

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
November 1, 1988

CITY OFFICIALS PRESENT:

Mayor Pro Tem d'Eustachio	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Hamilton	Deputy City Clerk Jewell
Councilmember Leary	Public Works Director Giancola
Councilmember Martin	Housing Director Weiss
Councilmember Sharp	Corporation Counsel Silber
Councilmember Elrich (absent)	Cable Coordinator Smith

Upon motion made and duly seconded, the Council convened in Special Session at 7:40 P.M., on Tuesday, November 1, 1988 in the 2nd Floor Meeting Room at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Pro Tem d'Eustachio called the meeting to order and announced that Mayor Del Giudice was teaching his usual Tuesday evening class at George Washington University and would be arriving within the hour.

Public Works Director Anthony Giancola gave a brief overview of the memo that the Mayor and Council had received in their packages from the City Administrator, dated October 28, 1988. The memo outlined the request of the Garlow family for temporary access to their property from Colby Avenue to construct on their site. The purpose of the temporary access was for use by the contractor's crane and other work vehicles. Mr. Giancola said that the issue before the Council tonight was notification to cover this temporary access. Mr. Giancola referred to a draft indemnity agreement between the Garlows and the City of Takoma Park to hold harmless the City from any damages and to restore eventually the asphalt path and the drainage portion.

Councilmember Sharp asked for clarification regarding the asphalt path; he asked if this asphalt path was a City responsibility. Mr. Giancola responded that it was and stated that it was not on Mr. Garlow's property. Mr. Sharp stated that the property owners in that area had held a meeting to discuss this issue and he noted there were some in attendance who would like to comment.

Mr. d'Eustachio queried the council on their sense that they were looking at a temporary access as opposed to something permanent.

Mr. Charles Garlow identified himself and his wife, Joan Flaherty, and stated that he had purchased the property in November 1987. Mr. Garlow apologized for his action of accessing the property from Colby and dumping rock over the new path and drainage ditch. Mr. Garlow stated that he was under the false assumption that he had access to the Colby right of way because before he bought the property in 1987, he checked with County and City officials and Mr. Richard Robbins informed him that the street was a right-of way and he would be able to have access. Mr. Garlow said that he did not get this in writing at the time. He said that after the lot was purchased, he got drawings, site plans and house plans approved by the County. Mr. Garlow stated that he showed the site plans to City officials as part of the process to obtain permits to remove trees and put in driveways and aprons. Mr. Garlow said that he was told by Mr. Robbins to wait until the house was closer to being completed before applying for the driveway permit because the permit only lasted 6 months and that it would take longer than 6 months to get a builder; and that this would avoid having to re-file for another permit and pay another permit fee. Mr. Garlow said that later he talked to Mr. Robbins about the specifics of what the driveway would look like and it was then that Mr. Robbins presented a proposal for \$90,000 construction or re-construction as it turned out to be, for 350 feet of the presently paved portion of Colby Avenue. Mr. Garlow said that he knew they could not afford \$90,000 so he asked Mr. Robbins what could be done about

temporary access to get the house built. Mr. Robbins informed him to put his request in writing and bring it to the City Administrator, which he did on July 29. He was told that Mr. Robbins had been assigned to handle this matter and would be looking into it. Mr. Garlow noted that a good part of the construction was underway. He said his brother was the contractor and that they were anxious to gain temporary access to the site for the contractor's crane and work vehicles, so that the rest of the work could get underway before inclement weather. Mr. Garlow commented that he met with community and wants to work with them. Mr. Garlow added that he had amended his building plans to show permanent access from Hayward Avenue.

Corporation Counsel Silber stated that it was the City's position that Mr. Garlow had not been misled and that he had been properly instructed as to the appropriate procedures for obtaining access to his property from the City's right of way.

Mr. Ted Roorda identified himself as the spokesperson for the citizens association, and stated that a neighborhood meeting was held on Sunday, October 30, 1988 and there was expressed a real concern about any plans for a permanent driveway. Mr. Roorda stated that they oppose a permanent entry from Colby Avenue. However, he said that the citizens do welcome the new construction to the neighborhood. Finally, he added that recognizing Mr. Garlow's mother-in-law problem, the community would not be adverse to some type of path access from Colby Avenue to the house.

Mr. Karem expressed concern that the pedestrian foot path was not safe due to the vehicular traffic that traveled in the area. Mr. Karem also cited other traffic problems on a rainy or snowy day which were created because of the grading causing flooding on his property.

Councilmember Douglas said that he shared some of the citizens concerns regarding the permanent solution but before he was able to evaluate the situation, he asked that staff obtain more information regarding the Hayward Avenue situation and other similar situations around the City in anticipation of the Council making future decisions. Councilmember d'Eustachio said that he was not sure the Council could come up with a generic solution for 15-20 very different situations.

Councilmember Hamilton questioned Mr. Garlow that if he was granted this temporary access, how long would he need the temporary access in order to finish the project. Mr. Garlow responded that everything was taking longer than he had anticipated. Ms. Flaherty responded that she understood from talking with others, that it might take about a year, although they are through alot of the construction.

In response to a question raised by Councilmember Sharp, Mayor Pro Tem d'Eustachio asked that the indemnity agreement be amended to add the specific deadline of sixty calendar days. Additionally, Mr. Garlow should limit the use of temporary access, avoiding morning and afternoon periods when school children use the path and post signs warning residents of the ongoing equipment movements.

Councilmember Sharp moved passage of the Resolution; duly seconded by Councilmember Douglas. The question was called and the Resolution was passed unanimously.

RESOLUTION #1988-91
(attached)

Upon motion duly made and seconded, the Special Session adjourned at 8:10 P.M. to reconvene in Special Session on Monday, November 7, 1988.

Introduced By: Councilmember Sharp

RESOLUTION NO. 1988-91

WHEREAS, Charles Garlow and Joan Flaherty have requested permission from the City of Takoma Park to temporarily gain access to 830 Hayward Avenue, Takoma Park, Maryland, (the "property") from an unimproved portion of Colby Avenue for the purpose of delivering construction material, pre-constructed housing components, and construction equipment to construct a house on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND, that the Mayor and Council hereby permit Charles Garlow and Joan Flaherty to construct a temporary driveway in order to gain access to the property at 830 Hayward Avenue, Takoma Park, Maryland, from an unimproved portion of Colby Avenue for the above-mentioned purposes; and

BE IT FURTHER RESOLVED that the Mayor and City Council hereby authorize and direct the City Administrator to enter into a Public Right of Way Access Indemnity Agreement with Charles Garlow and Joan Flaherty.

ADOPTED THIS 1st DAY OF November, 1988 . (in Special Session)

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CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council
November 7, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Housing Director Weiss
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	Corporation Counsel Perlman
Councilmember Martin	Community Planner Schwartz
Councilmember Sharp	
Councilmember d'Eustachio (absent)	

The Mayor and Council convened in Special Session on Monday, November 7, 1988, at 7:40 P.M. in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland. Mayor Del Giudice noted that the purpose of the Special Session was to take up two items. He commented that it was his understanding that with regard to Item #2, the City had obtained assurances that the record with regard to the appeal would stay open until November 16 and that it would not be necessary to take a position on this matter this evening. He recommended that this item be scheduled for their worksession to follow immediately after the special session. He also noted that Item #9 (Resolution to appoint additional alternate to Traffic and Transportation Planning Committee) on the worksession was put on the worksession as a discussion item; however if there was no objection, the Council may want to dispose of the matter during this special session. Councilmember Sharp moved passage of this resolution, duly seconded by Councilmember Douglas. The question was called and the Resolution was passed by unanimous vote.

RESOLUTION #1988-92
(attached)

ITEM #1, Resolution of City Position on HOC Public Hearing Purchase of 7611 Maple Avenue. The Mayor referred to the resolution prepared by staff and distributed in the Council's package for their consideration. Housing Director Sue Weiss proceeded to distribute to the Council a document received this day from the Housing Opportunities Commission, a memorandum with accompanying testimony that the HOC had asked to be incorporated into the record. The Mayor noted that the testimony requested that the City Council not enact the resolution prepared for their consideration, which supports the purchase of no more than 22 units for assisted family housing at 7611 Maple Avenue by the Montgomery County Housing Opportunities Commission. Councilmember Hamilton moved adoption of the Resolution; duly seconded by Councilmember Leary.

Councilmember Sharp noted that in the second "Whereas" clause in Section 2, there was reference to the support of the tenants with the passage of Ordinance #1988-33 approving the acquisition of the 22 units. Mr. Sharp moved to delete this language citing that the language does not add anything to the Council's point that they're supporting the tenants' effort and that it opens up a claim about that action that the City should take with regards to the 22 units. His motion was duly seconded by Councilmember Douglas, and the motion to delete this language carried. Councilmember Hamilton moved an editorial amendment on page 3, in the second "Whereas" clause, to add the word "Incorporated" following "...7611 Maple Avenue Tenants' Association...". Councilmember Douglas seconded the motion. Councilmember Douglas moved that the words "approve of" be deleted in the first "Resolved" clause in Section 3 and suggested that the words "support for" be substituted instead.

Councilmember Elrich questioned that a point ought to be raised on HOC's regional comments as to not changing the economic mix of the building and what seemed to be very direct comments that they in fact would change the economic mix of the building. Mayor Del Giudice stated that in the testimony to be submitted by himself at the HOC hearing, reference is made to representations made by various representatives of the HOC when they appeared before the Council and met with tenants to their disinterest in expanding the number of assisted units. Mayor Del Giudice said that concern is also raised about recent comments by the Chair of the HOC, quoted in newspaper accounts which seemed to indicate an interest in expanding the number of units if they had the opportunity.

The question was called and the Resolution, as amended, was unanimously passed by all those present voting "Aye".

RESOLUTION #1988-93
(attached)

Upon motion, duly seconded, the Special Session adjourned at 7:56 P.M., to reconvene in regular session on November 14, 1988, at 8:00 P.M.

Introduced By: Mayor Del Giudice

Adopted: November 7, 1988

Resolution No. 1988-92

A resolution to appoint an additional alternate to the Traffic and Transportation Planning and Policy Committee.

