

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

February 9, 1987

8:00 PM

AGENDA

- 8:00 CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams
- 8:02 PLEDGE
- 8:05 ADOPTION OF MINUTES OF THE DECEMBER 8, 1986 REGULAR COUNCIL MEETING
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- 9:00 CITY ADMINISTRATOR'S COMMENTS AND ADMINISTRATIVE REPORTS
(1) Resolution from Wayne Upton re National Peace Garden Bill
Citizens comments
Council action
- 9:10 (2) Second Reading of an Ordinance authorizing additional Code Enforcement Officer Position for Department of Housing Services
Citizens comments
Council action
- 9:20 (3) Resolution adopting Nuclear Free Zone Committee's listing - "The Leading Nuclear Weapons Contractors and Their Consumer Products"
Citizens comments
Council action
- 9:35 (4) Ordinance approving purchase of easement for improvements to south-east quadrant of Takoma-Langley Crossroads (Budget-approved item)
Citizens comments
Council action
- 9:50 (5) First Reading of a proposed ordinance: "Changing the Circumstances Under Which Rents on Vacant Apartments May Be Increased"
Citizens comments
First Reading
- 10:10 (6) First Reading of a proposed ordinance: "Changing Residency Requirements for Landlords on the Commission on Landlord-Tenant Affairs"
Citizens comments
First Reading

ADJOURN

REMINDEES: TUESDAY, Feb. 17, 1987 -- Council Worksession
Monday, Feb. 23, 1987 -- Regular Council Meeting

Monday, March 2, 1987 -- PUBLIC HEARING on Nuclear Free Zone
Committee's proposed ordinance:
"A Socially Responsible Investment
Policy for the City of Takoma Park"

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
February 9, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Haney	Deputy City Clerk Jewell
Councilmember Iddings	Housing Director Weiss
Councilmember Levy	Code Enforcement Supervisor Clayton
Councilmember Sharp	
Councilmember Williams	

ABSENT: Councilmember Bradley

The Mayor and City Council convened at 8:08 P.M. on February 9, 1987, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. For the record, the Mayor noted that Councilmember Bradley would not be in attendance due to a family commitment. Following the pledge, Councilmember Haney moved approval of the December 8, 1986 Council Meeting Minutes, as written; the motion was duly seconded by Councilmember d'Eustachio and carried unanimously. Councilmember Iddings remarked that the minutes were approximately two months in arrears in being presented for approval and inquired what plans existed for bringing those records up to date. Mr. Wilson responded that there had been a series of "flu bugs" and other staff difficulties over the past month and a half; he said the minutes subsequent to December 8th had already been processed or were in process, including those of the last meeting held, so they should be brought up to date very quickly -- hopefully, by the February 23 meeting.

The Mayor commented that the Montgomery County Delegation would be considering the Unification Bill on February 13 at its 9 A.M. meeting in Annapolis; he urged supportive citizens to contact members of the delegation (particularly new members) and encourage them to support the bill. He said the bill would be coming out of the BI-County Committee, as amended, with a favorable recommendation.

Mayor Del Giudice commented on the need to formalize action taken in Executive Session concerning the favorable evaluation of the City Administrator. He commented that, other than an initial increase early in his employment, Mr. Wilson's performance had not been evaluated. He said the City Administrator had handled any number of tasks and difficulties with a great deal of professionalism, and noted that a subcommittee of the Council was appointed to perform the evaluation. He moved that Council approve the favorable evaluation and, based on same, provide Mr. Wilson with an annual step salary increase plus a \$1,500 bonus. Councilmember Haney duly seconded the motion. Mr. Haney remarked that the evaluation and increase were long overdue and that it had been a pleasure working with Mr. Wilson; he said the professionalism and experience Mr. Wilson had brought to the job had been an asset to the City; Councilmember Iddings expressed concurrence. Councilmember Sharp said he was pleased the evaluation had been completed and promised that the next one would be done in a more expeditious manner. Mr. Wilson thanked the Mayor and Councilmembers for their vote of confidence; he said it had been a difficult ± 3 years, however, he felt the City had turned the corner and he hoped some of the administrative objectives could now be completed, as well as stabilization of personnel in the organization, particularly in key positions. Councilmember Williams expressed thanks for the expeditious handling of a response to an obviously illegal letter sent to tenants at 7611 Maple Avenue.

The Mayor presented and read a resolution concerning the 90th anniversary of the National P.T.A. and proclaiming February 17, 1987 as Takoma Park Elementary School P.T.A. Day; he moved its passage, duly seconded by Councilmember Iddings. Mr. Iddings noted that the resolution had been provided by the co-presidents of the Takoma Park Elementary School P.T.A., who were pleased at the revitalization of the P.T.A. at that school through the combined efforts of a number of persons. The resolution was passed by unanimous vote.

RESOLUTION #1987-6
(attached)

Mr. Wilson noted receipt of a request to postpone original agenda item #4,

concerning purchase of an easement for improvements to the southeast quadrant of Takoma-Langley Crossroads, until the next regular meeting. Councilmember d'Eustachio moved to table the item as requested, duly seconded by Councilmember Haney. The motion carried by unanimous vote.

Mr. Wilson introduced Susan Weiss, the new Director of Housing Services for the City, commenting it was a pleasure to have her aboard and that progress would be anticipated in that department under her leadership. He noted that Ms. Weiss was formerly employed in Ames, Iowa, where she was Executive Director for Tenant-Landlord Services in that community, as well as being directly involved in a series of activities that relate very much to the sort of concerns and sensitivities concerning housing, code enforcement, etc., in Takoma Park. He remarked Ms. Weiss holds a Master's Degree in Public Administration and a B.S. in Consumer Services, both with a Housing Studies minor, from Iowa State University.

CITIZENS' COMMENTS: (not directed at items for Council action)

Mike Davidson, Edinburgh House: referred to his comments before the Mayor and Council at the January 12 meeting, noting that the only responses received were from Councilmembers Levy and Williams. Both personally and on behalf of the Edinburgh House Tenants' Association he thanked those two members of Council for their efforts to resolve the situation, pointing out that the Mayor and other Councilmembers had remained silent concerning the situation. He noted that Code Enforcement Officer Jullena Jones' last day of work with the City, which was January 16, was allowed to pass without effort being made, thus an opportunity to resolve the issue was lost. Pursuant to letters submitted to the Mayor and Council, dated January 13 and 16, Mr. Davidson rebutted statements made therein by Mr. Wilson in relating the events of the occurrence. In addition, he questioned statements made by Ms. Jones in her description of the incident, some of which concerned remarks he allegedly made and which he denied. Mr. Davidson said he did, in a private conversation with Code Enforcement Supervisor Clayton in November 1986, state that if a lack of completion of Ms. Jones' July 17, 1986 annual report caused COLTA to delay the making of a decision in the Edinburgh's case, TP-371, he would take the issue to Mr. Wilson for lack of procedure and lack of extension documentation by Ms. Jones', as well as charging the Code Enforcement Division with granting several extensions to the landlord in the effort to complete the Edinburgh House annual inspection report. Mr. Davidson repeated his version of the December 24 incident as related on January 12, both in relation to Mr. Wilson and to Ms. Jones and Mr. Clayton, emphasizing that at no time was he loud, disrespectful or abusive in his conduct. He suggested that any fear Ms. Jones experienced was a product of her own mind, without any basis in fact or reality. Additionally, he pointed out Ms. Jones' own statement in writing that Mr. Davidson had no influence on her decision to leave her employment with the City, and that Mr. Wilson had admitted, also in writing, that the situation involving Mr. Davidson had no direct bearing on Ms. Jones' resignation. Mr. Davidson quoted from the Ethics Code, remarking on avenues he could have pursued in relation to that law and its penalties, however, said he had not felt those choices would serve to benefit tenants, the community, or the City as a whole. He pointed out that what he had asked -- prior to Ms. Jones' departure from City employment -- was resolution of the situation, and said he would have liked to have had an apology from Ms. Jones and Mr. Clayton. Mr. Davidson related he had asked that Mr. Wilson remove himself from the situation so an objective analysis could be made of the incident; he said he urged Ms. Levy to explore the possibility of meeting prior to January 16, possibly with an objective third party, to examine the matter; however, he said no one other than himself and Ms. Levy was willing to meet, thus, nothing had been done. He said he was now asking that the Mayor make a ruling that within the coming four days that hanging the phone up on a former COLTA Commissioner, a tenant and member of a tenants' association diligently struggling for tenants' rights, was both unprofessional and uncalled for. He said tenants do regard the Housing Department as an advocacy agency of the City, and have great respect for staff of that department. He remarked that the record would reflect that the Edinburgh House Tenants' Association was the only tenant organization to fight and testify in support of raising every single grade in the Department of Housing Services by two levels (at the last Council Meeting in 1986). He said they would also be supporting legislation to create six new Inspector positions, two additional clerical positions and a 4% raise for all DHS employees, as well as a special 2% bonus for all current DHS employees. In closing, Mr. Davidson referred to indignities suffered by Dr. Martin Luther

King, Jr., who was recently commemorated, during his fight for housing rights. He pointed out those incidents did not stop Dr. King, and said he, the Edinburgh House Tenants' Association, and UMAAC would not be deterred either. He said if he was in the wrong, he would like to be so informed; however, if he was in the right, that should not be covered up.

A copy of Mr. Davidson's statement was made for the record. In addition, Councilmember Levy gave Mr. Davidson a letter from herself stating that she had met with both Mr. Clayton and Mr. Wilson regarding the subject December 24 incident. She said Mr. Clayton had stated to her that Mr. Davidson could come and talk with him at any time; in her first meeting with Mr. Wilson, she said he told her his report on the incident would be forthcoming and he did not feel it necessary to meet. She noted that Mr. Davidson had asked her to be an intermediary in the matter, and related that she met a second time with both Mr. Wilson and Mr. Clayton (on February 6), at which time Mr. Wilson again indicated there was no need to schedule a meeting, and Mr. Clayton stated that Mr. Davidson should feel free to use Housing Services but that he did not feel it necessary to hold a meeting with Ms. Levy and Mr. Davidson.

Brint Dillingham, 7018 Carroll Avenue: said he would wish to comment on one aspect of the issue with which he was familiar because he had personally observed it. He referred to the meeting of January 27 at which a former police officer read a lengthy statement of complaint, and noted he was present at the January 12 meeting when Mr. Davidson first related his complaint. At that January 12 meeting, he said the statement of the City Administrator relayed through Asst. City Administrator Habada, was clearly intended to indicate that Mr. Davidson had caused Code Enforcement Officer Jones' resignation (he stated he had listened to the tape of that meeting to reinforce his recollection). He said on January 16, Mr. Wilson wrote a memo stating that in talking with Ms. Jones, she indicated that the incident was "icing on the cake," but did not have a direct bearing on her resignation, which was contradictory to what had been stated earlier by Ms. Habada. Mr. Dillingham pointed out that Ms. Jones' memo dated January 12, but apparently signed on January 13, clearly stated she was in the process of writing her resignation when she received Mr. Davidson's call and that Mr. Davidson did not have any influence on her decision -- also contradicting Mr. Wilson's statement relayed through Ms. Habada on January 12. Mr. Dillingham said it seemed clear at the current point in time that Mr. Davidson was owed an apology for the implication put forth publicly by the City Administration that he had caused the resignation of a City employee.

