

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
September 6, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice (absent)	
Mayor Pro Tem d'Eustachio	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Deputy City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Div. Ec. & Comm. Dev. Dir. Neal
Councilmember Martin	Comm. Dev. Coord. Schwartz
Council Sharp (absent)	

The Mayor and City Council convened at 7:30 P.M. on Monday, September 6, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Prince George's County Appeal No. 9452 matter was taken up.

Mayor Pro Tem d'Eustachio referring to the Staff Report of Community Development Coordinator Lisa Schwartz, noted that the Petitioner, Mr. Lazaro Ortiz had applied to Prince George's County for variances for the property known as 213 Spring Avenue. The owner had applied to construct a deck on the front of the house and a bedroom on the rear of the house. The Deputy City Clerk noted for the record that letters had been mailed to adjoining and neighboring property owners notifying them of this matter before the Mayor and Council. Ms. Jewell noted for the record one phone call received from Mr. Leonard James, 200 Spring Avenue, who voiced no objection to construction of either the deck or bedroom.

The question was called and the resolution expressing support of the subject variance and encouraging the Prince George's County Board of Appeals to approve the application was unanimously adopted.

RESOLUTION #1988-69
(attached)

Upon motion, duly seconded, the meeting adjourned at 7:35 p.m., to reconvene in regular session on September 12, 1988.

Introduced By: Mayor Pro Tem d'Eustachio
Drafted By: L. Schwartz

Adopted: 9/6/88

Resolution No. 1988-59

WHEREAS, Mr. Lazaro Ortiz has applied to Prince George's County for variances for Lot 7 of Block 11 of Gibbs and Kossacks Addition to Takoma Park Subdivision, being 213 Spring Avenue, Takoma Park; AND

WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND

WHEREAS, the application has been reviewed by City staff, which has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated September 2, 1988; AND

WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the subject variance application, and encourage the Prince George's County Board of Appeals to APPROVE the subject application.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities.

ADOPTED THIS 6th DAY OF September, 1988.

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CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing on CAC Recommendations for FY 1990 CDBG Proposals
September 12, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Leary	Housing Services Director Weiss
Councilmember Martin	Code Enforcement Supervisor McMinn
Councilmember Sharp	Police Chief Fisher
	Asst. Corporation Counsel Perlman

The Mayor and City Council convened at 8:10 P.M. on Monday, September 12, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the July 25, 1988 Regular Council Meeting and August 1, 1988 Special Session were presented for approval. Councilmember d'Eustachio moved approval, as written, duly seconded by Councilmember Leary. In connection with action taken at an earlier meeting, Councilmember Sharp noted money had been placed in an escrow account to be held by Corporation Counsel and said he would be interested to know the interest rate on that account. Additionally, Mr. Wilson advised that Corporation Counsel had suggested temporary tabling of approval of the August 1 Minutes to allow for a language revision to that record; the August 1 Minutes were tabled by unanimous vote. The July 25, 1988 Minutes were approved by unanimous vote.

The Mayor reminded that the Annual Folk Festival would be taking place at the Intermediate School on Sunday, September 18, and encouraged the community to attend. Councilmember Douglas noted receipt of a letter from the Parks Division of Park & Planning expressing their support of the naming of the park at Sheridan and Hancock after Opal Daniels, as had been requested by the City; he said there would be a hearing on the matter before Park & Planning on September 22 and he would be presenting testimony on behalf of the Mayor and Council. Mr. Douglas noted the park was scheduled for dedication on November 5; the City's Recreation Department was helping in planning for the ceremony. Councilmember Martin commented she hoped the community had taken note of her article in the September Newsletter regarding a meeting to be held on September 20 to solicit citizen input on a proposed bicycle path through Sligo Creek Park. Additionally, she said there would be a walk-through of the area from Piney Branch Road to down past the Montgomery/Prince George's line, to assess placement of the bike path and also review portions of the sewer line requiring work, and examine how the two projects might be coordinated.

The Mayor reminded of a number of upcoming meetings, including the Prince George's Municipal Association on 9/15/88, 8 p.m., at New Carrollton; the Montgomery County Chapter of MML would meet in Takoma Park on 9/22/88, and on that same evening, some members of the City Council would be meeting with the Montgomery County Council to discuss matters of mutual interest and importance. He noted that the Legislative Committee of MML had finalized a decision on 5 items it would be recommending to the general membership for priority status and to be submitted to the state legislature during the upcoming session; one of the items was that suggested by Takoma Park concerning imposition of a state ban on commercial sale and use of styrofoam products. He said he understood that the Governor's Solid Waste Management Task Force may go forward with that legislation in the coming legislative year.

The Mayor noted that the current meeting, in essence, began a new legislative session for the present elected body, following the short summer recess, and that there remained approximately a one year period in their current term of office. He said they had initiated some major steps in the past year, particularly in the budget, wherein some new programs had been created and support had been provided for others already existing; now there was a need for following through on what

had been done to date. Mayor Del Giudice noted the creation by the elected body of working standing committees, which he said he felt overall had proven effective and functioned well; however, he said there were concerns he would wish to raise, i.e., that committees and individual councilmembers might get too involved in the day to day management and operation of City departments, which, while that would not be out of line in a commission form of government, was not entirely appropriate within the City's current framework and practice. He said he did not think it was intended when the standing committees were created that either councilmembers or members of the committees would have any responsibility for making management type decisions. In addition, he said he had the feeling that in some instances, the committees had become black holes wherein matters were referred to them and were never brought back before the full elected body for consideration; he said the standing committees were not intended to be realms for final decisions, no committee had authority to establish any policy or to define the City's position on any issue -- that power rests with the entire Council. He said that as the elected body moves into its upcoming year, there were 5 major areas he saw as requiring time and attention in order to accomplish goals that had been set, i.e.,

1) Revision of the Charter, which does not accurately reflect the current Council/Manager form of government in the City, and revision of the Code, which similarly contains numerous antiquated structures and provisions that are primarily administrative in nature. He said he thought there was a consensus on the need to simplify the Code to reflect broader policy parameters which were the domain of the Council; those matters that are purely administrative should be removed from the Code, delegated to the administration for the development of rules and regulations. He said if, in fact, that was the goal of the elected body, it would probably require an initial legislative step, the enactment of an administrative regulatory act, which would set forth a foundation, a process by which administrative matters could be moved from the Code and placed into a more flexible set of City regulations.

2) Revision of the City's Housing Laws; he said a review of that portion of the Code would soon begin, and there was a need to correct and rectify procedural practices that had been a frustration to all parties concerned. He said there was a need to examine whether the present structure and function of COLTA had worked, and if change was necessary, how fundamental it should be. While the initial intention may have been for that body to function as an informal dispute resolution process, its adjudicative function had become much more formal, yet its structure had remained largely voluntary, which might present a problem and probably merited consideration. Additionally, he said the present process did not allow for any reasonable means of settlement of disputes; there needed to be some means of allowing involved parties to mediate disputes prior to going to a formal hearing.

3) Recycling. The Mayor said while the City had taken the initiative on this issue, there would need to soon be decisions made concerning how to move forward with the program.

4) Infrastructure. Mayor Del Giudice commented that the matter of making provision in the City budget for the cost of repairing and maintaining roads had long been deferred; the City's needs in this area could not be met by reliance on Block Grant funds, and it had become an absolute necessity that a plan be developed for an infrastructure program and provision be made for meeting its cost. He said this could not be done without serious decisions about the services the City provides and their costs. He said the financing of infrastructure repairs was further complicated by an awareness of the City's facilities needs; a staff report would soon be forthcoming presenting a preliminary analysis of space needs. He said while the most critical of those needs may be solved on a short term basis with stopgap measures, unless the City was ready to move away from certain service areas, then serious consideration was going to have to be given to the City's future facilities needs, including a realistic anticipation of the costs involved in adequately housing City government.

5) Modernization of City personnel practices. The Mayor noted that the need to centralize the City's accounting and purchasing practices had been recognized some time ago, as well as personnel management and relations. He said within the last 2 years, City personnel in every department had received at least an annual evaluation, however, the practice was not yet routine. He noted a new round of contract negotiations with employees would soon commence, and that all of the areas mentioned required expertise, time and coordination, with existing staff (with some additional training) and outside consultants having been relied upon to date to address the needs. He said no simple or cost-free solution existed, but a better means had to be found to deal with this matter.

Mayor Del Giudice said the coming year would not be without its costs; many important issues would have to be addressed unless the City were allowed to fall further behind. He said he felt confident that working together, with the assistance of staff, the issues could be successfully addressed, if not finally resolved.

ADDITIONAL AGENDA ITEMS:

Resolution re proposed level of development in Silver Spring (Wilson)

Item (b), the award of a bid for Colby Park landscaping and drainage improvements, was removed from the Consent Agenda at the request of Economic & Community Development Director Neal.

Item (3) was deleted from the Administrative Reports Agenda. The Mayor explained that applicants for the position of Public Works Director had been narrowed to a field of 2 candidates, both of whom had been interviewed by the elected body, however, the final decision and appointment of an individual to fill the position would occur at a later date.

Councilmember Douglas suggested that item (1) of the Administrative Reports Agenda be added to the Consent Agenda.

Councilmember Leary suggested it be announced, for the record, that the City had hired a Recycling Coordinator. The Mayor noted that a local resident, Daryl Braithwaite, had been hired to fill the position, which had been created in the adopted budget. He related that Ms. Braithwaite was instrumental in working on the recycling legislation adopted by the state. He noted that law required that by 1991, all local governments institute recycling programs that would show that 20% of their waste had been removed from the waste cycle. He said the City had taken that law very seriously and hoped to be proceeding with an aggressive recycling program.

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

Wayne Upton, 7600 Maple Avenue: referred to the straw vote in 1985 which, to his remembrance, indicated that a majority of those City residents living in the Prince George's section would prefer that Takoma Park be unified under Montgomery County; he inquired concerning the status of unification. The Mayor explained that the bill was substantially amended year before last in conjunction with the Montgomery County delegation, was reintroduced again last year; the Montgomery County contingent's continuing position has been and will be that until the Prince George's delegation takes action, they will not consider the bill. He said if the bill is again reintroduced this year, which it probably will be, lobbying efforts should again be directed primarily at the P. G. County delegation; last year, that delegation took the bill to the Bi-County Committee and, essentially, killed it. He said he feared it may again suffer the same fate, inasmuch as there has been no change in the constituency of the committee and the Chair of the committee seems disinterested in moving the bill forward. Concerning a previously discussed land swap of a parcel of land located near Laurel, the Mayor said he understood that the owner of the land was not presently interested in pursuing that course and was not under any great deal of pressure to do so.

Mr. Upton referred to a forum held last spring in the City concerning the drug problem; he inquired whether there would be any followup, or where things stood on that issue inasmuch as the situation did not

seem to be improving. The Mayor responded that a number of things were going on, most of which were not open to discussion because they involved law enforcement. He said, however, that the Recreation Department was moving ahead with its youth programs, peer counseling; the Board of COG will be taking up a resolution within a few days as a result of its drug summit. Councilmember Hamilton remarked that he had participated in the Montgomery County Drug Taskforce and was a resource representative for the City in conjunction with Calvin Avant; he said one meeting had been held a month previously, another the prior week, and an interim report would be presented to the County Executive; firm plans have not yet congealed. It was noted that money had been allocated in the adopted budget to hire a youth worker to work primarily with females, the department was proceeding on that but had not yet filled the position.

Abby Mandel, 7003 Woodland Avenue: inquired whether there were plans to repair the non-functioning clock in Old Town. The Mayor explained that while it had been repaired previously, it was prone to damage from electrical storms and repair had proven very costly. Mrs. Mandel commented that it looked awful to leave it inoperational and suggested that if it could not be kept working properly, it be removed.

ITEMS FOR COUNCIL ACTION:

I. Public Hearing on Recommendations of Citizens' Advisory Committee for FY 1990 CDBG Proposals.

Economic & Community Development Director Neal noted the elected body had examined the report for some time, had discussed the matter at the previous week's worksession, and changes requested at that time had been effected, i.e., amendment had been made to amounts allocated for the Boys' and Girls' Club, for the band and uniforms, and amounts for street improvements in the Prince George's section were adjusted slightly upward to reflect the City Engineer's estimates. At present, he said the recommendations reflected \$99,250 for Montgomery County and \$103,462 for Prince George's County -- with those amounts to be applied for from the counties. He explained that the allocation amount that could probably be expected from Montgomery County was just under \$100,000 -- the Prince George's County amount was entirely dependent upon the City's success in the county block grant process -- there was no requirement on them to give the City any funds, however, this year they did give Takoma Park \$80,000. He emphasized that the amounts mentioned were recommendations only for amounts the City would apply for -- not any ironclad indication of what they would receive. Mr. Neal introduced two members of the CAC who were present, Drake Cutini and Carl Smith, remarking that they had worked long and hard in the process and he felt fortunate to have worked with them.

Mr. Cutini commented that those citizens of the city who had worked on the committee had given freely of their time and energy, had had to make difficult choices and decisions. He said many proposals were submitted to the committee and, due to the limited amount of funds and strong nature of the majority of the proposals, the decision-making was very difficult. As Chair of the committee, he thanked all those who had participated for their very hard work and efforts.

For the record, the Mayor noted there were copies of the Block Grant proposals available on the front table for citizens. Councilmember d'Eustachio moved passage of the resolution accepting the CAC recommendations (as slightly amended, as noted by Mr. Neal), duly seconded by Councilmember Hamilton. Mr. d'Eustachio referred to having chaired the CAC some years ago, and complimented members of the committee on the superior quality of the work they had turned out, said he was truly impressed by the level of effort and analysis that had gone into its preparation. Mr. Hamilton commented he, too, had previously chaired the committee, and commended them on the job they had done, remarking he knew the decision-making was very difficult. The Mayor commented that he and Mr. d'Eustachio had had discussions in the past week with various individuals regarding some possible fundraisers that would help to raise additional money for the Boys' and Girls' Club. The resolution was passed by unanimous vote.

RESOLUTION #1988-70
(attached)

The Mayor noted an additional resolution had been prepared, thanking the Citizens' Advisory Committee for the assistance it had provided the City; Councilmember d'Eustachio moved its passage, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote. It was noted that each member of the committee would receive a copy of the resolution, as well as a Certificate of Appreciation.

RESOLUTION #1988-71
(attached)

On behalf of his department, and particularly Community Development Coordinator Lisa Schwartz who was unable to attend the meeting, Mr. Neal expressed thanks to Messrs. Cutini and Smith and other members of the committee and said it had been a pleasure to work with them.

II. Consent Agenda.

The Mayor explained that the consent agenda was a new procedure which it was hoped would help to streamline the meeting process; those items on this portion of the agenda would, hopefully, have been previously examined and discussed by the elected body in worksession. For that reason, the items would be moved by single motion, collectively, and it was hoped discussion would be limited. However, should an item appear on this agenda which anyone felt should not be treated in this manner, it could be removed by simple motion from a member of the Council.

Councilmember Douglas moved adoption, collectively, of the items on the consent agenda (single reading ordinances) and including item #1 of the Administrative Reports agenda (Second Reading of an ordinance), duly seconded by Councilmember Sharp. Councilmember Leary expressed support for the consent agenda concept, which he said was long overdue, and said he hoped that agenda would grow as all became accustomed to the process. Councilmember Elrich explained he would be abstaining from the vote inasmuch as one of the items pertained to Takoma Junction and his place of employment, the co-op, had involvement in that area. The consent items, as follow, were adopted collectively by roll call vote: AYE: Councilmembers Douglas, Hamilton, Leary, Martin and Sharp; NAY: None; ABSTAINED: Councilmember Elrich; ABSENT: Councilmember d'Eustachio.

