

THE CITY OF TAKOMA PARK, MARYLAND

CITY CAUCUS
October 1, 1985

A City Caucus for the purpose of nominating candidates for the offices of Mayor and seven Councilmembers to stand for election on November 5, 1985, was held on October 1, 1985. The meeting was called to order by City Clerk Pusti at 8:00 PM. Following her brief presentation covering the purpose of the meeting, and outline of the order of the order of procedure, and the requirements for making nominations and seconds of candidates, the meeting was turned over to City Administrator Wilson to receive the nominations and conduct the remainder of the meeting. Upon nomination by Charles Van Tassel, 116 Lee Avenue, duly seconded, Clarence M. Boatman, 133 Ritchie Avenue, was elected to serve as Secretary of the Caucus.

Nominations of candidates for elected office were made as follows:

NOMINATIONS FOR MAYOR:

LeRoy Brown, Jr., 7518 Dundalk Road, nominated

SAMMIE A. ABBOTT, 7308 Birch Avenue

The following seconds were made

Patricia M. Hanrahan, 7413 Birch Avenue
Peter R. Franchot, 7206 Garland Avenue
Charles H. VanTassel, 116 Lee Avenue #408
Robert Z. Alpern, 316 Elm Avenue
Maurice R. Berez, 7422 Buffalo Avenue
James Thomas Avery, 232 Park Avenue
Naomi E. Turner, 7667 Maple Ave. #1001
Lynne E. Bradley, 8112 Flower Avenue
Herman Williams, 7600 Maple Ave. #1711

Carlton A. Iddings, 7416 Carroll Avenue, nominated:

STEPHEN J. DeGIUDICE, 1308 Elson Place

The following seconds were made:

Michael K. Haney, 7333 New Hampshire Ave. #101
James J. Neri, 8202 Roanoke Avenue #3
Peter Aron, 6614 Cockerille Avenue
Gail B. Dalmat, 7003 Poplar Avenue
George Wayne Upton, 7600 Maple Avenue #1211
James T. Duncan, 7219 Holly Avenue
Herbert W. Kaufman, 214 Tulip Avenue
Ellery Denison, 7207 - 13th Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Mayor.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 1:

Maurice R. Berez, 7422 Buffalo Avenue, nominated:

DAVID J.E. SAUMWEBER, 519 Philadelphia Avenue

The following seconds were made:

Christopher Madison, 520 Philadelphia Avenue
Douglas Adler, 7204 Holly Avenue
Patrick Griffin, 519 New York Avenue

WARD 1, continued

Carol Horowitz, 7429 Baltimore Avenue, nominated:

SHARON H. LEVY, 7431 Baltimore Avenue

The following seconds were made:

Sandra Ainsfield, 509 New York Avenue
Allen Bassing, 7303 Holly Avenue
Blossom Roach, 7405 Piney Branch Road
Betty Shakelford, 500 New York Avenue
David Charney, 7324 Baltimore Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 1.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 2:

Herbert Kaufman, 214 Tulip Avenue, nominated:

CARLTON A. IDDINGS, 7416 Carroll Avenue

The following seconds were made:

Elliot Schwartz, 7 Philadelphia Avenue
Mary Dean, 7118 Maple Avenue
Alan Abrams, 7316 Willow Avenue

James Avery, 232 Park Avenue, nominated:

JOSEPH B. DILLINGHAM, 7018 Carroll Avenue

The following seconds were made:

Catherine J. Gage, 14 Philadelphia Avenue
Rosemarie Dillingham, 7018 Carroll Avenue
Paul E. Plant, 7411 Carroll Avenue
Judi Lynn Cornelius, 7126 Carroll Avenue

Upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 2.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 3:

Michael Koempel, 6612 Allegheny Avenue, nominated:

PAUL D. D'EUSTACHIO, 6611 Allegheny Avenue

The following seconds were made:

Dianne Hunt, 6612 Allegheny Avenue
Cicero Satterfield, 6801 Allegheny Avenue
William Eckert, 7106 Woodland Avenue
Gail Dalmat, 7003 Poplar Avenue

There being no further nominations, upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 3.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 4:

Gilbert L. Jones, 7777 Maple Avenue #1108, nominated:

HERMAN WILLIAMS, 7600 Maple Avenue #1711

The following seconds were made:

Nora Boskoff, 7620 Maple Avenue #618
Naomi Turner, 7667 Maple Avenue #1001
Wayne Upton, 7600 Maple Avenue #1211
Reginald Hackley, 7611 Maple Avenue
Diane Jenkins, 7600 Maple Avenue

There being no further nominations, upon motion, duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 4.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 5:

Susan Lender, 8600 Flower Avenue, #3, nominated:

LYNNE E. BRADLEY, 8112 Flower Avenue

The following seconds were made:

Saul Schniderman, 8302 Flower Avenue #1
Joan Eisenberg, 8107 Roanoke Avenue
Morris Rodenstein, 8205 Roanoke Avenue
John Hempill, 8112 Flower Avenue

There being no further nominations, upon motion duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 5.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 6:

Robert A. Friedrich, 7214 - 13th Avenue, nominated:

MICHAEL K. HANEY, 7333 New Hampshire Avenue #101

The following seconds were made:

Geraldine M. McMahon, 7311 Wildwood Drive
Janice M. Martin, 1319 Elson Place
Ron Harn, 8126 Lockney Avenue
Eleanor Cortez, 7401 New Hampshire Avenue
Thomas Guins, 1200 Kingwood Drive

There being no further nominations, upon motion duly seconded, the Caucus voted to close the nominations for Councilmember from Ward 6.

NOMINATIONS FOR COUNCILMEMBER FROM WARD 7:

Theodore Roorda, 706 Colby Avenue, nominated:

RAHMAN A. KARRIEM, 816 Colby Avenue

The following seconds were made:

Constance Matthews Brown, 715 Colby Avenue
Dana M. Karriem, 816 Colby Avenue
Hazim Karriem, 816 Colby Avenue (not a registered voter)

James Arisman, 7408 Aspen Avenue, nominated:

EDWARD F. SHARP, 906 Glaizewood Court

The following seconds were made:

James M. Burress, 7100 Central Avenue
Patrick Hyde, 7307 Flower Avenue

Rino R. Aldrighetti, 7218 Central Avenue nominated:

RONALD C. ALBAUGH, 7202 Central Avenue

The following seconds were made:

Janet Schwartz, 7309 Garland Avenue
Peter Franchot, 7206 Garland Avenue
Mark Lipshultz, 7407 Flower Avenue (for Alvin J. Nichols,
7204 Central Avenue)

Upon motion, duly seconded, the Caucus voted to close the nominations for Ward 7.

There being no further business, the meeting adjourned at 11:05 PM.

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on FY-1986 Budget Amendment
October 15, 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 SEPTEMBER 9 AND SEPTEMBER 23, 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 communications
2. Resolution in support of federal legislation sponsored by Senator DeConcini and Congressman Moakley pertaining to deportation policy for Salvadoran refugees
Citizens' comments
Council action
3. Special Exception S-1158, for the continued use of an existing apartment as an accessory apartment, 309 Boyd Avenue (Public Hearing: 11-7-85, 9:00 A.M., Werner County Office Building, Rockville)
Citizens' comments
Council action
4. Appointment of members to the Takoma Junction Revitalization Steering Committee
Citizens' comments
Council action
5. Second reading of an ordinance authorizing a 4-way stop at the intersection of Grant and Hancock Avenues
Citizens' comments
Council action
6. Public Hearing and second reading of FY-1986 Budget Amendment No. 1
Citizens' comments
Council action
7. First reading of an ordinance instituting condemnation proceedings, 6801 Westmoreland Avenue
Citizens' comments
First reading
8. Second reading of an ordinance amending sections of Chapter 9, "Police," of the City Code
Citizens' comments
Council action
9. Second reading of an ordinance appointing Judges for the November 5, 1985 City Election
Citizens' comments
Council action

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10. Second reading of an ordinance applying municipal infraction enforcement to certain requirements for candidates' campaign material
Citizens' comments
Council action
11. Ordinance authorizing the purchase of two Police Department vehicles
Citizens' comments
Council action
12. Ordinance authorizing the purchase of a fuel dispensing system for Public Works Department
Citizens' comments
Council action
13. First reading of an ordinance authorizing the purchase of Sister City property at Carroll and Ethan Allen Avenue from the State Highway Administration
Citizens' comments
First reading

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on FY-1986 Budget Amendment
October 15, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Dalmat	City Clerk Pusti
Councilmember D'Ovidio	Police Captain Wortman
Councilmember Haney	Police Sergeant Rosenthal
Councilmember Iddings	Corporation Counsel Gagliardo
Councilmember Williams	
EXCUSED: Councilmember Bradley	

The Mayor and Council met at 8:20 P.M., on Tuesday, October 15, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Abbott related that a lawsuit was filed earlier in the day on behalf of the City against Montgomery County, based on the approximately \$118,000 in double taxation payments paid by city residents and which the county has withheld rather than rebating to the City. Corporation Counsel Gagliardo explained that the suit seeks declaratory judgment against Montgomery County; it asks that the court declare that under a state law which became effective 7/1/84, the county must pay the City certain monies for services provided by the City, but for which the county collects taxes (referred to as double taxation). The aforementioned law was designed to, at least in part, relieve the burden of double taxation. The lawsuit seeks to require the county to make payment to the City, under the state law, notwithstanding the fact that dispute exists concerning fire service provided to the Prince George's section of the city. The argument is made that that dispute has nothing to do with the double taxation payment which the county owes the City. The suit has been set down for hearing on an expedited basis, a Motion For Summary Judgment has been filed. A trial will not be required, but the court will rule on the legal question, and that has been scheduled for Thursday, October 31 at 10:00 A.M., at which time a decision will be rendered whether the City's or the county's interpretation in the matter is correct. At that time, should the court rule in favor of the City, it is hoped the county will release the money; however, if they do not, the court can be petitioned to order them to do so. Councilmember D'Ovidio commented that what transpired earlier in the day amounted to a rehash of prior events wherein the county attempted to lay blame on the City, rather on Prince George's County, in relation to the fire issue; and the City reiterated wanting the money due it which was paid to the county by city taxpayers. Councilmember Iddings remarked that friends on the County Council who voted in favor of the City on the issue, such as Rose Crenca and Scott Fosler, should not be forgotten. He commented that some County Councilmembers oppose municipalities, refuse to realize that although municipalities are generally smaller than counties, they are co-equal branches of government and both get their authority from the state. Mayor Abbott commented that Co-Counsel Roger Titus, who will be assisting Mr. Gagliardo with the suit, had expressed enthusiastic support for the City's position and congratulated Mr. Gagliardo on his work, thought the City has a good case. Mr. Wilson spoke briefly in support of the suit, said a great deal of work had been done, and he felt confident legal clarification would substantiate the facts supporting the City's position. Mr. Gagliardo noted that the Washington Post had called earlier, were in possession of some of the facts concerning the lawsuit, and he filled in those they were lacking.

Councilmember Iddings noted that the Traffic Committee sponsored their second annual Car Free Sunday in Sligo Creek Park on October 6, which, although the weather was colder than last year, had a good turnout and all had an enjoyable time. He said a lot of Traffic Committee volunteers participated; he particularly wanted to thank Sue Lender who organized the event and did a substantial amount of the work. He commented she will soon be leaving the city and will be greatly missed. Thanks were also expressed to other participants, including police department personnel. He commented on the need for the next Council to pressure Park & Planning to complete the bike path in the park. Councilmember D'Ovidio moved commending the Traffic Committee, Coun-

councilmembers Iddings and Dalmat, for their work on the event, duly seconded, carried unanimously.

The Minutes of September 9 and 23, 1985, were individually moved for approval, as published, by Councilmember D'Ovidio, both duly seconded by Councilmember Haney, carried unanimously.

ADDITIONAL AGENDA ITEMS

First reading of the Commercial Crime Prevention Code (Haney)
Ordinance related to resolution on agenda re federal deportation policy - first reading for both (D'Ovidio)

ITEMS FOR COUNCIL CONSIDERATION

1. First reading of resolution in support of federal legislation sponsored by Senator DeConcini and Congressman Moakley pertaining to deportation policy for Salvadoran refugees, and related ordinance.

Avis Sanders: commented the draft resolution was presented at an earlier meeting, discussed at last week's worksession; it had been suggested it be broken down into two documents, which has been done.

