

**CITY OF TAKOMA PARK, MARYLAND  
CITY COUNCIL REMOTE MEETING  
VOTING SESSION**

**Wednesday, June 23, 2021**

**MINUTES**

*Minutes adopted November 3, 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, City Clerk Carpenter, Housing Manager Wiggins, Economic Development Manager Cook Gaines, Planning Manager Grigsby, City Attorney Cornbrooks

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

Mayor Stewart provided an update on future agendas.

**PUBLIC COMMENTS**

**Public Comments on Voting Items**

Wayne Sherwood commented on the City Manager's contract. He suggested that the Council hire Police Chief DeVaul to serve as City Manager instead. He also commented on the Public Safety Task Force, recommending that the Task Force be extended through July to allow time for them to explain their work over the past few months.

Mike Reust commented in support of the NDC Takoma Junction redevelopment.

Michaela Kelinsky, NDC Vice President, commented on the benefits to Takoma Park of the NDC development of Takoma Junction and on the changes made to the plan in response to Council and public comments. She urged the Council to approve the site plan.

**General Public Comments**

Mary Jane Muchui commented on the disadvantages for low income homeowners in Takoma Park and lack of assistance for them.

Sean Hendley, President of AFSCME Local 3399, requested that City employees be compensated for working on Juneteenth, which has been made a federal holiday.

## **COUNCIL COMMENTS**

Ms. Stewart noted the need to amend the City Code to make Juneteenth a paid City holiday.

Ms. Dyballa commented on the Montgomery County Climate Action Plan.

## **CITY MANAGER COMMENTS**

Ms. Ludlow's comments are attached. She noted her pending retirement.

## **VOTING SESSION**

### **1. Resolution Authorizing Execution of an Employment Agreement with Jamal T. Fox as City Manager**

Mr. Seamens moved the resolution. Ms. Dyballa seconded. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

Ms. Stewart noted that Mr. Fox will begin employment with the City on August 2. Ms. Clarke will be Acting City Manager in the interim after Ms. Ludlow's retirement.

#### **Resolution 2021-16 (attached)**

### **2. Resolution Designating a Resident Agent for the City of Takoma Park**

The resolution designates Deputy City Manager Jessica Clarke as resident agent.

Ms. Kostiuk moved the resolution. Ms. Searcy seconded the motion. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Resolution 2021-17 (attached)**

### **3. Resolution Extending the Task Force on "Reimagining Public Safety to Ensure Racial Justice" and the Terms of Its Members**

Council discussed options for the date of the term extension. Mr. Cornbrooks noted that even though the extension date is set at October 15 in the resolution, the resolution also dissolves the Task Force once the final report is submitted.

Ms. Searcy moved the resolution. Ms. Dyballa seconded the motion. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Resolution 2021-18 (attached)**

#### **4. Resolution Recommending Disapproval of the Takoma Junction Development Site Plan by the Montgomery County Planning Board**

Ms. Ludlow noted that the resolution disapproving the site plan reserves the option to reopen the review of the site plan as new information is provided by NDC, SHA, or other reviewing agencies.

Mr. Kovar moved the resolution. Ms. Kostiuk seconded the motion.

Ms. Dyballa moved an amendment to No. 4 in the resolved clauses concerning parking to read: "The plan does not demonstrate adequate public parking for area businesses as stated in Resolution 2018-41." The motion was seconded. The vote on the amendment was unanimous in favor.

The amended resolution was adopted (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Resolution 2021-19 (attached)**

#### **5. Emergency Ordinance Authorizing the City Manager to Enter into a Contract with a Non-Profit Housing Organization and Use up to \$270,000 from the Housing Reserve Fund for a Housing Project at 1202 Holton Lane**

Ms. Wiggins provided details on the project, which would include renovating a property and its associated accessory dwelling unit, to provide missing middle housing for a family with the ability to have the accessory dwelling unit as an investment property.

Ms. Ludlow provided details about the balance in the housing reserve fund. Additionally, the City has been awarded \$500,000 as a grant to develop opportunities for missing middle housing.

Councilmember Searcy moved the ordinance. Councilmember Seamens seconded the motion. The motion carried (VOTING FOR: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy).

#### **Ordinance 2021-32 (attached)**

#### **ADJOURNMENT**

The Council adjourned for the evening at approximately 9:15 PM.



