

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
and  
Public Hearing re Takoma Junction Centre  
February 13, 1989

PROPERTY OF  
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Economic & Community Dev. Director Neal
Councilmember Leary	Community Planner Schwartz
Councilmember Martin	Code Enforcement Supervisor McMinn
Councilmember Sharp	Public Works Director Giancola

The Mayor and City Council convened at 8:05 P.M. on Monday, February 13, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, Councilmember d'Eustachio moved approval of the Minutes of the January 17, 1989 Regular Meeting, duly seconded by Councilmember Douglas. The Minutes, as written, were approved by unanimous vote.

The Mayor presented a Proclamation honoring Elder Robert Woodfork and Mrs. Jean Woodfork, who were active in the Adventist Church for many years and are now retiring, for their services and contributions to the community and declaring them honorary citizens of the city; he moved its passage, duly seconded by Councilmember d'Eustachio. The Proclamation was passed by unanimous vote.

PROCLAMATION  
(attached)

The Mayor commented on a number of items the City was pursuing before the state legislature, including 2 bills regarding a referendum on Unification of the city. He explained that the Prince George's Bi-County Committee had considered the non-binding referendum legislation the previous week, however, no action was taken. He said he understood the County Council had taken a position, by resolution, of "no position" on the legislation that would set up a mandatory referendum and voted against the non-binding referendum. Additionally, he noted that the Prince George's Bi-County Committee had taken up the legislation the previous week concerning the City's Library; he said there was considerable discussion, further facts and figures were desired, and the matter was to be discussed again. He said the County Council would also be discussing that legislation. The Mayor noted that a bill sponsored by the City, introduced by members of the delegation from the 21st District last year, and again the current year, and which would create a 25-year State retirement program for police officers would be heard before the legislature and a committee of the House of Delegates in the coming week. He noted representatives of the City would be testifying in support of the legislation.

ADDITIONAL AGENDA ITEMS:

Resolution re House Bill 445 Concerning Cap on Program Open Space Funds

The Mayor noted Housing Services Director Weiss had distributed material concerning a bill pending before the Prince George's County Council, #CB-22, which would reduce in the county the number of unrelated individuals who could legally occupy a single-family residence. It was noted the material had not yet been reviewed in worksession, which would be possible under the existing time frame; consensus was to review and discuss the issue at the February 21 worksession.

Mayor Del Giudice pointed out, for citizens who might be waiting in order to address the item, that it was likely agenda item 9 concerning a Charter Amendment would be referred back to the worksession agenda. Councilmember Douglas remarked he would be making a motion to that effect, however, would also offer some explanation at the appropriate time.

**CITIZENS' COMMENTS:** (not directed at items for Council Action)  
Brint Dillingham, 7018 Carroll Avenue: thanked those responsible for the response received the prior week to his December letter to DHS and repeated reminders regarding the lack of response. He said he was not pleased with the response, however, did not feel it to be staff's fault. He explained that a couple of pieces of proposed legislation that were pending before COLTA had been enclosed with the letter, one of which dealt with a voluntary rent increase agreement. He pointed out he was interested in the legislation, that it would only serve to increase rent inequities in the city, and had been named by himself and some others "The Voluntary Tenants' Surrender Act of 1989." He said so far as he knew, he was the only citizen who had responded to that bill with written comments, so found its forwarding to him to be somewhat redundant. In addition, he said he had asked for specific numbers regarding landlords' response to reporting requirements and said he was advised that some had and some had not, but no specific numbers were cited. He said he would be sending a followup letter on that subject.

Mr. Dillingham referred to his commentary at the January 30 Council Meeting concerning a City Newsletter article authored by former Councilmember Lou D'Ovidio, who presently serves as Public Advocate for Montgomery County. He summarized his previous comments, said he had written a letter to Mr. D'Ovidio, and had received a response which he felt served to confirm his contention that Mr. D'Ovidio was saying that the county could (in certain circumstances, such as discretionary pass-through funds) and would retaliate against the City for actions, primarily speech-related, of its elected officials. He said it was a serious issue if the county was indeed doing that -- it was not only unfair, but immoral, that the entire citizenry of the city should be punished in any way because of the actions of any of its public officials. Mr. Dillingham left a copy of his letter, Mr. D'Ovidio's letter of response, and asked that the elected body take some action on the matter.

Councilmember Leary commented that he agreed completely with Mr. Dillingham's evaluation of both the situation and Mr. D'Ovidio's letter of response. He volunteered to draft a letter to both the County Executive and President of the County Council requesting clarification of the situation. The Mayor said that prior to any such communication being sent out from the elected body, it would have to be circulated among the members of the Council. Councilmember Elrich remarked he would second Mr. Leary's suggestion, however, said he had had occasion to participate in the role of a citizen in a forum on development in Silver Spring the previous week, and had been encouraged by comments made to him personally by Mr. Ferrara from the Department of Housing & Community Development. He said he and Mr. Ferrara discussed the subject Newsletter article, Mr. Ferrara stated he did not feel what was indicated in the article was true for either himself or his department. Mr. Elrich said he and Mr. Ferrara had had areas of disagreement, including the Silver Spring development issue and the Phaseback issue, however, also had areas in which they did agree, and in those, they worked together in a constructive way. He said people should be able to have areas on which they could not agree and be able to defend their personal point of view, but not carry those differences over into all other issues, and still be able to work together when it was necessary or appropriate. He said he would hope some clarification could be gotten from the County Executive and that Mr. Ferrara's comments reflected the county's position on the matter.

The Mayor affirmed that Mr. Leary would draft a letter which could go forward to the County Executive if it met with the approval of the majority of the Council.

**ITEMS FOR COUNCIL ACTION:**

1. Accessory Apartments at 104 Tulip Avenue, 7126 Sycamore Avenue, 7101 Holly Avenue, 7407 Buffalo Avenue, 809 Davis Avenue, 330 Mississippi Avenue, 120 Grant Avenue, 7201 Holly Avenue, 7607 Takoma Avenue, and 11 Pine Avenue.

The Mayor noted staff's recommendation was approval for the unit at 7101 Holly Avenue. Councilmember Leary moved that Council adopt a position of disapproval and convey that position to the Board of

Appeals. He pointed out that the staff report indicated the dwelling was not, and had apparently never been, occupied by the owner. He commented he was not at all satisfied with DHS's recommendation that the City give conditional approval for the unit, said he felt that owner occupancy was an essential element for approving an application for an accessory apartment. Mr. Leary pointed out that the one weapon the City had in the whole accessory apartment process was its approval or disapproval at the present stage in that process; were it to give up that leverage, trying to exercise any control over future development would be problematic at best. In addition, he pointed out that the subject property was right in the middle of the most dense concentration of accessory apartments in the city, by far. He noted staff's report also pointed out that there was inadequate parking, and he remarked that on-street parking in that area was among the most congested in the city. Mr. Leary's motion to disapprove was duly seconded by Councilmember Douglas.

Selma Musa, wife of Petitioner Farouk Dib Musa, 716 Stratford Manor Terrace, Silver Spring: stated that she had previously lived at the subject property for 7 years, her husband had owned the property for 20 years -- his family had been occupying the property, including her brother-in-law, who had lived there for 18 years. She said she and her husband considered the property as a home for their family members, some of whom were disabled. She said they had only one tenant in the dwelling; it had never been occupied by any more than 7 people in the entire structure, which contained 3 units. She said there had never been any problem with parking at the residence.

Responding to Councilmember d'Eustachio, Mrs. Musa affirmed she had no intention of living at the subject property because she had 5 children and there were insufficient bedrooms for that number of people. She said, however, that they could not afford to keep the property if they were not allowed to have the accessory apartment; the small amount of money they received from their in-laws (\$150) did not even cover the cost of utilities for the dwelling. Mr. d'Eustachio pointed out that the law required that Mr. and Mrs. Musa reside permanently, and on a full-time basis, in the house, in order for an accessory apartment to be legal. He said unless that requirement were fulfilled, he could not support approval of the application.

Councilmember Douglas expressed concurrence with Mr. d'Eustachio; he said he would be glad to consider supporting the application if the owners were living at the dwelling, but had a concern about any conditional approval based on some future possibility. He said he did not think it appropriate for the Council to be considering the matter unless the owners were actually living there. Mrs. Musa commented that would leave her disabled in-laws with no place to live, they could not afford even average rents in the present market.

Responding to Councilmember Elrich, Mrs. Musa reiterated that the structure contained 3 units -- 2 occupied by in-laws, the 3rd occupied by a tenant. Mr. Elrich commented that was a puzzling situation, inasmuch as the accessory apartment law appeared to address a single main unit and one accessory unit. He said he felt himself to be in a reluctant position; while he sympathized with what Mrs. Musa was saying, he realized that under the county's law, the situation was technically illegal. He related that the county was undertaking a review of the accessory apartment law, new draft language had come forth from the County Executive and would be going before the County Council in the spring for action. He said he felt the Musa's case was the sort that should be brought before the County Council so they could hear about circumstances which might merit granting of accessory apartments and of which they may not have thought. At the current point in time, however, Mr. Elrich pointed out that the City's elected body had to make their decision based on the county's existing law. He said he would be abstaining from the vote because he could not, in good conscience, vote in favor of denial. He urged, however, that the Musa's go before the county and try to influence some changes in the law. The Mayor pointed out that the only way the current situation at the property could be considered legal vis-a-vis an accessory apartment would be if the in-laws residing there were co-owners of the property; it could then be considered to be owner-occupied.

Mrs. Magee, 7203 Holly Avenue: spoke in support of the application; she said those residing in the dwelling had lived there for 15-18 years, it was always beautifully maintained. She said there was room for at least 3 cars to park on the property. Mrs. Magee said that there was only one tenant occupying the upstairs of the dwelling, all others were family members and occupied the ground floor of the structure.

Deputy City Clerk Jewell noted receipt of 2 phone calls from neighbors regarding the property, i.e., Mr. Kirby of 7106 Holly supported approval of the application; Ms. Patty Reese of 7105 Holly stated that she had no opposing view and was also speaking for 2 others who resided at her address.

Brint Dillingham, 7018 Carroll Avenue: pointed out that, to his recollection, an exception was made in the Right of First Refusal Law in situations which involved passing ownership of property to family members, such as in-laws; he said a similar exception should be made in the Accessory Apartment Law in those situations where family members were living in a dwelling. He suggested that perhaps the City could lend the family some affirmative support before the county in dealing with the issue. Mr. Dillingham remarked that it was primarily due to the Phaseback Law that the elected body was dealing with such a bizarre situation; he inquired whether any numerical analysis had been done by either DHS or the county to date on the number of tenants who had lost their homes in the city, or how many housing units had been lost, due to the phaseback process. The Mayor responded that no compilation of numbers had been done to date, however, the 10 properties being addressed at the present meeting would bring the total over the last month to 15, and such an analysis should be possible soon. Mr. Dillingham reiterated his request that the elected body look into any way that they might assist the Musa's in legalizing their situation.

Councilmember Sharp commented he would be voting in favor of the motion to disapprove, not because he wished to see housing stock reduced, but because he felt it inappropriate for the elected body to vote in favor of something contrary to what was provided in the law. He pointed out that during the Phaseback debate, the City did make attempts to persuade the county to make the law less stringent so that it would not have such a drastic effect on the number of available housing units.

The motion to disapprove carried with Councilmember Elrich Abstaining, balance of Council voting Aye.

Councilmember d'Eustachio moved to accept DHS's recommendation that the City support the accessory apartment application for 809 Davis Avenue; the motion was duly seconded by Councilmember Sharp. Councilmember Douglas noted that DHS's report indicated that 2 rooming units in addition to the accessory apartment would be maintained; he inquired what the ramifications of that would be under the law. Code Enforcement Supervisor McMinn explained that the law stated that up to 2 rooming units were permitted in an R-60 single-family dwelling without any zoning change or any change in the status of the residence; he said it was perfectly permissible for the owners to seek the Special Exception for the accessory apartment and still maintain the 2 rooming units in the residence. The motion carried by unanimous vote.

Councilmember Leary moved acceptance of staff's recommendation to support the Special Exception for 120 Grant Avenue, duly seconded by Councilmember Hamilton. The motion carried by unanimous vote.

Councilmember Leary moved acceptance of staff's recommendation to support the Special Exception for 7607 Takoma Avenue, with the condition that the property owner work with the Historic Preservation Committee to ensure all physical changes to the structure conform with applicable guidelines; the motion was duly seconded by Councilmember Douglas. Councilmember Sharp noted an attachment from Park & Planning to the pertinent material on this property indicating that a 1-year period had to lapse following settlement on the property prior to the Special Exception becoming effective; he inquired about the meaning of the notation. Code Enforcement Supervisor McMinn explained that the

property had changed hands since application was made for the Special Exception; Park & Planning required, in such cases, that a 1-year period elapse following settlement before the Special Exception would become effective. On the other hand, Mr. McMinn said he had received information from Montgomery County which was in contradiction to that requirement -- they indicated that requirement did not pertain to pre-existing units; thus, it appeared that the county could proceed with granting of the Special Exception. Responding to inquiry from Councilmember Douglas, Mr. McMinn said that the statement concerning exterior alterations to certain properties was included in DHS's recommendation(s) primarily as a reminder that those properties were in the Historic District and such alterations should be done in conjunction with the Historic Preservation Society; he said he did not anticipate such alterations being necessary on the properties because of the accessory apartments.

Bernie Aaronson, 7611 Takoma Avenue: said he was generally sympathetic to tenants' rights and the rights of people to stay where they live, however, he said when an exception to the law was requested, it seemed to him there was a special obligation to ensure that the exception would not cause harm to other people. He explained that he lived next door to the property in question, said that the accessory apartment was literally 20' from his living room, and the driveway was 10' from his living room. He said they were awakened in the morning when those residing there start their car up, they suffered from the fumes from the car. He said those now residing at the house were not longtime residents of the city, said they had previously indicated to him that they intended doing away with the accessory apartment. He urged that the Council not approve the requested Special Exception. Responding to inquiry from Councilmember Martin, Mr. Aaronson clarified that both the owners of the residence and the tenant used the same driveway, both had cars; he said, however, that having the tenant there exacerbated the problem. Responding to inquiry from Councilmember Hamilton, Mr. McMinn stated he had examined the parking situation at the subject property; he said the driveway ran to the rear of the house, there was sufficient parking space there for both the property owner and the tenant.

Councilmember Leary inquired when the house ceased to be a multi-family dwelling; Mr. Aaronson said it formerly had been, however, the owners had been renovating it, doing away with all the units except the one accessory apartment. Councilmember Leary explained that he would be voting against his original motion, based on the fact that an adjacent neighbor opposed granting of the Special Exception, which he had not known previously. Mr. Aaronson remarked that there were other neighbors who also opposed granting of the request, however, they were not in attendance at the meeting. The motion carried with Councilmembers Leary, Douglas and Martin voting Nay, balance of Council voting Aye.

