

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting and Public Hearing of the City Council
Monday, September 10, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice
Councilmember Douglas
Councilmember Hamilton
Councilmember Leary
Councilmember Moore
Councilmember Prenskey
Councilmember Sharp
Councilmember Elrich

City Administrator Wilson
Ass't City Admin. Habada
City Clerk Jewell
Police Chief Fisher
Code Enf. Supv. Morning
Personnel Ofc. Hobbs
Corp. Counsel Silber
Community Planner Schwartz
Recycling Coordinator Roy
DHCD Director Grimmer
Pub. Works Dep. Dir. Laster
Captain Wortman

The City Council convened at 8:05 p.m. on Monday, September 10, 1990, in the Council Chamber at 7500 Maple Avenue in Takoma Park, Maryland. Following the Pledge of Allegiance, the Mayor made his remarks.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS: The Mayor introduced two new staff members: Nancy Grimmer, was appointed as the City's new Director of Housing and Community Development and began her employment on July 31, 1990. The Mayor noted that Ms. Grimmer had worked as Senior Manager and Budget Specialist with the Montgomery County Office of Management & Budget, and prior to that, Ms. Grimmer was Director of Housing and Rehabilitation and Property Maintenance in Evanston, Illinois; Acting Village Manager in Hazel Crest, Illinois. Mayor Del Giudice then introduced Ms. Natalie Roy, who will be serving as the City's Recycling Coordinator, during the maternity leave absence of Daryl Braithwaite. The Mayor announced that Ms. Roy had eight years of planning and professional experience serving as Regional Recycling Planning for Northeastern Massachusetts where she provided technical assistance to over 80 municipalities. Prior to that she was a Public Affairs Coordinator for the Massachusetts Division of Solid Waste Management where she designed and implemented public education campaigns on solid waste management issues. Ms. Roy's experience also included working for several non-profit organizations and political campaigns.

Councilmember Sharp asked if there could be time set aside at the end of the agenda to talk about the legislative initiatives that the City intended to introduce. The Mayor agreed and then asked City Clerk Jewell what legislative items the Maryland Municipal League will be supporting. (He acknowledged that Mrs. Jewell had represented the Council at The Maryland Municipal League Legislative Committee last weekend). Mrs. Jewell responded that the League chose two priority issues this year; municipal infractions and the zoning definition. She further stated that the League chose to put two other issues regarding taxes into a resolution form to present to the membership in October.

The Adoption of Minutes From April 24, May 1 and May 14, 1990 Regular Council Meetings

Mr. Sharp indicated that on the April 24, 1990 Minutes in the first paragraph, the change should be made to reflect seven cents tax rate reduction, not "7%". Ms. Jewell indicated that she had some corrections to the May 14, 1990 Minutes. It was moved and seconded to adopt the Minutes as corrected, and the motion to adopt carried.

CITIZEN'S COMMENTS ON ITEMS NOT ON AGENDA

Naomi Turner, 7667 Maple Avenue, and President of Parkview Towers Tenants Association said she was testifying this evening about the COLTA order for a rent increase of 7% at Parkview Towers. She

indicated that the newspaper article which she had in her possession, indicated that Parkview's landlord, Mr. Vince Abel had been convicted in Washington, D.C., and that COLTA needed to be cleaned out. She said she had spoken to Linda Walker about the lack of air conditioning in the building and although the tenants eventually received air conditioning, she was tired of the continuous problems and she and the other tenants felt DHCD staff person, Linda Walker should be replaced.

PUBLIC HEARINGS:

1. CITY SPONSORSHIP OF MICRF LOAN FOR 6 GRANT AVENUE

Lisa Schwartz DHCD Community Planner said the public hearing was the result of a request by Constructive Alternatives that the City sponsor a loan in the amount of \$297,000 from the State of Maryland Industrial Redevelopment Fund for the development of 3200 square feet of office space at 6 Grant Avenue. She went on to say that the property is currently zoned OM (Office - Moderate Intensity). She said the developer has sought conventional financing for the project, but has been unable to obtain it due to the tightening of commercial credit in the Washington area and was therefore requesting City assistance in obtaining state financing. She indicated that City staff investigated both the MICRF program and the state action loans for target areas (SALT program) but felt the MICRF program would be more appropriate because of the ability to borrow up to 90% of the project costs. She said City staff has met with MICRF staff who made a presentation to the Council in July, and the Council gave permission for staff to prepare a preliminary MICRF application which, she said, they have been doing. She indicated that a preliminary application has been filed with MICRF for their review and they will recommend approval. If the City acted in favor of the application, the application would go to the Board of Public Works. She went on to say that the terms of the loan were spelled out on a fact sheet. She said the loan was structured so that the City would not be required to put any funds into the project but, would need to guarantee the loan in case of default by the developer. However, she said the City will be in first position on the loan. She also presented letters of support which the Council received in the mail from various organizations and business people. Mayor Del Giudice indicated that Councilmembers had questions for Ms. Schwartz.

Councilmember Leary asked Ms. Schwartz if she had an estimate of the monthly income on the building that would be required in order to make it a going proposition. Ms. Schwartz responded by saying there was information provided to the Council in the August 31st package; as a pro forma, the break-even point of the project is 77% if the building is leased. Councilmember Moore asked what entity the Council would be loaning the money to; corporate liability or personal liability to the developer. Ms. Schwartz responded that it would be both.

John Fleming 6907 Westmoreland Avenue, President of Constructive Alternatives said this loan for the City was a win-win situation. He further stated the lending markets in the area have dried up and that Constructive Alternatives was seeking to get the project off the ground and after having worked on it for two years. He indicated the State was providing 90% of the funds and Constructive Alternatives was providing the 10% and the City had no direct funds in the program. He stated the City, in fact, would be making money on the project; 1.1% each year plus the tax base increase from the building, in addition to the corporate taxes the City gets from the businesses that do locate in that location. He indicated they had received a lot of support for the project from businesses, residents and companies. Councilmember Prensky asked Mr. Fleming that if he chose to sell the buildings before the 5 year balloon payment, if there was any clause that required him to repay the City at that point or would the debt transfer with the property. Mr. Fleming responded if there was a title transfer, the loan had to be paid off.

