Worksession items, January 7, 1985, 7:30 PM

* 1. Peace Park for City (M. C. Carolyn)
  2. Statement re Siegler property for 1-10-85 Planning Board meeting
* 3. Accessory Apartment, 210 Tulip Avenue
  4. Employee leave/comp time ordinance -- 3rd draft
* 5. Cable Coordinator resignation
* 6. 7300 block (or part) Baltimore Ave. as parking permit area 1A
  7. Zoning legislation -- Glendenning report (Aldrighetti)
  8. Traffic Committee report (Iddings)
* 9. Reinstitution of condemnation proceedings, 7709 Takoma Ave. (D'Ovidio)

The following matters are pending, and may be acted on as you wish:

* 10. Condo conversion ordinance (Williams)
  11. Licensing
  12. Evaluation of park safety
  13. COLTA appointments
  14. COLTA request for second Wednesday
* 15. Community Improvement Board recommendations
* 16. Engineering services contract
  17. Recommendation on purchase of new copier
  18. Removal of Personnel Policy from City Code
  19. Acquisition of Sister City property
  20. Central Plaza annexation
  21. Police radio report
  22. Housing Committee report

*Pertinent material attached or in package. Please retain if possible.

Mayor and Council Worksession

January 7, 1985

The Mayor and City Council met in worksession at 7:40 P.M., Monday, January 7, 1985, with the Mayor chairing. Present were Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; City Administrator Wilson, Asst. City Administrators Habada and Robbins.

The following matters were discussed and acted upon as indicated:

1. Statement re Siegler property for 1-10-85 Planning Board meeting. Councilmember Iddings suggested that a Special Session be convened in order to vote on the ordinance; this would constitute second reading. Councilmember D'Ovidio so moved, duly seconded by Councilmember Dalmat; Councilmember Bradley Abstained, balance of Council voted Aye; Special Session convened at 7:45 P.M. Councilmember Iddings moved adoption, duly seconded by Councilmember D'Ovidio. The Mayor requested an explanation of "neighborhood park" as used in the first WHEREAS of the ordinance; did not support the use of Project Open Space funds for this acquisition. Councilmember Aldrighetti remarked on the efforts put forth by residents to acquire the subject property; pointed out that the City's investment would be limited to $3,000; said testimony on intended use was presented by residents at prior meetings. Councilmember Bradley commented that no reason had been presented for her to change her prior position on the issue; could not support use of POS funds, which are limited; felt use/access of the park would not benefit the general public. Councilmember D'Ovidio remarked there appeared to be a double standard; did not think this parcel of land should be treated differently than the two other parcels acquired by the City for park use. Councilmember Haney commented there was no reason why POS funds should not be used for acquisition of the land; said if residents of the area want a nature park, that should be a permissible use. The Mayor stated that he felt POS funds should be used for parks that children and the general public could enjoy; remarked that the Siegler property is not suitable for active use; would disassociate himself from any affirmative decision on the matter. Following the offering and withdrawal of an amendment by Councilmember Aldrighetti, the question was called; Ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: Councilmember Bradley; EXCUSED: Councilmember Williams. Upon motion, duly seconded, carried unanimously, the Special Session adjourned at 8:11 P.M. (Ordinance 1985-1 attached to 1/14/85 Minutes.)

2. Peace Park for City. It was noted (as set forth in Ms. Carolyn's communication dated 1/7/85) that sculpture for the garden would be scaled to size of the site; 3 different models would be presented for choice/approval of the Mayor and Council; a piece of sculpture representative of the artist's work will be temporarily placed on display in the Municipal Building Lobby to familiarize citizens with her work; she would pursue funding for the proposed project. Councilmember Aldrighetti suggested that use of a portion of the library grounds be considered as a site; comment was made that other sculpture pieces may be placed at a later time, so the site should be carefully considered; site selected will determine total final cost. Councilmember Haney advised Ms. Carolyn that Ed McMahon would volunteer to assist in fundraising. Ms. Carolyn stated she would be willing to do a stone carving in public so citizens could observe progress of the work. The Mayor suggested that two Councilmembers meet with Ms. Carolyn to discuss site selection; Councilmembers D'Ovidio and Haney volunteered, with Ed McMahon to be included also.

3. Accessory Apartment, 210 Tulip Avenue. It was noted that the property is owned by Ms. Antonette Marzotto, who purchased it in September of 1981; was previously used as a halfway house for alcoholics; a prior owner rented out the apartment - it has a separate rear stairway. Comment was made that no objections have been received from neighbors surveyed. Councilmember D'Ovidio questioned the number of accessory apartments approved in the City and whether staff is keeping a talley of them. Councilmember Bradley moved acceptance of staff's recommendation, i.e., no objections to granting of the Special Exception. Councilmember D'Ovidio seconded with the proviso that the separate thermostat for heat control (as noted by the County)

be installed; motion carried unanimously.

4. Employee leave/comp time ordinance -- 3rd draft. Ms. Habada pointed out changes effected since the last draft. In response to query from the Mayor, she stated changes were drawn up by the Personnel Board and Corporation Counsel. Consensus was that department heads would be given until January 10 to respond to the proposed changes. Chief Fisher pointed out that the police department has unique problems in regard to policy, such as provision for court dates for officers, etc.; noted that his department has to coordinate with six court systems, not including traffic court. He stated that considerable concern was expressed by employees of his department in regard to the reduction from 60 to 30 (rather than 45) days of annual leave carryover. Ms. Habada commented that 7 out of 8 municipalities allow a maximum annual leave carryover of 30 days. Concern was expressed that all staff be made aware of the proposed changes. The police department requested that Ms. Habada attend discussion sessions with their personnel regarding the proposed changes. The Mayor suggested that a buyback plan may have to be implemented by the City to deal with leave accumulations. Councilmember Bradley reiterated concern that every employee on staff be made aware of the proposed changes.

5. 7300 Block (or part) Baltimore Avenue as parking permit area 1A. It was noted that the current parking problems are a result of spillover from people parking to use Metro and abuse of visitor permits. Councilmember Bradley commented on receiving complaints from residents of the area concerning lack of parking. Consensus was that those persons whose signatures are on the petition will be notified concerning first reading of the ordinance.

6. Zoning legislation -- Glendenning report. Comment was made that now is the time to solicit support for zoning powers for the City; the legislation was proposed by Glendenning, but he has done nothing to push it; copies of the Bill are to be procured for inclusion in the Friday package. The Mayor suggested that someone from the City accompany Glendenning to Ocean City. Comment was made that it should be made clear that the City does not wish to pull out of the Metropolitan District; the need to get a rough sense of the financial pluses and minuses prior to proceeding with zoning was noted. There was some discussion of the fire issue and funding as it relates to the two counties.

7. Traffic Committee report. Councilmember Iddings questioned when City Council will take a position on the proposed rerouting of Ride-On buses by the county; Councilmember Bradley remarked on not seeing any viable alternatives proposed. Councilmember Iddings stated that the Traffic Committee will not request any change in routes, but possibly in frequency; said Transportation Director McGarry would abide by Council's decision. Mr. Iddings commented that the committee had collected information indicating that buses could be muffled better, buses could be reduced to a size that is less noisy; trip data was examined. Councilmember D'Ovidio suggested referring questions to Ride-On for answers; Councilmember Iddings agreed, but questioned how valid/useful the answers would be. Councilmember Bradley commented that the Traffic Committee should provide recommendations, those would be needed two days prior to the Ride-On forum scheduled for January 16. Consensus was that the issue will be placed on the January 22 Council Meeting agenda. Concerning speed humps, it was noted that the City Clerk is examining petitions to ensure that they bear the required number of signatures. Councilmember Iddings commented that the Newsletter should be utilized in the speed hump process to disseminate information.

8. Reinstitution of condemnation proceedings, 7709 Takoma Avenue. It was noted that the subject property is continuing to deteriorate; the three homes to the north of 7709 are owned and occupied by elderly people who are concerned about 7709 being a fire hazard. Determination is needed as to whether property taxes are paid to date and, if not, which are unpaid; also last year the penalty clause was raised. Consensus was that an ordinance reinstituting condemnation proceedings and setting a date for show cause hearing will be placed on the January 14 agenda. Additional comments were made concerning the need

for an update on the two properties on Maplewood Avenue, and a listing of problem properties.

9. Status Reports. Updates were given on Boyd and Jackson and how Requests for Proposals are being handled.

10. Central Plaza annexation. Consensus was that a letter be sent registered mail directing Mr. Norton to cease using his property to access Holton Lane.

11. Report by Bruce Moyer. Mr. Moyer stated that County Transportation Director McGarry favors rerouting of the Ride-On buses in the City due to the speed humps on Maple Avenue; however, he is willing to abide by the the City's wishes regarding rerouting.

12. Cable Coordinator resignation. The City's Cable Committee recommended accepting Maurice Jacobsen's resignation; however, it is unknown what the outcome of the January 7 MCT Board meeting will be (whether or not the Rice Associates contract will be selected). It was pointed out that plans are for marketing of cable to begin in 60 days in the city. Councilmember D'Ovidio raised questions as to how involved the Council should become in this situation. It was pointed out that if Mr. Jacobsen's resignation were accepted and he was rehired on a contract basis, the City would save money as it would not be obligated to provide fringe benefits. Mr. Wilson commented that in the absence of Mr. Jacobsen, there would be difficulty in carrying out planned workshops and installation. He stated that rehiring Jake on a contract basis would ensure continuation of cable plans, continuity is important; contract need not be open-ended. Councilmember Aldrighetti raised questions regarding the possible conflict of interest and how Mr. Jacobsen's time would be apportioned under contract versus City employment. Councilmember Iddings commented that the issue could be dealt with via a two-part ordinance: 1) accepting the proffered resignation, and, 2) setting up a mechanism to maintain current and projected cable plans.

A motion was made, duly seconded, carried unanimously that Council convene in closed session (10:50 P.M.) for the purpose of further discussing the Cable Coordinator position and possible cable litigation.

Following adjournment of the closed session, the Mayor and Council were reminded of the Retreat on Sunday, January 13, at Sligo Church; outline for that meeting was discussed. There being no further business to discuss, the meeting adjourned.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 14, 1985

AGENDA

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

READING AND APPROVAL OF THE MINUTES OF DECEMBER 10 AND DECEMBER 17, 1984

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

(1) Administrative reports and correspondence
1. Notice of application of Luu's Restaurant & Carry Out, 916 East West Hwy., for Class D beer license (7 days, on and off sale) (Public Hearing: 9:00 AM 1-24-85, Rm. 200, P. G. Co. Service Building, Hyattsville)
2. Announcement of Council action taken in Special Session on Siegler property

(2) Public Hearing and second reading of a Charter Amendment Resolution to repeal Sec. 1.7(d) of the City Charter, pertaining to bidding and procurement procedures, and to reenact with provisions contemplating a new process
Citizens' comments
Council action

(3) Affirmation of Council's earlier decision on Special Exception S-1022, petition for an accessory apartment at 210 Tulip Avenue (Public Hearing: 9:00 AM, 1-31-85, Werner County Office Building, Rockville)
Citizens' comments
Council action

(4) First reading of an ordinance reinstituting condemnation proceedings at 7709 Takoma Avenue; setting a date for show cause hearing
Citizens' comments
First reading

(5) First reading of an ordinance rescinding demolition order on 7309 Flower Avenue
Citizens' comments
First reading

(6) First reading of an ordinance rescinding designation of 7142 Carroll Avenue as unfit for human habitation
Citizens' comments
First reading

(7) First reading of an ordinance designating the 7300 block of Baltimore Avenue as a part of Parking Permit Area #1A (Special Impact Area)
Citizens' comments
First reading

(8) First reading of an ordinance repealing Ordinance No. 2416 which established the Operation Turnaround Board; reallocation of $50,000 from FY-85 CDBG funds earmarked for that program to CDBG Street Improvement Project
Citizens' comments
First reading

--continued--

(9) Ordinance authorizing retention of engineering consultant for CDBG Street Improvement Project
    Citizens' comments
    Council action

(10) Resolution approving a plan for operation of the Farmers' Market for the 1985 season
    Citizens' comments
    Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 14, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott
Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
EXCUSED: Councilmember Williams

City Administrator Wilson
Asst. City Administrator Habada
Asst. City Administrator Robbins
City Clerk Pusti
Asst. Housing Director Austin
Corporation Counsel Gagliardo
Asst. Corporation Counsel DeNovo

The Mayor and City Council of Takoma Park, Maryland, met on January 14, 1985 at 8:15 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, Council Meeting Minutes of December 10 and 17 were moved for approval, duly seconded, carried unanimously.

Councilmember Iddings commented on recommendations from the Traffic Committee which will be presented and discussed as an additional agenda item.