WHEREAS, Resolution 1988-89, adopted October 24, 1988, appointed members to the Traffic and Transportation Planning and Policy Committee of the City of Takoma Park; and

WHEREAS, subsequent to the passage of this resolution, a nomination was received from the Ritchie Citizens Association; and

WHEREAS, the nominee of the Ritchie Citizens Association, Mrs. Mildred Morrison of 100 Ritchie Avenue, resides in Ward 4, which is not currently represented on the Committee, and is also an area heavily affected by traffic; and

WHEREAS, Resolution 1988-72, as amended by Resolution 1988-89, permits the appointment of alternates to the Committee; and

WHEREAS, the Mayor has reviewed the nominee and has appointed her as an additional alternate to the Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT Mrs. Mildred Morrison of 100 Ritchie Avenue is hereby appointed as an alternate to the Traffic and Transportation Planning and Policy Committee.

ADOPTED THIS 7th DAY OF NOVEMBER, 1988 IN SPECIAL SESSION.

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Introduced by: Hamilton
Drafted by: Weiss

RESOLUTION # 1988 - 93

SUPPORTING THE PURCHASE OF NO MORE THAN TWENTY-TWO UNITS FOR ASSISTED-FAMILY HOUSING AT 7611 MAPLE AVENUE BY THE MONTGOMERY COUNTY HOUSING OPPORTUNITIES COMMISSION

SECTION 1

WHEREAS it is the policy of the City of Takoma Park (the "City") to maintain a stable and racially and economically heterogeneous community; AND

WHEREAS it is the intent of Montgomery County (the "County") to restrict the acquisition of assisted-family housing in areas it designates as "Limited Priority", a designation based upon proportion of: low-income households, rental housing, assisted-family housing, and also the remaining potential for additional residential development; AND

WHEREAS 7611 Maple Avenue (the "property") is in an area which is enveloped by areas designated as "Limited Priority Areas", areas where County acquisition of additional assisted-family housing is restricted by law; AND

WHEREAS the property is located in an area with a substantial low-income population; AND

WHEREAS the property is located in a census block that is predominantly rental housing, and is located in an area that is almost exclusively rental housing; AND

WHEREAS the property is located in an area which has virtually no remaining potential for additional residential development; AND

WHEREAS the property is located in a census block containing an excessive number (greater than 200% of the County norm) of assisted-family housing units; AND

WHEREAS The Montgomery County Housing Opportunities Commission (HOC) uses regulations which question, in order to prevent steering, selective or discriminatory housing practices, or other practices inconsistent with the goals of Fair Housing, the acquisition of assisted-family housing when the area contains a minority population in excess of 200% of the County norm; AND

WHEREAS the property is located in a census block having minority households far greater 200% of the County norm, thus acquisition of the property for assisted-family housing by HOC must be reviewed to determine consistency with Fair Housing practices versus promotion of racial and ethnic homogeneity; AND

WHEREAS the segment of Maple Avenue between Philadelphia Avenue and Sligo Creek Parkway, the segment in which the property is located, is a Neighborhood, the Upper Maple Avenue Neighborhood; AND

WHEREAS the Mayor and Council find that the replacement of as many as fifty-two individual- or family-households of moderate income with the same number of family-households of low-income is likely to threaten the economic heterogeneity of the Upper Maple Avenue Neighborhood; AND

SECTION 2

WHEREAS the Mayor and Council have recognized the likelihood that tenant homeownership will increase the stability of the Upper Maple Avenue Neighborhood; AND

WHEREAS the Mayor and Council have passed Resolution #1988-29, Supporting the Tenant Purchase of 7611 Maple Avenue; AND

WHEREAS the City has provided the 7611 Maple Avenue Tenants' Association with TAP Funds to assist the tenants' association in purchasing the property; AND

WHEREAS there is an existing contract between the current owner of the property, GHA Sylvan Associates Limited Partnership, and HOC; AND

WHEREAS the 7611 Maple Avenue Tenants' Association, Inc. have presented an offer to GHA Sylvan Associates Limited Partnership for the purchase of the property; AND

WHEREAS a hearing has been scheduled by HOC, for November 9, 1988, for the purpose of determining whether HOC should acquire the property for use in whole or in part as assisted-family housing.

SECTION 3

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park support of the purchase by HOC of a maximum of twenty-two units at the property for use as assisted-family housing; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park oppose the acquisition by HOC of any number of units greater than twenty-two units at the property for use as assisted-family housing; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park continue to support the 7611 Maple Avenue Tenants' Association's efforts to purchase the property, AND

BE IT FURTHER RESOLVED THAT the Mayor and Council of the City of Takoma Park encourage HOC to support the 7611 Maple Avenue Tenants' Association's efforts to purchase the property.

Adopted this 7th day of November, 1988.

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
and
Public Hearing re Speed Hump Placement on Holly Avenue
November 14, 1988

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Elrich	Deputy City Clerk Jewell
Councilmember Hamilton	Asst. to Deputy City Clerk Mitchell
Councilmember Leary	Cable Coordinator Smith
Councilmember Martin	Div. of Ec. & Comm. Dev. Dir. Neal
Councilmember Sharp	Housing Services Director Weiss
ABSENT: Councilmember Douglas	Public Works Director Giancola
	Newsletter Editor Baron

The Mayor and City Council convened at 8:09 P.M. on Monday, November 14, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of October 24, 1988 were presented for approval. The following corrections were noted: pgs. 1 and 9, change Lisa Schwartz's title to read Community Planner; pg. 17, correct spelling of County Councilmember Ciccoria's surname to read Cicoria. The Minutes, with the noted corrections, were moved for approval by Councilmember d'Eustachio, duly seconded by Councilmember Hamilton; the motion carried by unanimous vote.

The Mayor noted receipt by the City of an award from the Prince George's County Citizens Concerned for a Cleaner County for its outstanding contribution and involvement in an educational program on litter control in the county.

Mayor Del Giudice noted that the City had sponsored a number of legislative proposals which were examined by the MML Legislative Committee, one of which was a bill that would ban the use of non-biodegradable plastic containers and was recognized by the committee as a priority item to put before the Legislative Conference. He explained that the committee had decided, based on information provided by the Department of Environmental Affairs, that rather than putting forth legislation creating a ban, a taskforce should be created to study the disposal problem created by the use of such products in the county. He said that recommendation, along with a number of others, would go before the full body at the Legislative Conference; MML would be putting forward a broad and diverse program of legislative items. Aside from those items submitted to MML, the Mayor said the City would be proposing legislation regarding Unification and creation of an exception to State Law that would allow funding for the Library system. He explained that the Unification legislation, which may be more than one bill, was modeled on that which came out of the Montgomery County Bi-County Committee a few years ago and was being co-sponsored by all State Senators representing the City, including those on the Prince George's side, and would again be heard by the Bi-County Committee at its annual hearing to be conducted on November 22 in Riverdale. He urged that those wishing to testify on the Unification issue attend that hearing. He said he understood from talking with Senator Ruben that she may introduce legislation that would allow for a non-binding referendum on Unification, inasmuch as it had been several years since residents of Takoma Park previously voted on the issue.

The Mayor congratulated those citizens who had participated in the recent Takoma Park Votes Project for the excellent job they had done in getting out the vote. He said he understood between 80-85% of registered voters in the City went to the polls. He commented he thought it spoke well for the community that such a large number of volunteers were enlisted and their efforts so well coordinated in such a short period of time. He thanked Ms. Beelar for organizing the effort and congratulated her and the other volunteers on the success of the project.

The Mayor related that the Montgomery Blair High School Jazz Band had received an invitation to participate in the National Jazz Festival in

New Orleans, noting that they would need to raise funds to finance the trip. He said the City government might wish to look at how they could assist in the fundraising effort and he had agreed to write a letter to community groups and businesses encouraging them to help as best they could.

Councilmember Hamilton spoke briefly commending Recycling Coordinator Daryl Braithwaite for the excellent presentation she had made at MML's Fall Legislative Conference; the Mayor concurred, noting he had received a number of complimentary comments on Ms. Braithwaite's work.

ADDITIONAL AGENDA ITEMS:

First Reading of an Ordinance Declaring 6811 Eastern Avenue to be a Nuisance and Ordering Such Condition to be Abated (Wilson)

Resolution re 18th Annual Festival of Praise (Hamilton)

Mr. Wilson noted meeting invitations received from MML and from the Prince George's Municipal Association for the upcoming Thursday night.

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

Barbara Beelar: thanked City Administrator Wilson and individual members of City staff for their assistance and cooperation in the votes project. She presented a resolution she had drafted regarding the project and expressing the elected body's thanks to the participants for their efforts. The Mayor suggested the resolution be added to the agenda for consideration.

Brint Dillingham, 7018 Carroll Avenue: commented regarding what he felt was inadequate advance public notice of the agenda item concerning the rent stabilization level, and inquired whether it was not necessary that a fully publicized public hearing be conducted. The Mayor responded that while notice was required for a public hearing, he was not aware of a specific advance notice time requirement. Councilmember d'Eustachio pointed out that the rent stabilization ordinance specifically stated that no Council action was necessary unless the elected body intended to make a change in the current rent stabilization ceiling, i.e., there was no requirement for a formal public hearing, per se, or advance notice and publication. He pointed out that information had been published in the Newsletter regarding the Council's intent to retain the current level, and the fact that it would be coming up before the elected body. Mr. Dillingham said that he had only received the agenda for the present meeting earlier in the day, that it appeared to indicate a public hearing would be held on the matter; he also commented that many people on Carroll Avenue had not received the last issue of the Newsletter at all, and that some of the information therein was conflicting and possibly misleading. He asked that the matter be deferred and rescheduled with more adequate advance public notice given.

