

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the City Council
February 12, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	Acting City Clerk Jewell
Councilmember Hamilton	Cable Coordinator Smith
Councilmember Leary	Community Planner Schwartz
Councilmember Moore	Newsletter Editor Baron
Councilmember Prensky	Public Works Director Giancola
Councilmember Sharp	Recreation Director Ziegler

The City Council convened at 8:07 p.m. on Monday, February 12, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Mayor reminded that the Takoma Park Symphony would be performing on the upcoming Saturday and Sunday at the Seventh-Day Adventist Church on Carroll Avenue, as well as the one at Eastern and Laurel Avenues; the concerts would feature the works of black composers. Mayor Del Giudice remarked that, having heard the symphony perform, they were quite good and he would encourage all who could to attend.

The Mayor noted the Prince George's County Bi-County Committee would be meeting the following day in Annapolis to consider two pieces of Takoma Park's legislation, i.e., the Unification Bill and a bill attempting to get money from the state library program for the City's Library, which currently does not receive any state funding through the counties. He pointed out that the Unification Bill had failed in previous attempts to get it passed, and commented that he did not seriously anticipate any different outcome this time. Regarding the Takoma Park Library, the Mayor pointed out it was the only municipal library in the state other than one in Baltimore, so it was rather unique. If that bill should be successful, he said an additional advantage would be that if recognized by the state, the library would qualify not only for some annual assistance, but for grants and special monies to assist in capital improvements to the facility.

Additionally, the Mayor reported that the Senate Finance Committee had addressed the legislation Takoma Park had submitted to the state legislature which would exempt municipalities from recordation taxes; Asst. City Administrator Habada testified on behalf of the City. He explained that the current law exempted counties, Park & Planning Commissions, WSSC, etc., from paying such taxes/fees when they purchase land and record deeds. If successful, the proposed legislation would also exempt municipalities from paying those costs.

The Mayor related that Acting City Clerk Jewell had notified the elected body that item #1 on the published agenda, a presentation from the Census Bureau, would not occur at the present meeting but would be rescheduled. He said he would take the opportunity, however, to remind citizens that the Census would be taking place in 1990 and that it was extremely important for everyone to participate because both state and federal programs that provide funding to the City are based on Census data and the recorded population size. He said additional information and reminders would be disseminated by the City within the next month or so.

CITIZENS' COMMENTS: (not directed at items for Council action)
Ed Hutmire, 7412 Holly Avenue, Pres. of Recreation Council:
presented copies of and read verbatim a statement from the Recreation Council, pointing out that Recreation Director Ziegler would likely retire at some point in the foreseeable future and

there would be need to find a replacement for her position. It said that if the proposed reorganization were implemented as planned, the small department would be demoted in status, and if it were additionally relocated, as proposed, to some less satisfactory site, finding a qualified and motivated replacement for Ms. Ziegler would be made substantially harder. The letter proposed combining Parks with Recreation to strengthen the department and provide more efficient management of resources, and addressed and commented upon various options for relocation of the department, pointing out the need to maintain its accessibility for the public. It suggested that other alternatives be examined, and asked that no final decision be made on either the reorganization or the relocation of the Recreation Department until all of the ramifications and possibilities were subjected to more intensive study and discussion.

The Mayor pointed out that the City Administrator had been directed, following worksession discussions, to reexamine the proposal and come back with a further study of the situation -- until that was accomplished, it was uncertain what, if any, actions would be taken regarding the Recreation Department and space allocations. He said he hoped everyone, including the Recreation Council, would keep an open mind on the subject of space needs and would realize that there might be need for some adjustments to be made in space allocations for the various departments.

The Mayor explained that there were visitors present who had come a very long way and were very tired; for that reason, he said agenda item #2 would be addressed, and then the meeting would return to Citizens' Comments.

2. Resolution of Welcome to Visitors From the Soviet Union.

The Mayor welcomed Jeff Tryens who was accompanying the Soviet visitors, Alexander Nikitin, who was in charge of Moscow's housing program, and Alexander Koudin, an environmentalist.

Jeff Tryens, 6602 Allegheny Avenue: explained that his house guests were members of the Moscow City Council; they did not speak English well, so an interpreter was accompanying them. He said they were in the U.S. doing an environmental tour, were particularly interested in urban environmental local programs and were part of a larger group of Soviet visitors who were looking at larger projects, e.g., big dams, heating plants, etc. He said he thought they would enjoy meeting the Mayor and members of the City Council.

One of the visitors spoke through the interpreter, expressing pleasure at being able to visit, thanking the elected body for their hospitality and relating that the visiting Soviets were particularly interested in exchanging ideas with the U.S. concerning protection of the environment, ecological protection of natural resources. He concluded by remarking that his host was "a hell of a good guy" and presenting the City with a disarmament coin made of metal from an R-12 SS4 medium range missile that had been scrapped under the Soviet-American INF Treaty.

The Mayor moved passage of the City's Resolution of Welcome to the visitors, duly seconded by Councilmember Sharp; the resolution was passed by unanimous vote.

RESOLUTION #1990-13
(attached)

The Mayor commented that the City was very honored to have Messrs. Nikitin and Koudin visit; he said he thought Takoma Park had done a lot to encourage world peace, pointing out that the City had been one of the first jurisdictions in the U.S. to

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declare itself a nuclear free zone by ordinance and explaining briefly what that entailed. Additionally, he noted that Takoma Park had a serious concern about the environment and had been designated a Tree City. He presented copies of the resolution to the visitors, remarking he hoped they enjoyed their stay and that in time, there would be more visitors between the two countries.

Responding to query from Mr. Tryens concerning the City's commemoration of Earth Day, the Mayor said the plan was to plant a tree in honor of the City's Centennial on Earth Day during the Centennial Celebration; the Friends of Sligo may also plan to have some activities that day centering around Sligo Creek.

CITIZENS' COMMENTS: (cont'd.)

Michael Richman, 7310 Willow Avenue, member of Blair H.S. PTA: related he had lived in the area for around 10 years, had been involved with PTA work for around 7 years. He spoke concerning the excellent school system in the area, and expressed concern that the growing anxiety about the level of taxation not jeopardize funding for education, offering to work with the elected body in whatever way possible to try to ensure that did not happen.

Robert Ginsberg, 7129 Maple Avenue: suggested that it was time for a Takoma Park museum of art, history, ecology, pointing out that there were enough resident artists in the city to provide a continuing exhibit. He suggested that as a part of the Centennial Celebration, the concept of a museum be adopted and begun, with a building to be procured at some future point in time as citizen interest grew.

Dorothy Cichello, 7320 Piney Branch Road: read and submitted a statement she had prepared opposing moving of the Recreation Department to any other location, and stating reasons for the objections. Ms. Cichello had obtained signatures of approximately 35 individuals, some representing organizations in the city, who supported her statement of opposition to the proposal.

Katherine Simpson, 7300 Cedar Avenue: spoke in support of the Recreation Department and asked that the elected body consider very seriously doing anything that would devalue or jeopardize the effectiveness of the department and its programs, particularly those involving the young people in the city, many of whom have a lot of problems to contend with.

Wayne Upton, 7600 Maple Avenue: provided copies of screening tests that indicate whether or not an individual has drug or alcohol addiction problems, based on their responses to the questions, and spoke regarding the problem of denial that addicts must overcome in order for their illness to become treatable. He referred to and showed a copy of a recently-published report entitled "National Drug Control Strategy" obtainable from the Government Printing Office.

Gary Klimen, 6613 Westmoreland Avenue: said the elected body was considering revisions to the landlord-tenant laws, and they should keep in mind that anyone making an investment of any kind would like to maximize their return on that investment -- there was certainly nothing wrong with that. He said that in Takoma Park, the local government had removed the stimulus for landlords to improve their properties by imposing a 4% rent increase cap which, in effect, neutralized any profit a landlord might make. He said rental properties in Takoma Park were not increasing in value as much as they were in other non-rent capped areas of the county; landlords in the city were not improving their properties, but were doing the minimum necessary to meet the codes. The final result would be that neighbors would suffer, as well as the City treasury; tenants would not be afforded more than the

code basics required. Mr. Klimen said it was time that the rent cap be increased to 10% or else removed completely, which would help landlords and tenants as well. He said single-family and duplex buildings did not deserve the same restrictions as those imposed on large multi-family dwellings. Mr. Klimen said there was a higher number of code violations in Takoma Park presently than had existed 5 years earlier despite the large drop in the number of rental units available, and urged that the elected body take what he had said under consideration.

Roderick Davis, 707 New York Avenue: spoke concerning the badly deteriorated condition of the public sidewalk in his block and inquired how repairing it could be accomplished. The Mayor suggested that Mr. Davis give Councilmember Leary or himself the exact location of the needed repair work and the City would look into seeing that it was taken care of. Councilmember Leary remarked that he knew where Mr. Davis lived and would ask that the Director of Public Works look into and evaluate the situation; further information would be conveyed to Mr. Davis thereafter.

Mr. Davis referred to earlier mention of Recreation Director Ziegler's possible future retirement; he said he would regret seeing her retire as she had always been very pleasant and helpful to citizens and organizations having contact with her. He said it would be very difficult to replace her. The Mayor remarked that he had heard no definite plans regarding Ms. Ziegler's retirement, so the earlier commentary had been very startling to him. He said he thought the value of Ms. Ziegler's service to the city was recognized by all.

ITEMS FOR COUNCIL ACTION:

1. Presentation from Census Bureau. (Cancelled. To be re-scheduled at a later date.)

2. Resolution of Welcome to Soviet Visitors. (Addressed earlier - see page 2.)

3. Presentation by the Anacostia Watershed Society.

Robert Boone, President of the Anacostia Watershed Society, introduced himself and explained the society was a private non-profit environmental group concerned with the Anacostia Watershed, of which Sligo Creek was a tributary. He showed slides that depicted the creek in the context of the watershed, as well as various portions of the watershed, and illustrated the urban impacts, referring to some efforts being made to address existing problems. Mr. Boone pointed out that large old trees along the banks of the streams were endangered, many being lost, because there were not sufficient state and local programs and funding to afford adequate protection for them; banks eroded away from their roots and they fell when the waters rose during storms. He pointed out that Sligo Creek was probably visually the most attractive stream in the watershed; it was well cared for and pleasant to live near -- however, it was probably one of the most polluted of the streams due to runoff of toxics from parking lots, streets, etc., and the majority of the toxins were not visually apparent.

Referring to the new sewer line that would be going in along the creek, Mr. Boone said that the planned path would wipe out a lot of huge trees; he said he was suggesting the sewer pipe be run under the tennis courts at Piney Branch and the creek which would save the trees and cause less impact on the stream. He said WSSC was still open to suggestions on the subject, and said more people needed to express an opinion on preservation of the trees and elimination of as much of the impact of the project as was possible.

Mr. Boone referred to the trees that fall into the stream, creating trash dams which divert the water and result in the eating away of portions of the stream banks, presenting a hazard to the roadway and endangering more trees. He addressed various tributaries of the watershed, describing each briefly and pointing out factors that had had an adverse impact upon them environmentally. He likened the tributaries of the watershed to the roots of a giant tree, pointing out that if its roots had problems the entire tree was affected, and said that if everyone living along the various tributaries would do their part to heal the roots, the tree would be well again.