ADDITIONAL AGENDA ITEMS
Traffic Committee Recommendations

GENERAL CITIZENS' REMARKS (not directed at items for Council action)
Dr. Joseph Lerner, 7708 Takoma Avenue: Hoped that time would be afforded for comments on plans for the Juniper Street Bridge and that those would be submitted to the county in time to be considered prior to construction. Commented on the lack of planting of trees by the City - thought the last ones planted were in 1983, as a result of a grant. Councilmember D'Ovidio commented on the 35% plans for the Juniper Street Bridge being posted in the Municipal Building hallway for some time; said the next phase plans should be received in the near future; only decision made to date is a preference for a steel girder bridge rather than a concrete structure; a detailed letter was sent to the county with questions regarding plantings, ramps, site of the bridge, lighting, etc. That letter will be made a part of the record for the designer of the bridge to deal with prior to entering the next phase of implementation; requested that staff call and check on the status of that letter. He noted that Dr. Lerner has a concern that there are two proposed ways to get onto the bridge from the Takoma Park side: 1) a ramp, and, 2) steps; pointed out that the ramp will be needed for the handicapped, however, steps will probably be needed as well. The Mayor remarked that an approximate date for availability of more detailed plans should be ascertained from the county so that it can be publicized, plans can be displayed and a public briefing session scheduled with representatives of the responsible firms and pertinent officials for the purpose of citizen comment and input. Regarding the tree planting grant of a couple of years ago, Councilmember Haney explained that the grant amount was $15,000, of which 2/3 was required to be used for payroll to pay unemployed persons in the area to plant, stake, mulch the trees (for which 1/3 of the total amount was expended) - all of that grant was depleted; however, there is money budgeted in the current fiscal year for tree planting and use of that will be considered in the near future. Councilmember D'Ovidio pointed out that decisions have been deferred due to the forum on noise from Metro, Metro buses and Ride-On buses in Wards 1 and 2 - the City is waiting to see what the involved agencies intend to do to alleviate the noise problems. He said WMATA has indicated they intend to do extensive additional screening planting at the Metro site; the Chessie system claims, in effect, no responsibility for noise problems in the City and a response will be sent to them. State Highway, Park and Planning, and the county have not yet been heard from. It was hoped that planting of trees could be delayed until it is known what other agencies intend to do in the way of tree planting in the City for noise screening purposes.

Patrick A. Donnelly, 7002 Sycamore Avenue: Expressed thanks for the publication of his letter in the Newsletter; urged that an independent

auditor assess the tax situation in the City and ascertain whether it is equitable and/or appoint a citizens' committee to study the situation and derive an equitable solution. Said letters of response by City officials (responding to his letters) printed in the Newsletter did not really clarify the situation, merely pointed out the methods used to derive the tax figures. Said the per capita tax figures for Prince George's residents of the City are almost double those of residents of the Montgomery County section, which is most unfair. In the following dialogue, Councilmember Aldrighetti remarked that legislators have been advised that the two counties dealing with the tax rebate situation in two different ways places a tremendous burden on the City in trying to create equality for its citizens; it is hoped the counties will both follow the same procedure in future, however, there is no assurance of that. Councilmember Bradley commented that the state law which requires the counties to attempt to relieve double taxation does not prescribe any particular method, which is why the inconsistency between the counties exists; said the Montgomery County Chapter of MML has on occasion brought up the tax differential issue and they have been requested to address the City's problems in that regard within the year. Said tax differential, which rebates money to the citizens, is probably the fairest approach. Mr. Donnelly was asked more than once by the Mayor whether his combined City/county tax was significantly higher than in previous years, to which he responded in the negative. Following dialogue reiterating the rationale for the way the tax situation was handled in the two portions of the City, Mr. Donnelly expressed despair that his letters and comments on the situation had any effect; reiterated his belief that the Prince George's section is overtaxed. Councilmember Aldrighetti remarked, in response to comments by Mr. Donnelly, that there is a Bill pending that would allow Prince George's residents of the City to attend Montgomery College and pay resident rates. The Mayor suggested that Mr. Donnelly present Council with figures he feels represent an equitable tax rate for the two sections of the City; he stated in response to questions raised, that the State Department of Assessments claims that all properties located in the City, regardless of which county they lie in, are subject to the same yardstick. The Mayor again invited Mr. Donnelly to compile figures illustrating how he thought last year's tax could have been levied more equitably by the City and get in touch with him; a citizens' committee, as suggested, could then be appointed if Council approved such a move. Mr. Donnelly reiterated that the situation, if viewed on a per capita basis by county, is simply not equitable. Councilmember Iddings pointed out that the Prince George's tax differential is not based on population but on assessed property evaluation, problems arise when one tries to inject per capita figures into the situation; pointed out that of the 50% rebated to the county from state tax on income, only 20% is rebated to the City, and that is an additional tax situation that should be addressed (would involve per capita figures).

ITEMS FOR COUNCIL CONSIDERATION:

(1) Administrative reports and correspondence.

1. Notice of application of Luu's Restaurant & Carry Out, 916 East West Highway, for Class D beer license (7 days, on and off sale) (Public Hearing: 9:00 A.M., 1-24-85, Rm. 200, P. G. Co. Service Bldg., Hyattsville). Mr. Wilson noted that this application is for a new license; pointed out that the State Code mandates that if an applicant for an alcoholic beverage license proposes to do business within the incorporated limits of the City of Takoma Park, the license (if otherwise approved for issue) may not be issued unless the Mayor and Council of the City approve its issuance. Said that over the years, informal requests for such a license for this location have been considered and rejected by the Mayor and Council prior to formal license application being made. Commented that generally Hillwood Manor and Longbranch-Sligo Citizens' Associations are consulted prior to making a decision; suggested that those groups and the applicant might be requested to appear at the next worksession. The Mayor commented on the typical tardiness/delay in Prince George's County notifying the City of the scheduled hearing; said a postponement should be requested on the basis that the neighborhood should be afforded an opportunity for comment. Consensus was that a postponement until late February or thereafter would be requested in

writing, with a copy to Councilmember Cicoria, stating the reason therefor. The county will be advised by phone on January 15 prior to dispatch of the written communication. Questions were raised about the turnover in ownership of that particular property and its prior history; comment was made on the lack of parking for a restaurant at that location.

2. Announcement of Council action taken in Special Session on Siegler property. It was noted by Mr. Wilson that first reading of the pertinent ordinance (1985-1) was on 12/17/84, second reading was at the January 7 worksession, thus effecting adoption. The roll call vote was as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: Councilmember Bradley; EXCUSED: Councilmember Williams. The Mayor did not vote, but expressed opposition. Mayor Abbott remarked that the second reading took place at the worksession in light of the Park and Planning hearing date of January 10. Councilmember Iddings related attending the hearing; said Mr. Richards, attorney for the Sieglers, prior to the item coming up on the agenda, negotiated an agreement in principle with Rose Harvey of the Trust for Public Land to transfer the property to the Trust for Public Land. Mr. Richards requested that the proposed subdivision hearing be postponed indefinitely. Said negotiations will now be taking place between the Trust for Public Land and Mr. Richards acting for the Sieglers. The Mayor questioned what the City's role would be in the negotiations and whether the City would at a later date be responsible for money involved. Mr. Iddings stated that Rose Harvey will negotiate an option to purchase agreement, will present the proposed contract to the City (Council) for review, will then exercise the option and the City will make an application to Program Open Space for funding. When funding is received from POS, the option will be assigned to the City and the City will purchase the property, assuming that 100% funding is received from POS as anticipated. Said an agreement has been secured from Park & Planning to endorse the 100% purchase price up to the total purchase price of $200,000 (the actual purchase price will be substantially less than that figure). In response to query from the Mayor, Mr. Iddings stated that the approximate actual purchase amount was $110,000; when the option is presented to the City and application for funding is made to POS, it will be for a fixed amount not exceeding what is required to purchase the property. Said in the event, POS does not provide funding, the Trust for Public Land could assign the option to someone else or drop the option, in which case the property would revert back to the Sieglers.

ORDINANCE #1985-1
(attached)

Jim Douglas, 212 Tulip Avenue, representing Old Takoma Citizens' Assn.: Thanked Council for their forbearance, assistance and support in moving toward acquisition of the property.

(2) Public Hearing and second reading of a Charter Amendment Resolution to repeal Sec. 1.7(d) of the City Charter, pertaining to bidding and procurement procedures, and to reenact with provisions contemplating a new process.
Mr. Wilson read Charter Amendment Resolution No. 1-1985; commented that a purchasing and procurement ordinance would have to be prepared for presentation at the February 4 worksession, so that first and second readings can take place prior to the 50th day following adoption of the Charter Amendment Resolution, and in order to avoid occurrence of a time period in which there are no provisions in effect governing purchasing. He briefly summarized, upon request, what changes from current practice would be effected by adoption of the legislation. Said procurement practices of other local jurisdictions had been examined in the process of formulating the proposed changes; raising dollar amount limits requiring bid solicitation and/or ordinance adoption for purchase effectively updates amounts imposed some years ago. Councilmember Iddings commented on a situation encountered in last year's budget which required preparation of three separate ordinances for personal service contracts to meet Charter requirements; said the changes will be more practical, will facilitate efficient administration. Councilmember Aldrighetti stressed that competitive bidding will be encouraged, not negated, regardless of any

change in the amount requiring formal bid solicitation; that will be addressed in the ordinance to be prepared. The Mayor noted that the Resolution specifically deletes from the Charter the outdated bidding processes the City has been operating under and provides for a substitute process which will be detailed, including specific dollar amounts, in the ordinance. Anne DeNovo explained that between first reading and the current language in the Resolution, it became clear that exemptions from the public bidding requirement could not be on a case by case basis, would have to be for categories of purchases. She pointed out that the dollar limit, as well as any other specifications, could be stated in the Charter if so desired. Charter Amendment Resolution No. 1-1985 was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams.

CHARTER AMENDMENT RESOLUTION NO. 1-1985
(attached)

(3) Affirmation of Council's earlier decision on Special Exception S-1022, petition for an accessory apartment at 210 Tulip Avenue (Public Hearing: 9:00 A.M., 1-31-85, Werner COB, Rockville).
Mr. Wilson commented that 27 surveys were mailed to neighbors, no responses were received. The property owners were at the January 7 worksession; inspections performed revealed no violations; staff recommends, and Council concurs with, granting of the Special Exception with no objections with the proviso that a separate thermostat for heating control in the apartment be installed, as required by county law.

(4) First reading of an ordinance reinstituting condemnation proceedings at 7709 Takoma Avenue; setting a date for show cause hearing.
Councilmember D'Ovidio explained that the ordinance was placed on the agenda for first reading last spring; did not proceed beyond first reading because City staff was working with the individual having power of attorney for the owner; loans for rehab of the property were arranged; however, the person having power of attorney has refused the City's assistance and work has not proceeded. City staff were directed to notify the owner and/or the person having power of attorney that the item was on the current agenda; however, no representative was present. Mr. D'Ovidio summarized the ordinance.

Jane Lawrence, 7704 Takoma Avenue: Commended City staff for their efforts, though unsuccessful, over the last year; thought it would be nice if the owner could retain the property, however, neighbors have concluded over a long period that no improvement is going to take place and the property will continue to deteriorate; was seriously concerned about the house being a fire hazard (houses are close together and the 3 houses to the north are occupied by elderly people). Regretted the possibility of demolition; wished the property could be preserved. Councilmember D'Ovidio stated, in response to query, that City and county taxes are in arrears on the property since September 1984; there is no past history of delinquency. Mr. Wilson commented there would be a show cause hearing on February 25 at 8:00 P.M. Mr. D'Ovidio commented that the City hopes that with institution of condemnation proceedings, the owner will make a positive move, perhaps selling to someone who will rehab the property; mixed success has been encountered in prior cases. Ms. Lawrence stated the house has been vacant for approximately two years, commented on the deteriorated condition, including a large dead tree in the back yard. Mr. D'Ovidio commented on the patience displayed by neighbors; said the house is boarded up as a result of action taken by the City last spring; some work was done on the side porch, but major issues have not been dealt with at all (despite the availability of $30,000 state money and $12,000 City money for rehab if the person having power of attorney had closed the deal a month ago).

Joseph Lerner, 7708 Takoma Avenue: Urged that the City proceed very carefully and ensure that all interested persons (in addition to Mrs. Latham and the party having power of attorney) are notified of what is transpiring. In response to query from Councilmember Aldrighetti, Mr. Lerner stated he would have no objection to seeing the house demolished if that became a necessity; asked that it be ascertained

that the property is properly and securely boarded up. The Mayor directed that the City Administrator ensure that all persons of record are notified of first reading of the ordinance. Councilmember D'Ovidio asked that the dead tree mentioned earlier also be checked upon and dealt with.

Sue Lerner, 7708 Takoma Avenue: Commented that Mrs. Latham is an old, sick person whose financial resources are probably quite minimal; she is a long-time resident of the City. Said she should really have a Conservator, person who has power of attorney is her step-grandson and does not appear to have the resources to fully understand the situation; if the property is sold, the return to her should be optimized because that is probably her only resource. Mr. D'Ovidio remarked that Daniel Neal and Anne DeNovo have both visited Mrs. Latham in the nursing home where she resides. The ordinance was accepted for first reading, with proper notifications to be made.

PROPOSED ORDINANCE
(attached)

(5) First reading of an ordinance rescinding demolition order on 7309 Flower Avenue.
Mr. Wilson stated that the reason for rescinding the demolition order is that the property has been rehabilitated, reinspected and passed, and is occupied. It was noted that neighbors and the citizens' association should be notified of the rescission. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(6) First reading of an ordinance rescinding designation of 7142 Carroll Avenue as unfit for human habitation.
Mr. Wilson stated that this property also has been rehabbed, reinspected and is occupied. He commented that this and the prior agenda item represent happy endings to condemnation proceedings. The citizens' association and neighbors will be notified. The ordinance was accepted for first reading.

