

T H E C I T Y O F T A K O M A P A R K, M A R Y L A N D

Regular Meeting of the Mayor and Council
December 12, 1983

AGENDA

CALL TO ORDER: Mayor Abbott
ROLL CALL: Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

PLEDGE

READING AND APPROVAL OF THE MINUTES OF AUGUST 8 AND SEPTEMBER 12, 1983

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

ADDITIONAL AGENDA ITEMS

PUBLIC HEARING ON PROPOSED ORDINANCE TO DECLARE THE CITY OF TAKOMA PARK, MARYLAND
A NUCLEAR-FREE ZONE

GENERAL CITIZENS' REMARKS (those not directed at items for Council action)

ITEMS FOR COUNCIL CONSIDERATION: Acting City Administrator Robbins

1. Communications
2. Administrative Reports and Recommendations for Council Action:
 - (1) Administrative reports
 - (2) Consideration of application for a Class H Beer and Wine License (on-sale only) by Takoma Cafe, #1 Columbia Avenue (Public Hearing: 10:30 AM, 12-21-83, COB, Rockville)
Citizens' comments
Council recommendation to Board of License Commissioners
 - (3) Discussion of upgrading street lighting on Roanoke Avenue
Citizens' comments
Council decision
 - (4) Special Exception S-900, 7420 Maple Avenue, operation of a Group Residential Facility for Housing Exceptional Persons (ambulatory elderly) (Public Hearing: 1:30 PM, 1-5-84, COB, Rockville)
Citizens' comments
Council decision
 - (5) Report by owner of 7709 Carroll Avenue on status of plans for sale/renovation of structure
Citizens' comments
Council decision on demolition
 - (6) Second reading of an ordinance declaring the structure at 7142 Carroll Avenue a nuisance and ordering abatement of violations or demolition
Citizens' comments
Council action
 - (7) Second reading of an ordinance declaring the structure at 7309 Flower Ave. a nuisance, and ordering abatement of violations or demolition
Citizens' comments
Council action
 - (8) First reading of an ordinance amending Cable TV Tenant Access Ordinance (No. 2689)
Citizens' comments
First reading

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- (9) Second reading of an ordinance providing for four-way stop signs at Birch and Dogwood Avenues
Citizens' comments
Council Action
- (10) Appointment of Acting Public Works Director
Citizens' comments
Council action
- (11) Appointment of Tree Commission members (Janice Martin, 1319 Elson Pl.; Councilmember Haney)
Citizens' comments
Council action
- (12) Resolutions naming agents of the City authorized to sign checks and conduct other business with three banks: Citizens Bank, Suburban Bank, and 1st American Bank of Maryland
Citizens' comments
Council action
- (13) Resolution in support of MC 425-84, Montgomery County - Landlord and Tenant - Evictions (Delegate Garrott), and requesting amendments
Citizens' comments
Council action
- (14) Appointment of Richard Robbins, Acting City Adm., as Fire Marshal
Citizens' comments
Council action
- (15) Proposed ordinance accepting proposal for consulting service and technical assistance in the selection of new communications system for Police Department
Citizens' comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND COUNCIL
DECEMBER 12, 1983

CITY OFFICIALS PRESENT:

Mayor Abbott	Acting City Administrator Robbins
Councilmember Aldrighetti	City Clerk Pusti
Councilmember Bradley	Acting Public Works Director Smith
Councilmember Dalmat	Corporation Counsel Gagliardo
Councilmember D'Ovidio	
Councilmember Haney	
Councilmember Iddings	
Councilmember Williams	

The Mayor and City Council of Takoma Park, Maryland, met on December 12, 1983 at 8:12 p.m., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, a motion was made by Councilmember D'Ovidio, seconded by Councilmember Bradley, to approve the Minutes of August 8, 1983, and September 12, 1983; the motion passed unanimously.

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

Mayor Abbott informed the Council that Madison, Wisconsin adopted a Nuclear Free Zone Ordinance along with 29 other local governments around the country. Similar movements are under way in other municipalities and counties.

Mayor Abbott stated that a hearing will be held on Tuesday, December 13, 1983 in Riverdale on a unification bill proposed by the Prince George's County delegation, which calls for unification in Prince George's County. The Montgomery County Bill (unification in Montgomery County), will also be considered. The Montgomery County delegation will discuss their bill on December 15 in Rockville.

PUBLIC HEARING ON PROPOSED ORDINANCE TO DECLARE THE CITY OF TAKOMA PARK, MARYLAND A NUCLEAR-FREE ZONE

Oliva Mellon, 7412 Jackson Avenue: Represents the Takoma Park Nuclear Free Task Force established by the Council in 1982 to recommend actions toward furthering the aims of the nuclear weapons freeze resolution. Stated the ordinance on the nuclear-free zone would further the intent of the freeze resolution. The intent is to do no business with major weapons' producers; read a new section to be substituted for Section 5, regarding investments of City funds, to be considered by the Mayor and Council. Stated that Section 7 does not interfere with unilateral disarmament and Congress' right to provide for the common defense. Urged adoption of the ordinance.