The Mayor thanked Mr. Boone for his presentation, and said he hoped he and others of his group would return at some later time and advise the elected body regarding things the City needed to particularly start paying attention to with regard to the creek. He remarked he was aware stormwater runoff was an important factor, and that would be something the City would be dealing with more in future.

Joan Feely, 211 Spring Avenue: said the elected body would be seeing her and her neighbors again; they had an opportunity to save 1-1/2 acres of woods in their community surrounding a stream that was a tributary to the Anacostia River, and they would be coming before the Council to address that subject in future.

4. Tree Commission Appeal Case #89-2 (7123/7125 Maple Avenue).
The Mayor noted that the matter concerned the formal appeal of a decision rendered by the Tree Commission, as provided under the City's Tree Ordinance. Under the law, he pointed out that new evidence, anything other than that already submitted to and heard by the commission, would not be admissible unless the elected body believed that there was an unusual circumstance which would allow so doing. He said the elected body's role would be to decide whether the decision of the Tree Commission in the case was supported by substantial evidence; if there was an allegation that an error had been made by the commission in applying the law, that would constitute a legal mistake and the elected body could take jurisdiction of that. If there was an allegation that the process was defective, that there was not a fair hearing or any other legal impropriety, the elected body could take jurisdiction over that as well. He pointed out there was an appellant in the appeal at hand, who was challenging the decision handed down by the Tree Commission, and asked that a brief summary of that decision and the commission's findings in the case be provided. He noted a Statement by the appellant had been received by the elected body, as well as the Decision, Findings of Facts, a Hearing Summary, and a Conclusion of Law and Order by the Tree Commission. Included as well was a Decision and Recommendation by the commission, and also a record of some of the proceedings and documents that were before them at the time they rendered their decision in the case. He said those would all be a part of the record of the elected body's consideration of the appeal at the present meeting.

Christine Steinkoenig, Chair of the Tree Commission hearing in question, pointed out that one of the factual findings from the hearing was that the property was properly posted, that after a request was made to the Department of Public Works that the trees in question be marked they were so marked and remained marked; in the end, the decision was to save all the trees but for one (designated as tree number 2 in any of the factual findings) which was growing laterally and by taking it out it might have actually helped the growth pattern of other adjoining or abutting trees. She said apparently that was the decision being appealed; that the appellant must wish to save all four of the trees that had been requested to be removed.

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Robert Ginsberg, appellant, 7129 Maple Avenue, pointed out that the City Code stated that the hearings before the Tree Commission would be held under oath or affirmation (Chapter 12, Sec. 26, para. B). He said the hearing in his case had not been held under oath or affirmation, and asked that the proceedings of the commission, therefore, be declared null and void and the case revert to the previous level of decision, namely, the decision reached by the Director of Public Works to deny any permits for cutting trees. He said the original permit request and the appeal of denial of that permit specified as address for the trees 7123 and 7125 Maple Avenue; in the documentation, including the summary of the hearing from the commission, those addresses remained. However, as the summary of the hearing would show, an additional address as location of trees was introduced during the hearing -- 7127 Maple Avenue -- which was next door to his own property. So, the commission was at error under the law for considering trees and giving permission for the cutting of a tree which may be on a property for which no request for permit was originally made. Further, the original permit specified the trees as being 3 Mulberries and 1 Catalpa -- at the hearing, the identity of the trees was changed to 3 Catalpas and 1 Walnut. He said those trying to make a case for saving the trees were placed at a disadvantage -- they could not be sure which trees were involved, and not all four of the trees were banded. The banding used for those that were banded was not easy to detect from the street without a telephoto lens. He said the Catalpa tree which the commission is permitting to be cut was not the Catalpa tree listed in the original permit; he and others had gotten copies of the original permit and the identity of the trees on the permit and the address differed from those considered by the Tree Commission in its hearing. Responding to query from the Mayor, Mr. Ginsberg said he had raised his questions and called attention to the problem of due process before the commission at the beginning of its hearing; he said he had not specifically requested a continuance of the proceedings so as to have more time to evaluate the changes that had occurred.

Mr. Ginsberg pointed out that the Code provided as well that the commission would furnish a verbatim report of its hearings to those parties involved in them; he said he had requested a verbatim transcript of the hearing in appealing the decision before the Council, however, had not received it and was not sure there was one. He said he had received a summary which was, of course, not complete. He said a verbatim transcript would show that in his concluding remarks of his testimony at the hearing, he was overruled by the Chair of the hearing commission as he attempted to develop points concerning prior cutting of trees at the property, and part of the same woods that are involved in the case. He said he was told that prior cutting was not really the issue being explored by the commission; however, at an earlier point and reflected in the summary, Mr. Richard O'Connor did begin a discussion of a prior allegedly illegal cutting of trees recently from the same woods as was involved. He said he felt an unfair inhibition had been imposed upon him, preventing his final testimony on that particular matter. It could be a question of missing the forest because the Tree Commission's attention was too directed to the trees.

Ms. Steinkoenig affirmed that Mr. Ginsberg was correct in his allegation that no oath was administered to those participating in the hearing; however, she said if that were considered to be a deficiency, it would apply to all the testimony given, and the Council should waive the credibility of all the testimony given equally and fairly, and it should not prejudice the entire proceedings. In terms of the addresses being wrong, she said if she recalled correctly, the application was for 7123 and 7125 Maple Avenue, and then at some point there was question raised as to whether one of the trees, one not recommended to be cut, might

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be across the boundary and actually on the property at 7127. Regarding the identification of the trees, she said she understood citizens had raised a question about that, Public Works responded and appropriately marked the trees with a yellow plastic ribbon which was readily visible -- the Tree Commission had felt that to be adequate notification to anyone who might be interested. She affirmed that Mr. Ginsberg was overruled in the course of the hearing as to any issues relating to any prior allegedly illegal cutting that had occurred on the property; she also affirmed that at an earlier point, she had allowed some testimony that did contain discussion of the prior cutting, but when it became a point of contention and inasmuch as it was not pertinent to the present issue, she did cut Mr. Ginsberg short as regarded that particular thing.

The Mayor inquired whether, to Ms. Steinkoenig's recollection, at the time of the hearing anyone involved in the dispute had raised the question of administering an oath prior to the giving of testimony or raised an objection to testimony being taken without oath. Ms. Steinkoenig responded that to her knowledge or recollection the answer to that would be no.

Councilmember Moore inquired whether the ruling that had been issued had depended in large or significant part on the credibility of any of the witnesses competing as to their conclusions on the value of the tree. Ms. Steinkoenig said that everyone's testimony was weighed, however, the decision was ultimately made based on the tree itself; she said they disagreed with the findings of Public Works that the largest tree was substantially dead, and felt that an effort should be made to save the tree -- the commission's decision actually relied on the health of the tree. She affirmed that the two factions involved disagreed on whether or not the tree should be cut.

Councilmember Douglas pointed out that the material that had been furnished the Council did not include a copy of the original findings, decision, etc., of the Director of Public Works; however, he said the commission's documentation indicated that Public Works' recommendation had been that tree #1 should not be removed, with which the commission concurred; tree #2 should be removed. Ms. Steinkoenig said the commission had agreed that tree #2 should be removed.

To clarify the situation, Public Works Director Giancola said that anytime anyone raised objections in any case about the taking down of a tree, he automatically disapproved the permit. He said what he had done in the subject case was to disapprove the permit, and the person wanting to take the trees down could then appeal to the Tree Commission if they so wished. When it came to the Tree Commission, he said he certainly had his own opinion on the trees involved -- he had recommended that two of the trees be taken down and two not be taken down, which was laid out in the testimony. Responding to query from Councilmember Douglas, Mr. Giancola said that the owner of the property, at his (Mr. Giancola's) request, had marked three of the trees, however, the fourth was left unmarked because it was the predominant tree.

Councilmember Prenskey referred to the apparent reference early in the hearing to prior illegal cutting of trees on the subject property, with testimony on that issue being disallowed later on in the hearing. He inquired whether that prior incident had had any bearing on the commission's decision in the case. Ms. Steinkoenig said that it did not, however, obviously, the commission did not condone those actions; however, no consideration was given that in making the decision. Mr. Prenskey said that three of the trees were still marked with yellow ribbon and inquired, if one were facing them with their back to Maple Avenue, which of

the three was the one recommended for removal. Ms. Steinkoenig said that, to her recollection, it was the middle tree.

Mayor Del Giudice suggested that the Council take under advisement the arguments they had heard from both sides in the matter and meet in Executive Session to render a decision. He noted a legal and confidential memorandum on the subject had been received from Corporation Counsel and that would need to be reviewed as the appeal was considered. Responding to query from Councilmember Douglas, he said that following the reaching of a decision, the parties in the case would receive appropriate notification thereof and the decision could then be announced in public session. Councilmember Sharp said he would wish to suggest to his fellow Councilmembers that it would not be appropriate to discuss the case with anyone outside the elected body during the period of deliberation; additionally, he said he would suggest that while the case could be discussed in closed session, there was no prohibition against discussing it in open session which he would prefer to do. He said he saw nothing that would affect the outcome by its being discussed in open session.

The Mayor noted that the record in the appeal was now closed, and thanked the involved parties for attending and participating. He reaffirmed Mr. Sharp's comment that the appeal should not be discussed at all or in any way, and it would probably be best that it not even be discussed among members of the elected body until such time as deliberations were convened.

5. Discussion of Variance Request #9504 for 6500 Westmoreland Avenue. The Mayor noted the matter had been discussed in work-session, there was a staff report on the request which recommended approval of granting of the Variance subject to a number of conditions set forth in the resolution that had been drafted.

Community Planner Lisa Schwartz said there was one item of information additional to that set forth in her memorandum and which would be of interest to the elected body. She related that there had seemed to be some disagreement on the part of Park & Planning staff regarding whether or not a portion of Westmoreland Avenue had been abandoned -- according to the person in the Subdivision Office, that particular strip of Westmoreland had not been abandoned, however, the Board of Appeals had said that the information was supplied by the Prince George's Public Works Department, and they had supplied equity numbers that corresponded with the abandonments which had apparently taken place in 1974. She said she was going on the word of Public Works, however, perhaps the applicant and/or his attorney could furnish further information on that.

Councilmember Prensky commented that it appeared to him it would be important to get clarification in writing from the appropriate county office regarding vacation of the street. Referring to the subject of an easement as mentioned in Ms. Schwartz's memo, Mr. Prensky remarked that a totally different idea occurred to him, i.e., that perhaps the applicant would consider donating the strip of land that would revert to him if the section of Highland Street were vacated to Park & Planning and that it could be added to the land mass of Westmoreland Park, which would reserve it for use in the development of the park. Ms. Schwartz commented that proposal could certainly be put forth, however, since it was a county street, it would be up to the county to make the decision; she said she suspected that they would prefer it be a part of the applicant's property so that they could collect taxes on it. Responding to query from Councilmember Sharp, Mr. Prensky explained that his suggestion would be that when the county at some later point asked the City for its opinion on vacating the street, the proposal be brought forth regarding increasing the park land by adding the strip in question.

Referring to condition 1) in the draft resolution, Mr. Prenskey inquired whether Ms. Schwartz anticipated that the county would respond in writing to the City regarding its findings following review of the variance application. Ms. Schwartz said generally something was entered into the file of the Board of Appeals, however, she said the condition could be made more explicit and ask that the commission respond to the Board of Appeals and the City in writing.