PROPOSED ORDINANCE
(attached)

(7) First reading of an ordinance designating the 7300 block of Baltimore Avenue as a part of Parking Permit Area #1A (Special Impact Area).
Mr. Wilson commented that the petition submitted by citizens of the area meets the criteria set forth in Ordinance #2549 which established the Special Impact Area; the proposed ordinance would amend that ordinance by adding a new subsection 3.(2)(b) designating Baltimore Avenue between Takoma and Albany Avenues as a part of Parking Permit Area #1A. Councilmember D'Ovidio remarked he had wanted persons who signed the petition to be notified of the first reading so that they could attend and comment; he pointed out that the designation in subsection (b) should be written more specifically as Albany splits prior to intersecting with Baltimore (there is an island at that location). Mr. Wilson advised that the ordinance subsection would be rewritten, signees of the petition notified, and first reading rescheduled for January 28. Councilmember D'Ovidio requested that Pat Saumweber, North Takoma Citizens' Association, additionally be notified.

(8) First reading of an ordinance repealing Ordinance No. 2416 which established the Operation Turnaround Board; reallocation of $50,000 from FY-85 CDBG funds earmarked for that program to CDBG Street Improvement Project.
Councilmember D'Ovidio explained that Operation Turnaround was established for the purpose of returning single family homes (zoned R-60) that had been used for multi-family dwelling to their original use; cited a number of examples. Comment was made on the program being inactive for a long period; Councilmember Iddings expressed opposition to reallocating the approximately $20,000 remaining in the program plus the additional $50,000 earmarked for the program in FY-

1985 to street improvements rather than housing improvement. Councilmember D'Ovidio commented that there is housing rehab money from last year that has not been used, a portion of that was offered for rehab of the Latham house discussed earlier, funds for that purpose are not lacking; said there is a real need for street repairs/improvements and Operation Turnaround is no longer necessary because people are coming in and doing the work on their own initiative. Councilmember Bradley expressed agreement with remarks made by Mr. D'Ovidio, as did Mr. Aldrighetti who questioned whether members of the Operation Turnaround Board were notified of the item being on the agenda (response was negative). Mr. Aldrighetti requested that participation of interested parties be encouraged by notifying them when specific items of interest are on the agenda. Councilmember Iddings voiced objections to terminating the program and reallocating the money without citizen involvement in the process. Councilmember Bradley inquired whether there are deadlines for spending of the money and on the street improvement project; Ms. Habada stated that the only deadline is an internal one based on the realization that the City can get a more favorable bid on street work during the winter months when work is scarce. Councilmember Dalmat suggested notifying Operation Turnaround Board members and CDBG CAC prior to second reading on January 28, and if there is no response, Council can interpret that as concurrence with their proceeding with adoption of the ordinance. For the record, the Mayor stated that at the meetings of the Operation Turnaround Board when Mr. Eckert was Chairman, and subsequently when the committee operated for two meetings and the sale of the Eastern Avenue property was secured, a report was given and the recommendation made that there was no function remaining for Operation Turnaround in the City.

Ron Albaugh, 7202 Central Avenue: Agreed it would be appropriate to notify members of the Operation Turnaround Board and CDBG CAC; thought that if the money is reallocated, based upon steps in the CDBG process, perhaps a public hearing should be held. Following dialogue with Councilmember Bradley, Mr. Albaugh did not oppose repeal of the ordinance establishing the Operation Turnaround Board (considering its defunct state), but did think reallocation of funds should involve the public in conformity with CDBG procedures. The ordinance was accepted for first reading, with second reading and a public hearing to be scheduled for February 4, notifications as mentioned to be made in the meantime.

PROPOSED ORDINANCE
(attached)

(9) **Ordinance authorizing retention of engineering consultant for CDBG Street Improvement Project.**
Mr. Wilson remarked that the contract referred to in the ordinance was discussed at the January 7 worksession; Ms. Habada explained that, if approved, the contract would be negotiated with Gilford Associates on their proposal of 7-10% of the total dollar amount of the project (the lowest range in the proposals submitted by the deadline). The services performed would be a combination of preparing specifications, overseeing the pre-bid conference, participating/overseeing opening of bids, inspecting work by the contractor as it progresses, and other monitoring functions. She stated that, out of 17 RFP's sent out, 5 bids were received for the engineering consultant services; the firm chosen has a work record of similar projects in D. C. and Prince George's County, have been City Engineers for the Towns of Fairmont Heights, Glenarden, and Seat Pleasant. Councilmember Iddings complimented Ms. Habada on her work evaluating the bids. Councilmember Bradley was absent, but left word she supported the ordinance. This being a budget line item, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; TEMPORARILY ABSENT: Councilmember Bradley; EXCUSED: Councilmember Williams.

ORDINANCE #1985-3
(attached)

(10) **Resolution approving a plan for operation of the Farmers' Market for the 1985 season.**
Passage was moved by Councilmember D'Ovidio, duly seconded by

Councilmember Iddings. Councilmember D'Ovidio stated he had been pleased with the operation of the market for the last two years, had received only positive comments from citizens. The motion carried unanimously.

RESOLUTION 1985-1
(attached)

TAKOMA PARK FARMERS' MARKET GUIDELINES - 1985 SEASON
(attached)

(11) **Traffic Committee Recommendations.**
Councilmember Iddings stated that the report, in the form of a memorandum, is preliminary as discussed in the January 7 worksession. Said a consensus was reached on 3 recommendations, i.e., that the County Department of Transportation immediately initiate a noise reduction program stressing engine noise, brake noise and driver training; that non-turbo-charged buses be used on Ride-On routes 13 and 17; and that as a long-term goal quieter buses be purchased and, where ridership justifies, smaller buses. Possible rerouting will be discussed in the February meeting of the Traffic Committee and information will be provided to Council thereafter. Councilmember D'Ovidio suggested that recommendation #2 concerning use of non-turbo-charged buses be modified to include all routes in the City; Mr. Iddings stated he would submit that request to the Traffic Committee. Mr. Iddings commented on the large attendance at the last Traffic Committee meeting, including a number of bus riders. Councilmember Dalmat commented that Ride-On is displaying the notices publicizing the January 16 Ride-On bus forum at 7:30 P.M. The Mayor remarked that there have been Journal articles concerning the existence of brand new quiet-type buses that are not in routine use; the point should be made at the forum that the heavy ridership in the Takoma Park area demands the newer, quieter type equipment rather than what is currently in use. He emphasized that the forum should be conducted by Ride-On personnel; Mr. Wilson stated he had spoken with Transportation Director McGarry who did not disagree with the forum being conducted by county people; however, he could not personally be present but would be represented by a Mr. McDaniel. Mr. McGarry additionally indicated that he would accept and abide by the City's wishes concerning rerouting, including a decision to do nothing; he was aware that the forum would not be the end of anything, but just the beginning of issues to be addressed.

For the record, it is noted that the Mayor and Council at the 1/7/85 worksession convened in Special Session at 7:45 P.M. for the purpose of adopting by roll call vote ordinance #1985-1. The vote was recorded as stated earlier herein; Special Session adjourned at 8:11 P.M. Under authority of Article 76A (11)(b)(2) of the Maryland Annotated Code, the Mayor and Council by unanimous agreement of those present met in Closed Session at 10:50 P.M., 1/7/85, to discuss a personnel matter and potential litigation. Present were: Mayor Abbott, City Administrator Wilson, Asst. City Administrators Robbins and Habada, Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings.

Upon motion, duly seconded, the meeting adjourned at 10:15 P.M., to reconvene in regular session on January 28 at 8:00 P.M.

1st reading: 17 December 1984
2nd reading: 7 January 1985

Introduced by:
Councilmember Iddings

ORDINANCE NO. 1985- 1

WHEREAS, a Resolution adopted by this Council on April 23, 1984 stated that it was the aim of this Council to take reasonable, responsible and practicable steps, insofar as circumstances allow, and with the assistance of the Trust for Public Land, Inc., to acquire a portion of the Thomas-Siegler property at 201 Tulip Avenue in Takoma Park, Maryland, for the purpose of developing this parcel into a neighborhood park; AND

WHEREAS, though the Siegler's, through their attorney, have expressed a willingness to sell that part of their property described by existing lot 31 and proposed lots 40, 41, and 42 as depicted on the plat accompanying their pending resubdivision proposal, no mutually acceptable terms of sale have been agreed upon; AND

WHEREAS, the Trust for Public Land has suggested an alternative course of action, outlined in a memorandum by Ms. Rose Harvey dated 27 November 1984, which involves the negotiation of an option to purchase from the Siegler's all or most of the property they are desirous to sell, as described immediately above; AND

WHEREAS, the Trust for Public Land has agreed to share equally in the up-front cost of purchasing such an option to purchase, provided the total cost to the Trust for Public Land and Takoma Park combined does not exceed $6,000.00, and provided that Takoma Park would seek the Program Open Space funding necessary to reimburse the Trust for Public Land for acquisition costs it incurs; AND

WHEREAS, City staff has determined that, all things considered, this course of action represents a reasonable, responsible and practicable means to seek to purchase the subject property;

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

SECTION 1. THAT funds not in excess of THREE THOUSAND DOLLARS ($3,000.00) be charged to the General Contingency Fund Account (#991) to cover the costs of implementing this proposal, as necessary.

SECTION 2. THAT, should the City be successful in acquiring the subject property, City staff shall take all steps necessary to obtain 100% reimbursement of any and all funds expended under Section 1 of this ordinance; AND

SECTION 3. THAT the City Administrator or his designee is hereby authorized to work directly with the Trust for Public Land and the Siegler family to negotiate the details of an option to purchase excess property from the Sieglers up to, but not to exceed, land described by existing lot 31 and proposed lots 40, 41 and 42 as depicted on the plat accompanying the Siegler's pending resubdivision proposal.

SECTION 4. THAT by adopting this ordinance, the Council reaffirms its opposition to the proposed resubdivision of the Siegler property and directs staff to prepare appropriate testimony, consistent with our resolution adopted on April 23, 1984, to be presented to the Montgomery County Planning Board at its meeting on the subdivision on January 10, 1985.

ADOPTED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND ON JANUARY 7, 1985, WITH THE VOTE RECORDED AS FOLLOWS: AYE: COUNCILMEMBERS ALDRIGHETTI, DALMAT, D'OVIDIO, HANEY AND IDDINGS; NAY: COUNCILMEMBER BRADLEY; EXCUSED: COUNCILMEMBER WILLIAMS; WITH MAYOR ABBOTT NOT VOTING, BUT EXPRESSING OPPOSITION.

CHARTER AMENDMENT
RESOLUTION NO. 1-1985

Ordinance No. 1985-2

A RESOLUTION TO DELETE OUTDATED BIDDING AND PURCHASING PROCEDURES CONTAINED IN SEC. 1.7(D) OF THE CITY CHARTER AND TO PROVIDE A SUBSTITUTE PROCESS

WHEREAS, the Mayor and City Council, after deliberation, have concluded that the provisions of the City Charter related to competitive bidding and procurement generally are such that they impede the orderly flow of City business and that a new process is desirable; AND

WHEREAS, it is necessary to amend the City Charter to provide a substitute process.

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

SECTION 1. THAT Sec. 1.7(d) of the City Charter be repealed and a new subsection (d) be enacted to read as follows:

Sec. 1.7. Powers; competitive bidding; gaming penalties for violations.

(d) The Mayor and Council shall prescribe by ordinance a centralized system of purchasing and contracting for all goods and services used by the City. The Mayor and Council shall also provide by ordinance for competitive bidding for any single purchase by, or contract with, the City above a minimum dollar amount which they shall set by ordinance. They may by ordinance provide for exceptions to the competitive bidding requirement for contracts for professional services customarily negotiated and for such other classes or categories of contracts or purchases as they may deem to be in the best interests of the City; provided, however, that exceptions to the competitive bidding requirement shall be made only for defined classes or categories of contracts or purchases and not for individual or specific contracts or purchases.

SECTION 2. THAT this Charter Amendment shall become effective on the fiftieth day after adoption.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND ON JANUARY 14, 1985, WITH THE VOTE RECORDED AS FOLLOWS: AYE: COUNCILMEMBERS ALDRIGHETTI, BRADLEY, DALMAT, D'OVIDIO, HANEY AND IDDINGS; EXCUSED: COUNCILMEMBER WILLIAMS: NAY: NONE.

Introduced by:
Councilmember D'Ovidio

First reading: 1-14-85

ORDINANCE NO. 1985-

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

SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator and the Fire Marshal of the City that the building named in Section 2 below is unfit for human habitation and is in such condition as to constitute an immediate and present danger to life, property and public safety; AND

SECTION 2. THAT the building described in Section 1, above, is located at 7709 Takoma Avenue, on Lot 8, Block 73, Takoma Park Loan and Trust Co. Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 588 at Folio 131, and Tax Record A/C #1069112, Edith L. Latham, owner of record; AND

SECTION 3. THAT the building referred to in Sections 1 and 2, above, is presently in violation of the Fire Safety Code of the City of Takoma Park, and in violation of the following sections of the Housing Code: Sections PM-302.3; PM-302.3.3; PM-302.3.4; PM-302.8.2; PM-302.3.6; PM-301.3; PM-301.9; PM-302.4; PM-302.3.1 and PM-506.1; AND

SECTION 4. THAT certain members of the City staff have inspected the building referred to above and have verified the conditions to be as reported.

SECTION 5. THEREFORE THAT the Mayor and Council hereby designate the building located at 7709 Takoma Avenue as unfit for human habitation and hereby authorize that legal proceedings be instituted under authority of Article 6, Chapter 6, Code of Takoma Park, Md., 1972, as amended, and the Fire Prevention Code, known as Chapter 5, of the Code of Takoma Park; AND

SECTION 6. THAT the date of February 25, 1985, at 8:00 PM, in the Council Chamber of 7500 Maple Avenue, Takoma Park, Maryland, has been set as the time and the place for a hearing as to the condition of the aforenamed building, and Edith L. Latham shall on that date, or before, show cause as to why the building at 7709 Takoma Avenue should not be declared a nuisance; AND

SECTION 7. THAT the City Clerk is hereby instructed to give notice within ten days of adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with the provisions of Article 6, Chapter 6 of the City Code.