Ordinance Awarding Contract for Appraisal Services re Dawes Property.
ORDINANCE #1988-37
(attached)

Ordinance Awarding Bid for Purchase of Automatic Playback Equipment.
ORDINANCE #1988-38
(attached)

Ordinance Awarding Bid for Purchase of Public Address System Equipment.
ORDINANCE #1988-39
(attached)

Second Reading of Ordinance Repealing Ordinance #2639 (Old Traffic Committee).
ORDINANCE #1988-40
(attached)

III. Administrative Reports:

1. Resolution Creating Traffic and Transportation Policy Committee. Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Leary spoke briefly in support of the resolution, pointing out that the basic intent of the substantial reorganization of the previous Traffic Committee was to reinvigorate the group, try to narrow its functions realistically, and to reduce the excessively-large previous size of the membership to a more realistic and manageable number. He said it should be noted that the resolution was drafted cooperatively by the Planning, Transportation & Zoning Committee, the Chair of the current Traffic Committee, and City staff of the Department of Economic & Community Development; he noted that department would be working closely with the committee, and it was hoped the committee would be a useful aid to the department in accomplishing the significant additional task being assigned to it.

Councilmember Sharp commented he had concerns/reservations about formation of such a committee based on prior observations that when entities were formed based on some significant and substantial impetus, once that initial enthusiasm waned, for whatever reason, the committee and its vigor tended to also wane. Concerning the Traffic Committee specifically, he said it appeared they were going to be expected to do some major considerations of traffic needs in Takoma Park, on a standing basis, and it was his opinion that committees functioned better if assigned specific discrete tasks with specific timetables so that they would be expected to report back to the elected body at some targeted date. He said he saw a need for more specific assigned tasks and timetables for this group so that it would not tend to drift. Additionally, he said he would not want to see staff hindered in bringing things to the Council, work being held up in any way, because of an inability to get the committee together. Mr. Sharp said he also had a concern about the composition of the committee; the requirement for a representative from each Ward was artificial in that it did not necessarily bring the most interested and enthusiastic people onto the committee; any tendency on the part of members toward a parochial view should be overcome so that problems would be addressed and solutions sought in all areas of the city -- any gaps in that area should certainly be filled by staff. Councilmember Douglas commented he was in support of the resolution, however, felt Mr. Sharp's points were well-made and well-taken. He said the resolution had attempted to address Council concerns, however, about the inability of the committee to function well in the past; he said it was so phrased as to make the committee a sub-group of a standing Council committee, so as to give it direction and access to the Council so it would not tend to drift in its mission. In addition, he said the committee was a staff priority and he did not think Mr. Neal would allow it to drift. Additionally, he said citizens had emphasized the personal priority the issue had with them, and this would allow them the opportunity to prove they were willing to spend time and attention addressing the problem; if, in fact, it were found after a period of time that that did not occur, that would speak also about the urgency of the issue in the eyes of the citizens. Councilmember Hamilton inquired whether the total number of citizen representatives on the committee would be 7; Mr. Neal affirmed that was so. Mr. d'Eustachio pointed out that, as was generally the case in Takoma Park, all points of view would be heard and considered, however, when a matter was voted upon, those 7 citizen members would cast the votes. Mr. Leary commented he shared Mr. Sharp's concerns and would hope that staff, as well as the Planning, Transportation & Zoning Committee, would closely monitor and would observe any tendency for the committee to drift in their purpose. He pointed out that all slots on the committee had not yet been filled, and urged that citizens having an interest in serving contact Mr. Neal's department. Mr. Neal affirmed that citizens' associations had been contacted by his department soliciting interest in serving on the committee. Councilmember Martin expressed support for formation of the committee, pointing out the need for a body that could examine and assess the overall area-wide traffic impact of such devices as speed humps, etc. She said it was her hope that by setting a specific goal and date, interest and activity would be maintained on the committee. The resolution was passed with Councilmember Sharp Abstaining, balance of Council voting Aye.

RESOLUTION #1988-72
(attached)

2. First Reading of an Ordinance Placing Speed Humps on Spruce Avenue.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Leary. The Mayor noted the ordinance would authorize installation of two speed humps on Spruce Avenue. For the record, he noted receipt of a letter from Jill Gay, who was unable to be present at the meeting, and a report from Chief Fisher, who was in attendance.

Nina Seavey 7214 Spruce Avenue: said residents were very concerned about speeding occurring on their street, there are 19 (soon to be 20) small children living on the street, about 22 residences. She said the primary concern was safety, not particularly traffic volume; however, she said it did appear that people were using the street as a

cut-through to avoid other nearby streets that already have speed humps.

Cullen Owen, 7204 Spruce Avenue: said he had a special concern about traffic on Spruce, having a 7-year old daughter who was blind and who, like other children of that age, wants to be able to play outside. He said by putting speed humps on the street to slow traffic, the City could help her to take a step toward being an independent person in society, which was very important.

Virginia Sharpe, 7228 Spruce Avenue: referred to the blind curve on the street, noting she lives at the foot of that curve. She said she had noted, in addition to other considerations mentioned in the ordinance and verbally, a tendency for traffic to drift into the oncoming lane on the curve. She related that the prior week, a car coming up the hill had crossed into the oncoming lane, ran up onto the curb area and into a "Slow -- Children Playing" sign; this incident was observed by several residents.

The Mayor noted that Chief Fisher's report included results of surveillance of vehicle speeds on Spruce on September 9, 10, and 11; copies could be obtained upon request. He said there was no police record of any reported accidents on that street for the past 21-month period. Councilmember Leary pointed out that the traffic surveillance periods recorded were not at peak rush hour times, either morning or evening.

The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting that it would be scheduled for Second Reading on September 26.

ORDINANCE #1988-
(attached)

3. First Reading of an Ordinance Declaring 6811 Eastern Avenue Unsafe.

The Mayor noted that the ordinance would set a show cause hearing to determine whether the condition and maintenance of the property should be declared a nuisance and ordered to be abated. Acceptance for First Reading was moved by Councilmember Hamilton, duly seconded by Councilmember d'Eustachio. Responding to inquiry, Asst. Corporation Counsel Perlman reassured Councilmember Douglas she was not concerned about the legal implications of any comments he might wish to make on the subject. Housing Services Director Weiss explained a memorandum from her department on the subject had been labeled "Confidential" due to its strategic content, which the elected body might wish to consider in its discussion. Councilmember d'Eustachio suggested that Code Enforcement Supervisor McMinn read into the public record the results of the City's inspection of the property, the basis on which the City would be proceeding on the matter.

Mr. McMinn noted that complaints had been received regarding the property, resulting in an inspection being done, which revealed some serious problems. He said it was felt that the best way to get abatement of the problems would be a mutual effort wherein DHS issued Municipal Infractions and the elected body proceeded with declaring the property a nuisance in need of abatement. He said the Fire Department had also been made aware of the problems, and they, too, considered the property to be unsafe. Mr. McMinn said Municipal Infractions had been issued, along with a correction order and timeframe for completion of abatement of violations; in addition, the draft ordinance which would reinforce the enforcement effort had been presented for First Reading. Councilmember Elrich inquired whether there had been any recent contact with the owner of the property; Mr. McMinn responded in the negative, explaining that copies of all pertinent paperwork, including the Municipal Infractions, notice of the present meeting, etc., had been dispatched to a Mr. Rast, the owner of record, by both regular and Certified Mail on the previous Friday.

Councilmember Douglas inquired whether a copy of the report, including pictures of the property, that Mr. McMinn had presented to the elected body at worksession would be made a part of the record. The Mayor asked that copies of that documentation be furnished to the Clerk's

Office for such inclusion in the official record. Responding to inquiry from Councilmember Martin, Mr. McMinn stated that the Correction Order allowed the owner until October 17 to correct the existing violations -- a little over a month from the time it was written. He pointed out that would ensure that something would be known about the owner's intentions regarding the property (by whether any attempt had been made toward bringing it into compliance) prior to the public hearing on the matter which was set for October 24, and that would be of assistance in the decision-making in the course of that hearing. He said that, under the Code, the property owner would be required to come forth at the hearing and state his intentions regarding the property. In the course of ensuing dialogue, Mr. McMinn explained that what was occurring were essentially preliminary steps to the condemnation process, should the owner fail to make any effort to correct/abate the violations -- these preliminary steps give the owner every possible chance to address the problem so that more stern measures would not have to be taken by the City.

The Mayor inquired of Ms. Perlman whether the City, should the owner choose not to abate the nuisance, has the authority to enter onto the property and take necessary measures to render it safe so that someone, such as a child, would not be likely to be injured on the premises. Ms. Perlman affirmed that the elected body, if the nuisance were not abated within the period set by the Council, could then, in addition to penalties and in accordance with Sec. 6-66 of the City Code, take other necessary steps and place a lien against the property to cover costs incurred in doing so.

The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting it would be scheduled for Second Reading at the September 26 meeting. Responding to inquiry from the Mayor, Mr. McMinn affirmed that he had advised the property owner in his letter that the ordinance would be scheduled 9/26/88 for adoption, and that a Public Hearing had been tentatively set for October 24.

ORDINANCE #1988-
(attached)

4. Resolution Approving Streetscape Improvements/Parking Plan for Area Fronting Tom Oliff Property at 727 Erie Avenue.

Economic & Community Development Director Neal explained that while discussion had occurred with the property owner, agreement had not yet been reached; he asked that the matter be tabled for the present time. Councilmember d'Eustachio moved to table the item until the 9/26/88 meeting, duly seconded by Councilmember Sharp; the motion carried by unanimous vote.

5. Resolution re Eleven Prince George's Variance Requests (Glaize-wood Manor Subdivision).

Mr. Neal referred to his report on the subject, noting reference had incorrectly been made to the variance requests being in Montgomery County in the heading in that document. He noted the elected body's previous site plan review, a condition of its prior subdivision request review, which request was granted. He said the conditions imposed at the time of site plan review and approval, which were set forth in a resolution, appeared amenable to the property owner. He said, however, throughout the process, both City and County staff had inadvertently overlooked one requirement of the Prince George's County Code, i.e., that no interior lot have greater than 40% coverage and that no exterior lot have greater than 30% coverage, with exterior lots being those on the edge of the property. He explained that 11 of the 12 lots of the development had been proposed to have greater coverage than would be permissible under the County Code. This was discussed with the County staff, the property owner, the Clerk to the Board of Zoning Appeals, and what was ultimately recommended to the owner by his attorney and his engineer and Planning staff -- and accepted by the County Planning Board -- was that they would continue the hearing on the detailed site plan until such time as the owner had sufficient time to go to the County Board of Zoning Appeals to request the necessary variances in order to legalize the project. Mr. Neal said that while he considered this to be primarily a technical detail, it nonetheless required review by the elected body. He explained that the variances for the 11 affected lots would range from an excess

coverage amount of 5.5% up to 14% (for one of the lots). Mr. Neal said that in his opinion, denial of the requested variances could result in both specific practical difficulties and/or undue financial hardship on the owner of the property. Responding to Councilmember Sharp, he elaborated on the financial hardship he felt the owner would suffer if the variances were denied, explaining that the individual was not a large-scale developer, he paid a price for the land that was consonant with its zoning for 16 units but opted instead to zone it for 12. Mr. Neal said he could estimate approximately what the developer could expect to get for each unit, as well as approximate construction costs. He said the investment the developer had made to date included about \$57,000 in architectural and engineering fees, and he did not think his credit line could realistically be stretched too much further. Mr. Sharp commented he did not think ignorance of zoning requirements should be an acceptable valid argument when considering a design that was not in compliance, noting, however, that he was not specifically talking about the present case, and referring to the building that had been erected on Wayne Avenue in Silver Spring. He said those who made such an error should not be rewarded for doing so. Mr. Neal remarked he felt the developer on the subject property had acted in good faith, both the City's and the community's dealings with him had been very good, and the community was pleased with the design. From the practicality standpoint, Mr. Neal explained that the large common area including the common driveway onto which the 12 individual driveways fed and which then provided the single entry/exit point onto Ethan Allen Avenue could possibly be altered so as to have 12 individual drives entering and exiting onto that state road, however, he would not recommend such an approach or feel it to be a feasible solution. Councilmember Elrich commented he supported some of Mr. Sharp's remarks, however, said he was interested in the fact the land had been zoned for 16 units and asked whether that could have been done. Mr. Neal responded he did not think it would be practical to do so, said they would have to be very small. Mr. d'Eustachio remarked it would be questionable whether they would be marginally acceptable to the community. Mr. Neal said that due to the shape of the property, it was not really feasible for it to try to accommodate the density for which it had been zoned. Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio commented that while individual driveways for the units would probably be the most direct approach to solution of the coverage problem, the thought of that many driveways accessing at that point on Ethan Allen Avenue was mind-boggling; he said there was need to examine such situations on an individual case-by-case basis in order to be rational about the requirements of the law.

Councilmember Sharp questioned who the actual owner of the property was inasmuch as reference had been made to various entities in documentation. Mr. Neal said it was his understanding that it was a joint venture, that the development applicant was listed as Danner Development, Inc.; owners, Ovrang R. Sohrabi and Mahnaz Ghaderi; however, he said he understood both the applicant and owners had equity interest in the property. Mr. Neal noted that Mr. Nitin Timble of R.D.A. Associates, Inc., engineer for the applicant, was present at the meeting, should anyone have any questions for him.

Councilmember Martin inquired whether any of the variances being requested involved distance requirements of structures from lot lines, to which Mr. Neal responded in the negative.

Deputy City Clerk Jewell noted, for the record, that 3 phone calls, as follow, had been received in response to a letter sent out by the Clerk's Office. Mrs. Thelma Shields, 607 Ethan Allen Avenue, felt the proposed development would cause some crowding in the area, and had a concern that trees not be cut down, as well as noting a need for accident control at the intersection of Ethan Allen and New Hampshire Avenues, which is already bad enough. Sally Tabor, 703 Auburn Avenue, said the grade of the property down to Auburn Avenue is steep; her concern was water runoff and that trees not be removed. Marsha Ka-desh, 811 Elm Avenue, called on behalf of herself and her father, both of whom felt the developer was trying to put in too many units for the area.

Concerning the trees, Mr. Neal reminded that that subject was addres-

sed with the developer at the time of site plan review. He pointed out that discussion had occurred with people in the community through the South of Sligo Citizens' Association; no one was under the illusion that there would not have to be grading of the lot -- the development was large relative to the trees. He said the developer was required to apply for the necessary tree permits, and every effort would be made to save any trees possible. A significant number of trees would need to be removed, however, and that was why a beefing-up of the landscape plan was desirable. Concerning the tree permits, Mr. Wilson noted that the City was waiting for overlay information regarding excavation that would have to be done on the property, a layout of the property, and a map denoting all of the existing trees; from these documents, an assessment could be made of the impact on the trees and whether it would be possible to save some of them. Once that was available, there would be justification for issuing permits to remove those trees necessary.

James Rankin, 715 Auburn Avenue: said he had lived at his address for 38 years; inquired how it was intended to control stormwater runoff; said he had suffered from the runoff from that piece of property for 38 years and did not see how they intended to change that.

Mr. Timble of R.D.A. Associates, Inc., the site engineer, said he understood Mr. Rankin's concerns, however, there had previously been only one stormwater sewer on the property, which was why the runoff was not adequately controlled. He said an additional structure would be installed, which he felt would adequately control stormwater runoff. He elaborated on the placement of the new sewer and what was intended. Mr. Rankin said he did not think what was proposed would control the problem, particularly with 12 units planned; he said they needed to build a retaining wall as well to adequately protect his property. Mr. Timble explained in detail to Mr. Rankin, referring to visual materials at hand, what was planned, including regrading the property so that water runoff would flow to the control structures. The Mayor commented that as work proceeds, the developer may have to consider some sort of retaining wall if what was planned did not prove adequate. Mr. Neal reminded that legal authority for stormwater management was vested in WSSC, and noted they could hold up a permit if they were not convinced of the adequacy of a plan; he said he would be happy to send that entity a letter expressing the concerns that had been raised. Mr. Timble said WSSC had approved the conceptual stormwater management plan for the site, that what was proposed was satisfactory to them. Responding to Mr. Rankin concerning what could be done if the system did not prove adequate, the Mayor said that and he and his neighbors would then have to pursue the matter privately with the proper authorities, inasmuch as the City had no jurisdiction over stormwater management.

