

**CITY OF TAKOMA PARK, MARYLAND  
CITY COUNCIL REGULAR MEETING  
WEDNESDAY, MARCH 10, 2021**

**MINUTES**

*Minutes adopted July 28, 2021*

**CALL TO ORDER/ROLL CALL**

**Present:** Mayor Stewart, Councilmember Kovar, Councilmember Dyballa, Councilmember Kostiuk, Councilmember Seamens, Councilmember Smith, Councilmember Searcy

**Also present:** City Manager Ludlow, Deputy City Manager Clarke, Public Works Director Braithwaite, City Clerk Carpenter

The City Council convened at 7:30 PM.

**CHANGES TO THE AGENDA / AGENDA SCHEDULING UPDATE**

**LEGISLATIVE UPDATE**

Ann Ciekot, the City's legislative advocate, provided the update.

**PRESENTATION**

**1. Complete Safe Streets Committee Recommendations on Traffic Calming and Sidewalks**

Ms. Jessica Landman, Chair of the Complete Safe Streets Committee, presented recommendations on how to prioritize traffic calming and sidewalk installations. (Recommendations and presentation attached.)

**PUBLIC COMMENTS**

Mary Jane Muchui commented on traffic calming devices, traffic safety issues, and sidewalk hazards.

**COUNCIL COMMENTS**

Ms. Kostiuk commented on the National League of Cities Congressional Cities Conference.

Ms. Searcy commented on the National League of Cities Congressional Cities Conference. She mentioned the Reimagining Public Safety Task Force and the Recreation Center community survey in the newsletter.

Mr. Smith announced that the Essex House apartments would be a COVID-19 vaccine site. He commented on several benefit programs to assist community members in need.

Ms. Dyballa commented on the National League of Cities Congressional Cities Conference. She noted that Habitat for Humanity is accepting applications to help build the two units on Garland Avenue.

Mr. Kovar announced that there would be a food distribution event at Takoma Park Elementary School.

Mr. Seamens announced that he and Joyce Seamens were working with Montgomery County Health and Human Services to try and bring more vaccines to Takoma Park. He said that last week the vaccine was administered at Franklin Apartments.

Ms. Stewart commented on the National League of Cities Congressional Cities Conference. She gave a brief update on the City Manager search.

#### **CITY MANAGER COMMENTS**

The City Manager Comments are attached.

Dan Powers, Public Administration Specialist, gave a presentation on the CDC Social Vulnerability Index applied to Takoma Park.

#### **VOTING SESSION**

##### **2. First Reading Ordinance Approving Traffic Calming for the 8000 Block of Wildwood Drive**

The ordinance was moved by Councilmember Searcy and seconded by Councilmember Seamens. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuik, Seamens, Smith, Searcy).

**Ordinance 2021- 10 (Attached)**

##### **3. First Reading Ordinance Approving Traffic Calming for Darwin Avenue**

The Ordinance was moved by Councilmember Kovar and seconded by Councilmember Kostiuik. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuik, Seamens, Smith, Searcy).

**Ordinance 2021-11 (Attached)**

##### **4. Resolution Regarding Budget Hold List Items**

Ms. Ludlow explained that the resolution would release funds for following items:

- Recreation Supervisor
- Vegetative Maintenance Supervisor
- Road Resurfacing
- ADA Sidewalk

The resolution was moved by Councilmember Smith and seconded by Councilmember Kostiuk. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Resolution 2021- 7 (Attached)**

#### **5. Resolution Regarding Tax Duplication**

Council discussed the need to get the word out to residents

The resolution was moved by Councilmember Dyballa and seconded by Councilmember Kovar.

Ms. Stewart moved an amendment to the resolution: “BE IT FURTHER RESOLVED THAT the Council of Takoma Park calls on the County Executive and County Council to recognize the complementary work done by the County and municipalities in making our communities safe, attractive, and welcoming and to finally rectify this long-standing inequity.” Ms. Kostiuk seconded the amendment. The amendment was adopted unanimously (7-0).

Vote on the resolution as amended: (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Resolution 2021- 8 (Attached)**

#### **WORK SESSION**

#### **6. Stormwater Management Fee System, Draft Resolution, and Draft Amendment to the City Code**

The Council reviewed draft amendments to the City Code, including requests for correction and appeals, and a draft resolution setting forth stormwater management policies and goals. The Council wants to set a one-year cap on the fee for the bills that will go out in July of this year.

Ms. Braithwaite provided information on how a future credit program might be structured.

#### **ADJOURNMENT**

The City Council adjourned for the evening at 12:03 a.m.

## Recommendations of the Complete Safe Streets Committee to the City Council:

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### HOW TO PRIORITIZE TRAFFIC CALMING AND SIDEWALK INSTALLATIONS

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## Summary

The Committee has developed a set of recommendations we believe are necessary for informed decision making and prioritization.

### Additional information and tools needed to provide data for an informed decision:

1. Creation of an inventory of City sidewalks in GIS starting with the 2009 GIS data from Toole Design Group. City staff currently use an excel spreadsheet. Updating the GIS file would take an estimated one week to complete by a skilled GIS staff person.
2. Creation of a GIS-based inventory of current traffic calming installations, including, but not limited to, stop signs, speed bumps, traffic circles, one-way streets, bike lanes, etc. Data appears difficult to access.
3. Creation of an overlay of the inventory of *community-requested* traffic calming and sidewalk installations.
4. Creation of an overlay of the inventory of *staff-recommended* traffic calming and sidewalk installations.
5. Publication of the maps on the city page.

Once you these tools are in place, the city will be better able to view pending projects and gain a better understanding of unmet needs and expenditures. The size/cost of the backlog will provide insight into the level of needed prioritizing – if everything can get done in a short time then prioritization is less important.

### Trigger consideration of installation:

The CSSC presented recommendations in the spring of 2020 to the Takoma Park City Council. The Council requested the committee to provide more detail regarding criteria and prioritization. The committee believes a request should simply trigger consideration, as a starting point for this process. Following are our recommendations for process, criteria, and prioritization.