Jessica True, : Spoke on behalf of the students of Takoma Park Junior High School, urging adoption. Presented the Council with a petition from the Junior High containing 200 signatures of students.

Jonah Levy, Baltimore Avenue: A third grade student at Takoma Park Elementary School, stated he and friends want to see peace in the world and requested adoption of the ordinance.

Laurie Friedman, 9222 Columbia Blvd.: Employed as a Counselor at the Takoma Park Elementary School, stated there are creative ways to work out world problems; adoption of the proposed ordinance is one.

Manfred Smith, Columbia, MD: A former resident of Takoma Park, and a Social Studies teacher at Takoma Park Junior High School, noted that the ordinance is a way to reaffirm

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the basic commandment - "Thou shall not kill"; urged adoption of the ordinance.

Alex Redmountain, 7319 Baltimore Avenue: Chairman of the National Organization of Psychologists and Social Responsibility, stated the significance of taking a stand at a local level; urged adoption of the ordinance.

Morris Rhodenstein, 8205B Roanoke Avenue: As Chairman of the Washington New-Jewish Agenda, thanked the Mayor and Council for addressing the issue. Suggested that the City, after adopting the ordinance, seek out a Soviet community near Moscow to also become a nuclear-free zone.

Elias Blanton, 317 Elm Avenue: A representative of the Board of Silver Spring Food Co-op and Cafe, read a statement from the Board urging adoption of the ordinance. Also urged a dialogue with a community in the Soviet Union.

Rev. George Taylor, 7506 Holly Avenue: pastor of the Takoma Park Presbyterian Church; stated support of the ordinance on behalf of the Church and as an individual. Supported the suggestion that the City find a town or city in the Soviet Union to support a nuclear-free zone.

Marc Elrich, 7800 Carroll Avenue: A member of the Steering Committee of the Takoma Park branch of Democratic Socialists of America, read a statement on their behalf in support of the ordinance, which also stressed the futility of continuing the arms race.

Ken Kusterer, 102 Grant Avenue: member of the Executive Committee of the Parish Council, Our Lady of Sorrows Church, and Chairman of the Justice and Peace Committee, read the views of the Church and Pastor Smith. Also read excerpts published by the Catholic Bishops' Group, and expressed his personal views in support of the ordinance as a first step in the fight for world peace.

Jerry Ainsfield, 509 New York Avenue: A former Peace Corps volunteer, deplored the proliferation of nuclear weapons and urged adoption of the ordinance as a deterrent to the new "macho militarism."

Dr. Joseph Lerner, 7708 Takoma Avenue: Pointed out that Takoma Park has no bomb shelters; cities in the Soviet Union do. Stated that the Soviet sister city should be prepared to go to the same level of civilian protection that Takoma Park has. The present language in the ordinance nullifies the section dealing with production, transportation and distribution of nuclear weapons, because the revised section recognizes there is a First Amendment and the power of Congress to provide for the common defense. Questioned under the law of the United States, whether the City of Takoma Park can ban the work of Congress to allocate or spend money to provide for the defense of the City. Opposed the ordinance because it cannot be enforced and predicted that in the future there will be no discernible difference in the way Takoma Park conducts its business.

Bud Saunders, 8326 Roanoke Avenue: Opposed the ordinance and stated his views on the necessity of providing a strong defense system for the Country.

Scott Lawson, 7006 Carroll Avenue: Read a letter from Pastor George B. Gainer, who is the Associate Minister of Youth at the Sligo Seventh-Day Adventist Church, endorsing the ordinance.

Albert Donet, Director of Nuclear-Free America: Thanked the Mayor and Council for the chance to speak on the subject. Stated that the nuclear-free movement is not new; nuclear-free zones exists in over 20 countries around the

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world. Stated the ordinance is the first in dealing with the issue involving investments of City funds; urged adoption. In response to Dr. Lerner's suggestion that the City match the policy of the Soviet Union, stated that Takoma Park must take action and not wait for the sister city of the Soviet Union to set policy. It would be up to the up to the Courts to decide the constitutionality of this measure. There is nothing in the ordinance infringing on the power to provide for the common defense of the country.

Eugene McDowell, Garrett Park: President of the Garrett Park Citizens' Association; offered the City encouragement and expressed admiration for its efforts. Stated support for the ordinance.

Greg Johnson, Chairman of Blacks against Nukes: Stated we are all atomic victims; residents must support the ordinance and leave a positive legacy for the children. Passage of the ordinance would be a symbol of peace around the world.

Elaine Duncan: Representative of the Nuclear-Free D.C. Campaign, which is a project of the Federation of Progress. Stated that nuclear-free zone organizing is an important way to implement the nuclear weapons freeze and to stop the arms race and its companion hazard--the disposal of nuclear waste; she urged adoption of the ordinance.