Wayne Upton, 7600 Maple Avenue: disseminated copies of an article from Jet Magazine to the elected body and City Administrator, commenting that he wished to talk about white racism in America and apartheid in South Africa. He referred to the death of Michael Griffith in December 1986 in Queens, New York, stating that Mr. Griffith was a victim of white racist violence at the hands of a lynch mob and saying that Mr. Griffith's tragic death was a message to all Americans who dislike racism to say no to racism and apartheid. Referring to the aforementioned article, he pointed out a picture of the funeral in which Michael Griffith's younger brother was shown, and related statistics from the Justice Department's Community Relations Service reflecting the incidence of racial disturbances from 1982-1986. Mr. Upton said Congressman Dymally had stated that President Reagan had developed a climate where people no longer believe they have a moral responsibility other than civil rights, and said that Roger Wilkins had stated in the aforementioned magazine article that the current administration had sent the message in hundreds of ways that blacks have gotten too much and that they would work to weaken the civil rights enforcement law. Mr. Upton related having last been in Queens, New York, in 1977 and stopping to eat in an Italian restaurant where the proprietor told him in the course of conversation, after learning Mr. Upton was raised in Little Rock, Arkansas, that he was an admirer of Adolph Hitler -- Mr. Upton said that was a tragic reminder that there was still a lot of racism in Queens. He disseminated copies of a resolution concerning apartheid in South Africa and displayed a brochure dealing with that situation obtained at a conference he had attended. From that document, he related some of the tragic events occurring there, and explained the goal and mission of the Call to Conscience Network, which he said is a pledge taken to demand that the U. S. Government, its institutions and its corporations, cease all actions supporting injustice in South Africa, and stating that action on moral and religious values will be taken by individuals and organizations using non-

violent protest to challenge policies that strengthen apartheid. He said joining the Call to Conscience would afford participation in a nationwide contingency plan to challenge U. S. support for apartheid; he enumerated the goals of the organization. Mr. Upton said the proposed resolution was a response to the Reagan administration's constructive engagement policies, which reportedly were not working effectively. Councilmember Williams moved that the Council consider the resolution, duly seconded by Councilmember Levy. Councilmember Iddings moved that the resolution be tabled, duly seconded (the Mayor noted that a motion to table takes precedence). Mr. Iddings commented he thought he understood and would support Mr. Upton's motives, and would probably support the City endorsing the Call to Conscience Network; however, he said he did not think it did a lot of good for the Council to pass a Wayne Upton resolution each week -- that it would do a lot more good if not only Mr. Upton, but people from different wards across the City, would come before the Council expressing support for the issue. He suggested Mr. Upton look to the Newsletter and the cable television channel as tools he could personally use to organize on issues of interest so support could be gathered from citizens of all the wards. He said that without the gathering of support from others, the passage of resolutions presented by an individual would not have the impact they possibly could. Councilmember Williams said he disagreed with Mr. Iddings' rationale -- that if there were a citizen who comes up with good ideas, he should not be limited to presenting only one. The vote on the motion to table was a 3-3 tie (Councilmembers Haney, Iddings and Sharp voting Aye; Councilmembers d'Eustachio, Levy and Williams voting Nay); the tie was broken and the motion carried by the Mayor voting in the affirmative, but stating that his vote was not for the sentiments expressed; he said the policy that has generally been followed was to present any resolution or ordinance to the Mayor and Council in worksession or in the packet prior to the item being addressed in a regular meeting. He said it was usual for legislative bodies to consider such legislation in worksession or committees prior to enactment. He said he would schedule Mr. Upton's resolution for consideration at the next worksession on February 17, if the agenda permits.

Ginja Carter, Neighborhoods Together, Inc.: said she was speaking on behalf of the organization because the President and Vice-President were unable to be in attendance. Ms. Carter read a statement prepared and signed by those officers concerning the December 24 incident involving Department of Housing personnel and Michael Davidson, an officer of the Edinburgh Tenants' Association. The document related problems encountered both by the tenants' association and NTI in procuring necessary information from Housing Services, and concluded with an expression of the hope that such an unfortunate situation would not happen again, an offer to assist in its resolution and in attempting to ensure against recurrence.

Claudette Thompson, President of Edinburgh Tenants' Association: spoke concerning the diligent efforts made by Michael Davidson on behalf of the community at large; she said he had given liberal amounts of both his time and energies to further the causes of the tenants' association, as well as demonstrating a unique concern for the well-being of individual residents of the Edinburgh House Apartments and assisting in establishing cohesive relations among those residents. She noted Mr. Davidson's membership in the Upper Maple Avenue Advisory Council and said his diligence in community involvement was unsurpassed. Ms. Thompson said that the tenants' association was asking that Mr. Davidson, or any representative of the association, be afforded more respect by the Department of Housing when they are representing that association. Councilmember Williams commented that he could both sympathize and empathize with Mr. Davidson; he said it was not too many years ago that he had the feeling that he was hated as an individual at the Municipal Building and considered to be a troublemaker. He said he felt comfortable now in saying that as long as he was black and classified as a troublemaker, he was doing his job. Mr. Williams related some early history of the Housing Department and his troubles with them, saying that at one point, the State's Attorney's Office impounded that department's records. He said he would want to think that the City of Takoma Park had come a long way since that time, realized the department was under-staffed, however, felt it was up to the Mayor and Council to deal with existing problems and get them resolved. Mr. Williams noted a lack of response from the Mayor to either Mr. Davidson or Mr. Dillingham concerning an apology -- he said silence on an issue was not always the best way of solving the problem. He noted the presence of Mr. Davidson, Mr. Wilson,

and Mr. Clayton at the current meeting, as well as the new Director of Housing Services, Susan Weiss, and suggested perhaps she could relate how she would deal with the situation should anything similar occur during her tenure. Mr. Williams spoke at length, concluding by urging and recommending that those involved sit down and calmly reevaluate the parts they played and try to resolve the situation. The Mayor commented he felt that to be an appropriate recommendation; he said he would not want to indulge in any further finger-pointing or namecalling because it would be an unproductive manner in which to proceed.

Tom Gagliardo, 704 Maplewood Avenue: asked that the Mayor and Council address the overall goals of the upcoming fiscal year's proposed budget in the Newsletter so that prior to specialized meetings addressing departments and items citizens would have an opportunity to formulate their comments. He pointed out that various state and county elected officials had published proposed budget information in a variety of newspapers, noting that when he had made the same suggestion last year at the end of the budget process, he was severely criticized, thus, was making it this year at the beginning of the process in the hope it would be utilized. Mr. Gagliardo referred to a continuing attack on the City's Nuclear Free Zone Ordinance by the Montgomery Journal; he said they had attacked the City's position on the nuclear weapons issue time and again without stating their own in any context. He urged that the Mayor and Council present a unified statement of opposition to the Montgomery Journal for its unfair attack on an ordinance which he felt a majority of those in attendance, including himself and the elected officials, support. Concerning earlier discussions in the meeting, Mr. Gagliardo remarked on perceiving that when a subject was under debate about which some of the elected body felt uncomfortable, there were efforts made to limit that discussion whereas others which did not generate anxiety were not similarly limited; he said he felt that was wrong -- that if a 5-minute limit were invoked, it should be uniformly applied. He said he was reminded of former Mayor Abbott's remark to then-Mayor Roth years ago concerning whether the City would have democracy, or would have democracy by egg timer. He said he thought the Mayor and Council should examine the question carefully and decide whether or not they would invoke a time limit or would afford people an opportunity to express their feelings freely and openly. In response to inquiry from Mr. Gagliardo about his proposal re advance Newsletter publication of budget information, the Mayor stated for the record that he and the Council had met with the City Administrator and discussed general direction in preparing of budget proposals and submissions from department heads and, in general terms, they have been asked to prepare budget submissions that would come in at a constant yield income, which will require them to do a great deal of program analysis, which will then be taken by the City Administrator and a proposed budget recommendation prepared for presentation to the Mayor and Council, with subsequent public hearings conducted. He said information may be published in the Newsletter prior to hearings, in fact, felt that would be important, and said more information will be available as the process moves forward. He said he did not consider it a productive use of either the elected body's or the citizens' time to spend the citizens' comment segment indulging in individual arguments and exchanges. For the record, he pointed out that the City Code imposes a five-minute limit on citizen comment, one which has not really been enforced and thus there are a lot of abuses of time limits -- he said some people would argue that a judicious use of time with limits is fairer to all individuals involved because it does not cause delay of their items being addressed in a timely manner. Mr. Gagliardo commented that because the codified time limit had not been enforced and had been used selectively, it was subject to severe constitutional challenge. A brief exchange ensued between the Mayor and Mr. Gagliardo, with Mr. Gagliardo noting that Mayor Del Giudice had declined to respond to his request concerning the ongoing attacks by the Montgomery Journal.

ITEMS FOR COUNCIL ACTION:

1. Resolution from Wayne Upton re National Peace Garden Bill.
 Councilmember Williams remarked that Brint Dillingham had been trying to be recognized in order to offer a citizen's comment; Mayor Del Giudice said he was sorry -- that he had not recognized Mr. Dillingham because he had not seen his hand raised. During ensuing dialogue, Mr. Dillingham remarked that he had wished to ask Councilmember Williams to express whatever it was he intended to express in response to Mr. Gagliardo's remarks. In the course of the ensuing confusion, the Mayor pointed out he had not recog-

nized Mr. Dillingham, for which he had tendered an apology, and that the meeting had moved beyond the "Citizens' Comment" portion and into the first item on the agenda. Mr. Dillingham remarked that when a Councilmember made so bold as to offer to respond to a question, as had Mr. Williams, he would like to hear that response; he persisted questioning whether or not Mr. Williams would be allowed to speak. The Mayor stated that the focus of the meeting was presently on item 1 of the published agenda, and remarked that the subject resolution had been redrafted based upon worksession discussions. He moved passage of the resolution, duly seconded by Councilmember Haney. Following reading of the resolution by the Mayor, it was passed by unanimous vote.

RESOLUTION #1987-7
(attached)

2. Second Reading of an Ordinance authorizing additional Code Enforcement Officer Position for Department of Housing Services.

Councilmember Williams moved adoption of the ordinance, duly seconded by Councilmember Sharp. For the record, the Mayor noted there were monies existing in the present budget to fund the position. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Haney, Levy, Sharp, and Williams; NAY: None; ABSENT: Councilmember Bradley; TEMPORARILY ABSENT: Councilmembers d'Eustachio and Iddings.

ORDINANCE #1987-7
(attached)

3. Resolution adopting Nuclear Free Zone Committee's listing - "The Leading Nuclear Weapons Contractors and Their Consumer Products."

Passage of the resolution was moved by Councilmember Levy, duly seconded by Councilmember Williams.