### Spring 2020 Recommendations

#### Procedural Consistency:

Make the process the same for requesting traffic calming and sidewalk installation.

#### Procedural simplification and equity:

The process for requesting action should reduce the burden on residents seeking safer streets or improved mobility. To that end, consider (a) removing the requirement for a petition, or (b) the following reforms:

- Reduce the percentage of residents required for triggering consideration.
- Add new simplified options for triggering consideration, such as creating a simplified request form with which someone can:
  - Ask a council member, who would either give them the simplified request form or fill it out for them.
  - Ask a designated city staff member, who could either give them the simplified request form or fill it out for them.
  - Allow city staff on own initiative to complete a simplified request form.

- Appeal to city in case of denial (petition) with a small number of interested parties (not one single resident)

### Transparent and evidence-based decision making to enhance equitable results:

To be equitable, make the criteria and basis for decision about where/whether to adopt traffic calming or sidewalk installation data-driven and evidence-based.

Spell out the criteria that will be applied to any request/proposal, so that people can see in advance what criteria will be applied and decisions can be transparently and readily explained/justified. They can then use the criteria to fill in the simplified request form.

Consider using a point / rating system based on appropriate factors such as volume of complaints; volume of pedestrians/cars/bikes usage; accident/near miss data; proximity to schools or school walking routes; inputs from relevant experts like crossing guards, police, and emergency services; PTA concerns.

### Traffic data proactively evaluated:

Takoma Park Police's recorded accident data needs to be merged with County data so that the full scope of accidents can be considered in evaluating proposals. Additional consultation between Public Works and TP Police regarding observational accident and safety data should also be considered, as well as predictive models under development by Parks and Planning ([Vision Zero Predictive Planning Model](#)) or other data sources as available.

### Community engagement in decision and design:

If a request or city-initiated proposal meets the criteria for action and scores high enough to merit action, the City should have a predictable process for *posted notification* at proposed site and for *community consultation* at or near the site so that neighbors can easily learn about and offer feedback on proposals.

### Creative Approach to achieving Enhanced Mobility:

Change the current language for 'speed hump' policy to be 'traffic calming' or 'mobility/safety' measures; requesters should call for action using viable options, and not necessarily be asked to or encouraged to specify which measures to install/remove.

### Be Proactive in Evaluating Measures Holistically:

Consideration of large area scope approach vs. individual measures for problem streets/neighborhoods offers opportunities to avoid pushing a problem from one street to another; act systematically to avoid ripple effects.

### Be Innovative and Cost Conscious:

There is a broad array of low-cost options for traffic calming and mobility enhancement. Be more creative and inclusive in considering them to enable the City to satisfy more requests that meet the transparent criteria.

### Be specific and wise about the budget available for mobility measures and how it is spent:

There should be an annual budget that can be seen by all. Where multiple less expensive actions have to be weighed against fewer more costly options, there should be an open and

transparent process for selecting among these options with extra consideration given to underserved populations and neighborhoods.

### To set priorities:

Priorities should be data-driven and have a racial equity lens. We therefore propose the city council:

- Use the overall criteria laid out in the Toole report (which was primarily focused on ADA compliance, but is generally applicable to traffic calming and sidewalk installation).
- Review and adjust the weighting of these criteria based on experiences of other jurisdictions and active city policy/guidelines.
- Reducing the weight of ‘public input’ and increasing the weight of other criteria, foremost ‘racial equity’.

### No substitute or shortcut for outreach and education

- Affected residents need to be kept informed and be consulted, early on in the process.
- City staff and elected officials are responsible for initiating outreach to residents and businesses, as well as responding to requesters within a pre-determined reasonable period of time.
- A variety of methods should be used to reach affected residents, and to gather their input (e.g., posted signs, emails, virtual and in-person meetings, social media, local paper, and local communication platforms. All communications should be accessible and strive to be translated to meet resident communication needs.)

### Criteria for prioritizing sidewalks

Presented below are two tables outlining criteria for prioritization of sidewalk requests. Criteria are weighted to yield a score in which to rate the sidewalk requests. Two options are presented, a one-stage process and a two-stage process. In both processes, a high score equates to higher priority, greater need.

## Stage 1

Criteria for Prioritizing Sidewalks - Single Stage Process					
Criteria Number	Criteria Name	Weighting Factor	0-10 (Max Score 70)	Weighted Score	How to score. Each criteria is scored on a 1 to 10 scale, cost score is scored on a 0,5,10 scale.
1	Safety	25%	10	25	Does the project mitigate the actual or potential risks of death or injury? Projects that mitigate in hot spot locations (i.e. sites with high incidence of speeding, aggressive driving violations, pedestrian and bike injuries), or road sections with speed limits above 35 MPH, or with prevailing speeds above limits, using advice from police as well as accident reports since incident reports are not filed for minor accidents) get a higher score.
2	School Access	15%	10	15	Does the project mitigate a gap in the sidewalk network in a school walk zone, projects that address gaps in the direct path score higher than projects that are not in the direct path or provide redundancy.
3	Transit Access	15%	10	15	Does the project provide access to a transit facility from the nearest intersection? New access scores higher than upgrades to existing facilities.
4	Key Destinations	10%	10	10	Does the project provide access to schools, parks, houses of worship, groceries, medical offices, commercial centers? The larger the user numbers for the facility served, the greater the score.
5	Public Input	10%	10	10	Project with high number of requests/support would score higher.
6	Equity	15%	10	15	Enhances mobility for lower income/ higher minority Takoma Park wards, and focusing on higher density/low auto access areas within those wards (This criterion may require refinement and should be refined so that it can use existing databases wherever feasible) Suggest using the concept of 'vulnerable populations index', as developed by regional planning agencies. This would need to be refined to be more granular for the city. See <a href="https://bmc.maps.arcgis.com/apps/webappviewer/index.html?id=b1e22c0caa7644ccb58484b00610712f">https://bmc.maps.arcgis.com/apps/webappviewer/index.html?id=b1e22c0caa7644ccb58484b00610712f</a> We recommend giving this criterion a significantly higher weight to redress existing/past inequities and serve underserved areas of the city better.
7	Cost	10%	10	10	Projects with low cost to implement get a higher score. Staff will need to assess the level of utility relocation, ROW and Environmental impacts and assign a combined score. None-10, Minor-5, Major-0.
	Score	100%	70	100	