Bill Van Wyck, 6505 2nd Avenue, attorney with Central American Refugee Center in D.C.: said it was his understanding the resolution is a broad policy statement of the City's position and views; he noted a movement of opposition to the federal stance on the issue of Salvadoran and Guatemalan refugees and said passage of the resolution would ally Takoma Park with other cities who have enacted legislation relative to the Sanctuary Movement. He pointed out that while the ordinance mentions Salvadoran and Guatemalan refugees in its preamble, it is basically general in nature and addresses the question of discrimination based on nationality or citizenship status within the City. He referred to extensive research on the issue, a legal memorandum he had submitted at the worksession addressing the question of city enforcement of immigration laws; he stated he was convinced that there is no requirement whatsoever for a city to support those laws. He pointed out that some states, e.g., Virginia, had passed laws specifically giving local police authority to enforce immigration laws; said Maryland had passed no such legislation, thus a gray area exists. In response to query, he stated that Sections 2 and 3 of the ordinance would prohibit City employees, including police, from inquiring concerning individuals' nationality and/or citizenship status, and would make reporting to INS by those employees of illegal aliens residing in the city against the law. The Mayor raised questions concerning the ordinance's effect upon the police department, experiences of other cities having similar legislation (as mentioned in the resolution), and whether the proposed resolution was based on those enacted by other municipalities. Mr. Van Wyck stated he was not aware of what the other cities had experienced concerning enforcement, however, the Mayor of Berkeley, California, had stated to him that, as a practical matter, the resolution had had no effect on that police department, and he did not think it would in Takoma Park either. Mr. Van Wyck did not think City police were actively enforcing immigration laws anyway, thus, adoption of the ordinance would not effect any change. He emphasized that the ordinance was not intended to correct abuses, but to put the force of law behind the policy of the City. He pointed out that the immigration laws are civil, not criminal. In response to the question of whether passage of the proposed legislation would encourage a flood of illegal aliens into the City, an unidentified male speaker stated that the Mayor of Berkeley had told him that that did not occur in Berkeley, nor had problems with other police such as state or county been generated, and INS leaves them alone as they realize the residents of Berkeley do not welcome their presence in the town. He noted that the language of Takoma Park's proposed ordinance is almost exactly the same as Berkeley's, which was enacted last February. Councilmember D'Ovidio complimented the quality of work done on the proposed legislation and how well concerns previously expressed had been addressed in the language. It was noted that the primary attraction to people is not the fact an area is a sanctuary, but the convenience of accessibility to Metro, affordability of rents, shopping facilities, etc.; and it should be kept in mind that most Salvadorans do not want to become U.S. citizens, but wish to eventually return to their homeland, thus the situation is a temporary one until that is possible.

Rev. Philip Wheaton, 7211 Spruce Avenue: commented that the overall situation had not altered or improved since first public mention of the proposed legislation and summarized interim events reinforcing the need to support enactment of the Moakley-DeConcini Bill and related measures. He noted that during the last two weeks of September, there were 80 reported assassinations or disappearances of civilians in El Salvador (not in the combative areas); indications are that approximately 60 new El Salvadorans are entering the D. C. area daily, which reflects an ongoing tremendous flight of persons from that country. He pointed out that there are only 2 reasons for mass flight from an area: 1) starvation, and, 2) extreme repression. He additionally noted that for all other nationalities of refugees applying for political asylum in the U.S., approval ranges between 20-30%, versus .3-2.5% approval for Guatemalan and Salvadoran refugees, clearly indicating discrimination against refugees of those nationalities. He stated that there had been no problems reported from the other cities mentioned in the resolution who have passed legislation supporting the Sanctuary Movement, either in terms of enforcement or police relations.

Councilmember Williams related having at one time been a resident manager of an apartment building on Maple Avenue; said he saw immigration authorities come to the building, but always alone, unaccompanied by either city or county police. In response to query, Captain Wortman stated that, generally, the only circumstances under which Takoma Park Police would contact INS regarding an individual would be if a criminal arrest were made and in the process of running a record check it were found that there was an outstanding deportation warrant for the person.

Councilmember Dalmat commented the question had been raised to her of whether the legislation could be expanded to include U.S. citizens seeking political sanctuary, such as someone wishing to avoid being drafted. Capt. Wortman questioned what effect the legislation would have in the event INS had a warrant to serve in the city and requested assistance from Takoma Park Police; response was that the ordinance very clearly prohibits assistance or cooperation with INS in the enforcement of INS laws. It was noted that in various jurisdictions, there had been lawsuits for damages filed against city/county police for assisting INS in serving warrants which proved to be faulty.

Sgt. Rosenthal stated that the department had, on occasion, assisted INS in warrant service if they had a bonafide federal warrant; and, as law enforcement officers, an obligation exists to assist in warrant service, if so requested. He questioned whether refusal, based on City law, to lend such assistance would not violate federal or state statutes. Corporation Counsel Gagliardo commented that he had originally raised such questions himself, however, about 6 attorneys (including himself) had worked on legal research for the legislation and he felt that the answer to Sgt. Rosenthal's question was negative. He stated it was important to draw a distinction between a deportation warrant and a warrant for criminal violation of the Immigration and Nationality Act; he pointed out that Act specifically authorizes INS enforcement and does not empower anyone else.

Councilmember Aldrighetti empathised with the plight of the refugees, however, commented he would not wish to see legislation intended to protect people who were suffering and in pain misused to afford protection to anyone breaking the law by performing criminal acts, regardless of the nationality or citizenship status of the individual. Following additional dialogue, Mr. Gagliardo pointed out that in the legal process, if an individual is convicted of a criminal act, a determination will be made concerning the person's immigration status and any judge would be likely to consider deportation at the time of sentencing. It was noted that the ordinance specifically states that it does not in any way constrain police enforcement of any laws except the federal Immigration and Nationality Act. A stipulation signed by INS in the U. S. District Court in Amarillo, Texas, was read, which stated: "It is the policy of the U. S. Department of Justice, of which the INS is a component, with respect to enforcement of the immigration laws by local law enforcement agencies, that local law enforcement agencies do not have authority to question, arrest, or detain persons solely on the grounds that they may be deportable aliens. Only INS

and its agents have the authority to question, arrest, or authorize the detention of persons for civil violations of the immigration laws." Capt. Wortman related a situation wherein an individual was arrested on narcotics-related criminal charges, skipped bond, and an INS deportation warrant is on file stemming from the criminal charges; he questioned the police department's position under the proposed legislation should they encounter that individual. It was noted that the intent of the ordinance was not that "big time" drug dealers or other criminal offenders be allowed to go free, but that INS need not come by information through Takoma Park Police Department. Comments were made that the proposed ordinance would give city police the authority to ascertain from INS prior to lending any assistance whether intended warrant service is civil or criminal, and to advise INS that City law prohibits Takoma Park Police from enforcing immigration laws.

Councilmember Iddings commented that the vast majority of refugees are law-abiding, make positive contributions to society, and are victims, all of which are reasons for offering them sanctuary; isolated instance(s) of criminal activity should not affect the intent of the ordinance. He suggested that a policy definition be included in the ordinance, asked that the police department prepare a preliminary draft for review and implementation. He thanked all those who participated in preparation of the legislation; said the resolution, particularly, was an excellent piece of work and should receive wide-spread publicity. Councilmember Dalmat reiterated her earlier question concerning political sanctuary for U.S. citizens, said she would like an answer to give constituents. Mayor Abbott pointed out that the proposed legislation was aimed at avoiding deportation of people from other countries back to those countries where they likely would face persecution, no U. S. citizen was likely to be deported anywhere. Ms. Dalmat pointed out that they could, however, be extradited to another part of the country seeking them which might not be as tolerant. Councilmember Aldrighetti commended the efforts of those involved in the issue; reiterated he would not wish to see the law misused to protect those engaged in criminal activity, would want to be assured that the ordinance would not affect the police department's power to serve a criminal warrant regardless of the individual's citizenship status.

Brent Dillingham, 7018 Carroll Avenue: stated he felt the ordinance should be general, all-inclusive, hinged on the principle of sanctuary, rather than on any particular country or countries, or at least include a general statement including citizens of any and all other countries who may in the future require political sanctuary.

The resolution and ordinance were accepted for first reading, with second reading and possible Council action to be scheduled for October 28. Mayor Abbott commended the work of all those who participated in drafting the legislation and thanked them for their efforts.

RESOLUTION #1985-
(attached)
ORDINANCE #1985-
(attached)

2. Second reading of an ordinance amending sections of Chapter 9, "Police," of the City Code.

Mr. Wilson noted the need expressed at first reading for language clarifying "rules and regulations," particularly in regard to the right of the public to access to those items; he pointed out that language had been added in Sec. 9-4. Dialogue noted that concerns voiced by Chief Fisher at the previous meeting had been addressed, and the ordinance complies with state law. Adoption was moved by Councilmember Aldrighetti, duly seconded by Councilmember Iddings, carried, with the roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney, Iddings, and Williams; NAY: None; EXCUSED: Councilmembers Bradley and D'Ovidio.

ORDINANCE #1985-58
(attached)

3. Ordinance authorizing the purchase of two Police Department vehicles.

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

ORDINANCE #1985-61
(attached)

4. Ordinance authorizing the purchase of a fuel dispensing system for Public Works Department.

Mr. Wilson noted that the low bid of \$41,564.00 somewhat exceeded the budgeted amount; he pointed out that, being a budgeted item, the ordinance could be adopted with one reading, thus allowing time for construction and equipment installation prior to the onset of winter. Adoption was moved by Councilmember D'Ovidio, duly seconded by Councilmember Iddings. Following dialogue concerning the receipt of only 4 responses to 7 RFP's mailed, and reason(s) therefor, Public Works Director Robbins described the "paybacks" the City will receive from this purchase, including transport savings which will amount to approximately 5 cents per gallon of fuel, the fuel tanks are fiberglass-coated and have a life expectancy of 50 years minimum, tremendous care is taken in installing the tanks to avoid scratches; additionally, the tanks are anode-protected. Mr. Wilson noted that with the installation of the system and tanks, it will be possible to more accurately document and control use of fuel, and also environmental risk will be considerably reduced. The question was called, the roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None; EXCUSED: Councilmember Bradley.

ORDINANCE #1985-62
(attached)

5. First reading of ordinance re Commercial Crime Prevention Code.

Councilmember Haney remarked that the idea for the ordinance evolved from a discussion of several years ago between himself and Police Sgt. Jack Goetz; the code was put together over the intervening time span since that initial conversation and in the process the successful preventive tactics employed by Southland Corporation in reducing crime, particularly holdups, at their 7-11 Stores were closely scrutinized. He noted that other chain stores around the country had borrowed those crime prevention tactics, other communities observed the success of them and have implemented some of those preventive measures by ordinance. He commented that the vast majority of business owners in the city are favorably inclined toward the ordinance, elaborated on the benefits it will provide, and moved its acceptance for first reading. There being no further discussion, the ordinance was accepted for first reading, to be considered further at the October 21 worksession, with second reading scheduled for October 28.

ORDINANCE #1985-
(attached)

6. Second reading of an ordinance applying municipal infraction enforcement to certain requirements for candidates' campaign material.

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

ORDINANCE #1985-60
(attached)

7. First reading of an ordinance instituting condemnation proceedings at 6801 Westmoreland Avenue.

Arthur Karpas, 6916 Westmoreland Avenue, representing WACO: related that WACO had discussed the subject property at their August meeting, consensus was to ask that condemnation proceedings be initiated. He related the history of the damage, explaining that the house is burnt

out and not capable of being restored to a safe structural condition. He commented that neighborhood compassion prevailed concerning the state of the property for a long time, however, three years have passed and no effort has been made to renovate it; insurance settlement received by the owner was not used on the subject property, but to purchase another home; azaleas and other perennials formerly on the premises have been moved elsewhere. He noted that present conditions at 6801 Westmoreland have seriously affected the value of neighboring properties, and asked that the remains of the house on that property be condemned by the City and removed. Councilmember Dalmat moved acceptance for first reading; accepted.

ORDINANCE #1985-
(attached)

8. Special Exception S-1158, for the continued use of an existing apartment as an accessory apartment, 309 Boyd Avenue (Public Hearing: 11-7-85, 9:00 A.M., Werner COB, Rockville).

Mr. Wilson briefly summarized Housing Services' report on the subject apartment, noted staff's recommendation that no objection be voiced to granting of the Special Exception. In light of only one response having been received to opinion surveys sent out, Councilmember Iddings moved tabling the item until October 28, affording additional time for those wishing to do so to comment, and to await statistical information from Housing concerning concentration of such units on Boyd Avenue. Consensus was that the item be deferred.