Tom Oliff 6907 Westmoreland Avenue said he was at the meeting in support of the project and he felt the City of Takoma Park should approve the application. He went on to say that #6 Grant Avenue had been an eye-sore for some time and no one had done anything about it so far and now there was a developer who wanted to make something of it and the developer was a citizen of Takoma Park.

Carol Browner, 7003 Westmoreland Avenue said she felt the project on Grant Avenue was something the City should be involved in. She said it was the last part of the project to be done in terms of revitalizing that part of Takoma Park and she felt it was unfortunate the property had been allowed to decay. She indicated that she felt this was an appropriate project for the City to support and the City would benefit from it.

Karl Kessler 7328 Carroll Avenue said he was in favor of the project and Takoma Junction could use all the help it could get. He went on to say it would benefit all interested parties and that since the State was going to make the loan to the City, and the City was not at risk, why not benefit Takoma Park and get some of the Takoma Junction projects finished.

Arthur Karpas, President of Westmoreland Avenue Community Organization (WACO) said at its regular meeting on September 5th, the Westmoreland Avenue Community Organization, voted by unanimous consensus to support the application of Constructive Alternatives for funding to the State MICRF program for the acquisition and reconstruction of #6 Grant Avenue. He went on to say WACO understood that in accordance with this program, the City must pledge its full faith and credit in serving as the intermediary for its financing. He said the Organization further understood the City's financial interest in this matter would be secured by a first Deed of Trust on the property and its improvements as well as the personal guarantee to the developer. Recognizing that WACO did not have the financial expertise to evaluate the viability of this project, he said, WACO's support was contingent on the project meeting both the State's and the City's underwriting criteria for such programs. He further said that in support of the application the following was noted: WACO had maintained unwavering support of the revitalization of the Takoma Junction business district; WACO had specifically supported the rezoning and redevelopment of #6 Grant Avenue, and WACO recognized the developer's consistent efforts to assist in the commercial revitalization of Takoma Junction. The developer had a lengthy history of successful projects, both in and outside of the community and was therefore, familiar with the complexities of building renovation as well as new construction. The MICRF program had been established for the explicit purpose of assisting in the commercial development of targeted areas in need of such special funding assistance. Mr. Karpas said MICRF funds had been successfully used for at least one other project by the City of Takoma Park. The State of Maryland had evaluated this loan at some length and had expressed its confidence in the economic viability of the project. WACO recognized the critically limited availability of other potential sources of development financing at this time. He further stated that failure to obtain adequate funds at this time would likely jeopardize the successful revitalization of #6 Grant Avenue. Revitalization of the property, should be an important objective for the City, as the property continued to be a blight and a nuisance hazard in the community. He said his Organization therefore, urged the Council strongly to pledge its full faith and credit for this project by voting to approve Constructive Alternatives' application for MICRF funding for the acquisition and redevelopment of #6 Grant Avenue. Motion was made to adopt the Resolution by Councilmember Douglas and seconded by Councilmember Moore. Mr. Sharp expressed his support of the Resolution, but said there was a risk to the City; it was not a riskless proposition. He went on to say that nevertheless he did not think the risk was an extensive one and the protections that were built into the whole operation (both that

the Council can make and the State staff can make) mitigate the risk sufficiently and therefore he was in support of it. Mr. Leary stated that from the beginning of the discussion of the project over two years ago, he had serious reservations about its viability and desirability. He said the fact the loan application was required, raised further questions about its viability. He went on to say he recognized his lack of expertise and the Council's in general, to evaluate with any serious professional expertise, the prospects of this property. But, he said, his common sense judgement was that, the piece of property located between the Texaco Station and an apartment building was not a promising venture. He indicated there was one serious significance that made the project even more forbidding, and that was the planned development of the Co-op in that immediate area which was much less hopeful now that it was then. He said he had spent a great deal of imagination wondering how \$3,600 worth of rent from people seeking office spaces was going to be likely at that location, given the current circumstances. Unlike the Co-op project, he said there was some substantial opposition to the project by immediate neighbors. He said there were a number of neighbors who did not want it, whether it is successful or not.

Mayor Del Giudice said as long as the City carried this loan on its books, it would involve staff time. He went on to say it had already involved considerable staff time and that was a cost and he didn't think anyone should get the impression that the City was trying to make money by borrowing at one rate from the State and lending it to a developer at a higher rate or slightly higher rate. There were administrative and managerial costs that would have to be paid, and the interest that will be earned, will cover those expenses. The question was called and the Resolution carried by a 5 to 1 vote. NAY: Councilmember Leary; ABSENT: Councilmember Elrich.

RESOLUTION NO.1990-90
(Attached)

2. Public Hearing Concerning the Condition of Building At 6729 Poplar Avenue.

Mayor Del Giudice announced for the record that on July 23, 1990 the City Council adopted Ordinance #1990-41, which set forth the date and time of tonight's Public Hearing to determine whether the building should be condemned as unfit for human habitation. He said notices of the Hearing had been sent by Certified Mail to the owners of the property: Charles Patterson and Hattie Patterson and to neighboring and adjoining property owners. Notice of this Public Hearing had also been posted on the premises of the building and advertised in the Takoma Newsletter and the Prince George's County and Montgomery County Journals.

Nancy Grimmer Director, DHCD referred to the attachments the Council received for preparation for this meeting. She commented for the record, that the memo was a status report on the property as identified by the Department. She said the Department found during inspection of the property in August, that the property owners had made significant progress toward rehabilitating the building. She indicated there was still much work to be done on the property and much of it was still serious but they found there had been a good faith effort made on the part of the property owners to correct the situation. She referred the Council to the status report and recommendations from staff to encourage the property owners to continue the housing rehabilitation. She referenced repairs given to the owners to follow, which would take into account the financial considerations for the property owner because the work was very expensive. Ms. Grimmer recommended that if this met with the approval of the Council, the first reading of the ordinance be tabled until October 22nd at the regular meeting, to establish a 30-day inspection cycle to give the owner enough time to pull together the financial resources to make enough progress so staff can re-evaluate the matter and report back to the

City Council.