Jim Bruns, Hillwood Manor: pointed out that adopting such lists carries a price tag and would cost the taxpayers more money because it eliminates suppliers who may be interested in competitive bidding. He said that, thanks to the Nuclear Free Zone Ordinance, the City lost the opportunity to acquire five new police cruisers in a timely fashion and at a savings of \$5,000 by piggybacking on the Maryland State Police's purchase of Chevrolet police cars. He said it was the citizens who bear the cost of such lost opportunities and, if the City were a country club community, it would not mean much; however, Takoma Park is not a wealthy community -- the majority of residents are working people who labor hard for what they have and save for any extras. He pointed out that City residents already pay among the highest taxes in the metropolitan area, and said if the City Council keeps losing opportunities to save money by not relying upon competitive bidding because of the desire of some residents to adhere to dreams of a nuclear free world, City assessments may soon be even higher. He said another example of the costly high-mindedness on the part of some members of the Council was their sponsorship of a measure to purchase Volvo police cars -- vehicles with a price tag of \$18,600 each -- costing a total of \$30,000 more than would competitively purchased American-made police cars -- with City residents again footing the bill for the difference. He remarked that the City needs a fiscally-responsible Council, and the first step would be to restrict the use of such lists as was being presented to merely an advisory opinion.

Councilmember Levy rebutted Mr. Bruns' remarks, pointing out she is a homeowner in the City, however, has voted in favor of a variety of issues, particularly those affecting tenants, which have resulted in the expenditure of thousands of dollars of City funds. She said the issue being addressed would not, in and of itself, result in taxes being raised. She said the question of the City using Volvos as police vehicles was still under discussion -- no decision had been made. Mr. Bruns remarked he would support expenditures for the purpose of improving City services to either homeowners or tenants, however, would not support expenditure for dreams that will not be realized. Ms. Levy commented in support of the resolution, stating that having observed cuts made in the past year or so in federal funds such as Revenue Sharing and Community Block Grants, she felt the money spent on nuclear weapons testing and defense takes away from human needs; she elaborated and related some of her observations in her capacity as a school teacher. Ms. Levy said the Nuclear Free Zone Ordinance adopted by unanimous vote of the Council was never intended to be merely

symbolic; she said it provided for formation of a committee to monitor what was occurring and that was what was presently taking place.

Clarence Boatman, 133 Ritchie Avenue: spoke in favor of the City purchasing American-made vehicles for police use, specifically Chevrolets, as had other area jurisdictions. He said while he felt the members of the Nuclear Free Zone Committee probably had good intentions, he would oppose the proposed resolution without seeing demonstration of some sort of benefits for the City that had not been set forth to date, particularly considering the price tag it would carry, which a lot of senior citizens could not afford.

Councilmember Williams remarked that the comments being made seemed to be directed toward the dollars and cents factor only -- that consideration should be given to why it was necessary for the Nuclear Free Zone Ordinance to be enacted. He referred to his employment in radiology and familiarity with the effects of radiation, as well as prior military service, and said the problem was not a simple one of money -- that an effort had to be made, and changes could be effected if people were willing to try long enough and hard enough.

Ken Shields, 7114 Poplar Avenue: inquired where the additional \$30,000 for Volvos would come from if not from the taxpayers. Councilmember Levy responded that everything in the budget is funded by the taxpayers, however, one item would not generate an increase in the tax rate. Mr. Shields inquired whether the committee was looking into ways to promote a nuclear free environment other than a boycott of products; Ms. Levy responded in the affirmative. She related that, in terms of education, the City wrote letters to all of the companies on the Leading Nuclear Contractors list advising them that Takoma Park would no longer be dealing with them; she noted many responses were received to those letters. She said all of the committee's meetings are open to the public, are listed in the Newsletter, and encouraged Mr. Shields to attend. Mr. Shields stated that he would oppose the City purchasing Volvos, and would encourage that other options be explored.

Reuben Snipper, 705 Erie Avenue, member of Nuclear Free Zone Committee: said the committee was carrying out its duties as set forth in the Nuclear Free Zone Ordinance and had not invented the need to produce such a list as was being presented. He noted that the list was not complete, was intended as a starting point for figuring out which companies produce products prohibited under the terms of the ordinance. He said the list, in and of itself, does not prohibit the City from buying the least expensive product -- that there are many companies not on the list. He noted that the ordinance sets specific due dates for certain things to be submitted by the committee, the subject list being one of those, which was why it was now before the Council. He enumerated a number of the missions of the committee as set forth in the legislation, concluding by stating that Takoma Park is in the forefront of the Nuclear Free Zone City Movement, i.e., is looked to by a variety of other cities across the nation for its Nuclear Free Zone Act. He said he felt the City should continue to support the ordinance and carry it out in the manner which the present type of open debate encourages; he urged interested citizens to attend the committee's meetings and share their ideas about how the ordinance might be carried out in a way that would satisfy their concerns. Councilmember Sharp inquired whether the committee intended to monitor such things as the possible setting up in the City of an office, for instance, which might get a Defense Department contract to do nuclear weapon related computer work. Mr. Snipper said the committee was trying to develop ways of making the ordinance self-enforcing, however, was not sure that would be possible in the scenario posed by Mr. Sharp. Mr. Sharp inquired whether the committee would be examining such questions as the constitutionality of certain aspects of the legislation; Mr. Snipper said he would hope so, that the intention of the committee was to make the ordinance as workable as possible. Councilmember Haney remarked on having received a comment from a citizen following the last worksession about the amount of City staff time spent on research by the Police Chief and his deputy in relation to the police vehicles, and asked that Mr. Snipper further define self-enforcing as used in connection with the ordinance as it relates to City staff time. Mr. Snipper said the committee would see self-enforcing as alleviating the sort of position in which the Police Chief had been placed; he said the intention of the committee would be to put the burden of proof on those submitting bids to

the City, whenever possible, to avoid expending staff time. Councilmember Iddings commented that the City had been using Nuclear Free America's guide in determining to whom Requests for Proposals should be sent; he said what he had hoped the committee would provide would be something more useful to City staff, that citizens could review and understand -- he noted the list provided was a year and a half out of date, commenting that he recognized the difficulty of gathering the particular sort of information. He said the list would require annual review, and he would hope in the future to see suggestions for staff rather than a list of prohibitions. Mr. Snipper remarked the committee had been promised a more current list, however, it had not been available in time for the current presentation, and said they did intend to provide improved lists at a future time. He said the committee's thinking had been that it was much simpler to identify prohibitions than permissibles inasmuch as there are literally thousands of manufacturers for some items, and it would be very difficult to be exhaustive.

Montez Boatman, 133 Ritchie Avenue: said she was opposed to the resolution, as well as the original Nuclear Free Zone Ordinance, which she had perceived as being a philosophical statement. In that context, she said she thought it was great; however, from the standpoint of practicality, did not know that the goals were attainable. She pointed out that, with the corporate mergers and takeovers occurring in today's world, the list probably would not be valid for long. She said she did think the transportation of nuclear weapons through the City and the manufacture of same within the City were provisions of the original ordinance that were possibly enforceable; however, was not so sure about the purchasing aspects and thought taxpayers would eventually have to pay for trying to enforce those provisions. She said it appeared that what had happened was creation of a political quagmire, and that a way would have to be found to extricate the City from it; she recommended amendment of the original ordinance in order to make it workable. She stated that her opposition to the resolution did not in any way equate with being in favor of nuclear war; however, said unless action taken in the City could be translated to comparable action at the county, state and national level, then the City was butting its head up against a brick wall.

Tom Gagliardo: commented that every journey begins with a first step. He concurred with Mrs. Boatman's comment about the need for action in the City being expanded to the county, state and federal level; however, said that for the City to retreat at the current point in time would encourage the opposite to occur -- it would encourage the status quo and business as usual. He referred to nuclear accidents that had occurred in the past, and said the Journal Newspapers in their editorials encourage cynicism by, in effect, saying to the world that they should laugh at Takoma Park because it is comprised of a bunch of fools. Mr. Gagliardo stated he concurred with the need for fiscal responsibility and restraint. He said the first acid test of the ordinance was in relation to the purchase of the police radio system and briefly related the history of that issue. He said without the pressure of the Nuclear Free Zone Ordinance and the discipline it imposed, a more substantial amount of money would have been expended for that purchase. He said he recalled the police department proposing the acquisition of Volvos a few months ago -- prior to any mention of piggyback purchasing with the state police and prior to mention of any particular problems with Chryslers. He pointed out the material on vehicles was presented at the last worksession not by the Nuclear Free Zone Committee, but by the police department. He commented based on that material and asked that people argue the facts, but refrain from claiming fiscal restraint and, in their cynicism, sabotaging a meaningful political act with fiscal benefit to the City. He said the Nuclear Free Zone Ordinance acts as a matter of politics, in a global sense, and also as a matter of local fiscal responsibility, and said people should not be fooled into thinking the police vehicle issue was an "either/or" proposition, which it is not. He said, if the statistics were examined, it would be clear that Volvos were not \$30,000 more than other vehicles under consideration. Following a brief exchange with an unidentified member of the audience, he remarked that the City is not big enough to have any great impact on major manufacturers, noted the importance of the bid process and that the lowest bid of a certified non-nuclear supplier be accepted. Directed to Journal staff present in the audience, he pointed out elapsed time prior to the state police piggyback purchase proposal coming before the Council and that any opportunity had not been missed due to the Nuclear Free Zone Ordinance, but due to a botched purchasing process outside the City's jurisdiction. Coun-

Councilmember Iddings pointed out that the police department's proposal earlier in the year was that Volvos be leased at 1/3 the purchase cost per year, which he said would have been significantly less than any car that could have been purchased.

In response to earlier comments by Mrs. Boatman, Councilmember Levy noted that the City had been using the self-enforcing purchasing policy for well over a year, i.e., buying from companies certified as non-nuclear involved, and had had virtually no problems up until the current point in time -- and no added expense had been incurred to the City by that practice. Councilmember Haney suggested Mr. Gagliardo respond to the Journal's articles in the form of a letter to the editor; Mr. Gagliardo responded he had done so and would be mailing his commentary soon, after verifying a few additional facts.

Hank Cox, 7331 Piney Branch Road: expressed objection to the adoption of the proposed list, which he said was a blacklist and implies that the companies noted, through their involvement in the nuclear arms industry and participation in the U. S.'s defense, are doing something immoral or unethical. He said, in his opinion, that was unwarranted and preposterous, completely aside from the antics the City is being forced to go through. Concerning Ms. Levy's earlier comments about programs suffering because of federal funds going for defense purposes rather than humanitarian causes, Mr. Cox said that every military expert he had heard speak or whose statements he had read, agreed that nuclear weapons were cheap defense -- that without those, conventional forces would have to be doubled or quadrupled. He noted the millions killed by conventional weapons in the two World Wars in the current century and said there had been no all-out struggle between the major powers since World War II because of the fear of nuclear weapons. Lacking that deterrent, he said he was firmly convinced the U. S. and Russia would have long since gone at each other using Western Europe as a battlefield. Mr. Cox said that the nuclear genie had been released from the bottle and could not now be put back in; he said some people involved in the nuclear free movement had made statements about there being too many nuclear weapons, however, if Congress and the Pentagon could not figure out how many were an optimum number, he doubted residents of Takoma Park could. He said it appeared the debate could go on and on, and while it was bad enough the ordinance was on the books, surely attention did not have to be paid to it. In response to Mr. Cox's comments, Councilmember Williams remarked that the effects of radiation and a bullet are quite different; he said there are some islands right now that have been contaminated and 25,000 years hence the life-expectancy will only be half its current level elsewhere.