## Stage 2

Criteria for Prioritizing Sidewalks - Two Stage Process					
Stage 1					
Criteria Number	Criteria Name	Weighting Factor	0-10 (Max Score 60)	Weighted Score	
					How to score: Each criteria is scored on a 1 to 10 scale, then weighted. Cost score is scored on a 0,5,10 scale.
1	Safety	25%	10	25	spot locations (i.e. sites with high incidence of speeding, aggressive driving violations, pedestrian and bike injuries), or road sections with speed limits above 35 MPH, or with prevailing speeds above limits, using advice from police as well as accident reports since incident reports are not filed for minor accidents) get a higher score.
2	School Access	20%	10	20	Does the project mitigate a gap in the sidewalk network in a school walk zone? Projects that address gaps in the direct path score higher than projects that are not in the direct path or provide redundancy.
3	Transit Access	15%	10	15	Does the project provide access to a transit facility from the nearest intersection? New access scores higher than upgrades to existing facilities.
4	Key Destinations	15%	10	15	Does the project provide access to schools, parks, houses of worship, groceries, medical offices, commercial centers? The larger the user numbers for the facility served, the greater the score.
5	Public Input	10%	10	10	Project with high number of requests/support would score higher.
6	Equity	15%	10	15	density/low auto access areas within those wards (This criterion may require refinement and should be refined so that it can use existing databases wherever feasible) Suggest using the concept of ‘vulnerable populations index’, as developed by regional planning agencies. This would need to be refined to be more granular for the city. See https //bmc.maps.arcgis.com/apps/webappviewer/index.html?id=b1e22c0caa7644ccb58484b00610712f) We recommend giving this criterion a significantly higher weight to redress existing/past inequities and
	Score	100%	60	100	
Stage 2					
	Utility Relocation	None-10, Minor-5, Major-0.	5		This allows a more refined approach to costs. Projects with low cost to implement get a higher score. Staff will need to asses the level of utility relocation, ROW and Environmental impacts and assign a score for reach factor.
	ROW Need		10		
	Environmental Impacts		10		
	Total Project Score		125		

## For Reference

### Sidewalk and Traffic Calming Criteria Development

#### Summary

The Subgroup of the CSSC was tasked to develop initial criteria for review by the full CSSC on a data driven approach for both traffic calming and sidewalk improvements across the city. Based on the discussion with Jennifer Toole, whose company developed a sidewalk assessment and ADA compliance plan in 2009, it is clear that sidewalk development has been a priority in some areas, but it is not clear that the data from the Toole Design group is being used by city staff. The group finds the following:

#### Sidewalks

##### 1. Inventory of sidewalks across Takoma Park

The city has a GIS file, developed by Toole Design, that outlines the 2009 status of sidewalk inventory across the entire city. While the data set is 11 years old, it is fully editable and is available to city staff to be updated to reflect current inventory. See Appendix A.

##### 2. Development of criteria

A catalogue of 7 different criteria was developed by Toole Design, each of which follows a point system, which then is weighted on priorities, see Appendix B.

This template ought to be updated but can easily be used as a starting point. Transit access and cost could be elevated while public input could be reduced to reflect this committee's desire to be more metric driven and less "squeaky-wheel" driven.

The assignment of point values would have to be further developed, perhaps by City planning staff, to provide a specific set of criteria. Toole used a standard set of criteria; e.g., for equity factors the following were used: locations of minority population, locations of transit, 0-car households.

Toole conducted such an assessment for the city and identified three tiers based on priority for sidewalk and ADA installation. Appendix C shows that prioritization, but also includes the need for ADA improvements with need for sidewalks in general.

##### 3. Next Steps

The CSSC would be happy to assist city staff to:

- update this inventory,
- update the criteria for sidewalk installation, and
- reassess the prioritization of sidewalk installation across the city, especially in previously under-served neighborhoods, and recognizing the eventual arrival of the Purple Line and related changes in walking patterns in the city.

The committee recommends that the City make the sidewalk tool and the data inputs publicly available, so residents can see where their street resides in terms of priority (and why!).

A review these recommendations for sidewalk installation might be warranted in future, if it becomes evident that sidewalk installation has been completed on most streets already. Moving away from a petition-based process, or reducing its importance in decision-making, may improve the equity of sidewalk placement.