Mr. Prenskey said citizens were extremely concerned, first for the health and safety of the occupants of the house; also a number of people had contacted him and requested if adequate housing would be provided so that no one would be displaced. He said he has been assured by staff that all of those considerations have been foremost on the minds of the Housing staff. Mr. Prenskey said he was concerned that no one representing the owners attended the Hearing. He said he was also concerned as to how the Council had any assurance or feeling that the kind of contingencies being set up would be agreeable to the owners, other than the fact that they were not here because they thought this would be an acceptable step at this point. Ms. Grimmer responded that her staff would meet with the owners and based on the outcome of the meeting, discuss in detail the schedule and get some kind of agreement or a modified version of the repair schedule. She suggested to the Council that if it was felt there was not adequate cooperation or response from the owners, her staff would bring this matter back to the Council's attention earlier than October 22.

CITIZEN'S COMMENTS

Jim Swyers, 206 Spring Avenue said he was a member of the Circle Woods Community Group. He said in his opinion, having owned a construction company and having been an estimator on home repairs, the repair schedule was a "fairy tale" and the house was not repairable. He said when he looked at the schedule, he only saw one job currently in progress, which meant that with the colder season coming up, there needed to be hot water, heat, and insulation and all this needed to be done in the next 2 weeks. He went on to say that another problem was the Department of Housing seemed to think there had been significant work done on the house yet all he could see was that only minor repairs had been done. He spoke of the invalid woman who lived in the house, and said he felt she was being abused. He felt it was a disservice to keep the woman in that house because there was no sound structure to the house. He said his organization had been informed by the previous housing director, the house was unrepairable and it was basically a shack. He indicated it would take a minimum of \$40-50,000 to rehab the house.

Robin Gerber, 7001 Poplar Avenue said there had been tremendous community concern and questioned that if the City was going to give the home owners some time to make the repairs, how would the owners pay for this. Ms. Gerber said the Police Department had seen the inside of the house and asked if it was possible to let them give their impression of the house.

Kathryn Funk, 6727 Poplar Avenue said she lived next door to the Patterson house for 10 years. She went on to say she felt divided about this matter because the Pattersons have been good neighbors but there had been a lot of concern about the activities that go on in the house. She stated that for 10 years she had seen the house deteriorate to an unimaginable state and the yard area was filled with trash. She said she was worried about the safety and well-being of the members in the house, and she saw lots of people going in and out of the house; specifically, men who are of working age who could work but didn't seem to work and who hang out a lot during the day. She expressed concerned that the Council was just postponing a decision that won't change in a matter of 45 days and she was very concerned because in the 10 years that she had been living next door, not much seemed to have been done. A lot of the activity that went on in the house had ceased and she said she did not have to call the police as often as she used to. She said she did not feel a great change could be made in 45 days to the house.

Ms. Grimmer said going into the interior of the property was a very different experience than observing the exterior. She conceded that to the neighbors it did not look like a lot of work had been done, but she said there had been a lot of interior work done,

including some structural work. She went on to say that in late August, the water was turned on. In addition, there had been a significant amount of debris removed from the property. She addressed the point of how the owners were going to pay for the repairs and said staff was working with the property owners and there may be family resources to tap. In addition, they were actively pursuing the City's single family rehabilitation program. She suggested to the Council that staff could return to the Council in two weeks with a signed agreement from the property owner, in terms of the repair schedule.

Mr. Prensky suggested putting the second reading off for 30 days which would give staff the opportunity to negotiate a repair schedule and also to initiate the loan papers. Mr. Prensky said he would like to have a status report in two weeks and he suggested putting the second reading on the agenda in two weeks with the understanding that if significant progress was seen, the second reading could be postponed. But, he said, a message needed to be sent that the Council was serious and that it wants to help out if the property was capable of rehabilitation.

Bruce Williams, 326 Lincoln Avenue said he would like to let the Council know he was going to talk to the Housing staff and get involved. He said he was a general contractor and he was the one who put the door on the house. He went on to say he would like to talk with the home owner about costs and feasibility of the project.

Councilmember Douglas moved to accept the Ordinance for first reading and it was seconded by Councilmember Moore. Mr. Douglas said he wanted to see the Ordinance next week for second reading and he really wanted to see some sort of commitment, since it would soon be October and the house had no furnace, and had holes, etc. in the walls. He said if staff could assure that progress would be made he would be happy to put it off for two weeks at a time. He said he hoped that some contingency plans were also being made so the house was adequate this winter and the people that lived there were taken care of. Mr. Prensky commented that the Council had firm estimates of the rehab costs and a clear understanding of where the money for rehab would be coming from--family members, City and county funds, and that there was a clear report from staff of the prognosis of the case. Mr. Sharp said he accepted the view staff presented, in that the condition of the property had possibly changed. He said he would vote for acceptance of the ordinance for first reading with the expectation that staff would be making a proposal for the property to be saved.

The Ordinance was accepted unanimously at first reading. Mayor Del Giudice announced it would be on Council's agenda in the next two weeks for possible consideration at second reading.

ORDINANCE NO.1990-44

(Attached)

Mayor Del Giudice announced he would excuse himself from the Chair because he had a personal friend who was a sales manager at Academy Ford and he said, while there was nothing in the Law that prohibited him from participating in the discussion, he believed he should not. He then turned the discussion over to Councilmember Sharp.