9. Appointment of members to the Takoma Junction Revitalization Steering Committee.

The question was raised of whether seats proposed for councilmembers would be retained following the City Election, or would pass to new councilmembers. Councilmember D'Ovidio commented that while the proposed membership meets the needs of the neighborhood, he would have wished to see representatives included from parts of the city other than the redevelopment area, inasmuch as the project impacts the entire city. Councilmember Iddings commented that Rev. Albaugh, who is chairing the committee and has done an outstanding job, is from outside the revitalization area; others from outside the area have occasionally but erratically attended meetings; the proposed membership roster reflects those individuals who have continued to participate over a period of time. He stated that area business owners on the committee are particularly concerned that there not be any drastic imbalance of business owners and citizens on the committee. Following additional dialogue in which it was stated that the committee would likely welcome any councilmember of an involved or neighboring ward wishing to sit on the committee, he moved approval of the roster, duly seconded, carried unanimously.

MEMBERSHIP ROSTER
(attached)

10. Second reading of an ordinance authorizing a 4-way stop at the intersection of Grant and Hancock Avenues.

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

ORDINANCE #1985-56
(attached)

11. Public Hearing and second reading of FY-1986 Budget Amendment No. 1.

Following brief summarization by Asst. City Administrator Habada of the proposed amendments, adoption was moved by Councilmember D'Ovidio, duly seconded by Councilmember Haney, carried, with the roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None; EXCUSED: Councilmember Bradley.

ORDINANCE #1985-57
(attached)

12. Second reading of an ordinance appointing Judges for the November 5, 1985 City Election.

Mr. Wilson noted he had been informed by City Clerk Pusti that the name of "Jessie H. Bakeman" should be deleted from the ordinance, as the individual would not be serving. Adoption was moved by Councilmember D'Ovidio, duly seconded, carried, with the roll call vote recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, D'Ovidio, Haney, Iddings, and Williams; NAY: None; EXCUSED: Councilmember Bradley.

ORDINANCE #1985-59
(attached)

13. First reading of an ordinance authorizing the purchase of Sister City property at Carroll and Ethan Allen Avenue from the State Highway Administration.

Councilmember D'Ovidio questioned whether copies of pertinent information had been sent to the Sister City Organization--it was noted that Dr. Stephen Hiten was President of the group--and, had that not been done, requested that it be. Mayor Abbott commented that Sister City should be requested to furnish a report, including financial status, to the Council after election. He expressed concern about the exorbitant cost of the property. Discussion ensued concerning the use of Open Space funds to acquire the property, intended use of the property, and whether or not the property if purchased with those funds could later be converted to another use if so desired. Councilmember Iddings commented that the Takoma Junction Revitalization Committee had commenced discussion concerning the lot; said intent of applying for POS funds to make the purchase was so that the property would be in the hands of the City and the type of future development could be controlled. In response to query, Ms. Habada stated funding was already approved by Program Open Space and there was not a deadline for the City to proceed toward settlement on the purchase; she additionally stated that the appraised value of the property was based on current local commercial zoning. Additional comments were made concerning the appraised value of the property, the formula used by the state to arrive at the purchase price for the parcel, and questionable feasibility for either park or commercial use. The ordinance was accepted for first reading, with the suggestion made and agreed upon that assistance be sought from the City's state legislators concerning possible reevaluation of the property, with discussion to continue at a later date prior to second reading.

ORDINANCE #1985-
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:23 P.M., to reconvene in regular session at 8:00 P.M. on October 28, 1985.

Introduced by:

First reading: 10-15-85

Second reading:

RESOLUTION NO. _____

A. THE SITUATION IN EL SALVADOR AND GUATEMALA

WHEREAS the nations of El Salvador and Guatemala are in the midst of crises of civil war and gross human rights violations; and

WHEREAS the United Nations General Assembly has recognized a state of civil war existing in El Salvador for the past five years and has repeatedly deplored the widespread human rights abuses in both countries; and

WHEREAS respected international human rights organizations continue to report that the fundamental human rights situation is not improving:

- a. in El Salvador the security and armed forces have been repeatedly incriminated in torture, disappearances and murder, resulting in some 50,000 civilian deaths and disappearances since 1979, and the abuses continue to the present; and
- b. in Guatemala an average of 130 suspected and actual opponents of the military dictatorship continue to be slaughtered or disappeared each month, often in a most brutal manner; and

WHEREAS a deliberate policy of aerial bombardments, strafings, mortarings and army operations by the Salvadoran government against civilians in opposition-held areas of El Salvador have caused thousands of casualties and forced thousands more to flee El Salvador in 1984 and 1985; for these practices, Americas Watch has concluded, "the government of El Salvador may be fairly charged with committing war crimes"; and

WHEREAS the military government of Guatemala has systematically instilled a pervasive fear by relocating the rural indigenous population, taking their land, and forcing some 800,000 peasants to participate in so-called "civilian patrols", which actually are organized and controlled by the army; thus, Guatemala has become what human rights observers call "A Nation of Prisoners"; and

B. THESE SITUATIONS HAVE PRODUCED COUNTLESS REFUGEES

WHEREAS approximately 800,000 Salvadorans (15% of the country's five million people) have fled their homeland since 1979, about 500,000 of whom have sought temporary haven in the United States-- including some 80,000 in the metropolitan Washington, D.C. area; and some 100,000 Guatemalans have sought temporary refuge in the United States; and

WHEREAS approximately 20,000 Salvadoran and Guatemalan refugees have sought refuge in Takoma Park and neighboring Maryland communities and are actively contributing to the well-being of our city; and

C. THE U.S. GOVERNMENT SENDS THESE REFUGEES BACK TO THEIR WAR-TORN HOMELANDS AGAINST THEIR WILL

WHEREAS the U.S. Department of State considers the Salvadorans and Guatemalans in the U.S. to be nothing more than migrants seeking economic advantage in this country, and the Immigration and Naturalization Service (INS) therefore arrests them and deports them to their war-torn homelands; and

WHEREAS these refugees face the grave risk of persecution and war-related atrocities in the countries they have fled, and numerous cases of murders and disappearances of deportees have been documented; and

D. THESE DEPORTATIONS VIOLATE NATIONAL AND INTERNATIONAL LAW

WHEREAS the U.S. government's forcible repatriation of these refugees at this time violate the following legal and humanitarian norms:

- a. Refugees fleeing persecution: The U.S. Refugee Act of 1980 and the U.N. Protocol on the Status of Refugees (signed by the U.S. in 1968) allows political asylum for those who have a well-founded fear of persecution upon return to their country;

However, in spite of the widespread persecution in El Salvador and Guatemala, and in spite of a determination by the U.N. High Commissioner for Refugees that all Salvadorans who have fled their country since 1979 are prima facie refugees of the persecution, the

INS in 1984 denied 97.5% of Salvadoran asylum applicants and 99.7% of Guatemalan applicants;

- b. Refugees fleeing civil strife: The Immigration and Nationality Act allows the Justice Department to temporarily halt repatriations of refugees whose countries are undergoing "civil strife"; this right called "extended voluntary departure" or EVD, is currently granted on a country-wide basis to all nationals from Poland, Uganda, Ethiopia, and Afghanistan without their having to show individual fears of persecution;

However, the Justice Department has continually refused to grant EVD to Salvadorans and Guatemalans in spite of Congressional resolutions requesting it, and in spite of the overwhelming evidence of civil strife in those countries;

- c. Refugees fleeing war: customary international law prohibits the forced repatriation of refugees fleeing war until the war ceases;

However, the U.S. actively deports Salvadorans and Guatemalans while war rages in their countries, thus denying them a fundamental internationally recognized right;

- d. Refugees fleeing war-crimes: The Geneva Conventions of 1949 allow individuals to flee their country to avoid becoming victims of war crimes, and to demand the temporary protection of any other High Contracting Party to the Conventions (both the U.S. and El Salvador are High Contracting Parties);

However, by expelling people to a country that is guilty of war crimes, the U.S. itself may committing grave breaches of the Geneva Conventions.

E. THE AMERICAN PEOPLE ARE ACTING IN OPPOSITION TO THESE UNJUST POLICIES

WHEREAS over 200 U.S. churches, synagogues, and other community organizations have publicly declared themselves sanctuaries for Salvadoran and Guatemalan refugees as a public witness against the morally and legally unjustifiable deportation of those people; and

WHEREAS the cities of Berkeley, Calif.; St. Paul, Minn.; Cambridge, Mass.; Chicago, Ill.; Madison, Wis.; San Jose, Calif.; and Ithaca, N.Y. in independent actions have

recently enacted resolutions defending the rights of Salvadoran and Guatemalan refugees in their communities and manifesting their solidarity with the Sanctuary Movement; and

WHEREAS the citizens of Takoma Park share this concern for the plight of their Salvadoran and Guatemalan neighbors, and many of them have assisted these refugees with shelter, food, friendship, and other essentials; and

WHEREAS the principles of international law and the best of American traditions not only permit but require that we aid refugees seeking safe haven here; and

WHEREAS the citizens of Takoma Park desire to maintain and protect those high traditions and duties; and

WHEREAS neither Maryland nor Federal law requires any city to enforce the federal immigration laws;

NOW BE IT THEREFORE RESOLVED that the City of Takoma Park hereby declares itself a City of Refuge for Salvadorans and Guatemalans fleeing the persecution, war, and atrocities in their respective countries, and welcomes them to the City; and

BE IT FURTHER RESOLVED that the City of Takoma Park condemns the unjust expulsions of Salvadorans and Guatemalans to their countries at this time by the federal government; and

BE IT FURTHER RESOLVED that the city applauds the actions of Takoma Park residents who have acted to help Salvadoran and Guatemalan refugees in the City; it commends the work done by CASA de Maryland, a voluntary agency in the City which has seen to the needs of many refugees here; and it stands in solidarity with churches and other organizations throughout the country who have provided public sanctuary for Central American refugees; and

BE IT FURTHER RESOLVED that the City of Takoma Park hereby urges the United States Attorney General to immediately grant extended voluntary departure to Salvadorans and Guatemalans until the civil strife ceases in their countries; and

BE IT FURTHER RESOLVED that the City of Takoma Park urges the Maryland Congressional Delegation and Maryland's U.S. Senators to press for immediate action to enact the Moakley-DeConcini Bill (HR-822, S-377) to stop the deportation of Salvadoran refugees for up to two years,

and that they take steps to investigate the discriminatory practices of INS's enforcement of immigration laws with respect to refugees from Central America; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Maryland's Congressional Delegation and U.S. Senators, to the U.S. Attorney General, to the Chicago Religious Task Force on Central America (which acts as a clearinghouse for information about the Sanctuary Movement nationwide) and to Cong. Moakley and Sen. DeConcini; and

BE IT FURTHER RESOLVED that the intent of this resolution shall be given further practical effect by passage of an appropriate ordinance which will become law in Takoma Park upon enactment.

ORDINANCE NO. _____

WHEREAS the City of Takoma Park has expressed in Resolution No. _____ a policy of granting refuge to the numerous Salvadorans and Guatemalans in this area whom the Immigration and Naturalization Service actively seeks to expel back to their war-torn homelands; and

WHEREAS neither the Immigration and Nationality Act nor any other federal or state law imposes a duty upon the City to enforce or assist in the enforcement of the U.S. immigration laws; and

WHEREAS it is the policy of the City of Takoma Park that all residents shall have equal right to enjoy the benefits of Takoma Park without fear of harrassment or discrimination due to their nationality or citizenship status;

BE IT THEREFORE ORDAINED THAT:

Section 1. No city enforcement of immigration Laws

a. No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall assist or co-operate with the Immigration and Naturalization Service of the United States in the investigation or arrest of any person for violation of the Immigration and Nationality laws of the United States.

b. This section shall not constrain police enforcement of any laws except the federal Immigration and Nationality Act of 1952, as amended.

Section 2. No inquiries into citizenship

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall make any inquiry about citizenship or residency status of any person seeking to enforce rights or obtain benefits, or discriminate in the enforcement of rights or the granting of benefits on such bases, unless federal or Maryland law so requires for the determination of eligibility of benefits. The City of Takoma Park administers no program which requires such inquiry.

Section 3. No release of information about citizenship status

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall release to the Immigration and Naturalization Service any information regarding the citizenship or residency status of any City resident.