Councilmember Douglas referred to condition #3 of the draft resolution, noting that it stated the applicant would bear the responsibility for paving the unpaved section of Westmoreland; he noted that in Ms. Schwartz's memorandum, the applicant was required to request permission of the Department of Public Works to do the paving inasmuch as the portion of the street in question was owned by the City. Mr. Douglas said he would suggest that the word cost be substituted for [responsibility] in condition #3, because while the applicant would bear the cost of the paving, he felt sure Mr. Giancola would wish to take care of actually having the paving done himself.

Councilmember Prenskey moved passage of the resolution with the editorial amendment suggested by Mr. Douglas; Councilmember Douglas duly seconded the motion.

Katherine Turner, Attorney for applicant, Linowes & Blocher: noted she was present representing the applicant who could not attend. She said her client concurred with staff's report and had no problem with the recommendation put forth.

Mr. Corso, 6503 Westmoreland Avenue: noted he had lived in the city for 43 years. He said some years back, the City had talked about cutting the street on through, which he had not particularly supported at that point in time, but would at present for security reasons. He related that his house had been broken into several times, his truck and tools had been stolen; the neighborhood had changed very considerably over the years and the woods provided shelter to vandals and vagrants. He said if the street were cut through, it would allow better police patrol in the area. Mr. Corso said there had been a fire in the woods not long ago and the only access the fire department had was from Highland Street. Additionally, he said Highland was not a paper street, but was macadam surface all the way back to about 150 ft. of the lot on 6500 Eastern Avenue -- only about 100 ft. of it was unpaved. Responding to query from the Mayor, he said that even if Park & Planning proceeded with development of the park that was planned, he would still be opposed to the closing of Highland Street; however, would look forward to development of the park because then Park Police would provide patrol of it.

Councilmember Douglas pointed out, for purposes of clarification, that the variance request under consideration had nothing to do with closing of Highland Street, but specifically pertained to the frontage on Westmoreland Avenue. Councilmember Prenskey, addressing Mr. Corso, pointed out that the section of Westmoreland between Highland and Kansas had already, according to City staff, been abandoned many years ago, and it would never be a street or useable roadway. City staff, in fact, intended to contact WSSC to remind them of their obligation to restore that non-street to its former non-street condition before they had brought their equipment into the area to do work.

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

RESOLUTION #1990-14
(attached)

6. Second Reading of an Ordinance Amending the Personnel Classification Plan.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Hamilton. For the record, the Mayor noted that no changes had been effected in the ordinance since its acceptance for First Reading, which Asst. City Administrator Habada confirmed. She said staff was not proposing any amendments to the legislation.

Councilmember Sharp moved that the question be divided, i.e., that separate votes be taken on 1) the addition of the Community Planner III, COLTA Executive Director, and Community Development Construction Specialist positions to the Personnel Classification Plan, and 2) addition of the Personnel Officer and Director of Housing & Community Development positions to the plan. Councilmember Elrich duly seconded the motion.

Responding to questions raised by Councilmember Prenskey concerning possible deletion of certain existing positions in the Classification Plan as a result of adding the new ones, the Mayor said that was why he had asked whether staff proposed any amendments to the ordinance, which they had not, so he took that as indicating there was no wish at present to delete any existing positions from the plan.

The motion to divide the question carried by unanimous vote.

Referring to question 1, Councilmember Douglas noted that the Planner III and Community Development Construction Specialist positions were the result of refactoring of existing positions in light of an increased departmental work load in recent months; he said the COLTA Executive Director position represented a consensus of the Council for how to better staff COLTA, including legal services for that body. Question 1 was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Leary, Moore, Prenskey, and Sharp; NAY: None.

Discussion of question 2 commenced with Councilmember Leary inquiring of City Administrator Wilson whether he felt it necessary that the positions of Personnel Officer and Director of Housing & Community Development be created concurrently. Mr. Wilson said that to remain true to the intent and direction of the Council regarding consolidation, that would be necessary. He said it would be possible to do the reorganization, consolidating the two departments, with only the position to head up the new combined department; however, both the prior and present Councils had decided, after more than a few months of urging from staff, that the Personnel Officer position was needed in the City government. He said the two positions were not tied together in the sense of the reorganization, but were related in that they were both needed.

Councilmember Elrich inquired whether a function for the Personnel Officer had been decided upon in terms of what that individual would be doing other than handling personnel matters. He asked the same thing regarding the Assistant City Administrator, noting there had been previous discussions about what would be freed up by the creation of the new position. Mr. Wilson pointed out that while the original position description for the Personnel Officer had included some budgetary responsibilities, those had been separated out, and the person's primary responsibility would be personnel work. The financial aspects that had originally been proposed as a part of the position would remain with the finance department under the jurisdiction of the Assistant City Administrator.

Councilmember Douglas expressed support for the proposal, commenting that the role of the Council was in transition as a

result of the new Charter that had been adopted in the Fall; to some extent, the proposal at hand was a test case of the increased authority that had been given to the City Administrator and the amount of power that remained with the Council, and there could, in some instances, be gray areas. He pointed out, however, that the previous Council had felt unanimously that the City Administrator should be responsible for and in charge of running the City on a day to day basis, with the Council deferring to that individual's judgment regarding the most efficient organization of resources. Mr. Douglas said the Council had been provided the specifics and information it had requested from the City Administrator concerning the reorganization; it had examined them from the standpoint of delivery of services, the budgetary aspects, and he said he felt confident that that was where the Council's responsibility ended -- the City Administrator had made his case for what he was proposing, both the combining of the two smaller departments into a single larger one for the sake of efficiency and better use of resources, and the creation of the badly needed personnel position. Mr. Douglas said he did feel, however, that the test would now begin for the City Administrator; it would provide him an opportunity to show the Council that he was right and that the Council was correct in placing their confidence in him. He said he felt it was time for the Council to move forward with the ordinance so that the City Administrator could proceed with implementing his plan.

Councilmember Hamilton expressed support for the ordinance and for the City Administrator's proposed reorganization plan. He said both the City Administrator and Assistant City Administrator had worked cooperatively on the proposed reorganization plan; they had put in a lot of hours of work on it, and would both be responsible for the outcome. He said he had supported changing the Charter to give the City Administrator the responsibility for which he had been hired; however, if problems should arise with regard to delivery of services in the city, then it would be the Council's responsibility to reevaluate the City Administrator's decision-making capability.

Councilmember Sharp commented that he opposed the reorganization plan as it had been presented to the Council, and said he would be voting against creation of the two positions under consideration. He said he had simply not been convinced that you could combine two departmental director positions into one and get the same quality and amount of work from that single individual in both areas of the job. For that reason, he said he did not view the present discussion as intruding into the City Administrator's realm as had been given him under the new Charter. He said he viewed it as a question of what services the Council wanted delivered to the city -- what was essentially being done under the reorganization was that fewer services would be delivered to citizens of the city and resources would be reorganized and redirected more internally to management of the City. He said he considered it to be a direct responsibility of members of the Council to make decisions concerning how resources would be allocated; he had no interest in interfering with how departments were run, supported the City Administrator's role in actually running the City, however, did not feel that was what the proposed reorganization was about -- it would actually change the resources in the City. He said he could not say for sure that what was proposed was a bad idea, perhaps some resources should be reallocated, however, that was not something that the Council had debated, and they did not know what things would not get done as a result of the reorganization. He said he would propose that as a part of budget deliberations, a discussion be held concerning what the Council expected the new Director of Housing & Economic Development to do. Referring to detailed time allocation breakdowns the former Director of DECD routinely furnished the Council at budget time, Mr. Sharp said he would propose that

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the same sort of breakdown be gotten from the Director of DHS and those figures be used as a basis for a discussion of what could realistically be expected from the director of the new combined department. The functions could then be prioritized so that there would be some criteria for measuring the success and performance of the reorganization.

Councilmember Elrich echoed Mr. Sharp's opposition; he said to date he had not seen or heard anything to convince him that what was proposed was a good idea, and his original opinion was that it was ill-conceived and poorly thought out. He said he continued to feel that way, and was greatly concerned that the two departments would be merged into a single department; what had formerly been done by two people was expected to be done by a single person, and he said he had no sense from the staff of the two departments that they believed that the former workload could be executed with the resources that would be allocated to the department. He said in worksession there had been reference made to having to prioritize work, which was simply another way of saying that some services would have to be cut; however, publicly the proposal had been presented as being a no pain change in City services -- a personnel officer would be gotten without spending any additional money, and all services previously provided would continue, also without spending any additional money. However, in discussions, it had slowly crept in that there would be a need to prioritize and reduce services, and he said if that were the case, he agreed with Mr. Sharp that the Council should be prioritizing and making the decisions about what would be cut in the way of services to citizens first and then adopting an organizational plan that would reflect the services the Council wished to see delivered. Mr. Elrich said he had looked at the proposals for the work that would be done by the personnel in the merged department and saw no proposed savings of time that would be adequate to compensate for the lack of one body in the department; he was not interested in the notion of holding the City Administrator to the fire somewhere down the road -- was more interested in effectively administering the City and seeing to it that the services that people wanted and expected were delivered. Mr. Elrich said he felt economic development to be crucial in trying to raise the tax base in the city; if there was any hope for getting tax relief, it would be that department that would play a key role in trying to find additional sources of funds. While people may too often think of the Housing Department in terms of rental housing in the city, Mr. Elrich said he thought that was too narrow a focus and felt there was a bond between rental and single-family housing. The longstanding community support for rent stabilization and maintenance of affordable housing was tied to the ability of the City to preserve the quality of that housing; anything that threatened the ability of DHS to maintain the quality of the affordable housing stock would in the long term threaten the willingness of the single-family homeowner population to support the maintenance of low and moderate income housing in the community, and that would be a bad bargain and not worth taking a risk for. He said he would not want to have to try to repair damage already done in future, but wished to try to prevent its occurring in the first place. Mr. Elrich said if he were convinced that there were adequate resources within the departments, it would not matter to him if they were merged into a single department; however, he did not believe that was the case. He said he would support the personnel officer position, however, did not believe personnel matters needed to be a full-time job; the position could have shared some other sorts of duties as well.

Councilmember Leary commented he would support the ordinance for the reasons outlined by Messrs. Douglas and Hamilton, as well as those he voiced during earlier consideration of the legislation. He said he did not support it as a way of getting a cost free

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personnel officer, however, and did not think one was needed as a full-time position, but would accept that as a part of the price that had to be paid for what he considered to be a sensible reorganization to reduce administrative overhead -- not to reduce the delivery of services -- and that was what he expected as an end result. If history proved that to be a false assumption, Mr. Leary said he expected the case would be made for increasing staff so as to provide those services that were no longer being supplied. He said he was willing to give the proposal a chance because he thought it had logic on its side -- the two closely related departmental functions of housing and economic development were combined in the majority of municipalities the size of Takoma Park. He remarked that he concurred wholeheartedly with Mr. Sharp's suggestion that close attention be paid during budget proceedings to prioritizing the duties and functions within the new department, and said he looked forward to addressing that -- wished it could, in fact, be done with regard to other departments and would support doing so.