3. Public Hearing - Nuclear Free Zone Proposed Waivers - Purchase of 2 Stake Dump Trucks for Department of Public Works and Purchase of Two Police Vehicles

Chief Fisher said in January 1990, Takoma Park Police forwarded a teletype to approximately 1,500 police agencies. He said the teletype queried whether agencies were using any other type of vehicles other than Fords, Chevrolets, and Chryslers. He said that they received no response to the teletype. He went on to say that the March 1990 research was undertaken to locate the best source of purchase for two police cars pursuant to the City's FY'90 Capital Budget. He said that telephone calls were placed to the Maryland Police Fleet Maintenance Unit and they were told that State Police had awarded their contract to Chevrolet. He said that the costs for the Chevrolet car was \$13,359. He subsequently learned that General Motors had sold all of its police package vehicles. Subsequently, in April, he said being aware that Falls Church Police Department utilized Volvos, their department spoke with Volvo dealers to discuss the possibility of purchase or lease. He said they his department sent letters with the intent to get a proposal from the Volvo dealer, however, Volvo was not interested and was getting out of the business of Volvo police packages. In March, he said that he spoke with representatives of Anne Arundel County Police Fleet Maintenance, and was told that they were buying police cars from Sheehy Ford at a cost of \$12,960 each; \$400 less than the Chevrolets. Sheehy Ford advised them that all the 1990 police package vehicles had been sold but that Ford was preparing to build the 1991 police model and that Takoma Park could "piggy-back" on the order from Anne Arundel County's bid. Sheehy Ford advised that the delivery date would be 90-120 days. Chief Fisher said that in summary, his department has reviewed all the existing manufactured police package vehicles and currently, there were two brands of police cars tested and approved by the National Institute of Justice and the Michigan State Police. He said that his department had checked local jurisdictions and determined that Anne Arundel County had met the City's bid requirements and had determined that Ford Crown Victorias were the best vehicles to meet the needs of the Takoma Park Police. Anne Arundel County had agreed to let the City participate in that purchase and Sheehy Ford had agreed to sell the City two police package vehicles costing \$12,960 each which was the 1990 cost for 1991 vehicles. Chief Fisher concluded by saying that based on the above effort, that Takoma Park Police had identified Ford Crown Victorias as being an acceptable vehicle for police use, based on cost and testing by the National Institute of Justice and he therefore asked the Council for permission to proceed with ordering the 3 police package vehicles immediately:

Tyrone Laster, Deputy Director of Public Works stated that in FY'89, the Public Works Director opted to forego the purchase of two dump trucks for the purchase of a recycling vehicle to get the City's recycling program off the ground. The City Council assured the Public Works Director that he would be authorized to purchase the previously authorized FY'89 dump trucks, pending receipt of the recycling grant. Mr. Laster went on to say that the City received a \$38,000 grant from Maryland Environmental Services and in March 1990, FY'90 Budget Amendment #2 was approved by the City Council, and the Public Works Director was authorized to proceed with the purchase of two dump trucks. He further elaborated by saying that his department solicited a bid through a vendor's list advertisement in the Washington Post, and Dodge Reports. Academy Ford responded and was the low bidder. The only non-nuclear vendor was McLean Rentals, offering a Mitsubishi model, whose vehicle would not meet the department's dual use for leaf collection and snow removal. Mr. Laster said that all of the non-nuclear vendors make either a large truck or a very small truck and there were none in the mid-size range in which his company advertised for. He said that the Ford dump trucks would best serve the needs of the City in terms of maintenance and parts accessibility--parts from foreign

vendors have a 2-6 week waiting period and Ford parts can be available in less than 24 hours. Mr. Laster concluded by saying that the employees at Public Works Department must work day-to-day with whatever products the Council authorized. He said that he hoped the Council would consider his department's recommendations so that they would be able to provide the City with the best service at the most economical cost.

Mr. Sharp said that in summary, the basic recommendations were that the Council should attempt to purchase the police vehicles from Sheehy Ford at the prices quoted and to attempt to purchase the trucks from Academy Ford at the price quoted. The differential in price quotes on the trucks is over \$8,000, and there was an impact of any further delay in these purchases--the vehicles need to be ready for operation on or before the 1st of November. He further commented by saying that the concern of the Council was two-fold: cost and the negative impact on potential service delivery to the citizens. Mr. Sharp stated that he accepted the recommendation from the Nuclear Free Committee on the purchase of the Ford Police Vehicles and he did not accept the purchase of the Ford trucks for the reasons stated in the NFZ Report.

Robert Alpern, Chair of the Nuclear Free Committee said that he would like to share the Nuclear Free Takoma Park Committee's recommendations called for in the Nuclear Free Zone Act. He went on to say that based on the thorough search conducted by Chief Fisher, the Committee agreed that a waiver should be granted to allow the purchase of the two Ford Crown Victoria Police cruisers. Mr. Alpern said that the search was good and that no other manufacturer was able to produce the police package that met the City's requirements. He noted that on the Nuclear Free America's list, prior to the one that he handed out, Ford Motor Company was ranked 36th and General Motors was ranked 14th; those being the only two police car manufacturers. He said that GM was not a subject of consideration. He went on to say that the Committee noted that as an alternative to purchasing the Fords, the City could choose to delay the purchase of the two vehicles, with the expectation that Toyota would produce a truly nuclear-free police cruiser but that would not take place until the second half of 1991. Therefore, he said, that after a long consideration, the Committee would recommend the waiver. He said that the situation on the two 4X4 stake dump trucks is somewhat different as it is seen. In that process, he said, the search was less comprehensive and less thorough than the Police Department's search. He said that in the limited time available to the Committee to research the options and to suggest to the Public Works Department other potential sources to be checked out, they could not conclude that as thorough a search had been made. However, he said that there appeared to be a solution that would maintain the status of the Nuclear Free Zone Ordinance and therefore, the Committee recommended to the Council the idea of purchasing one Mitsubishi which was manufactured by a non-nuclear weapons producing company, and renting a second vehicle. He said that they considered the financial restraints that the City was laboring with and were also aware that the Mitsubishi matched all of the City's stated specifications when the bid package was opened. Therefore, he said that the Committee was somewhat taken by surprise that the specifications stated were now held in question, which they were unaware of. He said that they were under the presumption that Mitsubishi was in fact, a bonafide vehicle that could do the leaf collection and the snow plow removal work as stated by the former director of Public Works previously and as stated to them tonight. He therefore said that the Committee would like to explore that situation. In summary, he said that the Committee felt that the waiver of the Act for the two Ford police car cruisers was appropriate and that the purchase of the Mitsubishi truck was in conformance with provisions of the Nuclear Free Zone Ordinance Act.