Section 4. Severability

The provisions of this ordinance shall be severable; and if any part is declared by a court of competent jurisdiction to be contrary to the Constituion or laws of the United States or Maryland, and the applicability of that part of this ordinance to any agency, person, or circumstance is thereby held invalid, the validity of the remainder of this ordinance shall not be affected.

Section 5. Effective date

This ordinance shall become effective upon enactment.

ORDINANCE NO. 1985-58

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

SECTION 1. THAT Chapter 9, "Police," of the Code of Takoma Park, Md., 1972, as amended be repealed in its entirety and the following sections be enacted: Secs. 9-1, 9-2, 9-3 and 9-4:

Sec. 9-1. Chief Police Officer; appointment and removal.

The City Council shall, by majority vote, appoint a chief of police who shall serve at their pleasure and who may be removed by a majority vote of the City Council. The Chief shall report to the City Administrator.

Sec. 9-2. Duties of Chief Police Officer generally.

(a) The Chief Police Officer shall be responsible for the preservation of the peace, the maintenance of order, the prevention and detection of crime, and the enforcement, within the City, of all laws, regulations, and ordinances over which the Police Department has jurisdiction.

(b) The Chief Police Officer shall ensure that members of the force properly perform their police duties, that the rules and regulations of the Department are strictly enforced, and that discipline in the Department is rigidly maintained.

(c) The Chief of Police shall promulgate those rules, regulations and general orders necessary to implement subsections (a) and (b), provided, however, that the Chief shall make no rule, regulation or general order which conflicts with or is contrary to applicable constitutional or statutory requirements or any rule or regulation promulgated by the City Administrator or the Mayor and Council.

Sec. 9-3. Public inspection

(a) All police department rules or other directives which prohibit specific behavior of department personnel, shall be made available for public inspection.

Sec. 9-4. Rule and regulation defined.

(a) Rule and regulation as used in this chapter means any policy, standard, guideline or order which (1) concerns the management or governance of the police department; or (2) the conduct of the department or its individual members in the performance of their duties toward the public. It does not include: (1) any order, memorandum, report or other written document or material which pertains to a specific case or member of the department; or (2) any matter which is to be kept confidential under Sections 10-615, 10-616 and 10-617 of the State Government Article of the Annotated Code of Maryland; or (3) any matter which the Chief of Police, acting as the official custodian, determines may be kept confidential pursuant to Sections 10-618 and 10-619 of the State Government Article of the Annotated Code of Maryland.

SECTION 2. THAT this ordinance shall become effective upon adoption.

NOTE: Underscoring denotes material added after first reading.

Introduced by:
Councilmember Haney

ORDINANCE NO. 1985-61

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

- SECTION 1. THAT the Fiscal Year 1985-86 City Budget set aside \$23,000 for the purchase of two police cruisers, using Revenue Sharing Funds; AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised as required by law; AND
- SECTION 3. THAT the bids were publicly opened at 2:00 PM, October 1, 1985, with three bids having been received, the lowest of which was submitted by KTK Chrysler Plymouth, Lanham, Maryland; AND
- SECTION 4. THEREFORE THAT the bid of KTK Chrysler Plymouth of \$22,172.42 for two 1985 Plymouth Grand Fury models is hereby accepted; AND
- SECTION 5. FURTHER THAT KTK Chrysler Plymouth 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 TWENTY-TWO THOUSAND, ONE HUNDRED SEVENTY-TWO DOLLARS AND FORTY-TWO CENTS (\$22,172.42) be charged to the Revenue Sharing Account portion of the Capital Expenditures Account, #995.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

Introduced by:

Councilmember D'Ovidio

ORDINANCE NO. 1985- 62

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

- SECTION 1. THAT the Fiscal Year 1985-86 City Budget earmarked Federal Revenue Sharing Funds for the purchase and installation of a new fuel dispensing system for Public Works; AND
- SECTION 2. THAT bids were solicited from qualified dealers and advertised as required by law; AND
- SECTION 3. THAT the bids were publicly opened at 3:00 PM, October 9, 1985, with four bids having been received, the lowest of which was submitted by Calco Systems, Inc., Gaithersburg, Maryland;
- SECTION 4. THEREFORE THAT the bid of Calco Systems, Inc. in the amount of \$41,396, plus \$168.00 for modifications requested by the Director of Public Works, is hereby accepted; AND
- SECTION 5. FURTHER THAT Calco Systems, 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 6. THAT funds to cover this purchase in the total amount of FORTY-ONE THOUSAND, FIVE HUNDRED SIXTY-FOUR DOLLARS (\$41,564.00) be charged to the Revenue Sharing Account portion of the Capital Expenditures Account, #995.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

Introduced by:
Councilmember Haney

1st Reading: 10-15-85
2nd Reading:

Ordinance No. 1985-

Whereas: Crime is a persistent and unfortunate fact of life;

Whereas: It is the intent of this ordinance to minimize, if not eliminate, factors which encourage the commission of crimes; and

Whereas: It is the intent of this ordinance to afford the public with greater protection by regulating the design of buildings open to the public to eliminate those features which facilitate the commission of crime and impede the detection of crime; and

Whereas: It is the intent of this ordinance to preserve police resources and reduce the risk to the public of emergency responses to non emergency situations by ensuring that alarms are properly installed and maintained in an effort to reduce the incidence of false alarms;

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

Section 1. Title. This Ordinance shall be known as the Commercial Crime Prevention Code of 1985; and shall be codified as Sections of the Takoma Park Code.

Section 2. Applicability. Every building, facility or other structure within the City of Takoma Park, whether in Montgomery or Prince George's County, which is held out to the general public for use shall be required to comply with the terms of this crime prevention code. Nothing contained herein shall be interpreted as applying to any residence, including a multi-family residence, unless such application is expressly stated. To the extent necessary to give effect to this ordinance, the provisions of Section 22-97 of the Montgomery County Code, as amended by the 1982 Laws of Montgomery County, chapter 30, section 1, is hereby adopted verbatim.

Section 3. Visibility from street. The window area of any building, facility or other structure from which the area where money or other items of value are exchanged or kept can be observed shall be kept clear of obstructions, including but not limited to temporary or permanent signs, during such time as building, facility or structure is open to the public, so as to the extent practicable, ensure plain view from the street or sidewalk immediately adjacent thereto of such area. In no event, during the hours such building, facility or other structure is open to the public, shall more than 25% of such window area be obscured, nor shall any obstruction be placed in such window area

in the area from four and one half(4.5) to seven(7) feet above the level of the ground, street or sidewalk immediately adjacent to the window area.

Section 4. Address Numbers. The address assigned to a building, structure or facility by the Maryland National Capital Park and Planning Commission shall be displayed on the front of the building so as to be visible from the street and as required by Section 22-97 of the Montgomery County Code and over or on every door through which entrance and egress can be obtained. The size, contrasting coloration and other requirements of Section 22-97 of the Montgomery County Code, which is part of the Montgomery County Fire Safety Code shall apply. Such address numbers shall be lighted from sun down to sun rise.

Section 5. Alarms. (a) The provisions of Chapter 3A of the Montgomery County Code is hereby adopted verbatim, except as expressly modified below, the same as if spelled out in this ordinance; and it shall be uniformly applicable within the City of Takoma Park, including those portions of the City in Prince George's County.

(b) Any alarm system which is installed on or after January 1, 1986, must meet the following standards:

(i) all wires must be concealed so that neither the wires nor the conduits are visible from either the exterior of the building, structure or facility or those interior areas to which the public has access;

(ii) all contacts must be supervised to monitor tampering;

(iii) all contacts and wires must be weather-proofed so as to prevent false alarms;

(iv) hold up alarms must be shielded buttons or switches;

(v) the system must be equipped with a 30-minute automatic reset.

(c) No license shall be issued to an alarm business unless such business produces proof that it is insured for all claims for faulty installation or maintenance of an alarm system in an amount of not less than \$300,000 (Three Hundred Thousand Dollars).

Introduced by:
Councilmember D'Ovidio

Ordinance No. 1985-60

1st reading: 9-23-85
2nd reading: 10-15-85

Whereas: All candidates for Takoma Park public office are currently required to place an authority line on their campaign literature and signs; and

Whereas: The failure to do so is currently a misdemeanor the only penalty for which is a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than one year, or both; and

Whereas: It is the policy of the Mayor and Council to treat less serious violations of the Takoma Park Code as municipal infractions and not crimes:

It is hereby ordained by the Mayor and Council of the City of Takoma Park, Maryland that the Takoma Park Code is hereby amended by adding a new Section 2-18.4 Campaign Material as follows:

Section 1. Section 2-18.4 Campaign Material.

(a) It shall be unlawful for any mayoral or city council candidate, campaign committee or person promoting or endorsing any such candidate, or acting on behalf of any such candidate or campaign committee to issue or cause to be issued any written material, including, but not limited to any flyer, leaflet, pamphlet, sign, poster, bumper sticker, button or badge, concerning such candidate or his or her opponent without the same containing the name of either the candidate or some other person responsible for the issuance of such written material.

(b) Any violation of subsection (a) shall be a municipal infraction the penalty for which shall be not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

Section 2. This ordinance shall be effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

Introduced by:
Councilmember Dalmat

1st reading: 10-15-85
2nd reading:

ORDINANCE NO. 1985-

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

- SECTION 1. THAT it has been reported to the Mayor and Council by the City Administrator 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 6801 Westmoreland Avenue, on Lot 8, Block 18, Pine Crest Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 4355 at Folio 6300, Tax Account #1060145, Arthur M. and J. N. MacDonald, 1019 Ruatan Street, Silver Spring, Md. 20903, owners 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 City Housing Code: PM-302.2; PM-302.3; PM-302.3.1; and PM-302.3.3; 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 the Mayor and Council hereby designate the building located at 6801 Westmoreland 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 same code; AND
- SECTION 6. THAT the date of November 25, 1985, at 8:00 PM, in the Council Chamber of 7500 Maple Avenue, Takoma Park, Md., has been set as the time and the place for a hearing as to the condition of the aforementioned building, and Arthur M. and J. N. MacDonald shall on that date show cause as to why the building at 6801 Westmoreland 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.

TAKOMA JUNCTION REVITALIZATION STEERING COMMITTEE

PROPOSED MEMBERSHIP ROSTER

<u>NAME</u>	<u>REPRESENTING</u>
<u>Councilmembers</u>	
Carl Iddings	Ward 2
Gail Dalmat	Ward 3
<u>Business/Institutional Representatives</u>	
Art Delibert	Takoma Park Volunteer Fire Department
Alden Howard	Takoma Picture Framers
Margaret Howard	The Collectible Place
Karl Kessler	Barcelona Nuts
Tom Oliff	Paul's Electric Appliances
Inan & Bruce Phillips	Healy Surgeons
Robert Turner	Turner Electric
<u>Business Alternates (General)</u>	
Eric Sepler	Kinetic Artistry, Inc.
Charles Cook	Takoma Letter Shop
<u>Citizens</u>	
Rev. Ron Albaugh	Longbranch-Sligo Neighborhood
Kathy Anderson	S.S. Carroll Citizens' Association
Melda Henry	South of Sligo Citizens' Association
Ed McMahon	Historic Preservation Committee
Susan Tipton	Lower Sycamore Neighborhood
Helen Wanning	Carroll Avenue Neighborhood
Laurie Weinstein	B.F. Gilbert Neighborhood
<u>Citizen Alternate</u>	
Charles Bethel	
Co-chairs: Rev. Ronald C. Albaugh - Citizens	
Margaret Howard - Businesses	

Introduced by:
Councilmember Iddings

1st reading: 9-23-85
2nd reading: 10-15-85

ORDINANCE NO. 1985- 56

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

- SECTION 1. THAT all vehicular traffic travelling in either direction on Grant Avenue shall come to a complete stop at that street's intersection with Hancock Avenue; AND
- SECTION 2. THAT all vehicular traffic travelling in either direction on Hancock Avenue shall come to a complete stop at that street's intersection with Grant Avenue, thereby creating a 4-way stop; AND
- SECTION 3. THAT the Director of Public Works is hereby requested to install the appropriate signing; AND
- SECTION 4. THAT this ordinance shall become effective upon completion of the signing; AND
- SECTION 5. FURTHER THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

71ED. PKG.
10-9-85

REVISED

Introduced by:
Councilmember D'Ovidio

1st Reading: 9-23-85
2nd Reading: 10-15-85

Ordinance No. 1985-57
Budget Amendment No. 1

SECTION 1. BE IT ORDAINED AND ENACTED by the Mayor and Council of Takoma Park, Maryland, that the Fiscal Year 1986 City Budget be amended as follows:

- (a) Increase Federal Revenue Sharing (FRS) Fund, Budget Account No. 431, by \$22,000.
- (b) Increase Urban Development and Assistance revenues, Budget Account No. 430, by \$17,000 from Community Development Block Grant (CDBG) Operation Turnaround Program income.
- (c) Increase Urban Development and Assistance revenues, Budget Account No. 430, by \$50,000 to incorporate funds approved for reprogramming by Montgomery County.
- (d) Appropriate \$30,000 (CDBG funds) to Budget Account No. 597.2, Capital Outlay - Street Construction.
- (e) Appropriate \$11,000 (FRS funds) to Budget Account No. 506, Engineering Services.
- (f) Appropriate \$5,000 (FRS funds) to Budget Account 995, Capital Outlay, for installation of speed humps.
- (g) A revenue line item designated "Cable Fees (Mont. Co.)," is created under MISCELLANEOUS REVENUES with a budget account number of 448 and an appropriation of \$6,264.
- (h) Increase Economic & Community Development Division Contingency Fund, Budget Account No. 592, by \$6,000 for the Takoma/Langley Park Business Revitalization Manager, CDBG grant match to the Takoma/Langley Park Business and Professional Association.
- (i) A Community Development Capital Outlay budget line item, designated "Takoma/Langley Park Streetscape Project," is created under Government Administration, with a designated budget account number of 597.6, and an appropriation of \$31,000.