Councilmember Douglas remarked on reference made to priorities; he said the City currently did not have the resources to do the work needing to be done, and priorities currently were set. He said he had used the word "priorities" himself in the context that it was something that had to be done on an ongoing basis because there was more needing and wanted to be done than what there were resources to accomplish. He said he had no problem with setting priorities, but did not think the City was going to end up with more or less resources to address the priorities that were set. Councilmember Sharp concurred that priorities were currently set; however, he said that, henceforth, having less resources, which he believed would be the case, it would not be possible to make as much progress with the priority list.

The Mayor commented that he did not feel the elected body had ever set priorities, and that was the problem. He said that when Mr. Neal had come before the elected body about a year earlier, he had presented his work breakdowns reflecting that he put in on an average of 60 hours a week to accomplish what he was doing, and he had pleaded with the Council to set some priorities -- which was never done. The Mayor said priorities were generally set by default; additional programs that were wanted were implemented, but the overall picture was not assessed and any decisions made about what could take a back seat so that the added work could be done. He said that was the sort of priority setting that needed to be done. Mayor Del Giudice said he thought it had been lost sight of in the course of discussions that up until a couple of years previously, DECD had not been a department, had had only one full-time and two part-time positions (half of the full-time clerical staff person's time was allocated elsewhere) -- in the interim, it had become a department and grown to its present size of 4-1/2 positions. He said while the reorganization would take away from that department staff-wise, in that it would have only half of a director's time, the workload of the department had also been reduced and minimized to some extent by taking away some of the things the previous Director of DECD had done. Additionally, some of that individual's work had been taken over and was being done well by other employees of the department, and those people would continue doing it. He said he shared some of the concerns that had been expressed concerning economic development, dealing with the business community and related issues. He said some steps had already been taken to resolve that problem, and felt it was something that could be dealt with.

The Mayor pointed out that the staff in DHS had been significantly increased over the past 4 years -- at least 2 Code Enforcement Officers had been added, as well as interns, half-time Code Enforcement Officers. Most of the rental units in the city were

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getting inspected on an annual basis; the 4th Code Enforcement Officer had been added to DHS staff for the sole purpose of trying to get an annual survey done so the condition of the housing stock would be known and a decision could be made whether it was necessary that it be inspected every year. He said there had been long discussions concerning whether it was necessary to inspect every rental unit every year; the Director of DHS had, at one point when she reported to the Council, stated that about half of the units in the city were in good shape and might not need to be inspected on an annual basis -- some were more problematic and definitely required annual inspection. He said there were a lot of resources, and the elected body needed to examine how they were being used and what would be the best way to use them. He said his own feeling was that the new director of the combined department, using the personnel resources available and hopefully taking advantage of economies of scale with the clerical assistance existing, which would be combined, could accomplish the job. He pointed out that DHS staff had only recently been further enhanced by the addition of the 3/4-time COLTA position -- the job of handling COLTA's nuts and bolts operation, primarily an administrative clerical function, had been taken away from the former COLTA Coordinator, who would now be the Housing Services Coordinator and would have more time to do some of the things DHS had wanted to do but had lacked adequate time for. For these reasons, he said he was not convinced by the arguments and concerns expressed that services would be lost as a result of the reorganization; he said he thought the services could be maintained and that there would be sufficient resources to do so.

Regarding the redirection of resources more internally, creating administrative staff and reducing services, the Mayor said that he thought if the citizens of Takoma Park knew the extent to which their City employees were not provided with assistance and services that other employees get as a matter of course, they would fully well support the creation of a personnel director, however it was accomplished. He pointed out that there was no one, other than the City Administrator, Asst. City Administrator, or a department head, to whom City employees could go if they simply wished to find out information about their employment benefits; there was no one in the City actively working on an employee assistance program, no one who had time free of their other labors to develop employee evaluation forms. He said when he had first taken office as Mayor four years earlier, the City did not even have employee evaluations, with the exception of one department. So, hopefully, the City would be taking a large step in really professionalizing its personnel services and at the same time providing an opportunity to assist employees with some of the services that they should be getting, as well as following through on some of the commitments made in the Collective Bargaining Agreement. He said he was not persuaded it was a wise or efficient use of the City Administrator's, or department heads', time to have to be carrying out and dealing with day to day personnel matters. For those who did not feel the personnel position warranted being full-time, he pointed out there were still many things in that area that the City needed to address and said it would be the citizens who would in the end profit because the job performance of the employees who deliver services to them would likely be improved through having a personnel office to assist and benefit them.

Councilmember Elrich pointed out that despite other departments having picked up some of the workload of DECD, that department's staff continued to work overtime, interns work hours, and the Assistant City Administrator was doing the work of the former departmental director; apparently, the ability of other departments to pick up some of the work had not eliminated the need for additional personnel in the department. Moreover, he said the

reason DECD had originally taken on a lot of responsibilities was because other departments were not doing their job, and that had been tolerated by the City for years because it was easier than trying to address the existing problems within the various departments. He said looking at the proposed reorganization did not give him great confidence inasmuch as one of the authors of it was the author of the previous situation. He said he agreed that DECD staff had taken on additional responsibilities, their jobs had been redefined, however, doing that did not make them capable of doing more work. He said he concurred concerning the Code Enforcement Officers in DHS and the possibility of doing something there, however, the departmental director was not doing that sort of work and he did not see how a rearrangement of those positions would have any impact. The Mayor remarked that he had commented previously both publicly and in worksession that in addition to deferring to the City Administrator, he felt there would be a need to defer to whomever became the director of the combined department concerning the allocation of resources and possible reorganization of them.

Question #2 was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Hamilton, Leary, Moore, and Prensky; NAY: Councilmembers Elrich and Sharp.

ORDINANCE #1990-3
(attached)

7. Council Position on Langley Park/College Park/Greenbelt Sectional Map Amendment.

The Mayor noted a staff report on the proposal had been furnished; he said he would propose adoption of county staff's recommendation that inclusion in the Master Plan of the widening of East-West Highway between Riggs Road and New Hampshire Avenue be opposed. Responding to query from Councilmember Sharp, he affirmed it was not an actual proposal to commit money and put asphalt down, but would allow it to happen in the future when there was money available to do so. Councilmember Sharp moved the Mayor's proposal, duly seconded by Councilmember Elrich.

Councilmember Leary suggested that perhaps in transmittal of the Council's position, inclusion could be made of what he had interpreted as a commitment from the County Executive that East-West Highway would not be widened so long as he had any say on the subject. The Mayor said that could be handled separately; he said he intended to write to the County Executive, enclosing a copy of the resolution and reminding him of the opposition to the proposal which he had stated to the City Council.

Councilmember Sharp remarked that should the proposal go through, what would happen would be that additional lanes of traffic would be dumped into the narrow portion of East-West Highway within the city on the other side of New Hampshire Avenue and, unless the ultimate goal was to take away the City's ownership of that part of the highway, the proposal did not really make any sense. Councilmember Douglas suggested it might make sense for the Council to reaffirm in the resolution its commitment not to widen East-West Highway within the City boundaries, which would put the Planning Board in the position of making a decision to eventually widen the roadway on one side of New Hampshire Avenue in direct contravention to the situation on the other side of New Hampshire. The Mayor said he thought the Council's position vis-a-vis any widening of the roadway within the city should be affirmed in the "Whereas" clauses, as well as indication of the City's concerns about the assumptions underlying the proposal, i.e., that the corridor should support future large scale development that is supported by mass transit development and does not seem to recognize the need to funnel more traffic to mass transit as opposed to widening the roadway.

Councilmember Sharp said he had noted that Hilda Pemberton was now a member of the COG Board, and asked whether it would be possible for the Mayor to bring up the issue with her as a matter of grave concern to Takoma Park. The Mayor said he could and would do so; he said he thought as well that a copy of the resolution and letter to the Planning Board, and also the letter to the County Executive, should be sent to all members of the County Council, and the situation should be brought to the attention of other municipal officials and the neighboring community of Chillum. He said he was not sure there was any general awareness of the proposal.

The Mayor asked that Community Planner Schwartz contact the county and advise them that while no one from the City would be attending to testify at the hearing on February 13, a resolution would be submitted for inclusion in the record which was being held open until February 28. Ms. Schwartz agreed to draft a resolution on the subject for inclusion in the current week's Council packet and passage at the February 26 regular meeting.

Ms. Schwartz raised the question of whether the elected body wished to include comment in the resolution concerning the proposed rezoning of a parcel of land owned by PEPCO. Responding to query from Councilmember Prensky, she said the zoning of that parcel should have no impact or implications for the hiker/biker trail along Sligo Creek, however, she had wondered whether there would be opposition to the potential loss of what was currently open space. Following commentary from the Mayor concerning the shortage of housing, Councilmember Douglas commented concerning the fact that the area was outside the city and perhaps not the business of Takoma Park, whereas the widening of East-West Highway would certainly impact the city. Councilmember Prensky referred to the earlier presentation concerning the Anacostia Watershed; he said perhaps the Council would wish to comment to the county, since the proposed zoning change was directly along the banks of Sligo Creek, that the City would hope that the county would take into consideration the preservation of that waterway and its significance in the watershed. Consensus was that that would be appropriate; the Board could be asked to take environmental issues into consideration based on the location of the parcel that might be developed being along the banks of the Sligo Creek.

8. Resolution Authorizing Funds for City Centennial.

Councilmember Elrich moved passage of the resolution, duly seconded by Councilmember Hamilton. Responding to query from Councilmember Douglas, City Administrator Wilson explained that the money would be allocated to a separate checking account, which would be controlled in terms of transactions by City staff; any monies added would become a part of the account, and reconciliation would be effected by the accountants in the City's finance department. He said general accountability, items to be purchased and what it was appropriate to buy, would be discussed with the committee by City staff, making them aware of the City's way of operating. Mr. Douglas said the \$3,000 indicated in the resolution had been an approximate figure discussed at worksession as he recalled; he said he hoped as the committee's budget became firmed up, the rest of the Council would be amenable, as he was, to discussing possible revisions to that figure.

Councilmember Elrich said he thought he recalled as well some discussion that if the celebration events were really successful, the money the City had put in was actually seed money, and it might get some or all of that amount back -- for that reason, he said the word "contribution" made him mildly nervous because it implied money that the City might never see again. Mr. Wilson remarked that keeping the funds under City control, there would

probably be a better chance of recouping some of it if that seemed appropriate depending on the outcome. He said that in talking with the co-chairs of the committee, there was another area identified where there might be some return on the City's investment, and that would be kept track of -- there would be a full accounting, however it went.

The resolution was passed by unanimous vote.

RESOLUTION #1990-15
(attached)

9. Resolution Effecting Appointments to Cable Board.

The Mayor noted the resolution should include the names of Ron Eisenberg, Nevilla Ottley, Edgar Adjahoe, and Harold Alston. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Leary.

