

**CITY OF TAKOMA PARK, MARYLAND**

**PRESENTATION, INTERVIEWS, REGULAR MEETING AND WORKSESSION  
OF THE CITY COUNCIL  
(Adopted September 12, 2005)**

**July 11, 2005**

**OFFICIALS PRESENT**

Mayor Porter

Councilmember Austin-Lane

Councilmember Elrich

Councilmember Mizeur

Councilmember Seamens

Councilmember Williams

City Manager Matthews

Executive Assistant Forster

HCD Director Daines

Affordable Housing Manager Walker

Public Works Director Lott

City Engineer Khalilian

Police Chief Creamer

City Attorney Silber

**OFFICIALS ABSENT:**

Councilmember Barry

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

**COUNCIL COMMENTS**

Ms. Porter noted that Council had met in Executive Function Session earlier in the evening to discuss the City Manager's evaluation. She announced that Councilmember Barry is out of the country and will not be attending the meeting.

Ms. Mizeur commented on the Ward 2 walking tour held earlier in the evening with Park and Planning Chairman Berlage.

Ms. Austin-Lane stated that she was very saddened by the passing of Crossing Guard Annie Cotton. She requested that the Council take up a resolution to honor her next week.

Ms. Austin-Lane referenced a draft resolution concerning the sales agreement for the green space at the Takoma Metro. She requested that Council adopt a resolution at the next Council meeting.

Ms. Austin-Lane also noted a communication from the Main Street Takoma Design Committee about streetlights in that area. She requested that the issue be placed on a timeline.

**ADOPTION OF MINUTES - 5/12/05; 5/15/05; 5/23/05**

Motion by Williams; second by Mizeur. The minutes of May 12, 2005, May 16, 2005, and May 23, 2005 were adopted (VOTING FOR: Porter, Austin-Lane, Elrich, Mizeur, Seamens,

Williams; ABSENT: Barry).

## **PUBLIC COMMENTS**

Jessica Landman, Park Avenue, spoke at length about her concerns regarding the proposed development at the Takoma Metro. She urged the Council to adopt a resolution expressing the City's position and to ensure that staff and resources are devoted to the issue.

## **PRESENTATION**

### **1. Update on the Community Center Construction Project**

City Manager Matthews reported that staff is still working on resolving the proposed change orders mentioned last week. More information will be available next week. Staff is in the process of getting pricing for furniture for the Community Center. The Takoma Foundation Grants Committee has agreed to expedite the review of the proposed purchase, and will issue a check to the City for the furniture. Ms. Matthews updated Council on the discussion from last week about baseboards.

## **INTERVIEWS**

### **2. Interview of Applicant for Ward 2 Council Seat - Juan Luis Torres**

The Council interviewed Mr. Torres.

Mr. Torres explained that he is not active in the ward because he does not want to appear to be competing with the incumbent Councilmember. He said he keeps aware of the Council's actions via e-mail. He indicated that he is opposed to rent stabilization. Mr. Torres commented about the Community Center project and the gym.

### **3. Resolution re: 2005 Affordable Housing Policy and Action Plan**

Ms. Daines explained that as a result of Council comments last week the condominium conversion goal has been moved from a mid-term goal to a short term goal. The abandoned property goal has been revised to have three phases. In the short term, staff will review the situation and identify the challenges. Because the rent stabilization discussion has been delayed, staff will now have time to work on this goal. The interim goal will be to take that information and begin to work on solutions. Staff hopes to be able to forward a recommendation to Council at the beginning of next year.

Council discussed the timing of the rent stabilization discussion.

Motion by Seamens; second by Elrich.

Resolution 2005-54 was adopted (VOTING FOR: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; ABSENT: Barry).

**Resolution 2005-54**  
**(Attached)**

**4. Single Reading Ordinance re: Storm Drain Cleaning and TV Inspection**

Mr. Lott explained the bids and indicated that Video Pipe Services, Inc. is the contractor he is recommending to provide storm drain cleaning and TV inspection.

Mr. Khalilian noted that he had checked references on the company.

Motion by Mizeur; second by Seamens.

Ordinance 2005-21 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; ABSENT: Barry).

**Ordinance 2005-21**  
**(Attached)**

**5. Consent Agenda**

Motion by Austin-Lane; second by Elrich. The consent agenda was adopted (VOTING FOR: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; ABSENT: Barry).