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

Introduced by:
Councilmember D'Ovidio

1st reading: 9-23-85
2nd reading: 10-15-85

ORDINANCE NO. 1985-59

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Election Judges to serve as a Board of Election for the November 5, 1985 City Election:

Floyd W. Kester, 7116 Poplar Avenue, Chief Judge
Harold E. Alston, 7710 Maple Avenue, #105

Pearl G. Blacksin, 652 Kennebec Avenue
Montez H. Boatman, 133 Ritchie Avenue
Ida K. Bowden, 141 Ritchie Avenue
George E. Friedrich, 8005 Carroll Avenue
Thomas S. Guins, 1200 Kingwood Drive
Eleanor S. Jaeger, 7213 Trescott Avenue
Beverly R. Henry, 7908 Flower Avenue, #2
Helen T. Johnston, 127 Lee Avenue, #2
Claire B. Kozel, 7804 Wildwood Drive
Dorothy J. Malusky, 7302 Holly Avenue
Barbara M. McCashin, 925 Sligo Creek Parkway
R. Stanley Parris, 7620 Maple Avenue, #730
Belinda J. Phillips, 400 Mississippi Avenue
Everett McKethan, 7710 Maple Avenue, #408
Nancy J. Ricks, 5 Lee Avenue
Clem J. Roski, 7203 Holly Avenue
Cicero Satterfield, 6801 Allegheny Avenue
Naomi E. Turner, 7667 Maple Avenue, #1001
G. Edward Zerne, 7302 Garland Avenue
Patricia A. Zerne, 7302 Garland Avenue
James J. Neri, 8202 Roanoke Avenue
Paul Weisbord, 6753 Eastern Avenue
Marvel A. Werner, 17 Darwin Avenue
Juanita C. Nunn, 7777 Maple Avenue, #1007
Karen A. O'Neill, 500 Ethan Allen Avenue
Evelyn U. Putnam, 604 Elm Avenue
Florence A. Nishimoto, 7409 Holly Avenue

ADOPTED BY THE MAYOR AND COUNCIL OCTOBER 15, 1985.

Introduced By:

1st reading: 10-15-85
2nd reading:

Ordinance No. 1985-

- WHEREAS, the Maryland State Highway Administration, owner of a commercially zoned property located at the northeast corner of Carroll and Ethan Allen Avenues, commonly known and referred to as the "Sister City Property," and more precisely described as part of lot 34, block 45 of the Carroll Manor subdivision in Takoma Park, Maryland, has offered to sell this property to the City of Takoma Park for \$49,200.00; AND
- WHEREAS, the adopted and approved City of Takoma Park Master Plan (1982) recommends that "this commercial site ... be acquired by the City of Takoma Park and redeveloped as a pocket park and buffer area;" AND
- WHEREAS, in a study on the revitalization of the Takoma Junction area, in which the Sister City Property is located, Morton Hoffman and Company, Inc., urban and economic consultants to the Montgomery County Department of Housing and Community Development and the City of Takoma Park, specifically recommended that this property be purchased by the City for a public use; AND
- WHEREAS, the Takoma Junction Revitalization Steering Committee has, since 1983, consistently recommended that the City purchase the Sister City Property for a public use and specifically states this in the Takoma Junction Commercial Revitalization Plan (September, 1983); AND
- WHEREAS, other community organizations in Takoma Park, including the Westmoreland Avenue Community Association, the B.F. Gilbert Citizens' Association, and the Takoma Artists Guild, have recommended that the City acquire the Sister City Property for a public use; AND
- WHEREAS, pursuant to the direction of the Mayor and Council, City staff has, under Maryland's Program Open Space, applied for and received official approval for reimbursement of one hundred percent (100%) of the costs incurred by the City in acquiring the Sister City Property, up to a maximum of \$53,110.00, which costs may include the raw cost of land and improvements and incidentals such as appraisals, survey, legal fees, etc.;
- NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND
- SECTION 1. THAT the City Administrator or his designee is hereby authorized and directed to purchase, on behalf of the City of Takoma Park, the so-called Sister City Property from the Maryland State Highway Administration for the State's asking price of \$49,200.00 and to make all appropriate arrangements necessary to effect this purchase.
- SECTION 2. THAT funds not in excess of FIFTY THREE THOUSAND ONE HUNDRED TEN DOLLARS (\$53,110.00) be charged to the Community Development Parks Acquisition Account (#599.3) in the City's FY 1985-86 Budget to cover the cost of the purchase of the Sister City Property, including the costs of all related incidentals, as necessary.
- SECTION 3. THAT, subsequent to the purchase of the Sister City Property, the City Administrator or his designee take those steps necessary to ensure that 100% of the costs associated with this acquisition are reimbursed by Maryland's Program Open Space, as approved.

THE CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
October 28, 1985

AGENDA

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

PLEDGE

MAYOR ABBOTT'S COMMENTS AND PRESENTATIONS:

1. Swearing in of two new Police Officers: Michael L. D'Ovidio and Peter R. Moskala
2. Other comments and presentations by Mayor Abbott

READING AND APPROVAL OF THE MINUTES OF OCTOBER 15, 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 communications
2. Second reading of a resolution pertaining to deportation policy for Salvadoran and Guatemalan refugees, and supporting federal legislation sponsored by Senator DeConcini and Congressman Moakley
Citizens' comments
Council action
3. Second reading of an ordinance setting forth City policy on Salvadoran and Guatemalan refugees
Citizens' comments
Council action
4. Special Exception S-1158, petition for the continued use of an existing apartment as an accessory apartment at 309 Boyd Avenue (Public Hearing: 11-7-85, 9:00 A.M., Werner County Office Building, Rockville)
Citizens' comments
Council action
5. Second reading of an ordinance instituting condemnation proceedings, 6801 Westmoreland Avenue
Citizens' comments
Council action
6. Second reading of an ordinance establishing a Commercial Crime Prevention Code (1st reading 10-15-85)
Citizens' comments
Council action
7. Second reading of an ordinance pertaining to abandoned automobiles (1st reading: 9-23-85)
Citizens' comments
Council action
8. Second reading of an ordinance authorizing the purchase of Sister City property at Carroll and Ethan Allen Avenues from the State Highway Administration
Citizens' comments
Council action

ADJOURNMENT

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
October 28, 1985

CITY OFFICIALS PRESENT:

Mayor Abbott	City Administrator Wilson
Councilmember Aldrighetti	Asst. City Administrator Habada
Councilmember Bradley	City Clerk Pusti
Councilmember Dalmat	Asst. Housing Director Austin
Councilmember D'Ovidio	Police Chief Fisher
Councilmember Haney	Police Captain Wortman
Councilmember Iddings	Corporation Counsel Gagliardo

EXCUSED: Councilmember Williams

The Mayor and Council met at 8:07 P.M., on October 28, 1985, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Abbott administered the oath to new Police Officer Peter R. Moskala, followed by Councilmember D'Ovidio swearing in another new officer, his son, Michael L. D'Ovidio.

The Minutes of October 15, 1985 were moved for approval, as published, by Councilmember D'Ovidio, duly seconded by Councilmember Haney; carried unanimously.

Councilmember Haney commented on the experiences shared with Councilmembers Aldrighetti, Dalmat and D'Ovidio, whose tenure as councilmembers is drawing to a close; he conveyed appreciation for their contributions and remarked their participation as councilmembers would be missed. It was noted that the last regular council meeting for the current Council would be November 12, with the newly-elected Mayor and Council taking office on November 18.

ITEMS FOR COUNCIL CONSIDERATION:

1. Second reading of an ordinance establishing a Commercial Crime Prevention Code.

Mr. Wilson noted that Corporation Counsel and the police department were essentially in agreement on the current version of the ordinance; Chief Fisher concurred that the aforementioned parties had conferred and agreed that the ordinance in its present form would be both effective and useful in the police department's crime prevention efforts in the city. Councilmember Haney moved adoption, duly seconded by Councilmember Aldrighetti. Following additional dialogue and brief expression of approval from Corporation Counsel Gagliardo, the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, Haney and Iddings; NAY: None; EXCUSED: Councilmember Williams.

ORDINANCE #1985-65
(attached)

2. Second reading of an ordinance pertaining to abandoned automobiles.

Corporation Counsel Gagliardo noted that the ordinance expands powers the police department already has to deal with abandoned vehicles on public streets and property to include those on private property. In response to query from Councilmember Bradley concerning whether the ordinance addresses abandoned vehicles (on private property) concealed under a tarpaulin or plastic cover, the response was affirmative--the ordinance, under Sec. 1(a)(5), excludes vehicles housed in sheds, garages or other structures--the aforementioned coverings would not be considered structures. Mr. Gagliardo commented that time frames cited in the ordinance are based on those in the state code dealing with vehicles on public property, were chosen for the sake of uniformity and seemed reasonable. Mr. D'Ovidio commented on the ongoing problem on Baltimore Avenue of car repairs being done at a residence.

Ruth Abbott, Birch Avenue: raised questions concerning various situations and how they would be addressed by the ordinance. Lengthy discussion ensued relative to situations both existing and hypothetical, and enforcement procedures under the ordinance. Mr. Gagliardo spoke, explaining what could and could not be done within the confines of the legislation.

Ellery Denison, 7207 13th Place: questioned how a determination would be made that a property owner has "too many vehicles" for the given size of the property; response was that reference would have to be made to applicable county zoning laws. It was noted that those laws are more specific in their requirements for parking for multi-family dwellings than for single-family, which probably requires retention of a percentage of green space.

Councilmember Dalmat moved amending Sec. 1.(a)(2), striking "more than one" and substituting "any;" no second was made to the motion. The question was called; the ordinance was adopted by roll call vote as follows: AYE: Councilmembers Aldrighetti, Bradley, D'Ovidio, Haney, and Iddings; NAY: None; ABSTAINED: Councilmember Dalmat; EXCUSED: Councilmember Williams.

ORDINANCE #1985-66
(attached)

3. Second reading of a resolution pertaining to deportation policy for Salvadoran and Guatemalan refugees, and supporting federal legislation sponsored by Senator DeConcini and Congressman Moakley. Councilmember D'Ovidio moved passage, duly seconded by Councilmember Bradley.

Philip Wheaton, 7211 Spruce Avenue: in response to questions raised, he stated that while no church in the City had declared itself to be a sanctuary, a number of churches are actively educating their congregations on the issue; Takoma Park Presbyterian is deeply involved through CASA of Maryland (located on their premises), as well as the fact that the pastor of that church, Rev. George Taylor, was the first to make the sanctuary recommendation to the entire metropolitan Presbyterian Church body. He briefly cited the number of area churches involved in assisting refugees, and their level of involvement.

The question was called, the resolution passed with Councilmember Haney Abstaining, Councilmember Williams Excused, balance of Council voting Aye.

RESOLUTION #1985-29
(attached)

4. Second reading of an ordinance setting forth City policy on Salvadoran and Guatemalan refugees. Adoption was moved by Councilmember D'Ovidio, duly seconded. Councilmember Bradley moved amending Section 1 to add subsection b, containing language compiled subsequent to first reading; duly seconded by Councilmember D'Ovidio.