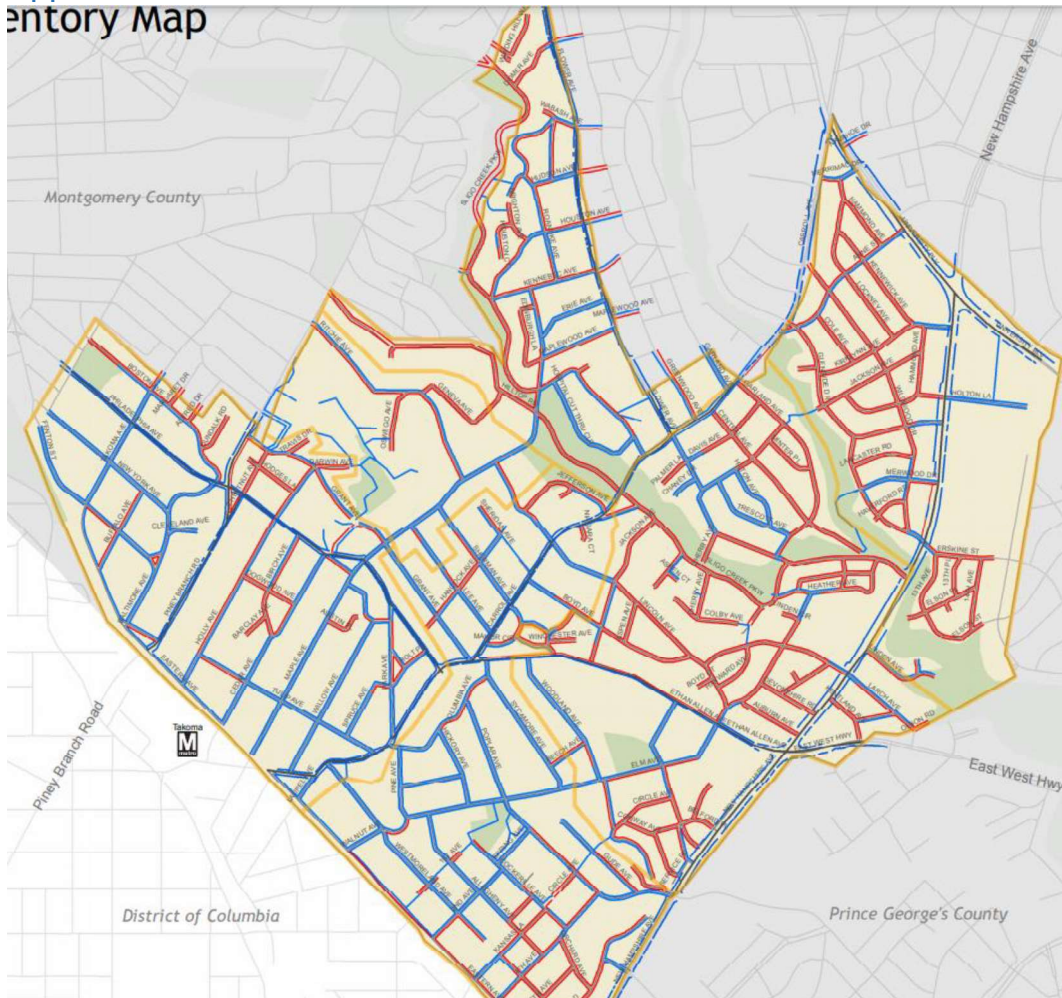
### Traffic calming

1. Inventory
  - a. There does not seem to be an inventory of traffic calming measures across the city, nor a study to determine traffic patterns, speed and volume. Only safety related information (accident data) is available.
2. Development of criteria
  - a. Similar to the sidewalk criteria, traffic calming criteria need to be developed. An example that might be adapted as a model is from Coral Gables, Florida (<https://www.coralgables.com/trafficcalming>). A score of 10 is their threshold for calming, see Appendix D.
  - b. City staff could amend this in light of local traffic volume and speed and their ability to measure it. Also, the CSSC and City staff might consider whether these criteria are sufficiently holistic, for example consideration of pedestrian volume, and are weighted appropriately to meet our goals.

