

**CITY OF TAKOMA PARK, MARYLAND
CITY COUNCIL REGULAR MEETING
PUBLIC HEARING, WORK SESSION AND BUDGET WORK SESSION**

**Wednesday, April 28, 2021
Minutes**

Minutes adopted September 8, 2021

CLOSED SESSION OF APRIL 19, 2021

The City Council convened at 6:00 PM on Zoom to vote to go into closed session to consult with counsel to obtain legal advice regarding the Takoma Junction Redevelopment Project. The meeting was closed pursuant to Annotated Code of Maryland, General Provisions Article, §3-305(b)(7). Motion to go into closed session by Councilmember Kovar and second by Councilmember Kostiuik. Voting for: Stewart, Kovar, Dyballa, Kostiuik, Seamens, and Smith. Absent: Searcy.

Present for Closed Session: Mayor Stewart, Councilmembers Kovar, Dyballa, Kostiuik, Seamens, Smith, Searcy. Also present: City Manager Ludlow, Deputy City Manager Clarke, City Clerk Carpenter, City Attorney Cornbrooks. The City Attorney briefed the City Council on the dispute between NDC and TPSS Co-op and provided options for the Council to consider. No actions were taken and no votes were recorded.

The closed session was adjourned at 7:32 PM.

CLOSED SESSION OF APRIL 22, 2021

The City Council convened at 6:00 PM on Zoom to vote to go into closed session to consult with the City Attorney to obtain legal advice regarding the Takoma Junction Redevelopment Project and the dispute between TPSS Co-op and NDC. The meeting was closed pursuant to Annotated Code of Maryland, General Provisions Article, §3-305(b)(7). Ms. Searcy moved to close the meeting; second by Ms. Dyballa. VOTING FOR: Stewart, Kovar, Dyballa, Kostiuik, and Searcy. ABSENT: Seamens and Smith.

Present for the Closed Session: Mayor Stewart, Councilmembers Kovar, Dyballa, Kostiuik, Seamens, Smith, and Searcy; City Attorney Cornbrooks, City Manager Ludlow, Deputy City Manager Clarke, and City Clerk Carpenter. The Council received legal advice related to the development review and the dispute between NDC and TPSS Co-op. The Council agreed with the City Manager that the March 10 Site Conditions FAQ document prepared by the City Manager and issued with her March 10 City Manager Comments should be retracted and a public statement issued. No votes were recorded.

The closed session was adjourned at 8:35 PM

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, City Clerk Carpenter, Public Works Director Braithwaite, Planning Manager Grigsby, Deputy City Manager Jessica Clarke,

The City Council convened at 7:30 PM via Zoom.

CHANGES TO THE AGENDA / AGENDA SCHEDULING UPDATE

Mayor Stewart updated the Council on future agenda items.

PUBLIC HEARING

1. Public Hearing on Recommended FY 2022 Tax Rate (Constant Yield Tax Rate Public Hearing)

Chantal Worzala requested that the Council adopt the constant yield tax rate. She cited increased federal resources to become available.

Arthur David Olson expressed a desire for different property tax rates based on different types of properties. He requested a residential property tax of 53.64 cents (Constant Yield Rate + 2021 federal cost of living adjustment) and a rate of 55 cents for commercial properties.

2. Public Hearing on the FY 2022 Budget

Arthur David Olson commented on safety of sidewalks, the equipment replacement reserve, and requested lower pay for the new, incoming City Manager.

David Blockstein commented on the sustainability portion of the budget, on behalf of the Takoma Park Mobilization Environment Committee.

Byrne Kelly commented on climate change and the need for increased stormwater management.

Seth Grimes testified on behalf of Takoma Park Mobilization and Silver Spring Justice Coalition taking issue with police staffing. He requested the creation of a new mental health and social services unit with licensed mental health professionals.

Nadine Bloch commented in opposition to a budget increase for the police. She would like surplus funds transferred to a mental health or social work response. She would like restorative justice measures set in place for police and a decrease in the City Manager's salary.

UPDATE FROM MAYOR

Mayor Stewart addressed the ongoing dispute between Neighborhood Development Company (NDC) and the Takoma Park Silver Spring Co-op. On April 27, attorneys for the Co-op filed suit against NDC and the City of Takoma Park. A statement was published on the City Website on April 28:

Over the past week, the City of Takoma Park has been actively involved in discussions to bring about a resolution to an ongoing dispute between the Neighborhood Development Company (NDC) and the Takoma Park Silver Spring Co-op (Co-op). This dispute is regarding the Co-op's use of a City-owned parking lot at Takoma Junction for deliveries and parking. This lot is leased to NDC which, in turn, leases it to the Co-op.

Last week the City formally asked NDC to rescind its earlier demand that the Co-op immediately discontinue its use of the parking lot site. The City also asked NDC to not interfere with the Co-op's use of the City-owned parking lot for its deliveries and parking for its customers, so that the Co-op could continue with its current sublease arrangement.