Polly Hoppin, Nuclear Free Zone Committee said that the Committee saw a strong contrast between the request for a police vehicle

waiver and a request for a dump truck waiver. She said that the Committee considered the police request waiver a reasonable one but considered it an exceptional one and by supporting it, did not want to create the impression that they intended to support such waiver requests frequently over time. She said that they expected Toyota to be available within a year and in supporting the waiver she said, they were supporting the Police Department's diligent effort to find an alternative and acknowledged that the waiver was a reasonable component of the ordinance to deal with an exceptional situation. She said that the dump truck situation was not an exceptional situation. She said that there was an alternative which was more costly, but it did meet the citizens' needs in terms of snow removal as well as leaf collection. She further stated that another resolution that her committee was comfortable with is to recommend to the Council that a Mitsubishi be rented for the period of one month to accomplish the leaf collection needs until such time Ford divested from its aerospace division. Then a Ford leaf collection vehicle and snow vehicle could be purchased without going through the waiver process. The NFZ Committee, she stated felt that this would be an economical way to solve the problem of having a delay until Ford divests.

CITIZEN'S COMMENTS

John Mitton, Jr., 501 Philadelphia Avenue said that he had lived in Takoma Park for over 25 years and during all of that time, there have always been dedicated people working for the City of Takoma Park. Most dedicated, he said, have been the members of the Police Department. He went on to say that the prime concern should be the welfare of the men and woman who serve the City. He said that the Nuclear Free Zone Ordinance was enacted by the City Council and it was not a campaign promise and not a subject for campaign debate prior to election of the City Council members. He announced that this Ordinance had never been voted on by the citizens of Takoma Park and, he said it was time for a citizen's referendum on the Ordinance. He said that it was the duty of the citizens of the City to provide the equipment required by the Police personnel.

Hank Cox, 7331 Piney Branch Road said that instead of voting up or down on the waiver, he suggested seizing the opportunity to do the job and get rid of the inferior equipment. He went on to say that the City would have to keep a few nuclear weapons simply to deal with the Saddam Husseins of the world. He quoted Bob Alderman also and said that nuclear bombs were good and were essential to the security of the nation and that the City Council should get rid of the Ordinance and stop forcing the police to use equipment that they don't want.

Song, 8301 Garland Avenue said that he was at the meeting representing the Committee On Proposition One, which was a bi-national, voter initiative for nuclear disarmament, economic conversion and peace dividend. He said that nuclear weapons were still being produced at a break-neck speed; the treaties talks of arms reduction seemed to be a euphemism for arms modernization and the Department of Defense planned to create nuclear weapons plutonium until the year 2050 and the cold war was not necessarily over. He stated that upon doing research for Proposition One, he found the City of Takoma Park much at the forefront of the movement for nuclear disarmament and the freeze was an initiative that occurred during 1982 in the whole wave of nuclear free zones. Takoma Park stood very proudly as the most aggressively nuclear free zone and enjoyed much prestige nationally and internationally for this very fact. Whereas 80% of this nation wanted nuclear disarmament and felt that it could be achieved now that the Cold War was supposedly over, still the Country was producing nuclear weapons at a break-neck speed and devoting much of our resources to this. He said that the City must be very guarded with its nuclear free zone.

Mark Robinowitz, 209 Spring Avenue said that in response to previous statements, Iraq got their nuclear weapons from the French and the nuclear weapons of France were never voted on, nor were nuclear weapons in this country ever voted on. He further stated that citizens were forced to pay taxes to build these instruments of genocide which were capable of wiping out life on this planet. He said that it seemed that the hearing could have been avoided if the City Council had just waited a few more weeks to see if Ford Aerospace divested itself to the Loral Corporation, a company that only made nuclear weapon systems and other military instruments of destruction. He said that it was possible with the shortage of capital being drained away with the savings and loan crisis and other scandals, this might not actually happen, but, he said that he thought the City Council should wait to see what the result of will be. He asked if there were any police officers who patrol on foot as opposed to driving and said that it was easier to get to know the community members this way. He suggested a team of foot patrols as opposed to car patrols, since Takoma Park was not a very large community.

Jay Bayerl (read a statement by David Hostetter who is a member of the Washington Peace Center and lives in Takoma Park):

"The principle involved in Takoma Park's nuclear free zone status is worth standing up for. This was underscored for me recently when I traveled to Carroll County to purchase a puppy. When I mentioned to the kennel owner that I was from Takoma Park, he smiled and said "Takoma Park, a nuclear free zone". As our conversation continued, he expressed his admiration for the willingness of our community to take a principle stand. Opposition to the nuclear free zone waiver is a point of principle and community pride. Takoma Park's seven-year history as a nuclear free zone is an important element in the world-wide resistance to the nuclear madness. By taking a stand against the immorality and insanity of the U.S. and World nuclear buildup, Takoma Park has been an example to all who reject the macabre devotion of the military industrial complex to their deadly but profitable gambits in which they gamble our money and our lives. In addition to exploring alternatives to purchasing new vehicles from Ford, at least until the divestment from the nuclear industry is complete, I urge the Council to investigate alternatives to vehicles that use gasoline. The recent events in the Middle East have made it clearer than ever that we must begin to move away from dependence on oil. That the same corporations which traffic in nuclear pollution are also involved in pollution belching automotive industry, is not merely an accident of economic process; it is a result of an attitude of alienation from humanity and the planet we share, that is endemic among the corporate elite. That attitude stems from an utter lack of principles. Council people, stand up for your principles and for the principles of our community. Vote no on the Waiver; keep Takoma Park truly nuclear free." [End of Statement]