Councilmember Douglas reminded that there had been some discussion a few weeks earlier concerning cable, particularly how to deal with management of the community channel versus the municipal channel, at which time the Council had agreed to appoint a committee to conduct a review and make recommendations to the elected body. He said it appeared from the response, that there would not be sufficient people to make the desired review occur within the foreseeable future. He said, however, he felt it very important that the Council take time to address the issue, and thought the appropriate time would be during the budget process. He said while he supported the proposed appointments, he thought it should be communicated to the appointees by staff in some appropriate way that they were not necessarily being appointed to serve out a full term. He said he thought the Council needed to address how to best structure the Cable Board and how to best structure the program, and that could mean making changes in the status quo. Mr. Douglas said he thought a lot of the people who served on the Cable Board had a particular interest in programming and what they thought should be on the program, however, he wished to have people with a broader view who would focus on how to best allocate resources, set priorities, and work on the tension between a municipal channel and a community channel -- he said he hoped those currently serving on the board, as well as those now being appointed, would try to focus on those issues. Mr. Douglas said he understood the board was trying to put together some policy recommendations on the future of cable, and hoped they would provide their ideas to the Council in time that they could be discussed prior to entering into the budget process.

Councilmember Prensky pointed out that each of the appointees had expressed clear and strong desires to enhance various and particular areas of programming on the cable channel, e.g., music and arts, educational, etc. He said while he totally supported the proposed enhancements, he would wish to make clear that the Council's interest in the board's oversight and recommendations went far beyond simply what programs to put on the channel; it went into the areas of fundraising, management of resources, and the future envisioned for cable in Takoma Park. Mr. Prensky said that if the appointees were going into service on the Cable Board with the idea of simply dealing with the programming, he would ask that they consider carefully before accepting their appointment.

The resolution was passed by unanimous vote.

RESOLUTION #1990-16
(attached)

10. Resolution of Appreciation for 20 Years Service to Police Sgt. Jack Goetz Upon Retirement.

The Mayor noted a dinner honoring Sgt. Goetz would be held on February 24 and encouraged those who could to attend; he moved passage of the resolution, duly seconded. The motion carried by unanimous vote.

RESOLUTION #1990-17
(attached)

Upon motion, duly seconded, the meeting adjourned at 11:15 p.m.

EXCERPTED MATERIAL FROM DRAFT MINUTES OF FEBRUARY 12, 1990
MEETING OF THE MAYOR AND COUNCIL:

4. Tree Commission Appeal Case #89-2 (7123/7125 Maple Avenue). The Mayor noted that the matter concerned the formal appeal of a decision rendered by the Tree Commission, as provided under the City's Tree Ordinance. Under the law, he pointed out that new evidence, anything other than that already submitted to and heard by the commission, would not be admissible unless the elected body believed that there was an unusual circumstance which would allow so doing. He said the elected body's role would be to decide whether the decision of the Tree Commission in the case was supported by substantial evidence; if there was an allegation that an error had been made by the commission in applying the law, that would constitute a legal mistake and the elected body could take jurisdiction of that. If there was an allegation that the process was defective, that there was not a fair hearing or any other legal impropriety, the elected body could take jurisdiction over that as well. He pointed out there was an appellant in the appeal at hand, who was challenging the decision handed down by the Tree Commission, and asked that a brief summary of that decision and the commission's findings in the case be provided. He noted a Statement by the appellant had been received by the elected body, as well as the Decision, Findings of Facts, a Hearing Summary, and a Conclusion of Law and Order by the Tree Commission. Included as well was a Decision and Recommendation by the commission, and also a record of some of the proceedings and documents that were before them at the time they rendered their decision in the case. He said those would all be a part of the record of the elected body's consideration of the appeal at the present meeting.

Christine Steinkoenig, Chair of the Tree Commission hearing in question, pointed out that one of the factual findings from the hearing was that the property was properly posted, that after a request was made to the Department of Public Works that the trees in question be marked they were so marked and remained marked; in the end, the decision was to save all the trees but for one (designated as tree number 2 in any of the factual findings) which was growing laterally and by taking it out it might have actually helped the growth pattern of other adjoining or abutting trees. She said apparently that was the decision being appealed; that the appellant must wish to save all four of the trees that had been requested to be removed.

Robert Ginsberg, appellant, 7129 Maple Avenue, pointed out that the City Code stated that the hearings before the Tree Commission would be held under oath or affirmation (Chapter 12, Sec. 26, para. B). He said the hearing in his case had not been held under oath or affirmation, and asked that the proceedings of the commission, therefore, be declared null and void and the case revert to the previous level of decision, namely, the decision reached by the Director of Public Works to deny any permits for cutting trees. He said the original permit request and the appeal of denial of that permit specified as address for the trees 7123 and 7125 Maple Avenue; in the documentation, including the summary of the hearing from the commission, those addresses remained. However, as the summary of the hearing would show, an additional address as location of trees was introduced during the hearing -- 7127 Maple Avenue -- which was next door to his own property. So, the commission was at error under the law for considering trees and giving permission for the cutting of a tree which may be on a property for which no request for permit was originally made. Further, the original permit specified the trees as being 3 Mulberries and 1 Catalpa -- at the hearing, the identity of the trees was changed to 3 Catalpas and 1 Walnut. He said those trying to make a case for saving the trees were placed at a disadvantage -- they could not be sure which trees were involved, and not all four of the trees were banded. The banding

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used for those that were banded was not easy to detect from the street without a telephoto lens. He said the Catalpa tree which the commission is permitting to be cut was not the Catalpa tree listed in the original permit; he and others had gotten copies of the original permit and the identity of the trees on the permit and the address differed from those considered by the Tree Commission in its hearing. Responding to query from the Mayor, Mr. Ginsberg said he had raised his questions and called attention the problem of due process before the commission at the beginning of its hearing; he said he had not specifically requested a continuance of the proceedings so as to have more time to evaluate the changes that had occurred.

Mr. Ginsberg pointed out that the Code provided as well that the commission would furnish a verbatim report of its hearings to those parties involved in them; he said he had requested a verbatim transcript of the hearing in appealing the decision before the Council, however, had not received it and was not sure there was one. He said he had received a summary which was, of course, not complete. He said a verbatim transcript would show that in his concluding remarks of his testimony at the hearing, he was overruled by the Chair of the hearing commission as he attempted to develop points concerning prior cutting of trees at the property, and part of the same woods that are involved in the case. He said he was told that prior cutting was not really the issue being explored by the commission; however, at an earlier point and reflected in the summary, Mr. Richard O'Connor did begin a discussion of a prior allegedly illegal cutting of trees recently from the same woods as was involved. He said he felt an unfair inhibition had been imposed upon him, preventing his final testimony on that particular matter. It could be a question of missing the forest because the Tree Commission's attention was too directed to the trees.

Ms. Steinkoenig affirmed that Mr. Ginsberg was correct in his allegation that no oath was administered to those participating in the hearing; however, she said if that were considered to be a deficiency, it would apply to all the testimony given, and the Council should waive the credibility of all the testimony given equally and fairly, and it should not prejudice the entire proceedings. In terms of the addresses being wrong, she said if she recalled correctly, the application was for 7123 and 7125 Maple Avenue, and then at some point there was question raised as to whether one of the trees, one not recommended to be cut, might be across the boundary and actually on the property at 7127. Regarding the identification of the trees, she said she understood citizens had raised a question about that, Public Works responded and appropriately marked the trees with a yellow plastic ribbon which was readily visible -- the Tree Commission had felt that to be adequate notification to anyone who might be interested. She affirmed that Mr. Ginsberg was overruled in the course of the hearing as to any issues relating to any prior allegedly illegal cutting that had occurred on the property; she also affirmed that an earlier point, she had allowed some testimony that did contain discussion of the prior cutting, but when it became a point of contention and inasmuch as it was not pertinent to the present issue, she did cut Mr. Ginsberg short as regarded that particular thing.

The Mayor inquired whether, to Ms. Steinkoenig's recollection, at the time of the hearing anyone involved in the dispute had raised the question of administering an oath prior to the giving of testimony or raised an objection to testimony being taken without oath. Ms. Steinkoenig responded that to her knowledge or recollection the answer to that would be no.

Councilmember Moore inquired whether the ruling that had been issued had depended in large or significant part on the credibil-

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ity of any of the witnesses competing as to their conclusions on the value of the tree. Ms. Steinkoenig said that everyone's testimony was weighed, however, the decision was ultimately made based on the tree itself; she said they disagreed with the findings of Public Works that the largest tree was substantially dead, and felt that an effort should be made to save the tree -- the commission's decision actually relied on the health of the tree. She affirmed that the two factions involved disagreed on whether or not the tree should be cut.

Councilmember Douglas pointed out that the material that had been furnished the Council did not include a copy of the original findings, decision, etc., of the Director of Public Works; however, he said the commission's documentation indicated that Public Works' recommendation had been that tree #1 should not be removed, with which the commission concurred; tree #2 should be removed. Ms. Steinkoenig said the commission had agreed that tree #2 should be removed.

To clarify the situation, Public Works Director Giancola said that anytime anyone raised objections in any case about the taking down of a tree, he automatically disapproved the permit. He said what he had done in the subject case was to disapprove the permit, and the person wanting to take the trees down could then appeal to the Tree Commission if they so wished. When it came to the Tree Commission, he said he certainly had his own opinion on the trees involved -- he had recommended that two of the trees be taken down and two not be taken down, which was laid out in the testimony. Responding to query from Councilmember Douglas, Mr. Giancola said that the owner of the property, at his (Mr. Giancola's) request, had marked three of the trees, however, the fourth was left unmarked because it was the predominant tree.

Councilmember Prensky referred to the apparent reference early in the hearing to prior illegal cutting of trees on the subject property, with testimony on that issue being disallowed later on in the hearing. He inquired whether that prior incident had had any bearing on the commission's decision in the case. Ms. Steinkoenig said that it did not, however, obviously, the commission did not condone those actions; however, no consideration was given that in making the decision. Mr. Prensky said that three of the trees were still marked with yellow ribbon and inquired, if one were facing them with their back to Maple Avenue, which of the three was the one recommended for removal. Ms. Steinkoenig said that, to her recollection, it was the middle tree.

Mayor Del Giudice suggested that the Council take under advisement the arguments they had heard from both sides in the matter and meet in Executive Session to render a decision. He noted a legal and confidential memorandum on the subject had been received from Corporation Counsel and that would need to be reviewed as the appeal was considered. Responding to query from Councilmember Douglas, he said that following the reaching of a decision, the parties in the case would receive appropriate notification thereof and the decision could then be announced in public session. Councilmember Sharp said he would wish to suggest to his fellow Councilmembers that it would not be appropriate to discuss the case with anyone outside the elected body during the period of deliberation; additionally, he said he would suggest that while the case could be discussed in closed session, there was no prohibition against discussing it in open session which he would prefer to do. He said he saw nothing that would affect the outcome by its being discussed in open session.

The Mayor noted that the record in the appeal was now closed, and thanked the involved parties for attending and participating. He reaffirmed Mr. Sharp's comment that the appeal should not be discussed at all or in any way, and it would probably be best

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that it not even be discussed among members of the elected body until such time as deliberations were convened.

Introduced by: Mayor Del Giudice

RESOLUTION OF WELCOME
#1990-13

WHEREAS, the City of Takoma Park is a leader in world peace and has promoted positive efforts for international and cross cultural exchanges; AND

WHEREAS, Takoma Park is a Nuclear Free Zone, and was the last stop for the Great Peace March of 1986 as well as the American-Soviet Peace Walk of 1988; AND

WHEREAS, on today's date, two Soviet-Moscow Councilors--the Honorable Alexander Nikitin, a member of the Moscow City Council who is in charge of Moscow's housing program, and the Honorable Alexander Koudin, a member of the Moscow City Council who is entrusted with environmental matters of that City--are visiting the City of Takoma Park, Maryland, on a tour of area governments within the Washington-Moscow Capitol to Capitol Exchange Program.

