS fiber optic cable installation.

Special Revenue Fund - Revenues

1. Appropriate \$90,000 to Account 0010-3713, for Lee Jordan Field, for athletic field renovation project funded by a grant thru Montgomery County.

Special Revenue Fund - Expenditures

2. Appropriate \$90,000 to Account 0010-7177, for Lee Jordan Field, for athletic field renovation project funded by a grant thru Montgomery County.

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Adopted this ____ day of ____ 1999.

AYE:

NAY:

ABSTAIN:

ABSENT:

ORDINANCE NO. 1999-20
REHABILITATION OF THREE (3) POLICE CARS FOR
THE TAKOMA PARK POLICE DIVISION

WHEREAS, the FY99 Capital Budget provides for the Rehabilitation of three (3) Ford Crown Victorias for the Takoma Park Police Department; AND

WHEREAS, bids were solicited from 12 Ford dealers and 2 companies specializing in this service and advertised in the Washington Post on 5/6/99; AND

WHEREAS, bids were received and publicly opened at 2:00 p.m. on 5/25/99 with two (2) bids and one (1) "No Bid" being received; AND

WHEREAS, Patrol Car Specialists, PA, has submitted a bid in the amount of \$10,770 for the rehabilitation of each car, for a total of \$32,310 for all three (3) Police cars; AND

WHEREAS the Public Works Team Leader and Equipment Maintenance Supervisor have determined that Patrol Car Specialists has submitted the lowest bid and it is considered to be both responsive and responsible; AND

WHEREAS, the Public Works Team Leader and Equipment Maintenance Supervisor would recommend that the contract for the rehabilitation of three (3) Ford Crown Victorias be awarded to Patrol Car Specialists for Thirty Two Thousand Three Hundred and Ten Dollars (\$32,310).

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

SECTION 1. THAT authority be granted to award a contract to Patrol Car Specialists in the amount of Thirty Two Thousand Three Hundred and Ten Dollars (\$32,310); AND

SECTION 2. THAT funds to cover this procurement in the amount of \$32,310 be authorized from the Capital Budget Account # 9100-8000.

Adopted this 7th day of June, 1999 by Roll Call Vote:

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

**INTERVIEW, PUBLIC HEARING, PRESENTATION, SPECIAL SESSION
AND WORKSESSION
OF THE CITY COUNCIL**

Monday, June 14, 1999

Closed Session 6/07/99 - Moved by Stewart; seconded by Chavez. Council voted unanimously to convene in Closed Session at 10:15 p.m. in the Conference Room. OFFICIALS PRESENT: Porter, Elrich, Rubin, Stewart, Williams. OFFICIAL ABSENT: Chavez, Hawkins. STAFF PRESENT: Finn, Sartoph, Anderson. The Council received an update on the outcome of negotiations with Local 400. No action was taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(9)).

OFFICIALS PRESENT:

Mayor Porter	City Administrator Finn
Councilmember Chavez	City Clerk Sartoph
Councilmember Elrich	Planning Center Coordinator Ludlow
Councilmember Rubin	Police Chief Anderson
Councilmember Stewart	Major Wortman
Councilmember Williams	Lieutenant Gowin

OFFICIAL ABSENT:

Councilmember Hawkins

The City Council convened at 7:37 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Porter explained that tonight's meeting is actually a Worksession and so the Council will be operating under the rules for a Worksession which does not include a citizen comment period.

INTERVIEW

1. Public Safety Citizens Advisory Committee -- Tara Libert.

The Council interviewed Tara Libert who expressed interest in appointment to the PSCAC.

ANNOUNCEMENTS

Ms. Porter announced that Councilmember Hawkins out of town this evening on business. She then read into the record a Mayoral Proclamation recognizing the 20th anniversary of the Morgan Day Care & Child Development Center.

Councilmember Rubin said that he attended the Morgan Day Care celebration event on Friday evening and presented the proclamation. He remarked about the success of the event and the diverse population in attendance. Takoma Park represents what is best about America--not just what is different. They were very proud to receive the proclamation.

ADDITIONAL AGENDA ITEMS

Ms. Porter confirmed that Item #9 was removed from the agenda.

PUBLIC HEARINGS

2. Constant Yield Tax Rate.

Ms. Porter explained the concept of the constant yield tax rate, and noted that the required legal notice was published in the June 4, 1999 issue of the *Montgomery Journal*.

The public hearing was called to order at 7:46 p.m.

Benjamin Onyeneke, Maple Avenue (Generation X), said that the Council should not increase the tax rate. He questioned the reasoning behind an increase, and asked what effect it will have on the proper management of housing in the City. He remarked about rent control and landlord/tenant affairs. Mr. Onyeneke asked the Council whether the City is trying to drive common place people out of the City to make room for the rich. He questioned whether the tax increase will effect rent increases.

Byrne Kelly, Circle Avenue, commented on affordable housing in the City, and asked whether the additional revenue of \$52,000+ will go back into improving housing. Will it go into efforts that the Administration sees as needed? He said that he would be interested in the Council's discussion of this point.

The public hearing was closed at 7:48 p.m.

3. Draft Recommendations of Takoma Park Master Plan.

The public hearing was called to order at 7:49 p.m.

Planning Center Coordinator Ludlow explained that tonight is the first public stage of the master plan process and that there is a working staff plan document with recommendations that people can comment on this evening. She said that many people will continue to review and analyze the document over the summer. The Planning Board will hold a public hearing on September 23. Persons wishing to speak at that hearing will need to sign-up in advance. The Planning Board generally takes sign-ups about 30 days prior to a scheduled hearing. This evening it will be important to identify key areas of concern and interest that can be investigated this summer. We still need some of the specifics regarding the zoning issues.

Ms. Porter asked about the rest of the time line in terms of when the Master Plan is due to be in place.

Ms. Ludlow responded that following the Planning Board hearing in September there will be several months of worksessions with a final document by the end of the year. The document will then go to the County Executive's office for financial review and then to the County Council for their processing which could take about a year. Once the Master Plan is adopted, following hearings and discussions, the county will go through the process of re-zoning as reflected in the plan.

Ms. Porter concluded that we do not expect to see the process completed until the end of the year 2000. The zoning changes would then be enacted following that time. She noted that the City Council will be discussing its comments on the plan in early September.

Don Downing, Park & Planning, confirmed that Ms. Ludlow has the sequence right, but that he thinks the County Council process will be more like a 6 month process. They will probably schedule a public hearing in January or February with worksessions in the spring, and adopt a plan in the summer. The Sectional Map Amendment (adoption of any new zoning) would occur throughout the rest of the year. Amendments to the zoning ordinance and new zoning would be in place by the end of the year 2000.

Ms. Porter announced that she would call persons forward in the order that they are listed on the sign-up sheet and then ask for anyone in the audience who did not sign-up and would like to speak. She requested the speakers keep their remarks to three minutes.

Jane Harman (Friends of Longbranch), read two recommendations that the Friends of Longbranch would like to see addressed (statement attached).

Erwin Mack, CDA, applauded Ms. Ludlow's presentation of the Master Plan at the CDA Board meeting last week, and stated that the CDA is concerned about what happens on the other side of University Boulevard. He said that they were fortunate to have Rosanne Fraisier to meet with them to discuss this challenge. In general, the CDA appreciates what the Master Plan looks like

for their area.

Susan Creekmore, 6501 4th Avenue, said that she is here to address page D15 and the table that follows. Ms. Creekmore remarked that she is personally opposed to re-zoning the property on Sligo Mill Road to a floating zone (allowing for commercial development). Neighbors have seen great improvement in the neighborhood since annexation and appreciate the City's services. Neighbors feel strongly about revitalization of the area. We do not want commercialism brought to our backyards. She remarked about the buffer of woods--one of few existing green spaces remaining--between residences and the commercial area along New Hampshire Avenue. Right now, the area in question is zoned for town homes. Pine Crest and Circle Woods Associations have both met, discussed and voted in opposition to this proposal; these associations do not want this buffer of woods re-zoned. She asked for people in the audience who are opposed to the re-zoning to stand (approximately 20 people in the audience stood in opposition). She said that she has talked to the Mayor, City Administrator Finn and Ms. Ludlow about this concern. We would like to see an Open Space plan for this area.

Jim Sebastian, 6805 Westmoreland Avenue, distributed written testimony concerning the bicycle and pedestrian recommendations (attached).

Byrne Kelly, 307 Circle Woods, noted that he sat on the Master Plan advisory group for the last 15 months, and that a lot of good recommendations have come out of the process. However, he stated that he is still concerned about the quality of life in his neighborhood. Two town house projects which have been approved along Sligo Mill Road; only one has been built. There is no market for town homes in this area. He distributed a map of the Sligo Mill Road property (attached). The 75 foot buffer is inadequate; the 125 foot buffer should be maintained. In terms of smart growth, the "double-loading" of a road of this kind should not be allowed. Mr. Kelly remarked that on the one hand, a way to prevent the need for a tax increase is to allow commercial entities to locate within the City, but that this may contribute to problems with drugs and concerns about quality of life issues. He noted a recent incident of a house fire in the neighborhood which he suspected was related to drug activity. He supported open space over town houses and commercial development for the property on Sligo Mill Road.

Deborah Jacobs, 6615 Poplar Avenue, commented that she lives up the hill from the same area that others have spoken about. That section of woods offers a major buffer for the whole neighborhood. It provides protection from the pollution and noise of New Hampshire Avenue. It also serves to protect children in the neighborhood. She expressed concern about development of a storage facility that would be allowed under the proposed zoning. The facility would have high powered lighting and draw traffic into the neighborhood. We have had a lot of problems with drainage and sewage, and do not have proper drains for the street. Stormwater needs to be addressed. Most of the people in the group from the neighborhood found about this recommendation from a flyer distributed in the neighborhood yesterday at 4:00 p.m. We have mobilized as best as possible in one day and will continue to work on this issue.

Benjamin Onyeneke, Maple Avenue (Generation X), commended the staff and members of the committee who have worked on the plan. He expressed concern about public safety in commercial centers, and said that he would like to see surveillance cameras in commercial areas and at gateways to the City. He would also like to see red light cameras installed. Mr. Onyeneke said that he is looking forward to completion of the Piney Branch Elementary School park. He concluded by saying that he wants Montgomery County transportation management cameras in the City, and that he is concerned with effecting a reduction in crime.

Roland Halstead, 7116 Maple Avenue (representing the Washington Area Bicycle Alliance), presented the City with a copy of their recently published Concept Plan. He congratulated the staff in making various improvements in the drafting process as related to cyclists and pedestrians. He urged a focus on the "green street" concept, adding that it would be a good idea to change the name from "green trail" to "green street." However, there should only be a trail on one side of the street, and it should be marked in an uphill versus downhill direction. This would discourage fast cyclists from using the sidewalks. He remarked that an eight foot width for the trail is not adequate. Ten feet is the suggested minimum. Mr. Halstead suggested a compromise. Since Takoma Park is hilly, has narrow roads and lots of trees, designated combined pedestrian/cycle paths as "one-way" and uphill. He advocated that bike paths be put on the roadway by painting a lane. Maybe, the proposed trail could extend beyond the Maple Avenue corridor to the Metro. This would support a connection between the Parkway and the Metro. He remarked about the very narrow Maple Avenue bridge over the creek, and suggested that it be replaced and enlarged with connections for pedestrians/cycles to the trails on either side. Mr. Halstead referred to page F10, observing that there are trails that effect our system but are not part of this plan. There are two areas outside of the plan that effect the City--the outdated bridges on the Sligo trail (other side of Piney Branch Road) and where the trail comes to Riggs Road (no good crossing alternatives). Finally, the illustrations in the plan quite often will have pedestrians shown, but do not always have cyclists. He suggested that cyclists be added to the illustrations.

Terry Lewis, 316 Circle Avenue, said that his property abuts the Circle Woods land that was gratefully acquired by the City a couple of years ago, and that he was heavily involved in the citizens' pursuit in establishing that parcel as green space. He said that he lives in Takoma Park because of the trees. In regards to the property on Sligo Mill Road that is being considered for re-zoning, it would also be appropriate for a green space designation. However, something will probably happen with the property. Town houses would be a bad idea. A storage facility would have less of an impact on the neighborhood and would increase the tax base. The developer interested in this project has come to the residents and the City by his own choice to work on a solution that would be most acceptable. He remarked that he appreciates having some say about what can and cannot happen, but that he thinks the developer is responsible. Mr. Lewis said he would hate for us to miss the opportunity to accomplish some things with another person who might not be as interested in the concerns of the community as this developer seems to be.

Louis Bugler, 7101 Woodland Avenue, spoke about the property on Sligo Mill Road. It has sat there, unwanted for town house development for some time. Something has to happen (e.g., it be

bought by the City for green space, or re-zoned for commercial development. It seems that C3 would be the best zoning option. The interested developer seems to want to clean-up the stream; he wants to be involved with preservation of green space. Even if someone wanted to buy the lot and build town houses, they would not necessarily be required to clean-up the stream area. He stated that if this developer will clean-up the area and build a storage facility, he would be supportive. Mr. Bugler stated that he is not in favor of town houses.

Rob Creekmore, 6501 4th Avenue, questioned the developer (Harvey Maisel) regarding whether he would like to have the property behind his home zoned commercial. In regards to the property on Sligo Mill Road, there have been strong votes in the neighborhood associations against commercial development of this property. The property should be considered as part of the open space plan. The creek does need to be cleaned up, and citizens are very interested in participating in that effort. However, since the property is privately owned, we cannot just go on to the property and clean it up. He said that he lives adjacent to the woods and knows that there is a lot of wildlife on the property. It is a large piece of green area, and it must be preserved. Regarding how this recommendation, to re-zone the property to C3, showed up in the master plan, who made the recommendation? Where did it come from? He remarked that he has discussed it with Jane and Byrne, but is still not certain about how the recommendation entered into the plan.

Byrne Kelly remarked that it was put in the plan by Park & Planning staff.

Mr. Creekmore commented that he wants to know exactly who was responsible. He noted that Mr. Maisel has spoken with the residents, and that he has accused residents of not having a long-term view of their neighborhood. Mr. Creekmore concluded that there should be a buffer between the neighborhood and the commercial area.