Introduced by: First reading: 1-14-85

ORDINANCE NO. 1985-

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

SECTION 1. THAT on October 11, 1983, the Mayor and Council adopted Ordinance No. 2694, setting a date for a show cause hearing as to why the structure located at 7309 Flower Avenue should not be declared a nuisance, said structure having been deemed as unfit for human habitation; AND

SECTION 2. THAT the said hearing was held on November 14, 1983; AND

SECTION 3. THAT on December 12, 1983, the Mayor and Council passed Ordinance No. 2704, declaring the structure at the above address to be a nuisance and ordering abatement of all housing and fire code violations and restoration of the building to a habitable condition, or demolition, within ninety days; AND

SECTION 4. THAT subsequently the owner of the property complied with all the terms of Ordinance No. 2704.

SECTION 5. THEREFORE THAT the Mayor and Council hereby rescind the demolition order contained in Ordinance No. 2704 and instruct the City Clerk to so notify the present owner of the property by certified copy of this ordinance.

Introduced by: First reading: 1-14-85

ORDINANCE NO. 1985-

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

SECTION 1. THAT on October 11, 1983, the Mayor and Council adopted Ordinance No. 2693, declaring the structure located at 7142 Carroll Avenue to be unfit for human habitation and setting the date of November 14, 1983, for a show cause hearing as to why the property should not be declared a nuisance; AND

SECTION 2. THAT the hearing was held at the scheduled time; AND

SECTION 3. THAT on November 28, 1983, the Mayor and Council accepted for first reading an ordinance declaring the structure named above to be a nuisance and ordering abatement of all housing and fire code violations, or demolition of the structure, within 90 days of passage of the ordinance; AND

SECTION 4. THAT on December 12, 1983, by motion duly passed, the Mayor and Council deferred final action on the ordinance cited in Section 3, above, pending finalization of a pending sale of the property; AND

SECTION 5. THAT on January 9, 1984, the Mayor and Council temporarily stayed further action following a report by the Acting City Administrator that the new owner had commenced rehabilitating the structure; AND

SECTION 6. THAT subsequently the owner corrected all code violations enumerated in Ordinance No. 2693.

SECTION 7. THEREFORE THAT the Mayor and Council hereby rescind the designation of 7142 Carroll Avenue as unfit for human habitation and confirm that the property is eligible for registration of three rental units, and instruct the City Clerk to so notify the present owner by certified copy of this ordinance.

Introduced by: 1st reading: 1-14-85

ORDINANCE NO. 1985-

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

SECTION 1. THAT Ordinance No. 2416, adopted by the Mayor and Council April 11, 1977, said ordinance having been the vehicle for the establishment and operation of the Operation Turnaround Board, be hereby repealed; AND

SECTION 2. THAT funds in the amount of $50,000 which were earmarked for that program in FY-1985 Community Development Block Grant funds, be reallocated to the CDBG Street Improvement Project.

Introduced by:

ORDINANCE NO. 1985-3

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

SECTION 1. THAT it has been determined the City is in need of consultant engineering services for the current year's Community Development Block Grant Street Improvement Project; AND

SECTION 2. THAT requests for proposals were solicited from qualified engineering firms and advertised twice in each of two weekly newspapers of local circulation; AND

SECTION 3. THAT proposals were accepted until 4:00 PM, November 30, 1984, at which time they were publicly opened, with five proposals having been received; AND

SECTION 4. THAT both Assistant City Administrators reviewed and evaluated all proposals and have recommended that the firm of Gilford Associates, 2300 Parallel Lane, Silver Spring, Maryland, be retained, said recommendation having been contained in a memo dated December 31, 1984.

SECTION 5. THEREFORE THAT the City Administrator or his designee is hereby authorized to negotiate a contract with Gilford Associates, which shall be subject to ratification by the Mayor and Council.

ADOPTED BY THE CITY COUNCIL JANUARY 14, 1984.

Introduced by: Councilman D'Ovidio

RESOLUTION 1985-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the document entitled, "Takoma Park Farmers Market Guidelines, 1985 Season," attached hereto and made a part of this resolution by reference, is hereby approved.

JANUARY 14, 1985.

TAKOMA PARK FARMERS MARKET
GUIDELINES
1985 SEASON

I. ELIGIBILITY REQUIREMENTS

A. All persons who actually produce the fruits, vegetables, plants, herbs, flowers, baked goods, jellies, jams, honey and/or other products that they intend to sell in the Takoma Park Farmers Market are eligible to sell at this market.

II. GENERAL RULES:

A. All products sold must be grown or produced by the vendor. The resale of items purchased by the vendor shall not be permitted.

B. Items allowed for sale shall include fruits, vegetables, berries, nuts, plants, herbs, flowers, baked goods, honey, jams and jellies. Other items may be allowed for sale only with explicit authorization, in writing, of the City of Takoma Park Economic and Community Development Coordinator.

C. All persons intending to sell in the Farmers Market must, prior to participation the Market, file an application with the City's Economic and Community Developmen Coordinator verifying that they are the actual grower or producer of the specific items which they intend to sell in the Farmers Market. Professional farmers must submit written verification of their grower/producer status from their Cooperativ Extension agent with their application form. All vendors shall allow the Economi and Community Development Coordinator to inspect their production facilities as necessary. Only persons with an approved application shall be permitted to sell in the Farmers Market.

D. All vendors participating in the Farmers Market must comply with the sanitary rules and regulations imposed by the Montgomery County Health Department and are responsible for obtaining whatever licenses and/or permits are necessary to compl with County, State and Federal rules and regulations.

E. All approved applicants who sell goods in the Farmers Market are required to pay rent for the market space which they utilize. This rent shall be paid to the Cit of Takoma Park in accordance with the schedule of rents set forth below. Rent shall be assessed on a per diem basis and shall be due and payable on each market day. Rents from each approved vendor shall be collected by the designated Market Manager, who shall be responsible for the recording of all rent due and all rent paid. The designated Market Manager shall, on each Monday following a markey day convert all rent collected on the previous market day into the form of a check payable to the City of Takoma Park and shall forward this check to the City's Economic and Community Development Coordinator for deposit in the appropriate Cit account. The Market Manager's records of rent due and rent paid shall be open tc inspection by the City at all times. Vendors who do not pay their rent may be denied the right to sell in the Farmers Market in the future.

F. All authorized vendors participating in the Farmers Market shall be individually and severally responsible to the City for any loss, personal injury, deaths, and/or any other damage that may occur to the City as a result of the vendors' negligence or that of its servants, agents, and employees, and all vendors hereby agree to indemnify and save the City harmless from any loss, cost, damages, and other expenses suffered or incurred by the City by reason of the vendors' negligence or that of its servants, agents and employees; provided that the vendors shall not be responsible nor required to indemnify the City for negligence of the City, its servants, agents and employees. No insurance is provided by the City of Takoma Park to participants in the Farmers Market. It is recommended that each vendor be self-insured.

G. The Farmers Market will operate on the north side of Laurel Avenue, along the side of the Seventh-Day Adventist Church. The Farmers themselves shall be responsible for the space allocations to vendors within the market area. The vendors shall pick up and set up the barricades for blocking the street from traffic and shall return them to where they were found after each market.

H. The Farmers Market will operate from 10:00 a.m. to 2:00 p.m. every Sunday from May 19, 1985 until November 24, 1985.

I. The setting up of the market may begin at 9:30 a.m. on market day, and no earlier Selling may not begin before 10:00 a.m.

J. All vendors shall be responsible for the cleanliness of their selling area. All vendors agree to keep the market area reasonably free of any debris generated by the market activity.

K. Any complaint against any vendor regarding the origination of their produce or goods must be directed to the attention of the City in writing.

L. The City reserves the right to cancel the approval of any vendor's application if and when the City finds said vendor in violation of any of the aforementioned rules and eligibility requirements.

III. RENT SCHEDULE:

In accordance with section II.(e). above, all vendors shall pay rent for their market space based upon the following schedule.

A. Producers/Growers of fruits, vegetables and/or plants:
   1. Professional Producers/Growers; Non-Residents: $7.00 each market day.
   2. Takoma Park Residents: $3.00 each market day.

B. Producers of baked goods, honey, jams, etc. only:
   1. Professional Producers; Non-Residents: $3.00 each market day.
   2. Takoma Park Residents: $1.50 each market day.

IV. MODIFICATIONS:

The Council of the City of Takoma Park reserves the right to revise the General Rules, Eligibility Requirements and/or Rent Schedule as it deems appropriate.

APPLICATION FORM - TAKOMA PARK FARMERS MARKET

NAME: _____ TELEPHONE NO.: _____

ADDRESS: _____

NAME OF THE FARM (if applicable): _____

PLACE WHERE THE PRODUCE/GOODS IS GROWN/PRODUCED: _____

TYPES OF PRODUCE/GOODS TO BE SOLD: _____

_____

_____

_____

PROPOSED SELLING DATE(S): _____

NAME OF YOUR COOPERATIVE EXTENSION AGENT: _____

AGENT'S ADDRESS: _____

AGENT'S TELEPHONE NO. _____ VERIFICATION DATE: _____

CITY'S INSPECTION DATE: _____ BY _____

I hereby acknowledge that I am the actual grower/producer of the produce/goods that I inte to sell in the Takoma Park Farmers Market. I have read the terms specified by the City on the reverse and agree to abide by them. I understand that if I or anyone representing me fail to so abide, the City can withdraw my Application. I also understand that these term may be revised by the City, and I must abide by the new terms in order to continue my participation in the Farmers Market.

_____ _____

Applicant's Signature Date

FOR OFFICE USE ONLY

DATE OF APPLICATION _____

APPLICATION APPROVED ON (date): _____

FOR THE FOLLOWING DATE(S): _____

SELLING LOCATION ASSIGNMENT: _____

Signed: _____

Economic and Community Development Coordinator

Worksession items, January 22, 1985 (TUESDAY), 7:00 PM

* 1. COLTA interviews (7-8:30)

2. Fire service reimbursement (Bob Kendal, et al)

3. Fiscal Year 1984 audit report (Charlie Steadman, auditor)

4. Administrative reports (James Wilson)

* 5. Accessory apartment - 7503 Carroll Avenue

* 6. Accessory apartment - 7421 Carroll Ave.

7. Report on Ride-on bus public forum (Iddings)

8. Status report on POS parks (Ziegler)

9. Evaluation of park safety (Ziegler)

10. Staff Housing Committee report (memo dated 1-10-85 circulated earlier)

*11. Critical problem housing (Robbins)

12. Community Improvement Board recommendations (Austin) (Material included in 1-7-85 packet)

13. Acquisition of Sister City property

*14. Review of Council packet material (Haney)

*15. SOCS TPJHS Legal defense fund (D'Ovidio)

*16. Historic Preservation Committee appointments (Mary Dean letter)

*17. Proposed changes in State alcoholic beverages law -- Mo. Co.

18. Condo conversion ordinance (material included in 1-7-85 worksession packet)

*19. Employee leave/comp time ordinances-- 5th draft

20. Authorization to accept bid on air operated tire changer

*Pertinent material attached or in packet.

Partial listing of pending matters:

21. Ethics ordinance (being revised)

22. Licensing ordinance

MAYOR AND COUNCIL WORKSESSION

January 22, 1985

Following COLTA interviews from 7-8:30 P.M., the Mayor and City Council met in worksession at 8:35 P.M., Tuesday, January 22, 1985, with the Mayor chairing. Present were: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings and Williams; City Administrator Wilson, Asst. City Administrators Habada and Robbins.

The following matters were discussed and acted upon as indicated:

1. Fire service reimbursement. Clyde Henning, Bob Kendall, and Dorothy Cockrell, representing Montgomery County, were present for the discussion. It was noted that cost of station #2 was $1.3 million; the County Executive proposes a contract with the City, not for provision of fire service but for revenue; the City would not be asked to pay any higher amount than what is already being paid; and it would be stipulated that no major changes in level of service would be made during life of the contract. The effect on City taxes would be that Montgomery County residents of the City would be given credits, Prince George's County residents would be taxed, with Prince George's County giving them credit as tax differential. Mr. Kendall commented that the County Council had been apprised of progress in the issue; he noted that if no agreement is reached by July 1, 1985, P. G. County residents of the City will no longer receive first due service; mutual aid will still be provided. The question was posed what loss of first due service would mean to those residents; Mr. Wilson stated that information should be ascertained from TPVFD. Councilmember Aldrighetti suggested holding of a hearing to involve Prince George's County and/or a meeting with both Prince George's and Montgomery County representatives, both on the staff and elected official levels; stated he would submit an article on the subject for the March issue of the Newsletter.

2. Fiscal Year 1984 audit report (Charlie Steadman, Auditor). Mr. Wilson noted that the City Charter provides that Council shall employ an accountant for the purpose of preparing and submitting a financial report of the City to the Mayor and Council. Joe McCaffrey pointed out that two statements have been issued by his firm: a management letter, a financial statement and opinion letter; he stated Exhibit A is the basic financial statement, Exhibits B-H contain additional detail on Exhibit A. He noted that there had been a 13% increase in revenues, 10% increase in expenses; cited the formula that "fund balance=ownership equity=net worth (which is climbing at a slow pace) - he projected a $300,000 net surplus; said in FY 1984, expenditures exceeded budget appropriations, revenues exceeded budget appropriations equalling a $230,000 surplus, which is not a real comfortable margin of error; 8% of the annual budget should be a reserve. Councilmember Iddings questioned what would be considered a major problem; Mr. McCaffrey responded that lack of controls and/or inability to test account balances presents a major problem. Mr. Iddings questioned whether the substantial deficit that existed four years ago was made up during the current auditors' term; Mr. Steadman stated the problem initially still existed when his firm first took over, management was not monitoring expenditures closely enough, sufficient revenue was not coming in for City services to cover expenditures.