NOW THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland, on behalf of the citizens of this community, hereby offer this Resolution of Welcome to Alexander Nikitin and Alexander Koudin, and extend warm greetings to the people of the Soviet Union.

Dated this 12th day of February, 1990

ATTEST:

Stephen J. Del Giudice
Mayor

James S. Wilson, Jr.
City Administrator

Introduced By: Councilmember Prensky

ADOPTED: FEBRUARY 12, 1990

Resolution No. 1990-14

WHEREAS, the Adler Construction Group, Inc., has submitted an application to the Board of Appeals for Prince George's County for variances for Lot 20, Block 11, Pinecrest Subdivision, being 6500 Westmoreland Avenue, Prince Georges County, Maryland (Case No. 9504); AND

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

WHEREAS, the application has been reviewed by City staff, which has recommended APPROVAL, WITH CONDITIONS of the application on the basis of analysis contained in the pertinent staff report dated February 2, 1990; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Mayor and Council hereby SUPPORT the subject variance application, and recommend that the Board of Appeals for Prince George's County APPROVE the subject application, subject to the following conditions:

1) That the variance application be reviewed by Maryland-National Capital Park and Planning staff, and that it be found not to conflict with the Commission's plans to develop a neighborhood park at the intersection of Westmoreland Avenue and Highland Street, as indicated in the City of Takoma Park Master Plan and the Master Plan for Langlev Park, College Park, and Greenbelt.


2) That the applicant take steps to insure preservation of as many mature trees as possible, and replant trees in accordance with Prince George's County law.

3) That the applicant bear the cost of paving the unpaved section of Westmoreland Avenue to the edge of Lot 20.

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

ADOPTED THIS 12TH DAY OF FEBRUARY, 1990.

ATTEST:



Paula S. Jewell
Acting City Clerk

lss/6500west.res

Introduced by:
Councilmember Douglas

1st Reading: January 29, 1990
2nd Reading: February 12, 1990

COUNCIL ORDINANCE NO. 1990-3

An ordinance to amend the Personnel Classification System

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

SECTION 1. New position classes. The grade structure adopted by Ordinance No. 1986-53, Section 2, as amended, is amended, to add the following positions to the classification plan:

GRADE JOB CLASSES

- GRADE 1 :
- GRADE 2 : Custodian
- GRADE 3 : Laborer; Clerk Typist I;
- GRADE 4 : Account Clerk I; Library Shelver; Communications
Dispatcher; Assistant Driver; Police Records Clerk;
- GRADE 5 : Recreation Aide; Tool Library Attendant; Equipment
Operator I;
- GRADE 6 : Account Clerk II; Secretary; Personnel Clerk;
Library Assistant; Recreation Specialist; Driver
Foreman; Equipment Operator II; Clerk Typist II;
Building Mechanic Helper;
- GRADE 7 : Administrative Clerk I; Playground Coordinator;
Equipment Operator III; Code Enforcement Officer I;
Police Private; Clerk Typist III;
- GRADE 8 : Administrative Clerk II; Account Clerk III;
Gym Supervisor; Police Private First Class;
Tree Maintenance Foreman; Building Mechanic;
Mechanic; Community Development Coordinator;
- GRADE 9 : Account Supervisor; Administrative Supervisor;
Deputy City Clerk; Executive Secretary; Police
Affairs Specialist; Police Corporal; Parks Foreman;
Street Foreman; Master Mechanic; Housing
Rehabilitation Construction Coordinator; Code
Enforcement Officer II; Community Planner I; Youth
Outreach Assistant;

COUNCIL ORDINANCE NO. 1990-3

Page 2

GRADE 10 : Librarian; Police Sergeant; Sanitation Supervisor;
Street-Parks Supervisor; Planner III; COLTA Executive
Director; Community Development Construction
Specialist;

GRADE 11 : Youth Outreach Worker; Recreation Supervisor;
Code Enforcement Supervisor; Housing Coordinator;
Recycling Coordinator; Supervisor of Administrative
Services (Police)

GRADE 12 : Assistant Library Director; Police Lieutenant;
Cable TV Coordinator; Personnel Officer;

Executive 1: Assistant Public Works Director; Director of
Economic & Community Development;

Executive 2: Library Director; Recreation Director; Housing
Services Director; Police Captain (Deputy Chief);
Director of Housing & Community Development;

Executive 3: Assistant City Administrator;

Executive 4: Police Chief; Public Works Director

SECTION 2. EFFECTIVE DATE. This Ordinance shall become
effective upon enactment.

NOTE: Underlining indicates new matter to be added to existing
code language.

[] indicates matter to be deleted from existing code
language

Adopted this 12th day of February, 1990 by Roll Call Vote as
follows:

AYE: DOUGLAS, HAMILTON, LEARY, MOORE, PRENSKY

NAY: ELRICH, SHARP

ABSTAINED: NONE

ABSENT: NONE

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

**RESOLUTION NO. 1990-15
AUTHORIZING FUNDS FOR CITY CENTENNIAL EVENTS**

WHEREAS, on April 3, 1990, the City of Takoma Park will mark its 100th Anniversary of incorporated status; AND

WHEREAS, the 1990 City Centennial Committee has come before the Council with a list of estimated direct and indirect costs to carry out certain events for the celebration; AND

WHEREAS, the City Council desires to contribute up-front funding so that the Centennial Committee can proceed with expenditures for certain events.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby authorizes the City Administrator to proceed with the necessary arrangements for a contribution in the amount of three thousand dollars (\$3,000.00) payable to the 1990 City Centennial Committee.

Dated this 12th day of February, 1990.

Introduced by: Councilmember Hamilton

Dated: 2/12/90
Effective: 1/7/90
Expires: 11/5/91

RESOLUTION NO. 1990-16
APPOINTING MEMBERS TO THE 1989-1991
CABLE TELEVISION BOARD

WHEREAS, Section 2-148 of the 1972 Takoma Park Code (as amended) provides for the appointment of four members to the Cable Board within 60 days of the City election; AND

WHEREAS, four residents of Takoma Park have made application to serve on the Cable Board and have been duly interviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the following persons are hereby appointed to serve on the Takoma Park Cable TV Board:

	<u>Name</u>	<u>Address</u>
1.	Ron Eisenberg	112 Sheridan Avenue
2.	Nevilla E. Ottley	8201 Roanoke Avenue
3.	Edgar Adjahoe	8201 Roanoke Avenue
4.	Harold Alston	7710 Maple Avenue

BE IT FURTHER RESOLVED THAT these appointments are effective retroactive to January 7, 1990 and shall expire on the City's next election day, November 5, 1991.

Dated this 12th day of February, 1990.

Introduced by: Mayor Del Giudice

RESOLUTION NO. 1990-17

A RESOLUTION EXPRESSING APPRECIATION FOR THE
20-YEAR SERVICE OF
POLICE SERGEANT JACK GOETZ

WHEREAS, Having faithfully served the residents of Takoma Park for twenty years, in the capacity of patrol officer and community services officer, Sergeant Jack Goetz has now retired from City service; AND


WHEREAS, Sergeant Goetz extended himself to become a friend of many in the Takoma Park community, where he was widely known by name; AND

WHEREAS, On his own initiative in 1983, Sergeant Goetz carefully prepared and established a senior citizen volunteer program within the Police Department which continues to provide the City with thousands of hours of donated professional work; AND

WHEREAS, The police volunteers have earned the respect, admiration and affection of all, and two of those recruited by Sergeant Goetz in 1983 are still hard at work in the Police Department.


NOW, THEREFORE, BE IT RESOLVED, that the City Council of Takoma Park, Maryland, do hereby recognize the fine contributions of Sergeant Jack Goetz, do express their sincere appreciation, and wish him all success and happiness in the months and years ahead.

Dated this 12th day of February, 1990.



Stephen J. Del Giudice
Mayor

Attest:



James S. Wilson, Jr.
City Administrator



CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the City Council
February 26, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	Asst. City Administrator Habada
Councilmember Douglas	Acting City Clerk Jewell
Councilmember Elrich	Cable Coordinator Smith
Councilmember Hamilton	Community Dev. Coord. Ziek
Councilmember Leary	Comm. Dev. Coord. VinCola
Councilmember Moore	Public Works Director Giancola
Councilmember Prensky	
Councilmember Sharp	

The City Council convened at 8:07 p.m. on Monday, February 26, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the pledge, the Minutes of the January 16 and January 29, 1990 Meetings were presented for approval. Councilmember Leary moved approval of the Minutes, collectively and as written, duly seconded by Councilmember Elrich; the motion carried by unanimous vote.

Mayor Del Giudice presented a resolution of welcome to the new Pastor of Parker Memorial Baptist Church, Reverend Guy A. Williams, noting that Reverend Williams would be installed at a ceremony to be held on the upcoming weekend. Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Sharp. The resolution was passed by unanimous vote.

RESOLUTION #1990-18
(attached)

The Mayor noted he would be attending the installation ceremony and presenting the resolution, and that members of the Council were also invited to attend.

Mayor Del Giudice noted that testimony concerning the Municipal Infraction Law proposal was given before the state legislature the previous week on behalf of both MML and Takoma Park. He said he thought the testimony went well; while there may be some minor amendments to the bill, it appeared the senate would be favorably disposed toward most of the legislation. He explained the legislation would extend to municipalities the same rights as counties had, i.e., they would not have to pay court fees, and it would also streamline the Municipal Infraction process so that the City could get judgments instead of only a simple fine at the end of any court proceedings, and the judgment could be enforced more easily. He said the one significant provision that might not pass would be that concerning Administrative Orders, however, efforts were being directed toward getting it through.

The Mayor noted that on the upcoming Friday, Asst. City Administrator Habada would be appearing before the House Ways & Means Committee which was hearing the City's legislation regarding fees for property settlements and recordation of documents. He explained that the City currently paid such fees and taxes, while the counties did not -- if the proposed legislation passed, the City and other municipalities would be exempted from such fees.

Councilmember Sharp noted that the Housing Committee would be meeting the following night at 7:30 p.m. in the Mayor's Office to begin consideration of the portion of Article 7 that had not yet been presented to the Council, i.e., standards to be applied in considering rent petitions.

Councilmember Douglas noted that on the upcoming Wednesday night, the Administration & Finance Committee would be meeting with the Institute for Governmental Services to talk about a program for reviewing and restructuring the City Code, and also with former Councilmember d'Eustachio to talk about his proposal concerning tax relief for low and moderate income homeowners and some other items. Additionally, he related that the previous Thursday night, he, along with Councilmembers Prensky and Elrich, had attended the Montgomery County Chapter of MML meeting to talk about county tax rebates. He noted the next meeting of the chapter would be in the upstairs meeting room of the Municipal Building on March 22.

Councilmember Moore noted there would be a meeting on Wednesday night in Beltsville between Governor Shaeffer and state representatives of the 21st Legislative District, which includes the Prince George's portion of Takoma Park. The purpose of the meeting was to provide local officials with input regarding what the state could do for the area. Mr. Moore encouraged that if anyone had any ideas or suggestions about topics they would like to see brought up at the meeting, they contact their Council representative who would try to see that the items were addressed.