Harvey Maisel, 8627 16th Street, described the parcel of land being discussed. The access to the property coming down Sligo Mill Road is from behind the Jiffy Lube. He thanked the neighbors who allowed him the opportunity to speak at their association meeting. In regards to this parcel, he said that he has a major commitment in this area, and that he is interested in helping to sponsor other business in the area. There are numerous other initiatives that he has tried to present. He remarked that he would like to work with the State Highway Administration to establish a gateway in the area. Mr. Maisel said he thinks he can preserve half of the property even with the proposed development. In response to Mr. Creekmore's question about wanting commercial property in his own backyard, Mr. Maisel said he would have no problem as long as the right protections were in place. In regards to the concern about high-powered lights, the facility would only be open during the day. In regards to traffic concerns, the facility would generate less traffic than 10 town homes on the same site. He said that he could discuss the tax revenue issue more with the City. In terms of town homes, he posed the question about whether anyone in the audience would want to live on this property.

George French, 510 Albany Avenue, commented on the parcel being discussed. The stream is flowing. The woods are deep and dark at this time of the year. He further described the

property. There is a large self storage warehouse slated to be built on top of these woods if the private owner can get the re-zoning for the parcel. He opposed to the recommended changes to zoning. The buffer should be the entire woods. He urged the City to lobby Park & Planning to remove the re-zoning from the draft. The City should pursue purchase of the parcel. Takoma Park should set an example for the region to preserve the pocket green space areas. Under the Environmental Resources section of the Master Plan, he pointed out that he does not like the language in the second paragraph, but that he likes the quote on page E-10 that talks about enhancing the green space in the City.

Jane Holmes, President of Pinecrest Citizens Association, read from a written statement (attached).

Charles Martin, 6506 Kansas Lane, said that he would like to amplify what has already been stated in regards to the Poplar Mills property, and commented on the existing Master Plan and problems with that plan. The new Master Plan provides an opportunity to correct problems. This property is the dowry of the annexed area. The 1988 Master Plan recommendations were not consistent with town houses. The 1979 Master Plan failed to mention the Takoma Branch of the stream valley in the recommendation that reclassification of the open space zone take place. This error can be corrected and should be corrected. He quoted from the P.G. County Zoning Document as related to the Anacostia River. He explained his understanding that in Montgomery County, the buffer for building around a stream bed is 100 feet, not 75 as is being recommended. Construction along the waters of the United States is restricted. City Council Resolution 1997-17, cited the references to documents and regulations which should be observed when entering into the vicinity of the waterways of the U.S. He cited from a letter Paul Roat (former President of Pinecrest Citizens Association) wrote to P.G. County. Mr. Martin asked how Pinecrest get on the list of commercially zoned land. He urged the Council to listen to the concerns of the neighborhood.

Sheryl Brugh, 6610 Poplar Avenue, echoed opposition to the C3 zoning recommendation. Until that parcel of land can be considered in the open space plan (as a first option), to re-zone the parcel would interfere with that consideration.

Les Ramo, 6612 Poplar Avenue, remarked that he is privileged to live three houses away from the lovely property on Sligo Mill Road, and commented on its contributions to the area-- "an island of peace in increasingly urbanized area." The forest is in danger. He commented on the proposed dimensions of the storage warehouse, and urged the City to explore open space acquisition. He thanked the Council in advance for their efforts.

Catherine Tunis, Co-Chair Committee on the Environment, noted that the committee met to discuss the plan last night, and that she has a lot of notes that she would like to go over with the Park & Planning staff at a later time. She thanked the Park & Planning staff for the process that has taken place, adding that they have been very gracious throughout the process. They came up with some really excellent suggestions in the plan particularly, innovative storm water control,

underground some utilities and pedestrian/cycle routes, to name a few. One of the biggest impacts on the streams is the storm water run-off. Takoma Park is one of a few independent municipalities in Montgomery County with its own plan and that has been working on some plans that impact land use. It would be good to recognize those plans formally up front in the Master Plan document (i.e., Global Climate Action Plan, Tree Ordinance, Green Lights Program, Sustainable Building Guidelines, Open Space Plan, and intentions to join the Rebuild America Program). Ms. Tunis pointed out that the Glengary lots that were acquired as open space are marked on Map E as vacant land, not as open space. This needs correction. The themes regarding energy conservation need to be added throughout. The piece on smart growth is nice, but it should talk about Takoma Park rather than Silver Spring. Initiatives on good lighting and pedestrian friendly streets are talked about in commercial areas. She supported the waiver of parking standards and the recommendation regarding bio-retention areas. She said that the City or Montgomery County should consider acquisition of the property on New Hampshire Avenue at the Parkway. The plan needs to include the emphasis that the urban forest is everywhere in the City. The county might even consider acquisition of the Casey property (Jackson Avenue) before it is developed. She said the committee would like to talk about how we could have the Planning Board consider the Takoma Park "Sustainability Guidelines" for inclusion in the document. The storm water management suggestions are very good. In terms of New Hampshire Avenue and the gateway concept, they should be coordinated. The community association wants an opportunity to discuss the gateway concept. Ms. Tunis noted that she will type up her handwritten notes. She encouraged consideration that maybe not all of the pedestrian/cycle trails need to be 8 feet wide, and seconded Mr. Sebastian's suggestions about bikeways on the streets.

Victor Thuronyi, 7403 Cedar Avenue, referred to the bikeway system (page F11), and said that it needs a little bit of work in terms of where the bikeways should go. There should be a connection between the Sligo creek trail and the Metro; probably, the bikeway that connects them best would be up Maple from the creek, behind the Police Department, up Cedar and to the Metro. He recommended putting a bike lane on one side of Maple. The basic message is that one needs to consult with the Washington Area Cyclist Association to develop a plan which would address bikeways and bike racks. It would be a great idea to get more people out on the streets.

Nellie Moxley, 6411 Eastern Avenue, referred to a map that she had in her possession illustrating the 100-year flood plain. She said that the City should not have allowed the land to be sold in the first place. The land should be protected under the Anacostia Flood Plain protections. The flood plain runs across the property. Governor Glendening and the federal government have made funds available for protection of this type of land. There is money available to clean up this property for the children and other residents. She referred to the earlier comment about the burning of a house on 4th Avenue and that drugs may have been a factor, and clarified that the it was an electrical fire. The Pinecrest community does its own policing. She challenged anyone to ask the Police Chief about the outstanding record of the community as related to crime control. She remarked about water problems in Pinecrest. The more trees that are removed the greater the amount of silt that is being sent down the Anacostia. Stop it! Get the money that is available and clean up the stream. This is a part of Spring Park. There is fresh water running through this

area.

Terry Seamens, Ritchie Avenue (President of Ritchie Citizens Association), stated that he will submit comments on the plan. He thanked the Park & Planning Commission on the excellent job that they did, noting that they paid particular attention to outreach efforts. He said he was glad to see the special attention that was given to Ward 4--they came out and conducted a special meeting with the Ritchie Citizens Association. Mr. Seamens thanked Don Downing. He said he was glad to hear Mr. Maisel's offer to help with economic development along New Hampshire Avenue. It deserves recognition. Mr. Seamens said that he heard during the MPAG meetings some of the special considerations being offered by Mr. Maisel, but recognized that this area does stretch back into the residential neighborhood a little further than the other commercial properties in that area. Mr. Seamens said that he needs to go look at the property, and urged the Council to do the same. The City needs to pay special attention to the remaining undeveloped areas.

Katie Hatcher, 6607 Allegheny Avenue, said she moved to the City because of the strong environmental beliefs. She seconded the remarks of Katherine Tunis, and favored the bike trail connecting to the Metro. However, she said that she does not feel safe biking on City streets, and would feel better with marked bikeways on the streets.

Edna Blake, 6309 Eastern Avenue, agreed with remarks made by Ms. Moxley and Ms. Holmes.

Lawrence Glasco, 6503 Poplar Avenue, noted that he lives adjacent to the property on Sligo Mill Road, and opposed the re-zoning because it will negatively affect his lifestyle. He said he has lived in this area for 20 years, and really has not experienced concerns about his children until this evening when he heard the allegation by a speaker earlier in the evening that his son's home burned because of drug activity. He said that he will be addressing that comment, and that he was very disturbed by the comment and insinuation that since African Americans were living in the home, it burnt down because of drugs. Mr. Glasco stated that the re-zoning is being done in an underhanded manner.

Joanie Eisenburg, Circle Avenue, echoed and supported residents who oppose the development of the Sligo Mill Road property. She commented on the proximity of New Hampshire Avenue, and encouraged preservation of the woods and the spirit of Takoma Park in the neighborhood.

Ms. Porter invited Councilmembers to enter comments from their constituents into the record.

Councilmember Stewart noted that Allison Porter who was unable to be here this evening, had two concerns which she wanted to get on the record. The gateway at New Hampshire and Ethan Allen should be addressed sooner than later. This project has been discussed for some time. Also, there is a proposal in the City for a sidewalk on Sligo Creek Parkway between Cherry and Aspen. This is not in the Master Plan and should be added.

Councilmember Elrich remarked that he was approached by a number of people from Between the

Creeks Neighborhood Association regarding the status of Flower Avenue. The City annexed all of Flower Avenue about two years ago. Residents would like to see all of Flower, from Piney Branch to Carroll Avenue un-designated as State Highway. He remarked about the character of Flower Avenue, concluding that it is inappropriate for it to be a state highway. The City fought for seven years to get one stop sign on Flower Avenue, and has fought for more signs without success. We want more local control over the street. Mr. Elrich added that Park & Planning staff has to consider that the decision to narrow Piney Branch Road will only force more people to find alternative routes. If Piney Branch Road is not suitable for heavy traffic volume, then Flower is certainly not appropriate for the same.

Councilmember Williams noted that Alden Lancaster will be e-mailing her comments to the City Clerk tomorrow.

The public hearing was closed at 9:25 p.m.

PRESENTATION

4. Crime Prevention Model Communities Program -- Identifying Takoma Park as Award Recipient.

Police Chief Anderson said he is pleased to be here tonight to talk about a positive event. He commented that Wolfgang Mergner, Williams Bates, Erwin Mack and he attended a presentation and received from the U.S. Department of Justice a certificate of recognition. He read the certificate. This recognition was for innovative approaches to crime prevention within certain areas of the City. We experienced a 27% reduction of crimes in these areas. These are achievements we believe can be accomplished throughout the City.

Major Wortman recalled that since 1990, we have been experiencing increase in crime in the area near the Metro. He described David Bates' experiences with attempted assaults and being the target of a shooting. In a joint effort with residents, we started working on communication, collaboration, coordination and cooperation. David Bates authored the emergency call box grant. Major Wortman commented on the call boxes. David Bates then asked if we could author a grant for a web site where we could get more information out to citizens. Now have that web site. The City obtained other federal monies to outfit some of the citizens who patrol the Metro area, and we worked with Councilmember Rubin and other officials in the area to get cross-jurisdictional police cooperation. Major Wortman remarked about the accomplishments in crime reduction, noting that we are working on additional lighting in the area--another effort to help reduce crime.

Erwin Mack commented that he is pleased that the CDA, in cooperation with City, has been working on some method of graffiti removal. He described the process which makes the removal of graffiti easier, and commented on careful pruning of greenery which will help to eliminate areas where people can hide and attack unsuspecting pedestrians. He said that the CDA recently

employed the Young Entrepreneurs to clean-up the area along Holton Lane, and that they did a fine job. However, he noted that he got a call from one of the young entrepreneurs who said that they cleaned up the area but that someone else was already throwing trash in the area. Mr. Mack commented that he likes that kind of attitude. He described the "sticker" bushes where were suggested last year as a deterrent to keep people from getting close enough to the walls to apply graffiti. Graffiti control is a serious problem, and there have been serious problems this week. The Police, Public Works, City Administrator and others are looking for methods of immediate graffiti removal, and we may be coming to Council for support of legislation that requires 48 hour removal of offensive graffiti. The important thing is that we are working together.

Major Wortman remarked that Mr. Mergner was unable to be here there evening due to a family emergency and unexpected trip to Germany. David Bates was also going to be here but was unable. Major Wortman commented on information that has been gathered to illustrate that crime is being reduced in target areas. [He played a short video tape of a News Channel 21 spot regarding the award.] He said that the award would not have been possible without the support of the community. He thanked the Council for their support of grants which made this possible, and extended an important thanks to Councilmember Rubin who has been the conduit between the Council, residents and others in many related efforts.

Ms. Porter extended congratulations. This is a model of cooperation between the Police Department and the community. This is the essence of what we would like to see happen with community oriented policing. She thanked everyone involved in the process, adding that the Council is very proud of the recognition and appreciative of the efforts to reduce crime in the City.

SPECIAL SESSION

5. 2nd Reading Ordinance re: FY00 Storm Water Management Fee.

The City Council convened as the Storm Water Management Board -- Moved by Elrich; seconded by Williams. (Unanimous vote).

Ms. Porter explained the ordinance.

Moved by Rubin; seconded by Chavez.

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

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

6. 2nd Reading Ordinance re: FY00 Storm Water Budget.

Moved by Elrich; seconded by Williams.

Ms. Porter explained the ordinance.

Ordinance #1999-15 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

ORDINANCE #1999-15
(Attached)

7. 2nd Reading Ordinance re: FY00 Tax Rate.

Ms. Porter explained the ordinance.

Moved by Williams; seconded by Chavez.

Ordinance #1999-16 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

ORDINANCE #1999-16
(Attached)

8. 2nd Reading Ordinance re: FY00 City Budget.

Ms. Porter explained the ordinance.

Moved by Elrich; seconded by Williams.

Ordinance #1999-17 was adopted unanimously (VOTING FOR: Porter, Chavez, Elrich, Rubin, Stewart, Williams; ABSENT: Hawkins).

ORDINANCE #1999-17
(Attached)

9. Single Reading Ordinance re: Street Improvements.

Item removed from the agenda.

WORKSESSION / ADJOURNMENT

The Council moved into Worksession at 9:46 p.m. and later adjourned for the evening at 9:57 p.m.

June Harmon

Proposed change to Takoma Park Master Plan Working Draft, June 1999

Community Preservation, Stability, and Character

Land Use and Neighborhood Preservation

New Hampshire Avenue Neighborhoods

pages C-2, C-8 - C-9

Draft Master Plan - Zoning Retention Principle in Unification Area:

"The principal approach followed in the Sectional Map Amendment and the Zoning Ordinance text amendment following the Takoma Park unification was that existing uses in the Unification Area would retain similar uses, densities, and development rights as they had with Prince George's County."

"Owners of single family properties in the R-60 Zone should retain development standards and special exception rights similar to those they had in Prince George's County prior to unification. The intent of the Master Plan is to avoid potential harm to existing property owners that were in conformance with Prince George's County development standards."