Jay Bayerl 5733 Eastern Avenue announced that he was speaking as a citizen and not as a member of the Nuclear Free Takoma Park Committee (which he is a member). He went on to say that he had written a lot about the nuclear free zone over the last couple of years in a monthly column in the City Newsletter. He said that he had been a very staunch advocate of the Ordinance all along and he was also in agreement with Chief Fisher when he said the purpose of the ordinance was not to cripple the City and make it impossible to function but take care of the public health and well-being. He said that he did not think that the options of the Committee in terms of the police cruisers, were unsafe. He said he did not think that the Toyota or Volvo had any overwhelming safety problems. He responded to Mr. Cox's statement by stating that if it were true that the nuclear arms race was over, the Department Of Defense was continuing to plan for the construction of new facilities to build nuclear weapons. He said one of the reasons that the ordinance came about in the first place was because there was a feeling within the community that voices were not being heard

in federal circles and there was a need to use the local government to make a stand, which assumed that the states and localities will speak up on matters of foreign policy and war and peace. He went on to elaborate on the issue of the dump trucks. He said that he realized that leaf collections are a really touchy issue in the City--people liked to have their leaves collected and so did he. He further said that it seemed that the City did have a bonafide need for the trucks now.

Kay Dellinger, Member, Takoma Park Peace Task Force and Resident at 7333 New Hampshire Avenue read a statement from the Takoma Park Peace Task Force and submitted it to the City Clerk. After reading the statement, Ms. Dellinger said that she believed that the passage of the Nuclear Free Zone Ordinance was the single greatest thing that Takoma Park had ever done. She further stated that it showed a vision, a moral commitment and a political stand that was a model for other communities. She said that the Nuclear Free Zone Ordinance must never be compromised and there was no emergency situation of any kind in Takoma Park. A waiver of the Ordinance, she said, was completely unjustified and would in fact, destroy the Ordinance. She said that the more she found out about the purchase of the police cars and the leaf collection trucks, the more she realized they do not need to be purchased in 1990. She further stated that the City had no city-wide motor pool to make the most efficient use of the vehicles that it presently owned and if there was a maintenance and replacement plan, it had never been made public. She said that the police currently had 18 cars and may obtain more cars from convicted drug dealers. She brought up the fact that Takoma Park was 2.2 square miles in area and that the police did not have any motorcycles or bicycles and they did not have foot patrols. She spoke of the drastic price increase in gasoline and said that it was not cost-effective for the police to use only cars in a small city like Takoma Park. She said that the police could purchase a motorcycle for much less than a car and it used less gasoline and cost less to operate and it also made an officer more accessible to the public. She also indicated that she had spoken to someone in D.C. and was told that Takoma Park could "piggy-back" with D.C. on a cooperative basis. She brought up the fact that the police could also purchase "mountain bicycles" for less than the police cars.

Joan Jacobs 7428 Carroll Avenue, member of Takoma Park Peace Task Force said that she had lived in Takoma Park for 15 years and said that she wondered what was the rush; if the City Council would adopt one of the recommendations of the Nuclear Free Zone Committee's recommendations, than the Mitsubishis could be purchased or leased as an interim measure and the purchase of the police cruisers could be delayed and there would be no need to pass a waiver.

Sam Diener, Washington Area War Resisters League said that the Takoma Park Nuclear Free Zone Ordinance was part of a world-wide movement for the creation of nuclear free zones and a nuclear weapons-free world. He went on to say that modern technology enabled one to be distanced from the horrible reality of the kinds of murders that nuclear weapons actually commit. He vehemently expressed his opposition to the nuclear weapons industry.

David Prosten 6625 Eastern Avenue said that if the decision was made to spend money on nuclear arsenals, he asked the Council to consider the rationale that would have allowed the decision. He said that the rationale would be reported that the citizens of Takoma Park had turned their back on the law so that they could save some money in a few week's time on the purchase of a police car; that Takoma Park has forsaken its time-tested law of principle because of the concern that leaves would not be picked up in a timely fashion. He indicated to the Council that it was their job to guide the City to provide leadership and to execute the will of the people who live in Takoma Park. He suggested an examination of the history of the nuclear free zone law in the City and a

search for evidence that it did not have the support of the people and he said he was convinced that the Council would fail. He went on to say that the people did not want to do business with those who profit from the nuclear weapons industry.

Kathy Breckbill, 7104 Woodland Avenue said that she thought that if the waiver was accepted, then the policy should be rescinded totally because once it was waived it did not have the same strength nor the same meaning. She stated that she would like to see some of the police patrolling on bicycles also. She further stated that she believed the Toyota was a more reliable vehicle than the Ford, and that by waiting, more money may be saved in the long run.

Alan Benson 521 Lincoln Avenue said he had lived in Takoma Park for 23 years and that some of the things that he liked about the City were the feelings of community, the recycling, the declared sanctuary City and the Nuclear Free Ordinance. He urged the Council to stand by the Ordinance and said that principles were worth a lot--more than just a couple of week's wait on a couple of cars. He said that he agreed that foot patrols and bicycles were a great idea and they should be explored in a serious fashion and also he said that he was proud of Takoma Park and that it was a good example to other cities across the nation.

Cynthia Johnson, 308 Boyd Avenue said that she moved into the community last December. She further went on to say that there was a common goal to uphold the Ordinance. She said that just listening to the debate, it seemed to her that if had not been adequately proven that the police cars would be crippled in any way if there was a wait to purchase them. She stated that nuclear free zones were symbolic; the Department of Defense was still building 3-5 weapons per day and the Department of War was threatening deployment of 1,000 nuclear weapons in the Persian Gulf, and she stated that nuclear shipments are made on Route 495 and the CSX train line all the time, so that the nuclear free zones do have more than just a symbolic value. She said that she was in support of the people who were against the waiver.