Councilmember Leary moved that the Council recommend disapproval of the Special Exception for 104 Tulip Avenue for the same reason Park & Planning had recommended disapproval, i.e., that the application clearly violated county law. The motion was duly seconded. Mr. Leary pointed out that the law stipulated that no application could be approved until a property was 5 years old, which the subject property was not. Additionally, he noted that the subject property was located in an area having the greatest concentration of accessory apartments in the city. Responding to questions raised by Councilmember Douglas, Mr. McMinn related that when he went through the property with the owner, Mr. Mergner stated that the accessory apartment was not occupied and that the reason he had had it built at the time the house was built, in 1987, was because of the shortage of housing units in the area. Mr. McMinn said the unit was registered with the City, but was not licensed because it was not rented. Councilmember Douglas commented he opposed the Special Exception on the basis that the county had issued a building permit in contravention to the zoning and the property owner had proceeded with building and finishing off a unit that was in contravention to the zoning. He said he felt a strong message should be conveyed to the county that this was not the sort of thing they should be doing. Councilmember Elrich pointed out that the issue of new accessory apartments was also being raised in the county's review of the law, and proposed language would not only

permit, but encourage, the building of new accessory apartments along with construction of the main house. He said although the applicant on this property was not present at the current meeting, he would strongly encourage them to appear at the county's hearings and make their case known. The Mayor pointed out that Housing Services Director Weiss had been working with the county on proposed amendments to the Accessory Apartment Law, was serving on a committee, and it was hoped the law would be made somewhat more flexible.

The motion to disapprove the application at 104 Tulip Avenue carried by unanimous vote.

Councilmember d'Eustachio noted that staff had recommended disapproval of the Special Exception for 7126 Sycamore Avenue based on the condition of the property. He moved that the item be tabled definitely for 2 weeks, explaining that he understood and had personally observed that the property owner, who had only recently acquired the property, was making a substantial effort to upgrade the property. He noted that staff had scheduled a reinspection of the property subsequent to the present meeting in connection with violation notices issued and said he would request that the item be rescheduled for consideration by the elected body at the February 27 meeting. He noted that DHS was scheduled to reinspect the property on that date and asked that staff make their report available to the Council at that time, so they could make a judgment on the individual's progress on upgrading the property. The motion to table was duly seconded by Councilmember Sharp.

Daniel Treadwell, 7126 Sycamore Avenue, property owner: said that both the City and the county had inspected his property on January 23; his hearing with the county on the Special Exception was scheduled for March 2. He said both entities had cited him for several violations and, while the county had advised him not to make the needed repairs before the March 2 hearing, the City had advised him that everything that was cited had to be corrected by the February 27 reinspection -- he said he did not know how he could satisfy both sets of directions. Mr. Treadwell said he had appealed to the City Inspector regarding the conflict, and the City's reinspection had been rescheduled to April 7. Councilmember d'Eustachio commented that while Mr. Treadwell would not be expected to make major interior modifications in order to comply, that a part of the concerns about that property were exterior and would have to be addressed regardless of the Special Exception, e.g., trash and debris on the property, general maintenance, etc. He said those things, as well as objectionable activities that formerly took place but had been abated, had been the primary concerns of the neighborhood. Mr. Treadwell said the only exterior violations of which he was aware were the porch floor and the need for new porch posts, and those were in the process of being addressed.

Responding to inquiry from Councilmember Hamilton regarding the extension to April 7 for abatement of City violations, Mr. McMinn said there was nothing in the file to indicate such an extension having been granted; he said he would have to research the matter with staff, however, that such extensions had to be approved by the Director of DHS and were not generally granted when it was a property related to the phaseback. Additionally, Mr. McMinn pointed out that the City's inspection report noted that all exterior window frames were in a state of disrepair with cracks and peeling paint. Councilmember Douglas noted that staff's recommendation had been to oppose granting of the Special Exception for the subject property, however, pointed out that there was no apparent basis for that recommendation. He asked whether, if the outstanding violations were abated, staff's recommendation would be to support the request. Mr. McMinn related that one of the primary points of opposition to the request was the maintenance history of the property; he said the extent of the violation in regard to ceiling height in the accessory apartment, which was well below what both the county and City required, was also a consideration, as was Park & Planning's report regarding lot size and the parking problem (1 off-street parking space on the property, on-street parking appeared inadequate for additional vehicles). Responding to inquiry from the Mayor, the property owner stated that the ceiling height was about 4-5 inches under the required height; in addition, he said there was off-street parking on the property for anywhere from 4 to 10 cars, depending on how close one wanted to pack

them. He said there were at least 3 parking spaces in the lower yard. Responding to Councilmember Douglas, Mr. McMinn said that regardless of whether the other violations were corrected, he would still recommend opposing the Special Exception based on the ceiling height; he said the county required 7'6", the City's requirement was 7'4" -- the existing ceiling was well below both of those.

William Eckert, Pres., B. F. Gilbert's Citizens' Assn.: said the association had reviewed the application and supported approval of the Special Exception. Speaking personally, however, he said this property was one of those that had been a perennial problem for the neighborhood -- it had been an absentee landlord situation where all appeals had gone unheard and attempts to deal with the problems through the Code had failed; the property had been in slum condition and had been an aggravation and an eyesore for the neighborhood. He said they felt the present owner had made enormous progress in trying to correct some of the problems and in trying to come up with the sort of rental unit that would benefit the community and also the tenant. He said he would hope that the elected body would give the situation some time to be sorted out, that the citizens' association would not like to see the request disapproved unless there were no other way out.

Asst. City Administrator Habada pointed out that if the City wished to oppose the application, that opposition had to be registered with the county 10 days in advance of the hearing. The Mayor noted that would mandate that the item be postponed for one week only, rather than two. In the course of ensuing discussion, Mr. d'Eustachio affirmed that there was adequate parking on the property to accommodate both the property owner and a tenant. Councilmember Hamilton spoke in favor of tabling the item for a week, pointing out that the property owner had stated that DHS had granted an extension on abating violations and that was a matter that needed to be looked into and cleared up. The motion to table for a period of one week carried with Councilmembers Elrich and Douglas voting Nay, balance of Council voting Aye. The Mayor asked that staff coordinate with the property owner in dealing with questions that had arisen in the course of the discussion.

Councilmember Douglas moved acceptance of staff's recommendation of support for the Special Exception at 7407 Buffalo Avenue; the motion was duly seconded by Councilmember Elrich.

The property owner, Harriet DeKona, responding to query from Councilmember Leary, affirmed that she resided at the property and intended to continue doing so. She explained that, while she had finished her basement off, it did not contain a separate kitchen, and she preferred not using that area for an accessory apartment, but using the area above the garage. She said one problem with that arrangement was that there was not a shared wall with the main structure, however, she had gotten conflicting information on that issue -- Park & Planning had said it was okay, another agency had said the apartment should be in the basement of the main structure but said that Ms. DeKona should raise the question at the county hearing. Councilmember Leary commented his primary concern was that there be only one accessory apartment at the address; he said so long as that was the case, he had no problem with whether it was located in the garage rather than the basement.

Deputy City Clerk Jewell noted receipt of a phone call from Joseph Kaczorowski of 7411 Buffalo Avenue, who had registered opposition to the Special Exception, stating that he had lived next door to the property for 11 years and there had been problems with traffic and also trash.

Responding to Councilmember d'Eustachio, Code Enforcement Supervisor McMinn said he had discussed the apartment location at a meeting with the county the previous week; he said it appeared to be a gray area -- Park & Planning claimed that since the garage was attached to the house by a porch, while there was a separation, it was all one structure. While the county inspector had recommended that the apartment be located in the basement, if that were the case, the owner would have to add 17 sq. ft. of window space, a separate kitchen, dual thermostats, etc. He said he imagined the issue would have to be resolved by the Board of Appeals. Ms. DeKona remarked that she had

had an architect inspect the property, and she was prepared, if necessary, to have construction work done in order to incorporate the porch as a part of the kitchen and tie it in with the garage in order to remove the existing controversy. She said the trash that was cited as a complaint was debris that accumulated while the basement was being finished off and that had been hauled away.

The motion to approve granting of the Special Exception carried by unanimous vote.

Councilmember Hamilton moved acceptance of staff's recommendation of approval for the Special Exception at 330 Mississippi Avenue, duly seconded by Councilmember Elrich. The motion carried by unanimous vote.

Councilmember Leary moved acceptance of staff's recommendation to support granting of the Special Exception for 7201 Holly Avenue with the condition that the owner work with the Historic Preservation Committee to ensure compliance of any physical changes to the structure with applicable guidelines. Councilmember Hamilton duly seconded the motion. In response to query from Councilmember Martin, Mr. McMinn affirmed that there was adequate parking in the area of this property to accommodate the accessory apartment. The motion to approve carried by unanimous vote.

Councilmember Leary pointed out that the stipulation regarding compliance with appropriate guidelines would apply also to the property at 7407 Buffalo Avenue, as it was located within the Historic District.

Councilmember Douglas moved acceptance of staff's recommendation of support for the Special Exception at 11 Pine Avenue, duly seconded. Councilmember Leary inquired why the City was taking action on this item prior to receipt of Park & Planning's report and, apparently, before they had taken action. Mr. McMinn explained that Park & Planning had indicated to him that they did not always get out to a property a month in advance of the scheduled hearing, but when that did occur, DHS provided the information received from them. He said that agency had not yet inspected the property, so had nothing to offer at present; he said it would be coming up before the county on March 8. Brief discussion ensued concerning tabling the item, however, it was noted that were it addressed at the February 27 meeting, that would not permit the 10-day advance notice to the county of the City's position. Mr. Leary pointed out that there were 5 outstanding violations at the property, but no notation as to what had been or was going to be done about correcting them. Also, he said there was a notation that the structure contained a second apartment which was occupied by family members.

Kim Keller, property owner: explained that the structure, at one time, had contained 4 apartments. She said they were in the process of removing the structural divisions; they had put massive amounts of money into it several years ago, and were still trying to get it slowly back into shape. She said her sister-in-law and child did live with them at present, however, that was temporary and they had no intention of maintaining any separate apartments (other than the accessory apartment) over the long term.

Councilmember Douglas commented that the outstanding violations appeared to be of a nature that would have to be corrected prior to issuance of a City license for the rental unit. Ms. Keller said they fully intended to correct those defects, that they had been noted during an annual inspection and the property was not yet scheduled for reinspection.

Deputy City Clerk Jewell noted a communication from Ms. Elaine Orr of 9 Pine Avenue, who had stated she had no problem at all with the requested Special Exception.

William Eckert, B. F. Gilbert's Citizens' Assn.: said that the item was discussed at the association's last meeting, and the consensus was one of support for the application.



The motion to approve carried by unanimous vote.

**2. Public Hearing On Montgomery County Subdivision Application No. 1-88317. "Takoma Junction Centre."**

Councilmember Elrich recused himself from participating on this item as a member of the elected body. The Mayor pointed out that while the Newsletter article publicizing the subject had outlined a schedule for addressing this item subsequent to the present hearing, there was no county hearing date set as yet and apparently no pressing time frame for adoption of a position by the City. He suggested that the elected body refrain from lengthy discussion at the present hearing inasmuch as the subdivision would be discussed in worksession, as well as being addressed at a later regular meeting. He encouraged staff, the architect, and the developer to keep their commentary as brief and concise as possible.

Community Planner Lisa Schwartz referred to the Site Plan Approval previously discussed, but which was not a requirement and could be accomplished only with the approval of the applicant. She said, however, there was some reluctance on the part of the applicant to undergo that because of the delay and additional costs that would be incurred. She said she had met with the applicant and the Department of Environmental Planning, however, and that the present plan appeared to address any and all concerns that had been expressed by concerned parties. She said if those points were approved as a part of the preliminary subdivision plan, they would still be binding in the event the present developer were unable to develop the property and another developer were to obtain it. She said the specific points addressed included the building footprint, lighting standards, screening and location of dumpsters, the parking area, access and interior circulation, location of building entries, limits of grading and construction, and the treatment of the parking platform. She said the applicant had applied for a stormwater management waiver; the Historic Preservation Commission for Montgomery County had approved the building plans; the Takoma Junction Committee had passed a resolution of support for the currently-proposed subdivision plan, and the Traffic Committee had also passed a resolution of support for the proposed project. She said the required traffic impact study had been ordered to be done, however, to her knowledge, had not yet been accomplished. Councilmember Elrich said that the original timeframe for that study had been estimated as 3 weeks; he said he would check with Mr. Erdman concerning his progress, however, a good basic idea of the numbers could be gotten from statistics provided by Park & Planning.

The Mayor noted receipt of 2 communications regarding the project -- Takoma Junction Revitalization Steering Committee had voted unanimously at their 1/25/89 meeting to recommend approval of the proposed preliminary subdivision plan submitted to them, and the Traffic Committee at their 2/9/89 meeting had passed a resolution supporting the proposed project as a desirable development and stating they did not feel that concerns about the possibility of additional traffic that might be generated by the project were substantial enough to warrant denial of a permit to proceed with the project.

Marc Elrich addressed the existing and projected traffic problems in the area, particularly intersections, one of which he said would fail once the proposed mall and office complex in Silver Spring was completed sometime in the mid to late 1990's. Using an approach suggested by Park & Planning, he said the traffic impact projection for the Takoma Junction project, given the anticipated number of trips daily, was relatively minor, distributed over the 4 intersections involved.

Mr. Elrich introduced Joseph Klockner, who explained that he was one of the general partners in the Limited Partnership who would actually be doing the project; he explained that the Takoma Park/Silver Spring Food Co-Op and Lou deSabra, Publisher of the Takoma Voice were also general partners, and that there were also a number of other limited partners, primarily business people in the community. He said the project came about primarily as a response to the inability of the lot to be developed under the traditional development process. He said the architect, Travis Price, had been a consultant to others who had tried unsuccessfully to profitably develop the lot. He said the only way the present group had been able to make the process work for them

was to remove the middle-man developer; it was a cooperative venture in which all the tenants of the building would be owners of their own space. He said they felt they had addressed the public concerns that had been raised in prior meetings, and hoped that would be viewed as a positive move. He introduced Mr. Price.

Mr. Price introduced Jean Price, his partner in the firm of Price & Price, who would also be working closely with the project. Mr. Price emphasized the tight figures the partnership had to work with in order to proceed with the project; he said his own building in Takoma Old Town probably would not have happened if it had not been under tenant ownership. He explained that the slide show he would be giving had been shown before the Historic Preservation Commission in Rockville, the local historic group, and other county groups. He said a letter expressing very strong support had been written by the county's historic preservation organization in response to the viewing. In the course of the slide show, Mr. Price pointed out that one major factor in Takoma Junction was the difference between the existing buildings, that the area had evolved over a period of time, the one consistency seemed to be that every 10-15 years a new building would be constructed and it would be totally different from everything else in the area; he said the building heights tended to be similar, but architectural styles were quite varied. He said in planning, retention of existing trees was a major goal, as was bringing the building to the street edge, so as to create an urban atmosphere, rather than a sea of asphalt with the building in the background. He briefly addressed the building entries and general layout, the approximately 62 parking spaces to accommodate the 24,000 sq. ft. of building space. He said it was felt to be important in the design of the structure to make the 3-story building, with its contemporary tower-like element a focal point for Takoma Junction. He showed the initial model of the building and the subsequent changes that had evolved, culminating in the current proposal, which used brick, glass and stucco in its construction. He pointed out the total height of the building would be 30 ft. -- minus the signage. Mr. Price noted that the developers had voluntarily addressed a wide number of issues that were not really necessary or required in the subdivision process. Concerning smaller issues within the site, he showed the plan for the streetfront, said they would hope to work with City staff on harmonizing the facade and streetscape in a way that would be consistent with Takoma Junction. He explained there was a 4 ft. overhang on the building that people could walk under from the front to the back of the building; there would be almost no large truck delivery -- most would be by small trucks; rear building lighting would be low-level but safe, would face the building so that the light would not be projecting into the neighborhood to the rear; there would be an easement at the rear of the property and a specific line beyond which no construction equipment could go during construction of the building. Mr. Price pointed out a proposed greenspace area, said dumpsters would be contained within an 8 ft. high cedar stockade-fenced area for pickup and would not be the usual large commercial dumpsters, so there would be no need for large pickup equipment and a lot of noise.