# Appendix

## Appendix A

### Inventory Map



## Appendix B



Figure 1 - Template for a Criteria-Scoring-Weighing Tool

## Appendix C

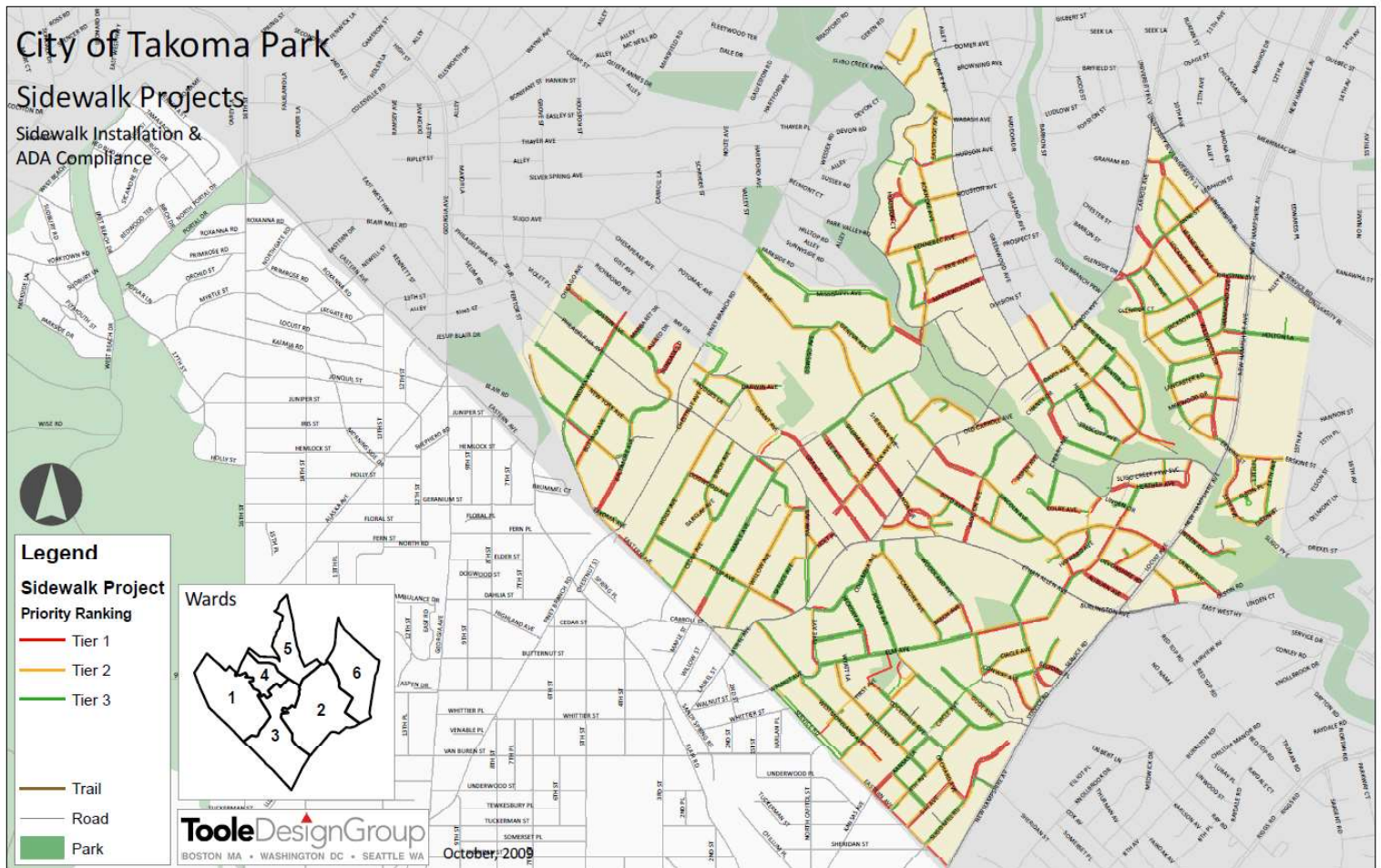


Figure 2 - 2009 Prioritization of Sidewalk Installation in the City

## Appendix D

	Narrow Residential Local Street	Residential Local Street	Residential Local Collector Street	Points
Daily Volume	0 to 500 VPD	0 to 1,000 VPD	0 to 2,000 VPD	0
	501 to 750 VPD	1,001 to 1,250 VPD	2,001 to 2,500 VPD	1
	751 to 1,100 VPD	1,251 to 1,750 VPD	2,501 to 3,000 VPD	2
	1,101 to 1,700 VPD	1,751 to 2,500 VPD	3,001 to 4,000 VPD	3
	1,701 to 2,300 VPD	2,501 to 3,000 VPD	4,001 to 5,000 VPD	4
	> 2,300 VPD	> 3,000 VPD	5,001 to 8,000 VPD	5
85th Percentile Speed	0 to 1.0 MPH > speed limit			0
	1.1 to 2.0 MPH > speed limit			1
	2.1 to 3.0 MPH > speed limit			2
	3.1 to 4.0 MPH > speed limit			3
	4.1 to 5.0 MPH > speed limit			4
	5.1 to 6.0 MPH > speed limit			5
	6.1 to 7.0 MPH > speed limit			6
	7.1 to 8.0 MPH > speed limit			7
	8.1 to 9.0 MPH > speed limit			8
	9.1 to 10.0 MPH > speed limit			9
	> 10.0 MPH > speed limit			10
Presence of Pedestrian Facilities	Both sides			0
	One side			1.5
	None			3
Pedestrian Generators	Schools within 0.5 mile (each)			1
	Parks within 0.5 mile (each)			0.5
	Transit lines with stops within 0.5 mile (each)			0.5
Driveway Density	≥ 10 Driveways per 500 feet (Circular driveways should be considered as one)			1
Number of correctable crashes	≥ 3 per year		≥ 6 per year	5



## City of Takoma Park City Manager Comments

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Report of March 10, 2021

### **American Rescue Plan Act of 2021**

**Congress has just approved the \$1.9 trillion COVID-19 stimulus bill**, the American Rescue Plan Act of 2021 and President Biden will sign it. The bill has provisions that have been well-covered in the press related to stimulus payments, additional unemployment payments and payments for many families with children. There are many other very interesting provisions in the 628-page bill, including significant help with mental health, rental assistance, child care and many other specific areas. One provision of particular interest to us is the allocation for local and state governments. **Takoma Park is slated to receive \$14.8 million** over two years to provide assistance to households and small businesses that have been hurt by pandemic-spurred economic pain. It can also go to offset declines in local government revenue and to assist with water, sewer and broadband infrastructure. **The funding very specifically cannot go to reduce property taxes by either rate reduction or credits.**

As we learn about what can and cannot be done with the funds, we will be drafting a strategic plan regarding the uses of the funds and timing on expenditures. The Council will need to approve the spending plan. **The funds must be spent by December 31, 2024.** The funds will come to the City of Takoma Park in two parts. Approximately \$7.4 million will be transferred to us from the State of Maryland within three months. The second \$7.4 million will be transferred one year later. We will have a special fund identified in the budget for these monies and will be tracking them closely for reporting purposes.

The amount of money is large and will require staff and technology to manage it properly. We want to get the funds to those who need them, in the way that is most helpful to them, and document all processes. Where we can, we will be allocating funds in ways that also help the City for the long-term, such as establishing the communications methods that best work with our residents and small business owners, arranging for technology improvements that will help in work across departments, leveraging County and State funds on large infrastructure improvements in Takoma Park, and developing additional connections with nonprofits so they may serve our community in an ongoing way for many years. Getting workforce development systems in place will allow residents to improve their financial situation for the future, which will allow them to continue to live in and contribute to Takoma Park. Small businesses that get the training and systems they need, in addition to immediate funds, will similarly be able to become fiscally sustainable and a community asset for decades to come.

This bill is a huge jolt of hope to our community and the nation and Takoma Park will rise to the task to do our part well.

## **COVID-19 Related Information**

Vaccination appointments have been opening up faster than ever. Please work to get vaccinated as soon as you can! Refer to both the [Maryland Vaccine Website](#) and the [Montgomery County Vaccine Information](#) page to learn more and to pre-register if you are in a category that can do so. You can also call 240-777-2982 to pre-register with the County. There are also phone numbers on the State site that can be easier to use than the online registration sites. And, a hint: the vaccines are safe, but be prepared for a day of not feeling well after receiving a shot. There are recommendations to be well-hydrated before and after the shot. About 30% of people receiving the shots seem to have this day of not feeling well, while the rest have little effects from the shot other than maybe a sore arm. Whether you are affected or not, it is a small price to pay for being protected from dying and helping the whole community move out of this pandemic. Please get your shot as soon as it is available to you!

## **COVID-19 testing in Takoma Park**

Even though all of the attention is on vaccinations right now, it is still important to have regular COVID-19 testing. Without regular testing, we won't know if there are increases in COVID-19 cases until people need to come to a doctor's office or hospital. Free, no appointment COVID-19 testing is being held on Saturdays at the Takoma Park Recreation Center, 7315 New Hampshire Avenue from 10 am to 5 pm. For this and other testing options, please see the information here: [Montgomery County Testing Sites](#).