A letter opposing the ordinance and related resolution and authored by Steve Wilcox, a city resident who could not be present, was read into the record, as had been requested, by Councilmember D'Ovidio. Mr. D'Ovidio noted celebrations taking place in New York on the 99th anniversary of the Statue of Liberty, commented on the significance of that monument and the hope that the U.S. holds for persons forced to flee their own countries. He remarked that, unfortunately, sometimes people become intolerant and forget how and why their own ancestors came to this country; he noted having received several telephone calls expressing sentiments similar to those conveyed by Mr. Wilcox. Mayor Abbott commented, confirmed by Mr. Wheaton, that the intent of the legislation was humanitarian, to provide a temporary safe haven for persons who, if forced at present to return to their own countries, would face persecution and perhaps death or imprisonment. It was noted that the majority of these individuals would want, when circumstances permit, to return to their countries of origin and be reunited with families and friends.

Bill Van Wyck, 6505 2nd Avenue: stated that two distinctions need to be made, i.e., what is criminal law and what is not, and, what is and is not in the Immigration and Nationality Act. He elaborated, noting that most of the aforementioned Act is civil, including deportation, however, it does contain some criminal provisions, e.g., harboring an illegal alien. He reiterated, as stated in an earlier meeting, that

there is no mandate for local or state police to enforce any provisions of the Immigration and Nationality Act; INS itself has emphasized that local police have no authority, much less any duty, to enforce immigration laws. He cited several authoritative legal opinions substantiating his statements concerning enforcement. He expressed concern that the proposed amendment to Section 1 of the ordinance could be interpreted to imply that Takoma Park Police could enforce criminal provisions of the Immigration and Nationality Act, which was not intended. Discussion of the item was temporarily suspended to allow for consultation between Corporation Counsel Gagliardo, Mr. Van Wyck and other individuals having legal expertise, in order to resolve questions concerning Section 1.b. In the interim, Council discussed and acted upon item 5, as follows. Upon return, the aforementioned group proposed modified language they hoped would clarify Section 1.b. An unidentified female speaker urged use of the language contained in the original draft of the ordinance; she said it clearly stated the intent of the legislation. Following additional dialogue, Councilmember Bradley moved amending her original amendment by inserting additional language which was duly seconded by Councilmember D'Ovidio.

Ellery Denison, 7207 13th Place: stated that while he recognized the humanitarian intent of the resolution and the benevolent motives of those supporting the legislation, he strongly opposed the ordinance, particularly Section 1.a., which prohibits City officials and employees from assisting or cooperating with INS in their function. He commented the statements contained in that section appeared to put Takoma Park outside the United States and reflect a blatant disregard for federal laws. Councilmember Aldrighetti commented that Mayor Koch had issued similar orders in New York City last week. In the ensuing discussion, it was again noted that the ordinance would in no way prohibit City police from enforcing criminal laws, other than those which are a part of the Immigration and Nationality Act; and, additionally, it was noted that extradition of foreign nationals for criminal charges is by treaty with other countries and is not a part of the Immigration and Nationality Act.

Enny Gonzales, 7118 Woodland Avenue: asked that language in Sec. 1.b. stating that City police are not prohibited from contacting any federal agency in connection with criminal or suspected criminal activities be stricken in that it appears contradictory and ambiguous in context with Section 1.a. She stated there was a consensus among the group that conferred earlier, of whom she was one, that that wording should be deleted, closing a possible loophole. Rather than striking the statement, Councilmember Dalmat proposed inserting wording which would permit City police contact with any federal agency other than INS; that suggestion was accepted as an amendment to the original amendment made by Councilmember Bradley. The question was called on the motion to amend, motion carried with Councilmember Haney Abstaining, balance of Council voting Aye. Following reiteration of the language of Sections 1.a. and b., as amended, the question was called on the ordinance and the roll call vote was recorded as follows: AYE: Councilmembers Aldrighetti, Bradley, Dalmat, D'Ovidio, and Iddings; NAY: None; ABSTAINED: Councilmember Haney; EXCUSED: Councilmember Williams.

ORDINANCE #1985-63
(attached)

5. Special Exception S-1158, petition for the continued use of an existing apartment as an accessory apartment at 309 Boyd Avenue. Mr. Wilson noted that information previously requested concerning concentration of accessory apartments and scheduled phase-out of multi-family units had been furnished. Asst. Housing Director Austin commented that the county's fire inspection report had not yet been received and asked that any action by Council be contingent upon the results of that report. Lengthy discussion ensued concerning the issue of concentration of multi-family and accessory apartments; the proximity of the 7400 and 7500 blocks of Carroll Avenue to 309 Boyd; the number of such units located there, as well as the lack of on-street parking, was noted. Councilmember D'Ovidio commented on the ongoing need for Council to consider each accessory apartment application in the overall context of the neighborhood and what the impact of

an additional apartment would be, rather than considering them solely on their own individual merits. Following additional dialogue, Councilmember Iddings moved that the City voice no objection to granting of the Special Exception, duly seconded, carried unanimously. Asst. Housing Director Austin commented that Housing is in the process of performing a survey concerning accessory apartments and their impact, and information gathered will be furnished at a later date.

6. Second reading of an ordinance instituting condemnation proceedings at 6801 Westmoreland Avenue.

Mr. Wilson noted that neighbors and the property owners had been notified; a response was received from the property owners' attorney, however, neither he nor the owners were present. Mr. Wilson summarized the information contained in the attorney's letter which indicated that the owners were engaged in a lawsuit for additional damages, were anxious to restore the structure, but would not be able to do so until the additional monies were received. Mayor Abbott noted neighbors had voiced a number of objections to the state of the property, including abandoned vehicles stored thereon. Councilmember Iddings pointed out that the ordinance sets a date for a show cause hearing, which has proven to be a very effective means of extracting deadlines and commitments; he suggested that Council proceed with adoption of the ordinance and allow the property owners and their attorney to appear at the aforementioned hearing and state their case; he moved adoption, duly seconded by Councilmember Haney. The roll call vote was recorded as follows: AYE: Councilmembers Aldrighetti, Bradley, Haney, and Iddings; NAY: None; EXCUSED: Councilmembers Dalmat, D'Ovidio, and Williams.

ORDINANCE #1985-64
(attached)

7. Second reading of an ordinance authorizing the purchase of Sister City property at Carroll and Ethan Allen Avenues from the State Highway Administration.

Mr. Wilson commented it had been ascertained that State Highway originally paid, in 1967, \$40,487 for the property--the purchase was made with the intention of widening Route 410, which probably inflated the price. Ensuing discussion noted that two independent appraisers valued the property at \$89,000 and \$95,000, based on the current local commercial zoning; Mayor Abbott questioned intended use of the property if it were purchased by the City. Councilmember Iddings commented that the Master Plan recommends that the parcel be acquired for a vest pocket park, the Takoma Junction Committee's plan recommends acquisition for some public use. It was noted that if the property were purchased with Open Space funds, it would be complex, but possible, to convert it at a later date to some use other than open space, should that be desirable. Mayor Abbott expressed disapproval of using Open Space funds in the present instance, did not think it appropriate. Councilmember Aldrighetti commented that the primary question was whether or not the City wants to acquire the land, and he would vote in favor of that. Councilmember Iddings noted that the intersection where the property is situated is a complicated one, is under the jurisdiction of State Highway, and that agency has made commitments to City staff to do such things as street resurfacing, curb and gutter replacement, which will effect a substantial savings to the City. He commented that spending a lot of time attempting to lower the price of the property would be a difficult undertaking, probably not be successful, and could well damage the relationship that staff has built with State Highway. In response to query, he stated that the consensus of the Takoma Junction Committee and the consultant was that the property be acquired by the City and used as open space; he commented that every plan that has ever been done for the area has recommended acquisition and some sort of passive park use for that parcel, with the question of what should be done with the building remaining unresolved. In response to questions raised earlier, Mr. Wilson noted receipt of an extract from the Deed of the Siegler property which was purchased using Open Space funds; he assumed that the stated conditions would apply to any property acquired with those funds. Ms. Bradley read the information, which, in effect, stated that the property would be retained for public outdoor recreation use and not be converted, either wholly or partially, to any other use without prior written approval of specified state officials, which approval may be

granted based on conditions which those officials may determine; that approval may not be granted unless the grantee replaces the property with property and facilities of equivalent area and equal recreational or open space value. Following additional dialogue, Mr. Wilson reminded that a formal presentation was made last March and April concerning Takoma Junction Revitalization, and it was noted that the recommendation in that plan was use of the subject parcel for a vest pocket park--passive open space--the same recommendation previously made in 1983 by the Takoma Junction Committee, and also made in the 1982 Master Plan. Ms. Habada commented that no alternative funding was available for purchase of the property, unless the City wanted to reprogram some Block Grant funds. Councilmember Iddings moved adoption of the ordinance, duly seconded by Councilmember Dalmat; the roll call vote was recorded as follows: AYE: Councilmembers Aldrighetti, Dalmat, Haney, and Iddings; NAY: None; ABSTAINED: Councilmember Bradley; EXCUSED: Councilmembers D'Ovidio and Williams.

ORDINANCE #1985-67
(attached)

8. Appointment of representatives from Ward 5 to Traffic Committee.

In order to fill an upcoming vacancy and need for an alternate on the committee, Councilmember Bradley moved appointment of Mark Fisher, 700 Erie Avenue, to replace Sue Lender who is moving, and Tim Nulty, 8107 Roanoke Avenue, to act as alternate for Mrs. Wheeler. The question was called, the motion carried unanimously.

Upon motion, duly seconded, the meeting adjourned at 10:25 P.M., to reconvene in regular session at 8:00 P.M. on Tuesday, November 12, 1985.

NOTE: On Monday, October 21, 1985, during the worksession, Council convened in Special Session for the purpose of amending Resolution #1985-19, a copy of which is attached hereto.

RESOLUTION #1985-19
(attached)

Ordinance No. 85- 65

Whereas: Crime is a persistent and unfortunate fact of life in Takoma Park; and

Whereas: It is the intent of this ordinance to minimize, if not eliminate, factors which encourage the commission of crimes; and

Whereas: It is the intent of this ordinance to afford the public with greater protection by regulating the design of buildings open to the public to eliminate those features which facilitate the commission of crime and impede the detection of crime; and

Whereas: It is the intent of this ordinance to preserve police resources and reduce the unnecessary risk to our officers and the public alike which results from emergency responses to nonemergency situations by ensuring that alarms are properly installed and maintained in an effort to reduce the incidence of false alarms;

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

Section 1. Title. This Ordinance shall be known as the Commercial Crime Prevention Code of 1985; and shall be codified as ~~Sections~~ "Chapter 4-C, Crime Prevention" of the Takoma Park Code.

Section 2. "Section 4-C-1. Applicability. Every building, facility or other structure within the City of Takoma Park, whether in Montgomery or Prince George's County, which is held out to the general public for use shall be required to comply with the terms of this crime prevention code. Nothing contained herein shall be interpreted as applying to any residence, including a multi-family residence, unless such application is expressly stated."

Section 3. "Section 4-C-2. Visibility from street. It is **recommended** that the window area of any building, facility or other structure from which the area where money or other items of value are exchanged or kept can be observed be kept clear of obstructions, including but not limited to temporary or permanent signs, during such time as building, facility or structure is open to the public, so as to the extent practicable, ensure plain view from the street or sidewalk immediately adjacent thereto of such area. In no event, during the hours such building, facility or other structure is open to the public, shall more than 25% of such window area be obscured, nor shall any obstruction be placed in such window area in the area from four and one half(4.5) to seven(7) feet above the level of the ground, street or sidewalk

immediately adjacent to the window area."

Section 4. "Section 4-C-3. Address Numbers.

(a) The address assigned to a building, structure or facility by the Maryland National Capital Park and Planning Commission shall be displayed on the front of the building so as to be visible from the street. Numerals shall be a minimum of six inches (6") in height. Address displays shall be posted on a contrasting background displayed in a conspicuous place and in such a manner as to be unobstructed and visible from the street named in the official address of the structure and any other street, alley, parking lot which abuts any entrance or exit. Address displays shall be lighted from sundown to sunrise. Where a structure has more than one address, numerals shall be used to designate the addresses in sequence.

(b) Any owner or commercial tenant who violates this section shall be guilty of a municipal infraction, the penalty for which shall be \$25 (Twenty-five dollars). Each day a violation occurs shall be a separate infraction.

A citation for a municipal infraction shall not be issued unless a notice to correct a violation has been issued first and not less than 14 calendar days have been allowed to correct the violation. A notice to correct a violation may be issued by posting a copy on the building, structure or facility which is in violation.