Mr. Price noted a list of things the environmental agency was asking be done, and said the developers would be complying with those, including protection of trees within 10 ft. of the site with fencing during construction, stabilizing major erosion areas, stormwater management in compliance with WSSC plans, and sediment control fencing. He explained what was proposed for the back wall, which amounted to a graded area which was filled and planted with ivy up to the top by the parking lot, where there would be a 3 ft. high cedar fence to protect the neighborhood from nighttime lights, etc. He said a stairwell with a scissor up to the greenspace was proposed, however, that would require that the City build the stairs and maintain liability for them; the developer would provide the easement for the stairs.

Mr. Elrich related that the developers had hoped to meet the previous week with members of the B. F. Gilbert's Citizens' Association, however, a meeting had not been able to be scheduled until the coming week; at that time, he said they would be presenting plans for the rear of the property and hoping to allay neighborhood concerns about how the rear of the property would look. He referred to concerns raised at an earlier meeting about the possibility of approval being

granted the subdivision, the developers being unable to carry through, and someone else, perhaps a fast food establishment coming in and building on the site. He explained that the subdivision would be based on passing local area review, which would be based on the projected number of trips generated by the project, so any other project proposed for that site would have to prove a similar trip generation rate in order to gain approval from the county -- and that would not be at all likely for any sort of fast food or similar type of establishment.

William Eckert, B. F. Gilbert's Citizens' Assn.: affirmed that some members of his organization would be meeting with Mr. Price in the coming week, the full association would meet the following week and view the proposed plans, however, he said from what he had seen, it appeared that a majority of concerns previously expressed had been addressed. He said the association would be conveying their position to the elected body following their meeting. The Mayor asked that the neighborhood association particularly address the question of the staircase in the rear; he said his understanding was that the suggestion was that the City build it and retain liability for it.

Douglas Adams, 601 Hudson Avenue, Board of Representatives of TP-SS Co-Op: said he felt the project to be a worthy one for the Council to support, pointing out that the co-op was presently a 1.2 million dollar operation, had been in existence for over 8 years, and said he felt their operation would be a very good addition for Takoma Park. Mr. Adams said they had expanded as much as was possible at the present location in East Silver Spring, and they very much hoped to move on and expand their operation. He referred to Mr. Lou D'Ovidio's recent Newsletter article, and said, for the record, he wished to clarify that Mr. Elrich was not the contracting party to Takoma Junction for the project -- the Takoma Park-Silver Spring Food Co-Op was the contracting party.

Gina Gaspin, 28 Columbia Avenue: said her property was just up the hill from the back of the proposed project. She said she was in support of the proposed project, was a regular shopper at the co-op, and, as such, would be able to walk rather than drive to it if it were relocated to Takoma Park. She said she thought the proposed rear stairway was a wonderful idea and favored it. She said the one thing she saw lacking in the redevelopment in the city was a food store having a little more variety than those small ones in existence. She said she hoped that this opportunity which could benefit all in the community would not be allowed to pass by, and pointed out that the co-op had proven itself to be a good neighbor in its operation of the Takoma Cafe. She said the developers had gone out of their way to address community concerns and involve the community in their plans.

Karen Davis, 7331 Carroll Avenue, member of S. S. Carroll Citizens' Assn: spoke in favor of the subdivision request. She said she worked, as well as lived, in the neighborhood; she referred to past proposals for the property, said the present proposal was a project that the community really wanted there. She said she felt that everyone genuinely liked the plan, but not all agreed on the proposed facade design; the desire to have the co-op there and the benefits of having it there, however, far outweighed anyone's reaction to the facade proposal. Regarding the proposed 3 ft. high fence at the rear of the building, she said that height of fence seemed an invitation for children to climb up on it and perhaps fall down on the other side. She asked that that aspect be examined.

Andy Adreschak, Northwest D. C.: explained that he had been lead organizer of the co-op in 1980, one of their original visions had been to locate somewhere near the center of Takoma Park, rather than their present location, however, they were not able to find any space available in the city at that time. He said the proposed location would be convenient to all in the city, those who now shop at the co-op and drive to Sligo Avenue would be able to walk to the store. He said another of their goals had been to be a part of the community, and said their efforts to work with the neighborhood, be a good neighbor and citizen, should be apparent.

Rino Aldrighetti, 7213 Central Avenue: said he was not a member of the

co-op, but felt it an excellent idea to relocate it to the city. He said he felt the business had always had a strong identity with Takoma Park, it would draw a lot of people to the city, and a lot of residents would want to be involved with it, both as members and shoppers. He said he hoped the proposal would go through.

Bob Dreyer, 7136 Carroll Avenue: spoke in support of the co-op coming into the proposed location; he said he thought it would be a great boon for the entire neighborhood -- had some qualms about the facade of the building, but thought that might be addressed as he became more familiar with the plans. He urged that the elected body approve the proposed subdivision.

Virginia Jenkins, 32 Columbia Avenue: spoke in support of the project, however, said her one concern was with the 3 ft. high fence in the rear and whether people might fall over it and be injured.

Valerie Petersen-Beard, 7338 Carroll Avenue: said she had only positive comments to offer about the proposed project, that it would be a positive addition to the area and quite an improvement over what had existed on that site.

Brief discussion ensued concerning the projected schedule for considering the proposal and reaching a decision, and remaining open questions, e.g., results of the traffic study, the development group's plans for financing the construction, assurance that the development would go forward, etc. The Mayor commented that the item would be scheduled for further discussion at the next week's worksession, and it was hoped additional information could be provided on the aforementioned issues, including the traffic study. Councilmember Douglas remarked he would want to address the stormwater management issue, as well as the proposed rear stairway, at the worksession. The Mayor noted that the earliest date a formal decision would be made on the subdivision would be at the 2/27/89 regular meeting, however, that would occur only if results of the traffic study had been received and examined. Councilmember d'Eustachio commented he would not want to see the elected body committed to making its decision by a specific date without ensuring that all interested parties, e.g., B. F. Gilbert's Citizens' Association, had had an adequate opportunity to review the plans and offer their input on the issue.

### 3. Resolution re Curbside or Backyard Refuse Pickup.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Hamilton. For the record, Deputy City Clerk Jewell noted a phone call from John Duvall of 7908 Wildwood Drive, who opposed curbside pickup of recyclable trash because it would be a hardship on elderly people such as himself and his wife; he asked that collection service be left status quo. The Mayor noted receipt of 2 letters on the subject -- from Margie and Neal Chalofsky of 8108 Roanoke Avenue expressing support for the City's effort to recycle, but not stating any view about curbside pickups; and from F. Noreen Wells of 7315 Cedar Avenue, who also expressed support for recycling and encouraged that the City pursue recycling plastics and bi-metals, and said that on the basis of efficiency and money-saving, she favored total curbside collection of refuse.

Tom Anastasia, 32 Columbia Avenue: expressed strong support for recycling, but spoke in favor of retaining behind-the-house collection, based primarily on the fact that curbside pickup would generate the use of more plastics to bag trash, health (the plastic bags of trash were conducive to invasion and strewing by dogs and rodents), and aesthetics. Councilmember Douglas suggested that residents could be required to put the plastic bags inside trash cans. Mr. Anastasia commented that the issue then became one of whether people were physically capable of moving the trash cans, which were much heavier and bulkier than a plastic bag of trash, to the curb.

Bob Dreyer, 7136 Carroll Avenue: spoke in support of recycling, on conservation grounds. He said, however, he was somewhat surprised that a proposed cutback in City services would be linked with the initiation of a recycling effort. He said the proposed cutback in service was apparently in order to raise revenue, however, said he felt it would seriously impact the character and aesthetic appearance

of the city -- on his street, for instance, there would be large trash containers at curbside every day for pickup because the two sides of the street had alternate collection days. He said he questioned, based on the lack of responses received by the City, whether the issue had even been adequately publicized and whether the citizenry was fully aware of what was being proposed.

Dick O'Connor, 7110 Maple Avenue: said he was speaking as the Regional Chair for the Sierra Club and its 200+ members in the city; he said they strongly supported the move to curbside collection, that many cities had examined this issue and gone to that system -- Takoma Park was one of the few remaining cities to have expensive behind-the-house luxury. He said if the City were going to move toward implementing a 21st century collection system, it could not afford to retain its current archaic methods; he pointed out the Recycling Taskforce had examined the issue, felt it to be a good economic move for the City. He noted that the same routes and collection system originally implemented in 1944 were still presently in effect in Takoma Park, and it was time that the City began to move toward a modern waste management system, some of which could result in a reduction in staff if modernized equipment were utilized. He said any litter issue raised should be the responsibility of residents -- if they took pride in their community, they would not let litter lie on the street.

Jeff Davis, 7138 Carroll Avenue: expressed support for conservation, the recycling effort, and hoped plastics could be addressed as well. He said he did not agree with mandatory curbside pickup, however, that the notion that behind-the-house pickup was old-fashioned and a luxury was absurd. At his location, he said there was no feasible curbside area in which to put trash for pickup, and he felt sure that was true of a number of properties throughout the city. He said it appeared that the only advantage of the proposed change would be a cashflow advantage, and one of the main reasons residents paid taxes was for trash collection, and the amount of those taxes should be able to handle a negative cashflow for a few years without altering services.

Rino Aldrighetti, 7213 Central Avenue: spoke against changing the present collection system, which he said was not in actuality behind-the-house pickup at most locations, but other-than-curbside. He pointed out that the city had a declining population, an increasing tax burden on residents, an annual increase in City staff and an increasing fleet of City cars polluting the community and which were provided for staff's use -- but continuance of the existing trash collection service was apparently considered to be a luxury. He said it was inconceivable to him, considering the few actual services residents receive from the City, that there would be a movement afoot to do away with the other-than-curbside trash collection service. He said it was beyond him why the elected body would tie a commendable effort, such as recycling, in with an effort to do away with a service. While there may not have been any great response to date on the issue, he said at the point the service actually changed, there would be a very strong reaction from citizens -- and deservedly so.

The Mayor commented that the proposed resolution recognized that there were residents who, for various reasons, could not move even a plastic bag of trash to the curbside -- and exceptions were provided for those. He said while it was recognized there would be a period of implementation, the sanitation workers were very good, knew the majority of residents on their routes, and they would be relied upon to help smoothly and successfully implement the system. Regarding the money factor, he said the City would save some money through the recycling effort, but it would be as a result of dollars that would not have to be spent because of recycling of materials rather than paying tipping fees to dump them. He said staying with the current pickup system would present a very real cost, i.e., the salary for an additional vehicle driver for the Sanitation Division -- otherwise, he said, the alternative would be to change the system from a 4-crew to a 3-crew system, which would be more efficient. He pointed out there was one route in the city that was very inefficient -- there were not a whole lot of houses and the crew did not have nearly the amount of work of the other 3 crews. He confirmed that the route system, as noted earlier, had not been changed for a long time. He said the decision would amount to whether to spend an additional \$25,000-

\$30,000 (including fringe benefits) to hire an additional sanitation worker, or whether to reorganize the system to function more efficiently. He noted there were inadequacies, particularly personnel shortages, in other Public Works divisions, such as streets and parks, and those would need to be examined and addressed during budget deliberations; there were equipment needs and a need to address the City's infrastructure as well. He pointed out that, if the City got into recycling of plastics and bi-metal cans, the waste stream would be even more drastically reduced and the majority of weighty items would be placed at curbside for recycling pickup, leaving only a fairly small and light amount of waste trash. He said in that event, it would appear more efficient for all trash to be picked up at the curb, other than in those instances where an exception was warranted. The Mayor noted that the decision was not an easy one to make, that the efficiencies of the system had to be examined, how citizens' tax dollars could best be spent had to be considered, and the matter of how the best refuse system could be developed with the future in mind had to be examined.

Councilmember Sharp commented he had an ongoing concern about the comingling of recycling and the issue of trash collection, pointing out that there was no reason for the proposed resolution to refer to the recycling program. He noted there was no question that recyclables would be picked up at curbside; the question was how pickup of the remaining trash would be handled. He referred to the budget breakdown indicating that were an additional Public Works sanitation worker hired in order to continue the present pickup system, the salary cost would be \$30,000, which would amount to a \$.015/\$100 increase in the current tax rate. Discussion ensued in which Councilmember Leary commented that in light of the recent tax assessments received by all property owners, he did not believe there would be any need to raise City taxes because the new assessments would generate a more than adequate amount of revenue to cover the cost of an additional driver. He said, based on the testimony of citizens that had been presented in opposition to changing the present system, he would be voting against the resolution. He related that North Takoma Citizens' Association had met recently and, of the 25 present, 22 had voted in favor of retaining the present collection system. In addition, he said he felt the timing was very poor for changing the trash collection service because it inevitably would be viewed as being a consequence of recycling; people would associate the reduction in service with recycling and it would make it that much harder to sell the residents on voluntarily participating in the recycling program. Mr. Leary said he did not view mandatory curbside pickup as a way of increasing the efficiency of Public Works, but as a decrease in the level of service provided -- such a move simply reduced the amount of work Sanitation would have to do. He said residents of the city had clearly demonstrated they were willing to pay the 3rd highest tax rate in the state in order to have a full-service city and absent any overwhelming evidence to the contrary, it would be treading in dangerous waters for the elected body to make the proposed change in the level of services provided. He urged that any action on the issue, at the very least, be postponed, because once the change was made, it would be very difficult to ever turn back. He suggested that the situation be examined once recycling had gotten underway and had been in effect for awhile to see what the reduction in the overall waste stream amounted to, and then perhaps changes, if warranted, considered at some later point in time.

Councilmember Martin commented she opposed the resolution, felt a vote on it should be postponed and the issue should be examined and discussed further in worksession. She related that she had spent considerable time surveying various municipalities in the area, and had found that only Bowie, Laurel, and College Park (which bought trash cans with wheels for all residents) had mandatory curbside pickup -- all others, including Montgomery County, had behind-the-house pickup. She pointed out some had conditions, e.g., Greenbelt required that all trash be contained in a plastic bag within the trash can so that all the collector had to do was pick up the bag and carry it to the street. She said New Carrollton actually fined people for placing their trash at the curb for collection because it affected the aesthetic appearance of the city; they did not even allow heavy items for special pickup to be placed on the street. She said she had spoken with many people in her ward about the proposed change, and all had

said that the present pickup system should be retained, regardless of whether some chose to carry their trash to the curbside for collection. She said she would personally favor redoing the routes so that there were 3 rather than 4, and felt that would be a practicable alternative.

Councilmember d'Eustachio pointed out that according to figures received from Public Works, less than 50% of city residents were presently receiving behind-the-house pickup; additionally, he said more than half of the city's population was comprised of tenants; so actually only about 20% or less of the residents were actually receiving anything other than curbside pickup of trash. In other words, only a small minority of people were actually receiving a service that was paid for by all city residents. He said that out of hundreds of comments he had heard from constituents, he had heard only one that was negative about recycling, and did not think the requirement that trash had to be placed at curbside was at all likely to adversely affect the recycling program. He said some of the commentary voiced appeared to indicate that the present trash collection system was one of the few services provided residents by the City; he said in actuality, it was a small portion, noting the full-service police department, Library, Recreation services, parks, etc. He said if the decision were to retain the current collection system, then he would insist that all residents in the city receive behind-the-house pickup, which would require not one additional Public Works worker, but perhaps several.