Recommended text modification:

To more accurately reflect the zoning retention principle stated above, text on draft page C-9 should be modified (by insertion of bolded text) as follows:

"Amend Montgomery County Zoning Ordinance Division 59-B-6, which expires on July 1, 2001. The amendment will include the following provisions:

- 4. Provide that one-family lots recorded by plat prior to 1949 in Prince George's County and classified as buildable in Prince George's County on June 30, 1997, are buildable lots under the Montgomery County Zoning Ordinance. This will allow these lots to be treated the same as those in Montgomery County recorded prior to 1958."*

Proposed change to Takoma Park Master Plan Working Draft, June 1999

Environmental Resources

Water Quality and Stormwater Management
pages A-4 (summary) and E-11 - E-13

Current Draft Master Plan wording:

"encourage...stewardship of stream valley parks."

"The [County-wide Stream Protection Strategy] identifies the Lower Sligo Creek and Long Branch sub-watersheds as Watershed Restoration Areas, with Long Branch classified as a priority watershed for future studies and project funding."

Comment:

To protect streams from degradation, Montgomery County Environmental Guidelines define stream buffers within which no building disturbance may occur. However, these guidelines are often not enforced in older subdivisions such as exist in Takoma Park. In recognition that in our older community these sensitive properties may not receive the county's protection, we recommend that such lots be accorded the highest priority for purchase as Open Space.

Recommended text addition:

In accordance with these principles, we would add the following recommendation to the Master Plan:

"Our streams should be protected from further degradation, designating sensitive stream buffers defined by the County Environmental Guidelines as high priority for Open Space acquisition."

We request that our elected officials act promptly to protect the biological integrity of streams in older communities of Montgomery County.

Environmentally sensitive streambanks, as defined by the Montgomery County Environmental Guidelines, should be protected by either 1) universal application of these Guidelines, regardless of the date of subdivision, or 2) purchase of older streambanks for conservation as protected public land.

Signature	Printed Name	Complete Address	Phone	E-mail
	Will Anderson	9965 Green Pasture Rd Burtsville MD	(301) 890-8777	will_a@e-t-o.org
	Steve Stecker	1812 Powder Mill Rd S.S. MD 20907		SSTECKER@...
	Judy LaPrade	717 Kennebec Av. T. Park, MD 20912	585-4512	
	CATHY PETRILLO	805 Dale Drive Silver Spring MD 20910		cpetrill@deans.umd.edu
	Chantal Wojcik	6 Elyon Ct. Silver Spring MD 20910		
	Nancy Feissner	7403 Garland Ave. Takoma Park MD 20912	40589-5768	
	Judith Bli	7051 Carroll #90 T.P. MD 20912		
	Jeannine Mjoseth	6713 2nd St Takoma Park		
	Victoria Wegener	804 Violet Place Silver Spring, MD 20906		
	JOANNE EISENBERG	315 Circle Ave # Takoma Park MD 20912		
	Amy Morgan	902 SURREY SILVER SPRING, MD		amorgan@jpc.org
	ROBERT SCHAFER	252 Park Ave. Takoma Park MD		lyans@ati.org
	JULIE WIATT	325 LINCOLN AVE. TP MD 20912		301 270-3073 EJOL CC
	Nancy A. Hev	5404 Hamilton St. Apt. 4 Huntersville MD 208		

✓

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Signature	Printed Name	Complete Address	Phone	E-mail
	Joel L. Harman	7241 Garland Ave Takoma Park Md 20912	301 270-4629	jkh@cdc.gov
	Steve Babh	7110 Maple Ave Takoma Park MD 20912	301 270-3306	5E Babh@bigfoot.com
	PETER BANWELL	7221 CEDAR AVE TAKOMA PARK MD 20912		
	Robert Gibson	9 Pine Ave Takoma PK 20912		
	Julie Baddy	7314 Baltimore Ave Tk Pk		
	ZDENA NEMECIKOVA	7412 MAPLE AVE		JulieBZ@erols.com
	ROBERT GULACK	11		20912 ZDENAN@AOL.COM
	Darryl White	810 S Piney Branch Rd 55, MD 20910	(301) 565-3899	
	MERRILL LEFFLER	15 SHERMAN AVE TAKOMA PK, 20912	301- 891- 372A	lefflere@umbi.um.edu
	DIANA KOHN	16 Jefferson TAKOMA PARK MD 20912	301-270-8187	kohn@erols.com
	HANK PRENSKY	8018 Maple Ave TP MD 20912	301 585 2251	hprensky@erols.com
	JANE C. TAMLINSON	17001 RD FREEDOM WAY MD		ROCKVILLE
	FRAANK CASSEL	5001 STRATHMORE AVE KENSINGTON, MD 20895		
	Harold Zintel	14206 Way Cross Way Kensington MD	301-946-774	ZINTELEHUSRY@erols.com
	Robin Fenton	15301 C Diamond Cove Terr Rockville, MD 20850		914-

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Signature	Printed Name	Complete Address	Phone	E-mail
	Barry L. Newton	P.O. Box 153 Silver Spring MD 20860	301 774- 0929	bnewton@ askamp.c
	Willis W. Allred	9213 Saybrook Ave Silver Spring, MD 20901	301 587-3821	WwAllred@aol.c
	Anna R. Doroshaw	9213 Saybrook Ave. Silver Spring, MD 20901	301 587-3821	AnnARD@aol.c
	Nancy Klickinger	7127 Willow Ave. Takoma Park, MD 20912		
	Nancy Atwell	7000 Poplar Ave. Takoma Park, MD 20912	(301) 991-2140	natwell@ gsbalun.uchic .edg
	David L. Dul	7000 Poplar Av. Takoma Park, MD 20912	301 871-180	David@info .und.edu.
	Suzanne Morgan	724 Barclay Ave. Silver Spring, MD 20910		
	Edward Rappaport	8313 Eastridge Ave. Tak. Pk. 20912		
	Janet Rosenkrantz	8303 Haddon Dr TK PK MD 20912		Rosenkran @cuq.e
	Patrick Perry	8705 Meadryld S 407 Tulip Ave #304 Takoma Park, MD 20912	587- 0867	patperr @aol.co
	Cheryl Little	6505 Eastern Ave Takoma Park, MD 20912		cdl.litl crls.cov
	Bo Saunders	7206 Flower Ave #3 Takoma Park, MD 20912		BOSW INC e AOL.CS
	Emily Aster	Takoma Park MD 20912		
	Sandra Kimmelman	2210 Washington Rd Sil. Sp, MD 20910		
	Annette Debo	East Schuyler Rd Silver Springs, MD 20901		

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Signature	Printed Name	Complete Address	Phone	E-mail
	M.E. TRUMAN	623 N. CLIFFE DR ROCKVILLE, MD	301-340-0912	ESHEDANCES2@ERols.C
	John Parrish	9009 Fairview Rd Silver Spring, MD 20910	301-565-2025	
	RA STEIGMAN	9009 FAIRVIEW RD Silver Spring MD 20910	301-565-2025	
	Arlene Thorne	2805 Regina Drive Silver Spring, MD 20906	301-871-5013	
	Patricia Tice	10505 Streamview Ct Potomac, MD 20854	301-983-0789	
	John H. Fay	12505 Kuhl Rd Wheaton, MD 20902	301-946-5599	
	ELIZABETH JOHNSON	4413 RIDGE ST. CHEVY CHASE, MD 20815	301-656-4948	
	Aaron Barkatt	1120 Dunson Road Silver Spring, MD 20903	202-319-5397 (w) BARKATT@CUA.EDU	
	Dan Shepherdson	4526 Amherst Lane Bethesda, MD 20814	301-564-4381	
	Shana Weiner	1512 Columbia Ave Rockville, MD 20850	301-424-2662	
	Leigh Fay	1515 Gerard St Rockville, MD 20850	301-251-1214 1fox2xi-usa.	
	Sarah Baghdadli	11428 Beechgrove Ln Potomac, MD 20894	301-340-1256 Funstop46@Yahoo.com	
	KATHRYN LONG	4313 Ambler Dr. Kensington MD 20895	301-564-0743	GRANDOLA KID@HOTMAIL.COM
	Sally Gaglio	6657 Foxcroft Lane SS 20901	301-588-2071	
	David & Robin Fenton	15301 EC Diamond Quarter Rockville, MD 20850	(301) 924-9118	

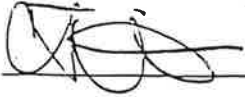


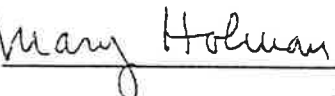
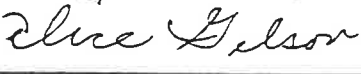


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Signature	Printed Name	Complete Address	Phone	E-mail
<i>Catherine Hess</i>	Catherine Hess	111 Lee Ave #410 TP MD	301-270-8273	chessie@access.digex.net
<i>Leslie Haak</i>	Leslie Haak	808 Hollywood Ave. Spring Hill TN	301-625-0655	terikobb17@odc.com
<i>John J. Petta</i>	John J. Petta	1206 Godwin Dr Silver Spring MD 20911	301-593-1457	jpetta@erols.com
<i>Robert DePrisco</i>	Robert DePrisco	426 Miss Ave TP MD 20911	301-589-6940	-
<i>David Zaber</i>	DAVID ZABER	904 Glenwood Ct. TP MD 20912	301-270-2116	dzaber@gateway.net
<i>Deborah Ann Lyons</i>	Debbie Lyons	904 Glenwood Ct. TP MD 20912		


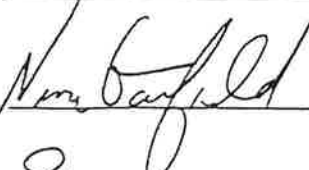
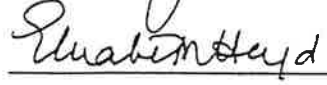
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Signature	Printed Name	Complete Address	Phone	E-mail
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	Jim Johnson	8716 Plymouth St #2 Silver Spring MD 20901	301-587-7233	
	MARY HOLMAN	8814 Reading Rd Silver Spring MD 585-6635		
	Alice Gilson	9202 Worth Ave. Silver Spring Md.		
	John A. Gilson	9202 Worth Ave. Silver Spring Md.		585-1215
	Laurie Palmer	9115 Sligo Creek Pky SS MD 301-587-3434		

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Signature	Printed Name	Complete Address	Phone	E-mail
	T.J. Mathews	2304 Cobble Dr. #302 Silver Spring MD 20910	301-589-7631	tjm4@cdc.gov
M. Cookson	M. Cookson	1601 18th St. D.C. 20009	202 473 7268	hcookson@worldbank.org
	Nina Garfield	7008 Woodland Ave TP 20912 WDC 20036	301-20-8540	ngarfield@pocanet.org
	Elizabeth Heyd	1425 17th St NW #206	202 387 8432	naussic@his.com

Testimony for the June 14, 1999 hearing on the Takoma Park Master Plan.

Hello my name is Jim Sebastian. I live at 6805 Westmoreland Avenue. My comments address the bicycle and pedestrian provisions of the master plan. I work as a transportation planner at the Metropolitan Washington Council of Governments where I spend most of my time on bicycle and pedestrian issues.

Let me start by saying that Takoma Park is a biking and walking community. An estimated 200 bike trips and hundreds more pedestrian trips are made everyday for commuting, shopping, recreating and just getting around. Let me also say that the draft Master Plan contains many recommendations that will improve conditions for biking and walking.

However, the Plan is lacking in provisions for on-street bicycling, which accounts for the most of bike trips in Takoma Park. It contains no explicit provisions for bike lanes, one of the safest, cheapest, and most popular type of bikeway in the US and abroad. (By bike lanes I mean a portion of the roadway designated for biking, usually by a painted stripe - you can see an example of bike lanes on page 3. Bike lanes are good for a number of reasons and they're not just good for bicyclists:

1. Bike lanes help both cars and cyclists stay in straight line and away from each other.
2. Bike lanes can slow auto traffic by narrowing the auto lane. Rockville has begun implementing their bike plan and has seen a decrease in speeds of 3-8% on one of the streets to which bike lanes were added. A recently redesigned street with bike lanes in the Tacoma, Washington area has brought speeds down from 44 to 31 mph.
3. Bike lanes increase comfort and safety for pedestrians by pulling cars further from the curb and sidewalk.
4. Bike lanes are inexpensive compared with constructing separate trails next to the road.
5. Bike lanes increase the amount of bicycling on a road by making cyclists feel safer and more comfortable.

Most of our local residential streets with speed humps, low auto speeds and low traffic volume, are already excellent for bicycling and don't need bike lanes. We only need bike lanes and other on-street treatments on a few primary roads. Let me give two examples:

The draft plan calls for a Main Street design concept for Maple Avenue right outside this building. Bike lanes are excellent complement to a Main Street. On page 4 I have included a photo of State Street, which is the Main Street in Santa Barbara, California. This is one of the most attractive and economically successful main streets in the US and it includes bike lanes.

At 44 feet wide from curb to curb, the stretch of Maple from Philadelphia to Sligo is wide enough for parking, bike lanes and two eleven foot auto travel lanes. By eliminating parking

from just one side of the street we could also widen the sidewalks.

In cases where bona fide 4 or 5 foot wide bike lanes are not possible, the plan should still recommend a white strip on the right side of the travel lane. This technique has many of the same benefits as a bike lane. It is also a state policy for state roads as described on page 5 of my hand-out. Carroll Avenue, Piney Branch Road, Flower Avenue, Philadelphia Avenue are state roads and should be considered for this type of treatment. For example, on Carroll Avenue between Old Town and Takoma Junction, the road is 28 feet wide curb to curb. We should have a stripe three feet from the curb to pull cars away from the sidewalk, slow traffic, AND provide some extra room for cyclists. Like Maple Avenue this particular stretch is also a proposed Main Street with trees and a wider sidewalk, something I wholeheartedly support and can't wait to use. However, I would urge city, county, and state officials not to narrow the road itself on this or other similar streets. In other words, yes, narrow the lane, but not the street.

Some may say that these recommendations favor only hard core cyclists. On the contrary, advanced cyclists will continue to use the street regardless of the what facilities we provide. Bike lanes and other on-street treatments make it easier for the BASIC cyclist to use the road. San Francisco has seen 55% increase in cyclists on roads where they have added bike lanes.