## **Update on COVID-19 Response**

Each week, the City's COVID-19 Dashboard is updated. The most recent one is here: [COVID 19 Dashboard](#)

It has been a year since the NBA shut down, due to fears of the pandemic. Somehow, it wasn't real until the sports teams stopped. Two days later, the City of Takoma Park went to largely remote operations, which continues to this day. I want to thank my staff for the essential work they have done on behalf of Takoma Park, at great cost to themselves and their families. And I am so sad at all of the losses felt in this community, by our staffmembers, and by our country as a whole. The end of the pandemic is in sight, but we can never forget the scary times, the sadness, and the amazing strength of so many to keep serving and keep on carrying on.

## **Reimagining Public Safety Task Force**

A lot of work is being done to get the Reimagining Public Safety Task Force up and running. We are putting information on the website about the background of each member. The first meeting of the group is scheduled for March 16 at 6:30 pm. At that meeting, there will be discussions with the members about their preferences for a meeting schedule. Almost all meetings will be viewable by the public. Information on the Task Force, members, meetings schedule, and background materials will be posted here: [Public Safety Task Force](#)

### **Update on Takoma Junction**

After many years of work and review, all of the County and other agency development reviews of the City's Takoma Junction project are now completed, with the exception of the Maryland State Highway Administration (SHA) comments on the site plan and layby. The City is requesting that SHA expeditiously transmit its review comments so that the City of Takoma Park and the Montgomery County Planning Board can finalize their reviews of the project site plan. A major issue for the City is that the layby is the only means for the Takoma Park-Silver Spring Coop to receive deliveries that meets transportation safety standards, with or without the development project that is proposed on the City's lot. The project has many benefits for the City and not having the project move forward would result in a number of hardships on the City and the neighborhood. Information is posted on the City webpages regarding the project, including [Takoma Junction FAQs](#). A schedule for City and County consideration of the project is likely to be released soon.

### **Update on Hiring**

Besides the search for a [new City Manager](#), there are some other key positions that we are working to fill. We are recruiting for a Housing and Community Development Director and we are nearing a decision on a new Public Works Deputy Director and a new Planner. Go to our [Careers](#) page to see our job openings.

### **National Security Breach**

Last night Takoma Park was notified of a security breach at Verkada, our cloud-based security camera provider. Out of an abundance of caution, they have restricted access to their internal systems and have engaged law enforcement and security experts to investigate the incident.

In addition to Takoma Park, many corporations, government agencies, schools, and hospitals have been affected including Tesla, Cloudflare, Siemens, and Halifax Health. At this point, there is no indication that the City of Takoma Park's onsite systems or Verkada user accounts have been compromised. No Personally Identifiable Information (PII) associated with Takoma Park's videos has been compromised since we do not associate PII with the videos.

Takoma Park's response: As Verkada has done, we have changed the passwords of the limited number of staff that has access to this system. In addition, we will be following guidance provided by Verkada and the Cybersecurity and Infrastructure Security Agency (CISA).

### **Availability of Compost Still Restricted**

One of the nice options that the City of Takoma Park offers its residents who have their food waste collected is the opportunity to collect up to five barrels of composted material to use in their gardens. Since the pandemic started, that opportunity has not been available. The location of the materials is within an area that is closed to the public to help our essential public works employees stay safe during the health emergency. We hope that we will be coming out of the pandemic restrictions soon and can return to offering this service.

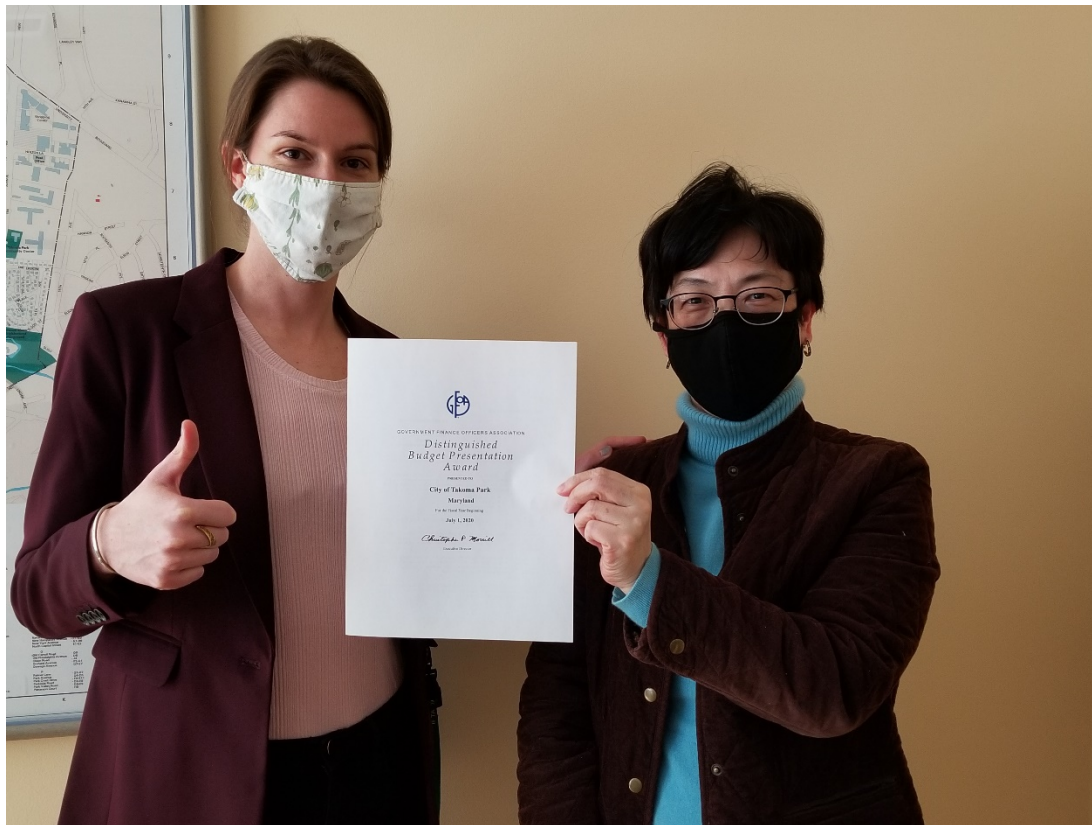
## **Government Finance Officers Association Award for Budget Excellence**

I am SO happy to announce that the City of Takoma Park received the GFOA Distinguished Budget Presentation Award for the FY21 budget!!