Councilmember Hamilton said that until the pickup question arose, a lot of people in his ward were not even aware that behind-the-house was supposed to be provided; they had assumed they were supposed to put their trash at curbside for collection. He said if the decision were to retain the current system, then it would be necessary to hire more than one additional person, because the service would have to be provided to all residents. He said he would vote in favor of the resolution because he felt it was the appropriate time to make such a change, and there was a need for improvement and uniformity in the system.

Councilmember Elrich commented that there was a very mixed record of behind-the-house pickup in his neighborhood, as well as a very mixed reaction to the proposed change in the system. He said one constituent, who favored mandatory curbside pickup, had requested an assurance that any money saved by the change would be spent on other needed City services. He said he personally tended to agree that it was the appropriate time to make a change, if that were the decision. He said while he would like to be able to make the decision after recycling had been in operation for some time, due to various factors, he felt there was need to address the issue at present rather than later.

Councilmember Douglas pointed out that the issue had been, to his mind, very adequately publicized; he said there had been articles in the Newsletter for the past two months. Responsible citizens, unless they were among those who had not consistently received delivery of the Newsletter, had had ample opportunity to speak out on the issue, so he did not feel uncomfortable making a decision. He said most people with whom he had spoken appeared disinterested in the issue, the only phone call he had received had been the previous evening and that individual was not even one of his constituents. He said it appeared a majority of his constituents took their trash to the curb and many were not aware behind-the-house pickup was available. He said while he had a concern about aesthetics and any perception of a cut in services, that he was more concerned with economics, and the \$30,000 would be an additional amount that would have to be spent if the current system were retained. He said while it was anticipated that additional revenue would be generated by the increased property assessments, comments had been made about perhaps being able to cut the City tax rate somewhat, and if the \$30,000 had to be spent, it would affect the amount of any tax cut that could be effected. He said while he had been torn in making a decision, no strong sentiments had been expressed by his constituents, so he would be favoring the economics of the issue and voting in support of the resolution.

Councilmember Sharp moved to table the item definitely until the next

regularly scheduled worksession, duly seconded by Councilmember Leary. Councilmember d'Eustachio inquired of Public Works Director Giancola what the effect of delaying a decision on the issue would be. Mr. Giancola said there would be no impact on his operation from a temporary delay in making a decision, that he could reorganize the crews so that additional personnel was not an immediate requirement; however, he said his longrange plans were based on curbside pickup. He said he would need to have some sort of definite direction, however, by the end of February. The motion to table was defeated by a 4-3 vote.

Councilmember Martin related that in talking to other municipalities about the issue, they had said they had surveyed their residents on the subject and had found from the responses that people still wanted behind-the-house service retained as an option. She said she felt many people would have no objection to one trash pickup a week versus the present two pickups -- many of her constituents had said they would have no problem with that. She reiterated she felt the issue needed to be discussed and examined at more length, more feedback needed to be gotten from residents, prior to making a decision.

Regarding questions raised by Ms. Martin concerning the ability of some residents to place their trash containers at curbside, the Mayor pointed out that the resolution would require the Public Works Director to formulate guidelines setting forth requirements for exemptions to the mandatory curbside collection system, which would address those instances Ms. Martin had cited in her commentary.

Councilmember Sharp pointed out that the 2nd resolve clause of the resolution referred to those who were frail or handicapped, which he said he felt gave more direction than was necessary to the Public Works Director in formulating the guidelines; he said he would move that the bases for exemptions be left to the discretion of the Director of Public Works and that language so stating be inserted. He also moved to delete the 3rd, 4th, and 5th "Whereas" clauses because they addressed recycling, which he said he did not think needed to be linked to the issue of trash collection. Councilmember Elrich duly seconded the motion. The Mayor clarified that the language referring to frailty and handicapped would be deleted from the 2nd resolve clause and language would be added stating exceptions would be allowed "within the discretion of the Public Works Director." The motion(s) carried by unanimous vote.

The resolution, as amended, was passed with Councilmembers Leary, Martin and Sharp voting Nay, balance of Council voting Aye.

RESOLUTION #1989-9  
(attached)

4. Resolution Requesting Designation of Takoma Park as a "Targeted Area" Under the Maryland State Action Loans for Targeted Areas (SALT) Program.

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

RESOLUTION #1989-10  
(attached)

5. Resolution Approving Contracting Out FY'89 Infrastructure Work.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Mr. d'Eustachio asked that the Council be provided a final list of those jobs being contracted out prior to execution of the contract. Public Works Director Giancola stated that those items would be those designated high priority at the last worksession, with the addition of a line of criteria requested by Councilmember Douglas and associated with the CDBG program; he said he did not anticipate any change to that list. Mr. d'Eustachio said he would still like to see the list included with the final documentation provided for approval of the expenditure. The resolution was passed by unanimous vote.

RESOLUTION #1989-11  
(attached)



6. First Reading of an Ordinance Authorizing Purchase of Computer System for Police Department.

Councilmember Hamilton moved acceptance for First Reading, duly seconded by Councilmember d'Eustachio. For the record, the Mayor noted that this item had been thoroughly discussed in a number of meetings and worksessions. Councilmember Douglas noted the need to insert language in the ordinance prior to adoption concerning compliance with provisions the Nuclear Free Zone Ordinance. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1989-  
(attached)

7. Single Reading Ordinance for Purchase of Brake Lathe Machine.

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

ORDINANCE #1989-7  
(attached)

8. First Reading of FY'89 Budget Amendment No. 2.

Councilmember Douglas moved acceptance for First Reading, duly seconded by Councilmember Hamilton. The Mayor noted the item would be discussed at the 2/21/89 worksession and scheduled for Second Reading on 2/27/89. The ordinance was accepted for First Reading by unanimous vote.

ORDINANCE #1989-  
(attached)

9. Resolution of Charter Amendment re Reserve Funds.

Councilmember Douglas explained that as a result of the earlier worksession discussion and subsequent discussions with various individuals, an effort was underway to put together figures that would give the elected body a good idea of what the concept involved. He said it was anticipated those figures would be ready in time for the 2/21/89 worksession, and moved that the item be definitely tabled until that meeting; the motion was duly seconded and carried by unanimous vote.

10. Resolution in Support of HB 445 re Program Open Space Funds.

The Mayor explained that the legislation would lift the current ceiling on the availability of POS funds for local municipalities. He moved passage of the resolution, duly seconded by Councilmember d'Eustachio. The resolution was passed by unanimous vote.

RESOLUTION #1989-12  
(attached)

11. Resolution Declaring War On Drugs In Takoma Park.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember d'Eustachio. Councilmember Hamilton, speaking as a member of the Drug Taskforce, briefly addressed efforts to date to combat the drug problem and explained that the resolution set forth the City's position on the matter. The resolution was passed by unanimous vote.

RESOLUTION #1989-13  
(attached)

The Mayor reminded that elected officials having questions regarding the City's Capital Budget should submit them, in writing, to the City Administrator and staff in advance of the worksession so that they would have an opportunity to respond.

Upon motion, duly seconded, the meeting adjourned at 11:47 P.M., to reconvene in regular session at 8:00 P.M. on February 27, 1989.

**PROCLAMATION**

WHEREAS, Elder Robert and Mrs. Jean Woodfork will be retiring to Atlanta, Georgia after having served in Adventist Church leadership positions for the past forty-four years; AND

WHEREAS, Mrs. Jean Woodfork's service in the Adventist Church has included faithful support for Elder Woodfork's pastoral ministry for 44 years and her fifteen years of Church service as secretary to the President of the South Atlantic Conference and most recently to the Ministerial Department of the General Conference of Seventh-Day Adventists; AND

WHEREAS, Elder Woodfork's distinguished service in the Seventh-Day Adventist Church has included labor as a church pastor, educator and church administrator at the following posts:

- o Pastorate in the Missouri Conference (1947)
- o Pastorate in the Central States Conference, Kansas City (1947-52)
- o Dean of Men, Oakwood College, Huntsville, Alabama (1952-55)
- o Instructor, Religion Department, Oakwood College (1952-55)
- o Pastorate in the Southwest Regional and Southern Atlantic Conference serving congregations in New Orleans, Louisiana, Miami, Florida and Atlanta, Georgia (1955-71)
- o President, South Atlantic Conference of Seventh-Day Adventists (1972-80)
- o Associate Secretary, North American Division of Church Administration (1981-89)

WHEREAS, Elder Robert and Mrs. Jean Woodfork will be honored by their colleagues on February 18, 1989 at a retirement celebration at the General Conference of Seventh-Day Adventists.

NOW THEREFORE, I, Stephen J. Del Giudice, Mayor of the City of Takoma Park, do hereby proclaim Elder Robert L. Woodfork, and Mrs. Jean Woodfork to be **HONORARY CITIZENS** of the City of Takoma Park and join the City Council and Church officials of the Seventh-Day Adventist Church in acknowledging their ministry to the Adventist Churches in North America.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Takoma Park to be affixed this 13<sup>th</sup> day of February, 1989.

\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor

ATTEST:

\_\_\_\_\_  
Beverly K. Habada  
Assistant City Administrator

Introduced by: Councilmember d'Eustachio Single Reading: 2/13/89

RESOLUTION 1989- 9

AUTHORIZING THE SANITATION DIVISION TO COLLECT REFUSE FROM THE CURBSIDE

WHEREAS existing City refuse service allows residents to place refuse containers for regular refuse collection behind the house or at the curb; AND

WHEREAS behind the house collection requires a longer time for collection and a larger workforce to collect the waste,

NOW, THEREFORE, BE IT RESOLVED, that residents of the City who receive City trash collection service must place refuse containers on the curbside for collection; AND

BE IT FURTHER RESOLVED, that individuals who are unable to take their refuse containers to the curb, as determined by the Director of Public Works, can be excluded from this requirement by calling the Public Works office and requesting an exception; AND

BE IT FURTHER RESOLVED, that in those areas of the City that have no streetlawn beside the curb or flat area to place refuse containers, the Director of Public Works will develop recommendations for placement of refuse containers which can include the edge of the driveway, the walkway to the house, or the edge of the sidewalk against the lawn; AND

BE IT FURTHER RESOLVED, that the number of days per week that residents receive regular trash collection will not be affected by this requirement.

Adopted this thirteenth day of February, 1989

AYES: d'Eustachio, Douglas, Elrich, Hamilton

NAYES: Leary, Martin, Sharp

ABSENT:

ABSTENTION:

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

Adopted: 2/13/89

RESOLUTION NO. 1989-10

A RESOLUTION REQUESTING DESIGNATION OF THE CITY OF TAKOMA PARK AS  
A "TARGETED AREA" BY THE MARYLAND DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT FOR PURPOSES OF PARTICIPATING IN THE STATE  
ACTION LOANS FOR TARGETED AREAS (SALT) PROGRAM.

WHEREAS, The State of Maryland has established a State Action  
Loans for Targeted Areas Program ("SALT") for the  
purposes of

- a) creating housing and jobs in targeted areas through  
support of private sector initiatives;
- b) promoting commercial redevelopment and economic  
revitalization efforts in targeted areas;
- c) supporting retention of housing stock and existing  
businesses;
- d) providing a source of funds for emergency housing  
and business assistance;
- e) supporting development efforts for projects  
undertaken jointly by the public and private  
sectors; and
- f) providing financial assistance for projects which  
would not be undertaken otherwise; AND

WHEREAS, SALT can provide favorable financing for projects  
designed to achieve these purposes;

WHEREAS, the City of Takoma Park desires to participate in SALT  
in order to achieve some or all of these same purposes  
in Takoma Park; AND

WHEREAS, in order to participate in SALT the City of Takoma Park  
must be designated a "Targeted Area" by the Maryland  
Department of Housing and Community Development  
("DHCD"); AND

WHEREAS, according to the SALT regulations established by DHCD  
at COMAR 05.07.04.09 "[t]he governing body of a local  
jurisdiction shall by resolution, ordinance, or other  
appropriate mechanism permitted by local law, request  
designation of an area as a targeted area;" AND

WHEREAS, an area is eligible for designation as a targeted area if, in accordance with COMAR 05.07.04.09, "[p]opulation in the area has decreased on an average of more than one percent per year between the date of the most recent census of the United States Bureau of Census and the date of the preceding census;" AND

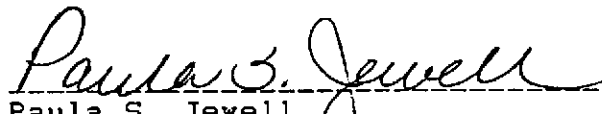
WHEREAS, the population of the City of Takoma Park, an area of 2.2 square miles, decreased from 18,455 in the 1970 census to 16,231 in the 1980 census, an average decrease in population of 1.21% per year;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park hereby requests that the Maryland Department of Housing and Community Development designate the City of Takoma Park, Maryland as a Targeted Area under the regulations governing the State Action Loans for Targeted Areas program.

BE IT FURTHER RESOLVED THAT the City Administrator or his designee is hereby directed to forward a true and correct copy of this Resolution to the Maryland Department of Housing and Community Development.

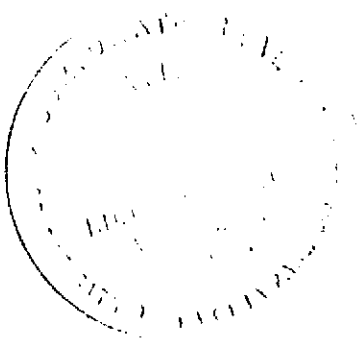
ADOPTED THIS 13th DAY OF February, 1989.

ATTEST:

  
Paula S. Jewell  
Deputy City Clerk

DJN;DISK #15  
SALTRES1

HF: SALT



Introduced by:

First Reading: 2/13/89  
Second Reading:

ORDINANCE 1989-

AN ORDINANCE FOR THE PURCHASE OF A RECORDKEEPING COMPUTER SYSTEM FOR THE POLICE DEPARTMENT.

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

WHEREAS, Proposals were solicited as advertised in the Washington Post for a recordkeeping computer system for the Police Department; AND

WHEREAS, The procurement process as indicated in the Request for Proposals released September 13, 1988, would be phased in two parts, to include Phase I receipt of priced proposals from vendors and Phase II, technical review and selection of finalists; AND

WHEREAS, A pre-bid conference was held on October 3, 1988, at which time questions from vendors regarding the Request for Proposals issued by the City were answered; AND

WHEREAS, Seven written priced technical proposals were received by 2:00 p.m. on November 3, 1988, as follows:

Chesapeake Computers, Inc.  
OCI Systems, Inc.  
Investment Systems, Inc.  
Municipal Computer System, Inc.  
SES/Dragnet, Inc.  
Data Services, Inc.  
Vision Technology, Inc. AND

WHEREAS, A Computer Proposal Committee reviewed all seven proposals, and selected three companies, as follows:

SES/Dragnet, Inc.	\$ 23,000
Data Services, Inc.	22,692
Vision Technology, Inc.	25,227

These companies were to provide demonstrations of hardware and software proposed; AND

B:POLCOMPU

WHEREAS, Demonstrations were provided by the three companies referenced above and field inspections were conducted at local police departments which use the said equipment under review; AND

WHEREAS, The Computer Proposal Review Committee has considered and evaluated all the priced bids and based on the needs of the Department is recommending acceptance of the proposal of Vision Technology, Inc., for the recordkeeping computer system; AND

WHEREAS, The FY-89 Capital Budget allocates \$14,000 for purchase of a computer system for the police department;

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

Section 1. THAT the City Administrator is authorized and directed to enter into a contract with Vision Technology to bind them to their proposal.