Greg Hamilton: spoke concerning reality vs. idealism; said he understood Volvo would not be making police packages next year and asked what the City would do then -- asked whether they would go through the same process again. He said half of the things on the list provided were in the homes of citizens, committee members and elected officials -- he asked what people were supposed to do -- discard those things and start all over again? He spoke in favor of exemptions to the ordinance based on the reality of the situation, and particularly in relation to questions of safety and welfare, while retaining philosophical/idealistic goals and intentions. Concerning reference made to the make of personal car he owns, Councilmember Williams commented that as a member of the Council he is obligated to spend taxpayers' money as directed by his constituency, however, as a working man, he can spend his personal money as he chooses. Councilmember Sharp moved that another 15 minutes be devoted to the present discussion, duly seconded by Councilmember Haney; the motion failed.

Bill Samuel, 4 Hickory Avenue: said he felt the goal of eliminating nuclear weapons and not patronizing firms that develop the capability of waging war was a good one; however, said there were other good goals the Council should be following as well, such as patronizing good corporate citizens. He said when an inflexible list is developed, conflicts in goals surface -- he said, considering the plight of some American workers, he could not believe the Council was considering buying foreign-made Volvos. He said AT&T, which is on the list, is a good corporate citizen in that it recognizes the right of workers to collectively bargain and organize -- in fact, is the only telephone company that recognizes labor unions -- and yet, if the list is abided by, the City may have to end up patronizing a company that uses sweat-shop labor. He said the list should be advisory only, and

the Council should evaluate companies on various other issues in addition to their nuclear weaponry involvement. Councilmember Levy commented that Mr. Samuel's remark concerning AT&T being the only telephone company recognizing collective bargaining was inaccurate according to information given her by an individual from the telecommunications union. She reiterated earlier statements to the effect that the City had experienced no prior problems, that literally hundreds of companies can supply the various products used by the City government.

Larry Dzialeza, 7209 Holly Avenue: remarked in favor of good, sound City practices regarding purchasing, noting that the primary responsibility of the elected officials is to respect their hard-working constituency and honor the need for an efficient delivery of services in the city, regardless of the criteria they employ to do so. He commented concerning the unmet needs of some residents of the city, and the need for financial responsibility -- pointing out some of the items \$30,000 in the budget could fund. He said he would want to see money spent effectively in the budget to provide services that are needed in the city, not on an indirect symbolic action. He said he would prefer to see the City buy Chevrolets, and take the \$30,000 and pay a lobbyist to go to Capitol Hill every day to lobby Congress against nuclear weapons, which he thought would be a more effective expenditure of the funds. He said the current issue would not be the end of the problem, that it would be ongoing and could hamstring the local government. He pointed out there were other effective ways, if the Council so desired, of protesting national policies and making political statements, and which would not be costly to city residents. Councilmember Levy reiterated that the issue was not only a symbolic gesture, that letters were written to the 50 leading nuclear-related manufacturers and that AT&T was interested enough that they had requested a meeting in Takoma Park; she noted that other cities across the U.S. are participating in the movement, and said she believed that companies would perhaps reevaluate.

Brint Dillingham, 7018 Carroll Avenue: referred to Mr. Cox's earlier remarks and said that Dwight Eisenhower had, in the early 1950's, warned of the situation today, i.e., that every missile being built would mean that (x) number (a very high figure) of schools, hospitals, etc., would not be built. Concerning the telecommunications companies, he said AT&T was the only one to his knowledge that had within the past 6 months laid off thousands of workers. He said he felt, if and when possible, unionized American-made products should be bought, which was why he would want the City to follow up on Jay Levy's comment in worksession to the effect that in the Center for Auto Safety's Manual the Chrysler, about which the police department has registered negative comments, was given a very favorable rating. He voiced concurrence with remarks made by Mr. Dzialeza concerning ways of expressing anti-nuclear sentiments, and said that two years ago when the anti-apartheid demonstrations started at the South African Embassy, very few people thought the movement would be as successful as it has been in forcing disinvestment in South Africa. He noted that disinvestment in that country has its own costs and yet, because of a movement that started with people marching on the embassy, within a few short years there had been a tremendous turnaround on the disinvestment question. He said he felt that if cities across the nation like Takoma Park could continue the nuclear free zone movement and be strong about it, as were the anti-apartheid activists, perhaps success similar to theirs will be experienced sooner than anticipated. Reuben Snipper referred to the waiver amendment to the Nuclear Free Zone Ordinance, providing that requirements of the ordinance could be waived when it has been established the health, safety or welfare of either residents or employees of the City could be jeopardized or affected by adherence to the provisions of the ordinance. He said if the City had to pick a car that endangered the health or safety of police officers, that would certainly be a consideration in addition to cost. He said the committee was also looking into cost factors in relation to the purchase of the police cars and, as had been pointed out by a prior speaker, the cost viewed over the life expectancy of the various vehicles, was about the same; he said information on that topic would be presented by the committee at the public hearing on the subject. Councilmember Iddings pointed out there would be a need to examine the reality of police vehicle experience in the City -- the cars are not presently replaced on a routine basis, are run until they drop and then resuscitated to run awhile longer, primarily due to problems in getting funding for a level of cars the police department feels is adequate. As a result, he said, the department has some cars as old as 9 years, with mileage well into the 6-digit range.

Councilmember Haney moved to table the resolution indefinitely, explaining that some honest, legitimate questions had been raised and he felt the Council should take those comments under consideration. He said he felt perhaps a public hearing which would involve the citizens of the City should be held on the issue. The motion was duly seconded by Councilmember d'Eustachio. The motion to table indefinitely failed by a 3-3 tie vote, which was broken by the Mayor voting in the negative. Mr. Haney then moved to table the resolution until the March 2nd Public Hearing at which time it could be brought up for discussion; Mr. d'Eustachio duly seconded the motion. The motion carried with Councilmembers Levy and Williams voting Nay, balance of Council voting Aye. The Mayor commented it was anticipated the resolution would be combined with consideration of the waiver for purchase of police cars, and that a public hearing would be scheduled for early March.

4. First Reading of a proposed ordinance: "Changing the Circumstances Under Which Rents on Vacant Apartments May Be Increased."
Councilmember Sharp moved acceptance for first reading, duly seconded by Councilmember d'Eustachio. Mr. Sharp remarked it had become clear during discussions about rent stabilization earlier in the year that there was confusion concerning rent increases on vacant units because of the difference in the way leases are regulated in the City and the county. He said the proposed ordinance was an attempt to address that problem. Councilmember Williams commented it appeared the ordinance would remove rent controls on vacant units, which had been discussed numerous times over a long period; he spoke in opposition to the legislation, pointing out that rents had already escalated enormously over a relatively short period of time, and said he did not think Mr. Sharp's rationale would hold water. He said that out of all the landlords who had appeared before the elected body and/or COLTA pleading economic hardship, none had apparently ever presented a profit and expenditure sheet -- their case was always verbal. He commented that the purpose of the proposed ordinance was apparently to lessen the hardship on landlords, and pointed out that despite the alleged hardships, people were still buying rental properties. Additionally, he said citizens had not been properly notified of the first reading of the legislation, which would afford them an opportunity to voice their opinions about it. He said that was not a fair way to operate, and remarked that the Mayor had disseminated a memo to members of the Council attempting to explain why the legislation was on the agenda without having been discussed in worksession -- as a matter of fact, he said not only this item but the following one addressing residency requirements for landlords on COLTA were both being improperly presented, and thus were unacceptable for consideration due to the appropriate procedure having been circumvented. He said he could not vote on the legislation at all at the current point in time because it would be improper. Councilmember Levy commented she was in complete agreement with Mr. Williams, also noting lack of notification to citizens and the opportunity for them to comment; she said it appeared to be a retreat into allowing landlords to raise the rents more frequently and she, too, would have to abstain from voting on the two items at the present time. She said she would like to see the legislation tabled and presented at a worksession. Councilmember Sharp said he could appreciate both Mr. Williams' and Ms. Levy's comments; however, he said he had not proposed the legislation with the idea that it would be presented for first reading without having been first discussed in worksession. He said, not because of the characterization of the intent of the ordinances, but because of a recognition of omission of the appropriate process, he would withdraw both pieces of proposed legislation for the present time.

Councilmember Iddings commented he was temporarily absent during discussion of Wayne Upton's resolution concerning the National Peace Garden Bill and also the ordinance authorizing an additional Code Enforcement position; he said, had he been present, he would have supported both of those items and would ask that the record so reflect.

Tom Gagliardo related that Councilmember Bradley was not present due to her mother being very seriously ill, and said she had asked him to relay several comments for her. He summarized Ms. Bradley's comments, saying that Ms. Bradley basically concurred with Ms. Levy's and Mr. Williams' comments regarding the housing-related legislation which Mr. Sharp had withdrawn. Mr. Gagliardo urged that the proposed ordinances be published in the Newsletter, along with explanatory/commentary information, so as to encourage

Council Meeting Minutes, 2/9/87

citizen participation. The Mayor remarked that, in light of the number of items already scheduled for the next worksession, it was not very likely the proposed legislation would be on the agenda for that meeting.

There was brief discussion concerning the development of a socially responsible investment policy for the City, concluding with Councilmember d'Eustachio asking that the legal groundwork as related to the State Code be accomplished by Deputy City Clerk Jewell prior to Corporation Counsel Silber being directed to perform any legal work on the issue; he noted that would provide Ms. Silber a basis from which to commence work. The Mayor responded that suggestion would be taken under advisement and whatever could be done in-house would be accomplished. Mr. Sharp reminded of Ms. Silber's stated willingness to work with City staff.

Upon motion, duly seconded, the meeting adjourned at 11:12 P.M., to reconvene in regular session at 8:00 P.M. on February 23, 1987.

Introduced by: Mayor Del Giudice

RESOLUTION #1987- 6

- WHEREAS, on February 17, 1897, Alice McClellan Briney and Phoebe Apperson Hearst called for parents of America to convene in Washington, D.C. to map out plans to improve the health, safety and well being of all children; AND
- WHEREAS, Those in attendance came because of their concern for children and to found the National PTA; AND
- WHEREAS, the Takoma Park Elementary School, established in 1888, and its PTA has had a long history of parental concern for the education and well being of the children of this community; AND
- WHEREAS, the Takoma Park Elementary School PTA has increased its membership, parental involvement and commitment to the children of the Takoma Park community significantly this past year; AND
- WHEREAS, on February 17, 1987, nearly 6 million members of the National PTA will honor its 90th birthday and the women who founded this organization--Alice McClellan Briney, Phoebe Apperson Hearst, and Selena Sloan Butler.
- NOW THEREFORE, BE IT RESOLVED, that in honor of the 90th birthday of the National PTA and its commitment to children, the Mayor proclaim February 17, 1987 Takoma Park Elementary School PTA Day.