The City set a deadline of Friday, April 23 for NDC to comply with those requests. On Tuesday, April 27, attorneys for the Co-op filed suit against NDC and the City of Takoma Park. As a result of that legal action, the City is currently evaluating possible courses of action, while at the same time continuing to seek a resolution of the issues between NDC and the Co-op.

"As Mayor, I am extremely disappointed that NDC and the Co-op have been unable to successfully resolve these issues, and that this dispute has now moved into a court of law," said City of Takoma Park Mayor Kate Stewart. "NDC must abide by its existing agreements with the City. The City is exploring all possible options to find a solution to the situation. It is in the best interests of our residents that these issues get resolved as quickly as possible."

PUBLIC COMMENTS

- Paul Huebner– Requested the Council to stop NDC from developing the City parking lot at the Takoma Junction.
- Nadine Bloch– Commented negatively on the Takoma Junction project and requested an end to the relationship with current developer NDC.
- Susan Miller– Commented against the Takoma Junction Project.
- Brenda Platt– Commented on the challenges faced by small business and the threat that NDC poses to them.
- Merrill Leffler– Commented against the Takoma Junction Project and the developer NDC.
- Karen Elrich– Requested an end to the relationship with current developer NDC.
- Katherine Katzin - Requested an end to the relationship with current developer NDC.
- Andrew Strongin– Commented negatively on the Takoma Junction project and City

Manger's handling of project.

- Byrne Kelly– Commented negatively regarding the Takoma Junction project and the Council's handling of the project. Called for Mayor Stewart's resignation.
- Roger Schlegel– Commented against the Takoma Junction Project and their disregard for community objections.
- Joan Meier– Expressed fear of losing TPSS Co-op if the NDC project is built.
- Robert Anderson– Commented against the Takoma Junction Project.
- Mike Lastort– Requested an end to City's relationship with current developer NDC.
- Ross Wells– Food Justice volunteer speaking in support of the Takoma Park Co-op.
- Karen Lange– Expressed fear of losing the Takoma Park Co-op.
- Kathryn Desmond– Expressed fear of losing Takoma Co-op Project.
- Christine Simpson– Requested Council action to protect the Takoma Park Co-op.
- Colleen Cordes– Requested an end to the relationship with current developer NDC.
- Marcia Stickle and George French– Commented against Takoma Junction Project.
- Susan Schreiber- Read statement in opposition to the Takoma Junction Project.

COUNCIL COMMENTS

Councilmember Kostiuk: Commented on meetings attended including the Transportation Planning Board meeting.

Councilmember Dyballa: Commented on meetings attended and updated the Council on an upcoming stormwater survey.

Councilmember Searcy: Commented on meetings attended and updated the Council on the Purple Line Community Advisory Team meetings.

Councilmember Kovar: Thanked residents who spoke on the Takoma Junction project. He updated the Council on upcoming meetings.

Mayor Stewart: Commented positively on COVID-19 vaccine efforts. Mayor Stewart also updated the Council that she has been selected to participate in the 2021 Public Leaders for Inclusion Council and explained there exists the possibility for the City to receive grant money from the Program.

CITY MANAGER COMMENTS

City Manager Ludlow's comments are attached.

WORK SESSION

3. Procurement Items

A. Leaf Vacuum

Public Works Director Braithwaite presented on the need for a replacement Leaf Vacuum. She recommended the purchase of the vacuum from the Old Dominion Brush Company.

B. Bus Shelters

Planning Manager Rosalind Grigsby presented on the need for more bus shelters and identified five locations where they could be installed. Ms. Grigsby also stated that such measures help make tangible the Council's Race Equity and Climate Change initiatives.

C. Streetscape Furnishings

Planning Manager Grigsby presented on the need to replace trashcans and add additional benches along New Hampshire Ave.

4. Continued Budget Reconciliation

Public Works Director Braithwaite compared different costs for different types of fuel for the proposed purchase of a street sweeper, i.e. EV model vs. diesel fuel. She expressed her intention to split cost of sweeper between the equipment replacement reserve and stormwater fund due to the high cost of purchasing the EV sweeper.

Deputy City Manager Clarke and City Manager Ludlow discussed the proposed FY 2022 budget emphasizing the atrium project and the police budget.

Councilmember Kostiuik discussed the possibility of pushing back the atrium project to FY 2023 due to cost. She also expressed concern for the proposed 7% increase in police budget and expressed support for Council member's Searcy's desire to remove the K-9 unit.

City Manager Ludlow commented that the 7% increase in the police department was linked to increased cost related to fringe spending (pension, health care etc.)

Councilmember Searcy proposed adding \$75,000 to the reconciliation list for staffing support for economic development.

Mayor Stewart highlight that the operating costs of the Police Department has lowered by 5%.

ADJOURN

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