Section 2. THAT the purchases shall be charged to Capital Expenditures, line item 995.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

B: POLCOMPU

Single Reading: February 13, 1989

ORDINANCE 1989-7

Introduced by: Councilmember Hamilton

WHEREAS, the Fiscal Year 1988-89 City Budget earmarked \$5,500.00 in the Capital Budget for the purchase of a Brake Lathe for the Public Works Department; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited and received from three (3) qualified bidders as follows:

Maryland Auto Parts, Inc.	\$ 6,058.33
J. P. Scott & Son, Inc.	\$ 5,399.50
Capital Tire Equipment Sales Co.	\$ 4,888.00

WHEREAS, the low bid of FOUR THOUSAND EIGHT HUNDRED AND EIGHTY EIGHT DOLLARS (\$4,888.00) was received from Capital Tire Equipment Sales Co.; AND

WHEREAS, Capital Tire Equipment Sales Co. has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1: That the low bid of \$4,888.00 for one Brake Lathe received from Capital Tire Equipment Sales Co. is hereby accepted; AND

SECTION 2. That the funds to cover this purchase in the amount of FOUR THOUSAND EIGHT HUNDRED AND EIGHTY EIGHT DOLLARS (\$4,888.00) be charged to the Capital Expenditures Account, #995.

Adopted this 13th day of February, 1989.

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

NAY: None

ABSTAIN: None

ABSENT: Elrich (for vote)



(Dated 2/8/89)

1st Reading: 2/13/89  
2nd Reading:

Upon motion by Douglas , duly seconded by Hamilton ,  
the following Ordinance was introduced.

ORDINANCE #1989-  
FY 89 BUDGET AMENDMENT NO. 2

AN ORDINANCE TO AMEND THE FISCAL YEAR 1989 BUDGET

SECTION 1. BE IT ORDAINED and enacted by the City Council of Takoma Park, Maryland that the Fiscal Year 1989 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate \$11,228 from Capital Reserve for police computer system purchase.
- b. Appropriate \$21,047 from Capital Reserve for purchase of police patrol vehicles.
- c. Appropriate \$100,000 from Capital Reserve for street improvements.
- d. Appropriate \$4,860 from Capital Reserve for installation of a concrete pad at Public Works.
- e. A revenue account 453, Special Activities, Cable, is created with an appropriation of \$1,000.
- f. Appropriate \$9,554 from unappropriated reserve for payment of old leave liability.
- g. Appropriate \$5,725 from unappropriated reserve for recycling program.

EXPENDITURE AMENDMENTS

- a. Transfer \$6,000 from Account 510, Salaries, (Govt. Admin.) to Account 510.1 Temporary Assistance.

Page Two

Budget Amendment Ordinance No. 2

- b. Transfer \$9,115 from Account 991, General Contingency to the following accounts:
  - 1) \$3,115 to Account 995, Capital Expenditures to cover purchase of a recycling vehicle.
  - 2) \$6,000 to Account 992, Training.
- c. Appropriate \$21,047 to Account 995, Capital Expenditures for purchase of police patrol vehicles.
- d. Appropriate \$100,000 to Account 995, Capital Expenditures for street improvements.
- e. Appropriate \$4,860 to Account 995, Capital Expenditures to covered increases costs of installation of a concrete pad at Public Works.
- f. Appropriate \$11,228 to Account 995, Capital Expenditures to cover additional costs for purchase of police computer system.
- g. An expenditure account 591, Special Activities (Cable) is created with an appropriation of \$1,000.
- h. Transfer \$12,375 from Account 510, Salaries (Govt. Admin.) to Account 800, P.W. Office Salaries to transfer salary funds to the Public Works Department for the Recycling Coordinator for the remainder of FY 89.
- i. Transfer \$3,712 from Account 512, Fringe Benefits (Govt. Admin.) to Account 802, P.W. Office Fringe Benefits account to transfer funds for the Recycling Coordinator for the remainder of FY 89.
- j. Appropriate \$9,554 to Account 968, Leave Liability to cover complete payment of employee old leave balances.

- k. Transfer \$11,800 to Account 895, Subcontracts (Streets Division) from the following accounts to cover leaf collection contract and speed hump installation:
  - 1) \$5,000 from Account 837 (Government Buildings), Electricity.
  - 2) \$3,000 from Account 838, (Government Buildings), Gas.
  - 3) \$3,800 from Account 854, (Repair Shop), Repair Parts.
- l. Transfer \$8,000 from Account 885, Salaries, (Streets Division) to Account 893, Equipment Rental, (Streets Division) to cover rental costs of equipment to move leaf mulch.
- m. Transfer \$6,000 from Account 889, Repair Materials (Streets Division) to Account 800.1, Temporary Assistance (P.W. Office).
- n. A new expenditure budget line item is created with an Account Number 885.1, Temporary Assistance (Streets Division) and \$18,800 is transferred to this Account from Account 885, Salaries (Streets Division) to provide funding for temporary assistance on leaf collection.
- o. A new expenditure budget line item is created with an Account Number 881, Recycling Expenses (Public Works - Sanitation Division) with an appropriation of \$3,725 to cover printing, postage, and other expenses related to educational materials production.
- p. A new expenditure budget line item is created with an Account Number 882, Recycling Subcontracts (Public Works - Sanitation Division) and an appropriation of \$2,000 to cover costs associated with rental of roll-off containers and collection.

CAPITAL BUDGET

- a. An additional appropriation of \$11,228 is authorized for the police computer system.

a

Page Four  
Budget Amendment Ordinance No. 2.

- b. Purchase of two police package vehicles for patrol is authorized for the FY89 Capital Budget at a cost not to exceed \$21,047.
- c. An increased appropriation of \$4,860 is authorized for installation of a concrete pad at Public Works; an approved FY 89 Capital Budget project.
- d. An increased appropriation of \$100,000 is authorized for street improvements; an approved FY 89 Capital Budget project.

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

Upon motion by \_\_\_\_\_, duly seconded by \_\_\_\_\_,  
the ordinance was adopted by roll call vote as follows:

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

Introduced by: Mayor Del Giudice

**RESOLUTION - 1989-12**  
(In Support of House Bill 445)

WHEREAS, Maryland House Bill 445 supports legislation to remove the cap placed on State Open Space funding; AND

WHEREAS, removal of the cap will increase from the present \$39,000,000 allocation to approximately \$70,000,000 in F/Y 1989-1990; AND

WHEREAS, the increased funding would directly benefit the Mayor and Council and the City of Takoma Park State Open Space allocation; AND

WHEREAS, the City utilizes Program Open Space funds for acquisition and development of park lands.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Takoma Park that we do hereby support the removal of the State Program Open Space Fund cap; AND

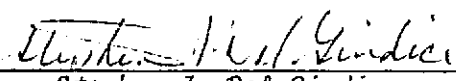
BE IT FURTHER RESOLVED THAT the Mayor and Council of Takoma Park support increasing funds available for preservation and development of City park land.

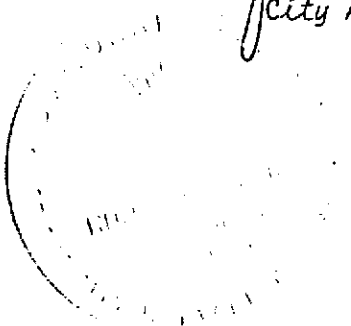
BE IT FURTHER RESOLVED THAT copies of this resolution be forwarded to the State of Maryland representatives from Montgomery and Prince George's Counties.

Adopted this 13th day of February, 1989.

ATTEST:

  
\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

  
\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor



Introduced by: Councilmember Hamilton

RESOLUTION #1989-13  
A Resolution Declaring Takoma Park's  
War On Drugs For A Drug Free City

WHEREAS, drug abuse is a major problem facing all cities, towns and municipalities in the United States, and the greatest threat being that to our young people; AND

WHEREAS, the Mayor and Council of Takoma Park, Maryland have called for a broad-based "supply-side" (law enforcement) and "demand side" (prevention-education and treatment) attack on drug use in our City; AND

WHEREAS, within the past year, Takoma Park, Prince George's County, Montgomery County, Frederick County and the Council of Governments have held public drug forums and have formed taskforces to gather and share community, business and government input into the drug problem; AND

WHEREAS, other communities have successfully enacted and implemented a strong stand against the drug war, such as New Jersey's Comprehensive Drug Reform Act of 1986; AND

WHEREAS, under the federal 1986 Drug-Free Schools and Communities Act, Montgomery County will receive \$900,000 over the next three years to expand substance abuse prevention/education efforts for youth and families; AND

WHEREAS, Prince George's County raised housing inspection fees so that the additional revenue would go towards fighting the drug problem; AND

WHEREAS, in order to address the severity of the drug problem in Takoma Park, it is important to recognize that there is a need for adequate funding so that law enforcement can continue and an on-going commitment is made for education and treatment. In Montgomery County, the Federal government and other jurisdictions there currently are laws and regulations that govern the use of drug proceeds. The proceeds may be used for those three things: enforcement, education, and treatment.

NOW THEREFORE BE IT RESOLVED that the City of Takoma Park hereby announces its continued "war on drugs".

BE IT FURTHER RESOLVED THAT The Mayor and City Council of Takoma Park, Maryland encourage that all municipalities in the State of Maryland sponsor resolutions declaring a "War On Drugs" and stress that we must have drug-free communities for the future of our communities; AND

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be sent to Montgomery and Prince George's County officials, to the Washington Metropolitan Council of Governments, to the Maryland Municipal League and to Takoma Park's representatives in the State Legislature.

Dated this 13th day of February, 1989

Introduced by: Councilmember Hamilton

Resolution 1989- 11

Authorizing the Public Works Director to Complete Priority Street Repairs.

WHEREAS, the Takoma Park City Council desired an execution package for street infrastructure repairs; and

WHEREAS, the Public Works Director provided a report identifying priority projects for completion this Fiscal Year; and

WHEREAS, the City Council has earmarked \$200,000 for the repair of priority streets, curbs and gutters and sidewalks.

NOW, THEREFORE BE IT RESOLVED that the Public Works Director is authorized to execute a contract to accomplish priority street repairs up to the \$200,000 limitation.

BE IT FURTHER RESOLVED that this funding limitation will include all work associated with the repairs including architectural/ engineering fees related to contract preparation and inspection.

Adopted this 13th day of February, 1989.

CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council  
February 21, 1989

CITY OFFICIALS PRESENT:

Mayor Del Giudice (absent)	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Code Enforcement Suprv. McMinn
Councilmember Hamilton	
Councilmember Leary	
Councilmember Martin	
Councilmember Sharp	

Upon motion made and duly seconded, the Council convened in Special Session at 7:30 P.M., on Tuesday, February 21, 1989, 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 Tuesday evening class and would be arriving later this evening. Mr. d'Eustachio noted that the only item on this evening's agenda was Council action on Special Accessory Apartment Case #1543, at 7126 Sycamore Avenue. Councilmember Douglas moved discussion of the item, duly seconded by Councilmember Hamilton.

Code Enforcement Supervisor Richard McMinn referred to the February 13th Council meeting when Mr. Treadwell mentioned that he had received an extension from the Department of Housing Services to correct the housing code violations on the property. Mr. McMinn said that at that time he was unaware of an extension but he went back and researched the file and found that the DHS had issued an extension until April 1989 to correct the violations. The extension had been issued in coordination with the request for an accessory apartment and the fact that the County has stated not to do any work until the approval went through. Mr. McMinn also answered the second question raised at the last Council meeting regarding the availability of off-street parking. Mr. McMinn said that he and Public Works Director Anthony Giancola surveyed the property again and at the lower end of the lot, there was off-street parking availability. There was some question as to whether or not it was within the confines of the Code and Mr. Giancola indicated that it had been this way for some time. It was Mr. Giancola's impression that in the future the owners may want to put in the proper access to the curb site but being that it has existed for so long and being used as parking it should be viewed as off-street parking.

Mayor Pro Tem d'Eustachio recognized the owner, Daniel Treadwell and offered him the opportunity to add his comments to this discussion.

Mr. Treadwell submitted for the record a letter from Frey, Sheenan, Stoker, & Associates, land planning consultants, who indicated that the lot size was 7,892 square feet which he said, was well over the normal lot size. Mr. Treadwell also noted receipt of a letter from the Maryland-National Capital Park and Planning Commission who found that the special exception satisfies the requirements for an accessory apartment and that the lot exceeded the required minimum lot size of 7,500 square feet.

Mayor Pro Tem d'Eustachio asked that a letter from James and Eleanor Suntum whose property abutts the property in question, be entered into the record. The Suntums were offering their support for Mr. Treadwell's request.



Councilmember Douglas asked Mr. McMinn if it was DHS's recommendation that the Mayor and Council support the application. Mr. McMinn responded that the questions raised in the February 13th session have been answered satisfactorily and that he would go on record now stating that DHS is in support of granting the application. Mr. McMinn mentioned that the ceiling height in the basement was the third issue raised and in response to Councilmember Douglas' inquiry, as to whether Mr. McMinn considered the ceiling height to be a problem, Mr. McMinn responded that the report indicated that the ceiling was below the required minimum. Mr. McMinn said that he believed that Mr. Treadwell had indicated that at some time, he was going to deal with this issue if the accessory apartment was granted by the County. Mr. McMinn also said that being that the extension was granted, there was no problem with Mr. Treadwell's dealing with this at the time the exception is granted. Councilmember Martin questioned if it was possible to obtain a waiver. Mr. Treadwell responded that he would like to request a waiver on the ceiling height, but he would have to request one from the City and the County. Mr. Treadwell said that the County requires a 90 inch ceiling height and the City requires 88 inches; he said that the average height is about 82 inches and when the County inspector visited the premises, he inquired whether the difference was oppressive and the inspector had indicated that it was not. Mr. Treadwell said that the amount of work to bring it into compliance is the maximum amount of work for a minimal benefit--but it could be done. Mr. Treadwell said that he will request a waiver and if it is denied, he would deal with it.

Councilmember Elrich questioned how Mr. Treadwell would go about doing it manually. Mr. Treadwell said that he would have to lower the floor and this work would also require putting in a new sewer line which is part of the reason why the ceiling is low. He said that builders tied the existing bathroom and kitchen in with the existing sewer line to the house and because the house is built on a slope, in order to lower the floor, he would also have to have a new sewer line put in.

Mr. d'Eustachio moved that the Council support this application based on the following: (1) there is extensive support for this special exception in the neighborhood; (2) it appears that the applicant is making a reasonable effort to bring the property into compliance; and (3) the Council's support does not predicate a subsequent rental license--before the apartment can be rented. He said that the City does need to reinspect and grant a license so that the City has the option to make a judgment as to safety and liveability of the apartment. The motion was duly seconded by Councilmember Hamilton. Councilmember Sharp questioned if Mr. d'Eustachio's motion included the waiver on the ceiling height. Mr. d'Eustachio responded that the motion did not include the waiver. He said the recommendation is simply that the special exception be granted which will be granted or denied before the apartment meets Code.