Councilmember Douglas inquired whether the City could deny its approval to the project solely on the basis of the stormwater management plan. Mr. Neal said while he was not aware of anything in the State Law that would prevent the City from doing so, his recommendations were based on the County Code which set forth specific requirements for granting or denial of variances; he said it was his feeling that decisions should be based primarily on those, and that they were written so as to provide decisionmakers a certain amount of leeway for judgments because cases were seldom cut and dried. He pointed out the language concerning practical difficulties could pertain if the Council felt there were truly a practical difficulty or hardship involved in what was proposed.

Paul Perkins, 719 Auburn Avenue: noted he, too, lived behind the property in question; said his major concern was drainage also. He said what was proposed would increase runoff at least 3 times, and asked whether what was planned was intended to take care of all the runoff or simply a portion of it. Mr. Timble responded that it was intended that the stormwater management planned would handle all runoff from the property. Mr. Perkins asked whether any retaining walls were planned and, if so, what they would look like viewed from Auburn Avenue. Mr. Timble responded that, to his knowledge, only one retaining wall was planned -- on the front of the property facing Ethan Allen Avenue. Mr. Perkins commented that while the drainage problem was his major concern, he hoped any and all trees that could

be preserved on the property would be.

Councilmember Sharp asked that the landscaping plans be described, particularly the screening along the back portion of the property. Mr. Timble explained that a total of approximately 180 evergreen-type trees/shrubs would be planted; 64 6' white pines were to be planted along the back, as well as numerous Japanese yews. He said a major emphasis had been placed on drainage, and that called for substantial plantings because of the grade of the property. Mr. Neal pointed out that revisions of the landscaping plan were not yet complete, one matter under consideration was inclusion of more planting closer to the buildings so as to soften the lines of the structures; he noted it was felt the white pines might not prove to be an adequate visual screen from some angles. In the course of ensuing discussion, it was noted that while WSSC had approved the stormwater plan for the site, they had not yet issued the necessary permit.

Councilmember Martin expressed concern that the majority of trees would have to be cleared from the property and asked whether other ways of addressing the stormwater control problem had been examined, such as a catch basin all the way across the back of the property. Mr. Timble explained that when one was dealing with a piece of land on a steep grade, it was necessary to place first considerations on the structures, such as entrances to the buildings, and the grade of the land had to slope away from the house in the back to avoid damp basements. Due to the natural grade of the property, and in order to take into consideration both the structures that would be built and also stormwater management in relation to neighboring properties, regrading was a necessity, and that would affect the existing trees. Responding to inquiry from Councilmember Sharp, the Mayor affirmed that a letter would be sent to WSSC noting the City's concern about stormwater management on the property; Mr. Neal said he would be glad to draft such a letter; he said the Chair of the Montgomery County Planning Board had recommended that the City do so when they had such concerns. Mr. Wilson said that body felt that people should begin to focus on WSSC and the leverage it has in such matters; he said there was concern that that leverage had not always been tempered with good judgment and careful examination in all cases. The resolution was passed by unanimous vote. Councilmember Sharp commented that the proposed development had come before the elected body a number of times in its various stages; he noted that the developer had been most cooperative, had always appeared interested in and willing to listen to the opinions of the elected body, the City, and the community.

RESOLUTION #1988-73
(attached)

6. Resolution Revising the Takoma Park Farmers' Market Guidelines, 1988 Season, to Permit the Closing of Laurel Avenue During Market Hours.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Sharp. Councilmember Sharp moved to amend Section G, by the addition after the 6th line, sentence ending in "increased supply of vendors," of a new sentence to read: If the south side of Laurel Avenue is used for vendor space, no material shall be placed on the south sidewalk, nor shall vehicles be parked on the south side of the street. He explained that the intent of the amendment was to ensure that the sidewalk was not obscured, so that the vendors on that side would have a fair shot at the customers. The amendment was passed by unanimous vote. Mr. Douglas commented he had noted the market had been crowded with vendors for the last few weeks and inquired whether it was anticipated that would continue into the fall; Mr. Neal said he anticipated it would.

The Mayor raised the question of whether an ordinance would be required to, in effect, repeatedly close the street during certain specific hours. Following brief discussion, Mayor Del Giudice suggested accepting the amended resolution as a First Reading ordinance, with Mr. Neal to seek temporary permission for closing of the street until Second Reading and adoption of the ordinance, if such was deemed to be necessary. The maker and seconder of the motion for passage accepted that suggestion.

Abby Mandel: inquired where people would park, noting that the spaces

on the south side of Laurel were generally in use for the entire 4 hours the market was open.

Councilmember d'Eustachio commented that his primary concern was safety of pedestrians in relation to traffic while the market was in operation. He said while it might make parking a bit more difficult, he felt the increased safety factor was important, and that those wanting to park would find space not too far distant. Ms. Mandel agreed that if there were going to be vendors on the south side, people should not be allowed to park there, however, she questioned whether the additional spaces would actually be used by vendors. Mr. d'Eustachio pointed out that, under the regulations, if there were not vendors needing to use the space there, it could be opened up for parking on those days it was not needed for vendor space. Mr. Neal pointed out that the space being used for the market was not designed for the purpose, and said he, too, shared Mr. d'Eustachio's concerns about pedestrian safety with regard to traffic, particularly in light of the success the market had enjoyed and the number of people who attend. He said it was a valid question whether the street could be closed by resolution, however, suggested that formalization of that be taken up separately and the guidelines adopted by resolution. He pointed out, however, that to date there had been no problem with the temporary closing off of the street for the market. Additionally, Mr. Neal pointed out that if the temporary closing off of the street were formalized by ordinance, the elected body might wish to make provision in that legislation for imposition of temporary no parking on the south side of the street when it was in use by vendors, so as to create a basis for enforcement if that were found to be necessary. Regarding concerns raised about difficulty in finding parking, Councilmember Leary commented he went to the market almost every Sunday, and the previous one was the first time he had ever had even a hint of difficulty in finding a place to park.

The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-
(attached)

The ordinance just accepted for First reading was moved for passage as a resolution, as amended, by Councilmember Sharp, duly seconded by Councilmember Douglas. The resolution was passed by unanimous vote.

RESOLUTION #1988-74
(attached)

Councilmember Sharp noted there had been a lemondade stand at the Farmers' Market the previous Sunday, operated by minors and apparently raising money for the Folk Festival. Mr. Neal said it would be checked into whether that activity was in compliance with the guidelines and whether the operators had a health permit. In addition, Mr. Sharp noted that someone had been taping posters onto the clock in Old Town; Mr. Neal remarked that was definitely not permitted and he would look into it.

7. Resolution Authorizing Execution of a Master Equipment Lease-Purchase Agreement and Related Instruments with Signet.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. The resolution was passed by unanimous vote.

RESOLUTION #1988-75
(attached)

8. Resolution Concerning Proposed Level of Development in Silver Spring.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. Elrich briefly summarized the document, noting the history of the proposal and the City's position on various factors. He said the resolution addressed those issues, including the traffic management plan and the fact that nothing had changed in the county's proposal which would offset anticipated negative impact on surrounding jurisdictions; it asked that Park & Planning in the course of their September 14 and 15 hearings on the Moore Project deny their

approval for that project. Consensus was that the resolution would be forwarded, along with a cover letter from the City Administrator. The Mayor pointed out that the resolution should probably also clarify that the City opposed not only the Moore Project, but any proposed project of similar size, for those reasons set forth in the "Whereas" clauses, and ask that the Planning Board deny its approval to same. Consensus was that would be done. The resolution was passed by unanimous vote.

RESOLUTION #1988-76
(attached)

Upon motion, duly seconded, the meeting adjourned at 10:35 p.m., to reconvene in regular session at 8:00 p.m. on September 26, 1988.

Introduced By: Councilmember d'Eustachio
Drafted By: L. Schwartz

Adopted: 9/12/88

Resolution No. 1988-70

A resolution to adopt the recommendations of the Citizens' Advisory Committee regarding Community Development Block Grant requests to Montgomery and Prince George's Counties for Fiscal Year 1990, as amended, with additional funding requests to Prince George's County as recommended by staff of the Department of Economic and Community Development (DECD), and to authorize DECD staff to submit applications to the respective Counties, and to make requests for further CDBG funding to Prince George's County.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1990 to use for eligible projects; AND

WHEREAS, to achieve maximum citizen input into how CDBG funds received by the City are spent, the City government has formed a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of citizen, tenant, civic, neighborhood and business organizations and groups for the purpose of reviewing and evaluating proposals for the use of available CDBG funds and to recommend proposals to the Mayor and Council; AND

WHEREAS, the Citizens' Advisory Committee has now completed its review and has issued its final report; AND

WHEREAS, due to a lack of submission of eligible projects, the total dollar amount of the projects recommended for funding by the CAC in Prince George's County is significantly less than the amount that the City may reasonably expect to receive from the County, based on experience from Fiscal Year 1989;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the recommendations of the Citizens' Advisory Committee for requests for CDBG funding from Montgomery and Prince George's Counties, as amended, with the additional funding recommendations for Prince George's County submitted by staff of the Department of Economic and Community Development, are hereby ADOPTED.

BE IT FURTHER RESOLVED THAT staff of the Department of Economic and Community Development is hereby authorized to submit applications for fiscal year 1990 CDBG funding for the recommended projects to Montgomery and Prince George's Counties, and to make requests for further CDBG funding to Prince George's County.

ADOPTED THIS 12th DAY OF SEPTEMBER 1988.

lss #2,cacres2

INTRODUCED BY:
DRAFTED BY: L. SCHWARTZ

ADOPTED: 9/12/88

RESOLUTION 1988-72

A RESOLUTION TO ESTABLISH A TRAFFIC AND TRANSPORTATION PLANNING AND POLICY COMMITTEE IN THE CITY OF TAKOMA PARK.

WHEREAS, the City is experiencing increasing traffic and transportation problems; and

WHEREAS, in seeking to address these problems, the Mayor and Council wish to have a vehicle for citizen input; and

WHEREAS, Ordinance No. 2639, which established a Transportation Planning and Policy Committee on 25 October 1982, has been repealed;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT there is hereby established a Traffic and Transportation Planning and Policy Committee, which shall be a standing committee of the Council and shall function as a subcommittee of the Planning, Transportation and Zoning Committee.

BE IT FURTHER RESOLVED THAT the Committee shall consist of the following members:

- 1) A staff member of the Department of Economic and Community Development designated by the Director of that Department, who shall serve as a non-voting ex officio member;
- 2) Seven citizen representatives, who shall be appointed by the Mayor with the approval of the Council, with preference given to citizens meeting one or more of the following criteria:
 - a) the citizen has been nominated by his or her citizen association;
 - b) the citizen lives in an area heavily affected by traffic; and
 - c) the citizen has particular expertise in the fields of traffic and/or transportation.

To the maximum extent practical, these representatives should be appointed from different wards of the City. Appointments shall be made as soon as practical after the election of each Mayor and Council.

Members shall be appointed to fill vacancies in the same manner as the initial members.

All terms shall expire on the municipal election day.

BE IT FURTHER RESOLVED THAT the Officers of the Committee shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair shall be designated by the Mayor at the time of appointment. The Committee shall elect a Vice-Chair and Secretary from among its members.

BE IT FURTHER RESOLVED THAT the Committee shall hold regular meetings no less than once every two months and may hold additional meetings which, in its discretion, are necessary to discharge its duties. Such additional meetings shall be called by the Chair, or by request of a majority of Committee members. All meetings of the Committee shall be adequately publicized and shall be open to the public. A quorum shall be constituted by a majority of voting committee members. The Committee shall establish such rules as it deems necessary to conduct its business.

BE IT FURTHER RESOLVED THAT the duties of the Traffic and Transportation Planning and Policy Committee shall be:

- A. To inform the Mayor and Council of traffic and transportation-related issues requiring their attention and to develop proposed policies that address these issues.
- B. To develop for the Mayor and Council's consideration proposals implementing the traffic and transportation goals defined in the Adopted and Approved City of Takoma Park Master Plan (May, 1982) and the Sector Plan for the Transit Impact Area in Takoma Park (October, 1974); to monitor the City's compliance with those goals; and to augment and modify, when necessary, those goals.
- C. To assist in preparation of a Traffic and Transportation Management Plan, which shall be made available to the Mayor and Council prior to their fiscal year 1989-90 budget deliberations. This Plan shall summarize the City's existing traffic and transportation conditions, shall state the City's transportation goals, and shall

recommend proposals and policies to implement them.

- D. To review, comment, and make recommendations on proposals to install, modify, or remove traffic control devices or to implement any other traffic management technique(s) as requested by the Mayor and City Council.
- E. To function as a liaison between the community and any traffic engineering consultants or staff who may be engaged to provide traffic engineering or planning services to the City.
- F. To perform other duties related to transportation and traffic management as requested by the Mayor and Council.

BE IT FURTHER RESOLVED THAT this resolution shall take effect upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 12, 1988.

lss:disk #1,trafres

Introduced by:
(Drafted by P. Jewell)

1st Reading: 9/12/88
2nd Reading:

ORDINANCE #1988-___

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (p) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(p) Spruce Avenue, between Tulip and Park Avenues there will be two speed humps installed. One will be installed in front of No. 7210 Spruce Avenue, and the other between 7222 and 7224 Spruce Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____,
1988, BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

(b) If the owners are residents of the City of Takoma Park, but temporarily absent or are non-residents of the City of Takoma Park, then a copy of the notice shall be published in two (2) successive issues in a newspaper published in the county where the property is located, and a copy of the notice shall be mailed to the last known address of the owners.

SECTION 4. Public notice of the show cause hearing on why the maintenance of the property at 6811 Eastern Avenue, Takoma Park, Maryland should not be declared a nuisance scheduled for October 24, 1988 at 8:00 p.m. in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland 20912 shall be given by a placard prominently placed on the property and by such other public notices as the City Administrator or his designee deems necessary or appropriate.

THIS ORDINANCE IS ADOPTED THIS _____ DAY OF _____,
1988 AND IS EFFECTIVE ON THE SAME DATE.

ordinance
TP#3/fl

Introduced By: Councilmember d'Eustachio
Drafted By: D. Neal

Adopted: September 12, 1988

Resolution No. 1988- 73

- WHEREAS, RDA, Inc./Ovranj Sohrabi & Mahnaz Ghaderi has applied to Prince George's County for variances (Nos. 9507, 9508, 9509, 9510, 9511, 9512, 9513, 9514, 9515, 9516, and 9517) for Lots 23-33 of Block 108 of Glaizewood Manor Subdivision, being the 600 Block of Ethan Allen Avenue, Takoma Park; AND
- WHEREAS, this property is located in the City of Takoma Park and the applications have therefore been referred to the City for review and comment; AND
- WHEREAS, these applications have been reviewed by the City's Department of Economic and Community Development, which has recommended APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated 8 September 1988; AND
- WHEREAS, the Mayor and Council have taken into consideration public comments received on the subject applications;
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express their support of the subject variance application, and encourage the Board of Appeals for Prince George's County to APPROVE the subject application.
- BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Prince George's County authorities, including Clerk to the Board of Appeals for Prince George's County.

ADOPTED THIS 12th DAY OF September, 1988.

lss:disk#2
9452res

Introduced by: Councilmember Sharp

Drafted by: Daniel Neal

Adopted: 12 September 1988

RESOLUTION NO. 1988-74

FOR THE PURPOSE OF REVISING THE TAKOMA PARK FARMERS MARKET GUIDELINES FOR THE 1988 SEASON, ORIGINALLY ESTABLISHED BY RESOLUTION # 1988-33, ADOPTED ON 9 MAY 1988.