David Wolcomb, London, England: Director of the Peace Foundation based in London; urged adoption of the ordinance. Stated that Takoma Park is far ahead of the Federal Government, and hoped all states in the Country would take a stand against nuclear weapons. He indicated that Wales is a nuclear-free zone.

Kitty Tucker, 615 Kennebec Avenue: As Director of the Health and Energy Institute, described her growing awareness and involvement in the nuclear free movement; stated there is no shelter from nuclear war. She urged adoption.

John Hemphill, 8112 Flower Avenue: Favored the nuclear-free zone, but stated concerns with the original ordinance. Recommended adding the following to the ordinance: several provisions that speak to a sister or sibling city in Russia. Section 2, Purpose, add "to encourage world-wide action to take the first step to a nuclear-free world." Add under Section 3, "failure of governments of nuclear nations to adequately reduce or eliminate the risk of ultimately destructive nuclear attack requires that the people themselves and their local representatives take action." Add a section reading "The Mayor and Council shall choose a town or City of approximately 17,000 inhabitants within 20 miles of Moscow or another appropriate City, and shall mail to that City a copy of the Takoma Park ordinance and a plea for that city to take similar action."

William Hutchinson, 519 Ethan-Allen Avenue: Acting as a devil's advocate, opposed the ordinance, stating it would give comfort to the enemy.

Arthur Karpas, 6916 Westmoreland Avenue: President of the Westmoreland Area Community Organization; WACO favored the ordinance. Opposed to the use of nuclear energy in any form. Stated some members expressed concern about the strong language in the ordinance which appeared to prohibit residents from living in the community when they work with nuclear weapons. They ultimately endorsed the ordinance, while recognizing that individuals have a right to their own opinion.

Susan Abbott: Speaking in behalf of the Takoma Park Nuclear Freeze Task Force, supported the ordinance, stating the City has the power to make a statement and set examples

for other communities. Read two statements of support from residents of the City who could not attend the public hearing.

Scott Lawson, 7006 Carroll Avenue: Member of the Presbyterian Church, and the Nuclear-Freeze Task Force, stated he supported the ordinance on spiritual grounds.

Jay Levy, 7431 Baltimore Avenue: Member of the Takoma Park Task Force, announced that the Force had already initiated attempts to find a Soviet sister city through the Ground Zero Pairing Plan. The object of the plan is to exchange ideas and cultural views with citizens of the Soviet Union. He suggested a translation of the ordinance into Russian be forwarded there.

Councilmember Iddings read portions of letters of support from several residents of his Ward. He moved for the adoption of the ordinance; Councilmember D'Ovidio seconded the motion.

John Hemphill: Suggested defining the word "work". Mr. Hemphill suggested the addition of the following language to Section 3: "the failure of governments of nuclear nations to adequately reduce or eliminate the risk of ultimately destructive nuclear attack requires that the people themselves and their local representatives take action." A motion to add that language was made by Councilmember Iddings, seconded by Councilmember Haney, and carried unanimously. Mr. Hemphill requested that all references to the Nuremberg Principles, as contained in Section 3, be deleted. Mayor Abbott explained the meaning of the term; no action was taken. Councilmember D'Ovidio moved that the phrase "within the City of Takoma Park" be added to Section 4B to precede "after the adoption of this ordinance"; the motion was duly seconded and passed unanimously. Councilmember Iddings moved to substitute the following language in Section 5, "Investment of City Funds": "The City Administrator in conjunction with the Nuclear-Free Task Force and other interested citizens' organizations shall propose a socially responsible investment policy and implementation plan specifically addressing any investments the City may have or plan to have in industries and institutions which are knowingly and contractually engaged in the production of nuclear weapons and their components and shall submit such proposals to the Mayor and Council for their consideration and implementation." Councilmember Bradley seconded the motion; Councilmember Iddings subsequently moved that the word "contractually" be changed to "intentionally", in both Sections 5 and 6; it was duly seconded and passed unanimously. Councilmember Iddings' motion to add a new Section 5 passed unanimously.

Dr. Joseph Lerner: Posed hypothetical questions concerning enforcement of the ordinance in the case of work-related (e.g., Defense Department) tasks being performed in one's home in Takoma Park. Council responded by saying that the City is not interested in the invasion of privacy to that extent.

Gabriel Highland, 7209 Cedar Avenue: Proposed that section 11A be changed to read: "upon adoption of this ordinance and annually thereafter, the Mayor and the Council shall present a true copy of this ordinance to the President of the United States....." It was the sense of the Council that this language be substituted for the original.