Mr. McMinn said that with other properties the City has dealt with for accessory apartments, the County has granted the exception for the apartment on the contingency that the owner correct violations that the County has reported. Mr. McMinn stated that if the County issued a special exception and the ceiling height had been low, the owner then has the responsibility to either correct that ceiling height to comply with the order, or the County has an Appeals Board in which the owner can go in and appeal and get the waiver on the ceiling height. Mr. McMinn further stated that the County is still issuing the special exceptions with the listed violations but they're requiring them to be abated. Councilmember Sharp asked if the owner could get the waiver before he starts to do all the other work. Mr. McMinn said there has been one particular case where an owner tried to get a waiver on the ceiling height and they went in after it was

granted. Mr. McMinn said that they are granting the use but then in order to occupy the unit, the owners have to comply with the violations.

Councilmember Douglas stated the Council is confusing two issues here; the land use zoning issue which is the permission to use the structure for an accessory apartment and whatever Code compliances the County and the City have in terms of the actual use of it. Mr. Douglas said that he supports the motion on the floor, but supports it as a land use issue not as an issue on whether or not the apartment's configurations meet or doesn't meet Code provisions.

Councilmember Martin questioned why there was a ceiling requirement. Mr. McMinn responded that beside from there being a comfort aspect, there is a fire safety standpoint. He said that in the event of a fire, smoke rises to its highest point and the more space you have going up, the more time an individual would have to make an escape in the event of a fire at their normal pace. The lower the ceiling is, the quicker the smoke will get down to a level that could become harmful to someone in their escape.

The question was called and the motion to support the application was passed unanimously.

Upon motion duly made and seconded, the Special Session adjourned at 8:10 P.M. to reconvene in Regular Session on February 27, 1989.

Regular Meeting of the Mayor and Council  
and  
Public Hearing re FY'89 Budget Amendment No. 2  
February 27, 1989

## CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember d'Eustachio	Asst. City Administrator Habada
Councilmember Douglas	Deputy City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Police Chief Fisher
Councilmember Leary	Public Works Director Giancola
Councilmember Martin	Corporation Counsel Silber
Councilmember Sharp	

The Mayor and City Council convened at 8:00 P.M. on Monday, February 27, 1989 in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the January 30, 1989 Regular Meeting were presented for approval. Councilmember d'Eustachio pointed out that on page 7, the unidentified female speaker was Mrs. Montez Boatman of 133 Ritchie Avenue. Councilmember Douglas moved approval of the Minutes with that noted addition, duly seconded by Councilmember d'Eustachio; the Minutes were approved by unanimous vote.

Mayor Del Giudice noted the 2 pieces of legislation regarding Unification of the city that had been pending before the legislature -- one which would create a binding referendum on the issue, and one which would allow for a non-binding referendum. Unfortunately, he said, the prior week, at the meeting of the Prince George's Bi-County Committee, the vote was cast unfavorably on both pieces of legislation. He explained that they would next go to the full delegation for consideration and if they followed the recent history of other legislation on the matter, they would die in committee. Regarding the City's legislation concerning the Library, he said the issue had generated a good deal of discussion and debate, and some material was brought forward by both Prince George's County and Montgomery County. He said from his personal review of the material, it did not appear the City would be getting a fair shake on its return of the tax dollars that city citizens pay to both counties for support of library services. He said the City would be getting around \$53,000 from Montgomery County, around \$51,000 from Prince George's, and P. G. was having a hard time seeing their way clear to approving the legislation before them which would provide for pass-through of state library support money, unless something were done to address the tax rebate issue. In light of all that, he said he thought the best that could be done in the current year would be to recommend that the bill be referred for summer study, which was what he had suggested to the Chair of the P. G. Bi-County Committee. He said there would be a need to meet with the Montgomery County Office of Management & Budget to discuss the library situation, and at the last meeting of the Montgomery Chapter of MML, he had mentioned that to Mr. Kendall. He said he anticipated meeting with officials of both counties on the issue over the next few months, but clearly no legislation resolving the matter would be passed during the current session of the legislature.

The Mayor noted that on March 11, CASA de Maryland would be celebrating their 3rd anniversary with a community potluck supper, and said they would be happy for interested members of the community to join them.

**PRESENTATIONS**

Mayor Del Giudice explained that a number of Police Department employees would be presented awards for time in service with the City, commenting he felt this to be an important way of recognizing long and dedicated years of service, and expressing the gratitude of both the City government and the community for employees' efforts and contributions. Police Chief Fisher presented awards and expressed congratula-

tions to the following individuals:

10 or More Years of Service:

Sgt. Dennis Bonn  
Sgt. Cynthia Creamer  
Sgt. George Hubbard  
Cpl. Albert Hernandez  
Cpl. Clarence Jacobs (in absentia)  
Cpl. Charles Jagoe (in absentia)  
Cpl. Stephen Vermillion (in absentia)  
Pfc. James Richards  
Crossing Guard Gloria Sheckels  
Crossing Guard Jeanne Humbert

15 or More Years:

Sgt. John Duvall  
Lt. John Gowin  
Lt. Richard Kendall  
Administrative Clerk Carolyn Pinkard  
Sgt. James Rosenthal  
Cpl. Paul Wilson  
Capt. Daniel Wortman  
Crossing Guard Doris Rodgers

20 or More Years:

Sgt. Jack Goetz

ADDITIONAL AGENDA ITEMS:

Governor's and State Attorney General's Proposed Anti-Drug Legislation

Councilmember d'Eustachio moved to suspend the rules, duly seconded by Councilmember Sharp, so as to address the first 3 items on the published agenda prior to hearing Citizens' Comments. The motion carried by unanimous vote.

ITEMS FOR COUNCIL ACTION:

1. Resolutions Bestowing Police Honorable Mention on Cpl. Scott McAuley, Cpl. Clarence Jacobs, Cpl. Charles Jagoe, Pfc. Ben Skibicki.  
Councilmember d'Eustachio moved passage of the resolutions, collectively, duly seconded by Councilmember Sharp; the resolutions were passed by unanimous vote. The Mayor presented Cpl. McAuley with his resolution, noting that the other officers, because they were on duty, could not be present at the meeting.

RESOLUTIONS #1989-14, #1989-15, #1989-16, & #1989-17  
(attached)

2. Resolution Bestowing Police Meritorious Service Award on Officer Brian Davis and Officer Walter Montes.

Councilmember d'Eustachio moved passage of the resolutions, collectively, duly seconded by Councilmember Sharp; the resolutions were passed by unanimous vote. Officers Davis and Montes accepted presentation of their resolutions from the Mayor.

RESOLUTIONS #1989-18 & #1989-19  
(attached)

3. Resolution Bestowing Police Officer of the Year Award on D/Cpl. John Suero.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Sharp; the resolution was passed by unanimous vote. The Mayor presented D/Cpl. Suero with the resolution, commenting that a lot of good work had gone into the receipt of the award and congratulating him.

RESOLUTION #1989-20  
(attached)

CITIZENS' COMMENTS: (not directed at Items for Council Action)  
Hank Prensky, Westmoreland Avenue: thanked the elected body for the opportunity of representing them and the City at the 4th International Conference of Nuclear Free Zone Local Authorities in Eugene, Oregon, during February 8-11. He said it was a great event, related there

were about 200 delegates at the conference, representing about 16 countries. He said he had participated as a presenter in 2 of the workshops, one dealing with procurement, and people from all over the world were impressed with Takoma Park's 5-year record of not granting any waivers to their NFZ Ordinance. He said copies of City forms, e.g., Notice to Bidders, Contractor's Certification (Affidavit), etc., were distributed and were most appreciated. He said there were only 12 localities in the U.S. that had NFZ Ordinances as strict and as clear as Takoma Park's, and people were glad for some guidance on the matter. Mr. Prenskey said he had appreciated being able to represent the city and had been impressed by the high regard and esteem in which it was held by people from all over the world. He said he had also participated in a workshop on divestment strategies in which he addressed the City's initial process of bank survey, and possibilities for addressing the socially responsible investment clause of the legislation. He related that a proposal had been put forth at the conference to form a U. S. Association of Nuclear Free Zones; he had participated in a series of meetings on the subject, and a further meeting of interested parties will occur as a special caucus during the National League of Cities Meeting in Washington, D.C., March 11-14. He suggested that perhaps the Mayor and Council would wish to consider during that time hosting a small City reception for representatives of other Nuclear Free Zones. Mr. Prenskey commented on some of the notable persons whom he had met at the conference, including a representative of the Soviet Sister Cities Project, with whom he said he hoped to perhaps pave the way to Takoma Park finding a Soviet Sister City as referred to in the NFZ Ordinance. He said he had copies of audio tapes produced at the workshops which he would like to share with the elected body, said he would be forwarding a copy of his formal written report in April, and said a 20-minute video was being produced explaining and encouraging formation of Nuclear Free Zones. He referred to an upcoming article in the New York Times Business Section on Nuclear Free Zones, remarking that Robert Alpern was interviewed in connection with it and he felt sure mention would be made of Takoma Park. Mr. Prenskey noted that the next international conference would take place near the end of 1990 in Glasgow, Scotland. He again thanked the elected body for the opportunity of representing the City at the conference.

The Mayor commented that it was hoped out-of-town NFZ representatives could be entertained in some way during the upcoming meeting in D.C., as mentioned by Mr. Prenskey, and he would be looking into what could be coordinated with their schedule and advising members of the Council as information became available.

Brint Dillingham, 7018 Carroll Avenue: referred to his repeated and ongoing attempts to get answers to questions originally posed in a letter to the City in early December regarding landlords' compliance with reporting requirements. He pointed out that while the City's eventual letter of response appeared to indicate that they had numbers he was seeking, those figures were not provided, i.e., the number of landlords required to report and how many had done so. He asked that that information be provided to him. He noted he had asked other questions as well, to which answers were still pending, and for which he would wait if that were necessary. Mr. Dillingham referred to commentary at earlier Council Meetings regarding a Newsletter article authored by Lou D'Ovidio and statements contained therein, as well as communications exchanged between himself and Mr. D'Ovidio, and inquired concerning the outcome of the inquiry that was to be made into the situation by the elected body. Mr. Dillingham referred to the pending Special Exception for an accessory apartment at 7101 Holly Avenue, which was addressed at the 2/13/89 Council Meeting. He said that situation had been researched by Attorney Tom Gagliardo, conversations had occurred with Mr. Wilson and Ms. Habada; it appeared that inasmuch as the property was occupied by in-laws of the owners, and possibly some children of the owners, that it would after all meet the owner-occupancy requirement of the law, the City's original decision could be reversed, and a positive recommendation could be given to the county. He asked what the outcome of that situation had been. Mr. Dillingham referred to the recent public outrage over the possible 50% congressional pay increase; he referred to the City's 4% rent increase cap for the current year which he said initially became effective through the elected body's failure to vote on the issue, however, was

later formally confirmed and voted upon. He said he felt it equally outrageous that something affecting 60% of the city's population could be addressed in such a fashion, and hoped that would not become a practice. In conclusion, Mr. Dillingham explained he could not be present for the Council's action on the Resolution asking that Takoma Park be exempted from provisions of Prince George's County proposed legislation, CB-22, which would reduce the number of unrelated persons who may occupy a single-family dwelling. He said he was glad the elected body was apparently not in support of that bill, and noted the resolution pointed out that the City already addresses and controls problems such as litter, overcrowding, etc., through enforcement of its Housing and Property Maintenance regulations. He said that was an argument that could have been used effectively in opposing the Phase-back Law with Montgomery County.

Mayor Del Giudice responded that that argument was posed to the County Council during phaseback negotiations, however, the County Council and County Executive did not listen to that approach. Concerning the rent increase cap, the Mayor pointed out that the City Code required that the Council consider the available data on whether or not there should be a rent guideline and what the guideline should be; he said the existing mechanism allowed the existing guideline to stay in place and repeat without the elected body taking any formal action, probably based on the idea that there may be no demonstrated need to make a change in the cap. He said if there was no need for change, it made no sense to re-enact what already existed. He noted that the rent guideline would be addressed at a later point in the year, and if Mr. Dillingham wished to debate the existing legislation, that would perhaps be a more appropriate time to do so. Regarding 7101 Holly Avenue, the Mayor said he had not received a staff report on the inquiry mentioned by Mr. Dillingham, and had not been advised that there had been a further inquiry into the situation initiated. He said he would like to have a staff report on the matter if there were any substantiating information that an in-law could, in fact, qualify for consideration under the owner-occupancy requirement of the law. Regarding the Newsletter article by Mr. D'Ovidio and certain conclusions drawn from statements therein, the Mayor said that a draft letter, as discussed in an earlier meeting, was presented and discussed in worksession, however, the final decision was that rather than sending the letter, he, the Mayor, would be requested to contact County Executive Kramer. He said he did so, raised the concern expressed by some members of the Council, as well as some members of the community, that Mr. D'Ovidio's letter reflected the position and the policy of the present administration. The Mayor said Mr. Kramer advised him that that was not the case, that in his view, those opinions expressed in Mr. D'Ovidio's letter were those of a private individual who happened to work for the county, and that there was no policy or practice in his administration to penalize the City of Takoma Park, but that Mr. D'Ovidio was free to make whatever observations or provide whatever opinions he felt were appropriate. The Mayor said that, having read Mr. D'Ovidio's letter of response to Mr. Dillingham, he felt what Mr. D'Ovidio was referring to, particularly in regard to Block Grant funds, was an entirely hypothetical situation. He said, to his knowledge, since the City had moved to Block Grant funding from both counties, while the total amount asked for may not always have been granted, the City had never been denied funds by Montgomery County. He said, however, the fact of the matter was that Block Grant money for municipalities was just not what it once was. Concerning the number of landlords required to report rent increases and the number who had complied, the Mayor said that information should be available from DHS and he would look into why it had not been supplied to Mr. Dillingham.

Mr. Dillingham commented that while he appreciated that the Mayor had spoken with Mr. Kramer and relayed the County Executive's response to the concerns expressed, he felt there remained a need to ask Mr. D'Ovidio what solid evidence he had for the assertions made in his Newsletter article, particularly regarding revenue in the areas of development funds and taxes (tax inequities). He asked whether the apparent practice of not seeking discretionary funds through the county in the last couple of years had any basis in a perception that Takoma Park would not be favored; brief dialogue ensued concerning the City's current approach to acquiring Block Grant funding, use of the

funds, etc., and the Mayor pointed out that some discretionary funds had been received, such as monies for housing rehab, facade work on Flower Avenue, etc. It was suggested that Economic & Community Development Director Neal could also provide information on the history of the Block Grant process vis-a-vis the City and the rationale for changes effected in the City's approach to acquiring such funding.

ITEMS FOR COUNCIL ACTION: (continued)

4. Public Hearing and Second Reading of FY'89 Budget Amendment No. 2. The Mayor noted a revised copy of the ordinance accepted for First Reading had been distributed. Councilmember Douglas moved adoption, duly seconded by Councilmember d'Eustachio. Councilmember Douglas moved passage of the amendments identified in the draft by underlining of the added language; it was noted the amendments would add subsections h. and i. to Sec. 1, q. and r. to Expenditure Amendments, and e. and f. to the Capital Budget. The motion for passage of the amendments was duly seconded by Councilmember Leary. Brief discussion ensued concerning the \$30,000 for the Gypsy Moth Program; it was noted that spraying was expected to require no more than \$28,000, the other \$2,000 was for educational materials, however, should additional monies be found to be needed, another Budget Amendment could be done transferring the funds. The amendments were passed by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Leary, Martin and Sharp; NAY: None; ABSENT: Councilmember Hamilton.