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers Market in Takoma Old Town for the past six years; AND

WHEREAS, the Takoma Park Farmers Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the community as a whole; AND

WHEREAS, the Mayor and Council of the City of Takoma Park are therefore desirous of continuing to sponsor and coordinate the Takoma Park Farmers Market and established the 1988 TAKOMA PARK FARMERS MARKET GUIDELINES, 1988 SEASON via adoption of Resolution No. 1988-33: AND

WHEREAS, the number of participants in the Takoma Park Farmers Market has increased to the point that the closing of only the north side of Laurel Avenue is on occasion insufficient to accomodate the City's needs for vendor space; AND

WHEREAS, the entrepreneurs with businesses in the Takoma Metro Shopping Center on Laurel Avenue have been consulted and have agreed to expanding the TAKOMA PARK FARMERS MARKET to the south side of Laurel Avenue as necessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Takoma Park, Maryland that the revised "TAKOMA PARK FARMERS MARKET GUIDELINES, 1988 SEASON," attached hereto and made a part of this resolution by reference, are hereby adopted and approved. These revised guidelines supercede all previous guidelines adopted for the 1988 Takoma Park Farmers Market.

Attachment: TAKOMA PARK FARMERS MARKET GUIDELINES, 1988 SEASON (Revised)

ADOPTED THIS 12th DAY OF SEPTEMBER 1988.

c, farmmkt88.res
farmkt

Resolution 1988- 75

LESSEE: City of Takoma Park

Master Equipment Lease/Purchase Agreement dated September 13, 1988 with Signet Leasing and Financial Corporation.

At a duly called meeting of the City Council of Takoma Park, Maryland held in accordance with all applicable legal requirements, including open meeting laws, on the twelfth day of September, 1988, the following resolution was introduced and adopted.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council of Takoma Park, Maryland ("Lessee") has determined that a true and very real need exists for the equipment (the "Equipment") described in the Master Equipment Lease Purchase Agreement (the "Agreement") presented at this meeting; and

WHEREAS, the City has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, the City proposes to enter into the Agreement substantially in the form presented to this meeting; and

WHEREAS, the City anticipates that it and its subordinate entities will not issue tax-exempt obligations in the face amount of more than \$10,000,000 during the current calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Agreement in the form presented and incorporated in this resolution are in the best interests of the City of Takoma Park for the acquisition of the Equipment.

Section 2. The Agreement is hereby approved. The City Administrator of the City of Takoma Park and any

other officer of the City who shall have power to execute contracts on behalf of the City be, and each of them hereby is, authorized to execute, acknowledge and deliver the Agreement with any changes, insertions and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The City Administrator of the City of Takoma Park and any other officer of the City who shall have power to do so be, and each of them hereby is authorized to affix the official seal of Lessee to the Agreement and attest the same.

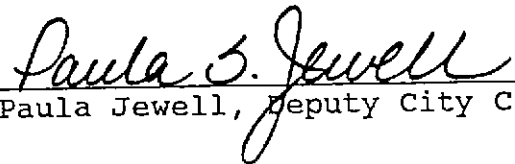
Section 3. The proper officers of the City be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Agreement.

Section 4. The City of Takoma Park hereby designates the Agreement as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 as amended".

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the within Master Equipment Lease/Purchase Agreement is the same as presented at said meeting of the City Council of the City of Takoma Park.

Date: September 12, 1988, 1988

(Seal)


Paula Jewell, Deputy City Clerk

Introduced by: Councilmember Elrich

RESOLUTION NO. 1988-76

WHEREAS, the City of Takoma Park has previously determined that the proposed level of development for Silver Spring will adversely impact on our own community, as well as other neighborhoods near the Silver Spring CBD; AND

WHEREAS, the Traffic Management Program proposed by the County is inadequate in addressing the problems that will be created by the new projects; AND

WHEREAS, the Moore Office/Mall proposal does not offer benefits that would offset the overall negative impact of the traffic problems it will create;

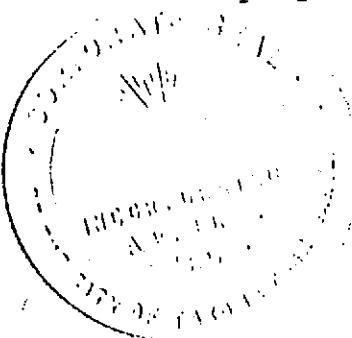
NOW, THEREFORE, LET IT BE RESOLVED, that the City Council of Takoma Park states its opposition to the Moore project or any project of this size and asks that the Planning Board deny approval to the project.

Adopted by unanimous vote, this 12th day of September, 1988

ATTEST:

Paula S. Jewell

Paula S. Jewell
Deputy City Clerk



Introduced By: Councilmember Douglas
Drafted By: D. Neal

Adopted: 12 September 1988
(Budgeted Expense - Adopted
with single reading.)

ORDINANCE NO. 1988-37

AN ORDINANCE AWARDDING A CONTRACT TO JOHNS BROSAN LAUTERBACH LTD. TO APPRAISE CERTAIN REAL PROPERTY LOCATED AT AND ADJACENT TO 7221 CARROLL AVENUE, TAKOMA PARK, MARYLAND.

WHEREAS, the Mayor and Council of Takoma Park are desirous of obtaining a professional appraisal of the fair market value of certain real property located at and adjacent to 7221 Carroll Avenue, Takoma Park, Maryland, and also known as parts of lots 32 and 33, block 19 of that subdivision known as B.F. Gilbert's Addition to Takoma Park; AND

WHEREAS, proposals to provide said appraisal have been solicited from two qualified real estate appraisal firms, Severn Appraisal Associates, Inc. and Johns Brosnan Lauterbach Ltd.; AND

WHEREAS, that proposal submitted by Johns Brosnan Lauterbach Ltd., a copy of which is attached hereto and made a part hereof, has been found by the Mayor and Council to be the most beneficial of the two proposals;

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

SECTION 1. THAT the attached appraisal proposal of Johns Brosnan Lauterbach Ltd. is hereby accepted by the City of Takoma Park.

SECTION 2. THAT the City Administrator or his designee is hereby authorized to execute the documents necessary to effect performance of the said appraisal and to charge the cost of said appraisal to Budget Account No. 535.

ADOPTED THIS 12th DAY OF SEPTEMBER 1988.

AYES: Councilmembers Douglas, Hamilton, Leary, Martin and Sharp
NAYS: None
ABSTAINED: Elrich
ABSENT FOR VOTE: d'Eustachio

jhnsbros.ord

Single reading: 9/12/88

ORDINANCE NO. 1988-38

AN ORDINANCE TO AWARD A BID FOR THE PURCHASE OF AUTOMATIC PLAYBACK EQUIPMENT

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

WHEREAS, the Council of Montgomery County, Maryland 1988-89 Cable Communications Plan earmarked \$40,000 for the purchase of equipment for the Takoma Park Cable Television Office; AND

WHEREAS, the \$40,000 has been included in the 1988-89 Cable Television Office Equipment Account #3600.000; AND

WHEREAS, a portion of that equipment should be for the automatic playback of programming on Takoma Park Community Television; AND

WHEREAS, bids for automatic playback equipment were solicited from qualified dealers and advertised in two weekly newspapers for two consecutive weeks; AND

WHEREAS, bids were received and opened at the 4:00 p.m., August 3, 1988 deadline from three qualified dealers; AND

WHEREAS, Communications Televideo Limited of Silver Spring, Maryland had the lowest bid at \$4,660.00; AND

SECTION 1. THAT Communications Televideo Limited be awarded the contract for the purchase of automatic playback equipment.

Adopted this 12 day of September, 1988

Ayes: Douglas, Hamilton, Leary, Martin, Sharp

Nays: None

Abstained: Elrich

Absent: (for vote) d'Eustachio

Single reading: 9/12/88

ORDINANCE NO. 1988- 39

AN ORDINANCE TO AWARD A BID FOR THE PURCHASE OF AUTOMATIC PLAYBACK EQUIPMENT

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

WHEREAS, the Council of Montgomery County, Maryland 1988-89 Cable Communications Plan earmarked \$40,000 for the purchase of equipment for the Takoma Park Cable Television Office; AND

WHEREAS, the \$40,000 has been included in the 1988-89 Cable Television Office Equipment Account #3600.000; AND

WHEREAS, a portion of that equipment should be for the automatic playback of programming on Takoma Park Community Television; AND

WHEREAS, bids for automatic playback equipment were solicited from qualified dealers and advertised in two weekly newspapers for two consecutive weeks; AND

WHEREAS, bids were received and opened at the 4:00 p.m., August 3, 1988 deadline from three qualified dealers; AND

WHEREAS, Communications Televideo Limited of Silver Spring, Maryland had the lowest bid at \$4,660.00; AND

SECTION 1. THAT Communications Televideo Limited be awarded the contract for the purchase of automatic playback equipment.

Adopted this 12 day of September, 1988

Ayes: Douglas, Hamilton, Leary, Martin, Sharp

Nays: None

Abstained: Elrich

Absent: (for vote) d'Eustachio

INTRODUCED BY: d'Eustachio

First Reading: 7/25/88

Second Reading: 9/12/88

ORDINANCE #1988-40

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

SECTION 1. Repeal of Ordinance No. 2639. Ordinance No. 2639, adopted by the Mayor and Council of the City of Takoma Park, Maryland on 25 October 1982, is hereby repealed.

SECTION 2. This ordinance shall take effect upon adoption.

ADOPTED BY THE MAYOR AND COUNCIL SEPTEMBER 12, 1988.

lss:disk #1,traford

Introduced by:

1st Reading: 9/12/88
2nd Reading:

ORDINANCE NO. 1988-

AN ORDINANCE SETTING A SHOW CAUSE HEARING ON WHETHER THE CONDITION AND MAINTENANCE OF 6811 EASTERN AVENUE, TAKOMA PARK, MARYLAND, SHOULD BE DECLARED A NUISANCE AND ORDERED TO BE ABATED

WHEREAS, the Mayor and Council have received information from the Code Enforcement Supervisor, Department of Housing Services, that the dwelling house and yard of the property known as 6811 Eastern Avenue, Takoma Park, Maryland, (the "property") is in a condition dangerous to property or health and also threatens the lives of neighboring residents; and

WHEREAS, the Takoma Park Fire Department has determined that the condition of the property is structurally unsound and presents a fire hazard in that numerous gas cans and automotive parts are stored in the basement and garage of the house; junk cars and automobile parts are strewn around the yard; and barbed wire is strung throughout the house; and

WHEREAS, the Code Enforcement Supervisor has determined through inspection and investigation that the property is in a hazardous condition and is structurally unsafe because there are numerous unsecured openings, questions as to the structural integrity of the front wall of the basement, and rodent infestation; and

WHEREAS, the property is vacant and appears to have been abandoned for some time as City police and housing inspection reports on the property from 1982 show dangerous and blighting conditions, the same or similar as exist now; and

WHEREAS, the Code Enforcement Supervisor's exterior housing inspection report and photographs of the house and yard show the following housing code violations:

Code of the City of
Takoma Park
CODE SECTION

Overgrown and Uncontrolled Vegetation	Takoma Park Code §12-18
Rodent Infestation	BOCA PM §§ 301.4 & 303.6
Fence Structurally Unsound	BOCA PM §301.9
Accessory Structure Has Collapsed	BOCA PM §301.9
Accumulation of Trash and Debris	BOCA PM §301.1

Missing Staircase Steps and Risers	BOCA PM §302.3.7
Porch Supports Structurally Unsound	BOCA PM §302.2
Front Basement Wall Has Collapsed	BOCA PM §302.3.1
Porch Roof in Disrepair and Unsound	BOCA PM §302.3.3
Numerous Windows are Broken and Missing	BOCA PM §302.4.1
Door Frames Pulling From Structure	BOCA PM §302.4
Flammable Materials Stored in Basement	BOCA PM §702.2
Flammable Materials Stored in Residential Building	BOCA PM §702.3
Abandoned Vehicles on Property	Takoma Park Code §13-9
Numerous Exterior Structure Violations	BOCA PM §302.3

WHEREAS, City tax records indicate that the property is owned by James J. Rast and Margaret Rast of 12700 Circle Drive, Rockville, Maryland 20850; and

WHEREAS, the information received from the Code Enforcement Supervisor and the Takoma Park Fire Department regarding the unsafe and dangerous structure of the property has been duly verified after investigation by the Council.

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

SECTION 1. The Mayor and Council, upon information that the dwelling house located at 6811 Eastern Avenue within the City of Takoma Park, Maryland, is an "unsafe structure" as defined in Section 6-63(a) and/or a "substandard building" as defined in Section 6-68(a) of the Code of the City of Takoma Park, Maryland which information has been duly verified after investigation by the Council, hereby call upon the owners of the property to show cause why the condition of the dwelling house should not be declared a nuisance and ordered to be abated.

SECTION 2. The Mayor and Council set October 24, 1988 at 8:00 p.m. in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland 20912 as the date and time for the owners of the property, James J. Rast and Margaret Rast, to show cause, if any they may have, why the maintenance of the property at 6811 Eastern Avenue, Takoma Park, Maryland should not be declared a nuisance and ordered to be abated and for the Council to also hear any additional evidence bearing on the case.

SECTION 3. The owners of the property shall be given notice of the passage of this ordinance as follows:

(a) If the owners are residents of the City of Takoma Park, then notice shall be served on the owners or a member of their household over sixteen (16) years of age by an officer of the police department within ten (10) days of the effective date of the enactment of this ordinance; or

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
September 19, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

Upon motion made by Councilmember d'Eustachio and duly seconded by Councilmember Douglas, the Mayor and Council convened in Special Session at 8:35 P.M. on Monday, September 19, 1988 in the 2nd Floor Meeting Room at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Del Giudice asked that the record reflect that those in attendance at the time of roll call included: Councilmembers Hamilton, Leary, Douglas, d'Eustachio and Martin.

Mayor Del Giudice opened the discussion of the Council's position on the Casa Venus application for a Class A Beer, Wine license. Casa Venus is located at 6844 New Hampshire Avenue. Councilmember d'Eustachio moved that the Council oppose the application of Casa Venus for a Class A Beer, Wine license; this motion was duly seconded by Councilmembers Hamilton and Leary. Mr. d'Eustachio stated that his opposition is based on a number of factors. He said that this was an economically struggling shopping center with a history of problems. The surrounding neighborhood particularly on the Takoma Park side has had a history of problems with the shopping center. Mr. d'Eustachio said that some of the problems have been long standing complaints about trash, groups of youths "hanging out", and the types of businesses that have been there in the past such as problems with an adult book store and adult entertainment operation (photography studios, etc.). Mr. d'Eustachio said that the shopping center itself has a history of problems in keeping reputable types of businesses there and that there are constantly several abandoned store fronts. Mr. d'Eustachio said that it is not his opinion that an off-premises alcoholic beverage license would be an addition to that shopping center and that it would be a substantial detriment to that area by exacerbating existing problems, people hanging out, trash problems, etc. It would also be an open invitation for other types of businesses that the neighborhood in the past has opposed and have found undesirable and not beneficial to that neighborhood. Councilmember d'Eustachio further commented that this is a property that is not within the jurisdiction of the City of Takoma Park, and therefore the City would have no veto power; however it is an area the City has considered annexing and he was not sure if the City would be particularly interested in adding an off-premises beverage business to that area if the City did annex.

Councilmember Martin stated that there was a deli business across the street that has package sales and that they have not experienced any problems. Councilmember d'Eustachio responded that there was a substantial difference between an on-premises restaurant which serves sit-down dinners and on-premises alcoholic beverage and a package store or carry-out.

Councilmember Hamilton questioned if the owner of the restaurant was given notice of this special meeting. Deputy Clerk Jewell confirmed that letters had been sent to the owner, Mr. Boo Hyun Chung, to the business address and to the owner's personal residence as well. Mayor Del Giudice asked that a copy of the letter sent to the owner be made part of this record.

Mayor Del Giudice commented that one of his fond memories of citizen advocacy was coming before prior Councils, and testifying on behalf of the Hillwood Manor Citizens Association when a vendor in the area of University Boulevard and New Hampshire had previously sought a similar license. Mayor Del Giudice said that citizens in his community have traditionally opposed this type of beverage license because of the traffic problems.