Dated: February 9, 1987

Introduced By: Mayor Del Giudice

Date: February 9, 1987

RESOLUTION #1987-7

WHEREAS, the United States Congress is now considering the National Peace Garden Bill, H.R. 191 introduced by Congressman George Miller and S.71 introduced by Senator Spark M. Matsunaga; and

WHEREAS, the City of Takoma Park truly is a diverse community where people from all over the world, of all races, cultures and creeds live and work together without serious conflicts, in peace and harmony; and

WHEREAS, the City of Takoma Park and its citizens have demonstrated a commitment to world peace by the enactment of the Nuclear Free Zone and Sanctuary Ordinances; and

WHEREAS, there is violence and military conflict in the world and a National Peace Garden would promote peace by providing a place where United States citizens and people from all over the world could visit, meditate and talk about peaceful solutions to conflicts.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park hereby support legislation to create a National Peace Garden; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby urge Congressional Representatives Hoyer and Morella to support and to become co-sponsors of H.R. 191, and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby urge Senators Sarbanes and Mikulski to support and to become co-sponsors of S.71.

1st Reading: 1-12-87

2nd Reading: 2-9-87

Upon motion by Councilmember Williams, duly seconded by Councilmember Sharp, the following ordinance was introduced.

ORDINANCE NO. 1987- 7

AN ORDINANCE TO AUTHORIZE AN ADDITIONAL CODE ENFORCEMENT OFFICER I POSITION FOR THE DEPARTMENT OF HOUSING SERVICES.

WHEREAS, position vacancies in the Department of Housing Services have created a surplus in Departmental salary accounts; AND

WHEREAS, the Department of Housing Services needs additional staffing to assist with implementation of the Housing Code of the City of Takoma Park in order to deal with the backlog of Code inspections;

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

SECTION 1. THAT a Code Enforcement Officer I position is hereby added to the Departmental roster for FY 87.

SECTION 2. THAT the City Administrator is authorized to advertise to fill the additional Code Enforcement Officer I position.

Adopted this 9th day of February, 1987

YEA: Councilmembers Haney, Levy, Sharp and Williams

NAY: None

ABSENT: Councilmembers Bradley, d'Eustachio and Iddings

ABSTAIN: None

PLEASE NOTE THAT THE AGENDA ITEM TIMES INDICATED BELOW ARE SUGGESTED TIMEFRAMES.
ITEMS MAY BE TAKEN UP SOONER OR LATER THAN THE TIMES INDICATED,
BASED ON COUNCIL DELIBERATIONS.

CITY OF TAKOMA PARK, MARYLAND
Regular Meeting of the Mayor and Council
February 23, 1987
8:00 PM

AGENDA

- 8:00 CALL TO ORDER: Mayor Del Giudice
ROLL CALL: Councilmember Bradley
Councilmember d'Eustachio
Councilmember Haney
Councilmember Iddings
Councilmember Levy
Councilmember Sharp
Councilmember Williams
- 8:02 PLEDGE
8:05 ADOPTION OF MINUTES OF DECEMBER 15, 1986, JANUARY 12, AND JANUARY 27, 1987
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- ADMINISTRATIVE REPORTS
- 9:00 (1) Resolution supporting the retention of the Seventh-day Adventist General Conference headquarters in Montgomery County
Citizens comments
Council action
- 9:10 (2) *Resolution encouraging the Montgomery County Council to enact the extension of the Tenant Displacement Law
Citizens comments
Council action
- 9:20 (3) Discussion of appointments to Cable Board
Citizens comments
Council discussion
- 9:30 (4) Resolution re Proposed Hampshire Place Shopping Center: (1) Conditional Site Plan #SP-85112 (Revised)--Review of staff report, plans; and (2) Appeal No. 8462, P.G. Co. Board of Appeals--Review of staff memo
Citizens comments
Council action
- 9:45 (5) Ordinance accepting Telecommunications bid results [budget-approved item]
Citizens comments
Council action
- 10:00 (6) Resolution regarding Petition from AFSME for Exclusive Union Representation of City Employees
Citizens comments
Council action
- 10:15 (7) Ordinance approving purchase of easement for improvements to southeast quadrant of Takoma-Langley Crossroads [budget-approved item]
Citizens comments
Council action

ADJOURN TO WORKSESSION

REMINDERS:

- * Tuesday, Feb. 24, 1:30 PM -- Mont. Co. Council Hearing on Bill 5-87, to extend Tenant Displacement Law; County Office Building, Rockville
- Monday, March 2, 1987 -- Council Worksession
- THURSDAY, March 5, 1987 -- PUBLIC HEARING--Waiver of Nuclear Free Zone Act for Proposed Purchase of Police Cruisers

THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council

February 24, 1987

CITY OFFICIALS PRESENT:

Mayor Del Giudice (tardy)	City Administrator Wilson
Councilmember Bradley (tardy)	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Haney	Economic & Comm. Dev. Coord. Neal
Councilmember Iddings	Corporation Counsel Silber
Councilmember Levy	
Councilmember Sharp	

ABSENT: Councilmember Williams

The City Council convened at 8:21 P.M. on Tuesday, February 24, 1987, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland, to conduct the meeting originally scheduled for February 23, which had been postponed due to inclement weather. Councilmember Levy reported that Councilmember Bradley was ill with the flu, however, would try to attend later in the evening. Councilmember Iddings, Mayor Pro Tem, reported that Councilmember Williams was also ill and that Mayor Del Giudice was teaching a class and would be a bit late for the meeting.

Following the pledge, the Minutes of December 15, 1986, January 12 and January 27, 1987, were presented for approval. Mr. Iddings remarked he was pleased to see the rapid turnaround on this work following his comments at the February 9 meeting. Councilmember Haney moved approval of the December 15, 1986 Minutes, duly seconded by Councilmember d'Eustachio; the motion carried unanimously. Councilmember Sharp inquired whether the Maple Avenue storm drains had been addressed as indicated in those minutes; Mr. Wilson responded that during the early stages of the excavation, proceeding according to WSSC's plans, water pipes were encountered and broken. He said the water lines had to be re-engineered and the City was waiting for provision of funds from WSSC to make the ancillary correction so work could proceed. He said the cost being relatively low, it was hoped the item would be considered as maintenance and, thus, would not have to go through the formality that a budget item would. Mr. Wilson said that there had been a commitment from WSSC for reimbursement to the City for the work done.

Councilmember Levy moved approval of the January 12, 1987 Minutes, duly seconded by Councilmember Iddings. Mr. Iddings noted an editorial amendment at the bottom of page 2, i.e., the figure of 1,600 people in the City should read 16,000. The Minutes were accepted by unanimous vote. The Minutes of January 27, 1987, were moved for approval by Councilmember Iddings, duly seconded; the motion carried with Councilmember d'Eustachio Abstaining due to being absent from that meeting, balance of Council voting Aye.

Mr. Iddings commented that the Municipal Building had been open the previous night to citizens needing shelter, with the Red Cross assisting. He noted the crisis was ongoing for a number of people who remained without electricity and said whatever pressure the City could put on Pepco to get repairs completed should be applied. Mr. Wilson related that Pepco's Manager for Government Affairs was heard from late in the afternoon and indicated there remained about 20,000 area families without electricity -- on the news prior to the meeting, Mr. Wilson said he heard that figure was now down to 14,000. He said Pepco's representative had indicated there would probably be a few households that would trickle on through till the end of the week, depending on the complexity of problems encountered. Additionally, he said the individual promised a meeting with City officials in the very near future to discuss the possibility of the City having more direct communication access to utilities in the event of crises, particularly inasmuch as the City has the ability to coordinate certain resources that could be of assistance.

Having arrived and explained that he generally teaches a class on Tuesday nights, Mayor Del Giudice commented that some time ago, C & P Telephone Company had announced they would be producing two separate telephone books for the Maryland suburban area -- one for Montgomery County and one for Prince George's County, which raised some concern that Takoma Park might be divided between the two books based on its division by county lines. He said he was happy to report that, following a meeting with a C & P representative, they were now going to overlap their districts along Prince

George's/Montgomery lines so that all residents in both portions of Takoma Park will be listed in both telephone books.

ADDITIONAL AGENDA ITEMS:

Resolution opposing any legislation before the Maryland General Assembly that would adversely impact future growth ability of municipalities in the state, and all matters related thereto (Mayor Del Giudice)

The Mayor explained that the MML Legislative Committee, of which he is a member, had asked that the resolution be considered. He explained that there were presently four pieces of legislation before the General Assembly that would significantly impact upon the ability of cities and towns in the state in their efforts to annex communities wishing to join them. He said there were a number of annexation disputes now going on in the state, particularly one between the City of Annapolis and Anne Arundel County, out of which three of the subject pieces of legislation had grown. He said the present law was the product of an agreement between the Maryland Association of Counties and the Maryland Municipal League; the proposed legislation would change the process of annexation significantly in that it would allow residents outside of the affected areas, adjacent to those affected areas, to vote on the annexation. He said he had discussed with the MML the Attorney General's Opinion received by the City of Takoma Park on Unification legislation, which indicated that under the State Constitution, only those areas immediately affected by annexation or change of boundary should have the right to vote. He recommended that the resolution be added to the end of the published agenda.

Mr. Wilson asked that item 7 of the published agenda, concerning purchase of an easement for improvements to the southeast quadrant of Takoma-Langley Crossroads, be removed pending receipt of required further information. Councilmember Haney moved to table the item, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote.

Councilmember Haney asked that item 4 of the published agenda, at the request of citizens, be moved up to be considered first -- he said it should take only a very brief time to deal with. Mr. Haney so moved, duly seconded by Councilmember Sharp. The motion carried by majority vote.

CITIZENS' COMMENTS: (not directed at items for Council action)

Gregory Hamilton, 7600 Maple Avenue, #807: presented a proposal to rehabilitate and reopen the firehouse gym, renaming it the Takoma Junction Community Center. He said he and many other parents in the community felt there was a great need for a supervised gathering place for their children, and his proposal would not only fill that need but would be a useful facility for adults as well. He urged that Council support the proposal, and that action be taken without delay. Councilmember d'Eustachio inquired concerning costs related to the project; Mr. Hamilton referred to a proposal in the 1985-86 budget process for allocation of \$14,200. He said he and Daniel Neal had examined the floor and it appeared the entire floor might not require replacement. Mr. d'Eustachio commented that inasmuch as funds had not been budgeted for the project in the current fiscal year, it would be unlikely the work could be accomplished by June 15 as Mr. Hamilton was requesting -- probably not before the beginning of the new fiscal year, and the subject would be appropriate for discussion at a worksession. Mr. d'Eustachio inquired whether the fire department had been given a copy of Mr. Hamilton's proposal; Mr. Hamilton responded that he had mailed copies to Ward 2 citizens' and civic associations, had provided copies to Recreation Director Ziegler, but had not known to whom he should give the information at the fire station; however, said he would provide a copy to Dennis Kneesi, as suggested by Councilmember Iddings. Mr. Iddings asked that the matter be scheduled for worksession discussion in March, and briefly related the history of the gymnasium's loan to the fire department and subsequent events. Mr. Hamilton suggested the use of rehab funds to renovate the facility. In conclusion, the Mayor noted the item would be scheduled for either the second or third worksession in March.