ORDINANCE #1989-8  
(attached)

5. Second Reading of an Ordinance Approving Purchase of Police Computer Equipment.

Councilmember d'Eustachio moved adoption, duly seconded by Councilmember Leary. Councilmember Sharp moved to amend the ordinance by deletion of the language ; or to be doing business with nuclear weapons manufacturers; from the last "Whereas" clause; the motion was duly seconded by Councilmember Douglas. Mr. Sharp pointed out that that language was not a provision of the Nuclear Free Zone Ordinance and noted that several ordinances in recent weeks had contained such language which expanded the scope, however inadvertently, of the legislation. He said he had suggested some time ago that boilerplate language for insertion in ordinances be formulated, which would do away with the necessity to delete inappropriate language. The amendment was passed by unanimous vote. The ordinance, as amended, was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Douglas, Elrich, Leary, Martin and Sharp; NAY: None; ABSENT: Councilmember Hamilton.

ORDINANCE #1989-9  
(attached)

6. Resolution re Prince George's County Legislation CB-22.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Elrich. Councilmember Sharp noted the legislation was purportedly introduced at the request of College Park because of college students in that area occupying single-family homes and causing a nuisance to the community; he said while College Park may have a valid problem, it did not appear any consideration had been given to the impact the legislation might have on other areas, such as Takoma Park, where a similar problem did not exist. He said he felt it appropriate that the City be excluded from the legislation; additionally, he said, were the City subject to the legislation, it would create an inconsistency within the jurisdiction because Montgomery County had different regulations on the subject. Responding to query from Mr. Sharp, the Mayor said he had not yet contacted County Councilmember Cicoria, however, would do so following enactment of a formal position on the matter by the Council and would explore with him the possibility of the City being exempted from the legislation. Councilmember Martin said she would be voting against the resolution because she had read College Park's report on the issue, and she said Takoma Park was cited therein as being a part of the available housing market for students and she had a concern about groups of students occupying the small houses located in her ward and exacerbating the congested parking conditions in some areas. She said she feared that

if the legislation were enacted and Takoma Park was exempted, the City would be severely impacted. Councilmember Leary echoed Ms. Martin's concerns and said he would also be voting against the resolution. More generally, he said he felt the county's ordinance to be a zoning step in the right direction and wished Montgomery County would follow suit. Councilmember Elrich commented he felt Prince George's County's legislation to be a step in the wrong direction, and one that certainly should not be taken at a time when there was already an inadequate housing supply. Concerning the question of forwarding of the resolution, if passed, the Mayor said that rather than simply forwarding it to Mr. Cicoria and other appropriate officials, consensus seemed to be that the matter be discussed with Mr. Cicoria personally to see what course the City could best take. Regarding the report compiled by College Park and mentioned by Councilmember Martin, Councilmember Sharp commented there appeared to be some question about the reliability of the data in that document, so he did not think Takoma Park should put too much weight on the mention made of it therein. The resolution was passed 4-2 with Councilmembers Leary and Martin voting Nay, Councilmembers d'Eustachio, Douglas, Elrich and Sharp voting Aye (Councilmember Hamilton absent).

RESOLUTION #1989-21  
(attached)

**7. Resolution re MC/PG-20-89 Park & Planning Professional Staff.**

The Mayor commented it was his understanding that the Prince George's County Bi-County Committee was taking a position against the subject bill; he said while the bill would also affect the staff of the Montgomery County Park & Planning Commission, it would have to get through both delegations for passage. Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Elrich. Councilmember Douglas commented he felt strongly about what was proposed by the legislation, that the best and most objective possible advice was needed by decision-makers such as the City's elected body, and there was no way informed public policy decisions could be made if Park & Planning had a politicized senior staff. The resolution was passed by unanimous vote.

RESOLUTION #1989-22  
(attached)

**8. Resolution in Support of Co-Sponsoring of Affordable Housing Conference.**

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Sharp. Councilmember Sharp pointed out that the last "Resolve" clause should appropriately be a "Whereas" clause, and asked that the document be editorially amended accordingly; Councilmember Douglas expressed concurrence with that suggestion, as did the maker and seconder of the motion for passage. The resolution, as editorially amended, was passed by unanimous vote.

RESOLUTION #1989-23  
(attached)

**9. Resolution Re-establishing Annual Newsletter Review Committee.**

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Douglas. Councilmember Sharp suggested deletion of the language recommend needed changes in from the last sentence of the final "Resolve" clause, pointing out that a presupposition should not be made that changes would be needed in the publication; he suggested insertion in place of the deleted language of the wording offer recommendations regarding. Councilmember Martin raised the question of whether the word "operation" in that same sentence was appropriate, pointing out that the major concern was more likely whether the publication met the editorial guidelines. Mr. Douglas remarked that that was what was intended in the use of the word "operation." Councilmember Leary stated that, in drafting the resolution, he had intended "operation" to mean how the publication functions -- anything and everything about it, including that it be in compliance with the guidelines. The Mayor noted, for the record, that it was the understanding of the Council that the word "operation" was being used in its generic and large sense, which would include that the operation complies and comports with the guidelines. He pointed



out there had been questions raised concerning whether there was need for review of the guidelines, and said the committee might wish to examine those to see whether there was need for revision or updating. Councilmember Douglas suggested insertion of language in the resolution stating that members would be appointed to the committee following advertisement in the April issue of the Newsletter, pointing out that would clarify why the resolution was being passed at present and the members of the committee would not be appointed until April or May. The Mayor suggested following the usual course of advertising formation of the committee in the Newsletter and soliciting applications from persons wishing to serve, with a cutoff date of April 15 for applying and appointment of members at the April 24 meeting. It was noted that in view of that time frame, May 19 would not be a realistic date by which to expect the committee to come forward with a report to the elected body; consensus was to change that date to July 19, 1989.

Councilmember Martin raised the question of a prior Newsletter Review Committee; the Mayor affirmed such had existed and briefly reviewed the history of the subject. It was noted semi-annual review of the publication was supposed to occur, however, he said he did not think that was a realistic or practicable requirement, and he hoped that the new committee would recommend that be changed to annual or bi-annual. Ms. Martin inquired whether there was a need to rescind the former resolution creating a Newsletter Committee; consensus was that the newly created committee might make a recommendation in that regard, however, the elected body would also need to consider and address the issue.

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

RESOLUTION #1989-24  
(attached)

**10. Resolution Creating City Government Centennial Committee.**

The Mayor noted that, as with the foregoing item, formation of this committee would be advertised in the Newsletter and citizens would be invited to serve as members; he said he did not anticipate appointments being made to the committee until late April. Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember d'Eustachio; the resolution was passed by unanimous vote.

RESOLUTION #1989-25  
(attached)

**11. Resolution Supporting the Governor's and State Attorney General's Proposed Anti-Drug Legislation.**

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Douglas. The Mayor referred to comments in the Washington Post concerning the legislation; he explained that there was one particular piece of the State Attorney General's legislation that the proposed resolution did not endorse, i.e., one which would give the State Attorney General the authority to appeal a decision which suppressed evidence in a drug case. He explained that he felt the right of the state to seek an appeal right of a decision would be in conflict with a defendant's right to a speedy trial of his case; alternatively, if a defendant were tried without the evidence in question and were acquitted, the government could not appeal because if they won the appeal it would do them no good because the defendant could not be tried a second time for the same offense without violating the double jeopardy provisions. He said that particular piece of proposed legislation was not endorsed because of the afore-stated reasons and because he did not think it would likely pass constitutional muster. He noted the Post had referred to constitutional problems with some of the legislation. The Mayor said the only other legislation he was aware of which had been questioned constitutionally was the Asset Forfeiture Act, about which questions had been raised regarding constitutionality of the act allowing for the forfeiture of property where that property had not necessarily been directly used in the commission of a crime, but might be seen as the proceeds of a crime. He said there was some question whether property could legally be taken when there was actually no evidence that it had been used in the commission of a criminal offense. He said that while most of the

proposed legislation would assess very severe penalties on those who violate drug laws, none of them were so severe as to be considered excessive, which could amount to a violation of the Constitution. He explained that there were Constitutional provisions that were intended to protect even individuals convicted of commission of serious crimes from being abused and subjected to excessive punishment. He said he did feel, however, that the proposed legislation sent a very strong message that it would cost those who chose to deal in drugs very dearly if they continued to do so. He said he was aware there were concerns about how the legislation would impact those who could be considered recreational users of drugs, and commented there was one piece of the legislation that provided that those convicted of a drug offense, e.g., minimal possession of drugs, could lose their driver's license and, upon conviction of a second offense, could be required to serve a mandatory 30-day sentence in jail.

Councilmember Douglas remarked he would be voting against the resolution, commenting it was evident the issue was complex and dealt with a number of controversial and potentially constitutional questions involving drug policy, criminal law, etc. He said he felt it inappropriate for the City's elected body to adopt a position on such issues without in-depth consideration and discussion and, perhaps, legal advice and expertise. He said he particularly questioned the expression of unequivocal support for the legislation that was contained in the first "Resolve" clause of the resolution, saying that, if anything, the elected body's support would have to be equivocal at the current point in time. He said he felt it would be inappropriate for a City which prided itself on being progressive to, with little or no discussion, vote to support what, at least on the surface, appeared to be quite regressive kinds of law enforcement measures.

Councilmember Sharp commented he was not opposed to supporting legislation that may be a lot tougher in the drug area, said he did not know that he would oppose the proposed legislation if he had a chance to examine it, however, to his knowledge, copies had not been included in his packet.

Councilmember d'Eustachio suggested that the item be referred to worksession for discussion; he said he had questions about some of the legislation, e.g., philosophically questioned mandatory sentencing, which he thought had demonstrated itself to be unworkable, by and large. He said he favored stiffer penalties for drug users, thought the Council should and could send an unequivocal message that it opposes drug use and supports any sort of constitutional efforts that the state can put forward to combat the serious menace presented by drugs.

Councilmember Leary commented that it appeared to him that even after a worksession discussion, the majority would still be voting against the proposed resolution. He said he had no problem with postponing a vote for 2 weeks, but urged that a vote be taken at that time, whatever the outcome. He said the fact was that a general endorsement of stronger measures against the problem of drugs was meaningless, that what was at hand was a live legislative proposal. He said the actual question was whether the City Council was in support of the specific legislation that was proposed and might be passed.

The Mayor pointed out that perhaps there was a need to separate out some of the issues, noting that some things would directly impact the City, e.g., the Asset Forfeiture Act, which would give municipalities and state government the right to seize real property being used in the commission of crime, for instance, a dwelling being used as a crack house. As the situation now stood, he said the only entity that had the authority to take real property was the federal government.

Councilmember Elrich commented that while he was willing to look at various factors of the legislation, it reminded him somewhat of the debate over the death penalty which was supposed to provide a deterrent to murder; he said he felt D.C.'s record of last year said a lot about the effect of stiffer penalties in terms of deterring that sort of crime. He said he felt there was a lack of commitment in the Governor's budget to addressing the underlying social problems which had caused the sort of drug abuse that created the problems people are

facing. He said he did not think throwing police and jails at them was going to solve the problem, that there was a need to create hope in lives and a feeling that there was a future to look forward to. He said that when those things were lacking, people chose a lifestyle reflecting that lack of hope and a future -- taking away the drugs would not ensure that those lives would not be destroyed anyway either by alcohol or other similar wasteful forms of behavior. He said he found it tedious to see people trying to address the drug problem by figuring out how many more jails they could build or how much stiffer sentences could be made, rather than making the necessary budget commitments to try to make life worth living for people.

In the course of continuing discussion, Councilmember Douglas commented he would hope that additional information could be supplied if the issue were discussed in worksession. The Mayor suggested that the New Jersey Report and Comprehensive Drug Reform Act, a number of copies of which were available, furnished a great deal of informative information. Councilmember Hamilton commented he also had a copy of the Prince George's County Drug Taskforce's Recommendation, Montgomery County Taskforce's Recommendation, as well as Frederick County's and a couple of other counties', and he would be glad to share that information.

Councilmember d'Eustachio moved to table the item for further discussion in worksession, duly seconded by Councilmember Hamilton. The motion carried by unanimous vote.

Councilmember Sharp commented Councilmember Martin had recently advised him that SHA had synchronized the traffic lights on New Hampshire Avenue so that one would hit all green lights if travelling at some given speed; he asked that staff contact SHA, ascertain if that was correct, and inquire between what points they were synchronized and at what speed one would need to travel to benefit.

Upon motion, duly seconded, the meeting adjourned at 9:50 P.M., to reconvene in worksession and Executive Session. The elected body will reconvene in regular session at 8:00 P.M. on March 13, 1989.

R E S O L U T I O N

(Resolution 1989-11)

WHEREAS, Police Chief Tony Fisher has bestowed HONORABLE MENTION on DETECTIVE CORPORAL SCOTT MCAULEY for fine accomplishments in 1988; AND

WHEREAS, CORPORAL MCAULEY was selected for excellence and enthusiasm in detective work, including a high degree of persistence which resulted in the closing of two rape cases (one having little physical evidence), and for continuing, exhaustive investigation of the 1988 double homicide on Maple Avenue,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

CORPORAL SCOTT MCAULEY.

Dated this 27th day of  
February, 1989.

\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor

ATTEST:

\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator

R E S O L U T I O N

(Resolution 1989-15)

WHEREAS, Police Chief Tony Fisher has bestowed HONORABLE MENTION on the two members of the police department's Drug Crime Reduction Team for fine accomplishments in 1988; AND

WHEREAS, CORPORAL CLARENCE JACOBS is a member of the Drug Team; AND

WHEREAS, He and his fellow Drug Team member were selected for spending unpaid hours of their own in anti-drug efforts; AND

WHEREAS, The Drug Team made 26 criminal arrests for drug distribution and related charges, and seized over \$30,000 from dealers within Takoma Park, and were responsible for 15 search warrants,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

CORPORAL CLARENCE JACOBS.

Dated this 27th day of  
February, 1989.

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Stephen J. Del Giudice  
Mayor

ATTEST:

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James S. Wilson, Jr.  
City Administrator

R E S O L U T I O N

(Resolution 1989-15)

WHEREAS, Police Chief Tony Fisher has bestowed HONORABLE MENTION on the two members of the police department's Drug Crime Reduction Team for fine accomplishments in 1988; AND

WHEREAS, CORPORAL CHARLES JAGOE is a member of the Drug Team; AND

WHEREAS, He and his fellow Drug Team member were selected for spending unpaid hours of their own in anti-drug efforts; AND

WHEREAS, The Drug Team made 26 criminal arrests for drug distribution and related charges, and seized over \$30,000 from dealers within Takoma Park, and were responsible for 15 search warrants,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

CORPORAL CHARLES JAGOE.

Dated this 27th day of  
February, 1989.

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Stephen J. Del Giudice  
Mayor

ATTEST:

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James S. Wilson, Jr.  
City Administrator

R E S O L U T I O N

( Resolution 1989-17 )

WHEREAS, Police Chief Tony Fisher has bestowed HONORABLE MENTION on OFFICER BEN SKIBICKI for fine accomplishments in 1988; AND

WHEREAS, OFFICER SKIBICKI was selected for accomplishing over 20 "on-the-scene" criminal arrests as well as 22 juvenile arrests, many being drug-related, and for the successful stake-out at Sovran Bank,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

OFFICER BEN SKIBICKI.

Dated this 27th day of  
February, 1989.