(c) If a violation has not been corrected within 30 (thirty) days of issuing a notice to correct a violation, the City of Takoma Park may seek an injunction or other court order authorizing representatives of the City to enter upon the property where the violation exists and correct the violation.

(d) The City Administrator, or a designee, shall determine the cost of correcting violations, based on the actual cost of labor, material and the time and expense of administering the enforcement program; and shall publish such cost as a duly promulgated regulation.

The cost of correcting the violation by the City shall be borne by the violator and shall be enforceable as a lien against the property.

Section 5. "Section 4-C-4. Burglar, Hold-up and other Alarms.

(a) Applicability. This section shall be applicable to all alarm businesses and users, including residential and rental users and businesses serving the same.

(b) Definitions. When used in this chapter:

(1) "Alarm signal" means the activation of an alarm system that requires a response by the police, independent of cause.

(2) "Alarm business" means any business which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling at retail, servicing or responding to a burglar or holdup alarm system, but does not include telephone answering services which receive alarm activation signals and relay information to a police department, but do not function in any other manner as a security alarm business.

(3) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal an occurrence of an unauthorized entry or other activity requiring urgent attention and to which the police are expected to respond. "Alarm system" includes devices activated automatically such as burglar alarms, and devices activated manually, such as hold up alarms, but shall not include telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals might be transmitted, or alarm systems installed in motor vehicles, boats or aircraft.

(4) "Alarm user" means the operator of any alarm system, including but not limited to a residential, multi- or single-family or commercial system.

(5) "City Administrator" means the Takoma Park City Administrator or a designee.

(6) "False alarm" means any request for immediate police department assistance which is not in response to actual or threatened criminal activity. "False alarms" include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; or signals which are purposely activated to summon the police in nonemergency situations. Signals activated by unusually severe weather conditions or other causes determined to be beyond the control of the alarm user or alarm business shall not be deemed false alarms.

(7) "License" means license issued to an "alarm business" with consumers in the City of Takoma Park and issued by the City.

(8) "Permit" means a permit^{issued} used to an ~~nonresidential~~ "alarm user" ~~by-the-office-of-consumer-affairs.~~

(9) "Permit decal" means a decal issued with the "permit" and will be displayed in a prominent location, visible from outside. ~~the-nonresidential-establishment.~~

(c) Alarm signal response fees.

(1) Within a calendar year, if the number of actual responses by the police to alarm signals from any one ~~nonresidential~~ location exceeds five (5), the alarm user permit fee for the next permit year will be raised thirty dollars (\$30.00) for every additional alarm signal to which the police do, in fact, respond. The response fee may be recovered by the user from the alarm business which sold the alarm system if the alarm signal is shown to have been the result of faulty or malfunctioning equipment supplied by them, or may be recovered by the user from the alarm business which installed or maintained the alarm system if the alarm signal is shown to have been the result of improper installation or maintenance by the alarm business. No fee will be charged if the police clear the incident as a reportable event as defined in police department procedures.

(2) The ~~police-department~~ City Administrator will keep a record of all alarm responses not cleared as reportable events.

(3) The City Administrator will be responsible for publishing procedures and fees for the registration and the issuing of licenses to all alarm businesses that have consumers in Takoma Park and the issuing of the permits and permit decals to ~~nonresidential~~ alarm users. The City Administrator will be responsible for the collection of the assessed fees hereunder.

(4) ~~Nonresidential~~ Alarm users shall obtain an alarm user permit and permit decal.

(5) ~~Nonresidential~~ Alarm users will prominently display the permit decal in a location where it may be read from outside the building.

(6) The City Administrator may adopt regulations, establishing procedures and fees for the registration and the issuing of licenses, permits and permit decals, and outlining the pertinent information needed from alarm businesses when reporting alarms directly to the police. Failure to provide the required information when notifying the police of an alarm may be cause for the suspension or revocation of the alarm business license.

(d) Other requirements.

Any alarm system which is installed on or after January 1, 1986, must meet the following additional standards:

(1) all wires must be concealed so that neither the wires nor the conduits are visible from either the exterior of the building, structure or facility or those interior areas to which the public has access;

(2) all contacts must be supervised to monitor tampering;

(3) all contacts and wires must be weather-proofed so as to prevent false alarms;

(4) hold up alarms must be shielded buttons or switches;

(5) an audible alarm system must be equipped so that it automatically discontinues emitting an audible sound within thirty (30) minutes.

(6) No license shall be issued to an alarm business unless such business produces proof that it is insured for all claims for faulty installation or maintenance of an alarm system in an amount of not less than \$300,000 (Three Hundred Thousand Dollars).

(e) Licenses and permits required; revocation and appeals.

(1) On or after January 1, 1986, it shall be unlawful and a municipal infraction for any person to engage in the alarm business, or to be an alarm user at a location, within Takoma Park without having first received a license as an alarm business, or received a permit as an alarm user, as the case may be.

(2) The City Administrator may decline to issue or renew or may suspend or revoke a license or permit upon a finding of continued or repeated violation of this Chapter.

(3) An alarm business may not sell, install, alter, lease, monitor, maintain, repair, replace or service the burglary or holdup alarm system of a nonresidential alarm user unless the alarm user has initially possessed a valid alarm user permit and is prominently displaying a permit decal.

(4) (a) Before revoking, suspending or refusing to grant or renew any license or permit under this section, the City Administrator shall afford the licensee affected holder of or applicant for a license or permit an opportunity for a hearing to show cause why the license or permit should not be revoked, suspended or refused.

(b) The City Administrator shall serve as hearing officer at any such hearing, or may appoint a hearing officer. No hearing shall be held except upon fifteen (15) days' written notice the licensee to holder or applicant of such hearing, by personal service or certified mail delivered to the last address recorded in the official city registry; or by leaving a copy at the premise, if it is occupied by the holder or applicant, at which the alarm is located or is proposed to be located. Such notice shall specify the time, date and place of the hearing and shall

contain sufficient information to give notice to ~~licensee~~ the holder or applicant of the nature of the complaint. Such notice shall specify that the licensee has a right to representation by counsel and that his license may be suspended, revoked or refused by the city.

(5) The hearing officer, upon finding a continued or repeated violation of this law, or any other applicable provision of law or regulation relating to the sale, installation or maintenance of alarm systems, shall have the power to revoke, suspend or refuse to issue or renew a license or permit. Any decision to revoke, suspend or refuse to issue or renew a license shall be in writing and shall include a statement of the facts upon which it is based. Decisions shall be served upon a ~~licensee~~ a holder of or applicant for a license by personal service or by certified mail, or left at the premise, if it is occupied by the holder or applicant, at which the alarm is located or proposed to be located. Any holder of or applicant for a license or permit aggrieved by a decision to revoke, suspend or refusal to issue or renew a license may appeal to the circuit court for the county in which the premise at which the alarm is located or proposed to be located is situated in accordance with the procedure prescribed for administrative appeals by the Maryland Rules of Procedure.

(f) Penalties.

(1) Alarm users who fail to obtain a permit and/or display the permit decal, shall be guilty of a municipal infraction the penalty for which shall be \$25 (twenty-five dollars). Each day a violation continues to exist shall constitute a separate offense.

(2) Any alarm business found in violation of this chapter shall be guilty of a municipal infraction the penalty for which shall be \$25 (twenty-five dollar). Each day a violation continues to exist shall constitute a separate offense.

(g) Regulations.

The City Administrator shall adopt reasonable and necessary regulations for implementing and administering this law.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND OCTOBER 28, 1985.

Whereas: It is the purpose of this ordinance to foster the City's efforts to maintain clean neighborhoods and to preserve the residential character of the City; and

Whereas: The current provisions of the Takoma Park Code concerning wrecked, dismantled and inoperative motor vehicles have been found to inhibit the City's efforts in meeting these goals:

It is hereby ordained by the Mayor and Council of the City of Takoma Park that the following shall be added to the Takoma Park Code as Section 6-39:

Section 1. Section 6-39 Storage of Vehicles.

"(a) It shall be unlawful in any residential area or on any property zoned residential for any person to store, park, leave, or cause or permit the storage, parking or leaving of:

(1) any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair; and is visible from the street, sidewalk, or other public right of way or from any other person's private property for more than 48 hours, whether or not the property on which the vehicle(s) is located is owned, leased or used with or without the consent of the owner or tenant; or

(2) more than one unregistered and/or uninspected motor vehicle; or

(3) more vehicles, regardless of their condition, registration or inspection status, than there are parking spaces allowed for under applicable zoning laws; or

(4) any vehicle anywhere on the property except the garage, carport, driveway, drive way apron or other paved surface; PROVIDED HOWEVER, that nothing contained herein shall be interpreted as allowing or authorizing blocking or impeding the sidewalk or the elimination of green space in excess of that permitted by applicable zoning laws and regulations;

(5) except in sheds, garages or other structures, any automotive or truck parts, components, or tires.

(b) As used in this section vehicle shall mean any motor vehicle as defined in Section 11-135 of the Transportation Article of the Annotated Code of Maryland, including, but not limited to any automobile, truck, van, recreational vehicle

(RV), motorcycle, tractor or other motorized farm implement, and any other device in, on, or by which any individual or property is or might be transported or towed on a highway, including, but not limited to flat bed trailers, semi trailers, boat trailers and campers.

(c) Any violation of this section shall be a municipal infraction the penalty for which shall be not less than Fifty Dollars (\$50), nor more than One Hundred Dollars (\$100.00) for any first violation, nor more than \$200 for any subsequent violation. Each vehicle left, stored or parked in violation of this section shall constitute a separate violation. Each day a vehicle is left, stored or parked shall constitute a separate violation. A subsequent violation shall not be deemed to have occurred until and unless the time provided in subsection (d) above shall have expired.

(d) No person shall be issued a municipal infraction citation for a violation of this section without being first given a warning notice and not less than 72 hours to cure the violation and come into compliance with this section. If within 72 hours of receiving a warning notice a person cures the violation and comes into compliance no municipal infraction citation shall be issued. If person does not do so within said 72 hours, even if he or she shall later cure the violation and come into compliance, a violation shall be deemed to have occurred a municipal infraction citation shall be issued.

(e) Without limitation upon or election against any other available remedy, the City or any other aggrieved party, including but not limited to any adjoining property owner, may apply to a court of competent jurisdiction for an injunction enjoining any violation of this section. An injunction shall be issued prohibiting any continued violation of this section upon a showing that after notice from the City to remove vehicles from the subject property such vehicles were not removed. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

Section 2. This ordinance shall become effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND OCTOBER 28, 1985.