Councilmember d'Eustachio stated that there are a number of similar small carryouts that likewise do not have beverage licenses and the granting of off-premise alcoholic beverage licenses to any one of these businesses will give that one business a substantial advantage because largely these sorts of businesses make their money by selling cigarettes, candy bars and by selling quick walk-in walk-out alcoholic beverages. Mr. d'Eustachio said that he would hazard a guess that the granting of one license is fairly likely to spawn requests for a businesses' competitors so that they can continue to do business in the same environment.

Councilmember Douglas suggested that the comments and statements heard tonight be incorporated into the transmittal letter to the Prince George's County Board of License Commissioners. Mayor Del Giudice asked that the Deputy Clerk draft a statement of the Council's position for the Liquor Control Board.

Councilmember Martin said that one store having an alcoholic beverage license might help to increase the business and income potential of that business and help them out.

The question was called and the motion that the Council disapprove Casa Venus' application for a Class A Beer, Wine license carried by a vote of 4 Aye's and 3 Abstentions.

Upon motion, duly seconded the meeting adjourned at 8:47 P.M., to reconvene in regular session on September 26, 1988.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
September 26, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Deputy City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Code Enforcement Supervisor McMinn
Councilmember Sharp	Newsletter Editor Baron
ABSENT: Councilmember d'Eustachio	Corporation Counsel Silber
Councilmember Martin	Asst. Corporation Counsel Perlman
	Recycling Coordinator Braithwaite

The Mayor and City Council convened at 8:10 P.M. on Monday, September 26, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Mayor noted that Councilmember Martin was on vacation; Councilmember d'Eustachio was at the hospital with his wife who was in the process of giving birth to their second child.

Minutes of the August 1 (as revised), September 6, and September 12 Meetings were presented for approval. The Mayor noted that the September 12 Minutes, as distributed, lacked page 12 and would therefore not be considered for approval at the current meeting. Councilmember Douglas moved adoption of the August 1 and September 6 Minutes, as distributed. Councilmember Sharp raised a question concerning the revision to the August 1 Minutes. Deputy City Clerk Jewell explained that the revision had been to the first paragraph under item 1, Second Reading of an Ordinance Amending the Personnel Classification, on page 1. Mr. Sharp commented he would wish some additional time to consider that set of Minutes and moved to table them indefinitely, duly seconded by Councilmember Hamilton. The Minutes of the August 1 Special Session were tabled by unanimous vote. The Minutes of the September 6 Special Session were approved by unanimous vote. The Mayor noted the August 1 and September 12 Minutes would be considered at the next regular meeting.

Mayor Del Giudice congratulated and thanked all members of the Folk Festival Committee for the very successful event they had planned and presented, remarking the festival had been blessed with good weather. He noted the Old Town Festival would be held on the upcoming Sunday and encouraged all to attend.

ADDITIONAL AGENDA ITEMS:

Resolution effecting appointments to COLTA

For those in attendance, the Mayor noted a request had been made to table original agenda item #10 so that it could be considered in worksession prior to taking official action. He said a motion to table would be made at the appropriate point in the meeting.

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

Corporation Counsel Silber: introduced Elliott Andalman, a new member of her firm, who she commented resides in Councilmember Leary's Ward in the City. She briefly related Mr. Andalman's background and credentials, and said she hoped he would be a longtime member of her firm. The Mayor welcomed Mr. Andalman and said he looked forward to working with him.

Rose Monsell: on behalf of Silver Spring Group 297 of Amnesty International, presented a petition supporting a Life List in Colombia, as opposed to the Death List she said exists in that country; she asked that those members of the elected body who wished to do so sign the petition. It was agreed that the document would be left in the City Office and those wishing to do so would sign it.

Wayne Upton, 7600 Maple Avenue: related that some of the apartments in Park Ritchie were now hooked up for cable TV, and said he had been able to watch the remainder of the last Council Meeting live on Chan-

nel 54 after his departure from the meeting. He inquired whether the final report on the COG Drug Summit had been released yet; the Mayor responded he did not know whether that report was available as yet, however, said COG had taken up a resolution at their last meeting concerning the drug summit, and he would get a copy of it for Mr. Upton. Mr. Upton suggested publication of an article in the Newsletter concerning the drug summit and resolution. Mr. Upton inquired concerning the status of the hiring of an additional Outreach Worker. Mr. Wilson explained that interviews had been conducted, negotiations had occurred with a couple of the people on the final list, however, no one had yet been hired to fill the position. He said negotiations with applicants would continue until someone was found who would accept the position under the City's terms and conditions. Mr. Upton inquired of Councilmember Hamilton whether any more forums would be held in Takoma Park concerning the drug problem. Mr. Hamilton said the Drug Taskforce had presented its final report to County Executive Kramer the previous week, and he would get copies for distribution. He said the Community Services Committee would be reviewing various information and determining what more could be done in Takoma Park to address the problem. Concerning the Ride-On service, Mr. Upton inquired whether any evaluations had been made since the new service went into effect on May 1 to determine whether any adjustments were needed to the schedule. The Mayor stated that the Planning, Zoning & Transportation Committee had been examining that situation with the county and it would be discussed at the October 3 worksession; he suggested Mr. Upton might wish to attend that meeting. Mr. Upton inquired whether a letter writing campaign by those City residents living in the Prince George's portion of Takoma Park addressed to County Executive Glendening might have any favorable impact on the unification issue. He said it was his feeling Mr. Glendening was a major stumbling block to achievement of unification for the City. The Mayor said while he felt such an effort might have some impact, he thought Mr. Glendening was well aware of the sentiments that were expressed in the 1985 referendum, in which 68% of the City residents living in P.G. County voted in favor of unification and becoming a part of Montgomery County. He said, however, that undoubtedly Mr. Glendening also considered the economic value of that portion of the county and the economic impact of moving it into another county, including the loss of tax base and land area. In addition, he said the loss, in effect, of residents could affect future redistricting -- the county could lose a delegate or a senator in the legislature. The Mayor said that those are very real political considerations that both the County Executive and the delegation have put forth, and that have not to date been satisfactorily resolved in their minds. Councilmember Sharp commented that Mr. Glendening had always been straightforward in his opposition to the issue, and said the County Council, if pressed on the matter, would probably not support it either. Councilmember Elrich pointed out that Montgomery County would have to be able to offer Prince George's County something that they would feel was a good trade in order for unification to become a reality. In the course of ensuing dialogue, the Mayor noted that within the political structure, at all levels in Prince George's County, there was not and had not been any significant support for unification, which would amount to the giving away of an area of some value to the county -- and to date, nothing in exchange had been offered that would overcome that obstacle.

ITEMS FOR COUNCIL ACTION:

Administrative Reports:

1. Resolution Appointing Director of Public Works.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. Wilson introduced Anthony R. Giancola, noting his first day of work with the City would be October 11 in the position of Director of Public Works. He noted Mr. Giancola had an extensive background in the public sector, and said he was sure he would be an asset for the City. Congratulations and welcomes were expressed to Mr. Giancola by several members of the Council. Mr. Giancola expressed thanks for the positive comments made, and said he was looking forward to his appointment and assignment. The resolution

was passed by unanimous vote.

RESOLUTION #1988-77
(attached)

2. Resolution Approving City's Participation in Deferred Compensation Program.

Councilmember Sharp moved passage of the resolution, duly seconded by Councilmember Hamilton. Mr. Wilson reminded that a lengthy worksession discussion of this matter had occurred in April, the recommendation had come out of a significant and in-depth review of other options and alternatives and appeared to be the most efficient and effective approach to providing employees with voluntary participation in a deferred compensation program. He introduced Service Representative Rosemary Knapp of ICMA Retirement Corporation, the firm handling the program. Responding to Councilmember Douglas, Mr. Wilson affirmed that this plan would not incur any cost to the City, and would be handled as a routine payroll deduction. He noted the fact that ICMA was beginning to implement a fund account that was free of the taints of nuclear involvement and South African concerns, which tipped the scales in their favor.

Responding to inquiry from Councilmember Douglas, Ms. Knapp spoke, explaining that ICMA currently offers 4 different investment options, i.e., a stock fund which is 100% common stocks, a balanced fund which is a mixture of stocks and bonds, a bond fund (all corporate and government bonds), and a guaranteed fund which offers a guaranteed principal and interest; employees can choose which plan or plans best suit their needs and interests. She pointed out that a 5th plan, the index fund which tracks the Standard & Poor's 500 and will be free of any South African investments, will be available in early October. Councilmember Elrich raised the question of whether the investments were free of nuclear involvement, however, it was pointed out that once money was paid to employees, they were not under any mandate as to how it was invested or spent. Mr. Wilson commented he did not feel it would be out of line to make the City's sensitivities known to employees, however, the final decision would necessarily be left in their hands depending upon their choice and their needs. Councilmember Douglas commented he would not feel comfortable recommending what employees do with their money, however, did like the fact that with ICMA they have options. Ms. Knapp commented the index fund had been very well received, response had been very good to date. It was noted the resolution reflected Deputy City Clerk Jewell's name as City Clerk, and would need to be editorially amended to indicate Mr. Wilson's name as City Clerk. The resolution was passed by unanimous vote.

RESOLUTION #1988-78
(attached)

3. Public Hearing and Second Reading of an Ordinance Authorizing Installation of Speed Humps on Spruce Avenue.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Leary. The Mayor noted that citizens had spoken on the subject, both at the worksession and at First Reading, and those comments had been entered into the public record.

Councilmember Sharp related that he had been approached by several constituents recently concerning speed humps on the city's streets and commented that they had become very numerous and there was need for a general discussion of the subject. He said while he tended to support the ones being proposed, he had a concern about the rate at which they were proliferating. Councilmember Douglas pointed out a Traffic Committee was scheduled for appointment in early October and said it would probably be appropriate to ask that group to review the situation. He referred to a speed hump that had been approved a few months earlier for Valley View, and said he had noticed recently that it had not yet been installed. He asked that the situation be looked into and see when that installation was scheduled. Councilmember Hamilton reminded that there had been a suggestion some time ago that a time-frame for installation be inserted in the speed hump/stop sign ordinances. Concerning the Valley View installation, Mr. Wilson said there had been some lack of coordination and/or communication failure

between the former Streets Supervisor and former Public Works Director, both of whom have since resigned. He said he did not anticipate any similar incidents henceforth. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Leary and Sharp; NAY: None; ABSENT: Councilmembers d'Eustachio and Martin.

ORDINANCE #1988-41
(attached)

4. Second Reading of an Ordinance Declaring 6611 Eastern Avenue an Unsafe Structure.

Councilmember Hamilton moved adoption of the ordinance as accepted at First Reading, duly seconded by Councilmember Leary. It having been pointed out that the draft at hand had been amended by the addition of two "Whereas" clauses, the Mayor reminded that the easiest way to ensure recognition of draft differences was not only the underlining of added language, but the dating of the various drafts. Councilmember Douglas moved amendment of the ordinance by the addition of the two "Whereas" clauses, duly seconded by Councilmember Hamilton. Mr. Douglas commented he felt that when such amendments were proposed, their purpose and intent should be addressed in a cover memorandum from staff; he asked that staff explain the purpose of the two amendments proposed.

Code Enforcement Supervisor McMinn explained that at the time of First Reading, the correction order and Municipal Infractions had not been issued; that had since been done, and it was felt that should be inserted in the ordinance to lend it more strength. He apologized for any problems the proposed amendment may have created. The Mayor reiterated his comments concerning the need for dating drafts, noting this omission had occurred on several prior occasions, and asked that this be done routinely in future. Councilmember Leary commented the elected body had been somewhat feeling its way on how to proceed on the situation, had learned as they went along, and that contributed to the need for the amendments. Councilmember Hamilton inquired whether the property owner had received notification of the citations, the meeting, etc.; Mr. McMinn affirmed that the correction order, Municipal Infractions, notice of the Public Hearing, as well as the current meeting, were all sent to the owner by Certified Mail; the signed return receipt had been received indicating the owner had received the information. The amendment adding the two "Whereas" clauses appearing on page 2 of the draft was passed by unanimous vote.

James J. Rast, Property Owner: affirmed that the information referred to had been received. He said he disputed the list of violations. Mr. Rast explained he had owned the property since 1957, had been forced to leave in 1970 due to a dispute with neighbors in which the police would take no action. He said he and his wife moved out, leaving their son there to finish high school and college (in 1978). At that time, he said he began working on the property to improve its condition, however, due to failing health of his elderly parents and the added burden that fell on him, the work had been very slow. He said he had checked on the house routinely, had occasionally occupied it temporarily, and was in the process of setting up a consulting engineering business there. He said the front yard and driveway had been cleaned up, there was some overgrown vegetation in the back yard in need of pruning. He said he had seen no indication of any rodent infestation on the property and there was nothing to attract them -- no food or water. Concerning the unsound fence that had been cited, he said he had worked on it the previous weekend and it was now sound, but could use some painting. Concerning the excessive accumulation of trash and debris, he affirmed there were automobile parts, said he had been disassembling some cars to try to get them out of the way. He said the hazardous exterior staircase had been removed, it was on the side and was removed because the apartment there was no longer in use. He affirmed there was one rotten joist on the porch, which he said he intended to replace. He said while note was made that the front basement wall had collapsed, he had been in the basement and observed no problem; said he did not know what the inspector was referring to. Regarding the porch roof being in a state of disrepair, he said if that was the front porch, some boards on the under surface were removed when the roof itself was repaired. Concerning cracked and

broken windows, he said he had gone to the property just before the meeting and that all he observed was one stormwindow in the front and one in the back that were cracked. He said he did not know what side door the inspector was referring to in which the frame was supposedly pulling away from the structure. Regarding flammable materials stored in the basement and in the residence structure, he said he did not know how anyone would know what is in the structure; he said primarily he had such things as technical books, file cabinets, etc., stored there. Mr. Rast affirmed that there were abandoned vehicles stored on the property, however, said he was in the process of disposing of them. As to the exterior surfaces of the structure being in a state of disrepair, he said he had to admit some painting was needed.

Mr. McMinn, responding to the Mayor, affirmed that the property would be reinspected prior to the Public Hearing that would occur on October 24, should the ordinance at hand be adopted; he said reinspection was scheduled for October 17, any attempts made to alleviate the conditions that had been cited would be brought to the attention of the elected body in a detailed report from Code Enforcement. Also responding to inquiry from the Mayor, Mr. Rast said some of the violations had been corrected, others had not existed, and while some, such as disposing of the abandoned vehicles were in the process of getting done, they probably would not be completed by October 17. The Mayor pointed out that the interim between the present meeting and the Public Hearing would afford Mr. Rast time to make further repairs, and noted he would need to come forward at the hearing and give the elected body a plan detailing anticipated additional repairs. Mr. Rast said he had no problem with the majority of the repairs, but had a heavy schedule at work, the major problem would be disposal of the cars.

Councilmember Elrich expressed support for moving forward with adoption of the ordinance; he said he had viewed the property and if the only remaining issue in a month were the cars, he would not vote to condemn a building on that basis, however, he said there was a substantial record of the abominable condition of that property and it had to be ensured that was corrected. He said if there were items on which Mr. Rast disputed the inspector's word, those could be disputed in court and not before the City Council. Mr. Rast said while he had tried to keep the front of the premises in fairly decent shape, he had neglected the rest to an extent because of deteriorating conditions on the next-door property up until recently. He said the owners of that property had now made an effort to fix up their property, so he now felt some obligation to follow suit. In addition, he said he would probably be moving into the house permanently once he got his consulting business underway.

Councilmember Hamilton expressed concern about the safety hazard the property presents for children, in particular, who might wander onto the premises; he said he had observed barbed wire on the property. Mr. Rast said he was unaware of any barbed wire, but that it was possible there was some. The question was raised of whether the fire department would inspect the property prior to the Public Hearing; Mr. McMinn advised that could only be done if the owner gave them access to the property. The Mayor asked that Mr. McMinn coordinate that matter with Mr. Rast and the fire department. Mayor Del Giudice explained that earlier in the process it had come to the attention of the elected body that the fire department had stated that in the event of a fire on that property, they would probably not enter onto the property to try to extinguish it due to the dangerous nature of some of the materials stored there. He said that situation weighed very heavily on the minds of the elected body, and they could not, in good conscience, allow it to continue. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Hamilton, Leary and Sharp; NAY: None; ABSENT: Councilmembers d'Eustachio, Elrich and Martin.