Barbara Beelar, 7112 Maple Avenue: gave an update on activities of the Citizens Coalition on Transportation, a city-wide effort to address Ride-On bus service in the city. She related extensive campaigning done by the group, their participation at county meetings, and said it had paid off; said county staff had commented the group had really done their homework. She said County Director of Transportation McGarry was advised by several

County Councilmembers to resubmit his budget and to include provision for small buses for use in Takoma Park. She noted the county was also instituting a refurbishing program for their older vehicles and the cost per vehicle would be \$75,000 (which would purchase two new vehicles of the smaller 21-passenger type). She said it was very unclear what the anticipated life span would be of the refurbished vehicles. Several members of the Council extended congratulations to the group on their successful efforts.

Bruce Moyer, 37 Philadelphia Avenue: commented on a number of streets in the city being affected by the Ride-On bus problems and commended Ms. Beelar for the job she had done in coordinating the work of the coalition. He said the 3 County Councilmembers who opposed the initial budget request for Ride-On were Neal Potter, Bruce Adams and Michael Gudis. He said Mr. Adams, particularly, had indicated his specific wish that whatever proposal Ride-On resubmits, it be ironed out in advance with community groups such as the one in Takoma Park. Mr. Moyer remarked he viewed that as a significant advance over prior county attitudes; said they are now looking upon Takoma Park as a pilot project for the use of the smaller buses. Mr. Moyer commented there was a chance the city might get an opportunity in the near future to try out one of the smaller buses, which are manufactured in the Gaithersburg area of the county. Mayor Del Giudice suggested perhaps arrangements could be made for the City to use the smaller buses this year for the House and Garden Tour, rather than the larger ones usually gotten from Ride-On for shuttle use during that event. Ms. Beelar related that the coalition's next meeting would be on February 26 and invited the Mayor and Council to attend and offer input. She said the group intended to address existing routes, but also hoped to expand and offer suggestions concerning other areas in the city, including the Prince George's portion, which is not currently served by Ride-On at all. Councilmember Iddings remarked that one of the unfortunate aspects when the Ride-On issue came up a little over two years previously was that, because the city was not united within the community, county bureaucracy was able to really divide the city despite consensus on some key issues. He said the new County Council appeared to be more receptive to citizen input on the issue and, as former Councilmember D'Ovidio had pointed out at a prior meeting, there have been petitions from other communities in the county concerning Ride-On bus noise. Mr. Moyer said Councilmember Gudis had related receiving numerous calls and letters of complaint from constituents about noise from the buses; he reiterated that the coalition intended to work toward improvement of the Ride-On service not only in the City, but also in other areas of the county. The Mayor voiced the hope that the coalition might lend some assistance in addressing questions and problems that may arise concerning Ride-On routing once construction recommences on Carroll Avenue, which is anticipated in early April. He noted the need to foresee problems and have some proposals to offer, rather than having to react defensively.

ITEMS FOR COUNCIL ACTION:

1. Resolution re Proposed Hampshire Place Shopping Center: (1) Conditional Site Plan #SP-85112 (Revised)--Review of staff report, plans; and (2) Appeal No. 8462, P.G. Co. Board of Appeals--Review of staff memo.

Councilmember Haney moved passage of the resolution, duly seconded by Councilmember d'Eustachio. For the record, the Mayor noted, among other pertinent material, a 4-page memorandum from Daniel Neal concerning the proposal. Mr. Neal noted the presence of several citizens who had been involved in the issue, including Jim DiLuigi, Phil Vogel, John d'Eustachio; and Barry Cohen and Steve Wilson, representing the developer. Mr. Neal noted several prior meetings concerning the proposed development, as a result of which the site plan was revised, incorporating agreements reached between the citizens' groups, the City, and the owner/developer of the property. He briefly touched on some major points of the plan.

Jim DiLuigi: noted there had been 8 representatives of citizens' groups involved in the process, and that those individuals had unanimously agreed to support the proposal. He expressed thanks to both Mr. Neal and Corporation Counsel for their efforts on the project. He noted specific improvements effected in the revised site plan over the original proposal, including vehicular and pedestrian traffic flow, on-site and off-site access, building locations, grading and landscaping, stormwater management, and safety and security considerations. He commented concerning the spirit of cooperation that had existed during the process between the citizens' groups representatives and the developer, noting that the process had been

painful, difficult and expensive. In future, he said, it would be important that citizen input occur during initial planning stages of any development so as to avoid delay and added expense for the developer. Mr. DiLuigi said that an emphasis on quality and environmental impact on the development of sites within the City had evolved from the subject process, as well as a concern for adequate and quality stormwater management.

Phil Vogel, 7117 Garland Avenue: commented he was not certain the question of stormwater could be adequately resolved for the subject site because the surrounding area would still have 3 times the amount of runoff with development that it would have were the property to remain undeveloped. He said the developer, citing high cost, refused to provide for retention of stormwater on the site. He said while each developer feels that runoff from their site will add only a little bit more water to Sligo Creek, in future, the City should find a way to require stormwater retention on sites proposed for development. He said the developer did agree to installation of oil/grit separators for rainwater, which will provide enhanced water quality -- hopefully, as good as it would have been had the property remained undeveloped. He said while the developer was in agreement with that installation, he did not have funds to do so and Mr. Vogel asked the assistance of the City in so doing. Additionally, he said the separators would perform only as well as they were maintained, and he feared that would present a problem -- which he hoped the City could help resolve. The Mayor remarked that the stormwater issue was one which was becoming acute for the City, primarily because Prince George's County had a bill before the legislature which would give the county, rather than WSSC, authority over stormwater management. He said that bill had a good chance of being passed and, if it were, the City would have to deal with two separate county agencies on the issue of stormwater management. He remarked the options of either remaining under WSSC's jurisdiction or of the City assuming its own responsibility therefor had not been examined. He said he hoped to discuss the bill with County Executive Glendening in the very near future, and would appreciate any input those involved in the recent process would wish to offer. He remarked it could be a real "Catch 22" if the counties had different standards and approaches on the stormwater management issue and the City had to deal with them separately.

John d'Eustachio: suggested that in considering the legislation mentioned, consideration also be afforded legislation that will become effective in August regarding stormwater retention. He, too, remarked on the cooperation among the members of the group addressing the revision of the site plan; however, commented that all the issues were not completely resolved in favor of either side. He commented that the City's representative, Daniel Neal (and other staff on occasion), did an outstanding job in the negotiations and should be commended for their energy and sense of dedication. He suggested that, in future, citizens' groups in affected areas be notified of impending development during the initial planning stage and included in the process. He pointed out that in the recent process, the developer had already invested a good deal of time and money in coming up with what he considered to be a quality plan prior to citizens becoming involved, thus, there was a lot of discomfort and animosity in the beginning of the cooperative effort to resolve issues, and the process cost a lot more in effort, time and money than would have been necessary had the community been involved from the beginning. Councilmember Haney solicited input from Mr. d'Eustachio and others of the group as to how the City could ensure getting more advance notification of development planning. Councilmember Iddings noted the need to differentiate between the sorts of development where the City has some measure of control, such as Takoma Old Town and Takoma Junction, and those controlled by a private developer. He pointed out that, prior to the City acquiring a voice in zoning matters in July 1986, the City would have been fairly powerless over the proposed development under consideration. The Mayor remarked the zoning legislation referred to by Mr. Iddings could provide an avenue for developing a process requiring earlier notification to the City by developers.

Tom Guins, 1200 Kingwood Drive: referred to his strong opposition to the development as originally proposed, thanked all those involved in the process resulting in the revision of that proposal, and expressed support for the revised site plan.

Steve Wilson: on behalf of the developer, thanked Daniel Neal for his fair treatment throughout the process, and Mr. DiLuigi for his equanimity,

particularly during periods of stress. He said he and Barry Cohen had talked and both agreed that their plan was better for having undergone the process it did. He said, at the current point in time, they felt the community will be very pleased with the development.

The resolution was passed by unanimous vote.

RESOLUTION #1987-8
(attached)

Daniel Neal noted the need for adoption of a position on the requested Variance, Appeal #8462, for transmission to the County Board of Appeals; he recommended approval by the Council. Councilmember Haney so moved, duly seconded by Councilmember d'Eustachio; the motion carried by unanimous vote.

2. Resolution supporting the retention of the Seventh-day Adventist General Conference Headquarters in Montgomery County.

Councilmember Iddings moved passage of the resolution, duly seconded by Councilmember Haney.

Richard Osborn, 803 Jackson Avenue, Principal at Takoma Academy: thanked the Council for considering the resolution, commenting that while the move of the headquarters would most directly impact the church, it would also have implications for the community as a whole, which he elaborated upon. He said he hoped the existing SDA institutions in the City could be maintained at their current levels, and said it would be helpful if the headquarters did remain in Montgomery County. He noted negotiations were at a delicate stage with the Park & Planning Commission, and said he thought the resolution expressing Takoma Park's support for a compromise would be of assistance.

Elmer Carreno, 812 Jackson Avenue: remarked he had resided in the city for almost 30 years, had been a member of Sligo Church for most of that time, and, as a taxpayer in the community, was very saddened to see the move. He, too, thanked the Mayor and Council for considering the resolution and said he felt it would be of assistance, if passed.

The question was called; the resolution was passed by unanimous vote.

RESOLUTION #1987-9
(attached)

The Mayor noted, for the record, that a copy of the resolution would be forwarded to the Planning Board, the County Council, the County Executive, and the Seventh-day Adventist Church leadership.

3. Resolution encouraging the Montgomery County Council to enact the extension of the Tenant Displacement Law.

The Mayor noted that, at the request of the President of the County Council, Councilwoman Rose Crenca, that body will be considering legislation to enact extension of the existing law on tenant displacement, which is due to expire on March 31st. He moved passage of the resolution, duly seconded by Councilmember Sharp. Councilmember Iddings commented that the county, particularly the leadership of the DHCD, continued to overlook the feasibility of limited equity co-ops as a way of addressing tenant displacement. He suggested inclusion of comments in a cover letter accompanying the resolution, stating that if the tenant displacement law resulted in the county buying rental housing at inflated prices, which would require them to raise the rents for the tenants, that would not be as desirable an outcome as would be wished. He said they should be advised there are other options which should be pursued more vigorously. The resolution was passed by unanimous vote, with the Mayor noting it would be forwarded to the County Council and County Executive, and Mr. Iddings' remarks, which were well taken, would be included in the cover letter.