Mr. Hemphill: Recommended adding a section to read: "The Mayor and Council shall choose a town or City of approximately 17,000 inhabitants within 20 miles of Moscow or some other City in the USSR as the Mayor and Council may deem appropriate and shall mail to the chosen City or town a

copy of the Takoma Park ordinance and a letter urging that the town enact similar legislation." Councilmember Bradley moved this new section be added to Section 11; Councilmember Iddings seconded the motion; motion passed unanimously. The motion to adopt the proposed ordinance to declare the City of Takoma Park, Maryland a nuclear-free zone was adopted as amended, with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay: None; Excused: None.

ORDINANCE NO.2703
(Attached)

ITEMS FOR COUNCIL CONSIDERATION

(1) Consideration of application for a Class H Beer and Wine License (on-sale only) by Takoma Cafe, #1 Columbia Avenue (Public Hearing: 10:30 a.m., 12-21-83, COB, Rockville)

Mark Elrich, 7800 Carroll Avenue: Stated that he is on the Board of Takoma Park Silver Spring Food Co-op, Inc., which is the owner-operator of the Takoma Cafe. Although he is one of the individuals named on the application, it is being done on behalf of the organization; the corporation will abide by the laws of the State and County. There would be no bar on the premises, and there will be seating for about 37 people; no happy hour or any period during the week when drinks would be sold at a reduced price. He further noted that the co-op would not encourage the sale of alcohol; beer and wine would be sold at the prevailing market price; no arcade or video games. The cafe will open at 11:00 a.m., for lunch, and dinner would be served starting at 5:00. Mr. Elrich stated that the County does not require a ratio of food sale to beer and wine sales for Class H licenses. The cafe would only have on-premise consumption of alcohol. In response to Councilmember Dalmat's request for a guarantee that the Cafe would never apply for an off-sale license, Mr. Elrich said as an individual he could support that, and he would take it to the Board. If the cafe is sold, the new owners would have to reapply for a license. He stated that a memorandum was submitted to the Mayor and Council regarding the cafe's liquor policy and would be further publicized. Mr. Elrich informed the Council that the TOT Merchants Association and WACO support the application.

Arthur Karpas, 6916 Westmoreland Avenue: Spoke as President of the Westmoreland Community Organization who by unanimous agreement supported the application; urged Council support and to communicate their support at the County level.

Jim Holland, 19 Pine Avenue: Opposed the application on grounds that the operation of the cafe would put more traffic on Pine Avenue, a fully residential street without speed humps; that plans for the physical layout and parking had only been discussed verbally; and that in the absence of specific information, he did not see how the City could make a favorable recommendation on the application. He was also concerned that with the present status of the restaurant operation, license would make it easier for persons to obtain drinks than a meal. Mr. Elrich informed the Council that the first floor of the cafe would be used as a restaurant, with seating approved by the Fire Marshal. The cafe would conform to the parking and screening regulations required by the County.

Ed McMahon, 7311 Wildwood Drive: Did not favor off-premises sale of alcohol in Takoma Park; however, supported the application for a Class H beer and wine license for the

cafe. The City must be strict in ensuring compliance with regulations. The Cafe must assume some responsibility to customers who drink heavily, or risk legal liability.

Abbey Mandel, 7003 Woodland Avenue: Stated support of Mr. McMahon's concerns and recommendations.

Ron Albaugh, Central Avenue: Stated that any establishment must comply with regulations of the County and State regarding seating, parking and screening in order to obtain a license.

Mr. Pedersen, 102 Park Avenue: Thanked Council for the City's beautification efforts, and hoped for continuation. Quoted from studies regarding alcoholism, and stated his concerns regarding drunk drivers and the elderly in the City, as well as disruption of the adjacent residential neighborhoods.

John Hemphill, 8112 Flower Avenue: Worked hard on the liquor referendum in the elections and supported the application.

Arthur Karpas, 6916 Westmoreland Avenue: Spoke of the striking benefits of the moderate use of alcohol.

Marc Ranklin, 239 Park Avenue: Takoma Park needs a cafe with a beer and wine license; supported the application.

Councilmember Dalmat stated she would patronize the cafe noting, however, the considerable amount of opposition from the immediate neighborhood, and moved that the Council neither support or oppose the application; the cafe should apply when they are closer to opening. Councilmember Aldrighetti seconded the motion for the purpose of discussion, asking if the B.F. Gilbert's Association had made a recommendation. It was reported that the Association would not meet until the following evening. A survey had been made of the households on Hickory Avenue, with the following results: 11 opposed; 2 favored; 6 not reached. Councilmember D'Ovidio pointed out that information received from the City Clerk indicated that the license would not be issued until the facility was in compliance with all regulations and in operation. Councilmember Bradley stated support for the license, indicating that the City should always have discussions prior to taking a position on a license, and with follow-up on it to make sure that applicants were in compliance. Further recommended that the Co-op board consider having a policy where beer and wine could be served only with food. Councilmember Aldrighetti stated he wished to see the plans for the cafe, but in the absence of formal opposition from citizens' associations, he would support the application.