Pat Lorch, 7225 Flower Avenue said that he strongly supported the Nuclear Free Ordinance and he agreed that it was important to protect it and he asked the Council to take the decision seriously. He also asked the Council to listen to the Police Department especially, because he felt that they had concerns that most citizens did not understand. He also urged the Council to consider bicycle patrols and other measures.

Jay Levy, 7431 Baltimore Avenue presented a letter from Ford Aerospace to the employees there. He read it to the Council and said that he would give copies to the Council.

Rudy Arredondo, 7105 Woodland Avenue said that he was always disappointed at the continued adversarial situation that emanates from the discussions and the arrogance of power as Council people. He asked was there any reason to doubt the support of the Ordinance to maintain Takoma Park as a nuclear-free zone. He went on to say to those who were on the receiving end of the military intervention in Central America, that he is very proud to have raised his children in the Takoma Park environment where people are principled and are maintaining peace by working together.

Councilmember Hamilton questioned if the decision concerning the Mitsubishi truck, was based on the unavailability of parts or was it made in reference to the training on the existing equipment that is available or the difficulty of changing over to a Ford, Chrysler, etc. Mr. Laster responded that they rented a Mitsubishi truck last season for the sole purpose of leaf collection, not for snow removal. When they rented the truck, he stated, he had his men load three loads of sand in the back of the Mitsubishi truck. He noted the abundance of hills throughout Takoma Park and stated

they ran the truck up and down these hills in an attempt to demonstrate its usefulness as a snow removal vehicle, and it failed. Mr. Laster said that the truck dragged, skidded, and it proved was not a highly performance truck for snow removal. Mr. Hamilton then questioned if Mr. Laster's recommendation was based on the fact there was some previous experience with the vehicle and it did not do the job. Mr. Laster concurred. Mayor Del Giudice said that he too was perplexed by the fact that the memo dated September 7th from Mr. Wilson, was the first time that the Council had publicly heard that the Mitsubishis did not completely serve the needs of the City for leaf collection and snow removal. He asked, at what point did the Mitsubishis come to staff's attention that they did not meet the specifications of the bid that was put out for the two stake dump trucks. The Mayor said that he was assured by the former Public Works Director, Mr. Giancola, that the four bids were responsive to all specifications and if new specifications were created for the snow removal purposes, he wanted to know when they were created or if the Mitsubishis were determined to not meet the specifications, he wanted to know when that happened. Mr. Laster said that the Mitsubishis were rented specifically last year for leaf collection. He said when they contracted vehicles for the stake dump trucks, they had in mind that they would be used for leaf collection and snow removal. Mr. Laster said that he was not in the decision-making process last year, but he said that he could emphatically state now that Mitsubishi is not a snow removal vehicle and he offered to demonstrate this to the Council. Mr. Wilson said that when the issue of the snow removal came to his attention last week, it was the first time he had heard about it and said that it was a logical concern to have.

Mr. Douglas asked about the number of police cars and asked if the decision was made to buy the cars, when would they be delivered. Chief Fisher responded that the vendor intended to order them immediately and that the delivery would be within 60-90 days. Mr. Laster said that he spoke with the people at Academy Ford and was told that it was a 60 day delivery from the time of notification, although, he was told that the delivery could also be rushed to make delivery within 4-6 weeks.

Mr. Sharp asked about the purchase of three Ford Police Cruisers which was conveyed in an article in the Takoma Voice, and that no one on the NFZ Committee knew that this cycle was going to include three vehicles; they were under the impression that there would be two. Chief Fisher responded that one car was being purchased with the Federal Drug K-9 Grant.

4. Resolution Waving Nuclear Free Zone Ordinance to Purchase Police Cruisers. Mr. Prensky stated that he had been a member of the NFZ Committee for more than three years and it was his first involvement in City matters that led him to be interested enough to run for City Councilmember. He said that he was a long-time supporter of nuclear disarmament in any form. He said that he represented the City at the 4th International Conference of NFZ Local Authorities in February 1989 and he was currently the treasurer and founder of the U.S. NFZ Association. He went on to say that he wanted to establish his concern for the issue at hand and said that Takoma Park, to this point, had never waived its Nuclear Free Zone Ordinance. He said that he wanted to go on record as being completely in support of the established need for police cars. He indicated that he had participated in research in to locate police vehicles that were adequate to the needs of the City and were adequate to support the Police officers who defended the City. He said that there did not exist another police vehicle adequate to the needs that had been established in the budget that the Police Department deserved. He said that he felt that it was possible to serve that need without waiving the NFZ Ordinance. Mr. Prensky said that in the matter of the Police vehicles, he saw no reason to waive the Ordinance at the present time and that he

believed that all of the needs of the Police Department could be served by the purchase of vehicles at such time when Ford had divested itself of its aerospace division. He said that he challenged the City Council to take seriously the responsibility to uphold the NFZ Ordinance and he further challenged the City Council to pay the price of the principles and if, it turned out that the purchase of Police vehicles ended up costing the City money, so be it. Further, he said, if it cost the City to rent vehicles for leaf collection purposes until the sale can be determined at Ford aerospace, so be it.

Mr. Prenskey moved to table the decision on the Resolution waiving the NFZ Act to purchase three Police vehicles until Ford had divested itself of its Aerospace Division; the Motion failed for lack of a second.

Mr. Douglas commented that this was not a waiver of the law, nor was the Ordinance being violated, or the City reconsidering its position. He urged all to read the Ordinance and said that the waiver was an integral part of the Ordinance and that it was being considered to determine whether to invoke that part of the Ordinance. He indicated that without the waiver provision, it would be necessary to abandon the Ordinance. He suggested that the Council authorize the immediate purchase of the three police cars.