RESOLUTION #1987-10
(attached)

4. Discussion of appointments to Cable Board.

Adele Abrams, 311 Elm Avenue, Chair of the Cable Board: remarked that, as noted in a letter to the Mayor and Council a couple of weeks ago, there were 3 board-appointed seats on the Cable Board expiring in February. She

related that the Board had voted in favor of continuance of the incumbents, Bill Squire, Michael Messinger, and Bruce Moyer, in the 3 seats for the coming year. She asked that the Mayor and Council approve those appointments. Councilmember Levy so moved, duly seconded by Councilmember Haney. Councilmember Iddings raised questions concerning advertisement of the vacancies, the role of the board in effecting appointments, etc., stating he had some confusion concerning the process. Ms. Abrams quoted at length from the City Code concerning the seats on the board, how they are filled, and related requirements. Councilmember d'Eustachio commented that while he recognized there was no requirement to advertise the board-appointed seats and that the appointments were the sole prerogative of the board, he had concern that the board could become insular and inbred and, as a matter of good policy and good management, it might be appropriate for the availability of those positions to be advertised rather than simply reappointing incumbents. Ms. Abrams responded that vacancies had been advertised in the past and, while it might appear that the board was an ingrown organization, the fact was that only Bruce Moyer and Mike Messinger were going for second terms -- everyone else on the board was currently in their first term. She pointed out that, in fact, some individuals did not complete their first term on the board which was why there were several appointments effected during the past year. She noted the City Code specifies that no member, including those initially appointed, may serve more than three consecutive terms on the board. Councilmember Sharp remarked that the Code could be amended to require the advertising of all vacant seats on the board -- said he felt it bad practice not to advertise. He said he would also wish to see a change made so that Council would not have to endorse board appointments. The Mayor remarked he was not sure any position taken by the elected body would have any legal impact on the board-controlled appointments. Concerning attracting new people to the Cable Board, Ms. Abrams commented that newcomers were coming in weekly to the producers' group meetings and learning the system. The question was called on the motion to endorse the Cable Board's appointments; the motion carried by unanimous vote.

5. Ordinance accepting Telecommunications bid results.

The Mayor noted that, being a budget-approved item, the ordinance would require a single reading only for adoption. Mr. Wilson stated that some additional information had been received which was felt to be significant enough to require verification; he asked that the item be held over until the March 9 meeting to allow that to be done. He said the issue in question was whether the integrated voice data capability quoted by one company was equivalent to that of another company who submitted a bid. In response to the Mayor, he explained that the baud rate (speed) capability of data transmission between computers via the telephone system was the item needing clarification. Councilmember Haney moved that the item be tabled until the March 9 regular meeting, duly seconded by Councilmember Sharp; the motion carried by unanimous vote. Councilmember Sharp asked that when the item was presented at the March 9 meeting, any claims concerning capabilities be documented in writing, rather than verbal. Additionally, he inquired concerning service under a lease/purchase arrangement. Councilmember Iddings raised the question of Motorola chips in the TELCOA units; Councilmember Levy remarked that the Nuclear Free Zone Ordinance did not appear to apply to component parts of units. The Mayor commented that in the current situation, neither of the products being considered was completely nuclear free; he pointed out that the Toshiba system being offered by Squires contains a Texas Instrument component. He asked that Robert Alpern, who was present in the audience, and other members of the Nuclear Free Zone Committee write a summary of their position on the component parts issue.

6. Resolution regarding Petition from AFSCME for exclusive Union representation of City employees.

For purposes of discussion, Councilmember Iddings moved the resolution certifying AFSCME to exclusively represent Unit 2 City employees. Councilmember Levy moved to table the item until 10 P.M. to allow Councilmember Bradley to arrive as she had voiced a desire to participate in the discussion. The motion failed for lack of a second. Councilmember Iddings reiterated his earlier motion, duly seconded by Councilmember Haney. Mr. Iddings noted that the City's Collective Bargaining Ordinance provided the options of either requesting an election or requesting direct certification of a union when that union presents evidence that more than 50% of the employees have signed authorization cards. He said AFSCME had presented such evidence, which had been validated by the State Department of Labor

and Industry; he said he felt that to be a clear statement of the employees' intent within bargaining unit 2, i.e., that they wish to be represented by AFSCME. Consequently, he said he felt it appropriate that the Council proceed and allow the employees to organize into a local and begin dealing with the issues of collective bargaining. Councilmember Haney referred to pre-Council discussion of the issue and said at that time he had questions in his own mind as to which resolution of the two presented he would favor. He explained that he had philosophical questions concerning whether the 51% of eligible employees' signatures gathered by AFSCME represented a satisfactorily democratic process, or whether an election would be more so. Mayor Del Giudice remarked that the elected body had been presented a green authorization card which had been represented as the card circulated to City employees for signature and said it appeared that each employee who had signed the card had stated an intent to designate AFSCME as their representative.

Cecilia Fabula, AFSCME: stated the card the Mayor had in hand bore the same wording as was on an organizing card, however, said the actual organizing card was a different size and color, and, at the top, bore the notation that no dues would be collected until the Union was certified to represent the employee. She said the reason for inclusion of that wording was that often people thought if they signed the card, they would be required to pay dues prior to having representation. Responding to Councilmember Haney, she said AFSCME felt confident they would get 100% of the vote regardless of who attempted to intervene in the situation. She said AFSCME had a reputation nationwide as the union with the most democratic approach to the election process, and, under normal circumstances, they would welcome an election. She explained that if AFSCME were asking for an election, they would file with 30%, or 30% plus a necessary margin, of employees' signatures. She said when AFSCME stated they had cards from more than 50% of the eligible employees, they did not state how many more; however, if another union should intervene, AFSCME felt very confident; however, she said it would be very costly for the City to go into an election process with both organizations. She emphasized that the authorization card signed by employees indicated that they definitely wanted AFSCME to represent them, that it was a membership card -- noting that was in contrast to the petition used by some unions which was circulated and signature thereon merely indicated the wish that an election be held.

Councilmember Sharp inquired whether, should the Council pass the resolution asking that AFSCME be certified by the state, there would still be a period wherein other unions could come in and try to intervene and ask for an election. Additionally, he asked what the process would involve in getting written verification, i.e., evidence of cards signed by employees. The Mayor inquired what the City's role would be in relation to the state's in determining whether or not an election was necessary based on employee signatures, or whether it would be valid to proceed with certification. Corporation Counsel Silber stated that the City does not have evidence, per se, but has AFSCME's petition stating they had an adequate number of signed authorization cards. She said AFSCME was asked whether they would prefer to present the evidence directly to the City or would prefer working through the neutral third party state agency, and, as is almost always the case, they stated a preference for verification through the state agency. She said AFSCME had sent all the authorization cards they had gathered to the State Division of Mediation Services and Conciliation Services; the City forwarded a list of all the bargaining unit employees so there could be a check made between the actual signature cards and the full list of eligible employees. She said she was personally advised orally the present date that there were signed cards from over 50% of the eligible employees, and that information would be documented in a letter to the City from Donald Miller's office. Responding to Mr. Sharp's earlier question, Ms. Silber said intervention by another union was a likelihood or possibility were the process occurring with 30% employees' signatures, however, that was not the case presently due to AFSCME having over 50% of eligible employee signatures on their authorization cards. Mr. Wilson inquired of Ms. Silber whether the resolution indicated that the Mayor and Council or the state agency actually makes the certification of AFSCME. Ms. Silber responded the resolution would require editorial amendment to state that the City shall request the state agency to certify, etc. The Mayor suggested amendment to the resolve clause so that it would state that the Mayor and Council hereby request that the Department of Labor and Industry certify the American Federation of State, County, and Municipal Employees as the

exclusive bargaining representative for Unit 2; the wording was accepted as an editorial amendment to the resolution by the maker and seconder of the motion for passage. Councilmember Levy commented she would be voting in favor of the resolution, and expressed the hope to AFSCME representatives present that their relationship with the City would be fruitful; she said she welcomed certification of the union as a step which would not only increase communications between City administration and employees, but would increase efficiency and wellbeing on the job.

Brint Dillingham, 7018 Carroll Avenue: expressed support for the resolution.

The question was called on the resolution requesting certification by the state of AFSCME as the exclusive representative for City employees' bargaining unit 2; the resolution was passed by unanimous vote.

Cecilia Fabula, AFSCME: commented that, speaking on behalf of AFSCME and the employees of bargaining unit 2, they look forward to a harmonious relationship with City officials.

RESOLUTION #1987-11
(attached)

7. Resolution opposing any legislation before the Maryland General Assembly that would adversely impact the future growth ability of cities and towns, and all matters related thereto.

The Mayor moved passage of the resolution, duly seconded; the motion carried by unanimous vote.

RESOLUTION #1987-12
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:10 P.M., to reconvene in regular session at 8:00 P.M. on March 9, 1987.

INTRODUCED BY: Councilmember Haney

ADOPTED: 2-24-87

RESOLUTION NO. 1987-8

WHEREAS, the Planning Board of Prince George's County is scheduled to consider the detailed site plan for the proposed Hampshire Place Shopping Center (SP-85112, revised); AND

WHEREAS, the site plan and related landscape, grading and storm drain plans have been carefully and thoroughly reviewed by City staff and representatives of interested civic associations; AND

WHEREAS, the results of this review are summarized in a staff memorandum dated February 18, 1987, a copy of which is attached hereto for reference.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND THAT the proposed site plan and related landscape, grading and storm drain plans are hereby approved in accordance with the terms and conditions of the attached memorandum and contingent upon the execution of appropriate agreements and/or covenants.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized and directed to have prepared and to execute all necessary agreements and/or legal covenants necessary to affect full compliance with the subject plans and the terms and conditions outlined in the attached memorandum.

BE IT FURTHER RESOLVED THAT the Mayor and Council do hereby publicly express their great appreciation to the following individuals for their strong commitment to sound community planning, their hard and diligent work, and the many hours of personal time they voluntarily contributed to the effort of ensuring that the Hampshire Place Shopping Center meets the needs of both the project's developer and those of the surrounding community:

- Mr. John d'Eustachio
- Mr. Jim DiLuigi
- Mr. Robert Friedrich
- Mr. Tom Guins
- Mr. David Hess
- Ms. Janice Martin
- Mr. Phil Vogel

Attachment: Memorandum, Feb. 18, 1987.

MEMORANDUM

TO: Mayor and Council
VIA: James S. Wilson, Jr., City Administrator
FROM: Daniel J. Neal, Economic and Community
Development Coordinator
RE: Proposed Hampshire Place Shopping Center; Conditional Site
Plan #SP-85112 (Revised)
DATE: 18 February 1987

After many meetings involving much negotiation between representatives of interested citizen groups and the owner/developer of the proposed Hampshire Place Shopping Center, full agreement has been reached on the nature of the conditional site plan for the development and related matters. What follows is a comprehensive enumeration of issues previously raised in staff reports and memoranda and their respective resolutions.

A. Vehicular Circulation/Traffic (General).

1. Ingress/Egress; Highway Impact.

A rearrangement of entrances/exits and the interior passage between the site and the Hampshire Motor Inn which will improve ingress/egress has been agreed upon. This is depicted in the revised site plan. All vehicles exiting on to New Hampshire Avenue will be required to make right turns only; appropriate signage will be posted. The removal of a fast food restaurant and second drive-through lane significantly reduces highway impact, as does the inclusion of a new entrance/exit along the northern property line (more on this in a moment).