Councilmember Hamilton announced that the Public Health & Safety Committee would meet on the following Tuesday at 7:30 p.m. in the Municipal Building.

ADDITIONAL AGENDA ITEMS:

Regarding agenda item #1, the Mayor noted that the elected body had met in Executive Session prior to the meeting to consider the appeal from the Tree Commission, Case #89-2. He said the elected body was not prepared to announce its decision at present; a decision was in the process of being prepared, written copies would be furnished to the parties in the appeal, and it would be announced at the March 12 Regular Council Meeting.

ITEMS FOR COUNCIL ACTION:

1. First Reading of an Ordinance to Prohibit Parking on the South Side of Westmoreland Avenue.

Councilmember Prensky moved acceptance for First Reading, duly seconded. Following brief clarification from Public Works Director Giancola, responding to query from Councilmember Prensky and concerning the side of the street on which the No Parking signs would be installed, the ordinance was accepted for First Reading by unanimous vote, with the Mayor noting it would be scheduled for Second Reading/adoption two weeks' hence.

ORDINANCE #1990-4
(attached)

2. First Reading of an Ordinance Authorizing Purchase of a Replacement Police Vehicle.

Councilmember Hamilton moved acceptance for First Reading, duly seconded; the motion carried by unanimous vote. The Mayor noted the ordinance would be scheduled for Second Reading/adoption at the next Regular Council Meeting.

ORDINANCE #1990-5
(attached)

3. Single Reading Ordinance to Purchase Vehicle Exhaust Extraction System for Public Works Garage.

Councilmember Douglas moved adoption of the ordinance, duly seconded by Councilmember Hamilton. Councilmember Elrich raised the question of why \$5,000 was allocated in the FY90 budget for the item, which now apparently would cost about three times that

amount. Public Works Director Giancola said the original estimate had been incorrect; at the time the estimate was made, it was thought the system would only be put in two bays, but it should be put in all three. He said after the budget allocation had already been made, a formal estimate was gotten in the Fall of around \$10,000-\$11,000 from a local company. He said the first time the RFP went out, no bids were received; however, the second time it was sent out, the two bids indicated were received, and they were fairly close in amount. He said while the amount appeared high, in checking around with garages, it was not out of line for the equipment.

Responding to query from Councilmember Sharp, Mr. Giancola said that when the original estimates were done for the budget last Spring, the amount was miscalculated -- he simply did not perceive the equipment would be so costly. Responding to further query from Councilmember Leary, Mr. Giancola said that while there had been time after the budget process for a correction to be made to the original estimate, because of being busy with other things, he had not gotten back to calculate a more accurate estimate on the item. Responding to query from Councilmember Moore, Mr. Giancola said that Public Works did not currently have an exhaust gas extraction system; he said that all new garages being built were required to have such systems, and for health purposes, EPA was encouraging that garages not having them be retrofitted.

In the course of brief ensuing dialogue, Asst. City Administrator Habađa affirmed that a budget amendment would be done to cover the additional funds needed to purchase the system.

Councilmember Sharp commented that, despite the additional cost, he felt the system was an item that should be purchased for the sake of the working conditions in the garage. Councilmember Douglas remarked he concurred with Mr. Sharp's comments and appreciated Mr. Giancola's forthrightness in admitting his error in estimating.

The ordinance was adopted by roll call vote as follows: AYE: Councilmembers Douglas, Elrich, Hamilton, Leary, Moore, Prensky and Sharp; NAY: None.

ORDINANCE #1990-6
(attached)

4. Resolution on Sectional Map Amendment for Langley Park/College Park/Greenbelt.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Moore. Responding to query, Mr. Hamilton said he was moving the resolution without the optional section that had been provided in the draft.

Councilmember Sharp moved to amend the resolution by deletion of the paragraph numbered "4" in the second "Resolve" clause; the motion was duly seconded by Councilmember Douglas. Mr. Sharp said that while it was true the County Executive had publicly stated his opposition to members of the elected body, he felt that would best be discussed directly with Mr. Glendening, rather than being included in the resolution. The amendment passed by unanimous vote. It was noted that the paragraphs had been misnumbered (two were numbered "3"); as an editorial amendment, they should be renumbered correctly, making the second "3" a "4."

Councilmember Moore suggested that where the designation "East-West Highway" appeared, it be replaced with "Route 410," inasmuch as the roadway through the city had several different names, i.e., Ethan Allen Avenue, Philadelphia Avenue, etc. Asst. City

Administrator Habada suggested "Route 410" might also be inserted, however, the language as it appeared was from the Master Plan. The Mayor asked that, as an editorial amendment, "Route 410" be inserted in parentheses following each occurrence of "East-West Highway."

Councilmember Douglas commented he did not think the optional section provided should be part of the resolution; however, he said he did think the issue it stated should be pursued by the Council. Consensus was that a discussion of that subject would be scheduled for worksession.

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

RESOLUTION #1990-19
(attached)

Referring to Community Planner Schwartz's cover memo attached to the draft resolution, Councilmember Prensky said in the third event detailed in the chronology of events, Ms. Schwartz had noted that county staff had prepared a Digest of Testimony from the public hearing held, including staff recommendations on public comments -- apparently that was where the City had "missed the boat." Mr. Prensky said there was no indication that the City had either received or reviewed the compilation of public comments, whereby it could have been discovered that the City's position was being disregarded entirely. He said he wondered if there were some way to ensure that did not recur in future. Councilmember Douglas suggested that should be discussed in worksession to see why it happened and what could be done about it. The Mayor remarked that had the City been aware that the Planning Board or its staff was not adopting the City's recommendation, some action could have been taken outside the process -- but not within the process, because no allowance had been made for additional comment, which he said he thought was a defect in the process. Additionally, he said there appeared to be a notice defect on the part of the county with regard to surrounding jurisdictions, and that should be conveyed to the appropriate county authorities.

5. Resolution Supporting Metropolitan Branch Hiker-Biker Trail.

Councilmember Douglas moved passage of the resolution, duly seconded by Councilmember Hamilton. The Mayor noted the resolution provided space for the name of an appointee to represent the City on the Coalition's Steering Committee. He related that a number of City staff as well as city residents had attended a meeting on the subject that was held in January at Catholic University, and said staff's recommendation was that a primary and an alternate representative be appointed from those individuals who had attended the meeting and demonstrated an interest in the project. The Mayor said staff had recommended appointment of Larry Hodoes of Hancock Avenue as primary and Daniel DeMocker of Philadelphia Avenue as alternate representatives on the Steering Committee. Councilmember Douglas commented that Larry Hodoes was a neighbor of his, rode his bicycle every day to work in D.C., and would have a good idea of what was involved and the importance of the trail.

Councilmember Prensky suggested that the two representatives be encouraged to report on developments and progress on the trail to the community at large through the Newsletter, in addition to their reports to the elected body. The Mayor asked that

language so indicating be added to the second "Resolve" clause. The resolution was passed by unanimous vote.

RESOLUTION #1990-20
(attached)

At the request of staff, consensus was to interchange the order of the last two agenda items so as to allow for the arrival of Mr. Roland, Manager of the Farmer's Market since 1984.

6. Appointment of Committee Members to Art Committee for Takoma Junction Sister City Project.

Councilmember Douglas moved passage of the resolution, with committee members to be those recommended for appointment by Community Development Construction Coordinator Robin Ziek; the motion was duly seconded by Councilmember Hamilton. Mr. Douglas noted the appointees recommended included: Alden Howard and John Fleming from Takoma Junction Steering Committee; Carol Highsmith, primary, and Karen Fishman, alternate, from Historic Takoma; M. C. Carolyn, primary, and Paul Treseder, alternate, from B. F. Gilbert; Ed McMahon, serving as a citizen-at-large representative; S. S. Carroll would be submitting a nomination at a later date. Ms. Ziek commented it had been hoped that an art teacher could be included on the committee, and Mr. Iddings had said he would try to find someone with those qualifications from the S. S. Carroll area.

Councilmember Moore pointed out the need to editorially amend the draft resolution by insertion in the "Resolve" clause of the words City Council following "Now Therefore Be It Resolved That the", and the words Takoma Junction following . . ."to serve on the" . . .

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

RESOLUTION #1990-21
(attached)

Following a break, the elected body reconvened to address the final item on the agenda.

7. Resolution of Appreciation to Farmer's Market Manager.

Councilmember Hamilton moved passage of the resolution, duly seconded by Councilmember Prensky. The resolution was passed by unanimous vote. The Mayor thanked Mr. Roland for his service, and commented on the continuing success of the venture. In response to query from Councilmember Prensky, it was affirmed the market would be opening on April 22, which it was noted was also Earth Day.

RESOLUTION #1990-22
(attached)

Upon motion, duly seconded, the meeting adjourned to reconvene in worksession for discussion of Article 7.

Introduced by: Councilmember Prenskey
(Drafted by: P. Jewell & T. Giancola)

1st Reading: 2/26/90
2nd Reading:
Effective:

ORDINANCE NO. 1990-4

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

- SECTION 1. THAT parking shall be prohibited on the South side of Westmoreland Avenue from its intersection with Second Avenue, and continuing along the 6500 Block to Highland Avenue and the City limits; AND
- SECTION 2. THAT the Director of Public Works is hereby directed to erect the appropriate signing on the east side of the 6500 block of Westmoreland Avenue; AND
- SECTION 3. THAT this ordinance shall become effective at the expiration of twenty calendar days following its adoption.
- SECTION 4. THAT the penalty for violation of this ordinance shall be in accordance with Sec. 13-64(A) of the Code of Takoma Park, Md., 1972 as amended

Adopted: _____

Introduced by: Councilmember
Hamilton

First Reading: 2/26/90
Second Reading:

ORDINANCE NO. 1990-5

AN ORDINANCE TO PURCHASE A CHRYSLER PATROL VEHICLE FROM BOB BANNING, JR. CHRYSLER-PLYMOUTH TO REPLACE CAR #131.

- WHEREAS,** Prince George's County conducted a valid competitive bid process for the purchase of 1989 police package vehicles (Dodge Diplomats) acceptable under the Nuclear Free Zone Act) in 1988; AND
- WHEREAS,** Prince George's County and other local governments have taken delivery of all Chrysler Plymouth vehicles they purchased from Bob Banning, Jr. Chrysler-Plymouth, leaving one police package vehicle still available from the dealership as a result of the County bid process; AND
- WHEREAS,** Purchase of the remaining police vehicle is the most economical way to replace fleet vehicle #131, and allows maintenance of the fleet in the numbers previously authorized by the Council, AND
- WHEREAS,** The City Administrator qualifies this purchase of one police package vehicle from Bob Banning, Jr., as a cooperative purchase by "piggybacking" onto the Prince George's County bid process and their purchase from said dealership; AND
- WHEREAS,** The purchase of one police package vehicle outside of the normal budgetary cycle is recommended by the City Administrator due to the need to replace Patrol Car #131 which was irreparably damaged in an accident, and for which insurance claim proceeds in the amount of \$5,675 have been received,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Takoma Park, Maryland:

SECTION 1. THAT authorization is given for the purchase of one (1) Chrysler police package vehicle from Bob Banning, Jr., Chrysler-Plymouth, at a cost not to exceed \$11,200, AND

SECTION 2. THAT the purchase of the vehicle be charged to Account 9100-8000, Capital Expenditures.