3. Administrative reports. A consensus was reached on proceeding with a support letter to HUD D. C. Area Office.

4. Accessory Apartment - 7503 Carroll Avenue. Alan Tetervin expressed opposition to granting of the Special Exception; said the required sign was posted 30 days prior to hearing rather than 60 days; questioned condition of the unit, cited crumbling archways at doors; driveway is very small; questioned whether the unit has enough square footage to comply with the zoning code; said the owner has not always lived in one of the units, the property could become a 2-unit apartment building. The property owner, Mr. Jackson, explained that the driveway is shared, he and his tenant do not use it as there is enough room behind his structure to park 8 cars. He said the apartment had existed since the house was built; stated he does live on the premises; said that if the property were sold, the accessory

apartment would not go with the sale (new owner would have to apply); stated the sign was erected when the county gave it to him - county is short of signs (confirmed by Tony Austin). Councilmember Iddings commented on there being an excessive number of apartments on the same side of the street as 7503 (in an R-60 zone); Councilmember D'Ovidio requested that Housing supply information on the number of accessory apartment applications that have been approved in that area (concentration), i.e., the 7300-7700 blocks of Carroll Avenue. Mr. Wilson noted that the Fire Department's report suggests the need of a separate thermostat control for the apartment. Councilmember Iddings moved requesting the Board of Appeals to take a position on the issue of concentration, duly seconded by Councilmember D'Ovidio; tabled upon motion by Councilmember Aldrighetti. Consensus was that consideration of Council's position on the Special Exception would be placed on the agenda for January 28, 1985.

5. **Accessory apartment - 7421 Carroll Avenue.** Asst. Housing Director Austin noted that this is the 5th accessory apartment within a 6-block area; consensus was that this item would also be placed on the January 28, 1985 agenda for consideration.

6. **Report on Ride-On bus public forum.** Councilmember Iddings explained that the forum would be the City's public hearing on the issue with the Mayor presiding and iterated the ground rules for a public hearing; commented on plans for resolution(s) to be prepared by the Traffic Committee and presented for consideration; resolutions will address a number of points including rerouting, noise reduction, smaller buses, scheduling review, etc.; consensus was that the committee would proceed with preparing the said resolutions; a vote would be scheduled for the end of the public hearing. Councilmember Aldrighetti suggested having a citizen (someone with negotiating skills) act as arbitrator to deal with possible conflict between opposing groups. It was noted that Montgomery County should be requested to have their head maintenance person from Ride-On attend; Rose Crenca is also to be invited to the hearing on February 13.

Items 8, 9, 10, 11, 16 and 18 of the published agenda were deferred until February 4, 1985; items 14 and 20 will be considered January 28.

7. **Community Improvement Board recommendations.** Councilmember Bradley commented that safety problems should be cited, not cosmetic problems. Councilmember D'Ovidio remarked that the Board had done an excellent job of pointing out problem areas. Tony Austin noted that prosecution will be civil rather than criminal.

8. **Acquisition of Sister City property.** Consensus was that staff proceed with negotiations with Montgomery County and State Highway to purchase the property for $4,000 or less.

9. **SOCS TPJHS Legal Defense Fund.** Leroy Brown stated that the fund was in need of $14.00 to cover expenses; the question was raised what had happened to the SOCS fund balance. Mr. Brown stated that fund had a balance of $3,767.97 on June 6, 1983, out of which $1,000 was donated to the Folk Festival, $1,700 to the Jr. High School for a beautification project, leaving a balance of $1,000. Comment was made that Dr. Stern, the Mayor and Leroy Brown have authority to issue checks against that account, however, any transfer of funds should have input from Council. It was noted that there was never any intent for the City to support functions which would fall into the general PTA category; consensus was that it be communicated to the PTA that if there is a threat to the Junior High, the $14 needed should be their responsibility until and unless SOCS' mission is changed. Councilmember Aldrighetti commented that control of funds should probably revert back to citizens through various organizations at some future time, rather than the current shared responsibility SOCS has with Council. Consensus was that Mr. D'Ovidio would draft a letter to Ms. Mary Dara on the subject. It was noted that the Education Committee would be meeting on February 14.

10. **Proposed changes in State alcoholic beverages law -- Montgomery County.** It was noted that developers would like to have a restaurant in the area along Laurel Avenue; the SDA church and WACO

have been approached, from the neighborhood point of view there has been a positive response; Mayor and Council's support was requested for legislation which would permit so doing. It was pointed out that there may be problems attached to getting legislation approved allowing issuance of a liquor license within close proximity to the church, the church board's tacit support would be required. Consensus was that Mayor and Council's support would be granted with the understanding that the church board's position is considered. Councilmember Dalmat commented she would like B. F. Gilbert's Citizens' Association to review the issue. Councilmember Bradley moved convening in Special Session, duly seconded by Councilmember Haney. Councilmember Aldrighetti moved support of the two proposed bills with the understanding that continued support would be contingent upon support of the same bill by the governing body of the Takoma Park SDA Church located at 6951 Carroll Avenue; and with the further understanding that the bill will not change the type of licenses to be granted within the City of Takoma Park; duly seconded by Councilmember Bradley; carried unanimously. Councilmember Bradley moved adjournment of the Special Session, duly seconded by Councilmember Aldrighetti, carried unanimously.

11. **Employee leave/comp time ordinances--5th draft.** Consensus was that first reading would be scheduled for February 11, second reading for February 25, of both ordinances; with a forum to be held during daytime hours for all interested parties (employees).

There being no further business to discuss, the meeting adjourned at 1:20 A.M.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 28, 1985

AGENDA

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS

READING AND APPROVAL OF THE MINUTES OF JANUARY 14, 1985

ADDITIONAL AGENDA ITEMS

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

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Wilson

(1) Administrative reports and correspondence

(2) Second reading of proposed amendments to the Nuclear Free Zone Ordinance (amendments to Chapter 8A of the City Code)
Citizens' comments
Council action

(3) First reading of an ordinance designating 7300 block of Baltimore Avenue (from Takoma Avenue thru 7324 and 7329) as a part of Parking Permit Area #1A (Special Impact Area)
Citizens' comments
First reading

(4) Appointments to Commission on Landlord-Tenant Affairs

(5) Special Exception S-1011, to permit the use of an existing apartment as an accessory apartment at 7503 Carroll Avenue (Public Hearing: 1:30 PM, 2-7-85, Werner County Office Building, Rockville)
Citizens' comments
Council action

(6) Special Exception S-1032, to permit the use of an existing apartment as an accessory apartment at 7421 Carroll Avenue (Public Hearing: same as above)
Citizens' comments
Council action

(7) Second reading of an ordinance reinstituting condemnation proceedings at 7709 Takoma Avenue; setting a date for show cause hearing
Citizens' comments
Council action

(8) Second reading of an ordinance rescinding demolition order on 7309 Flower Ave.
Citizens' comments
Council action

(9) Second reading of an ordinance rescinding designation of 7142 Carroll Avenue as unfit for human habitation
Citizens' comments
Council action

(10) Ordinance accepting bid on four mobile transcievers for installation in police cruisers
Citizens' comments
Council action

(11) Ordinance accepting bid on air-operated tire changer for Public Works Dept.
Citizens' comments
Council action

ADJOURNMENT

NOTICES: February 4: Special meeting and public hearing on proposed dissolution of Operation Turnaround Board and reallocation of CDBG funds; followed by worksession.

February 11: Regular meeting and public hearing on petitions for speed humps on four streets: Roanoke, Holly, Sycamore and Baltimore.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
January 28, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott
Councilmember Aldrighetti
Councilmember Bradley
Councilmember Dalmat
Councilmember D'Ovidio
Councilmember Haney
Councilmember Iddings
Councilmember Williams

City Administrator Wilson
Asst. City Administrator Habada
Asst. Housing Director Austin

The Mayor and City Council of Takoma Park, Maryland, met on January 28, 1985, at 8:11 P.M., in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, approval of the Council Minutes of January 14, 1985, as published, was moved by Councilmember D'Ovidio, duly seconded, carried unanimously.

At the request of Mayor Abbott, a moment of silence was observed in honor of City resident Jim Richter, a talented young artist and active participant in local affairs, who recently passed away in Mexico where he was visiting.

Councilmember Haney reminded that the hearing on Senate Bill 138 (known as the Burning Tree Country Club Bill) would take place in Annapolis on February 1; said the Bill is being sponsored by Senator Decatur Trotter, co-sponsored by Senator Stewart Bainum, and would revoke certain tax privileges and benefits from private clubs and organizations who discriminate in their membership; urged interested persons to sign the petition favoring the Bill and attend the hearing.

Councilmember D'Ovidio referred to an important February 6 meeting of the Public Education Advisory Committee, originally formed to help the City monitor what is happening to the public schools; urged interested persons to attend the meeting.

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

Sue Wheaten, 7211 Spruce Avenue: Spoke concerning the introduction of Central American Solidarity and Assistance (CASA) into the City. Explained that the center, located in the Presbyterian Church and planning to open March 1, will provide humanitarian relief in a variety of forms to refugees from Central America now living in Montgomery County; stressed that the center is not for the purpose of providing sanctuary, takes no political position on the struggles occurring. Noted that many types of help are needed, particularly Spanish-speaking volunteers and transportation assistance. She suggested that the City declare itself a sanctuary for Central American refugees. Mayor Abbott commented on attending the fundraiser held at the Presbyterian Fellowship Hall at which over $1,200 was raised; said 7 area churches are supporting the organization; noted that an important service to be provided will be immigration legal services; praised Reverend Taylor and the congregation for providing space for the center.

Patrick Donnelly, 7002 Sycamore Avenue: Referred to his remarks at the January 14 meeting concerning a perceived inequity in municipal taxes between Prince George's and Montgomery County residents of the City; provided copies of a document from Montgomery County Finance Office (said they claim the City received $25,000 more than what is reflected in the City budget - a total of $575,000). Cited figures from the aforementioned document, only a portion of which were based upon assessed property values, and reiterated questions posed in the prior meeting concerning how City tax figures were arrived at; claimed the City confiscated P. G. residents' county tax rebate. The Mayor stated that further written explanation of the tax situation relative to the two portions of the City would be provided by the City Administrator in the near future, including addressal of the figures contained in the Montgomery County document provided, with the hope of clearing up any remaining questions on the subject.

Wayne Upton, 7600 Maple Avenue: Related arrangements he made through Mayor Abbott for Wallace Terry, son of the author of "Bloods" (an oral history of the Vietnam War by black veterans), to speak at Council's first observance of Black History Month on February 11 (7:30-8:30 P.M., prior to the regular Council Meeting) in the Council Chambers. The Mayor commented that there would be slides shown and appropriate musical selections provided in addition to the speaker.

Ron Albaugh, 7202 Central Avenue: Extended thanks on behalf of the Helping Hand Program to the Mayor, City Administrator, Daniel Neal, Belle Ziegler, Jim Jarboe of TPVFD, for their help in making the annual program a success. Said over 550 families, 150-175 of those living in the City, received assistance in the form of food and childrens' toys. The Mayor thanked Reverend Albaugh for his efforts, said a letter of commendation from the county had also been received and will be printed in the next Newsletter.

Ruth Abbott, 7308 Birch Avenue: Questioned the use of salt rather than sand on residential streets this winter during snow periods; wondered whether that is new policy. City Administrator Wilson stated the situation would have to be checked on; the City does not treat all the streets, salt may be coming from some other source. The Mayor noted that there was an extended discussion last year in which the consensus was that use of salt would be restricted due to its adverse effect on the ecology.

ITEMS FOR COUNCIL CONSIDERATION:

(1) **Administrative reports and correspondence.**

For the record, Mr. Wilson noted receipt of letters from Dr. and Mrs. Frank Hussong and William Jackson (the property owner) concerning the accessory apartment at 7503 Carroll Avenue. He referred to Corporation Counsel's memo concerning 657 Houston Avenue, Waggaman Brawner Case No. TP-171, which explains that Waggaman Brawner has petitioned the City in court for a hearing on their case on the grounds that a miscount was made of the number of days elapsed prior to their filing of an appeal in the case (a Sunday which should have been excluded was included), thus their appeal was filed timely. He noted that a resolution has been prepared and, if passed, will effect acceptance of the appeal and scheduling of a hearing. Councilmember D'Ovidio moved passage of the resolution, duly seconded by Councilmember Bradley, carried unanimously.

RESOLUTION 1985-2
(attached)

Mr. Wilson provided an update on the police radio situation; said application will be made to F.C.C. for the 488-495 MHz band; technical assistance in revising the Request for Proposals and filing the application is currently being examined; however, there is a possibility bids may have to be sought for this technical assistance due to the level of cost involved. As previously ordained, the current system has been refurbished with the exception of purchase of four transceivers requested by the police department in order to adequately equip all vehicles; this item is number 10 on the current agenda, and will complete work required on the old system. Noted that the 5-year F.C.C. license for present frequency assignments was recently received, as well as the mutual aid frequency assignment in the 450 band. In response to query, he stated it was hoped that the new systems would be in place by the end of the current fiscal year, barring having to go to bid on the technical assistance required, which would extend the process. Said feedback from police officers indicates that the old system is performing a bit better, however, requires continuing monitoring and maintenance. Councilmember Bradley commented on the prior consensus that administrative guidelines and a process were required to ensure proper maintenance and inventory of the police radio system; requested that item be addressed at the next worksession.