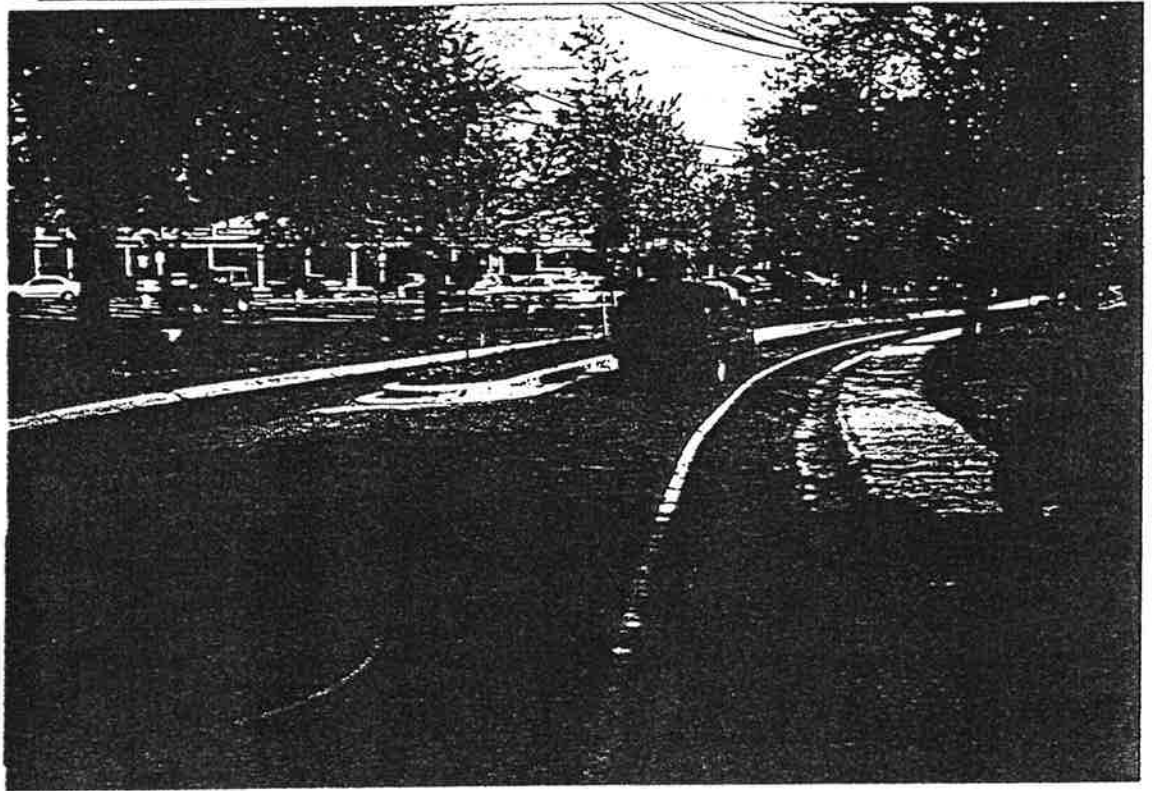
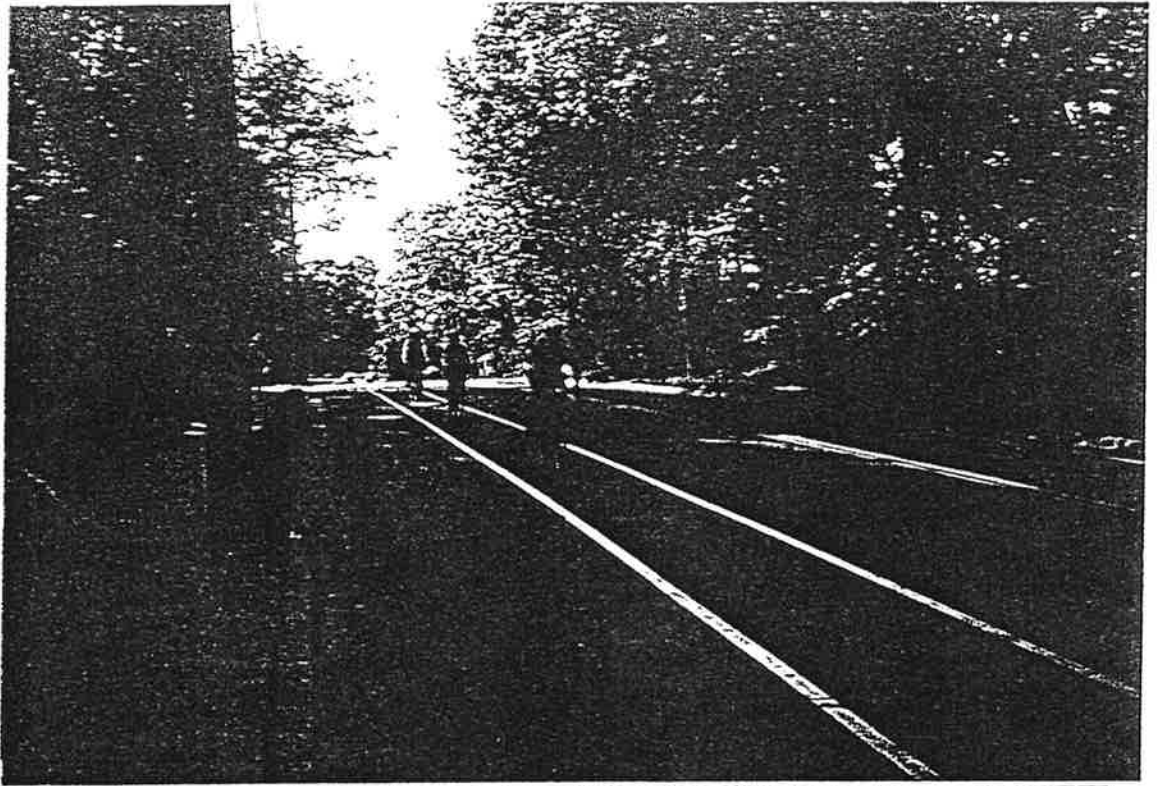
Contrary to popular belief cyclists are not necessarily safer on the sidewalk or roadside trails. There are several problems with sidewalk bikeways including conflicts with pedestrians, conflicts with cars turning at driveways and intersections, and cyclists traveling on the wrong side of the road to get to the path. These problems are further outlined by a nationally respected transportation engineering guide on page 6.

This is not to say that we don't need more, and in some cases, wider sidewalks to accommodate child cyclists and others who will not bike on certain roads. The draft Plan includes many good proposals for wider sidewalks. I'm simply saying that the majority of cyclists will be better accommodated on the street.

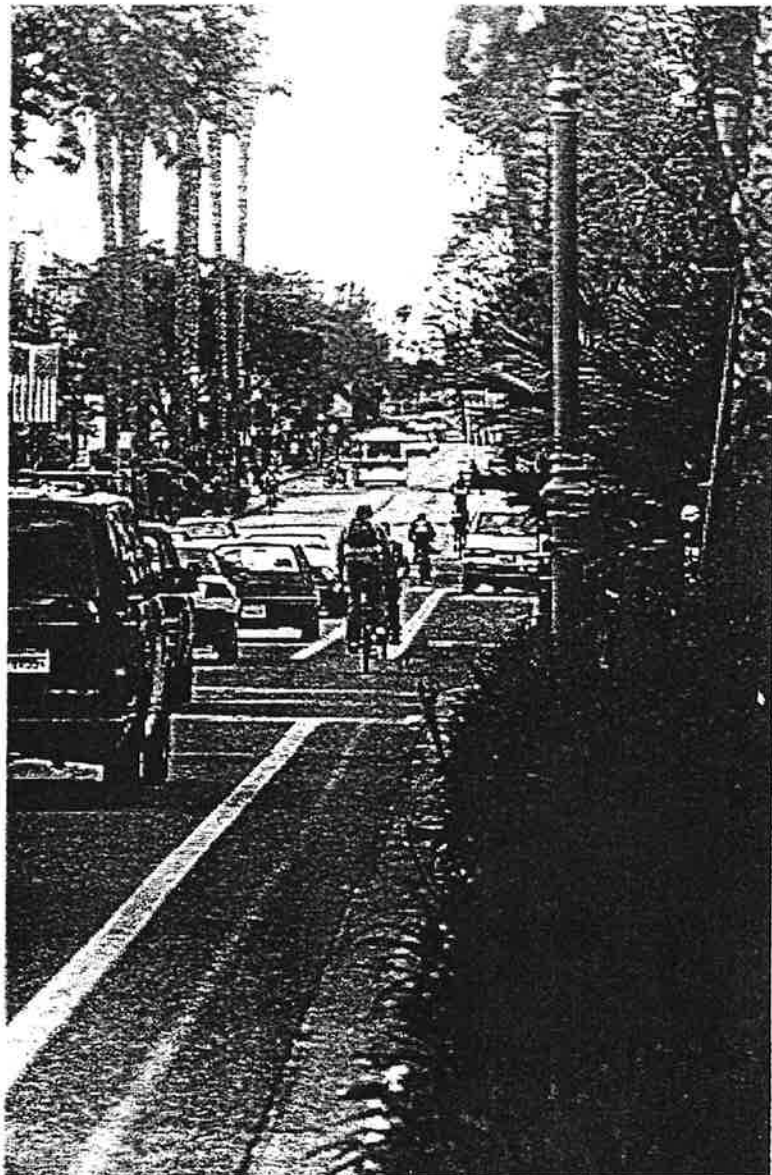
My last plug for on-street bikeways is that they are far less expensive than constructing paths along roads. With a good design and a can of paint you can install bike lanes for \$1 a foot. Separate paths can cost hundreds of thousands of dollars, not to mention the possible acquisition of right of way, relocation of utilities, and time involved. In Montgomery County, we are still waiting for bike paths proposed in 1978.

Finally, let me say that the draft master plan as it is now written does give us the flexibility to install on-street bike facilities. But I thought it was important to describe these facilities to the Council so we can more fully integrate them into the Master Plan and into our ongoing road improvement program.

I will forward my specific proposed changes to the planning staff and city council in the next few days and look forward to working together on the final draft. Thank you for hearing my testimony.



ROCKVILLE BIKE LANES
WITH PARKING LANE (TOP) AND
WITHOUT PARKING LANE (BOTTOM)



BIKE LANES ON
STATE STREET
SANTA BARBARA, CA

be accomplished in compliance with the MUTCD and the SHA's MUTCD Supplement.

Striping: If a significant number of bicyclists use a roadway that has a wide curb lane, consideration should be given to providing a stripe between the travel lane and the shoulder area (11' lane, 3' shoulder, Fig. 1). This identifies the space for both the motorist and the cyclist. If a roadway has no shoulder or a shoulder that is less than four (4') feet wide, the District Office should consider minimizing the travel lane widths so as to capture a space for bicycle traffic. The objective is to establish at least a minimum two (2') foot wide continuous unobstructed "bicycling area" along each State roadway whenever possible. The decision to minimize lane widths to accommodate bicycle traffic should be determined by the District Engineer. Additional signing and marking are not necessary unless the conditions meet those described under "Signing".

Maintenance: In areas with significant volumes or regular bicycle traffic, consideration should be given to periodically sweeping the shoulders or wide curb lanes to remove debris.

Guidelines for Bicycle/Pedestrian Path/Trails

In recent years the Department has become increasingly involved in the construction of off-road bicycle and pedestrian facilities. The following points should be considered in planning or designing these facilities:

be avoided. Sidewalks are generally unsafe because they put the cyclist in conflict with motorists using driveways, and with pedestrians, utility poles and sign posts. Also the cyclist is generally not visible or noticed by the motorist so that the cyclist suddenly emerges at intersections, surprising the motorist and creating a hazardous condition.⁽²⁹⁾

The *AASHTO Guide* discusses the implications of multiuse sidewalks and states that "providing a sidewalk bicycle path is unsatisfactory for a number of reasons."

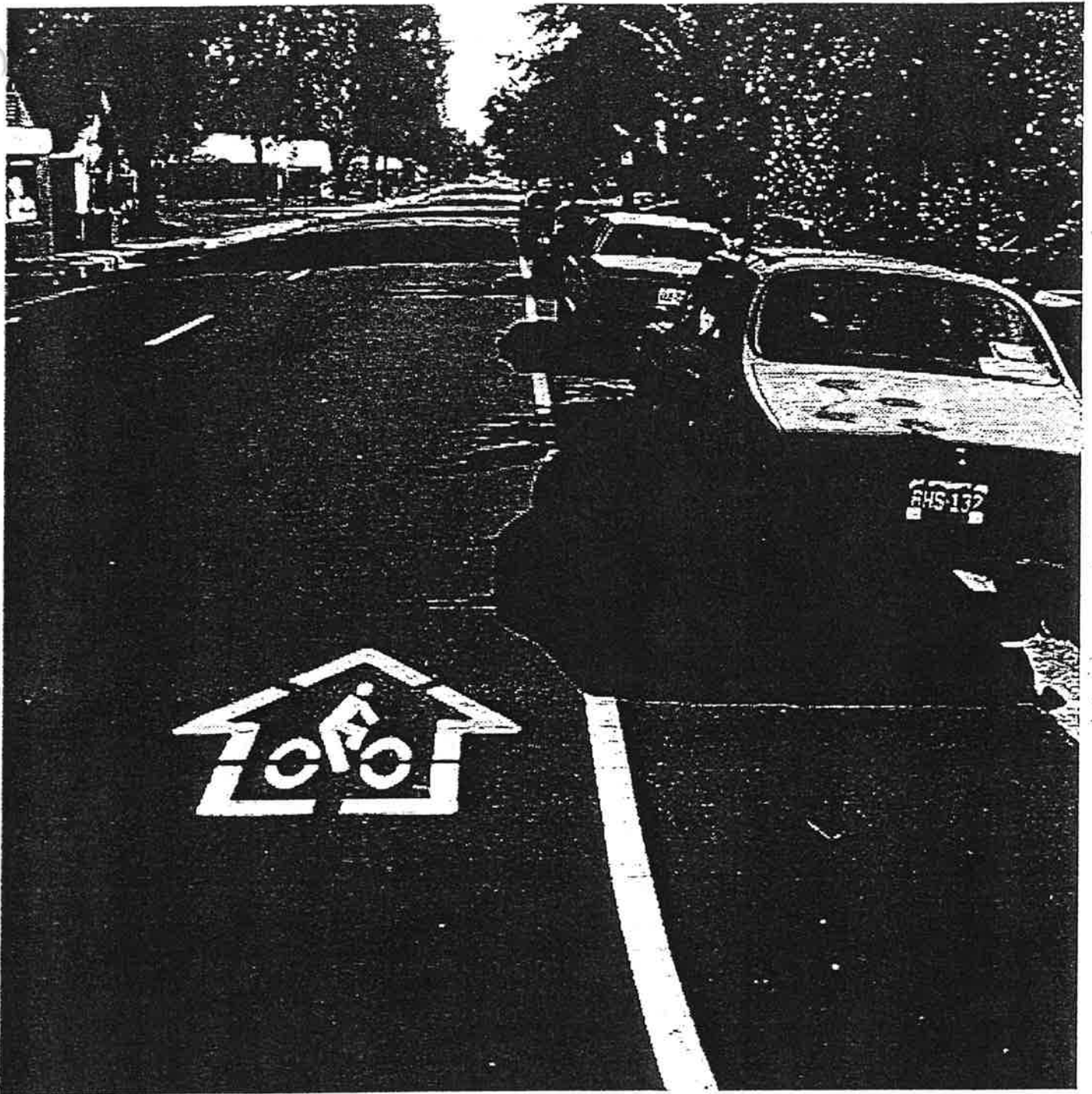
- Sidewalks are typically designed for pedestrian speeds and maneuverabilities and are not safe for higher speed bicycle use.
- Conflicts are common between pedestrians traveling at low speeds (or exiting stores, parked cars, etc.) and bicyclists, as are conflicts with fixed objects (e.g., parking meters, utility poles, sign posts, bus benches, trees, fire hydrants, mail boxes, etc.)
- Walkers, joggers, skateboarders, and roller skaters can, and often do, change their speed and direction almost instantaneously leaving bicyclists insufficient time to react to avoid collisions. Pedestrians often have difficulty predicting the direction an oncoming bicyclist will take.
- At intersections, motorists are often not looking for bicyclists (who are traveling at higher speeds than pedestrians) entering the crosswalk area, particularly when motorists are making a turn.
- Sight distance is often impaired by buildings, walls, property fences and shrubs along sidewalks, especially at driveways.⁽²⁾

The terms "trail" and "greenway" are entering into more common use. A trail is typically a facility independent of a highway right-of-way, such as along an abandoned railroad corridor or river, designed for the shared use of bicyclists, pedestrians, joggers, and many other recreationists. A greenway is a corridor of park-type land that may or may not incorporate a trail within its boundaries.