City of Takoma Park

## City Manager Comments

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### Report of June 23, 2021

#### COVID-19 Related Information

##### **Vaccinations Available!**

Saturday vaccinations will be available at the Park Ritchie Apartments Parking Lot on Maple Avenue from 9 am to 2 pm. These are Pfizer vaccines, so persons 12 and older are eligible. This effort is sponsored by FEMA and the National Guard. Vaccines are FREE; no health insurance is required; please bring valid ID.

To find out about vaccine availability throughout Montgomery County go to:

<https://www.montgomerycountymd.gov/covid19/vaccine/>

##### **COVID-19 Dashboard**

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

#### **OTHER INFORMATION**

##### **Community Listening Session on Monday**

The Reimagining Public Safety Task Force will host their third virtual community listening session on Monday, June 28 at 6:30 pm. For this session the Task Force will present their draft recommendations for community feedback. This is a key part of the preparation process for the final report from the Task Force that will be submitted to the City Council in July. Information on registration for this virtual event will be posted on the RPSTF website at <https://takomaparkmd.gov/initiatives/project-directory/reimagining-public-safety/>

##### **Thank You!**

Thanks to the City of Takoma Park for putting on a wonderful Retirement Party for me last Friday. I was so pleased to have several members of my family there, and the weather could not have been more perfect. Truly a memorable event!

My last day with the City of Takoma Park is Thursday, July 1. This is my last City Manager Report since next Wednesday will be a special Council meeting. It has been an honor to serve the City of Takoma Park. As I have noted, I will remain in the area. For those who wish to contact me, please email [suzanneludlow12@gmail.com](mailto:suzanneludlow12@gmail.com). Best wishes to the Council, incoming City Manager Jamal Fox, DCM Jessica Clarke, all City staff and the wonderful residents of Takoma Park!

Introduced by: Councilmember Seamens

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION NO. 2021-16**

**APPROVING AN EMPLOYMENT AGREEMENT  
BETWEEN THE CITY OF TAKOMA PARK  
AND JAMAL T. FOX, AS CITY MANAGER**

- WHEREAS, the current City Manager, Suzanne Ludlow, will retire on July 1, 2021; and
- WHEREAS, the Council conducted a nationwide executive search via the Novak Consulting Group; and
- WHEREAS, the Council developed a recruitment process with the input of Novak Consulting Group, which included a Community Conversation via zoom, two stakeholder focus groups, public comments, public survey, and other interview modes; and
- WHEREAS, the search, review, and interview processes resulted in the City Council's selection of Jamal T. Fox; and
- WHEREAS, the City Council reached a final agreement with Mr. Fox on the terms and conditions of his employment with the City; and
- WHEREAS, the City of Takoma Park now wishes to enter into a written four (4) year employment agreement with Mr. Fox providing for him to be the City Manager; and
- WHEREAS, the Employment Agreement is attached to this resolution and incorporated by reference herein; and
- WHEREAS, Mr. Fox's employment with the City will commence on August 2, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Council hereby approves the Employment Agreement between the City and Mr. Fox as City Manager; and

BE IT FURTHER RESOLVED THAT the City Council authorizes the Mayor to execute said Employment Agreement on behalf of the City of Takoma Park, Maryland.

Adopted this 23rd day of June, 2021.

Attest:



Jessie Carpenter, CMC  
City Clerk

Introduced by: Councilmember Kostiuk

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-17**

**DESIGNATING A RESIDENT AGENT  
FOR THE CITY OF TAKOMA PARK**

**WHEREAS**, Maryland Code, Section 1-1301 of the Local Government Article requires the governing body of every political subdivision to file with the State Department of Assessments and Taxation a certification of a resident agent; and

**WHEREAS**, if there is a change in the designated resident agent or change in address for the resident agent, the City must file, for the record, said change with the State Department of Assessments and Taxation.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND** hereby designates Deputy City Manager Jessica Clarke as the resident agent for the City of Takoma Park; and

**BE IT FURTHER RESOLVED THAT** the City Clerk shall forward a certified copy of this Resolution and the completed State of Maryland “Form to Designate or Change a Resident Agent for Service of Process by a Government Entity” to the State Department of Assessments and Taxation.