Bruce Weber, 101 Park Avenue: Stated support for the cafe, but would like to see more responsible efforts on its part prior to opening. Councilmember Iddings stated that the comments of Mr. Weber and Mr. Holland raise credibility problems for the cafe. He and Mr. Weber suggested that Council establish criteria for review of applications for alcoholic beverages.

Carl Goldman, 503 Boston Avenue: Stated support of the application, noting that the persons running the cafe are the same persons who operate the Silver Spring Food Co-op, which is well run.

Bob Mulligan, 7405 Garland Avenue: Supported the application and encouraged Council support.

Councilmember Dalmat's motion that the City refrain from writing either a letter of support or denial of the application failed on a vote of 1:6. Councilmember Bradley

moved to support the application; seconded by Councilmember Williams. Councilmember Dalmat moved to amend the motion to acknowledge considerable opposition among the immediate neighbors. The motion failed for lack of a second. Councilmember Bradley's motion passed by a vote of 6:0, with Councilmember Dalmat abstaining. Mayor Abbott requested that Takoma Cafe provide plans at the next worksession.

(3) Discussion of upgrading street lighting on Roanoke Avenue:

The Acting City Administrator stated that PEPCO was contacted in accordance with the FY 84 budget to install additional street lights in the City. The City would install 10,100 watt mercury vapors lights on Roanoke Avenue at a cost of \$2,357.00. PEPCO would have to be notified by January 30, 1984. Noted no opposition to this proposal. Councilmember Bradley moved for the upgrading of street lights on Roanoke Avenue; Councilmember Iddings seconded the motion and it carried unanimously.

(4) Special exception S-900, 7420 Maple Avenue, operation of a Group Residential Facility for Housing Exceptional Persons (ambulatory elderly) (Public Hearing: 1:30 p.m., 1-5-84, COB Rockville)

The Acting City Administrator noted that ownership had changed, and the Health Department requested the special exception be reinstated. It would be a 24-hour operation with two part-time employees in addition to the applicants. They are asking for a special exception to house five ambulatory elderly persons. Three neighbors expressed concerns about the possibility of substantial changes in the future. Councilmember Bradley moved to support the exception, instructing staff to report to the Council next week on a mechanism of limiting the number to five residents. Mayor Abbott restated the motion for support of the application based upon the limitation to five elderly persons and that use be made perpetual. The motion failed for lack of a second. Councilmember Iddings moved to support the application contingent upon the number of ambulatory elderly at the facility being limited to five persons at any one time, and the facility be limited to the use of the ambulatory elderly; seconded by Councilmember Dalmat. Councilmember Bradley moved to amend the motion by striking out the word "ambulatory elderly." The motion failed for a lack of a second. Councilmember Idding's motion was approved by a vote of 6:0, with Councilmember Bradley abstaining.

(3) Report by owner of 7709 Carroll Avenue on status of plans for sale/renovation of structure

Dr. Wunderlich, Potomac, Md: Informed the Council of two possibilities for 7709 Carroll Avenue. He had a signed agreement with a deposit from two brothers; they submitted plans for two units for the property, which is zoned R-40. Stated that the men intend to live on the property and plan to complete the first floor within 6-8 months, and make landscape improvements. They have sufficient money to complete the project. The agreement is contingent upon lifting the demolition process. Dr. Wunderlich introduced Mr. Jack Rupertis, Amity Builders, who had tentative plans to remodel, should the Council not agree to the first plan.

Jack Rupertis, 1st Avenue: Submitted a letter to the Mayor and Council informing them of his commitment to rehabilitate 7709 Carroll Avenue. This would involve obtaining Park and Planning approval to subdivide the existing property for two townhouses, and approval of preliminary plans; work would begin in December, 1983, and be completed by June 1984. The house would be placed on

the market as two single-family residential units.

Mayor Abbott noted there are two different issues to consider in abandoning the order for demolition. The conditions must be abated in order to withdraw the demolition. Further stated that two proposals have been advanced: 1) the two brothers will put two kitchens in, live in the house themselves; or 2) to subdivide and have the house split down the middle. Corporation Counsel recommended requiring a bond so that if construction is not completed, the bond would be forfeited. Mayor Abbott proposed giving Dr. Wunderlich another week to report back to the Council with specifics. Councilmember Aldrighetti described the schedule provided by the brothers, and requested that the agreement specify that as long as the brothers own the property, they will not use the dwelling as a boarding house. There followed a lengthy discussion on the proposals and guarantees of performance. Councilmember D'Ovidio moved that the Mayor and Council agree to remove the demolition order upon receipt of a bond covering rehabilitation costs; that the demolition proceedings would stay in effect until the bond is received. Councilmember Williams seconded the motion. Councilmember D'Ovidio amended the motion to state that the bond would be paid back based on the proposed performance schedule. Councilmember Williams moved that the bond be posted by the next Council Meeting on January 9, which was accepted by the maker. Following further dialogue between Dr. Wunderlich and the Council, the motion as amended passed unanimously.