ITEMS FOR COUNCIL ACTION:

1. Resolution Memorializing Council Consensus for Rent Stabilization Ceiling at 4%.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Housing Services Director Weiss spoke briefly outlining the rationale for her recommendation that the 4% ceiling be continued. For the record, the Mayor noted that the elected body had received an opinion from Corporation Counsel that, as intended when the Rent Stabilization Ordinance was enacted last year, the 4% rate would remain in effect unless the elected body changed that rate by ordinance. He said the elected body had received a recommendation from DHS, as well as COLTA, that the rate remain at 4%. He said the elected body had twice discussed the matter in worksession, the reason mention had been made in the Newsletter of First Reading of an ordinance was that a final decision had not been made to retain the 4% ceiling and, had the consensus of the Council been to change the rate, there would have been a First Reading at the current meeting. Councilmember Leary suggested the item be tabled for a couple of weeks and rescheduled to allow for adequate public notice so that those wishing to testify on the issue could do so. Councilmember d'Eustachio commented that the reason provision had been made in the previously enacted legislation for continuation of the existing cap lacking enactment of subsequent legislation was so that if the deadline for

setting of a level passed and nothing had been done, a state of confusion would not ensue with landlords and tenants in a quandry wondering what was going to be done. He said he concurred with comments made by Mr. Dillingham concerning more adequate notice, however, and would support Mr. Leary's suggestion that the item be tabled so that more widespread notification could be achieved and people could attend and give their input. Councilmember Leary moved that the item be tabled for a period of 4 weeks until the December 12 regular meeting, duly seconded. The Mayor asked that notice be published in the December Newsletter and also the Takoma Voice that the matter would be discussed at that meeting. Discussion ensued concerning what would be required should the elected body wish to lower the 4% rate; in the course of discussion, the Mayor noted that State Law required the elected body to annually review the need for rent stabilization, which they had done in the course of worksession discussions and during which time they had also decided not to make a change in the 4% level. He said the 4% rate would be on the December 12 agenda for a public discussion (not a public hearing), however, should the Council at that time change its mind concerning continuation of the current rate, First Reading of an ordinance could also occur. The motion to table carried by unanimous vote. Councilmember Sharp asked that the City Administrator/Asst. City Administrator consult with the Newsletter distribution coordinator to ascertain any problem being encountered with delivery of the publication on Carroll Avenue and work out a resolution.

2. Public Hearing and Second Reading of an Ordinance Proposing Speed Hump Placement on Holly Avenue.

Councilmember Leary moved adoption of the ordinance, duly seconded by Councilmember d'Eustachio. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Leary, Martin, and Sharp; NAY: None; ABSENT: Councilmember Douglas; TEMPORARILY ABSENT: Councilmember Hamilton.

ORDINANCE #1988-50
(attached)

3. Second Reading of a Sick Leave Requirements Ordinance.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Leary. At the request of the Mayor, Ms. Habada explained a change effected in the ordinance subsequent to its acceptance at First Reading; she noted the change primarily affected the definition of "family" on page 2, adding a subsection (i) to section D.(3). The Mayor noted the need for staff to specifically delineate and identify any changes made to legislation subsequent to First Reading so they could readily be seen. The change, as noted, was moved as an amendment by Councilmember d'Eustachio, duly seconded by Councilmember Hamilton. Councilmember Martin moved to amend the aforementioned subsection (i) by the addition of spouse's mother or father; the motion failed for lack of a second. The motion to amend by addition of a subsection (i) defining "family" passed by unanimous vote.

Councilmember d'Eustachio moved to amend the ordinance by the insertion in B.1.(3), concerning illness of the employee's family or a member of the immediate family outside the household, following the semicolon after "provisions," of an additional provision that would state: provided that the employee's absence is necessitated by that family member's illness. The motion to amend was duly seconded. Brief discussion ensued concerning proof of necessity; Mr. d'Eustachio said it would be his assumption that that determination would lie with the City Administrator and/or the employee's immediate supervisor, as was currently the case in determination of legitimate need to use sick leave. The motion to amend carried by unanimous vote.

In the course of ensuing discussion it was noted that should an employee take 4 days of sick leave due to illness of a family member, he/she could be required to produce a doctor's certificate verifying the illness of that person. Following additional discussion, the ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Hamilton, Leary, Martin and Sharp;

NAY: None; ABSENT: Councilmember Douglas.

ORDINANCE #1988-51
(attached)

4. Resolution of Council Position on Prince George's Appeal No. 9604, 7676 New Hampshire Avenue (Professional Building).

The Mayor noted a report on the subject prepared by Economic & Community Development Director Neal which recommended approval of the appeal. Councilmember Martin moved passage of the resolution expressing support for granting of the appeal, duly seconded by Councilmember Sharp. Mr. Neal spoke briefly summarizing the request, pointing out that it essentially amounted to 2 Variances and 2 departures from design standards. Following brief testimony by the petitioner, the Mayor pointed out that if the counties could be persuaded to provide more direct transportation between the Professional Building and the Takoma Park Metro Station, the desired level of professional medical services that had been discussed could be provided with the level of parking that already existed for the building. He noted that while public transportation ran within walking distance of the building, that it did not provide ready access for those who were handicapped or unable to walk very far. In the course of discussion, the draft resolution was amended to oppose 100% medical use of the building, but to express support for 60% medical use.

The Mayor pointed out to the petitioner that the City had become aware of recent legislation enacted by Congress that would create a Southern Division of the U.S. District Court for the District of Maryland, and the City would be interested in discussing with interested parties, including members of the business community, the possibility of placing a court facility within the Prince George's section of Takoma Park, which would be an ideal location. He commented that the petitioner's property would be a suitable location for such a facility, and suggested that discussions be initiated with the appropriate state legislators regarding such a possibility.

The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-94
(attached)

5. Single Reading Ordinance Accepting Consulting Services Offer by Institute for Governmental Services (IGS) for Takoma Park Charter Review.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Hamilton. The Mayor commented that a notice soliciting participation by interested citizens on a Charter Review Committee would be placed in an upcoming issue of the Newsletter; he said it was hoped at least 3 (but no more than 5) citizens could be persuaded to sit on the committee. Brief discussion indicated that the \$1,500 figure noted in the ordinance was a maximum, however, it was hoped the total cost would be somewhat less than that amount. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSENT: Councilmember Douglas.

ORDINANCE #1988-52
(attached)

6. Single Reading Ordinance Awarding Contract for FY 1988-89 Street and Drainage Improvements.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded by Councilmember Sharp. The Mayor noted staff's report detailing what would be included in the contract. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Elrich, Hamilton, Leary, Martin and Sharp; NAY: None; ABSENT: Councilmember Douglas.

ORDINANCE #1988-53
(attached)

7. First Reading of Technical Amendment Ordinance re Annual Leave Rollover Policy.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Hamilton. The Mayor noted, for the record, that the item had been discussed in worksession. The ordinance was accepted for First Reading by unanimous vote of those present.

ORDINANCE #1988-
(attached)

8. Resolution Recognizing November 17, 1988 as Sensitivity Awareness Day in Takoma Park.

The Mayor noted that the Montgomery County Council, particularly Councilmember Gudis, had for a number of years sponsored in the county, and regionally through COG, recognition of this activity; he moved passage of the resolution, duly seconded. The resolution was passed by unanimous vote, with Mayor Del Giudice noting that a copy of the City's resolution would be forwarded to Mr. Gudis.

RESOLUTION #1988-95
(attached)

9. First Reading of an Ordinance Declaring 6811 Eastern Avenue, Takoma Park, Maryland, to be a Nuisance and Ordering Such Condition to be Abated.

Councilmember d'Eustachio moved acceptance for First Reading, duly seconded by Councilmember Leary. It was affirmed that the property owner had been notified that the ordinance would be scheduled for First Reading at the current meeting. The Mayor noted it would be scheduled for additional discussion at the November 21 worksession, with an update from DHS and Corporation Counsel and a status report on the Municipal Infraction citations that were issued. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1988-
(attached)

10. Resolution re Sligo Seventh-Day Adventist Church 18th Annual Festival of Praise Celebration.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Following brief commentary by the Mayor regarding the timeliness of the celebration, the resolution was passed by unanimous vote.

RESOLUTION #1988-96
(attached)

11. Resolution Thanking Participants in Takoma Park Votes Project.

Councilmember Sharp moved passage of the resolution, with the resolve clause amended to state that "...the Mayor and City Council of Takoma Park, Maryland, commend the citizen efforts..." The motion was duly seconded; the resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-97
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:45 p.m., to reconvene in regular session at 8:00 p.m. on November 28, 1988.

Introduced by:

1st Reading: November 14, 1988
2nd Reading:

Ordinance No. 1988-

AN ORDINANCE DECLARING 6811 EASTERN AVE, TAKOMA PARK,
MARYLAND TO BE A NUISANCE AND ORDERING SUCH CONDITION
TO BE ABATED

WHEREAS, on September 26, 1988 the Mayor and Council adopted Ordinance No. 1988-41, which ordinance stated in part that the Mayor and Council had received and verified information 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 threatens the life of neighboring residents, and established a date for the owners of the property, James J. Rast and Margaret Rast, or their representative to show cause why the maintenance of the property should not be declared a nuisance and ordered to be abated; and

WHEREAS, notice of the passage of Ordinance No. 1988-41 was sent to the property owner by certified mail, on September 28, 1988 and notice also was published in two successive issues of the Montgomery Journal, a newspaper in Montgomery County, the county in which the property is located; and

WHEREAS, pursuant to permission for an interior inspection of the dwelling house given by the property owner, Mr. James Rast, at the September 26, 1988 Council meeting, the Code Enforcement Supervisor scheduled an inspection of the property for October 12, 1988 at 3:00 pm. Notice of this inspection was given to the property owner by letter sent by certified mail on September 28, 1988 and notice also was given to the Takoma Park Volunteer Fire Department; and

WHEREAS, on October 12, 1988, the Code Enforcement Supervisor and officers and firefighters representing the Takoma Park Volunteer Fire Department arrived at the property at approximately 2:50 pm, waited for the owner of the property to appear until 4:10 pm, and then departed the property without having entered the interior of the dwelling house; and

WHEREAS, as stated in Ordinance No. 1988-41, the Code Enforcement Supervisor performed an exterior inspection of the property and took photographs of the house and yard which showed numerous housing code violations; and