Adopted this 23rd day of June, 2021

Attest:



Jessie Carpenter, CMC  
City Clerk

Introduced by: Councilmember Searcy

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-18**

**EXTENDING THE TASK FORCE ON “REIMAGINING PUBLIC SAFETY TO ENSURE RACIAL JUSTICE” AND THE TERMS OF ITS MEMBERS**

**WHEREAS**, Resolution No. 2017-45 established the City Council’s goals and priorities for the Takoma Park Police Department including ensuring a culture of transparency, accountability, proactive communication, and responsiveness, both inside and outside of the City government; and

**WHEREAS**, the City Council wants to review and reform the City’s approach to public safety to ensure racial justice; and

**WHEREAS**, on September 23, 2020, the City Council adopted Resolution 2020-21, established the Task Force on “Reimagining Public Safety to Ensure Racial Justice” (the “Task Force”); and

**WHEREAS**, since March of 2021, the Task Force has held numerous meetings in pursuit of its goals; and

**WHEREAS**, pursuant to Resolution 2020-21, the Task Force was required to submit its final report and recommendations concerning public safety to the City Council by June 4, 2021, and the Task Force may be dissolved after its recommendations are presented to the City Council by June 30, 2021; and

**WHEREAS**, Resolution 2020-21 permits the City Council to extend the operative term of the Task Force and its members; and

**WHEREAS**, the Task Force requires an additional period of time to complete its work pursuant to Resolution 2020-21 and its members’ terms also require extension; and


**WHEREAS**, to ensure that the Task Force can adequately create a set of recommendations concerning public safety, it is necessary to extend the date extend the operative term of the Task Force and its members.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND** the City Council hereby extends the term of the Task Force and the terms of its members, until no later than October 15, 2021; and

**BE IT FURTHER RESOLVED THAT** the Task Force on Reimagining Public Safety shall be dissolved, after making and presenting its final recommendations to the City Council, on or before October 15, 2021.

Adopted by the Council of the City of Takoma Park, Maryland this 23rd day of June 2021.

Attest:

  
Jessie Carpenter, CMC  
City Clerk



1 Introduced by: Councilmember Kovar

2  
3 **CITY OF TAKOMA PARK, MARYLAND**

4  
5 **RESOLUTION 2021-19**

6  
7 **RECOMMENDING DISAPPROVAL**  
8 **OF TAKOMA JUNCTION DEVELOPMENT SITE PLAN**  
9 **BY THE MONTGOMERY COUNTY PLANNING BOARD**

10  
11 WHEREAS, with Council Resolution 2018-41 in July 2018, the Takoma Park City Council  
12 authorized the submission of plans by the Neighborhood Development Company,  
13 LLC, for redevelopment of properties in Takoma Junction on the south side of  
14 Ethan Allen Avenue (MD 410) at the intersection with Carroll Avenue (MD 195);  
15 and

16  
17 WHEREAS, most of the properties involved in the redevelopment project are owned by the City  
18 of Takoma Park (“City”) and one property is privately owned, but under contract  
19 for purchase; and

20  
21 WHEREAS, there have been governmental and community studies about how to improve the  
22 economic viability, environmental sustainability, and attractiveness of the Takoma  
23 Junction neighborhood commercial area since 1983, and the properties owned by  
24 the City were purchased in 1995 for the purposes of stabilizing and facilitating the  
25 revitalization of the area; and

26  
27 WHEREAS, in January 2014, the Council released a competitive Request for Proposals for  
28 development of the property in a manner that would “act as a stimulus to the  
29 commercial district and locally-owned, independent businesses; improve the  
30 aesthetic appeal of the district; and be contextually sensitive and environmentally  
31 sustainable;” and

32  
33 WHEREAS, the Council selected Neighborhood Development Company, LLC (“NDC”) to  
34 develop the project, and a Development Agreement and Ground Lease were  
35 approved by the Council in July 2016 through Resolution 2016-26; and

36  
37 WHEREAS, from January 2014 through July 2018, there was a high level of public participation,  
38 discussion and sharing of information about the project, including 32 Work  
39 Sessions with public comments, three Listening Sessions, three Open Houses  
40 (including an on-site pop-up Open House), design meetings with over 200  
41 attendees regarding form and character and access and mobility, and over 600  
42 written public comments in 2018 alone; and