2. Interior Circulation.

As a result of suggestions made by citizen representatives and others, the arrangement of the structures on the site and interior travelling lanes have been altered to improve interior vehicle circulation. The Holton Lane entrance/exit also improves this aspect of the plan. All such improvements are depicted on the revised site plan.

3. Delivery Hours.

To minimize highway impact and improve interior circulation, the owner/developer has agreed to include provisions in all leases that prohibit deliveries between 9:00 a.m. and 4:00 p.m. Monday

through Saturday by vehicles over 30 feet long.

B. Pedestrian Circulation.

The owner/developer has incorporated adequate pedestrian walkways within the site, as depicted on the plan. The main lead walk is protected from "vehicle overhang" by wheel steps.

C. Safety

1. Site Lighting.

An extensive lighting system has been incorporated in the plan. The development is to be lit with 400 watt metal halide lamps. The Police Department is pleased with the lighting plan. The precise details of how the center would be lit (i.e., during what hours, at what percentage of total output, etc.) have yet to be worked out. The owner/developer has agreed to settle these details in a way that meets with the approval of the Police Department. The owner/developer has also promised to minimize glare in adjacent residential neighborhoods. Finally, the owner/developer has agreed that all flood lights used to illuminate the development shall be unobtrusive and shall wash building facades at high angles. Pole-mounted and low-angled flood lighting will not be used.

2. Perimeter Security.

An 8' chain link barbed wire-topped fence will run along the rear of the development. It will be connected to the fence at the rear of the Hampshire Motor Inn. (See site plan.)

3. Emergency Vehicles.

With the improvements to internal traffic circulation, the site will better accommodate emergency vehicles. Access for emergency vehicles has been greatly improved with the addition of the northern entrance/exit.

D. Signage.

Acceptable uniform signage details for the main structure have been provided. The main center sign will not be backlit. It will look substantially like Attachment A. Standard signage for building tenants has been approved. The owner/developer has agreed to subject all other signs to the review and approval of the City, provided that the City's review period does not exceed thirty (30) days.

E. Litter/Trash

The owner/developer agreed to add an additional screened dumpster pad (see site plan) at a location approved by the City. Dumpster screening is provided. Trash baskets will be provided on all poles near sidewalks. The elimination of a fast food restaurant greatly

reduces concern about litter.

F. Buffer Area

The owner/developer has agreed to sign a non-development covenant respecting the R-55 portion of the parcel.

G. Landscaping

The owner/developer has agreed to implement an extensive landscaping plan that substantially exceeds minimum requirements. This plan is dated 4 February 1984.

H. Fast Food Restaurant

The owner/developer has agreed to covenant never to put a fast food restaurant or an additional drive-through lane/window on the site.

I. Handicap Parking at the Motor Inn

As a result of changes in the plan, there is no need to relocate the handicap spaces at the Motor Inn.

J. Tour Bus Parking

The owner/developer has agreed to provide designated tour bus parking on the Hampshire Motor Inn site. This is depicted on the revised site plan.

K. Holton Lane Access

As can be seen on the site plan, the owner/developer has agreed to provide access to Holton Lane across property owned by George A. Gude and Joseph P. Abrahams. It is my understanding that Mr. Cohen has worked out an arrangement with Mr. Bernard Hysan, Jr. of Sovran Bank, trustee for Messrs. Gude and Abrahams, whereby Mr. Cohen can rent access across lot 62 month-to-month. Mr. Cohen has agreed to pay for the cost of constructing the accessway on his property. There is no guarantee, however, that this arrangement is a permanent one, as Mr. Hysan could permit no more than a month-to-month agreement.

L. Storm Water Management

Several meetings have been held with WSSC staff, citizen representatives and the owner/developer. Without chronicling the entire process, the owner/developer has agreed

1. to adhere to a storm water management plan dated 10 February 1987 which includes oil/grit separator(s) sufficient to cleanse all storm water runoff from the site up to levels equivalent to a ten year storm.

2. to engineer his system such that it includes oil/grit separators designed to cleanse storm water runoff from lots above the Cohens' property (the City would seek funding for the construction of these additional separators from WSSC and/or DEP and, if funded, Mr. Cohen would permit their construction on his property, provided this does not affect the revised site plan); and
3. to pipe all roof water directly into the underground storm drain system, as per the agreed-upon plan; and
4. to abide by WSSC's maintenance requirements as regards the oil/grit separators.

M. Building Facades

The owner/developer agrees not to change, without the City's approval, the facades of any building on the site in a manner that is inconsistent with representations made to the City.

What remains is for corporation counsel to place those items not sufficiently detailed in the conditional site plan and storm water management plan into an appropriate legal document that will bind the owner/developer to his commitments. At that point, the Mayor and Council could take up the proposed site plan for final action.

The negotiations on the plans for the Hampshire Place Shopping Center would never have produced such favorable results were it not for the strong commitment of our citizen representatives to sound community planning, their hard and diligent work, and the many hours of personal time they voluntarily contributed to the effort of designing a commercial project that meets the needs of both the project's developer and those of the surrounding community. It is worth noting that the owner/developer of the Hampshire Place Shopping Center, Mr. Barry Cohen, has commented that the project has evolved into a better shopping center as a result of citizen input. Very special thanks are due the citizens who have been involved in reviewing the project: Mr. Jim DiLuigi, Mr. John d'Eustachio, Mr. David Hess, Ms. Janice Martin, Mr. Tom Guins, Mr. Robert Friedrich and Mr. Phil Vogel. These citizens deserve tremendous credit for their fine work. Their efforts are greatly valued, respected and appreciated.

DJN:lmr

INTRODUCED BY: Councilmember Iddings

ENACTED: 2-24-87

RESOLUTION #1987-9

WHEREAS, the headquarters of the Seventh-Day Adventist Church has been located in the City of Takoma Park for the past 80 years; AND

WHEREAS, the church and its institutions have added to the life and diversity of the Takoma Park community during that time; AND

WHEREAS, the church headquarters has outgrown its facilities and started making plans to relocate its facilities to church property on Route 29; AND

WHEREAS, the church leadership recently voted to pursue locations in Howard County due to site difficulties encountered in Montgomery County; AND

WHEREAS, the following local church institutions could be negatively impacted financially by a departure of the church headquarters and its 600 employees to Howard County which will result in a lengthy commute for church members to local Takoma Park SDA community facilities:

Sligo Seventh-Day Adventist Church
Takoma Park Seventh-Day Adventist Church
Sligo Elementary School
Takoma Academy
John Nevins Andrew SDA Elementary School
Washington Adventist Hospital
Columbia Union College

WHEREAS, the Montgomery County Planning Board will consider a new proposal on March 5th that could allow for the development of SDA church headquarters on the Route 29 site in Montgomery County; AND

WHEREAS, this proposal has the support of Montgomery County Executive Sidney Kramer and other Montgomery County elected officials.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council do signify their vigorous support for keeping the Adventist Church world headquarters in Montgomery County in recognition of the church's contribution to this community and Montgomery County and as an extension of our need to have healthy Adventist institutions in the City of Takoma Park and its environs.

BE IT FURTHER RESOLVED, that the Mayor and Council support the efforts of County officials to find a means whereby development can occur on the Adventist property on Route 29 within Montgomery County growth policy guidelines and direct that this Resolution be presented to the County Planning Board at their meeting on March 5th, 1987 for consideration.

Introduced by: Mayor Del Giudice

RESOLUTION #1987-10

A Resolution encouraging the Montgomery County Council to enact extension of the Tenant Displacement Law

WHEREAS, over 60% of the residents of the City of Takoma Park reside in multi-family rental property; AND

WHEREAS, the City of Takoma Park has established a variety of housing policies to further the goal of maintaining a diverse and stable population while insuring quality housing for all; AND

WHEREAS, Takoma Park has recently adopted one such policy Ordinance No. 1986-45, "Tenants Right of First Refusal", that encourages long term or permanent residency; AND

WHEREAS, the Tenant Displace Law, Chapter 53A of the Montgomery County Code provides certain protections for tenants in the case of conversion to non-rental use, and as well, gives the County and certified tenants' organizations the right of first refusal on such properties; AND

WHEREAS, the County still has a tight rental housing market and the Tenant Displacement Law expires March 31, 1987.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park hereby support the extension of the Tenant Displacement Law to March 31, 1989; AND

BE IT FURTHER RESOLVED, that through adoption of this Resolution, the Mayor and Council hereby encourage the County Council to enact the extension of the Tenant Displacement Law.

Dated: February 24, 1987

RESOLUTION #1987-11

A Resolution Requesting Certification Of AFSCME
As The Exclusive Bargaining Representative
For Unit 2 Employees

- WHEREAS, the City of Takoma Park has received from AFSCME, a petition for exclusive representation of all eligible employees in Unit 2 (Library, Public Works, Housing, Recreation, Administration and non-police employees--including crossing guards); AND
- WHEREAS, AFSCME has indicated that it has signed proof that at least 50% of Unit 2 employees have designated AFSCME to represent them in their employment relations with the City; AND
- WHEREAS, The Takoma Park Collective Bargaining Law states that "when evidence is presented to the City, that more than 50% of the employees ... have signed authorizations for ... the City may, in lieu of a secret ballot election, request the Department of Labor and Industry... to conduct a validation of the authorization; AND
- WHEREAS, On this date, the City has received verbal verification of such evidence from the Mediation and Conciliation Service of Maryland's Division of Labor and Industry.
- NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council request that the Department of Labor and Industry certify the American Federation of State, County and Municipal Employees (AFSCME) as the exclusive bargaining representative for Unit 2.

Dated: February 24, 1987

2-20-87

INTRODUCED BY: Mayor Del Giudice

ADOPTED: 2-24-87

RESOLUTION NO. 1987-12

FOR THE PURPOSE OF OPPOSING ANY LEGISLATION BEFORE THE GENERAL ASSEMBLY OF MARYLAND THAT WILL ADVERSELY IMPACT THE FUTURE GROWTH ABILITY OF THE CITIES AND TOWNS; AND ALL MATTERS RELATED THERETO.

WHEREAS, an agreement on annexation procedures was reached thirteen years ago by the Maryland Municipal League and the Maryland Association of Counties resulting in the current annexation law which has been only slightly modified since; AND

WHEREAS, one legislative proposal before the General Assembly would place a question on referendum concerning only whether the residents of contiguous precincts favor annexation of a certain area and would not provide the voters a choice of land use; AND

WHEREAS, there is no precedent for referenda on land use decisions or policies; AND

WHEREAS, several other legislative proposals before the General Assembly concerning annexations are not in the best interests of the residents of municipalities and counties; AND

WHEREAS, this restrictive legislation could result in costly delays for both taxpayers and developers to the detriment of all citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT they hereby oppose enactment of any legislation by the Maryland General Assembly which alters the present laws governing the annexation process by adversely impacting the future growth ability of cities or towns in Maryland.

BE IT FURTHER RESOLVED by the Mayor and Council that a copy of this resolution be delivered to every member of the Montgomery and Prince George's County Delegations to the Maryland General Assembly.

Adopted this 24th day of February, 1987.