WHEREAS, in connection with the exterior inspection of the property the Code Enforcement Supervisor issued a correction notice to the property owners, dated September 6, 1988, which required that all violations be corrected and/or abated prior to

a reinspection of the property on October 17, 1988 at 12:30 pm;
and

WHEREAS, a copy of the exterior housing inspection report and correction notice, describing all code violations, was sent to the property owner by regular and certified mail on September 9, 1988; and

WHEREAS, a reinspection of the property was conducted by the Code Enforcement Supervisor on October 17, 1988, but the property owner neglected to appear for the reinspection; and

WHEREAS, said reinspection report, which is incorporated herein by reference as Exhibit A, showed that the following housing code violations which are noted in the exterior housing inspection report of September 6, 1988, still exist:

CODE SECTION

Uncontrolled and Overgrown Vegetation	Takoma Park Code §12-18
Severe Rodent Infestation, Exterior Property Entrance Structure	BOCA PM §301.4
Excessive Accumulation of Trash and Debris	BOCA PM §301.1
Hazardous Condition of Exterior Staircase With Missing Steps and Risers	BOCA PM §302.3.7
Deteriorating and Shifting Porch Supports	BOCA PM §302.2
Front Basement Wall Has Collapsed, Creating an Instability in the Integrity of the Load Bearing Wall	BOCA PM §302.3.1
Porch Roof in a State of Disrepair and Missing Boards	BOCA PM §302.3.3
Numerous Broken and Missing Windows	BOCA PM §302.4.1
Side Door Frame Pulling From Structure	BOCA PM §302.4
Flammable Materials Stored in	

Introduced by:

1st Reading: November 14, 1988
2nd Reading:

Drafted by: Linda S. Perlman
Assistant Corporation Counsel
Draft date: 11/8/88

ORDINANCE #1988 - _____

(Amending Ordinance #1988-26 (Vacation Leave Rollover Policy) Which was a Technical Amendment to Ordinance #1988-17 (Amending Chapter 8B - Personnel Procedures, Section 8B-133 - Annual Leave))

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTION OF THE 1972 TAKOMA PARK CITY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 8B-133

(e) [Beginning with the effective date of this Article] Employees are not permitted to accumulate unused annual leave in an amount exceeding thirty (30) days at the end of any calendar year. However, beginning with leave accrued during calendar year 1987, if management has denied an employee the opportunity to use accrued leave that would exceed the maximum allowable accumulation during that leave year [if not taken], then such an amount may be carried over for a period of no more than one year [even if it is in excess of the maximum allowable.] at the discretion of the City Administrator or his designee, pursuant to the procedure set out below. An Employee must [make application] apply to carry over [his] such annual leave in the following manner:

- (1) Employee[s] [must make] requests to carry over annual leave must be in writing.
- (2) Such a request[s] must be accompanied by written documentation that annual leave was denied.
- [(3) Requests to carry over annual leave into the next calendar year must be approved by the City Administrator or his designee.]
- (3) Before a request to carry over annual leave into the next calendar year shall be granted, the request must be approved in writing by the City Administrator or his designee.

(No change to subsections f, g, h, i, j, and k)

Effective Date: This Ordinance becomes effective upon enactment, retroactive to January 1, 1988.

Underscoring indicates new language to be added and [brackets] indicate existing language to be deleted.

Adopted this ____ day ____, 1988 by Roll Call Vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

Ordinanc
TP2/crr

Introduced By: Councilmember Martin
Drafted By: D. Neal

Resolution No. 1988-94

WHEREAS, the 7676 New Hampshire Limited Partnership has applied to Prince George's County for variances and Departures from Design Standards (DDS) for Lots 1-12 and 20-24 of Block 4 of New Hampshire Gardens Subdivision, being 7676 New Hampshire 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, on the basis of analysis contained in the pertinent staff report dated 10 November 1988, has recommended:

- a) APPROVAL of the requested variances, provided that the applicant agrees to provide appropriate screening of the proposed dumpster area and striping of the proposed loading area;
- b) APPROVAL of the requested D.D.S. relating to landscaping requirements; AND
- c) APPROVAL of a D.D.S. relating to increasing the permitted medical use from 40% to 60% of the building's Gross Floor Area;

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

WHEREAS, the Mayor and Council find that strict application of the Prince George's County Zoning Ordinance would, in this case, result in undue hardship on the applicant and unusual practical difficulties due to the effects of strict application, viz., the reduction in available parking spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby express

- a) APPROVAL of the requested variances, provided that the applicant agrees to provide appropriate screening of the proposed dumpster area and striping of the proposed loading area;

- b) APPROVAL of the requested D.D.S. relating to landscaping requirements; AND
- c) OPPOSITION to the requested D.D.S. relating to increasing the permitted medical use from 40% to 100% of the building's Gross Floor Area;

BE IT FURTHER RESOLVED THAT the Mayor and Council encourage the Prince George's County Board of Appeals to APPROVE the variance application subject to the conditions noted above;

BE IT FURTHER RESOLVED THAT the Mayor and Council encourage the Prince George's County Planning Board to APPROVE the application for D.D.S. relating to landscape improvements and APPROVE a D.D.S. application requesting an increase of permitted medical use from 40% to 60%;

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 14th DAY OF November, 1988.

#8,7676nh.res

Introduced by: Councilmember Leary

1st Reading: 10/24/88

2nd Reading: 11/14/88

ORDINANCE #1988-50

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 (q) 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:

(q) Holly Avenue, between Philadelphia and Grant Avenues there will be one speed hump installed next to 215 Hodges Lane.

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

ADOPTED BY THE CITY COUNCIL THIS 14th DAY OF NOVEMBER, 1988, BY ROLL CALL VOTE AS FOLLOWS:

AYE: d'Eustachio, Elrich, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: Douglas, Hamilton (for vote)

Introduced by: Councilmember d'Eustachio

Adopted: 11/14/88
(Single Reading)

ORDINANCE 1988-52

AN ORDINANCE ACCEPTING INSTITUTE FOR GOVERNMENTAL SERVICES
CONSULTANT SERVICES FOR TAKOMA PARK CHARTER REVIEW

WHEREAS, the Takoma Park Charter and Code of 1972 (as amended) is over 16 years old; AND

WHEREAS, the Mayor and Council have determined that a Charter update is necessary in order to bring the Charter into consistent compliance with the way the Takoma Park Government is operated; AND

WHEREAS, the Institute for Governmental Services (IGS) has offered to assist the Mayor and Council in a Charter review process by identifying standard problems, framing basic issues and developing guidelines established by the Mayor and Council.

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

SECTION 1. The offer from IGS to perform a Charter review at a cost of \$1,500 is hereby accepted; AND

SECTION 2. The City Administrator is hereby authorized to execute the necessary documents with IGS for their services and make payments related thereto; AND

SECTION 3. This ordinance become effective upon adoption.

Adopted this 14th day of November, 1988 by single reading roll call as follows:

AYE: d'Eustachio, Elrich, Hamilton, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: Douglas

klm:orddisk

Introduced By: Councilmember d'Eustachio

Adopted: 11/14/88

ORDINANCE 1988-53

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

- SECTION 1. THAT the Year 14 Community Development Block Grant program and the City's FY1988-89 Budget set aside funds for the execution of various public street and drainage improvements throughout Takoma Park as described in the contract documents (Contract No. CD 88-07); AND
- SECTION 2. THAT bids were solicited from qualified contractors by advertising in the Washington Post Classified Section, the Blue Report, and the Dodge Report; AND
- SECTION 3. THAT a pre-bid conference was held on 2 November 1988 at 2:00 p.m. at the Municipal Building; AND
- SECTION 4. THAT the bids were opened on 9 November 1988 at 2:00 p.m. in the Municipal Building; AND
- SECTION 5. THAT five (5) bids were received, with NZI Construction Corporation of Beltsville, Maryland having submitted the lowest responsive and responsible bid of ONE HUNDRED TEN THOUSAND THREE HUNDRED AND FIFTY FOUR DOLLARS (\$109,454.00).
- SECTION 6. THEREFORE THAT the bid of NZI, Construction Corporation for the work outlined in the Contract No. CD 88-07 bid package is hereby accepted and the City Administrator is authorized to execute all appropriate contract documents to effect the specified improvements.

ADOPTED THIS 14th DAY OF NOVEMBER, 1988, BY ROLL CALL AS FOLLOWS:

AYE: d'Eustachio, Elrich, Hamilton, Leary, Martin, Sharp

NAY: None

ABSTAINED: None

ABSENT: Douglas

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CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council
November 28, 1988

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember d'Eustachio	Deputy City Clerk Jewell
Councilmember Douglas	Cable Coordinator Smith
Councilmember Elrich	Community Planner Schwartz
Councilmember Hamilton	Public Works Director Giancola
Councilmember Leary	
Councilmember Sharp	

ABSENT: Councilmember Martin

The Mayor Pro Tem and City Council convened at 8:30 P.M. on Monday, November 28, 1988 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Mayor Pro Tem d'Eustachio explained that Mayor Del Giudice had been detained due to family concerns and would be joining the meeting shortly. He apologized for the meeting convening late, explaining that the elected body was engaged in a series of interviews that needed to be completed.

ADDITIONAL AGENDA ITEMS:

Resolution re Retirement of Intermediate School Counselor (Habada)

First Reading of Ordinance re Payment of Certain Accrued Leave to Staff (Habada)

Minutes of Special Sessions on November 1 and 7, 1988 were presented for approval; Councilmember Douglas moved approval, collectively, duly seconded by Councilmember Hamilton. Mayor Pro Tem d'Eustachio pointed out that pertinent comments voiced by Mr. Garlow regarding contact he had made with City employees concerning access to his property and lack of advice that he was doing anything improper had been omitted from the November 1 Minutes. In addition, he said statements made by Corporation Counsel Silber regarding the City's position, i.e., that Mr. Garlow had not been misled, that he had been properly instructed concerning obtaining access to his property from the City right-of-way, had also been left out of the record. He said he felt those comments were germane and should be reflected in the written record. Councilmember Sharp agreed the comments pertained to a substantive issue and should be included. He moved that approval of the November 1 Minutes be deferred pending their inclusion, duly seconded by Councilmember Hamilton; the motion carried by unanimous vote. The November 7, 1988 Minutes were approved by unanimous vote.