(2) **Second reading of proposed amendments to the Nuclear Free Zone Ordinance (amendments to Chapter 8A of the City Code).**

Councilmember Iddings moved adoption of the proposed amendments, duly seconded by Councilmember D'Ovidio; Councilmember Bradley requested that the motion be withdrawn and each amendment be considered sepa-

rately; Mr. Iddings did not concur; however, Ms. Bradley so moved, duly seconded by Councilmember Williams. Ms. Bradley's motion was defeated with she and Councilmember Williams voting Aye, balance of Council voting Nay. Mr. Iddings explained that he opposed addressing the amendments individually because they lose meaning unless considered in the context of the entire ordinance; said their purpose is to clean up existing weaknesses in the original version of the ordinance. They are a product of a committee appointed by Council last August which ultimately issued a lengthy, in-depth report; he summarized the process used by the committee in coming to their conclusions and recommendations, explained the various types of amendments and their purpose(s). Mayor Abbott pointed out that there was no opposition to the bulk of the proposed amendments, the only one generating controversy was the proposed waiver amendment, which is the one requiring discussion. He spoke in opposition to that proposal as being unnecessary, procurement problems could be dealt with as and when they arise; said had the waiver amendment been existent, the police radio situation would not have been addressed and solved as it was. Dialogue followed between the Mayor and various Councilmembers concerning whether or not a monetary savings to the City was effected by lack of a waiver amendment, thus forcing in-depth study and research into a viable solution to the radio situation.

Gail Fisher, 407 Tulip Avenue: Questioned how the proposed waiver procedure would work in the absence of a non-nuclear-related supplier of an item vital to the City; Councilmember Iddings read and explained the pertinent section {8A-6.(f)}.

Albert Donnay, Director of Nuclear Free America, Baltimore: Thanked Council for their efforts and reminded that Takoma Park's ordinance is an important model for other communities around the country; favored all the proposed amendments with the exception of the waiver, and did not think they should be considered to be inextricably linked nor voted upon as a package. He pointed out that the waiver amendment proposed would not be restricted only to those instances wherein a non-nuclear-related supplier was unavailable, cost and other factors are also involved; said enactment of this amendment would be not only a step backward, but also a mistake.

Councilmember Haney expressed support for the waiver amendment, thought it would strengthen the ordinance, make it a more realistic model for other communities. Councilmember Bradley expressed support for all the amendments with the exception of the waiver provision; did not think there was any demonstrated need for the provision, nor would it be of value in responding to a true emergency situation threatening health or safety. Councilmember Williams expressed agreement with Ms. Bradley, did not support the waiver amendment; did not think those Councilmembers supporting that particular amendment were being sensitive to the wishes of the citizens.

Mike Davidson, Edinburgh House Tenants' Association: Indicated that the proposed waiver amendment is nothing more than a poorly-disguised attempt to weaken the ordinance; said residents of Maple Avenue are emphatically opposed to that amendment.

Jerry Ainsfield, 509 New York Avenue: Spoke in strong opposition to the waiver amendment both personally and on behalf of "The Returned Peace Corps Volunteers Against Nuclear Power;" saw absolutely no need for it; commented concerning the principles involved.

Patrick Donnelly, 7002 Sycamore Avenue: Stated that many cities have been emotionally swayed, enacted nuclear free ordinances and subsequently regretted so doing due to difficulties experienced thereafter in maintaining smooth function of the government; cited the police radio situation in the City as an example. Supported all the proposed amendments.

Stephanie Ericson, 6833-B Eastern Avenue: Opposed the waiver amendment; said the issue appears to be political, rather than one of health and safety of the citizens of the City; thought the amendments should be considered separately, particularly in light controversy surrounding the waiver amendment.

Rudy Arredondo, 7105 Woodland Avenue: Expressed disappointment in what he perceived as an attempt by Council to railroad the amendments through as a package; said the waiver is a copout, would make the ordinance mediocre.

Mary Metuey, 126 Lee Avenue: Expressed lack of support for the proposed waiver amendment on the basis that the risk of weakening the ordinance was not justifiable.

Dean Hoge, 7314 Holly Avenue: Thought the issue was primarily political rather than practical; suggested delaying any vote for a specified time such as one year to allow practical problems, if they exist, to surface. Said if no practical problems in fact exist, the true debate is probably whether or not to repeal the ordinance.

Anne DeNovo, attorney: Expressed opposition to the waiver amendment; said it appears to be a loophole in the law and those tend to be exploited by people other than those they were designed to protect or provide for; this particular one would most likely be exploited by nuclear manufacturers or suppliers who would be encouraged to underbid in dealing with the City; thought adoption of the waiver amendment would be an indication to other communities that it is impossible to live and function in a nuclear-free society, that nuclear society is a fact of life; hoped Council would seriously consider the broad-based opposition expressed by citizens.

Bob Teague, Flower Avenue, Member of Nuclear Freeze Task Force: Spoke concerning the intent and purpose of the original ordinance; said the bulk of the proposed amendments strengthen and improve upon it, however, the waiver amendment weakens it by making it easier and more likely that the original intent and purposes will not be carried out; cost should not be an acceptable reason for waiving the ordinance. Commented that the waiver amendment makes no provision for a situation in which no non-nuclear producer exists for an item; urged Council to vote against it. Encouraged a one-year moratorium on any changes in the ordinance to allow for additional study of its impact, and development of appropriate administrative procedures to effectively deal with impasse situations without changing the ordinance.

Councilmember Aldrighetti remarked that Mr. Teague voiced many thoughts that had occurred to him also; noted the obligation of city government to consider the taxpayer in regard to procurement costs - quantifiable substantial additional cost must be considered, and that statement should be made; thought that overall, the bulk of the proposed amendments strengthen the ordinance.

Amy Wing, 515 E. Capitol Street, Wash., D.C.: Commended the City's commitment not to do business with nuclear-related firms; felt the waiver amendment would undermine that number one priority.

Steven DelGuidice, 1308 Elson Place: Remarked on serving on the committee that compiled the amendments and being one of the members who supported the waiver amendment. Pointed out that Council has the inherent power to waive the ordinance, however, the amendment would provide criteria and a process to govern that situation rather than permitting it to occur on an ad hoc basis. Concerning the practical problems which exist, he recounted a lengthy list of firms which if not directly nuclear-related probably are indirectly as subsidiaries of parent companies; encouraged concerned citizens to volunteer as members of the City's task force committee who will study the situation, identify alternate sources, assist in implementation, and attempt to ensure that the waiver is not invoked lightly in the future. Councilmember Bradley noted that various groups have compiled lists of non-nuclear-related suppliers, stressed the need for coordination in the effort to comply with the ordinance.

Philip Boyer, Member of Takoma Park Nuclear Freeze Task Force: Commented that the task force would gladly participate in the effort to identify non-nuclear-related suppliers; thought Nuclear Free America would have a lot of helpful information; said the waiver amendment leaves a legal loophole, is somewhat vague and ambiguous as drafted; suggested development of administrative procedures to better deal with problems encountered in procurement; noted the need to

define "quantifiable substantial additional costs" as used in Section 8A-6.(f)(2)(E) of the proposed amendments.

Joan Jacobs, 7428 Carroll Avenue: Commented on the militarism in our society, the amount of taxpayers' money that goes for military purposes; urged Council to keep the City's ordinance intact, not to amend; supported a one year moritorium on any changes. Thought, if necessary, the City should spend more in order to avoid buying from nuclear-related suppliers.

Gail Fisher, 407 Tulip Avenue: Agreed with comments made by the prior speaker; supported the proposed one year moritorium on amendments.

Ava Sanders, Carroll Avenue: Thought Councilmembers had made their decisions on the issue prior to the meeting and the discussion would have little impact; noted that citizens speaking had unanimously voiced their opposition to the waiver amendment and that the amendments should be considered separately, rather than as a package.

Wayne Upton, 7600 Maple Avenue: Urged Council to heed those people speaking against the waiver amendment, to vote against that amendment and against weakening the ordinance.

Barbara Davidson, 53 Philadelphia Avenue: As a member of the All Peoples' Congress, stated that organization opposes the waiver amendment; pointed out that not only middle and upper income residents, but low income residents as well, support paying more, if necessary, to buy from non-nuclear suppliers.

Ruth Abbott, 7308 Birch Avenue: Stated that both Councilmembers Iddings and D'Ovidio had passed out flyers prior to the present meeting expressing their positions, indicating they had made their minds up as observed by a prior speaker; said they should have listened to citizens' comments prior to assuming a final position on the issue. Councilmember D'Ovidio stated he wanted to advise his constituents of his position so they could contact him and express their opinion(s) if they were not in agreement; said no opposition was encountered when he outlined his position to the North Takoma Citizens' Association, one phone call opposing and three supporting his position were received. Mrs. Abbott stated she hoped all Councilmembers would vote in the best interests of the City and according to their conscience(s), rather than based upon any political issues or alliances.

Ken Kusterer: Stated that the waiver amendment, if passed, will convey the message that the original ordinance was unworkable as written; hoped if Council would not oppose that amendment, that they would table the issue for a one year period.

Devora Slavin, 8205-B Roanoke Avenue: Opposed voting on the proposed amendments as a package, said the committee formulating them did not intend that to happen, particularly in view of the Committee's 3-3 split vote on the waiver amendment. Said citizens have a right to know how Councilmembers vote on the waiver amendment. The Mayor commented on the fact that no series of amendments to an ordinance had ever been passed as a package without first being voted upon individually.

Ron Albaugh: Opposed the waiver amendment; said there is not one iota of data to support need for a change in the ordinance, the ordinance has functioned adequately without any waiver for a year. He was astonished and saddened that a motion was made to consider the amendments as a package, trusted that would not occur; supported a one year tabling of the waiver amendment.

Councilmember D'Ovidio withdrew his second to Mr. Iddings' prior motion and asked that Mr. Iddings move voting on each amendment individually; Mr. Iddings agreed.

Jay Levy, 7431 Baltimore Avenue: Strongly urged that Council declare a one year moritorium; said he did not receive the flyer mentioned earlier, however, commented Mr. D'Ovidio had been clearly advised of Ward 1 citizens' opinions on the issue at a meeting on Holly Avenue; felt that the presentation of the waiver amendment as a "safety valve"

and "good public policy" (in the flyer) was a gross misrepresentation.

The Mayor commented that in light of withdrawal of the motion to consider all the amendments as a package, each amendment would be considered and voted upon separately as has been past procedure. Councilmember Bradley moved striking Sections 8A-6.(f) and 8A-12.(c)(6), and that Mayor and Council instruct staff to proceed to report on the practicality problems of the ordinance in one year's time; no second offered. The Mayor moved imposition of a one year moritorium on any amendments to the ordinance, duly seconded by Councilmember Bradley. Councilmember D'Ovidio stated it would be inappropriate to ignore the committee report recommending the bulk of the proposed amendments; supported the amendments. Councilmember Aldrighetti stated he did not support a further delay, felt it was incumbent on Council to vote on the issue; Councilmember Dalmat agreed. Councilmember Haney did not support the motion; said adequate opportunity had been afforded for everyone to express their views, thorough discussion had occurred, could not support a further delay. Councilmember Iddings opposed the motion; said there are good reasons for proceeding with adopting the proposed amendments other than the controversial waiver provision. The Mayor spoke at length; pointed out that there is no way of guaranteeing what action future legislators may take concerning any ordinance, other than building support among the populus; commented on the part economic factors play in political positions and decisions. The Mayor reiterated his motion that a one year moritorium be imposed upon any amendments to the ordinance. Councilmember Bradley moved that a one year moritorium be imposed upon the waiver amendment {Sections 8A-6.(f) and 8A-12.(c)(6)}, duly seconded by Councilmember Williams. The Mayor reminded the consensus was that the amendments would be acted upon individually, by section.

The proposed amendments were considered and acted upon by section, as follows:

Sec. 8A-4. Prohibition of nuclear weapons. Adoption was moved by Councilmember Iddings, duly seconded by Councilmember D'Ovidio; carried by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None.

Sec. 8A-5. Investment of City funds. Adoption was moved by Councilmember Iddings, duly seconded by Councilmember Bradley; carried by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None.

Sec. 8A-6. Eligibility for City contracts. Councilmember Iddings amended his motion moving adoption of Sec. (a) to include Sections (a) through (e), duly seconded by Councilmember D'Ovidio. Councilmember Bradley offered an amendment to Sec. (c), duly seconded by Councilmember Haney, which would strike the words engaged in the production of and add "producer" as the last word in that section; amendment was accepted by the maker and seconder of the motion, which carried by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None.

Councilmember Bradley moved establishment of a one year moritorium on Sections 8A-6.(f) and 8A-12.(c)(6), duly seconded by Councilmember Williams. The motion was defeated through a roll call vote as follows: AYE: Councilmembers Bradley and Williams; NAY: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, and Iddings.

Mayor Abbott announced he was unable to continue to function; turned the chair of the meeting over to Mayor Pro-Tem D'Ovidio. Councilmember Iddings had at an earlier point moved adoption of Sec. 8A-6.(f); that motion was now duly seconded. Following lengthy dialogue concerning the rationale for the waiver provision and possible alternatives, an unidentified citizen urged that Council end their discussion and proceed with a vote on the issue. The roll call vote was recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, and Iddings; NAY: Councilmembers Bradley and Williams.