Mayor Abbott stated that item #8 (amending the Cable Access Ordinance) would be tabled until further notice.

(4) Appointment of Acting Public Works Director

The Acting City Administrator recommended the appointment of Mr. Anthony Smith as Acting Public Works Director. Councilmember Dalmat so moved; the motion was duly seconded and passed unanimously.

(5) Second reading of an ordinance declaring the structure at 7124 Carroll Avenue a nuisance and ordering abatement of violations or demolition

The Acting City Administrator noted the last cloud on the title had been cleared and papers had been drawn up for sale of the property. Upon motion by Mayor Abbott, seconded by Councilmember Williams, this item was postponed until the next regular Council meeting.

(6) Second reading of an ordinance declaring the structure at 7309 Flower Avenue a nuisance, and ordering abatement of violations or demolition

The Acting City Administrator stated a letter was sent out to the owner of the property regarding demolition. The ordinance would require abatement of the violations or demolition within 90 days. Councilmember D'Ovidio moved for the adoption of the ordinance; it was duly seconded and adopted with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay: none; Excused: none.

ORDINANCE NO. 2704
(attached)

(7) Second reading of an ordinance providing for four-way stop signs at Birch and Dogwood Avenues

Councilmember Iddings moved the ordinance for adoption; it was duly seconded and adopted, with the roll call vote recorded as follows: Aye: Councilmembers Aldrighetti,

Bradley, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay:
none; Excused: None.

ORDINANCE NO.2705
(Attached)

(8) Appointment of Tree Commission members

Councilmember Haney informed the Council of a permit application going to appeal, and recommended that the Tree Commission act on it instead of the Council. He moved the appointment of Janice Martin as a regular member and Abby Mandel as alternate to the Tree Commission; Councilmember D'Ovidio seconded the motion, and it carried. Upon motion by Mayor Abbott, duly seconded, Councilmember Haney was named as the Council representative on the Commission.

(9) Resolutions naming agents of the City authorized to sign checks and conduct other business with three banks:

Upon motion, duly seconded, three resolutions naming agents of the City authorized to sign checks and conduct other business with Citizens Bank and Trust Company of Maryland, the First American Bank of Maryland, and Suburban Bank were adopted unanimously.

RESOLUTIONS
(Attached)

(10) Resolution in support of MC 425-84, Montgomery County Landlord and Tenant Eviction (Delegate Garrott)

Councilmember D'Ovidio stated the resolution indicates Council support of the bill, which would give Montgomery County apart from State law, the ability to place restrictions on certain grounds for eviction of elderly tenants 62 years of age and older. Councilmember D'Ovidio moved the resolution, it was duly seconded, and adopted unanimously.

RESOLUTION
(Attached)

(11) Appointment of Richard Robbins, Acting City Administrator, as Fire Marshal

Councilmember Williams moved the appointment of Richard Robbins as Fire Marshal; Councilmember D'Ovidio seconded the motion and it was carried unanimously. It was decided that Mr. Robbins would propose a person to be named as Assistant Fire Marshal at the next meeting.

(12) Ordinance accepting proposal for consulting service and technical assistance in the selection of new communications system for Police Department

Ordinance No. 2706 was moved for adoption, duly seconded, and adopted with the roll call vote recorded as follows: Aye: Councilmember Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings, Williams; Nay: none; Excused: Councilmember Bradley.

Ordinance No. 2706
(Attached)

Upon proper motion, the meeting adjourned at 1:05 a.m., to reconvene on Monday, January 9, 1984, at 8:00 p.m.

ORDINANCE NO. 2703
TO DECLARE THE CITY OF TAKOMA PARK, MARYLAND
A NUCLEAR-FREE ZONE

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

Section 1. Title

This ordinance shall be known as "The Takoma Park Nuclear Free Zone Act."

Section 2. Purpose

The purpose of this Act is to establish the City of Takoma Park, Maryland as a nuclear free zone in that work on nuclear weapons is prohibited within the city limits and that citizens and representatives are urged to redirect resources previously used for nuclear weapons toward endeavors which promote and enhance life such as human services including child care, housing, schools, health care, emergency services, public transportation, public assistance and jobs.

Section 3. Findings

It is the finding of the Mayor and Council of the City of Takoma Park, Maryland that

. The nuclear arms race has been accelerating for more than one third of a century, draining the world's resources and presenting humanity with the ever-mounting threat of nuclear holocaust;

. There is no adequate method to protect Takoma Park residents in the event of nuclear war;

. Nuclear war threatens to destroy most higher life forms on this planet;

.The use of resources for nuclear weapons prevents these resources from being used for other human needs, including jobs, housing, education, health care, public transportation and services for youth, the elderly and the disabled;

.The United States, as a leading producer of nuclear weapons, should take the lead in the process of global rejection of the arms race and the elimination of the threat of impending holocaust;

.An emphatic expression of the feelings on the part of private citizens and local governments can help initiate such steps by the United States and the other nuclear weapons powers;

.Takoma Park is on record in support of a bilateral nuclear weapons freeze and has expressed its opposition to civil defense crisis relocation planning for nuclear war;

.The failure of governments of nuclear nations adequately to reduce or eliminate the risk of ultimately destructive nuclear attack requires that the people themselves, and their local representatives, take action;

.In view of the Nuremberg Principles, which hold individuals accountable for crimes against humanity and the illegality of nuclear weapons under international law, in adopting this ordinance this community seeks to end its complicity with preparations for fighting a nuclear war.