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

Julie Matthews, 7611 Maple Avenue: said that for nearly a year, tenants in her building had been attempting to purchase the property under the City's Right of First Refusal Law; she said their goal was to provide the tenants with affordable home ownership by converting the property to a cooperative. Ms. Matthews commented that the process had been both time-consuming and arduous for those involved, however, had been a useless effort because the law had not worked for them. She said Gates Hudson, the owner of the building, unilaterally terminated negotiations with the tenants due to a disagreement over the amount of time allowed for settlement. She explained that the law required the tenants to match the existing contract term for term, and under that contract, HOC was required to go to settlement in 90 days. In order to convert the building to a cooperative, she said tenants would need additional time in order to meet requirements of state and local laws. She said the tenants felt the law inherently allowed the conversion of a property to a cooperative, so had twice attempted to file an injunction and request for a hearing against Gates Hudson, however, 2 separate Montgomery County Circuit Court Judges had ruled that the ultimate relief prayed for was improper. She said that after extensive discussions with several attorneys, the tenants believed that the City's Right of First Refusal Law was unenforceable; it appeared chances of converting the building to a cooperative were very slim, especially if an injunction could not be gotten against the current contract. She said Gates Hudson and HOC were scheduled to go

to settlement on the building on December 23, 1988, and the tenants' attorneys had advised them that unless the City would be willing to join them in litigation, the case was lost. Ms. Matthews asked on behalf of the tenants of the building that the City help them to obtain an injunction, and that the Right of First Refusal Law be amended to protect the rights of future tenants who may attempt to use the law. She said that she alone had spent hundreds of hours in the past year trying to protect her rights under a City law that was unenforceable. Ms. Matthews said she felt Corporation Counsel should be required to complete the necessary revisions to the law without cost to either the City government or taxpayers inasmuch as that office had been paid several thousands of dollars in research fees at the time the law was enacted. She said, however, that the tenants wished to thank the Mayor and Council and City staff for the support they had given the tenants' efforts; they only wished HOC and the county government were as committed to assisting their constituents. Responding to inquiry from Councilmember Elrich, Ms. Matthews said the tenants had not received anything officially from HOC following a meeting that was held, but had heard rumor that HOC had requested the tenants' consultants to provide them with information regarding limited equity cooperatives, however, the consultant had advised the tenants that unless they could get an injunction, they might as well forget acquiring the building because HOC had no reason not to proceed with their purchase as planned. She said she could not state for a fact that HOC might not decide to be nice to the tenants, however, based on prior performance and evidence, there was no reason to think that was going to happen.

Councilmember Douglas reminded that the elected body had discussed amending the Right of First Refusal Law at a meeting several weeks earlier, had decided to defer doing so at that time, and pointed out Ms. Matthews had appeared to feel at that time that changing the law would not have helped the 7611 Maple Avenue tenants' case; he inquired if she still felt that was so. Ms. Matthews affirmed she did; said she did not think amending the law would have made any difference in their case either at that time or at the present, but could for future tenants wishing to purchase their building. She said she felt it important for the elected body to understand the amount of time, effort and involvement tenants of her building had put into their attempt to acquire the property, and that while their efforts might benefit others in future, there would be no reward for them.

Councilmember Leary inquired why the tenants' attorneys felt that involvement on the part of the City might benefit their case. Ms. Matthews said all they had been able to get out of the Court was the fact that the relief they sought was improper; she said they felt perhaps they were being "stonewalled" and if the City became involved, they might have a better chance of getting an injunction; if proceedings toward issuance of an injunction could even be initiated, then perhaps HOC would act on behalf of the tenants -- lacking an injunction, there was no impetus for them to do so. She said she had been told 2 things regarding a deadline: 1) that their case was dead in the water unless they could get something going by December 23, and, 2) that the tenants could appeal, which could take years to settle, however, she said she did not think it was worth that amount of effort. In addition, she said she was told that perhaps the tenants could get an injunction after the contract was negotiated, however, that that was probably not the answer to the problem. She affirmed in response to query that the tenants' lawyer had had no discussions with Corporation Counsel about the situation.

Councilmember Sharp pointed out that an Executive Session was scheduled to convene following the present regular meeting and suggested that the matter be further discussed at that time. Mayor Del Giudice, having arrived and assumed the Chair, affirmed that would be appropriate.

ITEMS FOR COUNCIL ACTION:

1. Council Review and Action on Site Plan for Pinecrest Subdivision (corner of Allegheny and Highland Avenues).

Community Planner Lisa Schwartz referred to her memorandum, draft resolution, and updated staff report on the proposed site plan. She explained that while her memo stated no objections to the proposal had

been voiced by neighboring property owners, those persons had been advised that they should attend the present meeting to express opinions, and she noted several were present to do so. Ms. Schwartz noted that the preliminary subdivision plat was approved by the county in March 1988 contingent upon approval of a detailed site plan addressing provision of adequate off-street parking, location of driveways, adequate landscaping and compatibility of new structures. She said the developer had submitted the new site plan to the county and it was forwarded to the City on November 16. Ms. Schwartz explained that following her review of the initial site plan and consultation with county staff, she had recommended disapproval based on the fact the proposed development did not meet zoning requirements, landscaping was inadequate, an additional parking space was needed, and the architectural style seemed inappropriate. She said the applicant had submitted a revised plan, however, which addressed most of the problems she had cited. She said she felt that site plan could be approved contingent upon addition of a fourth tree, that the trees planted be two shade trees and two ornamental trees (and that the species be named), and that the developer make every effort to preserve the two existing evergreens located on the northwest side of the property. Inasmuch as the proposed house was smaller than that originally planned, she said she did not feel a third parking space would be a necessity, nor would the planting of shrubs along Highland and Allegheny be necessary in her view, although adjacent property owners might feel otherwise. She pointed out that since the preliminary site plan was approved, the applicant had complied with conditions that were required, i.e., had razed the block and frame garage, had renovated and had a contract on the existing house on the lot. In summary, Ms. Schwartz said her recommendation would be approval of the plan with conditions as stated and outlined in the draft resolution. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton.

Marshall Coleman, 6506 Highland Avenue: commended Ms. Schwartz and staff for the excellent job they had done on this proposal, and also Mr. Casey, the developer, for his efforts. He said he felt the staff report answered most of his questions, however, did wonder whether it was intended that parking spaces for Lot 2 be added to the plan or whether they would be constructed prior to someone buying the house. Ms. Schwartz said that the razing of the garage had left the pad which provided parking for one vehicle, and an additional space could be added -- she said she would find out whether that could be made a condition of the sale of the house. Responding to further inquiry from Mr. Coleman, Ms. Schwartz explained that the stormwater management plan would have to be approved by the county prior to its approving the subdivision. Councilmember d'Eustachio expressed concern about the siting and size of the driveways for both lots; he pointed out that prior to installation of a driveway, a City driveway apron permit would have to be acquired, and the City would have some control at that point over what was installed. He said he would want Public Works to pay particular attention and check on the situation to ensure that a permit was gotten, that the driveway was wide enough for 2 cars, and that appropriate inspections of the work were carried out. He said that, lacking a driveway, the property should not be able to get an occupancy permit because a driveway was a requirement for the permit.

Robin Zeek, 6504 Allegheny Avenue: commented she really appreciated the process because when she received notice in the mail regarding the first proposal, she was very upset. She inquired, now that the developer had come forth with a proposal that seemed really nice, whether there was any assurance that that was what he would actually build. She remarked she favored the planting of as many shrubs as could be required because that would enhance the character of the neighborhood.

Councilmember d'Eustachio commented that as long as Mr. Casey complied with existing zoning requirements, the City did not really have the right to reject a plan based solely on its aesthetic design elements. He said he felt sure, however, that the builder realized that his current proposal would be much more saleable than what he had originally proposed, and the City would certainly encourage him to proceed along those lines. Councilmember Douglas related that Mr. Casey had been present at the prior week's worksession when the property was discussed and had stated that he did intend to build the house as

presently proposed; he pointed out that the property was located near the boundary of the Historic District, and one thing such districts afforded the City was more opportunity for review of plans when building was going to occur. Inasmuch as the subject property was not located actually within the Historic District, he said he felt Mr. Casey should be thanked for his cooperation in allowing the City and neighborhood input into his proposal, and more builders should be encouraged to do likewise.

The resolution was passed by unanimous vote.

RESOLUTION #1988-98
(attached)

2. Second Reading of an Ordinance Technically Amending Annual Leave Rollover Policy.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Hamilton. Councilmember Sharp asked that the ordinance be editorially amended by changing the phrase "City Administrator or his designee," wherever it appeared in the legislation, to read City Administrator or his/her designee. The ordinance, as editorially amended, was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Leary and Sharp; NAY: None; TEMPORARILY ABSENT: Councilmember d'Eustachio; ABSENT: Councilmember Martin.

ORDINANCE #1988-54
(attached)

3. Second Reading Of An Ordinance Declaring 6811 Eastern Avenue, Takoma Park, Maryland, To Be A Nuisance and Ordering Such Condition To Be Abated.

Councilmember Hamilton moved adoption of the ordinance, duly seconded by Councilmember Leary. In response to query, Ms. Habada affirmed that the property owner had been notified by Certified Mail of Second Reading of the ordinance at the present meeting. Councilmember Douglas noted underlined language concerning the 60-day time frame for abatement which was apparently an amendment to the language accepted at First Reading; he moved its passage as an amendment, duly seconded by Councilmember Hamilton. The amendment was passed by unanimous vote.

The ordinance was temporarily tabled on motion by Councilmember d'Eustachio, duly seconded, carried unanimously; this was in order to await arrival of DHS staff to respond to questions regarding the situation.