ORDINANCE #1988-42
(attached)

5. Second Reading of an Ordinance to Permit Closing of South Side of Laurel Avenue During Farmer's Market Hours.

Councilmember Sharp moved adoption of the ordinance, duly seconded by

Councilmember Leary. The question was raised of the wisdom of codifying the Farmer's Market Guidelines as a part of the ordinance, which the ordinance at hand appeared to do. It was suggested that the ordinance authorizing temporary closing of the street and the guidelines be disenjoined. The Mayor suggested that the existing "Therefore" clause be stricken, with new language inserted which would authorize the closing of Laurel Avenue on Sundays during the operation of the Farmer's Market. Councilmember Douglas moved to so amend the ordinance. The Mayor reiterated that the existing "Therefore" clause would be stricken, and inserted in its place would be language reading: Now, Therefore, Be It Ordained By The Mayor and Council of the City of Takoma Park, Maryland, that the City staff are hereby authorized to close Laurel Avenue to vehicle traffic and parking during the operation of the Farmer's Market. For the sake of consistency, Councilmember Leary pointed out it would be necessary to make additional changes, i.e., strike for the purpose of revising (the purpose clause), in the 3rd "Whereas" clause, strike everything following "...the Takoma Park Farmer's Market..." The material to be stricken begins with "...and established..." Councilmember Elrich moved to amend the ordinance as stated, duly seconded by Councilmember Douglas; the motion to amend carried by unanimous vote. Councilmember Douglas commented the south side of Laurel Avenue had been used the previous Sunday during the Farmer's Market, and it had been quite successful -- the businesses were more visible, there was more foot traffic on the sidewalk. The Mayor remarked that a friend who had frequented the market for a long time had expressed support to him for the action the elected body was contemplating because of the increasing congestion at the market and the fact that closing of the street should make shopping there easier and more pleasant. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Leary and Sharp; NAY: None; ABSENT: Councilmembers d'Eustachio, Hamilton and Martin.

ORDINANCE #1988-43
(attached)

6. Resolution Appointing Members to the Tree Commission.

The Mayor enumerated the names of the 4 proposed appointees, noting that the Mayor and Council had interviewed them. Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Elrich. Responding to inquiry from Councilmember Sharp, the Mayor said the commissioners would serve staggered 3-year terms; consensus was that if the Mayor wished to designate which would serve a 1, 2 or 3-year term, the designation should later be ratified by resolution by the Council. The resolution was passed by unanimous vote. The Mayor pointed out that the commission has 5 positions; he said should there be a citizen wishing to serve on that body, the elected body would be happy to meet with them.

RESOLUTION #1988-79
(attached)

Councilmember Douglas moved that original agenda item 9 concerning the Boy Scout Bus be addressed next in line, inasmuch as there were citizens present regarding that matter and the discussion should not be lengthy; no objections were raised to so doing.

7. First Reading of an Ordinance Repealing Ordinances 2248 and 2566 re: Prohibiting Parking on the 200 Block of Grant Avenue and Providing On-Street Parking Space for Boy Scout Bus.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Leary. As background, Councilmember Douglas noted a request from the Boy Scout Troop to deal with the problem and resolve the issue of parking tickets which they felt were erroneously issued. Mr. Wilson explained that after submitting the tickets to Chief Fisher and researching the background of the situation, it was found that an ordinance had been adopted in April 1981 authorizing parking space on Grant Avenue for the subject bus, however, apparently signage that should have been erected had not been accomplished for some unknown reason. He said such a sign would be erected following passage of the legislation at hand. Additionally, Mr. Wilson noted an ordinance had been adopted in February 1973 prohibiting parking on Grant Avenue from the barricade to the end of the street; he said

ideally when the ordinance was passed in 1981, it should have modified that parking prohibition to state that the no parking zone would commence 12' past the PEPCO pole, however, that was not done either. Consequently, what was left was a no parking sign posted on the street, and prohibitions against parking on that side of the street contained in the City Code. Mr. Wilson said apparently the officer who issued the parking citations had enforced one part of the existing law without recognition of the exception that had been made in the 1981 ordinance. He said what was being proposed would remedy the situation and would accommodate parking of the Boy Scout bus in a specific area. He affirmed that the problem of the tickets would be resolved administratively inasmuch as they were issued in error. Responding to inquiry from Councilmember Sharp about a fiscal impact note, Ms. Habada stated the cost of the necessary signage would be about \$30.

Harry Fulton, Troop Committee Chairman for Boy Scout Troop 33: said it appeared the elected body would be accomplishing what had been requested, i.e., renewal of parking prohibition on the street with provision for parking of the bus and appropriate signage. He turned over to Mr. Wilson an additional 2 parking tickets that had been issued.

Councilmember Douglas asked, inasmuch as the ordinance would require 2 additional weeks before being adopted, that the police department be made fully aware of the situation so that no further citations would be issued. Mr. Wilson affirmed he had apprised Chief Fisher fully of the situation and its history, in addition to instructing Public Works to move the sign to its appropriate position, and replace it with a sign having one arrow pointing down the street. As an interim measure, he said P.W. had taped over one end of the arrow on the sign, and he had advised Chief Fisher of the interim measure taken. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-
(attached)

8. Resolution Regarding the Peace Park Proposal.

The Mayor noted that M. C. Carolyn, the sculptor, and members of the Friends of the Peace Park Sculpture Garden were present at the meeting. He related that the elected body had discussed the project with its architect, Benedikt Wasmuth, Ms. Carolyn, and others at the previous week's worksession. He pointed out that copies of two proposed resolutions were available, as well as copies of some proposed amendments to one of them, and information outlining a list of responsibilities for completion of Phase 1 of the Peace Park Sculpture Garden. He noted the last item included a timeframe and potential cost(s), had been submitted by Ms. Carolyn and the Friends of the Peace Park Sculpture Garden, and would be incorporated into the record.

M. C. Carolyn, 316 Elm Avenue: said that throughout the long process of creating the garden, her one thought had been to celebrate peace; she said the project had grown into an international network celebration of peace -- local politicians, national congresspersons, representatives of the local and state arts councils, artists of many disciplines, church leaders -- all were joined in support of the project by Mayors and Governors from all over the world.

Benedikt Wasmuth, Landscape Architect: related that development of the project concept which would include the area around the Municipal Building and the Library had been going on for about two years. He said the idea was to install the first piece, from one of the area's finest artists, in front of City Hall, which would be Phase 1. The idea was to create a park area outlined by trees, to create a lush and natural environment, enhanced by sculpture pieces which would be added through the course of years. Areas around the Municipal Building, in front of the Library, and Veterans' Memorial Park would be, in effect, combined into one large park. He said they would like to reduce the speed of the traffic flow by organizing a better pedestrian connection between the Veterans' Memorial Park and the Library area, would like to increase the planting beds to provide additional color and seasonal highlights -- which would also decrease future maintenance and enhance the overall appearance of the area. He said they would like to add more benches for seating and curved sidewalks through the various

areas. He explained that the areas had been split into three stages for the realization of the project; Phase 1 would be concentrated on the entrance area in front of the Municipal Building, would improve existing plantings, and would install Ms. Carolyn's first sculpture piece, with appropriate lighting. He elaborated on the planting concept, to include masses of perennials and ornamental grasses, relocation/transplanting of the existing azaleas, planting of a row of purple-leafed plum trees, and placement of benches for seating. He said that first stage had been priced out and they felt very comfortable that it could be implemented within a year. Mr. Wasmuth said that the second stage would contain a few more, and more dramatic, changes -- would include better pedestrian connections between both sides of the park, as well as closing off the access street to the Library and the Municipal Building and creating an intersection between only Maple and Philadelphia Avenues, which would, in turn, create more of a park setting that would appear more as one large park area outlined by certain specific tree lines. He said that phase would be more work intensive, would include the closing off of the street, a new terrace in front of the Library, and new sidewalks that would reduce maintenance. Stage 3 would include integration of the Memorial Park. Mr. Wasmuth said meetings had been held with all groups using the various areas, including various City government departments and the veterans' organization; a special effort was made to consider input from those meetings and to be sensitive to the needs and wishes of the various groups; he said they would like to add benches under trees, incorporate existing memorials in a very sensitive way, and develop a plan for adding additional future sculptures according to a fixed concept. Mr. Wasmuth said what the group would ask of the City was approval for the concept, not to exclude potential changes or adjustments. He emphasized that Phase 1 was particularly important because it would be a concrete accomplishment that could be pointed to when seeking additional funding for the subsequent stages of the project. He said the group's longterm idea was to have a yearly symposium conducted by a future Arts Council and to add a new sculpture to the garden each year, which would provide an ongoing project for the future. He presented the plans for Phase 1 and the overall concept, pointing out that while much of the City already consisted of a large park-like setting, the project would help to create a unique setting for its administrative center.

Ms. Carolyn related that she had made her original presentation to the elected body in December of 1984, had worked with subsequent elected bodies up until the present. She said the three sites were selected by committee and the sculpture was selected by Council consensus. She explained that the sculpture was basically in three units also -- for the concrete entryway to the Municipal Building, a bronze mother and child sculpture would be created (about 6' tall total height), with an appropriate lighting arrangement. Ms. Carolyn elaborated on the process she had gone through, the support rendered, particularly by advisory groups, and the structure of the Friends of the Peace Park Sculpture Garden, an incorporated group, noting that Mayor Del Giudice and one City employee had recently been added to the board of that group. She referred to a handout that had been distributed, which she said furnished answers to some questions raised at the worksession presentation, noting that it included a list of responsibilities broken down between the City and the Friends group. She noted it was projected and hoped that Phase 1 could be completed by October 15, 1989. Ms. Carolyn briefly elaborated on the material covered in the handout and pointed out that the only money she would receive was listed under "Artist's fees," the rest of the work she had done was done because she wanted to and because she felt the City would benefit in an important way. She asked that the elected body vote in favor of authorizing the proposed use of the Municipal Building grounds, the concept landscape drawings of Phase 1, and the 3-part sculpture. The Mayor asked for clarification of what the Phase 1 landscape concept would include, noting that the flagpole was located in that area; Mr. Wasmuth stated Phase 1 would affect only that area in the front of the Municipal Building, the flagpole would remain as it presently is. Ms. Carolyn noted that in discussions with the VFW, they had stated a preference for removing the existing flagpole in Memorial Park and replacing it with two smaller ones located on each side of the memorial; she pointed out the concept drawing also included a terrace area in that park to accommodate seating for ceremonials, as well as provi-

sion of electricity for a speaker system.

Councilmember Hamilton raised questions about impact of Phase 1 on existing parking around the building; response was that the existing parking, sidewalks, etc., would not be affected by Phase 1. Mr. Hamilton inquired why Phase 1 could not commence with the Memorial Park rather than City Hall; Ms. Carolyn explained that in the initial stages, when she was working with the first Council involved, consensus was that work should begin with the Municipal Building area because it was the most consolidated area and would require the least work; she said the Memorial Park would be a major area, would involve more work, and completion of the early stage would be an important factor in the success of additional fundraising -- once that stage had been completed, photographs could be taken and a brochure put together. Mr. Hamilton referred to an NEA application mentioned earlier and asked how that was done. Ms. Carolyn explained she had had a long discussion with a member of that organization, however, they and many other organizations and foundations have a problem dealing with an artist-initiated project; they want projects that are a combination of a parent organization and an artist. It was suggested to her since it would be City property involved, that the City be the parent organization and the artist in residence do the artwork for the project. She said the Friends group had been set up to work along with her so that it would not be only a single person the City would be dealing with -- they would be dealing with an incorporated entity, through which all contracting, costs, liabilities, bids, etc., could be handled, so that the City would not have to do any of those things.

Responding to Councilmember Elrich, Ms. Carolyn affirmed that Phase 1 would cost around \$70,000. -- costs for Phases 2 and 3 had not yet been projected because there were a number of variables involved upon which decisions had not yet been made, such as who would pay for street closings, etc. Mr. Wasmuth commented that the total for all 3 phases would probably be in the area of \$250,000-\$300,000 -- a rough estimate of the cost for the additional two phases would be in the area of \$100,000 each. Mr. Elrich inquired whether it was intended to seek grant money for the entire project, all 3 phases, or to try to fund them separately, which might complicate completion of the project. He said while the concept plan as a whole was very attractive, he was unsure how impressive it would be as individual parts. Ms. Carolyn explained that the advantage of doing the project in 3 parts was that one could be completed prior to beginning another, so that things were not left half-finished while work was started on something else. She said that while there was no guarantee that the money would be available at a specific time to complete all 3 phases, she could offer reassurance that she and the Friends group would be around to ensure completion of the project. Mr. Wasmuth said the idea was that once Phase 1 was finished and the elected body and citizens could actually see the impact of what had been done, it would be much easier to get the grants for the rest of the work. Mr. Elrich said he would feel more comfortable with the proposal if Phase 1 and 2 were combined as one phase, because he felt the two were intertwined, were a visual whole. Mr. Wasmuth concurred that was so, pointing out that was why it was so treated in the concept plan, however, he said he saw no harm in segmenting the plan for accomplishment so long as the work continued and focussed on the one concept. He said it was absolutely necessary that the two areas be treated as belonging together and having to fit together as a whole. Brief dialogue ensued concerning seeking funding for the project as a whole, and wherein funding for the next stage would be released as one stage was completed (which Mr. Elrich favored), versus seeking funding separately for the 3 stages. Mr. Hamilton inquired whether the proposal was locked into doing neon lighting on the side of the Municipal Building for the Phase 1 sculpture, or whether they were open to consideration of some other sort of lighting. Ms. Carolyn pointed out she had agreed to a one-year maintenance of the lighting, replacement if it were broken, and said it had been found that if something like that were going to be vandalized it generally occurred within the first year and after that people were more accustomed to its being there. She explained that the form of the neon tubes was fairly simple and replacement cost of a tube would be on the order of \$20., so even if there were breakage, replacement cost would be minimal. She said since there was already a lot of neon in use in Takoma Park, the lighting would tie in appropriately with

other things in the city.

Jay Levy, 7431 Baltimore Avenue: noted he was representing Takoma Park Presbyterian Church's Pilgrim Community, the Takoma Park Peace Task-force, and Potters For Peace, all of whom wished their support for the proposed project conveyed. He said they felt it would be an important extension of Takoma Park's previous efforts on behalf of world peace, and urged that the elected body proceed without delay so that the Peace Park could become a reality.

Lynne Bradley, 8112 Flower Avenue: said Delegate Peter Franchot, who had another commitment and could not attend, had asked that she express his support for the principle of the Peace Park, the concept in general, and that, should he at any time be able to assist the group in seeking state or federal funding, he would willingly do so. Ms. Bradley said she, too, supported the principle and concept and pointed out that, as a former Councilmember, she and the Council she served on had asked many of the questions being voiced by those now in office, and felt it appropriate that they do ask. She said, however, that the Peace Park had been supported by both the City and many of its citizens. She referred to having served on the Sibyl Pusti Memorial Committee which had done some plantings and placed two benches on the Library grounds, and said she felt the Peace Park offered an opportunity to bring such individual spaces together into an attractive whole. Ms. Bradley said she felt what was proposed would be a great improvement visually. Concerning the proposed closing off of Old Philadelphia Avenue, she said that had come up in the past, not only in the context of the Peace Park, but she also thought had been mentioned as an option by a traffic engineer in 1984-1985, with perhaps only one end closed so as to allow access for those couple of residences facing on it. She said if that were done, she thought additional lanes would be needed to facilitate turning at the intersection because there was already a bad backup situation that needed to be addressed, regardless of and apart from the Peace Park. Ms. Bradley said she thought Ms. Carolyn and others who had worked on the proposal should be commended for their efforts and commitment, and urged that the elected body support their project. She said she supported the project and hoped that it would come to fruition soon.