1 WHEREAS, this level of public participation and Council consideration informed the adoption  
2 of Resolution 2018-41 with its many provisions to guide and assess the final site  
3 plan to be prepared and submitted to the Montgomery County Planning Board once  
4 the Montgomery County development review process was completed; and  
5  
6 WHEREAS, the agency review of the plans submitted on January 15, 2021 is now nearly  
7 complete; and  
8  
9 WHEREAS, many changes to the plans have been made since July 2018 in response to the  
10 comments made through the agency review process; and  
11  
12 WHEREAS, the development review process requires the Takoma Park City Council to convey  
13 its recommendations on the site plan to the Montgomery County Planning Board  
14 prior to Board action; and  
15  
16 WHEREAS, there are additional provisions in City Council Resolution 2018-41 identifying  
17 actions or outcomes that do not pertain directly to the Montgomery County  
18 Planning Board review and which would need to be addressed separately, such as  
19 how the Auto Clinic property will be combined with the remaining property, final  
20 City approvals of tree and stormwater plans, and plans for continuity of operations  
21 during construction; and  
22  
23 WHEREAS, Maryland Department of Transportation State Highway Administration (MDOT-  
24 SHA) has not approved a layby for use for deliveries for this project on State  
25 Highway MD-410; and  
26  
27 WHEREAS, no other adequate and safe delivery options that can accommodate large vehicles  
28 have been presented that would serve this site and the TPSS Co-op; and  
29  
30 WHEREAS, mediation between NDC and the TPSS Co-op led to an agreement regarding the  
31 accommodation of deliveries, which included accommodation of large vehicles;  
32 and  
33  
34 WHEREAS, Council reserves the option to reopen the review of the site plan as new information  
35 is provided by NDC or by MDOT-SHA or other reviewing agencies; and  
36  
37 WHEREAS, as specified in Resolution 2018-41, NDC added windows and greater detail to the  
38 rear façade and placed windows so as to minimize light pollution on nearby  
39 residences, but there continues to be concern that the façade or the use of space  
40 may need to be addressed to limit noise pollution and other negative impacts to the  
41 neighborhood; and  
42  
43 WHEREAS, as specified in Resolution 2018-41, at least 2700 sq. ft. of public gathering space  
44 should be provided that is not focused on outdoor dining but is shared space for

1 residents, visitors and anyone else in the public realm and under the longer layby  
2 option, 3,850 square feet is provided and under the shorter layby option, 4,500  
3 square feet is provided, however, the type and quality of the public space has  
4 changed because of adjustments to the layby design; and  
5

6 WHEREAS, Resolution 2018-41 specified that public parking will be available for area  
7 businesses; and  
8

9 WHEREAS, Resolution 2018-41 requires that stormwater will be managed within the project  
10 boundary using low-impact development and green infrastructure and treatment  
11 will significantly exceed the City's 50% requirement for redevelopment, and the  
12 project meets the requirements but, due to design changes for other purposes, the  
13 project does not "significantly exceed" the 50% treatment requirement.  
14

15 NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK,  
16 MARYLAND, recommends the Montgomery County Planning Board disapprove the Takoma  
17 Junction Combined Site Plan for the following reasons:  
18

- 19 1. The plan has not received approval from the MDOT-SHA for the layby.  
20
- 21 2. More work is needed to address the rear façade design in order to have a minimal impact  
22 on the residential neighborhood and wooded area behind it and ensure a less intrusive and  
23 more visually appropriate design.  
24
- 25 3. The plan does not provide 2700 square feet of public space of the type and quality of that  
26 included in the plans that were submitted for development review pursuant to Resolution  
27 2018-41.  
28
- 29 4. The plan does not demonstrate adequate public parking for area businesses as stated in  
30 Resolution 2018-41.  
31
- 32 5. Stormwater treatment does not significantly exceed the 50% requirement specified in  
33 Resolution 2018-41.  
34

35 Resolution 2021-19 was adopted by the Council of the City of Takoma Park, Maryland on this  
36 23rd day of June, 2021.  
37

38 Attest:

39 

40  
41  
42 Jessie Carpenter, CMC  
43 City Clerk  
44  
45

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE NO. 2021-23**

**AUTHORIZATION TO PURCHASE POLICE MOBILE AND PORTABLE RADIOS**

WHEREAS, the Police Department needs to purchase Police Field Radios; and

WHEREAS, the FY 2021 budget has funds in the Equipment Replacement Reserve Account that will be used for the purchase; and

WHEREAS, the Police Department proposes to purchase four Mobile Radios and three Portable Radios; and

WHEREAS, the quoted price of \$33,955.51 is based on a Montgomery County contract with Motorola Solutions.

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

SECTION 1. The City Manager or her designee is authorized to enter into an agreement with Motorola Solutions for the purchase of the radios.

SECTION 2. This Ordinance shall become effective immediately.

Adopted this 2nd day of June, 2021 by roll-call vote as follows:

AYE: Kovar, Dyballa, Kostiuk, Seamens, Searcy

NAY: None

ABSTAIN: None

ABSENT: Stewart, Smith