Section 4. Prohibition of Nuclear Facilities

A. No nuclear weapons shall be produced, transported, stored, processed, disposed of, nor used within the City of Takoma Park. No facility, equipment, components, supplies or substance for the production, transportation, storage, processing, disposal or use of nuclear weapons shall be allowed in Takoma Park, Maryland. This prohibition shall take effect upon adoption.

B. No person, corporation, university, laboratory or institution or other entity in the City of Takoma Park knowingly and intentionally engaged in development, testing, evaluation, production, maintenance, storage, transportation and/or disposal of nuclear weapons shall commence any such work within the City of Takoma Park, Maryland after the adoption of this ordinance.

Section 5. Investment of City Funds

The City Administrator in conjunction with the Nuclear Freeze Task Force and other interested citizen organizations shall propose a socially responsible investment policy and implementation plan, specifically addressing any investments the City may have or may plan to have in industries and institutions which are knowingly and intentionally engaged in the production of nuclear weapons or their components, and shall submit said proposal to the Mayor and Council for their consideration and implementation.

Section 6. Eligibility for City Contracts

The City of Takoma Park shall grant no awards or contracts for any purpose to any person, firm, corporation or entity which is knowingly or intentionally engaged in the development, research, testing, evaluation, production, maintenance, storage, transportation and/or disposal of nuclear weapons or their components. It will be the responsibility of any recipient of a city contract or award to certify by a notarized statement to the city clerk that it is not knowingly or intentionally engaged in the above-defined activity. Notice of this certification shall be included in all "Requests for Proposals" issued by the City.

Section 7. Exclusions

Nothing in this ordinance shall be construed to prohibit or regulate the research and application of nuclear medicine or the use of fissionable materials for smoke detectors, light-emitting watches and clocks, and other applications where the primary purpose is unrelated to nuclear weapons development or fabrication. Nothing in this ordinance shall be interpreted to infringe upon the rights guaranteed by the first amendment to the U. S. Constitution nor upon the power of Congress to provide for the common defense.

Section 8. Enforcement

A. Any violation of this ordinance shall be a municipal infraction, the abatement of which shall be ordered by the issuance of a municipal infraction citation. The fine for each initial violation shall be \$100.00 and for each repeat or continuing violation shall be the maximum allowable by law. Each day for which the violation exists after issuance of a municipal infraction violation shall constitute a separate offense.

B. Without limitation or election against any other available remedy, the City or any of its citizens or any other aggrieved party may apply to a court of competent jurisdiction for an injunction enjoining any violation of this ordinance. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

Section 9. Severability

If any section, sub-section, paragraph, sentence or word of this Act shall be held unconstitutional either on its face or as applied, the unconstitutionality of the section, sub-section, paragraph, sentence or word or the application thereof, shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Act, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Act are intended to be severable.

Section 10. Definitions

Nuclear weapon is defined to be any device in which explosion results from the energy released by reactions involving atomic nuclei, either fission, or fusion, or both. A component of a nuclear weapon is defined to be any device, radioactive material or non-radio-active material, the primary function of which is to contribute to the operation of a nuclear weapon.

Section 11. Notification

A. Upon adoption of this ordinance, and annually thereafter, the Mayor and Council shall present a true copy of this ordinance to the President of the United States, to the Premier of the Union of Soviet Socialist Republics, to the ambassadors of all nations at that time possessing nuclear weapons, to the Secretary-General of the United Nations, and to the Director of the International Atomic Agency.

B. In addition, true copies of this ordinance shall be sent to the Governor of the State of Maryland, to the United States Senators from Maryland, to the United States Representatives representing Takoma Park, to our State Delegates and Senators, to the County Executives of Montgomery and Prince George's Counties, and to the Council members of the respective counties.

C. The Mayor and Council of Takoma Park, Maryland shall choose a town or city of approximately 17,000 inhabitants within twenty miles of Moscow, or some other city or town in the U.S.S.R. as the Mayor and Council may deem appropriate, and shall send a true copy of the Takoma Park ordinance and a letter urging the chosen town to take similar action.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE COPY OF AN ORDINANCE ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND ON DECEMBER 12, 1983.