Adopted this _____ day of _____, 1990.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Douglas Adopted: 2/26/90
(Single Reading)

ORDINANCE NO. 1990-6
An Ordinance to Install a Vehicle Exhaust Gas Extraction System

WHEREAS, the Fiscal Year 90 City Budget earmarked \$5,000 in the Capital Budget for the installation of a vehicle exhaust gas extraction system; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from 8 qualified contractors on the bidders list, advertised in two newspapers, and the Dodge report; AND

WHEREAS, that bids were publicly opened at 2:00 p.m., February 15, 1990 and the following bids were received:

FIRM	BID
SEFAC Lift & Equipment Corporation	\$16,951
Climate Conditioning Corporation	\$17,566

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

SECTION 1: That the low bid of \$16,951 from SEFAC Lift & Equipment Corporation is hereby accepted; AND

SECTION 2: That funds to cover this purchase in the amount of SIXTEEN THOUSAND NINE HUNDRED AND FIFTY ONE DOLLARS (\$16,951) be charged to the Capital Expenditures Account, 9100-8000.

Adopted this 26th day of February, 1990.

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prenskey, Sharp

NAY: None

ABSTAIN: None

ABSENT: None

Introduced By: Mayor Del Giudice

RESOLUTION OF WELCOME
#1990-18

WHEREAS, about November 1, 1920, the Reverend William A. Parker founded the First Baptist Church of Takoma Park, Maryland; AND

WHEREAS, for over sixty years, Parker Memorial Baptist Church has long played a significant role in providing a strong fellowship and a sense of values in the Takoma Park Community; AND

WHEREAS, on December 4, 1989, a native Washingtonian, Rev. Guy A. Williams was elected as Pastor of the Parker Memorial Baptist Church, having studied ministry since 1977 and having been actively involved in inter-City evangelism in Washington, D.C.; AND

WHEREAS, on March 4, 1990, the Parker Memorial Baptist Church will conduct an installation ceremony for Pastor-Elect Guy A. Williams.

NOW THEREFORE BE IT RESOLVED THAT the City Council hereby welcomes Rev. Guy A. Williams to the Takoma Park Community and look forward to continued relationships with the Parker Memorial Baptist Church and its newly elected Pastor.

DATED THIS 26th DAY OF FEBRUARY, 1990.

Stephen J. Del Giudice
Mayor

ATTEST:

James S. Wilson, Jr.
City Administrator

Introduced By: Councilmember Hamilton

ADOPTED: FEBRUARY 26, 1990

Resolution 1990-19

WHEREAS, the Prince George's County Planning Board has prepared the Sectional Map Amendment for Langley Park-College Park-Greenbelt for the comprehensive rezoning of these planning areas; AND

WHEREAS, these planning areas are located adjacent to the City of Takoma Park, and the Planning Board has therefore referred this document to the City for review and comment; AND

WHEREAS, the Prince George's County District Council scheduled a public hearing on the Sectional Map Amendment for February 13, 1990; AND

WHEREAS, the record of this public hearing is to remain open until February 28, 1990; AND

WHEREAS, the Amendment has been reviewed by City staff, and the City Council has taken into consideration public comments received on the subject Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council hereby transmits the following recommendations on the Sectional Map Amendment:

1. That the County or State take steps to acquire as open space Parcel L-515, which is located in a stream valley and currently recommended for rezoning from R-R (rural, residential) to R-55 (one-family detached, residential).
2. That the zoning of this parcel be changed at that time to O-S (Open Space).

BE IT FURTHER RESOLVED THAT, although the subject of the District Council public hearing is the Sectional Map Amendment, the City Council of Takoma Park hereby reiterates its strong opposition to the recommendation in the adopted Langley Park-College Park-Greenbelt Master Plan to widen East-West Highway (MD 410) to six lanes between Riggs Road (MD 212) and New Hampshire Avenue (MD 650) for the following reasons:

City of Takoma Park, Maryland

OFFICE OF CITY ADMINISTRATOR
TELEPHONE 270-1700



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

February 28, 1990

Ms. Jo Ann T. Bell, Chair
Prince George's County Council
County Administration Building
Upper Marlboro, MD 20772

SUBJECT: SECTIONAL MAP AMENDMENT FOR LANGLEY PARK-COLLEGE PARK-
GREENBELT

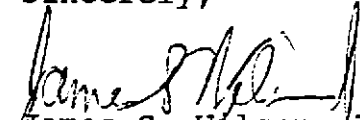
Dear Ms. Bell:

Enclosed please find a certified copy of Resolution #1990-19, adopted by the City Council at their regularly scheduled Council Meeting held February 26, 1990. The resolution is being forwarded for inclusion in the record of the County Council public hearing on the Sectional Map Amendment for Langley Park-College Park-Greenbelt, held on February 13, 1990.

In addition to providing comments on the Sectional Map Amendment, the City Council also reiterates in the resolution its opposition to the recommendation in the adopted Langley Park-College Park-Greenbelt Master Plan to widen East-West Highway (MD 410) to six lanes between Riggs Road (MD 212) and New Hampshire Avenue (MD 650).

Please do not hesitate to contact me if you have any questions on this matter.

Sincerely,


James S. Wilson, Jr.
City Administrator

Enclosure

cc: John W. Rhoads, Chairman,
Prince George's County Planning Board
Mayor and Council
Beverly Habada
Lisa S. Schwartz

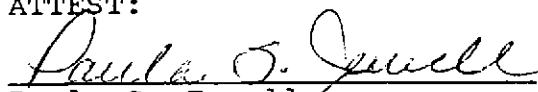
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1. That the Adopted and Approved City of Takoma Park Master Plan recommends that, to encourage residential stability, improvements on East-West Highway (MD 410) between Fenton Street and New Hampshire Avenue (MD 650) be limited to the existing pavement width; and, in accordance with this recommendation, the City does not intend to widen East-West Highway (MD 410) from its present two lanes within the City limits.
2. That the County's plans to widen East-West Highway (MD 410) east of New Hampshire Avenue (MD 650) will therefore worsen the current traffic bottleneck at the intersection of East-West Highway (MD 410) and New Hampshire Avenue (MD 650), and will increase through traffic in Takoma Park, resulting in increased congestion, noise, and pollution, and a severe decline in the quality of life in the City.
3. That several properties on the northeast corner of the intersection of East-West Highway (MD 410) and New Hampshire Avenue (MD 650) are within the City limits, and the proposed road widening will have a direct negative impact on these properties.
4. That the proposal to widen this section of East-West Highway (MD 410) runs counter to the planning assumption that new large-scale development along this corridor will be serviced by mass transit, in particular the new Metro station planned for Prince George's Plaza.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the Prince George's County District Council and Planning Board.

ADOPTED THIS 26TH DAY OF FEBRUARY, 1990.

ATTEST:


Paula S. Jewell
Acting City Clerk

lss/lpcpgsma.res

Introduced By: Councilmember Douglas

ADOPTED: FEBRUARY 26, 1990

Resolution 1990-20

WHEREAS, a Coalition for the Metropolitan Branch Trail has been formed for the purpose of promoting the construction of a linear park and recreational trail between Silver Spring and Union Station, to follow the railbed of the Metropolitan Branch rail line; AND

WHEREAS, the proposed trail would complete an essential link in the Capitol region's current and planned trail system, which includes the Sligo Creek, the Northwest Branch, and the Capital Crescent trails; AND

WHEREAS, the establishment of such a trail would create recreational opportunities for Takoma Park residents and other residents of eastern Montgomery County and Prince George's County who are currently underserved; AND

WHEREAS, this trail would also create the potential for safe bicycle commuting between Takoma Park/Silver Spring and Union Station, thus reducing automobile commuting; AND

WHEREAS, the Union Station-Brookland section of the proposed trail in the District of Columbia is currently at risk due to plans for development in that area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council strongly endorses the proposed Metropolitan Branch trail, and the efforts of the Coalition to further the goal of completing this trail.

BE IT FURTHER RESOLVED THAT the City Council hereby appoints the following Takoma Park residents to represent the City on the Coalition's Steering Committee, and to report back periodically to the Council and, via the City Newsletter, the citizens of Takoma Park on the progress of the trail:

1. Laurent Hodes, 7418 Hancock Ave.
2. Daniel DeMocker, 45 Philadelphia Ave.

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

ADOPTED THIS 26TH DAY OF FEBRUARY, 1990.

lss/mbtrail.res

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

RESOLUTION NO. 1990-21

Appointment of Members to Art Committee for Takoma Junction
Public Art Committee

- WHEREAS, on January 16, 1990, the City Council approved the use of CDBG funds for a public art project as the program year 15 Sister City Phase II activity; AND
- WHEREAS, the City Council also authorized Department of Economic and Community Development Staff to work with the Takoma Junction Committee to develop a public art selection process for the B. Y. Morrison Park, AND
- WHEREAS, a work of art would be useful in increasing the activity and visibility of the commercial junction, AND
- WHEREAS, The City Council desires to establish an Art Committee to pursue a process to select a work of art for B. Y. Morrison Park, and to appoint members to such a committee.

NOW THEREFORE BE IT RESOLVED THAT the City Council hereby appoint the following individuals to serve on the Takoma Junction Public Art Committee:

Name	Address/Affiliation
Alden Howard	7312 Carroll Avenue; Takoma Park, MD Takoma Junction Steering Committee
John Fleming	7334 Carroll Avenue; Takoma Park, MD Takoma Junction Steering Committee
Carol Highsmith	7501 Carrol Avenue; Takoma Park, MD Historic Takoma
Karen Fishman	7103 Cedar Avenue; Takoma Park, MD Historic Takoma (alternate)
M. C. Carolyn	316 Elm Avenue; Takoma Park, MD B. F. Gilbert Association
Paul Treseder	6 Montgomery Avenue; Takoma Park, MD B. F. Gilbert Association (alternate)
Mara Berman	12502 Davan Drive; Silver Spring, MD Takoma Art Guild
Ed McMahon	7105 Cedar Avenue; Takoma Park, MD Citizen-At-Large

BE IT FURTHER RESOLVED that City Staff will act as support and provide financial oversight for the public funds to be used for this project.

Dated this 26th day of February 1990.

Introduced By: Hamilton

Adopted: Feb. 26, 1990

Drafted By: V. VinCola

Resolution No. 1990 - 22

A resolution in recognition of Francis Roland, Market Manager for the Takoma Park Farmers Market 1984 - 1989, and in appreciation of the services which he has provided to the City of Takoma Park.

WHEREAS, in 1983, the Mayor and Council established the Takoma Park Farmers Market to attract people to the Old Town Business District;

WHEREAS, to facilitate the successful operation of the Market, each year a market vendor has been chosen to serve as Market Manager to oversee the Market each Sunday and act as liaison between the market vendors and the City of Takoma Park;

WHEREAS, Francis Roland, of Roland's Farm in Friendly, Maryland, has generously volunteered his time, knowledge, and talents in managing the market and ensuring its smooth operation during the 1989 market season, as well as the preceding five market seasons;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Council formally thanks Francis Roland, Market Manager of the Takoma Park Farmers Market, and commends him for his service to the City of Takoma Park.

ADOPTED UNANIMOUSLY THIS 26th DAY OF FEBRUARY 1990.

FMZ/Francis.res