4. Resolution Regarding Cable TV Montgomery Use of Unused PEG Channels.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Cable Coordinator Smith explained that MML had passed a resolution stating that they would allow CTM to use their channel (out of the 5 being requested) until such time as they made plans to use the channel themselves. He said the City's resolution did not oppose the use of the channels, per se, but the facts that CTM was using to try to make municipalities believe that their channels should perhaps in the future be doubled up with other municipal access channels (or any other PEG channels). He said that under the franchise agreement, the City had complete use of a channel in any way they chose, regardless of arguments expressed concerning underuse, repetition of programming, etc., which were not really germane to what had been agreed upon. Councilmember Sharp commented that inasmuch as there was no question of the City's channel being taken, no great effort should be expended in arguing the point; he remarked that repeat programming was a weak argument on anyone's part, inasmuch as pay channels repeat the major portion of their programming numerous times. The resolution was passed by unanimous vote.

RESOLUTION #1988-99
(attached)

3. 6811 Eastern Avenue (cont.).

Lacking DHS staff to respond to the meeting, the item was brought back to the table by motion by Councilmember Sharp, duly seconded, and

voted upon unanimously in the affirmative. Councilmember Sharp inquired whether any information had been received that would indicate progress was being made on correcting the outstanding violations on the property. Councilmember d'Eustachio responded that he walks past the property fairly often and to all outward appearances, while there were minor changes, there was no substantial change in the appearance or condition of the premises. Councilmember Hamilton related that he had talked with Mr. Rast the prior week and apparently the only thing he was presently doing to the property was trying to scrape some of the loose paint on the front porch, and trying to contact his son to possibly help him. The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Hamilton, Leary and Sharp; NAY: None; ABSENT: Councilmember Martin.

ORDINANCE #1988-55
(attached)

5. Resolution Appointing Members of the Nuclear Free Committee. Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Hamilton. For the record, Councilmember d'Eustachio noted that 3 of the individuals were actually reappointments to the committee, i.e., Robert Z. Alpern, Reuben Snipper, and Sharon Levy; Polly Hoppin was a new appointee. The Mayor noted that all four would serve 2-year terms, thus, their terms of office would expire on November 28, 1990. The resolution was passed by unanimous vote.

RESOLUTION #1988-100
(attached)

6. Resolution Appointing Members to the Martin Luther King Day Celebration Committee. Councilmember Leary moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor noted one additional individual wishing to serve on the committee and whose name should be added to the resolution, i.e., Yvonne Crooks of Linden Avenue. The resolution was passed by unanimous vote.

RESOLUTION #1988-101
(attached)

7. Resolution Effecting Appointment to COLTA. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. It was noted that Pauline Gadd was being appointed as a Landlord Representative to serve out the unexpired term of Claudine Schweber, who resigned. The Mayor asked that the second resolve clause reflect that the appointment was effected to complete the unexpired term of Ms. Schweber because of her resignation. For the record, Councilmember Sharp pointed out that Landlord correctly spelled had only one "d" at the end; in addition, he noted that names of others who had applied were listed and, while that had been past practice, he said he would suggest that practice be discontinued. He moved that the second "Whereas" clause be stricken from the resolution, duly seconded by Councilmember Douglas. The amendment was passed by unanimous vote. The resolution, as amended, was passed by unanimous vote.

RESOLUTION #1988-102
(attached)

8. Resolution re Retirement of Intermediate School Counselor. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Leary. Mr. Hamilton noted that the resolution recognized Mrs. Spielbichler for her contribution to the students and community on the event of her retirement after having served in the Montgomery County School System for over 19 years. The resolution was passed by unanimous vote.

RESOLUTION #1988-103
(attached)

9. First Reading of an Ordinance re Payment of Accrued Leave to City Staff.
In the course of brief discussion, Ms. Habada explained that in

reviewing figures, it was found that if \$20,000-\$25,000 were added to the scheduled payout of the unfunded accrued leave liability, that recurring annual payment could be terminated. Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Sharp. The ordinance was accepted for First Reading by unanimous vote, with the Mayor noting that it would be scheduled for additional discussion at the December 5 worksession.

ORDINANCE #1988-
(attached)

Upon motion, duly seconded, the meeting adjourned at 9:20 p.m., to reconvene thereafter in Executive Session, and at 8:00 p.m. on December 12, 1988, in regular session.

Introduced By: Councilmember d'Eūstachio

Adopted: November 28, 1988

Resolution No. 1988-98

WHEREAS, Mr. Timothy J. Casey has submitted a detailed site plan (SP 88091) to Prince George's County as a condition for final approval for the resubdivision of Lots 1, 2, and part of Lot 3 of Block 13 of the Pinecrest subdivision (located at the northwest corner of Allegheny Avenue and Highland Street) into proposed Lots 1 and 2; 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, Mr. Casey has submitted a revised site plan for review by the Mayor and Council, and intends to submit this revised site plan to the County; AND

WHEREAS, the application as revised has been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated November 18, 1988, and discussions with the applicant at the Council worksession on November 21; 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 detailed site plan, as revised, and encourage the Prince George's County Planning Board to APPROVE the subject application, with the following CONDITIONS:

1) That a fourth tree be added to the landscaping of the property, with the location to be determined in consultation with Park and Planning staff;

2) That two of the trees should be shade trees and two should be ornamental, with the names of the species designated on the plan; and

3) That every effort be made by the applicant to preserve the two evergreen trees on the northwest side of the property.

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 28th DAY OF NOVEMBER, 1988.

lss:zondisk
al hires5

Introduced by: Councilmember
d'Eustachio

1st Reading: November 14, 1988
2nd Reading: November 28, 1988

Drafted by: Linda S. Perlman
Assistant Corporation Counsel
Draft date: 11/8/88

ORDINANCE #1988 - 54

(Amending Ordinance #1988-26 (Vacation Leave Rollover Policy) Which was a Technical Amendment to Ordinance #1988-17 (Amending Chapter 8B - Personnel Procedures, Section 8B-133 - Annual Leave))

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT THE FOLLOWING SECTION OF THE 1972 TAKOMA PARK CITY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 8B-133

(e) [Beginning with the effective date of this Article] Employees are not permitted to accumulate unused annual leave in an amount exceeding thirty (30) days at the end of any calendar year. However, beginning with leave accrued during calendar year 1987, if management has denied an employee the opportunity to use accrued leave that would exceed the maximum allowable accumulation during that leave year [if not taken], then such an amount may be carried over for a period of no more than one year [even if it is in excess of the maximum allowable.] at the discretion of the City Administrator or his/her designee, pursuant to the procedure set out below. An Employee must [make application] apply to carry over [his] such annual leave in the following manner:

- (1) Employee[s] [must make] requests to carry over annual leave must be in writing.
- (2) Such a request[s] must be accompanied by written documentation that annual leave was denied.
- [(3) Requests to carry over annual leave into the next calendar year must be approved by the City Administrator or his/her designee.
- (3) Before a request to carry over annual leave into the next calendar year shall be granted, the request must be approved in writing by the City Administrator or his/her designee.

(No change to subsections f, g, h, i, j, and k)

Effective Date: This Ordinance becomes effective upon enactment, retroactive to January 1, 1988.

Underscoring indicates new language to be added and [brackets] indicate existing language to be deleted.

Adopted this 28th day Nov., 1988 by Roll Call Vote as follows:

AYE: Douglas, Elrich, Hamilton, Leary, Sharp

NAY: None

ABSTAINED: None

ABSENT: (Temporarily - d'Eustachio), Martin

Ordinanc
TP2/crr

Introduced by: Councilmember
Hamilton

1st Reading: November 14, 1988
2nd Reading: November 28, 1988

Ordinance No. 1988- 55

AN ORDINANCE DECLARING 6811 EASTERN AVE, TAKOMA PARK,
MARYLAND TO BE A NUISANCE AND ORDERING SUCH CONDITION
TO BE ABATED

WHEREAS, on September 26, 1988 the Mayor and Council adopted Ordinance No. 1988-41, which ordinance stated in part that the Mayor and Council had received and verified information 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 threatens the life of neighboring residents, and established a date for the owners of the property, James J. Rast and Margaret Rast, or their representative to show cause why the maintenance of the property should not be declared a nuisance and ordered to be abated; and

WHEREAS, notice of the passage of Ordinance No. 1988-41 was sent to the property owner by certified mail, on September 28, 1988 and notice also was published in two successive issues of the Montgomery Journal, a newspaper in Montgomery County, the county in which the property is located; and

WHEREAS, pursuant to permission for an interior inspection of the dwelling house given by the property owner, Mr. James Rast, at the September 26, 1988 Council meeting, the Code Enforcement Supervisor scheduled an inspection of the property for October 12, 1988 at 3:00 pm. Notice of this inspection was given to the property owner by letter sent by certified mail on September 28, 1988 and notice also was given to the Takoma Park Volunteer Fire Department; and

WHEREAS, on October 12, 1988, the Code Enforcement Supervisor and officers and firefighters representing the Takoma Park Volunteer Fire Department arrived at the property at approximately 2:50 pm, waited for the owner of the property to appear until 4:10 pm, and then departed the property without having entered the interior of the dwelling house; and

WHEREAS, as stated in Ordinance No. 1988-41, the Code Enforcement Supervisor performed an exterior inspection of the property and took photographs of the house and yard which showed numerous housing code violations; and

WHEREAS, in connection with the exterior inspection of the property the Code Enforcement Supervisor issued a correction notice to the property owners, dated September 6, 1988, which required that all violations be corrected and/or abated prior to

a reinspection of the property on October 17, 1988 at 12:30 pm;
and

WHEREAS, a copy of the exterior housing inspection report and correction notice, describing all code violations, was sent to the property owner by regular and certified mail on September 9, 1988; and

WHEREAS, a reinspection of the property was conducted by the Code Enforcement Supervisor on October 17, 1988, but the property owner neglected to appear for the reinspection; and

WHEREAS, said reinspection report, which is incorporated herein by reference as Exhibit A, showed that the following housing code violations which are noted in the exterior housing inspection report of September 6, 1988, still exist:

	<u>CODE SECTION</u>
Uncontrolled and Overgrown Vegetation	Takoma Park Code §12-18
Severe Rodent Infestation, Exterior Property Entrance Structure	BOCA PM §301.4
Excessive Accumulation of Trash and Debris	BOCA PM §301.1
Hazardous Condition of Exterior Staircase With Missing Steps and Risers	BOCA PM §302.3.7
Deteriorating and Shifting Porch Supports	BOCA PM §302.2
Front Basement Wall Has Collapsed, Creating an Instability in the Integrity of the Load Bearing Wall	BOCA PM §302.3.1
Porch Roof in a State of Disrepair and Missing Boards	BOCA PM §302.3.3
Numerous Broken and Missing Windows	BOCA PM §302.4.1
Side Door Frame Pulling From Structure	BOCA PM §302.4
Flammable Materials Stored in	

Basement of Structure	BOCA PM §702.2
Flammable Materials Illegally Stored in Residential Structure	BOCA PM 702.3
Abandoned Vehicles Stored Illegally on Property	Takoma Park Code §13-9
Numerous Exterior Surfaces in a State of Deterioration and Disrepair	BOCA PM §302.3

WHEREAS, based on the reinspection of the property and the owner's failure to abide by the terms of the correction order contained in the exterior housing inspection report of September 6, 1988, Municipal Infraction Citations (for Adult Civil Violations), numbered 802895 to 802900, inclusive, and numbered 837119 to 837125, inclusive, for the above noted housing code violations were issued to the property owner on October 20, 1988;

WHEREAS, at a show cause hearing held before the Mayor and Council on October 24, 1988, the time stated in Ordinance No. 1988-41, Council heard from the owner of the property, James J. Rast, on the issue of whether the maintenance of the property should be declared a nuisance and on his plans for correcting the Code violations described in the reinspection report and the Council also heard additional evidence from the Code Enforcement Supervisor and from a neighboring property owner bearing on the condition of the property.

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

SECTION 1. The Mayor and Council, based on the testimony presented at the show cause hearing on October 24, 1988, and other competent evidence bearing on the condition of 6811 Eastern Avenue, Takoma Park, Maryland, find that the condition of the property at 6811 Eastern Avenue, Takoma Park, Maryland, is dangerous to property or health and constitutes a nuisance.

SECTION 2. The Mayor and Council, based on the testimony, inspection reports, and photographs of the Code Enforcement Supervisor of the Takoma Park Department of Housing Services find that the structure at 6811 Eastern Avenue, Takoma Park, Maryland, by reason of deterioration of materials, lack of repair or maintenance is a hazard to the health, safety or welfare of the public and is a blighting or deteriorating factor in the neighborhood and find such structure to be a nuisance.

SECTION 3. The Mayor and Council, in accordance with Article 6, Sections 6-65 and 6-68 of the Takoma Park Code, do hereby declare

the condition of the property and the structure at 6811 Eastern Avenue, Takoma Park, Maryland, to be a nuisance and order the property owners, James J. Rast and Margaret Rast, to abate all housing code violations as noted in Exhibit A, the exterior housing reinspection report, on or before 60 days from the effective date of this Ordinance.

SECTION 4. If the nuisance shall not be abated by the property owners within the period prescribed in Section 3, the Mayor and Council shall take such steps as may be necessary, either by the repair or removal of the property, the costs to be assessed against the property and to become a lien thereon, and collectible in the same manner as delinquent City taxes.

THIS ORDINANCE IS ADOPTED THIS 28th DAY OF November, 1988 AND IS EFFECTIVE ON THE SAME DATE.

Adopted this 28th day of November, 1988 by roll call vote as follows:

Aye: d'Eustachio, Douglas, Elrich, Hamilton, Leary, Sharp
Nay: None
Abstained: None
Absent: Martin

NOTE: Underlining indicates changes to the Ordinance made after the Council Worksession of November 7, 1988 and brackets [] indicate deletions.

Drafted by: Linda S. Perlman
Assistant Corporation Counsel

LSP:fl

ordinance
Takoma Park Code

Introduced by: Councilmember Hamilton

RESOLUTION #1988-99

WHEREAS, provisions in the Cable TV Montgomery Franchise Agreement allow for Takoma Park to have complete access to a cable channel to use as the City sees fit; AND

WHEREAS, on August 2, 1988, the Montgomery County Council approved Executive Regulation #6-88 which sets the procedures by which the cable company or a public, educational or government (PEG) agency or organization may request use of an unused PEG channel AND;

WHEREAS, Cable TV Montgomery submitted an application for utilization of five unused PEG channels to the Montgomery County Cable Office on October 10, 1988 as required by Executive Regulation #6-88 AND;

WHEREAS, Exhibit A of CTM's application which lists Takoma Park's usage at 2.7% is used to support claims that current PEG channels are underutilized and therefore some users should share channels AND;

WHEREAS, the figures in Exhibit A do not accurately reflect Takoma Park's full use of its cable resource and its continuing expansion; AND

WHEREAS, municipal programming, community programming, and the community bulletin board occupy one hundred percent of the City's current resource with new programs being added to the schedule.


NOW THEREFORE BE IT RESOLVED, THAT Takoma Park Community Television's schedule does not allow for sharing the City's channel; AND

BE IT FURTHER RESOLVED, THAT programming on Takoma Park Community Television serves audiences not served by any other cable service and therefore should be looked upon as an asset to the franchise; AND

BE IT FURTHER RESOLVED, THAT CTM is strongly encouraged to consider means of adding services other than using PEG channels.

Dated this 28th day of November, 1988.

ATTEST:


Paula S. Jewell, Deputy City Clerk

Introduced by: Councilmember Douglas

RESOLUTION #1988-100

A RESOLUTION APPOINTING MEMBERS TO THE
CITY'S NUCLEAR-FREE COMMITTEE

WHEREAS, Section 8A-12, Nuclear-Free Takoma Park Committee, of the Takoma Park Code, 1972, as amended, sets forth the provisions for establishment and duties of a Nuclear-Free Takoma Park Committee, to oversee implementation of and adherence to the Takoma Park Nuclear-Free Zone Act; AND

WHEREAS, the Committee consists of seven Takoma Park residents; AND

WHEREAS, currently, there exists four vacancies as a result of terms that have expired; AND

WHEREAS, certain individuals have submitted applications to the Mayor for appointment to the committee and other members have made application to serve another term.

NOW THEREFORE BE IT RESOLVED, THAT the applications of the following individuals are hereby accepted by the City Council and the following individuals are appointed to serve on the Nuclear-Free Takoma Park Committee, with terms of office to expire November 28, 1990:

COMMITTEE MEMBERS	ADDRESS
Robert Z. Alpern	316 Elm Avenue
Reuben Snipper	705 Erie Avenue
Sharon Levy	7431 Baltimore Avenue
Polly Hoppin	49 Elm Avenue

Dated this 28th day of November, 1988.

Introduced by: Mayor Del Giudice

RESOLUTION #1988-101

A RESOLUTION APPOINTING MEMBERS TO THE
1989 MARTIN LUTHER KING, JR. COMMEMORATION COMMITTEE

WHEREAS, in years past, the Mayor and City Council of Takoma Park, Maryland, have observed a day of memory for the late Dr. Martin Luther King, Jr., a leader of remarkable vision and courage; AND

WHEREAS, these observances have included successful commemoration celebrations planned by a Council appointed committee, made up of the citizens and City staff of Takoma Park, Maryland; AND

WHEREAS, such celebrations are planned to coincide with the Federal holiday observance of Dr. King's day of birth which is celebrated on Monday, January 16, 1988.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the following persons are hereby appointed to serve on the 1989 Martin Luther King, Jr. Commemoration Committee:

Yvonne Crooks, 1101 Lindon Ave., #101
Councilmember Gregory V. Hamilton, Ward 4
Juan Torres, Department of Public Works
Karen Mitchell, Administrative Office
Carole Crandon, Administrative Office
Inas Ross, Economic & Community Development
Doris Dorn, Department of Housing Services
Chief Tony Fisher, Police Department
Carolyn Pinkard, Police Department
Barbara Young, Police Department

Dated this 28th day of November, 1988

Introduced by: Councilmember d'Eustachio

RESOLUTION #1988-102

WHEREAS, that there currently exists one vacancy for a Landlord Representative on the City's Commission on Landlord-Tenant Affairs that needs to be filled; AND

WHEREAS, Ms. Pauline Gadd has made application to complete the unexpired term of Claudine Schweber who resigned in September, 1988.

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

Pauline Gadd

BE IT FURTHER RESOLVED, THAT this appointment is effective immediately and will expire on June 30, 1991.

Adopted this 28th day of November, 1988.

Introduced by: Councilmember Hamilton

RESOLUTION #1988-103


A RESOLUTION RECOGNIZING MRS. VIVIAN SPIELBICHLER,
TPIS COUNSELOR, ON HER RETIREMENT

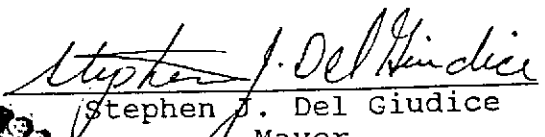
- WHEREAS, Mrs. Vivian Spielbichler has served Montgomery County Public Schools for over nineteen years, including service at Belt Jr. High, Argyle Jr. High and Takoma Park Intermediate School (formerly "Takoma Park Jr. High); AND
- WHEREAS, Mrs. Spielbichler has contributed to the Takoma Park School community serving as a Guidance Counselor responsible for children with special needs at the Takoma Park Intermediate School since 1981; AND
- WHEREAS, Mrs. Spielbichler has been involved in many community outreach programs for children, was a strong supporter and advocate of the 1977 fight to save the Takoma Park Jr. High School, and is also a Veteran of World War II; AND
- WHEREAS, Mrs. Spielbichler has served the children of Takoma Park as a sensitive and positive role model who through her love of the outdoors, sponsored many field trips, believing that children could learn outside the classroom as well as inside; AND
- WHEREAS, on December 1, 1988, Mrs. Spielbichler will retire from her duties with Montgomery County Public Schools.