Introduced by:
Councilmember D'Ovidio

First reading: 10-15-85
Second reading: 10-28-85

RESOLUTION NO. 1985-29

A. THE SITUATION IN EL SALVADOR AND GUATEMALA

WHEREAS the nations of El Salvador and Guatemala are in the midst of crises of civil war and gross human rights violations; and

WHEREAS the United Nations General Assembly has recognized a state of civil war existing in El Salvador for the past five years and has repeatedly deplored the widespread human rights abuses in both countries; and

WHEREAS respected international human rights organizations continue to report that the fundamental human rights situation is not improving:

- a. in El Salvador the security and armed forces have been repeatedly incriminated in torture, disappearances and murder, resulting in some 50,000 civilian deaths and disappearances since 1979, and the abuses continue to the present; and
- b. in Guatemala an average of 130 suspected and actual opponents of the military dictatorship continue to be slaughtered or disappeared each month, often in a most brutal manner; and

WHEREAS a deliberate policy of aerial bombardments, strafings, mortarings and army operations by the Salvadoran government against civilians in opposition-held areas of El Salvador have caused thousands of casualties and forced thousands more to flee El Salvador in 1984 and 1985; for these practices, Americas Watch has concluded, "the government of El Salvador may be fairly charged with committing war crimes"; and

WHEREAS the military government of Guatemala has systematically instilled a pervasive fear by relocating the rural indigenous population, taking their land, and forcing some 800,000 peasants to participate in so-called "civilian patrols", which actually are organized and controlled by the army; thus, Guatemala has become what human rights observers call "A Nation of Prisoners"; and

B. THESE SITUATIONS HAVE PRODUCED COUNTLESS REFUGEES

WHEREAS approximately 800,000 Salvadorans (15% of the country's five million people) have fled their homeland since 1979, about 500,000 of whom have sought temporary haven in the United States-- including some 80,000 in the metropolitan Washington, D.C. area; and some 100,000 Guatemalans have sought temporary refuge in the United States; and

WHEREAS approximately 20,000 Salvadoran and Guatemalan refugees have sought refuge in Takoma Park and neighboring Maryland communities and are actively contributing to the well-being of our city; and

C. THE U.S. GOVERNMENT SENDS THESE REFUGEES BACK TO THEIR WAR-TORN HOMELANDS AGAINST THEIR WILL

WHEREAS the U.S. Department of State considers the Salvadorans and Guatemalans in the U.S. to be nothing more than migrants seeking economic advantage in this country, and the Immigration and Naturalization Service (INS) therefore arrests them and deports them to their war-torn homelands; and

WHEREAS these refugees face the grave risk of persecution and war-related atrocities in the countries they have fled, and numerous cases of murders and disappearances of deportees have been documented; and

D. THESE DEPORTATIONS VIOLATE NATIONAL AND INTERNATIONAL LAW

WHEREAS the U.S. government's forcible repatriation of these refugees at this time violate the following legal and humanitarian norms:

- a. Refugees fleeing persecution: The U.S. Refugee Act of 1980 and the U.N. Protocol on the Status of Refugees (signed by the U.S. in 1968) allows political asylum for those who have a well-founded fear of persecution upon return to their country;

However, in spite of the widespread persecution in El Salvador and Guatemala, and in spite of a determination by the U.N. High Commissioner for Refugees that all Salvadorans who have fled their country since 1979 are prima facie refugees of the persecution, the

INS in 1984 denied 97.5% of Salvadoran asylum applicants and 99.7% of Guatemalan applicants;

- b. Refugees fleeing civil strife: The Immigration and Nationality Act allows the Justice Department to temporarily halt repatriations of refugees whose countries are undergoing "civil strife"; this right called "extended voluntary departure" or EVD, is currently granted on a country-wide basis to all nationals from Poland, Uganda, Ethiopia, and Afghanistan without their having to show individual fears of persecution;

However, the Justice Department has continually refused to grant EVD to Salvadorans and Guatemalans in spite of Congressional resolutions requesting it, and in spite of the overwhelming evidence of civil strife in those countries;

- c. Refugees fleeing war: customary international law prohibits the forced repatriation of refugees fleeing war until the war ceases;

However, the U.S. actively deports Salvadorans and Guatemalans while war rages in their countries, thus denying them a fundamental internationally recognized right;

- d. Refugees fleeing war-crimes: The Geneva Conventions of 1949 allow individuals to flee their country to avoid becoming victims of war crimes, and to demand the temporary protection of any other High Contracting Party to the Conventions (both the U.S. and El Salvador are High Contracting Parties);

However, by expelling people to a country that is guilty of war crimes, the U.S. itself may committing grave breaches of the Geneva Conventions.

E. THE AMERICAN PEOPLE ARE ACTING IN OPPOSITION TO THESE UNJUST POLICIES

WHEREAS over 200 U.S. churches, synagogues, and other community organizations have publicly declared themselves sanctuaries for Salvadoran and Guatemalan refugees as a public witness against the morally and legally unjustifiable deportation of those people; and

WHEREAS the cities of Berkeley, Calif.; St. Paul, Minn.; Cambridge, Mass.; Chicago, Ill.; Madison, Wis.; San Jose, Calif.; and Ithaca, N.Y. in independent actions have

recently enacted resolutions defending the rights of Salvadoran and Guatemalan refugees in their communities and manifesting their solidarity with the Sanctuary Movement; and

WHEREAS the citizens of Takoma Park share this concern for the plight of their Salvadoran and Guatemalan neighbors, and many of them have assisted these refugees with shelter, food, friendship, and other essentials; and

WHEREAS the principles of international law and the best of American traditions not only permit but require that we aid refugees seeking safe haven here; and

WHEREAS the citizens of Takoma Park desire to maintain and protect those high traditions and duties; and

WHEREAS neither Maryland nor Federal law requires any city to enforce the federal immigration laws;

NOW BE IT THEREFORE RESOLVED that the City of Takoma Park hereby declares itself a City of Refuge for Salvadorans and Guatemalans fleeing the persecution, war, and atrocities in their respective countries, and welcomes them to the City; and

BE IT FURTHER RESOLVED that the City of Takoma Park condemns the unjust expulsions of Salvadorans and Guatemalans to their countries at this time by the federal government; and

BE IT FURTHER RESOLVED that the city applauds the actions of Takoma Park residents who have acted to help Salvadoran and Guatemalan refugees in the City; it commends the work done by CASA de Maryland, a voluntary agency in the City which has seen to the needs of many refugees here; and it stands in solidarity with churches and other organizations throughout the country who have provided public sanctuary for Central American refugees; and

BE IT FURTHER RESOLVED that the City of Takoma Park hereby urges the United States Attorney General to immediately grant extended voluntary departure to Salvadorans and Guatemalans until the civil strife ceases in their countries; and

BE IT FURTHER RESOLVED that the City of Takoma Park urges the Maryland Congressional Delegation and Maryland's U.S. Senators to press for immediate action to enact the Moakley-DeConcini Bill (HR-822, S-377) to stop the deportation of Salvadoran refugees for up to two years, and that they take steps to investigate the discriminatory practices of INS's enforcement of immigration laws with respect to refugees from Central America; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Maryland's Congressional Delegation and U.S. Senators, to the U.S. Attorney General, to the Chicago Religious Task Force on Central America (which acts as a clearinghouse for information about the Sanctuary Movement nationwide) and to Cong. Moakley and Sen. DeConcini; and

BE IT FURTHER RESOLVED that the intent of this resolution shall be given further practical effect by passage of an appropriate ordinance which will become law in Takoma Park upon enactment.

Introduced by:
Councilmember D'Ovidio

1st reading: 10-15-85
2nd reading 10-28-85

ORDINANCE NO. 1985-63

WHEREAS the City of Takoma Park has expressed in Resolution 1985-29 a policy of granting refuge to the numerous Salvadorans and Guatemalans in this area whom the Immigration and Naturalization Service actively seeks to expel back to their war-torn homelands; and

WHEREAS, neither the Immigration and Nationality Act nor any other federal or state law imposes a duty upon the City to enforce or assist in the enforcement of the U. S. immigration laws; and

WHEREAS it is the policy of the City of Takoma Park that all residents shall have equal right to enjoy the benefits of Takoma Park without fear of harrassment or discrimination due to their nationality or citizenship status.

NOW, THEREFORE BE IT RESOLVED THAT:

SECTION 1. No city enforcement of immigration laws

- a. No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall assist or co-operate with the Immigration and Naturalization Service of the United States in the investigation or arrest of any persons for civil or criminal violation of the Immigration and Nationality laws of the United States.
- b. Except for Section 1.a. above, this ordinance does not prohibit the Takoma Park Police Department from carrying out its mandated duty to apprehend violators of the criminal law, nor does it prohibit police contact with any Federal agency, other than the Immigration and Naturalization Service, in connection with criminal or suspected criminal activity.

SECTION 2. No inquiries into citizenship

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall make any inquiry about citizenship or residency status of any person seeking to enforce rights or obtain benefits, or discriminate in the enforcement of rights or the granting of benefits on such bases, unless Federal or Maryland law so requires for the determination of eligibility of benefits. The City of Takoma Park administers no program which requires such inquiry.

SECTION 3. No release of information about citizenship status

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall release to the Immigration and Naturalization Service any information regarding the citizenship or residency status of any City resident.

SECTION 4. Severability

The provisions of this ordinance shall be severable; and if any part is declared by a court of competent jurisdiction to be contrary to the Constitution or laws of the United States or Maryland, and the applicability of that part of this ordinance to any agency, person, or circumstance is thereby held invalid, the validity of the remainder of this ordinance shall not be affected.

SECTION 5. Effective date

This ordinance shall become effective upon enactment.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND OCTOBER 28, 1985.

Introduced by:
Councilmember Dalmat

1st reading: 10-15-85
2nd reading: 10-28-85

ORDINANCE NO. 1985- 64

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

- SECTION 1. THAT it has been reported to the Mayor and Council by the City Administrator 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 6801 Westmoreland Avenue, on Lot 8, Block 18, Pine Crest Subdivision, within the City of Takoma Park, Maryland, recorded among the Land Records of Montgomery County in Liber 4355 at Folio 6300, Tax Account #1060145, Arthur M. and J. N. MacDonald, 1019 Ruatan Street, Silver Spring, Md. 20903, owners 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 City Housing Code: PM-302.2; PM-302.3; PM-302.3.1; and PM-302.3.3; 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 the Mayor and Council hereby designate the building located at 6801 Westmoreland 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 same code; AND
- SECTION 6. THAT the date of November 25, 1985, at 8:00 PM, in the Council Chamber of 7500 Maple Avenue, Takoma Park, Md., has been set as the time and the place for a hearing as to the condition of the aforementioned building, and Arthur M. and J. N. MacDonald shall on that date show cause as to why the building at 6801 Westmoreland 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 MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
OCTOBER 28, 1985.

Ordinance No. 1985- 67

WHEREAS, the Maryland State Highway Administration, owner of a commercially zoned property located at the northeast corner of Carroll and Ethan Allen Avenues, commonly known and referred to as the "Sister City Property," and more precisely described as part of lot 34, block 45 of the Carroll Manor subdivision in Takoma Park, Maryland, has offered to sell this property to the City of Takoma Park for \$49,200.00; AND

WHEREAS, the adopted and approved City of Takoma Park Master Plan (1982) recommends that "this commercial site ... be acquired by the City of Takoma Park and redeveloped as a pocket park and buffer area;" AND

WHEREAS, in a study on the revitalization of the Takoma Junction area, in which the Sister City Property is located, Morton Hoffman and Company, Inc., urban and economic consultants to the Montgomery County Department of Housing and Community Development and the City of Takoma Park, specifically recommended that this property be purchased by the City for a public use; AND

WHEREAS, the Takoma Junction Revitalization Steering Committee has, since 1983, consistently recommended that the City purchase the Sister City Property for a public use and specifically states this in the Takoma Junction Commercial Revitalization Plan (September, 1983); AND

WHEREAS, other community organizations in Takoma Park, including the Westmoreland Avenue Community Association, the B.F. Gilbert Citizens' Association, and the Takoma Artists Guild, have recommended that the City acquire the Sister City Property for a public use; AND

WHEREAS, pursuant to the direction of the Mayor and Council, City staff has, under Maryland's Program Open Space, applied for and received official approval for reimbursement of one hundred percent (100%) of the costs incurred by the City in acquiring the Sister City Property, up to a maximum of \$53,110.00, which costs may include the raw cost of land and improvements and incidentals such as appraisals, survey, legal fees, etc.;

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

SECTION 1. THAT the City Administrator or his designee is hereby authorized and directed to purchase, on behalf of the City of Takoma Park, the so-called Sister City Property from the Maryland State Highway Administration for the State's asking price of \$49,200.00 and to make all appropriate arrangements necessary to effect this purchase.

SECTION 2. THAT funds not in excess of FIFTY THREE THOUSAND ONE HUNDRED TEN DOLLARS (\$53,110.00) be charged to the Community Development Parks Acquisition Account (#599.3) in the City's FY 1985-86 Budget to cover the cost of the purchase of the Sister City Property, including the costs of all related incidentals, as necessary.

SECTION 3. THAT, subsequent to the purchase of the Sister City Property, the City Administrator or his designee take those steps necessary to ensure that 100% of the costs associated with this acquisition are reimbursed by Maryland's Program Open Space, as approved.

ADOPTED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MD. OCTOBER 28, 1985.

Introduced by:
Councilman Iddings

Adopted 7-22-85
Amended 10-21-85

RESOLUTION NO. 1985-19

WHEREAS, Joyce Shoepach, contract property owner of the Austin Place property, and the Austin Place Preservation Committee, have come before the Council for a decision about the proposed subdivision of the Austin Place Property; AND

WHEREAS, there is currently a Preliminary Plan before the Montgomery County Planning Board for the City Council to react to, the Council does want to express its position on the proposed subdivision to assist Ms. Shoepach and the Committee in planning for this property.

NOW, THEREFORE, BE IT RESOLVED THAT it is the sense of the City Council of Takoma Park that it, at this time, does not favor the re-subdivision of the Austin Place property and that, in taking this position, the City Council fully expects the community to make a vigorous and good faith effort by January 21, 1986 to purchase the Austin Place property at a negotiated price.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND JULY 22, 1985;
AND AMENDED OCTOBER 21, 1985.