Sec. 8A-7. Exclusions. Councilmember Iddings moved adoption, duly seconded by Councilmember Dalmat, carried, with roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None.

Sec. 8A-9. Definitions. Adoption was moved by Councilmember Dalmat, duly seconded by Councilmember Iddings, carried, with roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None.

Sec. 8A-12. Nuclear Free Takoma Park Committee. Councilmember Iddings moved adoption, duly seconded by Councilmember Dalmat. Councilmember Bradley commented she would be abstaining from voting on this section; however, did support Sections (a) through (c)(5); felt the committee would be the strength of the ordinance and that strength could have been used to solve any problems which the waiver provision is alleged to address. The section was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None; ABSTAINED: Councilmember Bradley.

ORDINANCE #1985-4
(attached)

(3) **First reading of an ordinance designating 7300 block of Baltimore Avenue (from Takoma Avenue thru 7324 and 7329) as a part of Parking Permit Area #1A (Special Impact Area).**

Ellen Brown, 7310 Baltimore Avenue: Explained that the parking problems arise due to people from other sections of permit parking area #1 driving to her neighborhood and parking all day due to its proximity to the Metro station.

Nancy Cohen, 7305 Baltimore Avenue: Commented this was the first council meeting she had attended, was here in support of the special impact area; was appalled and disturbed by the behavior displayed, the lack of courtesy; said they do not generate respect for City government.

In response to comments concerning lack of notification to residents of first reading of this item, the Mayor Pro-Tem assured that notification addressed to "Resident" would again be made to all affected residents prior to second reading on February 11.

John Schwab, 7307 Baltimore Avenue: Reiterated that the intent of resident only parking is being violated by other residents of the permit parking area who do not wish to walk a bit further to get to the Metro station.

The proposed ordinance was unanimously accepted for first reading.

PROPOSED ORDINANCE
(attached)

(4) **Appointments to Commission on Landlord-Tenant Affairs.** Councilmember Aldrighetti commented that persons interviewed but not appointed should be approached concerning serving on other committees; also stressed that copies of the law should be provided to COLTA applicants prior to their coming in for interviews. Appointment of Armentha Cruise (General Public Representative), Dennis Seekins (Landlord Representative), and Juanita Nunn (Alternate Tenant Representative) was moved by Councilmember Aldrighetti, duly seconded by Councilmember Haney, carried with Councilmembers Bradley and Williams Excused, Councilmember Iddings Abstaining, balance of Council voting Aye. Councilmember Iddings explained that he abstained due to being unable to attend interviews.

(5) **Special Exception S-1011, to permit the use of an existing apartment as an accessory apartment at 7503 Carroll Avenue.** Asst. Housing Director Austin summarized the situation; said 21 surveys were mailed to neighbors (4 supporting responses have been received, 17 no responses); inspection has revealed no violations of the Housing Code; staff's recommendation is that no objection be made to granting of the Special Exception.

Alan Tetervin, 7505 Carroll Avenue: Had understood that it would be recommended that the Special Exception be denied based on a survey of accessory apartment applications to be done by Housing in the neighborhood; referred to research he did personally and a letter sent to the Mayor and Council; said 7 of the 10 Special Exceptions granted are

located on Carroll Avenue in close proximity to each other. Said 7503 Carroll does not conform to county requirements for the Special Exception; was very concerned about the concentration on Carroll Avenue.

William Jackson, Owner of 7503 Carroll Avenue: Said there seems to be a problem with defining "density" - the county does not presently have a standard for defining it, they observe other factors such as whether there is sufficient parking; said in his research he had only identified 5 accessory apartments on Carroll Avenue within a 6 block area (3 approved, 2 pending, including his); urged that Council not object to his application based on density, but if that is felt to be a problem, formulate a policy addressing it which the county might find useful. He stated it was his understanding that his hearing was postponed by the county originally because a sign was unavailable to post the property, otherwise his hearing might have been scheduled at an earlier date prior to others which have been approved.
Mayor Pro-Tem D'Ovidio commented that Council is concerned about density and a couple of options have been discussed, including asking the county to formulate a policy dealing with the issue and/or the City adopting a policy which would be used in deciding their position on accessory apartment applications.

Frances Rick, Rockville: Stated she is a frequent visitor next door to 7503 Carroll Avenue; noted that the entrance to the apartment opens directly onto the shared driveway, could be a safety hazard for the occupant; commented that the owner, Mr. Jackson, is never at home.

Councilmember Bradley raised the question of what would happen to the tenant currently occupying the apartment if the Special Exception were denied; response was that the apartment could be occupied until phaseout in 1988. In response to query, Mr. Iddings stated that "density" should be clearly defined by the Board of Appeals, that is a part of their responsibility; agreed that there might be some inequity in the order of consideration of the applications, particularly if lack of an available sign to post the property was a factor. He moved expressing a position of opposition to the Special Exception because it results in an over-concentration of accessory apartments and other non-conforming uses in the immediate neighborhood, sending a letter to the Board of Appeals requesting that they address the sign problem (applications should not be accepted if signs are not available), requesting that they respond to the density issue, and also define "neighborhood," so that the City has guidance in formulating a position; motion duly seconded. Councilmember Aldrighetti commented he felt Council should define "density" and attempt to get the Board of Appeals to either accept or reject that definition; Councilmembers D'Ovidio and Iddings expressed agreement. Mr. Jackson stated that the issue of equity should be addressed also in light of other applications approved to which no objection was expressed. Councilmember Dalmat commented that concern about density/concentration has been voiced in letters numerous times to the county but no response has been received from them. Councilmember Bradley agreed Council should discuss and define, for themselves, density; did feel, however, it would be unfair not to act upon the case at hand for lack of a city or county policy; she did feel the entrance onto the driveway presented a problem in terms of safety and appearance which must be addressed. Councilmember Aldrighetti commented that it should be conveyed to the county that the City has not been receiving the accessory apartment applications for comment in the order in which they were filed; Councilmember Bradley stated she was not sure major decisions should be based on "first come, first served."

Patricia Vleusich, 717 Sligo Creek Parkway, Real Estate Agent: Spoke of having recently rented a 3-unit building at 7519 Carroll Avenue; noted that density pertains not only to number of apartments, but also to the number of persons permitted to occupy units; commented unfavorably on the 14' shared driveway at 7503 Carroll Avenue and related safety factors; remarked on the number of multi-unit properties concentrated in that block, density seems to be mounting, and said that factor has altered the character of the neighborhood; zoning must be considered in decisions on use of any property. She stated that in her work throughout the county, nowhere had she seen as many signs concentrated in a one block area posting pending Special Exceptions

for accessory apartments as in that one block of Carroll Avenue. Mr. Jackson expressed a willingness to work with the other property owner sharing the driveway to improve conditions and also consider devising an entryway to the apartment other than from the driveway. Mr. Tetervin spoke emphatically concerning the safety hazard to anyone using the present entryway to the subject apartment. Mr. D'Ovidio stated that the driveway situation is not covered by the county ordinance, but the issue can be raised in the City's letter to the Board of Appeals. Mr. Iddings restated his motion: that a position of opposition be expressed based on the issue of density, that granting of the Special Exception would continue a concentration of accessory apartments and other non-conforming multi-family uses that have affected the character of the neighborhood; the letter will also express the following points: 1) Council would have no objection to the accessory apartment, per se, except for the entrance; 2) concern about equity of the process if signs are unavailable to post properties; 3) a specific request that the Board of Appeals address the issue of density. The motion carried with Councilmember Bradley voting Nay, Councilmember Williams Excused, balance of Council voting Aye. Mr. D'Ovidio stated that the issue of density will be considered at the next worksession. Councilmember Dalmat requested that an additional color representing multi-family absentee landlord properties be added to the map provided earlier by Housing. Asst. Housing Director Austin was requested to attend the Board of Appeals hearing on the Special Exception on February 7.

(6) <u>Special Exception S-1032, to permit the use of an existing apartment as an accessory apartment at 7421 Carroll Avenue.</u>
Asst. Housing Director Austin explained that the property owner was notified of this item being on the agenda, 14 neighborhood surveys were mailed out and no responses received; several Housing Code violations require correction; the apartment is located on the ground floor; staff's recommendation is that if repairs are accomplished, no objection be made to granting of the Special Exception. Councilmember Iddings commented he would not vote due to the property owner being a personal friend. Councilmember Dalmat moved expressing objection for the same reasons expressed in the previous item (aside from the driveway), duly seconded by Councilmember Aldrighetti; carried with Councilmembers Aldrighetti, Dalmat, D'Ovidio, and Haney voting Aye, Councilmember Iddings Abstaining, and Councilmembers Bradley and Williams Excused.

Councilmember Iddings moved that the remaining items (7 through 11) be adopted by consensus, duly seconded, carried unanimously (Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney and Iddings voting; Councilmembers Bradley and Williams Excused). For the record, Mr. D'Ovidio commented that North Takoma Citizens' Association had expressed support for item 7; Mr. Wilson stated a letter went out to the property owner on January 18 advising of the date of the show cause hearing, no response has been received.

(7) <u>Second reading of an ordinance reinstituting condemnation proceedings at 7709 Takoma Avenue; setting a date for show cause hearing.</u>

<u>ORDINANCE #1985-5</u>
(attached)

(8) <u>Second reading of an ordinance rescinding demolition order on 7309 Flower Avenue.</u>

<u>ORDINANCE #1985-6</u>
(attached)

(9) <u>Second reading of an ordinance rescinding desination of 7142 Carroll Avenue as unfit for human habitation.</u>

<u>ORDINANCE #1985-7</u>
(attached)

(10) <u>Ordinance accepting bid on four mobile transceivers for installation in police cruisers.</u>

<u>ORDINANCE #1985-8</u>
(attached)

(11) Ordinance accepting bid on air-operated tire changer for Public Works Department.

ORDINANCE #1985-9
(attached)

Upon motion, duly seconded, the meeting adjourned at 12:31 A.M., to reconvene in Special Session on February 4, 1985, at 7:30 P.M.

RESOLUTION 1985-2

WHEREAS, the Mayor and Council of the City of Takoma Park, Maryland, having considered the reasons set forth in Waggaman-Brawner Realty Corporation's motion for reconsideration of the "Finding of Facts, Conclusions of Law and Order", in the City's Commission of Landlord-Tenant Affairs Case No. TP-171, concerning 657 Houston Avenue, Tuscan Apartments, hereby vacate their prior decision denying Waggaman-Brawner's appeal as untimely.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council do hereby order that the appeal be scheduled for a hearing as soon as it is practical.

JANUARY 28, 1985

Introduced by:
Councilmember Iddings

1st reading: 12-10-84
2nd reading: 1-28-85

ORDINANCE NO. 1985-4

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

SECTION 1. THAT Chapter 8A, "Nuclear Free Zone," of the Code of Takoma Park, Md., 1972, as amended, be further amended by the repeal and re-enactment of Secs. 8A-4, 8A-5, 8A-6, 8A-7, 8A-9, and by the addition of a new section, 8A-12 entitled "Nuclear Free Takoma Park Committee," as set forth below:

Sec. 8A-4. Prohibition of nuclear weapons.

(a) The production of nuclear weapons shall not be allowed in the City of Takoma Park. No facility, equipment, components, supplies, or substance used for the production of nuclear weapons shall be allowed in the City of Takoma Park.

(b) No person, corporation, university, laboratory, institution, or other entity in the City of Takoma Park knowingly and intentionally engaged in the production of nuclear weapons shall commence any such work within the City after adoption of this ordinance.

Sec. 8A-5. Investment of City funds.

(a) The City Administrator in conjunction with the Nuclear Free Takoma Park Committee shall propose within six months of the Committee's creation 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. The proposed policy and plan shall be presented to the Mayor and Council who shall conduct a public hearing on the policy and plan before considering it for adoption.

Sec. 8A-6. Eligibility for City contracts.

(a) The City of Takoma Park and its officials, employees, or agents shall not knowingly and intentionally grant any award, contract, or purchase order, directly or indirectly, to any nuclear weapons producer.

(b) The City of Takoma Park and its officials, employees, or agents shall not knowingly and intentionally grant any award, contract, or purchase order, directly or indirectly, to purchase products produced by a nuclear weapons producer.

(c) The recipient of a City contract, award, or purchase order shall certify to the City Clerk by a notarized statement that it is not knowingly or intentionally a nuclear weapons producer.

(d) The City of Takoma Park shall phase out the use of any products of a nuclear weapons producer which it presently owns or possesses. For the purpose of maintaining an otherwise prohibited product during its normal useful life, Sections 8A-6(a) and (b) above shall be advisory rather than prohibitive.

(e) The City Council upon advice of the Nuclear Free Takoma Park Committee shall within six months of its appointment and annually thereafter establish and publish a list of nuclear weapons producers to guide the City, its officials, employees, and agents in the implementation of Subsections 8A-6(a), (b), and (c) above. Said list shall not preclude application or enforcement of these provisions to or against any other nuclear weapons producer.

(f) (1) The provisions of subsections 8A-6(a) and (b) above may be waived by the City Council only if the City Administrator in conjunction with the Nuclear Free Takoma Park Committee advises after diligent search that a necessary good or service cannot reasonably be obtained from any source other than a nuclear weapons producer and only after public hearing.