Resolution 2005-55 appointing Kelly A. Bosma and Robert A. Leibrich to the Commission on Landlord-Tenant Affairs

Resolution 2005-56 appointing Montgomery County Battalion Chief Brian S. Geraci to the Emergency Preparedness Committee

Resolution 2005- 57 appointing Kathy Jentz to the Montgomery College Neighbors Advisory Committee

**Resolutions 2005-55, 2005-56, 2005-57**  
**(Attached)**

## **WORKSESSION**

### **6. Edinburgh House Pilot Agreement**

Rob Goldman, Vice President of Edinburgh House, was present for the discussion.

Ms. Daines described the terms of the Payment in Lieu of Taxes (PILOT) agreement.

There was Council consensus on the terms. The agreement is to be scheduled for a two reading ordinance.

## **BREAK**

The Council recessed for a scheduled break at 8:50 p.m. and reconvened at 9:06 p.m.

## **WORKSESSION**

### **7. Revisions to Takoma Park Code, Chapter 8.12, Peddlers and Transient Merchants**

City Attorney Susan Silber, Clean Water Action representative Gary Steinberg, and Executive Director of the Takoma Langley Crossroads Development Authority Erwin Mack were present for the discussion.

Ms. Silber explained that the most significant revision in the proposed ordinance exempts canvassers from the requirement to have a permit and criminal background check. So long as their primary cause is advocacy or religion, they will be exempt. Another change recommended is to add a very specific timeline on the City to respond to applicants. The license fees have been increased. For those who are soliciting, but not advocating, there is still a requirement for a permit. We recommend that citizens be allowed to post their property to exclude canvassers and solicitors. The hours have been changed from 9:00 am. To 9:00 p.m. to allow adults to canvass after work.

Ms. Silber noted that additional revisions to the licensing of peddlers part of the chapter can be made after Council decides how much it wants the County to do and how much the City should have its own scheme.

Mr. Steinberg indicated that the prior ordinance of Takoma Park was a problem from a legal standpoint and it did not reflect the activist history of Takoma Park. He said he appreciates and supports the staff recommendations.

Mr. Mack commented on the special concerns with peddlers and transient merchants in the Crossroads area. Section 362, Use of Streets and Sidewalks, does not sufficiently address the setback sidewalks in the area. Mr. Mack also requested better enforcement of the laws we have already. In response to a question from Mr. Elrich, he said that he sees peddlers in the area

daily.

Ms. Porter suggested that the City Attorney and the Police Chief meet with Mr. Mack to see how additional revisions to the ordinance might address some of his concerns.

Mr. Williams suggested that the County law be looked at to see if we want to adopt their legislation and be governed by it.

Mr. Seamens asked if the canvassers would register even though they wouldn't be required to have a permit.

Ms. Silber responded that canvassers are asked to give notice to the Police Department.

Chief Creamer commented that it is helpful in the event we get calls from the neighborhood. When we ask the caller, if they give us physical attributes, at least we can tell them that this particular group has requested permission. It's helpful for us. We're just gathering information.

Council discussed this requirement.

The Council agreed to move forward with scheduling an ordinance to revise the code. Additional work is to be done on the licensing section at a future time.

## **8. Discussion of Election Issues**

Ms. Matthews introduced the topic. With the decision of the Council to use paper ballots, staff is requesting guidance on the pay and criteria for selection of election judges.

After discussion, Council directed that judges should be paid \$135. The chief judge is to receive \$175. Judges must be registered voters of the City of Takoma Park or Montgomery County. City residents are to have preference. Judges should be impartial, and not serve as a representative, campaign manager or treasurer for any candidate or ballot initiative.

The Council then discussed the Nominating Caucus, which falls on Rosh Hashanah in 2005. Since the City Charter mandates the date as the Tuesday, five weeks before the election, those present at the Caucus will determine a new date. Individual members of the Council expressed their intention to make a motion to move it to the following evening.

## **9. Discussion of Room to Use for Holding Future Council Meetings**

Council discussed the options for future meeting space. There was consensus to remain in the Council Chambers. Mr. Williams offered to work on some sort of portable dias or set of tables that could easily be broken down and moved to allow the Chambers to be used as theater space at other times.

## **ADJOURNMENT**

The Council adjourned for the evening at 10:15 p.m.