City Clerk

ORDINANCE NO. 2704

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

- SECTION 1. THAT, whereas, on October 11, 1983, Ordinance No. 2694 was adopted by the Mayor and Council authorizing legal proceedings for condemnation of the building located at 7309 Flower Avenue, situated on Lot 5, Block 46, Fletcher's Addition to Takoma Park, within the City of Takoma Park boundaries, and recorded in the Land Records of Prince George's County in Liber 5345, at Folio 031, and Tax Record A/C #27298-00-006, Kunjukunjamma M. Kuriakose, owner of record; AND
- SECTION 2. THAT a hearing was held on November 14, 1983, as prescribed by law, at which the owner or a representative of his choice was given opportunity to show cause why the building should not be declared a nuisance; AND
- SECTION 3. THAT the Mayor and Council hereby declare the building located at 7309 Flower Avenue to be a nuisance; AND
- SECTION 4. THAT in accordance with the Fire Safety Code and Chapter 6, Secs. 6-65 and 6-66, of the Code of Takoma Park, Md., 1972, as amended, the owner, Kunkukunjamma M. Kuriakose, is hereby ordered to abate Fire Safety Code violations and the following violations of the Housing Code: PM 300.3, PM 301.1, PM 302.2, PM 302.3, PM 302.3.1, PM 302.3.2, PM 302.3.3, PM 302.3.7 and PM 302.4, and to restore the building to habitable condition or demolish the building and remove all debris within a period of ninety (90) days from passage of this ordinance.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND ON
DECEMBER 12, 1983.

RESOLUTION

BE IT RESOLVED that the Citizens Bank and Trust Company of Maryland is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD., ON DECEMBER 12, 1983.

M. Sibyl Pusti

M. Sibyl Pusti, City Clerk

RESOLUTION

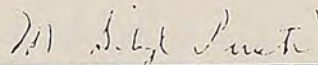
BE IT RESOLVED that the First American Bank of Maryland is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD., ON DECEMBER 12, 1983.



M. Sibyl Pusti, City Clerk

RESOLUTION

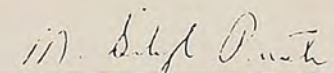
BE IT RESOLVED that the Suburban Bank is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one of the following agents of the Corporation, the Mayor, the City Administrator, or the Acting City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or endorsed by this Corporation; AND

BE IT FURTHER RESOLVED that the City Clerk shall certify to said bank the name of the presently duly appointed agents of this Corporation and shall from time to time hereafter, as changes in the personnel are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any agent so certified or refusing to honor any signature not so certified; AND

BE IT FURTHER RESOLVED that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

BE IT FURTHER RESOLVED that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

THE AFOREGOING IS HEREBY CERTIFIED TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD., ON DECEMBER 12, 1983.



M. Sibyl Pusti, City Clerk

RESOLUTION

WHEREAS, Bill MC 425-84 has been recommended for introduction into the General Assembly at the 1984 Session, said bill being sponsored by Delegate Garrott of the Montgomery County Delegation; AND

WHEREAS, MC 425-84 provides that Montgomery County may place any restrictions by local law on the manner of, and grounds for, eviction of a tenant at least 62 years of age, upon administrative determination that a proposed eviction is retaliatory; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT they hereby endorse MC 425-84 as a necessary and desirable means of affording additional and needed protections to the senior citizens of Montgomery County; AND

BE IT FURTHER RESOLVED THAT this resolution be communicated to the appropriate State Legislators.

DECEMBER 12, 1983.

ORDINANCE NO. 2705

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

SECTION 1. THAT all vehicular traffic on Dogwood Avenue shall come to a complete stop at that street's intersection with Birch Avenue, thereby creating a 4-way stop; AND

SECTION 2. THAT the Director of Public Works is hereby instructed to install the signs necessary to effect the directive in Section 1 of this ordinance; AND

SECTION 3. THAT this ordinance shall become effective upon completion of the signing; AND

SECTION 4. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL ON DECEMBER 12, 1983.

ORDINANCE NO. 2706

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

- SECTION 1. THAT the Fiscal Year 1984 City Budget set aside funds for the for the replacement of the Police Department communications system; AND
- SECTION 2. THAT it was determined that the Department is in need of consulting and technical assistance is the selection of a state of the art system suited to its particular needs; AND
- SECTION 3. THAT requests for proposals were solicited from qualified firms and advertised for two weeks in two newspapers of local circulation, with three proposals having been received; AND
- SECTION 4. THAT the proposals submitted were publicly opened at 2:00 PM, on November 14, 1983, with the low bid of \$6200.00 having been received from Frost Communications, Inc., Rockville, Md.
- SECTION 5. THEREFORE THAT the contract for consulting and technical assistance be awarded to Frost Communications, Inc., in the amount of SIX THOUSAND, TWO HUNDRED DOLLARS (\$6200.00); AND
- SECTION 6. FURTHER THAT funds in the amount of \$6200.00 to cover the above expenditure be appropriated from the Capital Budget.

ADOPTED BY THE MAYOR AND COUNCIL ON DECEMBER 12, 1983.