Responding to inquiry from Councilmember Elrich, Ms. Bradley said the Council on which she sat had discussed the neon lighting, had discussed and generally supported the overall concept of the park plan, however, did not discuss in detail individual sculptures, etc. She said the idea of completing the project in phases was a part of the original concept and she did not see a problem in accomplishing the project in that way. She said she recalled discussions about whether the park would be an impediment to building onto the Municipal Building if that became necessary due to space considerations, and said she did not foresee that presenting any insurmountable problem.

Minnie Anderson, representing the Office of Congresswoman Morella: explained that due to a prior commitment, Congresswoman Morella could not be present, however, had asked that her wholehearted support for the plan be conveyed.

Thomas Morris, Takoma Artists' Guild: said TAG had supported the concept for some time; he said he empathized with Mr. Elrich's concerns about the funding and concurred it would be better if all the funding could be gotten at one time, however, said it was necessary to deal with the reality of the situation and that completion of the first phase would certainly assist in raising the additional funds needed for completion of the entire project. He urged that the elected body support the proposal.

Robert Alpern, 316 Elm Avenue: said he had received a letter from William F. Schultz, the President of the Unitarian Universalist Association of Churches in North America, for whom he also happened to work. He said that individual had written to Ms. Carolyn in September formally endorsing and praising the proposed sculpture garden; he read the letter verbatim. Mr. Alpern said he felt that once the first phase of the project was completed and people could actually see what had been done, not only a broad cross-section of the community, but individuals in other communities would wish to support such an effort

-- in addition to any grants received from foundations and other organizations.

Norman Greene, 6712 Westmoreland Avenue, TAG: expressed support for the Peace Park, pointing out how close to the Nation's Capitol it would be and how appropriate the timing would be when peace is under discussion by the President of the U.S., the people, and when, hopefully, the president-to-be would continue such discussions.

Councilmember Douglas presented a resolution in support of the project, which he said he would wish to amend as follows: in the first resolve clause, the word "Memorial" would be moved from prior to "...sculpture..." to prior to "...Peace Park...", so as to read "...Memorial Peace Park and Sculpture Garden..." On the second page, paragraph 3(b), the words Takoma Park artist in residence would be stricken, and the words lead artist for the Memorial Peace Park and Sculpture Garden would be inserted. In paragraph 4, same page, the words Takoma Park artist in residence would also be stricken and the words lead artist for the Memorial Peace Park and Sculpture Garden inserted. Mr. Douglas moved passage of the resolution, as amended, duly seconded by Councilmember Hamilton. Councilmember Douglas commented he felt it was time the City went on record in support of the concept of the proposed project, that it was unfortunate that Ms. Carolyn had been appearing before the elected body for several years and had not yet received some sort of formal resolution, despite the general consensus of support for the idea. He said while there remained a number of operational details that left a number of the Council uncomfortable, he did not think they were insurmountable and believed information such as that provided by Ms. Carolyn and Mr. Wasmuth at the current meeting would aid in the resolution of remaining details. He pointed out that the resolution he had presented laid out a number of principles and procedures that would be followed if it were passed, so that everyone would understand who would do what, when, and where. He said the term "lead artist" and Ms. Carolyn's designation as that person had been incorporated in the resolution with the intent of facilitating her grant application to NEA and meeting the technical requirements of that document. Mr. Douglas concurred with Ms. Bradley's earlier comments regarding Old Philadelphia Avenue; he said he felt it should be dealt with independent of the Peace Park proposal and hopefully efforts would be made in that direction within the next few months.

For those who were not in attendance early in the meeting, the Mayor repeated that Councilmember d'Eustachio was not present because he was at the hospital with his wife, who was in the process of giving birth to their second child. In addition, he said Mr. d'Eustachio favored the other draft resolution circulated, which he had assisted in drafting, however, recognized the import of some of the points contained in Mr. Douglas' resolution. The Mayor said he had discussed the resolutions with Mr. Douglas, and some of the ideas contained in that draft on which he and Mr. d'Eustachio had collaborated had been incorporated into Mr. Douglas' resolution. He said, however, he had a concern that the resolution did not speak with the specificity he would like to see regarding Phase 1 of the project, but felt it was absolutely essential to the success of the project that that initial phase go forward, notwithstanding concerns that had been raised about the phase. For the record, the Mayor said he was not a particular fan of neon lighting, however, did not think his opinion should be of any major import in a decision on that subject and was uncertain of the propriety of laypersons making artistic judgments. He said he did think breaking the project down into phases was a realistic recognition of some of the issues brought up by Mr. Eirich, i.e., that it would not be easy to raise money for the project, it would have to be sought earnestly, and it would probably be forthcoming in installments. He said he concurred that until it could be demonstrated that a part of the project had become a reality, it would probably not be at all easy to get the necessary contributions for it. The Mayor asked that the Council consider an amendment to the resolution that would put the elected body a bit more on record in support of Phase 1 of the project; he suggested addition of a 5th clause which would state: The Mayor and Council hereby approve the design concept for Phase 1 of the Memorial Peace Park Sculpture Garden, including the M. C. Carolyn sculpture "Reach For The Sky", provided that a final detailed site plan for the

landscape shall be presented to the Mayor and Council for consideration and approval before implementation of any improvements. The Mayor moved passage of his proposed amendment, duly seconded, for purposes of discussion, by Councilmember Douglas. The Mayor pointed out that his proposal reserved for the elected body the right and responsibility for final approval of details about the landscaping, essentially gave specific approval only for the sculpture and neon lighting -- both of which had long been proposed and generally supported. Responding to questions raised by Councilmember Sharp, he said he had reservations about the propriety of the elected body making artistic judgments concerning the proposed lighting, despite their obvious authority to do so. As a whole, he said he felt that what was proposed was beautiful, however, was not sure what his lasting impression would be of the neon lighting. Mr. Sharp commented that there were occasions when it was a necessity, and entirely appropriate, for the elected body to make aesthetic judgments, e.g., whether or not to put chain link fencing on the Carroll Avenue Bridge; the Mayor concurred that doing so would be unsightly and an affront to its historic value and appearance. In such instances, he said, it was entirely proper that the elected body prevent the installation of anything that would be outright ugly or outlandish.

Councilmember Leary commented he supported the resolution introduced by Mr. Douglas, however, opposed the proposed amendment, not due to any artistic judgment about what was proposed for Phase 1, but because he felt one of the charges of the committee that would be created by the resolution would be to present to the Council some options and alternatives concerning staging of the project. Without more detailed investigation and information, he said he did not feel it appropriate to give consent for those involved to proceed with Phase 1. Councilmember Elrich commented that while he essentially supported the concept of the phase, he agreed with Mr. Leary's comments; felt that if the amendment were passed, it would equate with giving a building permit, and prior to doing that in regard to public property, a fully notified public hearing ought to be held and the design concept should be publicized in the Newsletter. He said the only negative comments he had heard about the project involved the neon lighting -- indications were that a significant number of citizens did not feel that sort of lighting to be appropriate on a public building, and also questioned allowing a special interest group to install a fixture of any sort on a public building. He said people seemed to make a distinction between the grounds and the building, and a public hearing should be held to allow input on the matter. Concerning staging of the project, he said he would like to see a guarantee that it would work as a park, i.e., that there would be a connection between the parts, particularly with the Library grounds. He said given due consideration, he felt there must be a way of doing the basic things on the Municipal Building and Library Grounds, tying the two together, and later adding such embellishments as additional plantings and benches as funds allowed; if necessary, the Memorial Park could be undertaken as a later phase. He emphasized, however, that he felt it most important to tie the Library and Municipal Building grounds together from the beginning in order for the two to function as a whole and as a park, and he felt the way to do that would be to proceed as Mr. Leary had suggested. Councilmember Douglas commented he concurred entirely with Mr. Elrich's comments. He said while he understood Ms. Carolyn's and the Mayor's interest in moving ahead quickly with the project, he felt there was a danger if things were not worked out in advance, and he would want to take that additional step. Concerning the question of making artistic judgments, he said he would hope the committee and the Friends group would address that issue. He said he would hope that everyone involved would understand that Phase 1 was not being rejected, but that there was a need to be sure of what the City would be getting into.

Robert Alpern, 316 Elm Avenue: referred to the point raised earlier concerning the terms "lead artist" and "artist in residence." He said "artist in residence", as originally contained in Mr. Douglas' resolution, was the terminology commonly used in writing grant proposals, and he did not know why NEA or other funders of art-related projects varied from that. He said, if the language was truly interchangeable, it would be best to use the language as originally drafted in Mr. Douglas' resolution.

The Mayor's proposed amendment to add a Section 5 to the resolution was defeated by unanimous vote.

Following brief discussion, Councilmember Leary moved that the language of the resolution read "artist in residence," as originally proposed in the resolution; the motion was duly seconded by Councilmember Douglas and carried by unanimous vote. It was noted that the Friends group would be the entity submitting grant applications for the project. The resolution was passed by unanimous vote.

RESOLUTION #1988-80
(attached)

The Mayor thanked those who had attended and participated. He commented he hoped a sincere effort would be made in the forthcoming year to follow through on the apparent commitment the resolution appeared to represent.

9. First Reading of an Ordinance Awarding a Bid for Recycling Containers.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Sharp. The Mayor noted that adoption of the ordinance would authorize the purchase of 5,000 household recycling containers. The Recycling Coordinator, Ms. Braithwaite, displayed a sample of the bucket containers proposed for purchase, as well as others in use elsewhere; she explained newspapers would continue to be recycled as they presently were, metal/glass/aluminum would be separated from other household trash and placed in the buckets at curbside for collection. Mr. Wilson remarked he had heard on the news that Dow Chemical and some other major organization were getting into the business of recycling all sorts of plastics, and he hoped that would be looked into. Ms. Braithwaite said the market was expanding and she did not think it would be long until a number of jurisdictions were recycling plastics. She said the taskforce would be meeting later in the week to review her recommendations, she would provide a cost analysis at the next regular meeting; once the containers were ordered, delivery would take approximately 5-6 weeks. The Mayor suggested inclusion of some fluorescent strips or paint on the containers so as to make them distinguishable in the dark to motorists and pedestrians. The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting it would be on the next regular meeting's agenda for Second Reading. He referred to a letter from Dow Chemical and noted there was need to send a letter to Versatile Systems, Inc., stating the City's probable intent to go forward with a recycling program if they built a separation center that they are proposing; he noted proposed language was included in Dow's letter. He suggested that language in the City's letter of intent read that the City would request a contract proposal from Versatile Systems, meaning that they would solicit a bid from them (along with anyone else who is in the business at the time). Consensus was that the City Administrator would proceed with ensuring that the letter of intent was sent.

ORDINANCE #1988-
(attached)

Councilmember Douglas moved to delete original agenda item #10 regarding declaring the Folk Festival Committee to be a standing committee of the City, and the naming of members thereto; the motion was duly seconded by Councilmember Sharp. It was noted the item would be addressed in worksession. The motion carried by unanimous vote.

10. Single Reading Ordinance Awarding Bid for Street Sweeping Contract.

Councilmember Sharp moved adoption, duly seconded by Councilmember Leary. It was noted this was a budgeted item. Responding to inquiry from Councilmember Douglas, Mr. Wilson related that Browning-Ferris was more responsive than the other bidder because they had current contracts they were fulfilling, whereas the other organization had had contracts but had lost them all. He affirmed the service would commence very soon after adoption of the ordinance. The Mayor commented that efforts might be made to have some sweeping done in Old Town before the end of the week, pointing out he had observed litter in the

gutters in that area. Mr. Douglas noted a probable need for sweeping there following the upcoming festival as well. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Leary and Sharp; NAY: None; ABSENT: Councilmembers d'Eustachio, Hamilton and Martin.

ORDINANCE #1988-44
(attached)

11. Resolution Effecting COLTA Appointment.

The Mayor noted that the nominee, Anthony Lyons, if appointed, would serve out the term of the tenant vacancy created by the resignation of Diane Jenkins. Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Douglas. The resolution was passed by unanimous vote.

RESOLUTION #1988-81
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:07 p.m., to reconvene in regular session at 8:00 p.m. on October 11, 1988. For the record, the Mayor noted there would be a brief Executive Session convened immediately following the present meeting for the purpose of discussing a litigation matter.

Introduced By: Councilmember Sharp

Adopted: 9/26/88

RESOLUTION #1988-77

WHEREAS, The resignation of Mr. Richard Robbins, the City's Director of the Department of Public Works, effective May 17, 1988 created a vacancy in this position; AND

WHEREAS, The Mayor and Council on July 25, 1988 appointed the Public Works Director Selection Committee for the purpose of recruiting, interviewing and recommending finalists to the Mayor and Council, AND

WHEREAS, The Public Works Director Selection Committee recommended two finalists to the Mayor and Council on August 31, 1988, AND

WHEREAS, The Mayor and Council have conducted personal interviews with each of the two candidates and reviewed the references of each candidate; AND

WHEREAS, After due deliberation, Mayor and Council have selected Anthony R. Giancola, currently senior principal engineer for Advanced Technology Inc., formerly with twenty-one years experience in facilities management, engineering, contract administration, program and project management and financial administration in the United States Navy managing two organizations as Director and two as Deputy Director of Public Works, for permanent appointment to the position of Director of Public Works for the City of Takoma Park, Maryland.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park, Maryland do hereby designate and appoint Anthony R. Giancola as Director of the Department of Public Works at Executive Level Grade 4, 2nd Quartile (Exempt) of the City Pay Plan, effective no later than October 11, 1988, and hereby instruct the City Administrator to complete the administrative processes required to implement this appointment.

Dated this 26th day of September, 1988

Adopted unanimously

Introduced by: Councilmember Douglas
(Drafted by P. Jewell)

1st Reading: 9/12/88
2nd Reading: 9/26/88

ORDINANCE #1988-41

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsection (p) to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(p) Spruce Avenue, between Tulip and Park Avenues there will be two speed humps installed. One will be installed in front of No. 7210 Spruce Avenue, and the other between 7222 and 7224 Spruce Avenue.

SECTION 2. THAT funds to cover this work be appropriated from the street repair materials, Account #889.

ADOPTED BY THE CITY COUNCIL THIS 26th DAY OF SEPTEMBER, 1988, BY ROLL CALL VOTE AS FOLLOWS:

AYE: Douglas, Elrich, Hamilton, Leary, Sharp
NAY: None
ABSTAINED: None
ABSENT: d'Eustachio, Martin

Introduced by: Councilmember Hamilton

1st Reading: 9/12/88

2nd Reading: 9/26/88

ORDINANCE NO. 1988-42

AN ORDINANCE SETTING A SHOW CAUSE HEARING ON WHETHER THE CONDITION AND MAINTENANCE OF 6811 EASTERN AVENUE, TAKOMA PARK, MARYLAND, SHOULD BE DECLARED A NUISANCE AND ORDERED TO BE ABATED

WHEREAS, the Mayor and Council have received information from the Code Enforcement Supervisor, Department of Housing Services, that the dwelling house and yard of the property known as 6811 Eastern Avenue, Takoma Park, Maryland, (the "property") is in a condition dangerous to property or health and also threatens the lives of neighboring residents; and

WHEREAS, the Takoma Park Fire Department has determined that the condition of the property is structurally unsound and presents a fire hazard in that numerous gas cans and automotive parts are stored in the basement and garage of the house; junk cars and automobile parts are strewn around the yard; and barbed wire is strung throughout the house; and

WHEREAS, the Code Enforcement Supervisor has determined through inspection and investigation that the property is in a hazardous condition and is structurally unsafe because there are numerous unsecured openings, questions as to the structural integrity of the front wall of the basement, and rodent infestation; and

WHEREAS, the property is vacant and appears to have been abandoned for some time as City police and housing inspection reports on the property from 1982 show dangerous and blighting conditions, the same or similar as exist now; and

WHEREAS, the Code Enforcement Supervisor's exterior housing inspection report and photographs of the house and yard show the following housing code violations:

Code of the City of
Takoma Park
CODE SECTION

Overgrown and Uncontrolled Vegetation Takoma Park Code §12-18

Rodent Infestation	BOCA PM §§ 301.4 & 303.6
Fence Structurally Unsound	BOCA PM §301.9
Accessory Structure Has Collapsed	BOCA PM §301.9
Accumulation of Trash and Debris	BOCA PM §301.1
Missing Staircase Steps and Risers	BOCA PM §302.3.7
Porch Supports Structurally Unsound	BOCA PM §302.2
Front Basement Wall Has Collapsed	BOCA PM §302.3.1
Porch Roof in Disrepair and Unsound	BOCA PM §302.3.3
Numerous Windows are Broken and Missing	BOCA PM §302.4.1
Door Frames Pulling From Structure	BOCA PM §302.4
Flammable Materials Stored in Basement	BOCA PM §702.2
Flammable Materials Stored in Residential Building	BOCA PM §702.3
Abandoned Vehicles on Property	Takoma Park Code §13-9
Numerous Exterior Structure Violations	BOCA PM §302.3

WHEREAS, in conjunction with the exterior inspection of the property, the Code Enforcement Supervisor has issued a correction notice to the property owners requiring that the housing code violations described above be corrected and/or abated prior to a reinspection of the property on October 17, 1988; and

WHEREAS, Municipal Infraction Citations (for Adult Civil Violations), numbered 837251 to 837264, inclusive, for the above-noted housing code violations have been issued to the owners of the property; and

WHEREAS, City tax records indicate that the property is owned by James J. Rast and Margaret Rast of 12700 Circle Drive, Rockville, Maryland 20850; and

WHEREAS, the information received from the Code Enforcement Supervisor and the Takoma Park Fire Department regarding the unsafe and dangerous structure of the property has been duly verified after investigation by the Council.