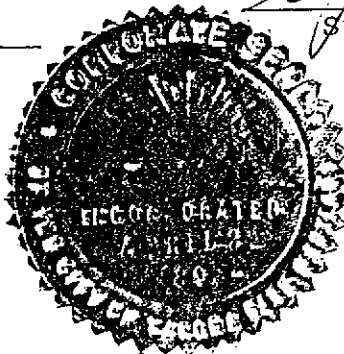
NOW THEREFORE BE IT HEREBY RESOLVED THAT the Mayor and Council on behalf of the City of Takoma Park thank Mrs. Vivian Spielbichler for her outstanding service and devotion to our community.

Dated this 28th day of November, 1988.

ATTEST:


James S. Wilson, Jr.
City Administrator


Stephen J. Del Giudice
Mayor



Introduced by:

ORDINANCE 1988-

AN ORDINANCE TO AMEND CITY CODE PROVISIONS REGARDING PAYMENT OF HOLIDAY LEAVE, ANNUAL LEAVE, AND COMPENSATORY LEAVE ACCRUED PRIOR TO APRIL 22, 1985 AND TO AUTHORIZE PAYMENT OF SUCH LEAVE BALANCES AT THE EMPLOYEE'S SALARY RATE IN EFFECT AT THE TIME OF SUCH PAYMENT.

WHEREAS, Chapter 8B; Sections 132, 133. and 135 froze accumulated holiday, annual, and compensatory leave balances as April 22, 1985, the effective date of Ordinance 1985-34; AND

WHEREAS, in accordance with City Code Chapter 8B, Section 132, 133, and 135, employees have taken ten percent (10%) of their frozen leave balances annually and the City as paid ten percent (10%) of the frozen leave balances annually; AND

WHEREAS, Chapter 8B, Sections 132(m), 133(j), and 135(c) state that the Mayor and Council may at any time authorize payment of frozen leave balances in full to employees who have accrued holiday, annual, and compensatory leave balances at the employee's salary rate in effect on April 22, 1985, the effective date of Ordinance 1985-34.

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

SECTION 1. Chapter 8B, Section 132(m) of the City Code is hereby amended as follows:

(m) Notwithstanding the provisions of subsection (l) above, the Mayor and Council may at any time authorize payment in full, to employees who have accrued holiday leave, at the salary rate in effect, [at the time of enactment of this Article] at the time of payment.

SECTION 2. Chapter 8B, Section 133(j) of the City Code is hereby amended as follows:

(j) Notwithstanding the provisions of subsection (i) above, the Mayor and Council may at any time

authorize payment in full, to employees who have accrued annual leave, at the salary rate in effect at the time [of enactment of this Article] at the time of payment.

SECTION 3. Chapter 8B, Section 135(c) of the City Code is hereby amended as follows:

(c) Notwithstanding the provisions of subsection (b) above, the Mayor and Council may at any time authorize payment in full, to employees who have accrued compensatory leave, at the salary rate in effect at the time [of enactment of this Article] at the time of payment.

SECTION 4. The City Administrator is authorized to pay all outstanding employee holiday, annual and compensatory leave balances accrued prior to April 22, 1985.

SECTION 5. The City Administrator is authorized to pay all outstanding employee holiday, annual and compensatory leave balances accrued prior to April 22, 1985 at the employee's salary rate in effect on the date of such payment.

Adopted this _____ day of _____, 1988.

AYE:

NAY:

ABSTAINED:

ABSENT:

Introduced by: Mayor Del Giudice

RESOLUTION 1988-95

WHEREAS, In 1982, the Montgomery County Council established the Sensitivity Awareness Symposium (SAS) Day Task Force to combat the increased number of reported incidents of hate and violence in Montgomery County; AND

WHEREAS, Each year Montgomery County sets aside a day of activities to help educate people about prejudice, bigotry, and racial and religious intimidation; AND

WHEREAS, The City of Takoma Park is a diverse and ethnic community where many races and cultures live and work in peace and harmony.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of Takoma Park, Maryland recognize the importance of educating all people about prejudice and bigotry and hereby officially recognize Sensitivity Awareness Day in Takoma Park; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council encourage its citizens and employees to participate in the Sensitivity Awareness Symposium Day activities sponsored by the Montgomery County Council on Thursday, November 17, 1988.

Dated this 14th day of November, 1988.

Introduced By: Mayor Del Giudice

RESOLUTION 1988-97

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF TAKOMA PARK
RECOGNIZING THE CITIZEN EFFORTS TO GET OUT THE VOTE IN THE PAST
ELECTION

WHEREAS, the City of Takoma Park takes pride in it's tradition of civic activism and citizen involvement; AND

WHEREAS, voting in both national and local elections is a key element in keeping citizens involved in their community; AND

WHEREAS, approximately 140 individuals worked tirelessly as part of the Takoma Park Votes Projecct to get out the vote in the recent election; AND

WHEREAS, these volunteers provided a range of services, including calling registered voters, producing and distributing a flyer about the upcoming election, and providing both rides to the polls and child care at the polls on election day.

NOW THEREFORE BE IT RESOLVED THAT we, the Mayor and City Council of Takoma Park commend the Takoma Park Votes Project and wish to recognize the citizen efforts which made the project a success, and to express our appreciation for the hard work which these volunteers put in to increase voter turnout in our City

DATED THIS 14th DAY OF NOVEMBER, 1988

Introduced by: Councilmember Hamilton

RESOLUTION #1988-96

WHEREAS, on Saturday, November 19, 1988, at 11:00 A.M., the Sligo Seventh-day Adventist Church is having its 18th Annual Festival of Praise Celebration; AND

WHEREAS, this Celebration is marked by church members who donate food and articles of clothing to the Church to be distributed to local members of the community; AND

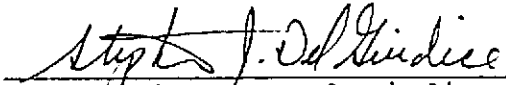
WHEREAS, this activity is coordinated through Takoma East Silver Spring Center (TESS), Washington Adventist Hospital Social Services, Adventist Home Health, individuals, and other agencies; AND

WHEREAS, those who receive the donations of food and clothing include the working poor, our elderly living on fixed and inadequate incomes and homebound persons; AND

WHEREAS, the Takoma Park City Council has worked with the community in the past and has supported similar efforts to feed the hungry by working with Silver Spring HELP, Inc., and supporting legislation for the Hunger Relief Act.

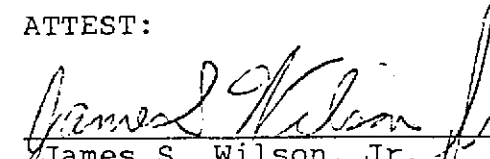
NOW THEREFORE BE IT RESOLVED, THAT the Mayor and City Council of Takoma Park, Maryland hereby commend the Sligo Seventh-day Adventist Church for 18 years of continuing support to the community and express their appreciation to the Church and its' congregation for their efforts to feed and clothe the community's needy families.

Dated this 14th day of November, 1988.



Stephen J. Del Giudice
Mayor

ATTEST:



James S. Wilson, Jr.
City Administrator

November 22, 1988

TO : Distribution Noted Below

VIA : James S. Wilson, Jr., City Administrator

FROM : Paula S. Jewell *Paula Jewell*
Deputy City Clerk

SUBJECT: Summary Report from November 21, 1988 Worksession

- [] 1. Montgomery County Cable TV Use of Municipal League Channel - Hearing regarding stripping MML of its TV channel scheduled for November 30; MAYOR DEL GIUDICE AND ROBERT SMITH may testify. ROBERT SMITH to prepare resolution on response to franchises's idea of taking over MML channel for 11/28/88 council agenda.
- [] 2. Site Plan for Pine Crest Subdivision - Resolution regarding Council action on 11/28/88 agenda. DAN NEAL/STAFF to review new site plan and come back with comments for November 25th Friday's package or Monday Council meeting.
- [] 3. Montgomery County Finance Council Committee - Consensus to postpone meeting of 11/28 if we can get a date in December to meet with them. Follow-up to be done by CITY ADMINISTRATOR.
- [] 4. Council's December Schedule - Mayor and Council will meet in Worksession on December 5, regular council meeting on December 12. A special council worksession will be held December 19 to discuss the Charter review.
- [] 5. Recycling Options - Consensus: serious consideration is given to Options IIA or IIB--not contracting out. DARYL BRAITHWAITE to prepare major article for January, 1989 City Newsletter regarding proposed recycling program. Council to consider recycling bill in January. ANTHONY GIANCOLA and DARYL BRAITHWAITE directed to prepare RFP for purchase of recycling vehicles.
- [] 6. U.S. Postal Service Plans - DAN NEAL to arrange a meeting with USPS at their convenience and notify Mayor and Council of the meeting time in case Councilmembers or the Mayor decide their schedule permits attendance at that meeting.

(Over)

- [] 7. Infrastructure Proposal - ANTHONY GIANCOLA'S milestones regarding reports schedule looks good. GIANCOLA to be set free from CDBG recommended street project backlog as a single criteria and look at whole street situation. Mayor and Council consensus to look at limit of \$200,000 and focus on streets only for FY'89. GIANCOLA to do short term street priority for FY'89; to do comprehensive street priority list with estimation for 5 or 6 year capital improvement program. BEV HABADA and staff to set up structure for capital equipment sinking fund.
- [] 8. Mayor's Announcement - Prince George's Bi-County hearings on bills coming up for consideration will be held 11/22/88. KAREN MITCHELL to call and ask them to allow MAYOR to testify late on their agenda or ask them to allow us to submit written testimony.

Copies to: Mayor and Council
City Administrator Wilson
Assistant City Administrator Habada
Special Assistant to CA Robbins
Economic & Comm. Dev. (Neal, Schwartz, Vincola, Ross)
Corporation Counsel
Recycling Coordinator Braithwaite
Public Works (Giancola, Torres)
Police Department (Fisher, Wortman, Young, Rosenthal)
Housing Department
Recreation Department
Library
Accounting
Cable (Robert Smith)
Reid Baron (Newsletter)
Admin. Office (Mitchell, Rivers, Crandon, Ex. Sec.)

PSJ/psj