APPLICATION OF BIKE PATHS

The Oregon Bicycle Master Plan states quite clearly that "bike paths can provide excellent bicycle facilities under certain circumstances."⁽²⁹⁾ They are one of the many bicycle facilities and treatments available to engineers and planners seeking to improve the lot of the bicyclist. There are places where bike paths are appropriate and places where they are not. The fact that some controversy remains associated with their use does nothing to diminish the value of a well-designed and maintained bike path or trail in the right location and situation.

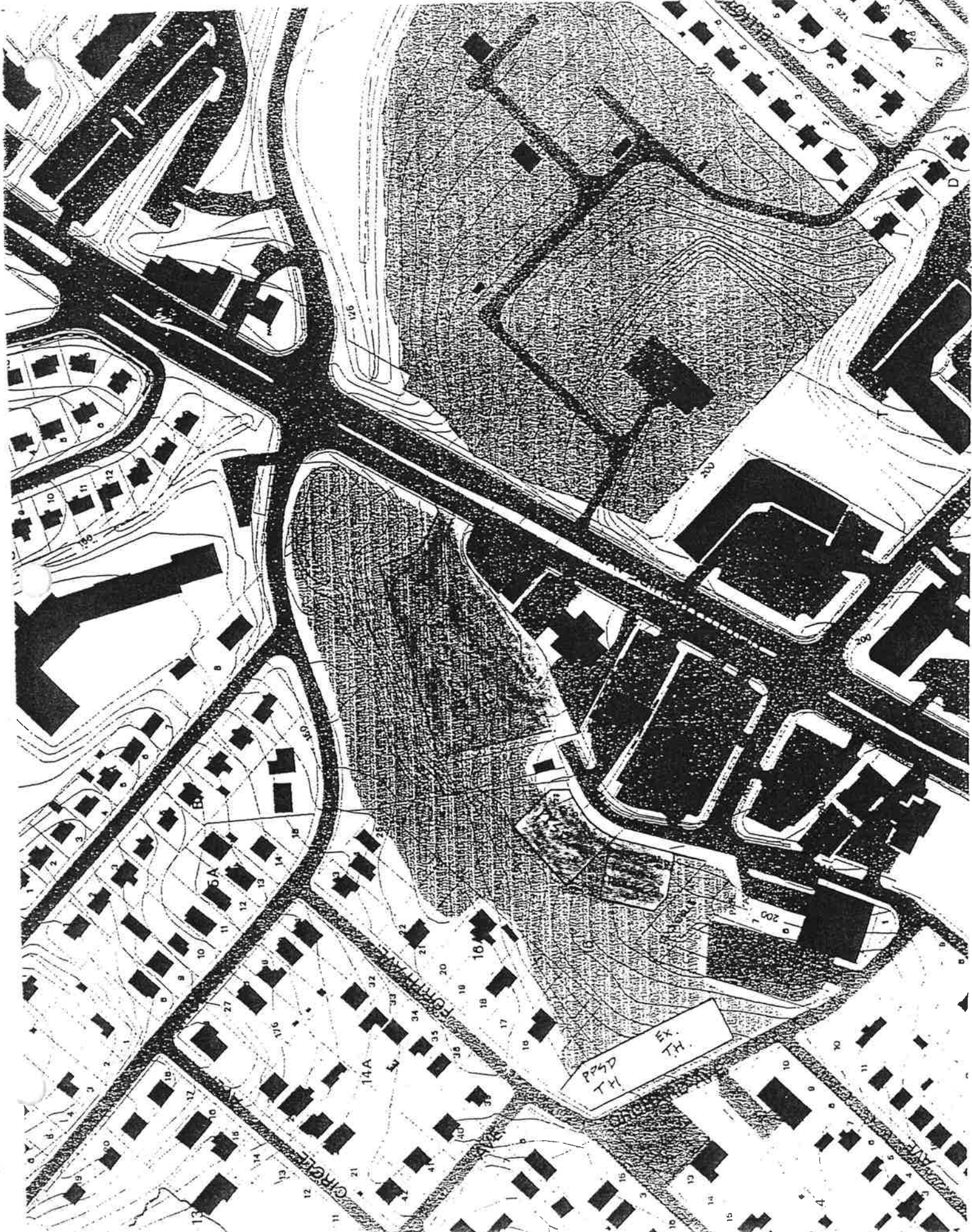
Every bicycle facility design guide attempts to define the range of suitable applications for bike paths. For example:



"BIKE ARROW" IN DENVER

USEFUL WHERE THERE IS NO
SPACE FOR BIKE LANES

Byrne Kelly



Jane Holmes

June 14, 1999

Testimony given to Mayor Porter and the Councilpersons of
City of Takoma Park, Maryland
7500 Maple Avenue
Takoma Park, Md. 20912
SUBJECT: TAKOMA PARK DRAFT MASTER PLAN

My name is Jane Holmes and I am President of the Pinecrest Civic Association. I am here tonight representing the PCA members and to share with you our views on some issues addressed in the Draft Takoma Park Master Plan.

The Members of Pinecrest Civic Assn. have a vision for the neighborhood. We have worked hard to obtain a grant from Montgomery County to bring our infrastructure up to the standards now enjoyed by the rest of Takoma Park and Montgomery County. This need was addressed in the Master Plan and we hope to see the City complete the work before the Master Plan is approved. We are, however, dismayed with the extension of commercial zoning to the residential side of Sligo Mill Road as recommended in the Master Plan. Our concerns are shared with adjoining Circle Woods Civic Association with who we met last night. City of Takoma Park employees attend our meetings whenever invited and are well aware of the concerns of our membership.

We object to additional commercialization, even low intensity commercial uses, for property currently zoned for residential uses, especially when adjacent commercial property is currently under-utilized or vacant.

The Draft Master Plan addresses our concerns in various spots of it's narrative which I would like to share with you:

1. The plan supports townhouse development, yet changes the areas in Pinecrest designated as townhouse zoning to recommend commercial zoning. It also recommends that an existing commercial property be allowed to downzone to townhouse zoning if the building is torn down. Our citizens are wondering why and from where are these proposals coming? While we support the Commercial Revitalization Overlay Zone to provide site plan review for the commercial properties directly on New Hampshire Avenue, the addition of the property on Sligo Mill Road unnecessarily shifts concentrated commercial activity closer to existing residential properties. If this measure is enacted to increase revenues, we object to the possibility that it is done at our expense.
2. The Plan says large volumes of vehicular traffic can be disruptive to the comfort and safety of residential areas. It continues noting Commercial zoning would increase commercial traffic closer to residential areas. The plan recommends that Commercial Hiways be serviced by Major Hiways and

arterial and separated from neighborhood streets. By pushing the commercial zone back towards the existing residential property, we take the risk of Orchard Avenue becoming a by-pass to New Hampshire Avenue, much like we experience with Poplar Avenue.

3. The Plan notes under Neighborhood Protection: new or expended structures should be sensitive to character and scale of adjoining neighborhoods. Building should not be significantly larger than nearby structures. A 300-ft. by 70 ft. by 30-ft. high proposed storage facility would enjoy favorable consideration if this new commercial zone is recommended. Both the Pinecrest Civic Association and the Circle Woods Association have voted in opposition of such a massive facility being built.
4. It is recommended in the Plan that property on Orchard Avenue be acquired for future playground, basketball court, and neighborhood gathering space in the Pinecrest area. When this happens, we would like to ensure the safety of the children visiting the recreation area. That is not possible if commercial traffic is involved. Also, there is a possibility that the parcel of land specified may be built as townhomes, as permitted. Since Pinecrest will still be in need of a recreation area, a similar property would need to be found in Pinecrest. A parcel of sufficient size would only be available on Sligo Mill Road. Thus, property with commercial value would increase the funds needed to provide our much-needed playground.
5. The Plan recommends a variety of innovative techniques to protect streams. It notes that what little vacant land which exists needs to be preserved and enhanced. It also indicates that trees and forest play an important role in the character instilled in Takoma Park. However, Pinecrest's only stream has been slated to become C-3 Zoned. Though a 75-ft. buffer zone is indicated, residents believe this would be insufficient. We wish this property to be included in the Open Space Plan promised by the Mayor of Takoma Park. An inventory of the available open space has not yet been done in the annexed area, and should be administrated as soon as possible.

In conclusion, Pinecrest voices it's objection to additional commercialization on Sligo Mill Road, and wishes it to be removed from the Takoma Park Master Plan.

received
6-14-99 [signature]

June 11, 1999

Suzanne Ludlow
Planning Center Coordinator
City of Takoma Park
7500 Maple Ave.
Takoma Park, MD 20912

Dear Suzanne,

I will not be attending the City Council meeting on June 14, where the draft of the Takoma Park Master Plan will be discussed. Therefore, I wanted to communicate some of my thoughts to you in writing.

I regret that I have not found the time to personally review the draft of the Master Plan. However, I have received summary level information about certain features in the Plan. Based upon what I have heard, I am providing comments to you regarding bicycling, and regarding undeveloped space in the annexed areas - in particular, the wooded area at the corner of New Hampshire and Poplar.

I am someone who often uses my bicycle as a mode of transportation. I find that in general I can use my bicycle on the streets inside Takoma Park without feeling crowded or threatened. However, one significant exception is the stretch of Carroll between Flower and the Long Branch stream. This stretch of Carroll is very narrow; hence, I feel unsafe whenever I am using it, particularly when I am trying to proceed uphill from the stream to Flower. I hope something will be done to make this stretch of Carroll much more bicycle-friendly than it is now.

I have heard that the draft Plan calls for 8-foot wide combined pedestrian and bike paths on one side (only) of Carroll and Piney Branch, and narrowing of the road pavement on Carroll and Flower. If my understanding is correct, I wish to register my objection to both of these proposals. First, I feel there should be a sidewalk on every street for the use for pedestrians only, and bicycles should be using streets that have wide curb lanes or bike lanes; hence, I do not agree with the suggestion for a combined pedestrian and bike path on Carroll and Piney Branch. Second, I am concerned about any narrowing of Flower and/or Carroll, including but not limited to the stretch of Carroll I described in the previous paragraph. At this time, I think Flower is just barely wide enough to accommodate cars and bicycles, and I think the width of Carroll from Ethan Allen to University (except for the stretch described in the previous paragraph) is satisfactory, and I'd like to suggest establishment of bike lanes.

I have heard that the draft Plan includes a rezoning for the wooded area at New Hampshire and Poplar. I do not know the details of this rezoning, so I do not know if there is a link between this proposed rezoning and a proposed development of the property as a storage facility by Mr. Harvey Maisel. Let me mention, if you are not already aware, that the two community associations that adjoin the property, the Pinecrest association and the Circle Woods association, both recently have voted against endorsing Mr. Maisel's proposal. Hence, if there is a link

between the rezoning and Mr. Maisel's proposal, I would like to register my objection to the rezoning.

At the Circle Woods meeting this past Tuesday where the vote on Mr. Maisel's proposal was taken, a meeting participant stated, and Bruce Williams agreed, that no Open Space planning has taken place for the annexed areas, including the wooded area at New Hampshire and Poplar. Several of us who were in attendance at the meeting feel that Open Space planning for the annexed areas should be given a priority, as we feel this may admit the purchase of the New Hampshire-Poplar property using Open Space funds (similar to what was done for a portion of the Circle Woods). Given that there appears to a possibility that undeveloped areas in the annexed area could be acquired using Open Space funds, I recommend that no zoning changes be allowed at this time to the undeveloped areas that would foster development.

If you want to discuss anything I've mentioned in my letter, please feel free to call me at (301)270-3416.

Sincerely,



Chris Moriarity
200 Spring Ave.
Takoma Park, MD 20912

Introduced by: Councilmember Chavez

First Reading: 6/1/99
Second Reading: 6/14/99

Ordinance No. 1999-14

Establishing the Fiscal Year 2000 Base Rate for the Stormwater Management Fee

WHEREAS, on June 10, 1996, the Council passed Ordinance No. 1996-15 adding a new Chapter 10D, Stormwater Management Fee System, to the *Takoma Park Code* and providing for a storm water management utility fee system based on the amount of runoff from each property to fund the costs of storm water management in the City; **AND**

WHEREAS, all developed property in the City, including property owned by non-governmental tax-exempt entities, contributes to runoff and either uses or benefits from the storm water system; **AND**

WHEREAS, a storm water management fee, which is a utility charge for services and not an *ad valorem* tax, will provide for a fair and equitable contribution from the owners of developed property to the City's storm water management program and to the costs of operating, maintaining, and improving the City's storm water system and will inure to the benefit of all citizens of the City; **AND**

WHEREAS, state law provides that the City may not impose a storm water management fee on government-owned property which is used for public purposes; **AND**

WHEREAS, the storm water management fee is calculated using a base unit (which is sometimes referred to as an "equivalent residential unit" or "ERU") which represents the median impervious surface area of a typical single family residence in the City; **AND**

WHEREAS, the base unit, *i.e.*, the median impervious area of single family residential properties in the City, has been established at 1,226 square feet; **AND**

WHEREAS, the base rate for the storm water management fee is the annual (fiscal year) charge for one base unit; **AND**

WHEREAS, the storm water management fee for single family residential properties in the City will be a fixed yearly fee equal to the base rate; **AND**

WHEREAS, the storm water management fee for other developed property in the City will be calculated by multiplying the number of base units of impervious area of the property by the base rate; **AND**

WHEREAS, "other developed property" is all property other than single family residential property in the City which has more than 409 square feet (one-third of the base unit) of impervious surface area, except property that is used for public purposes and is owned by the State of Maryland or an agency or unit of the State, by a County, by the City, or by a volunteer fire department.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, SITTING AS THE STORMWATER MANAGEMENT BOARD FOR TAKOMA PARK.