The Takoma Park budget document was prepared during the pandemic, by a very small staff, with many working remotely. It incorporated the many changes that were needed to reflect the sudden impacts of the pandemic, the establishment of the COVID-19 fund, and with detailed information on staff diversity and pay.

Every year, our budget document improves and I know the coming year's budget will be even better. However, **the remarkable work of Finance Director Susan Cheung, Budget and Accounting Manager Ron Kawaley, Communications Specialist Donna Wright and Deputy City Manager Jessica Clarke - under extreme circumstances - needs to be called out for its excellence.**

I am so proud to be associated with these fine staff!



Deputy City Manager Jessica Clarke and Finance Director Susan Cheung

Introduced by: Councilmember Searcy

First Reading: March 10, 2021

Second Reading: March 17, 2021

Effective Date: March 17, 2021

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE NO. 2021-10**

**AUTHORIZING THE INSTALLATION OF TRAFFIC CALMING  
ON THE 8000 BLOCK OF WILDWOOD DRIVE**

WHEREAS, in accordance with Takoma Park Code, Section 13.28.010, the Director of Public Works is authorized to place, erect, and maintain upon the public highways of the City such traffic calming devices as the Council may direct at locations designated by the Council or as determined by the City Manager or his or her designee; and

WHEREAS, residents of the 8000 block of Wildwood Drive initiated a traffic calming request for installation of a speed hump and bump outs on the block in a process that included a petition, community meeting, and a public hearing; and

WHEREAS, the City Council has considered the request.

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

Section 1. Installation of a speed hump, bump outs, and appropriate signage on the 8000 block of Wildwood Drive is authorized.

Section 2: This ordinance shall become effective immediately.

Adopted this 17th day of March, 2021 by roll-call vote as follows:

AYE:	Stewart, Kovar, Dyballa, Kostiuk, Seamens, Searcy
NAY:	None
ABSTAIN:	None
ABSENT:	Smith

Introduced by: Councilmember Kovar

First Reading: March 10, 2021

Second Reading: March 17, 2021

Effective Date: March 17, 2021

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE NO. 2021-11**

**AUTHORIZING THE INSTALLATION OF TRAFFIC CALMING  
ON DARWIN AVENUE**

WHEREAS, in accordance with Takoma Park Code, Section 13.28.010, the Director of Public Works is authorized to place, erect, and maintain upon the public highways of the City such traffic calming devices as the Council may direct at locations designated by the Council or as determined by the City Manager or his or her designee; and

WHEREAS, residents of Darwin Avenue initiated a traffic calming request for installation of traffic calming on the block in a process that included a petition, community meeting, and a public hearing; and

WHEREAS, the City Council has considered the request.

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

Section 1. Installation of a speed hump and appropriate signage on the 8000 block of Darwin Avenue is authorized.

Section 2: This ordinance shall become effective immediately.

Adopted this 17th day of March, 2021 by roll-call vote as follows:

AYE:	Stewart, Kovar, Dyballa, Kostiuk, Seamens, Searcy
NAY:	None
ABSTAIN:	None
ABSENT:	Smith

Introduced by: Councilmember Smith

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-7**

**REGARDING BUDGET HOLD LIST ITEMS**

WHEREAS, when the FY21 Budget was being considered by the City Council, a number of expenditures and vacant positions were placed on a “hold list” to allow for flexibility regarding the uncertain fiscal impacts of the pandemic, with the option to approve the use of the funds for the intended purposes if the need and fiscal capacity would so allow; and

WHEREAS, the City Manager recommends allowing several of the expenditures and positions to come off of the hold list, due to the need to provide child care for those returning to in-person education, the need to manage vegetation during spring and summer months, and the need to proceed with road maintenance and ADA sidewalk work; and

WHEREAS, not all of the budgeted funds for the Recreation Supervisor and Vegetative Maintenance Supervisor will be spent due to the lateness in the fiscal year; and

WHEREAS, there are adequate funds in the City budget to allow funds for these positions and the infrastructure work to proceed; and

WHEREAS, budgeted amounts for the remaining items on the hold list will not be spent during this fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Council of Takoma Park removes the Recreation Specialist, Vegetation Maintenance Supervisor, and funds for road maintenance and ADA sidewalk improvements from the FY21 Budget “Hold List.”

Adopted this 10th day of March, 2021.

Attest:

Jessie Carpenter, CMC  
City Clerk

Introduced by: Councilmember Dyballa

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-8**

**DEMANDING FAIR TAX DUPLICATION PAYMENTS**

- WHEREAS, municipal governments in Maryland have little authority to set rates for revenue other than for real property tax, unlike municipalities in other states which can often set the levels of sales, income, energy, telephone, transfer and other tax rates based on the needs of their communities; and
- WHEREAS, in municipalities in Maryland, property owners pay property tax to both county and municipal governments and often there are payments to both governments for services that are provided by only the municipality; and
- WHEREAS, in these cases, municipal property owners are unfairly paying too much in property taxes and should either not be charged for the services they are not receiving from the county or the municipality should receive a rebate from the county of the funds; and
- WHEREAS, for over six decades there have been discussions about how the tax duplication issue should be addressed in Maryland, in Montgomery County and in the City of Takoma Park without full resolution, resulting in substantial overpayments of property taxes to Montgomery County from property owners in Takoma Park; and
- WHEREAS, since the recession of 2012, municipal tax rebate payments from Montgomery County to Takoma Park for road maintenance, park maintenance, crossing guards and police services have been frozen at the amount of \$3,513,643, and only a separate, smaller County Code-specified Takoma Park Police Rebate has increased, while the costs of providing these services in the County and the City have substantially increased; and
- WHEREAS, as an example, when a comparison was done between what the County calculated would have been paid based on previously-agreed upon formulas for the FY18 budget and the frozen amount, it was determined that the County should have paid \$902,014 more as a rebate to the City of Takoma Park for that year alone; and
- WHEREAS, the County law does not restrict the tax duplication rebates to be limited only to the proportion of the services paid by County property tax revenue; and
- WHEREAS, under the previous County Executive, an argument was made that despite the broader language of the County law, tax duplication only applied to 40% of the

amount spent on services because only 40% of the County's revenue comes from property tax while 60% of its tax revenue comes from income tax, and for that reason identified any rebate funds that were over 40% of the formula amount as "grants;" and