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Stephen J. Del Giudice  
Mayor

ATTEST:

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James S. Wilson, Jr.  
City Administrator

R E S O L U T I O N

( Resolution 1989-18

WHEREAS, Police Chief Tony Fisher has bestowed a Meritorious Service Award on OFFICER BRIAN DAVIS for fine accomplishments in 1988; AND

WHEREAS, OFFICER DAVIS was selected for diligent work on all Department goals, for a case closure record which exceeds the national average, and for spending unpaid hours of his own on drug intelligence and runaway children cases, among others,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

OFFICER BRIAN DAVIS

Dated this 27th day  
of February, 1989.

Stephen J. Del Giudice  
Mayor

ATTEST:

James S. Wilson, Jr.  
City Administrator



RESOLUTION

(Resolution 1989-19)

WHEREAS, Police Chief Tony Fisher has bestowed a MERITORIOUS SERVICE AWARD on OFFICER WALTER MONTES for fine accomplishments in 1988; AND

WHEREAS, OFFICER MONTES was selected for leading the police department in number of criminal and drunk-driving arrests over the past six months, as well as issuing a large number of moving violation citations;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to

OFFICER WALTER MONTES.

Dated this 27th day of  
February, 1989.

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Stephen J. Del Giudice  
Mayor

ATTEST:

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James S. Wilson, Jr.  
City Administrator

R E S O L U T I O N

*(Resolution 1989-20)*

WHEREAS, Police Chief Tony Fisher has selected DETECTIVE CORPORAL JOHN SUERO to be the 1988 POLICE OFFICER OF THE YEAR; AND

WHEREAS, CORPORAL SUERO was selected for excellence in exhaustive, successful investigations of serious crimes receiving intense media scrutiny, and for quick arrests in the Carroll Avenue Bridge homicide and the assaults occurring at 7401 New Hampshire Avenue, and for excellence in investigation and conviction in child sex abuse cases, as well as for consistently conveying a fine impression of the police department,

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby commend and offer congratulations and a \$100 Bond, to OFFICER OF THE YEAR,

CORPORAL JOHN SUERO.

Dated this 27th day of  
February, 1989.

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Stephen J. Del Giudice  
Mayor

ATTEST:

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James S. Wilson, Jr.  
City Administrator

1st Reading: 2/13/89  
2nd Reading: 2/27/89

Upon motion by Councilmember Douglas, duly seconded by Councilmember Hamilton, the following Ordinance was introduced.

ORDINANCE #1989-8  
FY 89 BUDGET AMENDMENT NO. 2

AN ORDINANCE TO AMEND THE FISCAL YEAR 1989 BUDGET

SECTION 1. BE IT ORDAINED and enacted by the City Council of Takoma Park, Maryland that the Fiscal Year 1989 Budget be amended as follows:

REVENUE AMENDMENTS

- a. Appropriate \$11,228 from Capital Reserve for police computer system purchase.
- b. Appropriate \$21,047 from Capital Reserve for purchase of police patrol vehicles.
- c. Appropriate \$100,000 from Capital Reserve for street improvements.
- d. Appropriate \$4,860 from Capital Reserve for installation of a concrete pad at Public Works.
- e. A revenue account 453, Special Activities, Cable, is created with an appropriation of \$1,000.
- f. Appropriate \$9,554 from unappropriated reserve for payment of old leave liability.
- g. Appropriate \$5,725 from unappropriated reserve for recycling program.
- h. Appropriate \$30,000 from unappropriated reserve for Gypsy Moth program.
- i. Appropriate \$5,000 from Capital Reserve for installation of Off-load ramp at Public works to accomodate recycling collection.

EXPENDITURE AMENDMENTS

- a. Transfer \$6,000 from Account 510, Salaries, (Govt. Admin.) to Account 510.1 Temporary Assistance.
- b. Transfer \$9,115 from Account 991, General Contingency to the following accounts:
  - 1) \$3,115 to Account 995, Capital Expenditures to cover purchase of a recycling vehicle.
  - 2) \$6,000 to Account 992, Training.
- c. Appropriate \$21,047 to Account 995, Capital Expenditures for purchase of police patrol vehicles.
- d. Appropriate \$100,000 to Account 995, Capital Expenditures for street improvements.
- e. Appropriate \$4,860 to Account 995, Capital Expenditures to cover increased costs of installation of a concrete pad at Public Works.
- f. Appropriate \$11,228 to Account 995, Capital Expenditures to cover additional costs for purchase of police computer system.
- g. An expenditure account 591, Special Activities (Cable) is created with an appropriation of \$1,000.
- h. Transfer \$12,375 from Account 510, Salaries (Govt. Admin.) to Account 800, P.W. Office Salaries to transfer salary funds to the Public Works Department for the Recycling Coordinator for the remainder of FY 89.
- i. Transfer \$3,712 from Account 512, Fringe Benefits (Govt. Admin.) to Account 802, P.W. Office Fringe Benefits account to transfer funds for the Recycling Coordinator for the remainder of FY 89.
- j. Appropriate \$9,554 to Account 968, Leave Liability to cover complete payment of employee old leave balances.

Page Three  
Budget Amendment Ordinance No. 2

- k. Transfer \$11,800 to Account 895, Subcontracts (Streets Division) from the following accounts to cover leaf collection contract and speed hump installation:
  - 1) \$5,000 from Account 837 (Government Buildings), Electricity.
  - 2) \$3,000 from Account 838, (Government Buildings), Gas.
  - 3) \$3,800 from Account 854, (Repair Shop), Repair Parts.
- l. Transfer \$8,000 from Account 885, Salaries, (Streets Division) to Account 893, Equipment Rental, (Streets Division) to cover rental costs of equipment to move leaf mulch.
- m. Transfer \$6,000 from Account 889, Repair Materials (Streets Division) to Account 800.1, Temporary Assistance (P.W. Office).
- n. A new expenditure budget line item is created with an Account Number 885.1, Temporary Assistance (Streets Division) and \$18,800 is transferred to this Account from Account 885, Salaries (Streets Division) to provide funding for temporary assistance on leaf collection.
- o. A new expenditure budget line item is created with an Account Number 881, Recycling Expenses (Public Works - Sanitation Division) with an appropriation of \$3,725 to cover printing, postage, and other expenses related to educational materials production.
- p. A new expenditure budget line item is created with an Account Number 882, Recycling Subcontracts (Public Works - Sanitation Division) and an appropriation of \$2,000 to cover costs associated with rental of roll-off containers and collection.
- q. Appropriate \$30,000 to Account 995, Capital Expenditures for Gypsy Moth Control Program.
- r. Appropriate \$5,000 to Account 995, Capital Expenditures for off-load ramp construction at Public Works for recycling collection.

CAPITAL BUDGET

- a. An additional appropriation of \$11,228 is authorized for the police computer system.
- b. Purchase of two police package vehicles for patrol is authorized for the FY89 Capital Budget at a cost not to exceed \$21,047.
- c. An increased appropriation of \$4,860 is authorized for installation of a concrete pad at Public Works; an approved FY 89 Capital Budget project.
- d. An increased appropriation of \$100,000 is authorized for street improvements; an approved FY 89 Capital Budget project.
- e. Funding is authorized for a Gypsy Moth Control Program to include program expenses for spraying and educational materials.
- f. Construction of an off-load ramp at Public Works is authorized to accomodate collection of recyclables.

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

Upon motion by Councilmember Douglas, duly seconded by Councilmember d'Eustachio, the ordinance was adopted by roll call vote as follows:

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

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

Adopted: 2/27/89

RESOLUTION NO. 1989-22

A RESOLUTION EXPRESSING THE CITY OF TAKOMA PARK'S  
OPPOSITION TO MARYLAND GENERAL ASSEMBLY BILL NUMBER MC/PG 20-89.

WHEREAS, the Maryland General Assembly in its 1989 Session is considering the adoption of Bill No. MC/PG 20-89 (the "Bill"), which, if adopted, would authorize the Planning Boards of Montgomery and Prince George's Counties to appoint a Director of Parks (in Prince George's County, a Director of Parks and Recreation) and a Director of Planning for those respective counties, thereby removing them from the merit systems of the counties; AND

WHEREAS, the City of Takoma Park, by virtue of its location in both Montgomery and Prince George's Counties, is directly impacted by the administration of park, recreation, and planning functions in those counties, and therefore has a legitimate and important interest in the proposals contained in the Bill; AND

WHEREAS, the Mayor and Council of Takoma Park find that the interests of the citizens of Takoma Park, and of Montgomery and Prince George's Counties as a whole, would be ill-served by making the above-referenced positions subject to political appointment, and that the interests of said citizens are best served if said positions continue to be filled under and subject to the merit systems of the respective counties; AND

WHEREAS, the Mayor and Council of Takoma Park desire to communicate their position on the Bill to the Maryland General Assembly in the clearest and strongest manner possible, and thereby convince the General Assembly to reject the Bill as it is drafted;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park hereby expresses its strong opposition to Bill Number PG/MC 20-89.


BE IT FURTHER RESOLVED THAT the Mayor and Council express no opposition to altering the title of the Executive Director of the Maryland-National Capital Park and Planning Commission to Director of Administration, which is also proposed by the Bill.

BE IT FURTHER RESOLVED THAT the Mayor and Council direct the City Administrator or his designee to forward a true and correct copy of this resolution the Montgomery and

Prince George's County delegations to the General Assembly and to other interested parties, as appropriate.

ADOPTED THIS 27th DAY OF FEBRUARY, 1989.

I, Paula S. Jewell, the Deputy City Clerk of the City of Takoma Park, Maryland hereby certify that this is a true and correct copy of Resolution No. 1989-22 adopted by the Mayor and Council of Takoma Park on February 27, 1989.

  
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Paula S. Jewell  
Deputy City Clerk

D. NEAL; Disk #16  
MCPG20RE



First Reading: 2/13/89  
Second Reading: 2/27/89

Introduced by: Councilmember d'Eustachio

ORDINANCE 1989-9

AN ORDINANCE FOR THE PURCHASE OF A RECORDKEEPING COMPUTER SYSTEM FOR THE POLICE DEPARTMENT.

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

WHEREAS, Proposals were solicited as advertised in the Washington Post for a recordkeeping computer system for the Police Department; AND

WHEREAS, The procurement process as indicated in the Request for Proposals released September 13, 1988, would be phased in two parts, to include Phase I, receipt of priced proposals from vendors, and Phase II, technical review and selection of finalists; AND

WHEREAS, A pre-bid conference was held on October 3, 1988, at which time questions from vendors regarding the Request for Proposals issued by the City were answered; AND

WHEREAS, Seven written priced technical proposals were received by 2:00 p.m. on November 3, 1988, as follows:

Chesapeake Computers, Inc.  
OCI Systems, Inc.  
Investment Systems, Inc.  
Municipal Computer System, Inc.  
SES/Dragnet, Inc.  
Data Services, Inc.  
Vision Technology, Inc. AND

WHEREAS, A Computer Proposal Committee reviewed all seven proposals, and selected three companies, as follows:

SES/Dragnet, Inc.	\$ 23,000
Data Services, Inc.	22,692
Vision Technology, Inc.	25,227

WHEREAS, These companies were to provide demonstrations of hardware and software proposed; AND

WHEREAS, Demonstrations were provided by the three companies referenced above and field inspections were conducted at local police departments which use the said equipment under review; AND

WHEREAS, The Computer Proposal Review Committee has considered and evaluated all the priced bids and based on the needs of the Department is recommending acceptance of the proposal of Vision Technology, Inc., for the recordkeeping computer system; AND

WHEREAS, The FY-89 Capital Budget allocates \$14,000 for purchase of a computer system for the police department;

WHEREAS Vision Technology, Inc. has been deemed not to be a nuclear weapons manufacturer and to be eligible to enter into contracts with the City of Takoma Park, and the bidder has validated this in writing;

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

Section 1. THAT the City Administrator is authorized and directed to enter into a contract with Vision Technology to bind them to their proposal.

Section 2. THAT the purchases shall be charged to Capital Expenditures, line item 995.

Adopted this 27th day of February, 1989.

AYES: d'Eustachio, Douglas, Elrich, Leary, Martin, Sharp  
NAYS: None  
ABSTENTIONS: None  
ABSENT: Hamilton

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1989-22

WHEREAS, the Prince George's County Council will be considering legislation, CB-22, which if enacted would reduce the number of unrelated persons who may occupy any single family home in Prince George's County, as part of one household or as occupants of guest rooms; AND

WHEREAS, the purpose of CB-22 is to control problems such as inadequate parking, excessive noise, litter, overcrowding of dwellings and lack of proper maintenance; AND

WHEREAS, the City of Takoma Park already addresses and controls problems such as litter, overcrowding, and improper maintenance, through the enforcement of its Housing and Property Maintenance regulations; AND

WHEREAS, Montgomery County zoning law allows for 5 unrelated individuals and the City of Takoma Park would like to retain current standards throughout the entire City.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the City of Takoma Park do hereby state their preference to be exempt from the applications of CB-22 should it be voted into law, in order to maintain consistent zoning applicable law, in both sides of the City.

Dated this 27th day of February, 1989.

Introduced by: Councilmember Elrich

RESOLUTION NO. 1989-23

WHEREAS, preserving the quality of affordable housing is in the best interest of all citizens of the City of Takoma Park; AND

WHEREAS, the City's housing laws ensure well-maintained, safe and affordable housing for all; AND

WHEREAS, the City has worked with groups such as the Interfaith Coalition for Affordable Housing in Montgomery County, and Neighborhoods Together, Inc., as well as many community and tenant's organizations to further the mission of affordable housing; AND

WHEREAS, on March 5, 1989 the Interfaith Coalition for Affordable Housing In Montgomery County is sponsoring a "Working Conference on Affordable Housing In Montgomery County"; AND

WHEREAS, interested City Officials and staff will be participating in this Conference on behalf of the Takoma Park City Government.

NOW THEREFORE BE IT RESOLVED THAT the Mayor and City Council of Takoma Park, Maryland hereby express their full support of the Coalition's March 5th Conference on Affordable Housing.

Dated this 27th day of February, 1989.

Introduced by: Councilmember d'Eustachio

RESOLUTION NO. 1989-24

WHEREAS, the Takoma Park Newsletter serves as the principal means of regular communication between the City government and the citizens of Takoma Park;

NOW THEREFORE BE IT RESOLVED THAT a five member Newsletter Review Committee be appointed by the Mayor and City Council consisting of one member of the City Council and four citizens of the City of Takoma Park.

BE IT FURTHER RESOLVED THAT the Newsletter Review Committee shall submit a report to the Mayor and City Council by July 19, 1989 which shall assess the current production of the Newsletter and offer recommendation regarding the operation of the Newsletter.

Dated this 27th day of February, 1989.

Introduced by: Councilmember Douglas

RESOLUTION NO. 1989-25

ESTABLISHING A CITY CENTENNIAL COMMITTEE

WHEREAS, the City of Takoma Park will be celebrating its Independence Celebration on July 4, 1989; AND

WHEREAS, the City will be celebrating the centennial of its official incorporation on April 3, 1990; AND

WHEREAS, the Mayor and Council wish to plan special activities to celebrate the 100th anniversary of the City government.

NOW THEREFORE BE IT HEREBY RESOLVED, THAT the Mayor and Council hereby establish the "City of Takoma Park Centennial Committee" whose members shall be composed of citizens of Takoma Park and City staff; AND

BE IT FURTHER RESOLVED THAT such committee members will be identified and appointed by the Mayor and Council and will be charged with planning and coordinating the activities of the Centennial Celebration.

Dated this 27th day of February, 1989.