SECTION 1. The base rate for the storm water management fee for fiscal year 2000 (July 1, 1999 to June 30, 2000, both inclusive) is \$28.68. The base rate shall remain constant at \$28.68 for future fiscal years or until such time as the Stormwater Management Board effects a change in the level of the base rate. The base rate shall be used to calculate the storm water management fee for other developed property in the City as provided by Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*). The storm water management fee for fiscal year 2000 shall be billed to the owners of single-family residential property and other developed property in the City as provided in Ordinance No. 1996-15, as amended (Chapter 10D, Stormwater Management Fee System, of the *Takoma Park Code*).

SECTION 2. This Ordinance shall be effective upon adoption.

Adopted this 14th day of June, 1999 by roll-call vote as follows:

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

Introduced by: Councilmember Williams

1st Reading: 6/1/99
2nd Reading: 6/14/99

Ordinance No. 1999-15

AN ORDINANCE TO ADOPT A STORM WATER MANAGEMENT BUDGET FOR FISCAL YEAR 00 BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, Article XII, Section 1201 of the Takoma Park City Charter states that the Council shall, by ordinance, be designated the Storm Water Management Board for Takoma Park with all the powers therein; **AND**

WHEREAS, Section 4-204(d), Environment Article of the Annotated Code of Maryland authorizes the adoption of a system of charges for storm water management programs by the City; **AND**

WHEREAS, Article XII, Section 1205 of the Takoma Park City Charter (as amended by Charter Resolution 1996-21) states that the Storm Water Board is empowered to charge and collect storm water utility fees or user charges in order to raise sufficient annual revenue to pay for storm water management activities in the City; **AND**

WHEREAS, the Storm Water Management Board desires to maintain a Storm Water Management Fund for the collection and payment of revenues and expenditures as it deems necessary to provide for the construction, maintenance, operations and repair of the storm water drainage system in the City.

NOW THEREFORE BE IT ORDAINED BY THE STORM WATER MANAGEMENT BOARD OF THE CITY OF TAKOMA PARK

SECTION 1: THAT for the fiscal year 2000, a Storm Water Management Fee shall be imposed on real property in the City in an amount sufficient to fund the Storm Water Management Expenditures established by Section 4 of this Ordinance. The base rate for the Storm Water Management Fee shall be established by separate Ordinance.

SECTION 2: THAT a Storm Water Management Fund shall be maintained into which shall be deposited:

- (a) All the receipts and revenues from user charges, and utility fees imposed by the City to pay for storm water management; **AND**
- (b) All charges, fees, fees-in-lieu, grants, and other contributions received from any person or governmental entity in connection with storm water management activities or programs.

SECTION 3: THAT from and out of the monies known to be received from the utility fees set by the Storm Water Management Board, and from all monies to come into all funds during the twelve (12) month period ending June 30, 2000, there shall be, and hereby are appropriated Storm Water Management Fund revenues, as follows:

Utility Fees:	\$214,000
Stormwater permit fees:	2,000
EPA Grant:	0
Chesapeake Bay Fund:	<u>0</u>
TOTAL	\$216,000

SECTION 4: THAT there shall be, and here are appropriated the following sums for use for the support of storm water management activities during the 1999-00 Fiscal Year:

Personal Services:	\$ 35,000
Operational Expenditures:	<u>181,000</u>
Total:	\$216,000

SECTION 5: THAT storm water management project that are declared to be emergencies as defined by the City Council in accordance with the City Charter, may be funded through the Emergency Reserve or other reserves as may be designated by the City Council.

SECTION 6: THAT the approved FY00 budget document with account listings is to be incorporated as a part of this Ordinance by reference.

SECTION 7: THAT should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 8: THAT this Ordinance shall become effective July 1, 1999.

Adopted this 14th day of June, 1999 by Roll Call Vote of the Storm Water Management Board for the City of Takoma Park.

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams
NAYS: None
ABSTAIN: None
ABSENT: Hawkins

Introduced by: Councilmember Williams

1st Reading: 6/1/99
2nd Reading: 6/14/99

ORDINANCE NO. 1999-16

AN ORDINANCE TO ESTABLISH THE TAX RATE FOR THE FISCAL YEAR 2000 BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, in accordance with Section 6-303 of the Tax Property Article of the Annotated Code of Maryland, the City Council is mandated to establish a municipal incorporation tax rate on or before the first day of July of each year.

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

SECTION 1. THAT Section 11a-2, Chapter 11a, "Taxation", of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended as follows:

Section 11-A-2. Annual tax levy on real and personal property.

(a) Effective July 1, 1999, all real and personal property which is subject to taxation by the City of Takoma Park shall be subject to a tax on the assessed value of such real and personal property as such value is determined by the State Department of Assessments and Taxation, at the rate of:

General City services: \$1.58

Per \$100.00 of assessed valuation.

SECTION 2. THAT this Ordinance shall be effective July 1, 1999.

Adopted this 14th day of June, 1999.

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams
NAYS: None
ABSTAIN: None
ABSENT: Hawkins

Introduced by: Councilmember Rubin

1st Reading: 6/1/99

2nd Reading: 6/14/99

Ordinance No. 1999-17

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR 2000, BEGINNING JULY 1, 1999 AND ENDING JUNE 30, 2000.

WHEREAS, in accordance with Article IX of the Charter of the City of Takoma Park, it is the determination of the City Council that the annual appropriation Ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City must provide in the fiscal year beginning July 1, 1999 and ending June 30, 2000 (FY00).

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

SECTION 1. THAT from and out of the monies and balances known to be in the General Fund of the City of Takoma Park, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 2000 there shall be, and hereby are appropriated General Fund revenues of TEN MILLION EIGHT HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED ELEVEN DOLLARS (\$10,884,611) and a transfer of prior year surplus and/or Unappropriated Reserve balance to the FY00 budget as follows:

Taxes-Local	\$ 5,144,881
Taxes-State Shared	1,546,032
License & Permits	48,100
Revenue from other Agencies	3,121,611
Service Charges	587,420
Fines & Forfeitures	94,000
Miscellaneous	342,567
SUBTOTAL	\$10,884,611
Prior year surplus/Unappropriated Reserve	414,000
Equipment Replacement Reserve	40,000
Stormwater Fund - Debt Service Transfer	0
Equipment Replace Reserve - Debt Service Transfer	0
Tree Fund	0
TOTAL	\$11,338,611

SECTION 2: THAT the City Administrator is hereby authorized to transfer funds to the FY00 budget from the prior year surplus and/or Undesignated Fund Balance in the amount of \$414,000.

SECTION 3: THAT there shall be, and here are appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during the 1999-00 Fiscal Year:

Police Department	\$3,496,630
Public Works	2,861,159
General Government	1,068,286
Housing & Community Development	787,934
Recreation	871,343
Non-Departmental	918,427
Library	588,660
Capital Expenditures (General Fund)	132,158
Debt Service	293,422
Capital Expenditures (Equipment Reserves)	40,000
Media	151,405
General Fund Transfer to Special Revenue Fund	49,187
Equipment Reserve Transfer	80,000

AUTHORIZED FY00 EXPENDITURES **\$11,338,611**

SECTION 4. THAT in accordance with Article IX of the City Charter, Section 903, there is included in the Non-Departmental Budget, a General Contingency Account appropriation of FIFTY FOUR THOUSAND FOUR HUNDRED TWENTY THREE DOLLARS (\$54,423);

SECTION 5. THAT a Special Revenue Fund is authorized for receipt of and expenditure of Federal, State or County funded projects, with Revenues of FIVE MILLION FOUR HUNDRED THIRTY NINE THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS (\$5,439,827) inclusive of a General Fund Transfer of FORTY NINE THOUSAND ONE HUNDRED EIGHTY SEVEN DOLLARS (\$49,187), and an Expenditure appropriation FIVE MILLION FOUR HUNDRED THIRTY NINE THOUSAND EIGHT HUNDRED TWENTY SEVEN DOLLARS (\$5,439,827).

SECTION 6. **THAT** a five year Capital Improvements Program, intended to plan for large capital expenditures and their impact on the annual property tax rate, is adopted in the following amounts:

FY00	\$132,158
FY01	\$512,150
FY02	\$494,150
FY03	\$510,800
FY04	\$592,800

SECTION 7. **THAT** the Council hereby ratifies the storm water management budget for FY00 adopted by the Stormwater Board by Ordinance #1999-15.

SECTION 8. **THAT** the approved FY00 Budget Document and the Proposed FY00-04 Capital Improvements Program are to be made a part of this Ordinance by reference.

SECTION 9. **THAT** storm water management projects that are declared to be emergencies as defined by the City Council, in accordance with the City Charter, may be funded through the Emergency Reserve or as otherwise directed by the City Council.

SECTION 10. **THAT** should any section of this Ordinance can be determined to be invalid, such invalidity shall not affect any other sections.

SECTION 11. **THAT** this Ordinance shall become effective July 1, 1999.

Adopted this 14th day of June, 1999, by Roll Call Vote:

AYES: Porter, Chavez, Elrich, Rubin, Stewart, Williams
NAYS: None
ABSTAIN: None
ABSENT: Hawkins

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

Monday, June 21, 1999

OFFICIALS PRESENT:

Mayor Porter

Councilmember Chavez

Councilmember Elrich

Councilmember Hawkins

Councilmember Rubin

Councilmember Stewart

Councilmember Williams

City Administrator Finn

City Clerk Sartoph

Treasurer McKenzie

Planning Center Coordinator Ludlow

Telecommunications Manager Moffett

The City Council convened at 7:37 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

None.

ADDITIONAL AGENDA ITEMS

Mayor Porter explained that Item #2 is being removed from the agenda, and that she is planning to add a Closed Session following the end of Item #11 if there is time remaining this evening.

ADOPTION OF MINUTES -- 6/7 AND 6/14

Ms. Porter said that she would like to consider the adoption of only the minutes of 6/14, explaining that she has some editorial comments on the minutes of 6/7 that she would like to discuss with the City Clerk.

Moved by Stewart; seconded by Elrich. The minutes of 6/14 were adopted unanimously.

CITIZENS' COMMENTS

Bill Ivens, Albany Avenue, commented on Jequie Park. He said that neighbors have discussed with police for years problems about parking and activities in the park. He noted that he has called the police a number of times, but that there has been no response from the department. Instead, he has been advised not to approach the persons in the park with his complaints.

Stacey Guerian-Sherman, Albany Avenue, said that every year this time residents have to bring-up problems concerning Jequie Park. She recalled last year when she called City Administrator Habada at home one morning because of concerns about the litter problem. The Police Chief came out and ensured her that alcohol consumption, graffiti, parking, people in park without a permit and other problems would be addressed by the City. Last Memorial Day, by Saturday night, the trash was overflowing. She stated that when she went out to check on things Sunday morning, she found there were rats. It is frustrating not to have enforcement from the City. She cited another instance which occurred today when she heard from a neighbor about graffiti on the tot lot. The neighbor reported having called Public Works and asking for some cleanser to remove the graffiti. She said that her husband came home last week to find a car blocking their driveway. When he asked the motorist to move the car, the person responded in an irate manner. Again, they got no response from the police department when this incident was reported. There are three City departments which are responsible for monitoring the park in some way--police, public works and recreation. She questioned how the City will get faith and trust from citizens regarding a community center when there exists a bad example like the problems with this park. She hoped there could be some remedy.

Ms. Porter referred the concerns about Jequie Park to the City Administrator for follow-up. She said that she has heard other complaints regarding cases where the police are not responding to parking complaints, and asked if the police could identify specific problem areas and focus on them. There have also been other problems with people consuming alcohol in public areas. She suggested that the combination of issues--consumption of alcohol, parking and graffiti--could be addressed overall.

Councilmember Rubin noted that there have been ongoing problems with Jequie Park. In fact, a lot of the permitting requirements which were instituted were in response to concerns about this park. He asked to be copied on the results of the investigation.

Linda Rabben, Chair of Y2K Citizens Advisory Committee, reported that the committee has been trying to identify ways that Montgomery County will be assisting apartment dwellers with Y2K issues. The county is only sending out information to homeowners. She said that she was told by the county that she should approach City officials about landlord/tenant outreach. Is there a provision in the City's Housing Code that makes apartment building owners responsible for providing basic services in the event of disruptions (e.g., heat, water, sewer, etc.)? If this is the case, will the Housing Department be ensuring that local apartment buildings are Y2K compliant? Are there going to be provisions made in the Y2K planning for apartment dwellers? Ms. Rabben

commented that she hopes that by bringing this issue to the Council's attention, a discussion of the City's legal responsibilities in this area will be put on a future agenda.

Ms. Porter thanked Ms. Rabben for bringing the issue to the Council's attention. She noted the City's responsive assistance during the recent ice storm in dealing with problems at the Takoma Towers.

Benjamin Onyeneke, Maple Avenue (Generation X), said that Congress is passing a bill to deal with immunity for cable companies, and commented that we need to be prepared for Y2K eventualities. He remarked about Governor Bush, and urged the Council to send a message to the County Executive and the legislature that there need to be more recreational facilities. He commented on drug trade. Mr. Onyeneke remarked that Y2K is a message from the Mother Universal that she is very annoyed with environmental changes. He concluded with comments about why the Supreme Court needs to take action to adopt an anti-loitering law.

PRESENTATIONS

1. Certificates of Achievement and Recognition of "Years of Service" -- Retiring City Employees.

Ms. Porter noted that the recipients of the certificates are not in the audience, and that the presentations will have to be made at another time.

2. Resolution of Appreciation -- Long & Foster Realtors.

Postponed to another date.