(2) The reasonableness of an alternative source shall be determined upon the consideration of the following factors:

(A) the intent and purpose of this Act;
(B) documented evidence establishing that the necessary good or service is vital to the health or safety of the residents or employees of the City, with the understanding that the absence of said evidence shall diminish the necessity for waiver;
(C) the recommendations of the City Administrator and the Nuclear Free Takoma Park Committee;
(D) the availability of goods or services from a non-nuclear weapons producer reasonably meeting the specification or requirements of the necessary good or service; and
(E) quantifiable substantial additional costs that would result from the use of a good or service of a non-nuclear weapons producer, provided that this factor shall not become the sole consideration.

Sec. 8A-7. Exclusions.

(a) 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 purpose is unrelated to the production of nuclear weapons. 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.

Sec. 8A-9. Definitions.

(a) Nuclear weapon. A nuclear weapon is any device the sole purpose of which is the destruction of human life and property by an explosion resulting from the energy released by fission or fusion reaction involving atomic nuclei.

(b) Component of nuclear weapon. A component of a nuclear weapon is any device, radioactive substance, or non-radioactive substance designed knowingly and intentionally to contribute to the operation, launch, guidance, delivery, and detonation of a nuclear weapon.

(c) The production of nuclear weapons. The production of nuclear weapons includes the knowing or intentional research, design, development, testing, manufacture, evaluation, maintenance, storage, transportation, or disposal of nuclear weapons or their components.

(d) Nuclear weapons producer. A nuclear weapons producer is any person, firm, corporation, institution, facility, parent or subsidiary thereof, or agency of the federal government engaged in the production of nuclear weapons or their components.

Sec. 8A-12. Nuclear Free Takoma Park Committee.

(a) Within sixty days of the effective date of this ordinance, the Mayor shall appoint with the approval of the City Council a non-partisan Nuclear Free Takoma Park Committee to oversee implementation of and adherence to this Act. The Committee shall consist of seven Takoma Park residents, with staffing to be provided by the City Administrator. Committee members shall have collective experience in the areas of science, research, finance, law, peace, and ethics.

(b) Residents appointed to the Committee shall serve two year terms, except that three of the initial appointees as designated by the Mayor and Council shall serve one year terms. The Committee shall appoint its own chair and establish its own by-laws, both subject to approval by the Mayor and Council.

(c) The Committee shall have the following duties and responsibilities:

(1) The Committee may review any work within the City which it has reason to believe is not in compliance with Sec.8A-4 of this Act. The Committee shall inform appropriate legal authorities of suspected violation of this Act.

(2) The Committee shall review existing City contracts, awards, purchase orders and investments, and may review proposed contracts, awards, purchase orders and investments to assure compliance with Secs. 8A-5 and 8A-6 of this Act. If the Committee finds any contracts, awards, purchase orders, or investments in violation of this Act, it shall in conjunction with the City Administrator make recommendations to the Mayor and Council regarding the existence of reasonable alternatives.

(3) The Committee in conjunction with the City Administrator shall propose a socially responsible investment policy and implementation plan as specified in Sec. 8A-5 above, and upon the adoption of the policy and plan, shall annually thereafter review said investment policy to ensure its conformity to this Act.

(4) The Committee shall through the collection of materials, Newsletter articles, cable television programming, public forums, and other means provide public education and information on issues related to the intent and purpose of this Act. In performing this task, the Committee shall cooperate with city staff, the Nuclear Freeze Task Force, and other interested community groups and individuals.

(5) The Committee shall maintain a collection of current materials concerning the production of nuclear weapons and the components thereof. From this information and from consultations with individuals and organizations involved in the nuclear weapons debate, the Committee shall annually prepare and report to the City Council a list of nuclear weapons producers to guide the City, its officials, staff and agents in the implementation of Secs. 8A-5 and 8A-6 of this Act.

(6) Before a waiver of the provisions of Subsections 8A-6(a), (b), or (c) above pursuant to Subsection 8A-6(e) above may be sought, the Committee in conjunction with the Administrator shall conduct a diligent search to determine the availability of reasonable alternative sources for a necessary produce or service.

SECTION 2. THAT this ordinance shall become effective upon adoption after second reading.

ADOPTED BY ROLL CALL VOTE BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND ON JANUARY 28, 1985, WITH A VOTE TAKEN ON EACH SECTION AND RECORDED AS FOLLOWS: SECS. 8A-4, 8A-5, 8A-6(a) THROUGH (e), 8A-7, 8A-8, AND 8A-9: AYE: COUNCILMEMBERS ALDRIGHETTI, BRADLEY, DALMAT, D'OVIDIO, HANEY, IDDINGS AND WILLIAMS; NAY: NONE: EXCUSED: NONE. SEC. 8A-6(f): AYE: COUNCILMEMBERS ALDRIGHETTI, DALMAT, D'OVIDIO, HANEY AND IDDINGS; NAY: COUNCILMEMBERS BRADLEY AND WILLIAMS. SEC. 8A-12: AYE: COUNCILMEMBERS ALDRIGHETTI, DALMAT, D'OVIDIO, HANEY, IDDINGS AND WILLIAMS; NAY: NONE; ABSTAIN: COUNCILMEMBER BRADLEY.

Introduced by:
Councilmember D'Ovidio

First reading: 1-28-85

ORDINANCE NO. 1985-

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

SECTION 1. THAT residents of the 7300 block of Baltimore Avenue have petitioned the Mayor and Council to include that block in the Special Impact Area, Parking Permit Area #1A; AND

SECTION 2. THAT the petition meets the criteria set forth in Ordinance No. 2549 which established the Special Impact Area.

SECTION 3. THEREFORE THAT Ordinance No. 2549, adopted February 9, 1981, be amended by the addition of a new section (b), under Sec. E. Special Impact Area: Parking Permit Area #1A, to read as follows:

(2) That a Special Impact Area, Parking Permit Area #1A, is hereby established and, except where otherwise designated, parking on the following streets shall be restricted to vehicles displaying a proper Special Impact Area permit between the hours of 8:00 AM to 5:00 PM, Monday through Friday:

(a) Takoma Avenue, between Piney Branch Road and Baltimore Avenue;

(b) Baltimore Avenue, from its intersection with Takoma Avenue through 7324 and 7329 Baltimore; AND

SECTION 4. THAT this ordinance shall become effective upon adoption and the issuance of the required permits; AND

SECTION 5. THAT the penalty for violation of this ordinance shall be as stated in Sec . 13.63.1(i), Code of Takoma Park, Md., 1972, as amended

Note: Underscoring denotes addition.

Introduced by:
Councilmember D'Ovidio

First reading: 1-14-85
Second reading: 1-28-85

ORDINANCE NO. 1985-5

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

SECTION 1. THAT whereas it has been reported to the Mayor and Council by the City Administrator and the Fire Marshal of the City that the building named in Section 2 below is unfit for human habitation and is in such condition as to constitute an immediate and present danger to life, property and public safety; AND

SECTION 2. THAT the building described in Section 1, above, is located at 7709 Takoma Avenue, on Lot 8, Block 73, Takoma Park Loan and Trust Co. Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 588 at Folio 131, and Tax Record A/C #1069112, Edith L. Latham, owner of record; AND

SECTION 3. THAT the building referred to in Sections 1 and 2, above, is presently in violation of the Fire Safety Code of the City of Takoma Park, and in violation of the following sections of the Housing Code: Sections PM-302.3; PM-302.3.3; PM-302.3.4; PM-302.8.2; PM-302.3.6; PM-301.3; PM-301.9; PM-302.4; PM-302.3.1 and PM-506.1; AND

SECTION 4. THAT certain members of the City staff have inspected the building referred to above and have verified the conditions to be as reported.

SECTION 5. THEREFORE THAT the Mayor and Council hereby designate the building located at 7709 Takoma Avenue as unfit for human habitation and hereby authorize that legal proceedings be instituted under authority of Article 6, Chapter 6, Code of Takoma Park, Md., 1972, as amended, and the Fire Prevention Code, known as Chapter 5, of the Code of Takoma Park; AND

SECTION 6. THAT the date of February 25, 1985, at 8:00 PM, in the Council Chamber of 7500 Maple Avenue, Takoma Park, Maryland, has been set as the time and the place for a hearing as to the condition of the aforenamed building, and Edith L. Latham shall on that date, or before, show cause as to why the building at 7709 Takoma Avenue should not be declared a nuisance; AND

SECTION 7. THAT the City Clerk is hereby instructed to give notice within ten days of adoption of this ordinance to all persons known to be involved in these proceedings, in accordance with the provisions of Article 6, Chapter 6 of the City Code.

ADOPTED BY THE CITY COUNCIL OF TAKOMA PARK, MD. ON JANUARY 28, 1985.

Introduced by:

First reading: 1-14-85
Second reading: 1-28-85

ORDINANCE NO. 1985-6

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

SECTION 1. THAT on October 11, 1983, the Mayor and Council adopted Ordinance No. 2694, setting a date for a show cause hearing as to why the structure located at 7309 Flower Avenue should not be declared a nuisance, said structure having been deemed as unfit for human habitation; AND

SECTION 2. THAT the said hearing was held on November 14, 1983; AND

SECTION 3. THAT on December 12, 1983, the Mayor and Council passed Ordinance No. 2704, declaring the structure at the above address to be a nuisance and ordering abatement of all housing and fire code violations and restoration of the building to a habitable condition, or demolition, within ninety days; AND

SECTION 4. THAT subsequently the owner of the property complied with all the terms of Ordinance No. 2704.

SECTION 5. THEREFORE THAT the Mayor and Council hereby rescind the demolition order contained in Ordinance No. 2704 and instruct the City Clerk to so notify the present owner of the property by certified copy of this ordinance.

ADOPTED BY THE CITY COUNCIL JANUARY 28, 1985.

Introduced by:

First reading: 1-14-85
Second reading: 1-28-85

ORDINANCE NO. 1985-7

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

SECTION 1. THAT on October 11, 1983, the Mayor and Council adopted Ordinance No. 2693, declaring the structure located at 7142 Carroll Avenue to be unfit for human habitation and setting the date of November 14, 1983, for a show cause hearing as to why the property should not be declared a nuisance; AND

SECTION 2. THAT the hearing was held at the scheduled time; AND

SECTION 3. THAT on November 28, 1983, the Mayor and Council accepted for first reading an ordinance declaring the structure named above to be a nuisance and ordering abatement of all housing and fire code violations, or demolition of the structure, within 90 days of passage of the ordinance; AND

SECTION 4. THAT on December 12, 1983, by motion duly passed, the Mayor and Council deferred final action on the ordinance cited in Section 3, above, pending finalization of a pending sale of the property; AND

SECTION 5. THAT on January 9, 1984, the Mayor and Council temporarily stayed further action following a report by the Acting City Administrator that the new owner had commenced rehabilitating the structure; AND

SECTION 6. THAT subsequently the owner corrected all code violations enumerated in Ordinance No. 2693.

SECTION 7. THEREFORE THAT the Mayor and Council hereby rescind the designation of 7142 Carroll Avenue as unfit for human habitation and confirm that the property is eligible for registration of three rental units, and instruct the City Clerk to so notify the present owner by certified copy of this ordinance.

ADOPTED BY THE CITY COUNCIL JANUARY 28, 1985.

Introduced by:

ORDINANCE NO. 1985-8

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

SECTION 1. THAT Ordinance No. 2735, adopted on October 9, 1985, transferred $6,000 from the General Contingency Fund to the Police Department Radio Service Account for the purpose of upgrading and maintaining the present communications system until such time that an appropriate new system can be purchased; AND

SECTION 2. THAT toward this end, bids were solicited from qualified dealers and advertised twice in two weekly newspapers of local circulation for four mobile transceivers to operate within the Department's present VHF low band simplex communications system; AND

SECTION 3. THAT the bids were publicly opened at 2:00 PM, January 9, 1984, with five bids having been received, all meeting specification requirements; AND

SECTION 4. THAT the Police Department has recommended that the bid of Aerotron, Inc. be accepted.

SECTION 5. THEREFORE THAT the bid of Aerotron, Inc., Raleigh, North Carolina, for four (4) Model ESM7CCF2S Aerotron Concept mobile transceiver radios, 30 watt, VHS low band, 2 channel active, including antennae (Model ASP730), installation, and 12 months' local warranty maintenance service, in the amount of $2,336.00 is hereby accepted.

SECTION 6. FURTHER THAT Aerotron, Inc. has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND

SECTION 7. THAT funds to cover this purchase in the amount of TWO THOUSAND, THREE HUNDRED THIRTY-SIX DOLLARS ($2,336.00) be charged to the Police Radio Service Account, #644.

ADOPTED BY THE CITY COUNCIL JANUARY 28, 1985.

Introduced by:

ORDINANCE NO. 1985-9

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

SECTION 1. THAT the Fiscal Year 1984-85 City Budget set aside $1450.00 for the purchase of an air-operated tire changer for use in the Public Works Department; AND

SECTION 2. THAT bids were solicited from qualified dealers and advertised twice in two weekly newspapers of local circulation; AND

SECTION 3. THAT the bids were publicly opened at 3:00 PM, January 14, 1985, with the low bid of $1,390.00 having been received from Myers-Vipond, York, Pennsylvania for one Coats 40-40SA air operated tire changer: AND

SECTION 4. THAT the bid of Myers-Vipond for one Coats 40-40SA air operated tire changer is hereby accepted.

SECTION 5. FURTHER THAT Myers-Vipond has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved; AND

SECTION 6. THAT funds to cover this purchase in the amount of ONE THOUSAND, THREE HUNDRED NINETY DOLLARS ($1,390.00) be charged to the Capital Expenditures Account, #995.

ADOPTED BY THE CITY COUNCIL JANUARY 28, 1985.