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

SECTION 1. The Mayor and Council, upon information that the dwelling house located at 6811 Eastern Avenue within the City of Takoma Park, Maryland, is an "unsafe structure" as defined in Section 6-63(a) and/or a "substandard building" as defined in Section 6-68(a) of the Code of the City of Takoma Park, Maryland which information has been duly verified after investigation by the Council, hereby call upon the owners of the property to show cause why the condition of the dwelling house should not be declared a nuisance and ordered to be abated.

SECTION 2. The Mayor and Council set October 24, 1988 at 8:00 p.m. in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland 20912 as the date and time for the owners of the

property, James J. Rast and Margaret Rast or their representative, to show cause, if any they may have, why the maintenance of the property at 6811 Eastern Avenue, Takoma Park, Maryland should not be declared a nuisance and ordered to be abated and for the Council to also hear any additional evidence bearing on the case.

SECTION 3. The owners of the property shall be given notice of the passage of this ordinance as follows:

(a) If the owners are residents of the City of Takoma Park, then notice shall be served on the owners or a member of their household over sixteen (16) years of age by an officer of the police department within ten (10) days of the effective date of the enactment of this ordinance; or

(b) If the owners are residents of the City of Takoma Park, but temporarily absent or are non-residents of the City of Takoma Park, then a copy of the notice shall be published in two (2) successive issues in a newspaper published in the county where the property is located, and a copy of the notice shall be mailed to the last known address of the owners.

SECTION 4. Public notice of the show cause hearing on why the maintenance of the property at 6811 Eastern Avenue, Takoma Park, Maryland should not be declared a nuisance scheduled for October 24, 1988 at 8:00 p.m. in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland 20912 shall be given by a placard prominently placed on the property and by such other public notices as the City Administrator or his designee deems necessary or appropriate.

THIS ORDINANCE IS ADOPTED THIS 26th DAY OF SEPTEMBER, 1988 AND IS EFFECTIVE ON THE SAME DATE.

Adopted this 26th day of September, 1988 by Roll Call Vote as follows:

AYE: Douglas, Hamilton, Sharp, Leary
NAY: None
ABSTAINED:
ABSENT: Martin, d'Eustachio, Elrich

ATTEST:


Paula S. Jewell, Deputy City Clerk

1st Reading: 12 September 1988
2nd Reading: 26 September 1988

Introduced by: Councilmember Sharp
Drafted by: Daniel Neal

ORDINANCE NO. 1988-43 (Also known as Resolution
#1988-74, adopted 9/12/88)

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers Market in Takoma Old Town for the past six years; AND

WHEREAS, the Takoma Park Farmers Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the community as a whole; AND

WHEREAS, the Mayor and Council of the City of Takoma Park are therefore desirous of continuing to sponsor and coordinate the Takoma Park Farmers Market; AND

WHEREAS, the number of participants in the Takoma Park Farmers Market has increased to the point that the closing of only the north side of Laurel Avenue is on occasion insufficient to accomodate the City's needs for vendor space; AND

WHEREAS, the entrepreneurs with businesses in the Takoma Metro Shopping Center on Laurel Avenue have been consulted and have agreed to expanding the TAKOMA PARK FARMERS MARKET to the south side of Laurel Avenue as necessary.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of Takoma Park, Maryland that City staff are hereby authorized to close Laurel Avenue to vehicular traffic and parking on those Sundays during the Farmers Market.

ADOPTED THIS 26th DAY OF SEPTEMBER 1988.

AYE: Councilmembers Douglas, Elrich, Leary and Sharp
NAY: None. ABSTAINED: None
ABSENT: Councilmembers d'Eustachio, Martin and Hamilton (for
vote)

c,farmmkt88.ord

ORDINANCE NO. 1988-44

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

- SECTION 1. THAT the Fiscal Year 1988-89 Budget set aside funds for a STREET SWEEPING CONTRACT for streets located within the corporate limits of Takoma Park; AND
- SECTION 2. THAT bids were solicited from qualified contractors and advertised for two consecutive weeks in two weekly newspapers of local circulation; AND
- SECTION 3. THAT bids were publicly opened at 3:00 P.M., September 1, 1988 and bids were received from Capitol Sweeping & Repair Corporation (\$20,273.23); Browning-Ferris Inc. (\$11,426.55); and Action Power Sweep (\$9,751.23); with the most responsive being received from Browning-Ferris Inc. for the sum of \$11,426.55; AND
- SECTION 4. THAT Browning-Ferris Inc. has submitted the required notarized statement certifying that company is not involved in the nuclear weapons industry or the sale of merchandise produced by companies so involved.
- SECTION 5. THEREFORE that the bid of Browning-Ferris Inc. for a STREET SWEEPING CONTRACT for the sum of ELEVEN THOUSAND, FOUR HUNDRED TWENTY-SIX DOLLARS AND FIFTY-FIVE CENTS (\$11,426.55) is hereby accepted; AND
- SECTION 6. THAT funds to cover this expenditure are appropriated in the Fiscal Year 1988-89 Budget, under Streets Division Sub-Contract #895.

Adopted this 26th day of September, 1988.

Ayes: Douglas, Elrich, Leary, Sharp
Nays: None
Abstentions: None
Absent: d'Eustachio, Martin / FOR VOTE: Hamilton

BE IT FURTHER RESOLVED that the City Administrator shall be the coordinator for this program and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust, and shall cast, on behalf of the Employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

I, James S. Wilson, Clerk of the City of Takoma Park, Maryland, do hereby certify that the foregoing resolution, proposed by the Mayor and Council of Takoma Park, Maryland was duly passed and adopted in the Council of the City of Takoma Park, Maryland at a regular meeting thereof assembled this _____ day of _____

1988, by the following vote:

(SEAL)

Clerk of the City

Introduced By: Councilmember Sharp

RESOLUTION #1988-78

Resolution of City of Takoma Park, Maryland ("Employer").

WHEREAS, the Employer has employees rendering valuable services;
AND

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel;
AND

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; AND

WHEREAS, the Employer desires that the investment of funds held under its deferred compensation plan be administered by the ICMA Retirement Corporation, and that such funds be held by the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their deferred compensation plans and money purchase retirement plans;

NOW, THEREFORE, BE IT RESOLVED that the Employer, hereby adopts the deferred compensation plan attached hereto as:

(1) Appendix A

(2) The plan provided by the Employer which is attached hereto and the Trust Agreement with the ICMA Retirement Corporation (Appendix C)

and appoints the ICMA Retirement Corporation to serve as Administrator thereunder; AND

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B.

BE IT FURTHER RESOLVED that the City Administrator shall be the coordinator for this program and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust, and shall cast, on behalf of the Employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

I, James S. Wilson, Clerk of the City of Takoma Park, Maryland, do hereby certify that the foregoing resolution, proposed by the Mayor and Council of Takoma Park, Maryland was duly passed and adopted in the Council of the City of Takoma Park, Maryland at a regular meeting thereof assembled this _____ day of _____, 1988, by the following vote:

(SEAL)

Clerk of the City

Introduced by: Councilmember Douglas

Adopted: 9/26/88

RESOLUTION #1988-79

APPOINTING MEMBERS TO THE
CITY OF TAKOMA PARK TREE COMMISSION

WHEREAS, Ordinance No. 2674, adopted by the Takoma Park City Council on 6/27/83, established the Tree Commission for the purposes of preserving, protecting and promoting the urban forest of Takoma Park; AND

WHEREAS, Ordinance #1988-16, adopted by the Takoma Park City Council on 5/31/88 amended the composition and function propose of the Tree Commission; AND

WHEREAS, several citizens have expressed interest in serving on the City's Tree Commission.

NOW THEREFORE, BE IT RESOLVED THAT the following individuals are hereby appointed to serve staggered three-year terms, with initial appointments of one, two and three years on the Takoma Park Tree Commission:

Name/Address

Daniel M. Treadwell, 7126 Sycamore Avenue (P)

Carollyn James, 7012 Woodland Avenue (P)

Kristine M. L. Steinkoenig, 906 Davis Avenue (P)

Carol M. Ank, 501 Margaret Drive (A)

Dated this 26th day of September, 1988

* * * * *

(P) = Primary Member
(A) = Alternate Member

Introduced by: Councilmember Douglas

Resolution 1988 - 80

**Endorsing the Concept of a Peace Park and
Establishing Procedures for Implementation**

- RESOLVED: (1) (a) The Mayor and Council of Takoma Park endorse the concept of a Memorial Peace Park and Sculpture Garden (the "Park") to be generally located in the area in front of the Municipal Building and Library, and the adjacent Veteran's Park;
- (b) The attached concept plan, as presented to the Mayor and Council by M.C. Carolyn in worksession on September 19, 1988, will serve to guide the development of specific designs and plans, subject to the provisions of paragraphs (2) and (3) of this resolution; *AND*
- (2) The further development and implementation of the concept of the Peace Park and Sculpture Garden is to be based on the following principles:
- Primary responsibility for planning, funding, and implementing the Park will be that of private groups; and
 - City participation in planning, funding, and implementing the Park will be limited to staff support sufficient to assure that public properties and interests are adequately protected; and
 - The Mayor and Council will approve all plans prior to any changes being made in landscaping or improvements, and prior to placement of any sculptures; and
 - Prior to consideration of proposed actions for landscaping, placement of sculptures, or other actions to implement the concept of the Park, the Mayor and Council will be provided with detailed funding, management, and site plans pertaining to the particular action under consideration; and
 - Prior to Mayor and Council action on any proposed actions, there will be opportunity for public review and comment; *AND*
- (3) (a) To assure that sufficient community support and financial support exists to carry out the development of the Park, the City will enter into a memorandum of agreement with one or more private groups prior to

consideration of any specific proposed actions to implement the concept of the Park. This memorandum will address such issues as time frames for implementation, funding and management of the project, and the responsibilities of each party to the memorandum;, and will be approved by the Mayor and Council on behalf of the City;

(b) There shall be designated an Artist is Residence for the Memorial Peace Park and Sculpure Garden, whose specific duties and responsibilities shall be described in the memorandum described in paragraph (3)(a);

(c) The Administration and Finance Committee shall, in consultation with the *Friends of the Peace Park/Sculpture Garden* and other interested groups or individuals, develop the terms of the memorandum described in paragraph (3)(a) and shall provide such a memorandum for consideration by, and approval of, the Mayor and Council on behalf of the City; *AND*;

(4) M.C. Carolyn is hereby designated as the Artist in Residence for the Memorial Peace Park and Sculpure Garden.

Adopted this 26th Day of September, 1988

Introduced by: Councilmember Douglas

1st Reading: 9/26/88
2nd Reading:

ORDINANCE #1988-

(TO REPEAL ORDINANCES #2249 AND #2566 AND TO RE-DEFINE
PROHIBITED PARKING AREA ON GRANT AVENUE TO ACCOMODATE
THE BOY SCOUTS BUS)

WHEREAS, Ordinance 2249, adopted 2/12/73 prohibited all parking in the cul-de-sac in the 200 block of Grant Avenue and at the barricade on Grant Avenue designated as a dead-end; AND

WHEREAS, Ordinance 2566, adopted on 4/27/81 provided an official on-street parking space for the Boy Scout bus on the East side of the 200 block of Grant Avenue, beginning at the barricade and extending southeast for 12 feet beyond Pepco utility pole 737979; AND

WHEREAS, Section 3 of Ordinance 2566, which directed the Public Works Director to install signage for the official parking space for the bus is not in place and as a result of the two conflicting Ordinances, the Boy Scouts Bus has been cited for illegal parking by the Takoma Park Police Department; AND

WHEREAS, the Mayor and Council deem it desirable to provide, in the interest of promoting the work of the Boy Scouts of Takoma Park, an official on-street parking space for the Boy Scouts Bus.

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

SECTION 1. Ordinance 2249, adopted by the Mayor and Council on February 12, 1973 and Ordinance 2566 adopted by the Mayor and Council on April 27, 1981 are hereby repealed in their entirety.

BE IT FURTHER ORDAINED THAT:

SECTION 1. THAT all parking shall be prohibited in the cul-de-sac in the 200 block of Grant Avenue; AND

SECTION 2. THAT an official on-street parking space is hereby created for the Boy Scouts Bus on the East side of the 200 block of Grant Avenue at a point beginning with the Grant Avenue barricade and extending in a southeasterly direction for a distance of twelve (12) feet beyond Pepco utility pole #737979; AND

- SECTION 3. THAT the Director of Public Works is authorized to erect appropriate signs to effect the directive in Section 2 above and that the Director of Public Works is also hereby directed to install a sign or signs reading **OFFICIAL PARKING--BOY SCOUTS BUS ONLY** at the appropriate place or places; AND
- SECTION 4. THAT this ordinance shall take effect upon adoption; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Sec. 13-64(a)(10)(A) of the 1972 Code of Takoma Park, Maryland, as amended.

Adopted this _____ day of _____, by Roll Call Vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by: Councilmember Douglas
(Drafted by Braithwaite)

1st reading:9/26/88
2nd reading:

ORDINANCE NO. 1988 -

AN ORDINANCE TO AWARD A BID FOR THE PURCHASE OF RECYCLING CONTAINERS

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

WHEREAS, proposals were solicited as advertised in the Washington Post, BIDNET and mailed to 7 vendors for a household collection container for recyclables; AND

WHEREAS, bids were received and opened at the 3:00 p.m., August 10, 1988 deadline from two qualified vendors; AND

WHEREAS, Ingram Designs Inc. had the lowest bid at \$2.26 per five gallon container, including artwork on two-sides;

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

SECTION 1. That Ingram Designs Inc. be awarded the contract for the purchase of 5,000 household recycling collection containers.

Adopted this _____ day of _____, 1988.

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

Introduced by: Councilmember Elrich

RESOLUTION #1988-81

WHEREAS, that due to the resignation of Commission member Diane Jenkins, there exists a vacancy for a Tenant Representative on the City's Commission on Landlord-Tenant Affairs that needs to be filled; AND

WHEREAS, Mr. Anthony Lyons and Mr. Alan Wagman have made application to fill the forementioned vacancy.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the vacant seat on the Commission on Landlord-Tenant Affairs:

Anthony Lyons
111 Lee Avenue, #207
Takoma Park, MD 20912

BE IT FURTHER RESOLVED, THAT this appointment is effective immediately and will expire on June 30, 1990.

Adopted this 26th day of September, 1988.