REGULAR MEETING

3. Single Reading Ordinance re: Legal Expenses.

Telecommunications Manager Moffett explained the ordinance, adding that it is a way to carryover some of the money budgeted in FY99 into FY00. We are working with Miller and Van Eaton on telecommunications issues.

Ms. Porter stated that the reason we did not get further with telecommunications this year was due to a number of reasons outside of the City's control. She restated that this ordinance will enable spending of money from this year's budget for the same purpose in the upcoming fiscal year.

Moved by Williams; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, said that this amount of money will not cover all of the issues that need to be addressed in preparation for Y2K.

Ordinance #1999-21 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1999-21
(Attached)

4. 2nd Reading Ordinance re: Budget Amendment No.3.

Treasurer McKenzie explained the ordinance, noting that there have been no changes since first reading.

Ms. Porter listed the items covered by the amendment.

Moved by Rubin; seconded by Elrich.

Ordinance #1999-19 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1999-19
(Attached)

5. Single Reading Ordinance re: Street Improvements.

Ms. Porter said that the next item on the agenda is related to street improvements in the annexation area, but that Councilmember Williams has indicated that a number of people from the community are supposed to be here for this discussion. Since the Council is ahead of schedule, Ms. Porter moved on to Item #6 to give residents a few more minutes to arrive.

6. Resolution re: Program Open Space Projects.

Ms. Porter commented that the City submits a budget each year for open space acquisitions. The budget does not obligate us to do anything, just sets aside money for potential projects. She noted the items that are included in the proposal. There is an unspecified acquisition which gives room in the budget to purchase open space if it becomes available and we decide to make a purchase. This is standard and done every year. Again, however, it does not obligate us to do

anything.

Mr. Williams noted that the Council will be talking more about the Spring Park item later in the evening.

Ms. Porter acknowledged that the Council will be talking about the Spring Park playground.

Moved by Elrich; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, stated that it is important to purchase open space for the City. He expressed concern that when only \$10,000 is set aside for renovation of a ball field, the low bid contractor will be identified and the rest of the money will be used otherwise. He requested that contractors be investigated thoroughly to ensure quality work.

Senior Planner George stated that she is here to answer any questions.

Ms. Porter commented that the Council has taken similar action in previous years, and that she thinks everyone knows the routine.

Resolution #1999-25 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

RESOLUTION #1999-25
(Attached)

7. Resolution re: Community Development Block Grant Funds.

Ms. Porter pointed out that this is another item that we have discussed before.

Community Development Coordinator Sickle stated that the same information that was presented previously has again been made available. The City has committed to reprogramming \$200,000 of CDBG funds as part of the match for the \$800,000 (Governor's supplemental funds). Based on action from Council, staff will submit the request to the County to use these funds in the manner designated.

Ms. Porter further explained that the City will get up to \$200,000 by using other monies that are already in the account and do not have to be reprogrammed (\$29,000+ for Lee Avenue).

Ms. Sickle agreed.

Ms. Porter said that some money is already in the proper account. This action will provide additional funds to further match the \$800,000.

Ms. Sickle added that Lee Avenue is already one of the programs that has been identified as an eligible matching program.

Ms. Porter said that most of the money which is being reprogrammed is money that is about to expire and that we need spend.

Ms. Sickle elaborated on the point that HUD is requiring the county to spend CDBG funds.

Mr. Williams asked whether this also covers PY23 funds.

Ms. Sickle responded in the negative. HUD is more concerned with the earlier years. With PY24, the county has established a new time frame for expenditure of funds--expect activities to be funded to be completed within 18 months. We need to have a plan or have spent the money by the end of June.

Mr. Williams questioned the time frame--18 months from when?

Ms. Sickle responded that the 18 month period begins from the time the contract is signed for the particular year.

Moved by Williams; seconded by Stewart.

Benjamin Onyeneke, Maple Avenue, asked what is a community grant, noting that Generation X has been in the City, registered for almost four years, but that this money has not been focused on community programs for this organization. He suggested that distribution is done in a prejudicial way. He commented on Generation X initiatives, and asked what the grant process involves.

Ms. Porter explained that CDBG funds are federal funds that are made available through the county to the city. Any community organization can make a request through the City's process (CDBG Committee) for projects to be funded from this source. She invited him to speak with Jean Sickle.

Mr. Onyeneke said that he will follow-up with Ms. Sickle.

Resolution #1999-26 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-26
(Attached)**

8. Resolution re: Variance Request.

Planning Center Coordinator Ludlow noted the resolution taking “no position” on the variance as discussed last week, and stated that the given very little text within the actual resolution which nominated properties to the open space plan, she did the best she could drafting Whereas clauses to reflect the concerns expressed last week. She pointed out that the resolution also notes concern about the variance being requested from the Prince George’s County standards versus the Montgomery County standards--not what we agreed to at the time of Unification. She provided more detail, and referred to some language in the resolution to this effect.

Ms. Porter said that it is important not only for this property but for other properties. She restated the understanding that properties were to be considered under Montgomery County standards following unification.

Ms. Ludlow remarked that in any event, a variance would be needed for this project.

Ms. Porter said that Montgomery County may decide that no variance is needed. The City did try to protect this property as open space, however, was unsuccessful when the property owner did not want to sell to the City. Also, the resolution makes the point that future properties that come before the Planning Board should be considered according to Montgomery County standards.

Ms. Ludlow noted that the Board of Appeals hearing is Wednesday morning, sometime after 9:00 a.m.

Mr. Rubin suggested that the resolution should be amended to begin the third Whereas clause with “despite the City’s continuing opinion that the property should be preserved as open space, the property is privately owned and efforts to purchase the property as open space have been unsuccessful...” This language would add the thought that if we had our druthers, we would still want to preserve the property as open space.

Councilmember Stewart agreed with the suggested amendment, and moved the resolution as amended; seconded by Rubin.

Rolf Hube, 7235 Garland Avenue, urged the Council to oppose the variance since they do not think it should be granted. The proposed house will be totally out of place relative to other houses on Garland, and would be on land that is otherwise the backyard for other homes. It also places this house closer to Longbranch Park than any other home. So, the park will be an adjoining property, making the development subject to the fourth requirement for a variance. He read the specific variance requirement. Mr. Hube said that he brought this requirement to the attention of Ms. Jones of the Zoning Board of Appeals, and that she gave examples such as privacy, trespassing and water run-off as things that would impact an adjoining property. He said that run-off from the property affecting roots and sediment of trees in the park should be considered as detrimental. Further, visitors to the park would see the view impaired by the imposing home. As you cross the footbridge over the stream, you will see the house there in front of you, practically on top of you. What a juxtaposition that will be—a healing stream and a

looming structure over head. The City should not extricate Mr. Casey from his zoning problem at the expense of the public.

Jane Harmon, said that the zoning text amendment that the county adopted, said in every advertisement that it was to preserve the Prince George's County zoning until there could be a new Master Plan. If the intention was to keep unbuildable lots in a separate category and make them subject to Montgomery County standards, that was never made known to the public. We have always been under the impression that we were going to be under the Prince George's County zones for un-constructed and constructed lots. If the intent was otherwise, it was certainly not stated. This lot is in the stream buffer--is well within the stream buffer where any disturbance is prohibited. She urged a stronger statement about protecting the environment.

Ron Alrough, 7002 Central Avenue, said he worked on the Master Plan which was adopted in May 1982. The process for putting together a plan back then was very open and involved a lot of people in the community. The Council at that time acted as a buffer with the county. We had a much stronger position than we have today. He said that he was the President of the neighborhood association at that time, and that the association was very active. He referred to page 53 where there is reference to Parcel 15 which is in the Longbranch Sligo area, and the recommendation that these properties be designated under the open space plan. That was the thinking at that time. The community sentiment at that time was for a clean-up of the Longbranch stream at Jackson Avenue. He remarked about efforts leading up to the installation of the bridge, board walk and steps that go across Longbranch at that point (along with designation as open space and park area). If Prince George's County had the money at the time, it would have purchased the surrounding properties to hook-up with Montgomery County to complete a pathway. There was much more planning than was ever realized. The intent did not include developing housing on the creek bed and above it. He recalled a Worksession about 6-8 months ago to address the street (right-of-way situation) and whether there would be a house built on the lot. Issues were discussed regarding what would be needed to protect the trees, stream and land adjoining the property. He noted Mr. Hube's remarks about the potential impact to the adjoining parkland, and recalled the list of things that were discussed as ways to protect the environment of the area during the last discussion. He said he had hoped that the City would not have to deal with development of this lot. He expressed dismay that after all of these years and the concerns about protection of the land and the area, the environment would be destroyed in a brief moment of giving a variance to a man who will develop the site and sell the home.

Ms. Harmon recalled the Hoobler case in 1994 which was very similar. Circle Woods Neighborhood Association was very concerned about the lot. More than ten people showed up at the variance hearing and protested. The City adopted a resolution that was neutral, but made a strong statement about its desire to purchase and preserve the lot. There is a precedent that the county denied a variance for the very same reason--it did not meet the required lot width.

Ms. Porter said that she does not remember that the county denied the variance, and explained that the difference with that situation is that the owner was willing to sell the property. In this

case, the owner is not willing to sell the property to the City. She restated the understanding about zoning conversion that took place with unification, but asked whether the lot is developable under Prince George's County rules.

Ms. Ludlow responded that under the Unification bill, if a person were to get permits issued through Prince George's County, the permits would remain valid under Montgomery County. The intention was to try to find the closest comparable zone in Montgomery County to the Prince George's standards. There were a number of places where requirements did not match close enough, and the City went on record in some places to request some grandfathering text amendments to try and protect property owners. We were mostly successful in those provisions. We worked very hard. It is true that at the time all new development would fall under Montgomery County standards, and that was emphasized in one of the provisions. Ms. Ludlow provided further comments on how additions to existing structures were to be handled. We did not write a subsequent text amendment to address new development on sub-lots. In terms of whether or not this property was a buildable lot, from what we have been able to understand, it was buildable from the mid-40's to 1984. From that time, there were different things that were stated. She noted statements from the Planning Board research findings. A correction was made at one point for small properties, but not for the larger properties. Prince George's County is comfortable with leaving a 65 foot lot width, but they routinely grandfather lots like this which are larger. The statement was that these properties would be routinely grandfathered in terms of lot width. Ms. Ludlow remarked about the varying lot widths throughout Takoma Park, concluding that it is hard to make a case that a property has to have a width of greater than 65 feet. She referred to the example of the Lake Street property and the desire to have an organized pattern for development (the kind of issue to look at in consideration of lot width).

Mr. Elrich commented that Ms. Harmon raised again the issue of development not being allowed on a 150 foot buffer.

Ms. Ludlow clarified that the requirement is for a 100 foot buffer, but that the county does not take away the rights of a property owner with an established lot. If it were a new subdivision, the county generally applies the standard, but only as a guideline. The proposed house is outside of the 100 foot area.

Mr. Williams questioned 100 feet from what.

Ms. Ludlow responded that the house would be more than 100 feet from the stream. She remarked about the consideration of types of soil and the property slope, and added that she spent a lot of time going through the factual information related to this lot.

Mr. Williams said that regarding the lot width, he recalled a statement made that half of the properties in the City are less than 60 feet wide.

Ms. Ludlow remarked that within a block in either direction along Garland, there are 26 lots that

are less than 60 feet wide, and it is still a very nice neighborhood.

Ms. Stewart requested further clarification about the proposed house and its distance from the stream.

Ms. Ludlow stated that the lot line is 100 feet from the stream. The house will be further away.

Mr. Williams asked if the county looks at the lot lines or the structure when applying standards.

Ms. Ludlow said that they look at the structure primarily, but when there is a case with a lot line that is close, it is something to look at.

Mr. Elrich referred to the issues surrounding the Pringle Property and the consideration that was given to the distance of proposed structures from environmentally sensitive areas.

Ms. Stewart said that she has to appreciate what the neighbors are thinking and feeling, and that she appreciates them coming out and speaking. She urged them to go to the Board of Appeals and make their statements.

Ms. Porter seconded Stewart's remarks, recognizing that this has been a long standing issue in the neighborhood. She said that she is very pleased that the City was able to purchase the one lot that straddles the stream. This was one of the areas that was designated to be preserved as green space. We wish we could have acquired this property also. It would have been a great addition to the green space around the park. But in spite of the City's efforts, the owner would not sell Lot 10. He is going before the Board of Appeals for a variance that we know he is virtually certain to get. The question now is what can we do to convey our opinion (e.g., we value open space; it's the City's policy to preserve open space; we tried to purchase the lot; we believe that it should be preserved). These are points that the county would not ask us about; we have volunteered this information. The transition of properties from Prince George's County to Montgomery County was not uncomplicated. There are undoubtedly a number of other properties that we will need to address in the future. The Council needs to be clear on: (1) property not already developed needs to be under Montgomery County requirements, and (2) in cases where there are small property owners who are trying to adjust what they are doing, we do not want to take a position that we are opposed to all such variances. We need to consider each request on a case-by-case basis. We have gone fairly far in this resolution to make a statement about how we feel about this property. She encouraged the Council to support the resolution.

Mr. Elrich stated that he feels similarly stuck on this issue, and that he wishes that Montgomery County environmental laws were actually followed and the lot could be deemed unbuildable. But given the practices of the Board of Appeals, we do not have a basis for saying that they cannot approve this variance. The laws are more guidelines than they are prohibitive. He agreed with Ms. Porter's statement that this is probably the strongest action we can take at this point.

Resolution #1999-27 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

**RESOLUTION #1999-27
(Attached)**

Ms. Porter said that the City will have someone at the Hearing to express our desire to see the property preserved as open space, but encouraged residents to also testify at the hearing.

5. Single Reading Ordinance re: Street Improvements.

Ms. Porter explained the ordinance.

Mr. Williams asked if staff is clear from the evaluation of the bids how the unit price is compared and how it can change the outcome of the lowest bidder.

Engineer Monk said that the biggest difference in the prices dealt with speed humps. This factor was the biggest edge in the unit price calculation. If the cost for speed humps was taken out, NZI may become the lowest bidder.

Mr. Williams asked Mr. Monk to remark about how we do our annual contracting process for indefinite quantities contracts—the way we usually solicit and give these bids and contracts for street construction—and to also comment on how we take our street list with priorities and go through it, using our contractor to do the work.

Mr. Monk explained the City's policy to put out an indefinite quantities proposal for road improvements which results in a locked-in price for road improvements. The price is standard; however, the City's funding each year may vary.

Mr. Williams confirmed that we will still have the indefinite quantities contract from the usual process in place while the additional street work in the Pine Crest area is being done.