WHEREAS, in Maryland, municipalities do not have the revenue sources of counties and cannot establish income tax rates for its jurisdictions; by State law municipalities receive 17% of the income tax amount paid by their residents to a county and through this provision Takoma Park receives less than 15% of its revenue from income tax; and

WHEREAS, there is now a proposal put forward by Montgomery County municipalities that has been discussed with County officials to adopt a permanent process for updating formulas, paying rebates, and, as a first step, for Montgomery County to pay an agreed-upon formula amount for road maintenance to municipalities in Montgomery County and to negotiate payments for police services; and

WHEREAS, there was no movement on the proposal for the FY20 budget, but there was agreement to pay the road maintenance rate in the FY21 budget, which provided increases for most municipalities; and

WHEREAS, the pandemic hit at the beginning of the consideration of the FY21 budget and the County Council, without advance notice, voted to maintain the previous level of payments; and

WHEREAS, in February 2021, the County Executive said he would put forth the road maintenance tax duplication number again as part of his proposed budget and the County's Chief Administrative Officer has identified staff with whom to begin discussing police payments for the FY23 budget year; and

WHEREAS, given the history of these discussions since the 1940's as summarized on the attachment, the City of Takoma Park demands that the issue be resolved now; and

WHEREAS, as shown in the attached document regarding tax duplication history, residents of Takoma Park have been harmed for a decade regarding tax duplication payments in general, and for 21 years regarding tax duplication payments for Takoma Park police services and must be made whole; and

WHEREAS, the City Council is cautiously optimistic that negotiations can reopen with County staff to finalize the updates to the tax duplication program and to establish an accurate formula for a rebate for police services; and

WHEREAS, the American Recovery Plan Act of 2021 will provide funds to both counties and municipalities but the funds cannot go to the ongoing services tax duplication funds address; and will not address the decades-long unjust policy of double taxing of property owners.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of Takoma Park demands that the Montgomery County Executive and County Council approve the proposed amounts of tax duplication funds in the FY22 County budget and work diligently to negotiate fair payments for the other services and police tax duplication rebate for FY23; and

BE IT FURTHER RESOLVED THAT the Council requests the County to undertake a calculation of the amounts that Takoma Park should have received over the years and pay the difference to the City in an allocation in the County's FY23 budget; and

BE IT FURTHER RESOLVED THAT the Council of Takoma Park calls on the County Executive and County Council to recognize the complementary work done by the County and municipalities in making our communities safe, attractive, and welcoming and to finally rectify this long-standing inequity.

This resolution was adopted by the City of Takoma Park Council on March 10, 2021.

Attest:

Jessie Carpenter, CMC  
City Clerk

## **ATTACHMENT TO RESOLUTION 2021-8 (ADOPTED ON MARCH 10, 2021)**

### **SUMMARY OF MAJOR POINTS IN HISTORY OF TAX DUPLICATION DISCUSSIONS**

- In 1946, the Maryland Commission on the Distribution of Tax Revenues recognized the need to address the tax duplication issue and established the State sharing of tax revenues with local governments and provided for the distribution of tax revenues between counties and municipal corporations.
- These State actions refer primarily to the distribution of property tax revenue, but the actions were taken in conjunction with removing the authority for municipalities to set other fees and taxes.
- In the 1940's, an amount was set in the Montgomery County Code specifying a "Takoma Park Police Rebate" that was calculated based on a property assessment formula.
- In 1973, Montgomery County added Chapter 30A, "Montgomery County –Municipal Revenue Program" to the County Code; it provides for a reimbursement for those services provided by municipalities that would otherwise have been provided by Montgomery County.
- In 1996, the Montgomery County Tax Duplication Task Force recommended specific rebate formulas for transportation (road maintenance), park maintenance, code enforcement, and other services, which were adopted by the County Council; and separate discussions took place between the County and City of Takoma Park on the police rebate and how to handle payments related to the Takoma Park Library once all of Takoma Park became part of Montgomery County in 1997.
- The County paid the formula amounts to municipalities for transportation (road maintenance), park maintenance, code enforcement, and other services annually until 2013, even though some of the formulas became out of date.
- In 2000, the County and City negotiated a formula regarding the rebate for Takoma Park police services that computed what the County would have spent on providing police services to Takoma Park less the amount the County Code specified "Takoma Park Police Rebate" amount the City should receive.
- Within a year, the County attempted to unilaterally reduce the Takoma Park police tax duplication formula without renegotiation, with the City only learning of the change when action was before the County Council.
- Since 2001, there have been committees and task forces studying tax duplication formulas and revenue sharing ideas, and making recommendations, without resolution.
- During the last twenty years, the City has repeatedly requested renegotiation of the

municipal tax duplication payment for police services; one negotiation process came to an agreement at the staff level but ended with the report being stalled by the County Budget Director at the time and then did not proceed when the recession affected Maryland governments in 2011.

- In 2011, the recession hit Maryland state, county and municipal revenues very hard; for the FY2012 budget, the Montgomery County Executive proposed cutting the municipal tax duplication payments by 25%, and then the amount was reduced by the County Council to a cut of 15%, with an additional payment to the City of Takoma Park for police services.
- The amounts paid by Montgomery County to its municipalities have been largely frozen since 2012.
- Takoma Park did have some increases in police rebate payments over this time solely due to the County Code Police Rebate formula-related increases, which the County could not freeze, but these amounts are relatively small.