Mr. Monk confirmed his statement, noting that the second lowest bidder for the Pine Crest project is the vendor with the indefinite quantities contract.

Ms. Porter recalled that when she worked for the federal government, they had a process by which they could hire experts on an open-ended basis who could then bill for each project. This sounds like the same kind of thing. We would have a contract for a duration of a number of years.

Ms. Stewart asked whether the Pine Crest project includes the 500-600 blocks of Elm Avenue.

Ms. Porter said that she thinks we can include anything that we want that falls within the area defined by the county for the Pine Crest project. She suggested that we make sure that there will be no impediment, if the contractor is not moving fast, to our dividing up the work and giving part of the work to the existing contractor.

Mr. Monk stated that he believes we would have that option, since the RFP stated that the contract could be awarded in part or in whole.

Ms. Porter asked whether we need to make the decision up front on this point, before signing the contract.

Mr. Monk remarked that in talking with City Administrator Finn about this issue, it was suggested that we would put language in the contract with NZI that if they appear to be behind in schedule that we will pull in another contractor.

Ms. Porter suggested review of the contract by Corporation Counsel.

Mr. Finn agreed.

Ms. Porter asked if we could use the same price as under the existing indefinite quantities contract if we were to decide to use that contractor as a second for the Pine Crest project.

Mr. Monk responded that he would try to negotiate to the lowest bid level.

Mr. Williams questioned whether the work will take longer than this work season.

Mr. Monk said that he has asked for the work to be completed in a period of 18 months.

Ms. Porter confirmed that we will try to get as much work done as possible this season.

Mr. Monk noted that there is a schedule that divides up the work in a way that does not tear up the entire neighborhood at one time.

Ms. Porter asked whether there is anything in the contract that would prevent an earlier completion if things work very well and things go faster than expected.

Mr. Monk explained that there may be something in the MOU with the county regarding when the money is made available (e.g., quarterly).

Mr. Williams suggested that the City could come up with the money, if need be, and get reimbursed later.

Mr. Monk agreed.

Mr. Williams noted that the quarterly schedule just refers to the project starting on July 1.

Mr. Monk confirmed that in accordance with the MOU the start date would be July 1.

Mr. Finn remarked that we are still negotiating, but are very close to signing a final MOU.

Moved by Elrich; seconded by Williams.

Paul Roat, 6505 Kansas Lane (Pine Crest), said that the neighborhood has had only one meeting where this was brought up in a general way, and that residents have had no opportunity to make any plans about what they want and don't want. There are a lot of problems in the area that need to be addressed by individual property owners. Property owners need to be contacted and have the issues discussed. Letting a contract before we know what work will be done, seems a foreign thing to do. He said that Mr. Monk tried to explain the project to him this afternoon. Mr. Roat expressed that it would be wiser to hold the contract until details are worked-out. There are things not listed here--retaining walls, rights-of-way, etc.--things that people are very sensitive about. These issues need to be addressed. He said that he was told today that the decision was made at the last meeting held by Pine Crest, but that he disagreed, arguing that the discussion was just general information. He said he came away from that meeting knowing less about what is being done to mitigate storm water than prior to meeting, because of the answers which were provided. Mr. Roat encouraged postponing the adoption of the contract ordinance until the specifics are known. He remarked about protections for trees, emphasizing that letting the contract now is premature.

Ms. Porter asked whether the discussion about rights-of-way and retaining walls is related to sidewalks.

Mr. Roat responded in the affirmative. When streets were first laid-out, people did not want sidewalks. Streets are not wide enough for sidewalks. There are a lot of trees growing just behind the curb line. In the interest of fairness to people in the neighborhood, the City should give them an opportunity to express their concerns. There is an understanding that Mr. Monk would be sending out a questionnaire to residents. Mr. Roat said that he was told today that he would not be sending it out until later. That will be too late. It needs to be done now, not after all of the plans are made. He noted a discrepancy in the unit price, saying that he does not know whether it is an error or not. NZI is the middle bidder.

Mr. Williams suggested a review of the sample street which illustrates the kind of work that we want to have done, as compared to the NZI bid.

Mr. Elrich explained that NZI stays lower than what appears to be the lowest bidder if speed humps are taken out.

Mr. Roat expressed his concern that neighbors be given the opportunity to provide input in the

project. For the good of all (City and residents in community), we should have something good to show the county when the project is complete.

Mr. Williams said that the notices and survey to get input from residents of Pine Crest are basically ready to go out, but that we wanted to get input from residents in Pine Crest about the notice and survey prior to mailing. We hope to get them out in the mail by the end of this week.

Ms. Porter commented that the work does not need to begin at the time the contract is awarded. Once we award a contract, it stays in effect for a number of years. Awarding the contract does not mean that we are immediately beginning the work.

Mr. Elrich suggested that NZI could come fix Roanoke while sorting out details for Pine Crest.

Ms. Stewart added that work could also be done on Elm.

Mr. Roat restated that it is strange from his point of view--signing a contract before work is planned.

Mr. Williams remarked that we agree basically that we do not want the contract to get in the way of what is important--ensuring that the work that is done in Pine Crest is something that everyone will be happy about. He emphasized to the residents in Pine Crest that just because some work might start on a street somewhere else, does not mean that the Pine Crest money is being spent elsewhere. The intent is to use the money that was made available for that area in particular on improvements in Pine Crest. We do not want it to be a concern for anyone now or in the future.

Mr. Roat agreed.

Ms. Porter suggested that we can go ahead and do the contract now, allowing time for discussion of issues in the neighborhood. There is enough work that can be started on that would not be a problem for the neighborhood. She agreed that nothing ought to be done in Pine Crest until the neighborhood is happy with the plans.

Ordinance #1999-22 was adopted unanimously (VOTING FOR: Porter, Elrich, Hawkins, Rubin, Stewart, Williams; ABSENT: Chavez).

ORDINANCE #1999-22
(Attached)

WORKSESSION / ADJOURNMENT

The Council moved into Worksession at 9:13 p.m. and later adjourned for the evening at 11:28 p.m. The Council did not vote to convene in Closed Session.

INTRODUCED BY: Council Member Elrich

RESOLUTION No. 1999 - 25

**Resolution Concerning Fiscal Year 2000
Program Open Space Annual Program**

- WHEREAS,** the Council has directed that the City's Fiscal Year 2000 State Program Open Space Annual Program be amended to include the acquisition of an unspecified property; AND
- WHEREAS,** the development of Spring Park, Spring Park ballfield renovation, Colby Park playground surface, Forest Park, Eastridge Park and Jackson - Boyd Park; AND
- WHEREAS,** the Annual Program does not bind the City to pursue any particular project, but must include any projects the City undertakes during a given fiscal year; AND
- WHEREAS,** acquisition projects are fully funded by Maryland's Program Open Space, while development projects require a twenty - five percent (25%) local match; AND

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the Council amends the City's Fiscal Year 1999 Program Open Space Annual Program to substitute the following projects for the Unspecified Acquisition project and to include the following Development projects:

Acquisition: Unspecified property - \$150,000

Development: Spring Park - \$11,500
Spring Park Ballfield renovation - \$7,500,
Colby Park playground surface - \$3,000
Forest Park - \$15,000
Eastridge Park - \$15,000
Jackson - Boyd Park - \$11,250

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit the amended Fiscal Year 2000 Program Open Space Annual Programs to the Maryland - National Capital Park and Planning Commission.

ADOPTED THIS 21ST DAY OF JUNE, 1999.

Introduced by: Councilmember Williams

RESOLUTION 1999 - 26

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

WHEREAS, the City receives Community Development Block Grant (CDBG) funds as a passthrough allocation from Montgomery County; and

WHEREAS, it is necessary from time to time to redirect funds to respond to changes in City needs; and

WHEREAS, economic development is a priority for the City; and

WHEREAS, the State of Maryland has made \$800,000 available for economic development activities in the City with the requirement that matching funds in the same amount be provided from nonstate sources; and

WHEREAS, a commitment has been made to provide \$200,000 in City CDBG funds through a combination of reprogramming funds from existing project activities and the use of the existing Program Year 24 Lee Avenue public improvement project, the total of which can be used in conjunction with the Montgomery County allocation of \$600,000 to match State allocation.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park Council that a proposal be submitted to Montgomery County to reprogram CDBG funds from the following projects into a "Comprehensive Revitalization Activities" project in the total amount of \$ 170,584 with the remaining \$29,416 needed to meet the \$200,000 City match requirement to be provided by the PY24 Lee Avenue public improvement project:

ACTION:	AMOUNT:
1. Reprogram estimated funds remaining in PY 21/22 Takoma Junction into the "Comprehensive Revitalization Activities" project	\$ 55,000
2. Reprogram funds in PY 21/22 Tenant Assistance Program into the the "Comprehensive Revitalization Activities" project	18,600
3. Reprogram estimated funds remaining in PY 21/22 Project Reclaim into the "Comprehensive Revitalization Activities" project	35,868
4. Reprogram funds remaining in PY 23 Takoma Junction into the "Comprehensive Revitalization Activities" project	8,500
5. Reprogram funds in PY 23 New Hampshire Ave. Streetscape into the "Comprehensive Revitalization Activities" project	52,616
TOTAL	\$170,584

The remaining \$29,416 needed to meet the City's \$200,000 commitment is to be covered by the PY 24 Lee Avenue Improvement Project.

Adopted this 21st day of June, 1999

Introduced By: Councilmember Stewart

Resolution No. 1999-27

**Resolution Taking No Position On a Request for a Variance
For Lot 10, Jackson Avenue, in the City of Takoma Park**

- WHEREAS, the subject property lies just 100 feet from Long Branch creek, adjacent to a right-of-way and pedestrian bridge well-used by citizens seeking to enjoy the natural beauty of the Long Branch Stream Valley Park; AND
- WHEREAS, on June 16, 1997, the Takoma Park City Council designated the property in the City of Takoma Park Open Space Plan as suitable for acquisition or easement as open space to ensure an adequate stream buffer for Long Branch creek; AND
- WHEREAS, despite the City's continuing opinion that the property should be preserved as open space, the property is privately owned and efforts to purchase the property for preservation as open space have been unsuccessful; AND
- WHEREAS, the owner of Lot 10, Jackson Avenue, is seeking to build a single-family house on the property; AND
- WHEREAS, the Montgomery County Department of Permitting Services has determined that a variance from the Prince George's County zoning requirement for a 65 foot minimum lot width at the front building line is needed before a permit may be issued to construct a single-family house at Lot 10, Jackson Avenue; AND
- WHEREAS, the property has been in Montgomery County since July 1, 1997 and it was rezoned to the Montgomery County R-60 single-family residential zone in the Sectional Map Amendment effective February 10, 1998; AND
- WHEREAS, if a variance is required to build on the property, it should be a variance from Montgomery County's development standards unless specifically stated in an applicable Unification-related text amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council takes no position on the application for a variance from the minimum lot width requirement for Lot 10, Jackson Avenue, and

BE IT FURTHER RESOLVED THAT the City Council takes the position that, unless specifically stated in Unification-related provisions, Montgomery County development standards should be used when reviewing applications for development in the City of Takoma Park.

Introduced by: Councilmember Williams

First Reading: June 7, 1999
Second Reading: June 21, 1999

**ORDINANCE NO. 1999-19
FY 99 BUDGET AMENDMENT NO. 3**

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

SECTION 1. The Fiscal Year 1999 Budget be amended as follows:

General Fund - Revenues

1. Increase account 0001-3430, Donations, by \$1,250 for a donation by Friends of the Library.
2. Appropriate \$7,689 to account 0001-3691, MFS cable operations, for reimbursement to the City for staff costs related to MFS fiber optic cable installation.

General Fund - Expenditures

1. Increase Library Budget, Account 7000-5250, Adult Books, by \$1,250 for a donation by Friends of the Library.
2. Increase Police Budget, Account 2300-4030, Overtime, by \$7,689 for police expenses related to MFS fiber optic cable installation.

Special Revenue Fund - Revenues

1. Appropriate \$90,000 to Account 0010-3713, for Lee Jordan Field, for athletic field renovation project funded by a grant thru Montgomery County.

Special Revenue Fund - Expenditures

2. Appropriate \$90,000 to Account 0010-7177, for Lee Jordan Field, for athletic field renovation project funded by a grant thru Montgomery County.

SECTION 2. THAT this Ordinance shall become effective upon adoption.

Adopted this 21st day of June 1999.

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

Introduced by: Councilmember Williams

Ordinance No. 1999-21

Authorizing Legal Expenses Related to Telecommunications

WHEREAS, the City has retained the law firm of Miller & Van Eaton to represent the City's interest on telecommunication matters; AND

WHEREAS, pending telecommunication policy issues include a renewal of an agreement with MFS, Inc., a fiber optic cable company, response to inquiries from other fiber optic companies and an on-going process related to the development of a telecommunications ordinance for the City; AND

WHEREAS, a sum of \$10,000 was budgeted in Fiscal Year 99 for Telecommunications issues; AND

WHEREAS, due to matters beyond our control, the telecommunications process was not completed in Fiscal Year 1999; AND

WHEREAS, the legal services of Miller & Van Eaton will be continued into Fiscal Year 2000 to complete work on these matters; AND

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

SECTION 1: THAT the City Administrator is authorized to enter into a contract of an amount not to exceed \$10,000 with the law firm of Miller & Van Eaton for the continuation of legal work related to telecommunications.

SECTION 2: THAT the funds to cover this expenditure shall be charged to Account 1120-6140, City Administrator's Contract Fund.

SECTION 3: THAT this ordinance shall become effective immediately.

Adopted this 21st day of June, 1999.

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

NAYS: None

ABSTAIN: None

ABSENT: Chavez

Introduced by: Councilmember Elrich

Adopted: 6/21/99
Single Reading

ORDINANCE NO. 1999-22

**AN ORDINANCE TO AWARD CONTRACT FOR
STREET IMPROVEMENTS**

- WHEREAS,** the FY99 Capital Budget identifies funds for the Street Improvements throughout the City of Takoma Park, AND
- WHEREAS,** in accordance with City's procurement procedure a Request for Bids was advertized in the Washington Post on May 9, 1999 and mailed to interested Vendors; AND
- WHEREAS,** bids were publicly opened at 2:00 p.m. on Thursday, May 27, 1998 with three (3) bids being received; AND
- WHEREAS,** NZI Construction has submitted the lowest bid in the unit price of 1124.20, AND
- WHEREAS,** the Public Works Team Leader/Storm Drain Engineer has determined that the lowest bidder is both responsive and responsible; AND
- WHEREAS,** funds are available to award a contract to the lowest bidder; AND

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

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

Adopted this 21st day of June, 1999.

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