Mr. Elrich said that he was in favor of the NFZ Ordinance when it was adopted in the past and he still supported it. He said that when he was in El Salvador, the Treasury Police drove Chryslers and they were the death squads in El Salvador. He said that he wondered what that said about the morality of the Chrysler Corporation. He then spoke of the Ford Motor Company divesting itself of its nuclear weapons division and he said that he wondered if the Ford Motor Company was a different moral company after it got rid of the nuclear weapons division, or "was Ford Motor Company still Ford Motor Company". Mr. Elrich further stated that if Ford Motor Company announced that it was dismantling its nuclear weapons division and decided that it no longer wanted to be in the nuclear weapons business, then he would agree that Ford had made an important moral decision. But, he said that Ford had made a business decision and it was selling the Division to Loral so that they could make their profit some place else. Mr. Elrich said that referencing the comments made about the Middle East what he said he had read in the paper, he noticed that one of the car manufacturers was holding up their delivery of trucks to U.S. forces to be used in the Middle East. Mr. Elrich stated that he was in favor of the Waiver.

Mr. Prenskey said he agreed with Mr. Douglas on two points--the waiver process was an integral part of the NFZ Ordinance and the Council was not voting to violate the Ordinance but was voting on whether or not to grant a Waiver within the Ordinance. Mr. Prenskey also said he agreed that it was not critical to the City to grant the waiver. He went pointed out that the police cars had not been ordered or built yet; the trucks had not been ordered nor fabricated at the factory and, he said he did propose to table consideration of the waiver. Mr. Prenskey moved an amendment to the Resolution to make the waiver a temporary waiver. He suggested the addition of two Whereas clauses that noted the impending sale of Ford's Aerospace Division and one Resolved clause that resolved if Ford Motor Company divested itself of its Aerospace Division before the purchase of the police cruisers was completed, than the waiver would end and be of no further force and effect. It was moved by Councilmember Elrich and duly seconded and the Resolution, as amended, carried unanimously.

RESOLUTION NO.1990-81
(Attached)

Mark Robinowitz said that while the waiver was called for in the NFZ Law, there were other alternatives. He said he would like to

see a serious analysis and status report of all the vehicles. Kay Dellinger asked for a clarification of the amendments. Following Mr. Prensky's explanation of the amendments for a temporary waiver, Ms. Dellinger said that she still emphatically opposed the resolution and said that the law was written originally without a waiver and should never have been put in. She said that at least 90-95% of the people spoke against the waiver being put in.

Song said that he agreed with Ms. Dellinger and also agreed with Mr. Prensky's motion to table the matter until the sale of Ford and was sad not to hear it seconded. Mr. Hamilton noted that the Ordinance should reflect the purchase of three police vehicles and Mr. Douglas moved adoption of the ordinance; duly seconded by Mr. Hamilton. The Ordinance was adopted by unanimous Roll Call Vote: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp.

ORDINANCE NO.1990-45
(Attached)

5. Resolution to Waive the NFZ Ordinance For The Purchase of Two Stake Dump Trucks

Mr. Prensky moved to table Version 2 of the Resolution, in favor of Version 1; this was seconded by Mr. Leary. The Motion failed 4 to 3.

Mr. Prensky then moved amendments to Resolution Version 2; indicating Ford Motor's imminent sale of its Aerospace Division to Loral Corporation. This was seconded by Mr. Leary. Councilmember Moore moved to strike the first Resolved clause which included that the Council established the list of nuclear weapons producers. The Motion to strike was duly seconded and the amendment carried. (Councilmember Prensky voted Nay). Mr. Moore said that the Resolution also establishes the list of nuclear weapons producers and that should be considered in the discussion since it was just presented to the Council without previously seeing it. Mr. Douglas moved to delete the first Resolved clause and it was duly seconded. Mr. Douglas said that his motion was without prejudice and it needed to be addressed further.

Councilmember Sharp said that with regard to the procurement process, the process as established by the City has to constitute a diligent good-faith effort and said that the City must make it a principle that, putting out a bid package constitutes a diligent good-faith effort under the Code. He said it may very well be that there was a sense additional effort would be made by the Nuclear Free Committee and City staff, but from his point of view, the publication and distribution of the Bid package constituted a diligent good-faith effort and in that regard he had one problem with the Committee's report of recommendations. He said the report (page 2) was misleading as it gave the impression that the City directed eight of the eleven bid requests disproportionately were directed to dealers of trucks made by Ford and General Motors. Mr. Sharp said the process was that the bids were put out and people who responded were given copies of the bid packages and these would have been sent to anyone who responded to the proposal.

Mr. Elrich said he did not agree there was a diligent good faith search when it is known there are alternatives and you just don't obtain a bid.

Mr. Prensky said he maintained that a diligent good faith search per the procurement regulations was very different than a diligent good faith search per the NFZ Ordinance. He also pointed out that there was going to be a discussion of procurement practices on a future worksession agenda, and he will at that time, introduce the idea that there may be more than one sequential definition of diligent good faith searches, and with the NFZ Committee, he said he agreed the original bid process was handled correctly within the normal bid process. He further said that according to the NFZ

Ordinance, a diligent good faith search was dropped at the point the bid process ended. He further stated that Mr. Giancola's recommendations to the City Administrator at that point to waive the Ordinance was ill-advised, untimely, and he said a clear distinction needed to be established between the different kinds of diligent good faith searches in the future.

Councilmember Prensky also explained that it may be confusing that he had voted in favor of the Ordinances to purchase all of the vehicles even as he proposed tabling those same Ordinances. However, he said he wanted to make it clear that once the possibility of avoiding the waivers was no longer a possibility and recognizing the valid needs that the City had for police cruisers and its Public Works vehicles, he said that he had voted in favor of the ordinances to allow the City to actively pursue its business. The Resolution, as amended, carried unanimously.

RESOLUTION NO.1990-82

(Attached)

6. Single Reading Ordinance Re: 2 Stake Dump Trucks for Public Works

Moved by Councilmember Douglas and seconded by Councilmember Hamilton, the Ordinance was adopted by Roll Call Vote: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp.

ORDINANCE NO.1990-46

(Attached)

7. First Reading of Tax Penalty Ordinance

The Ordinance was moved by Councilmember Douglas, seconded by Councilmember Hamilton and was unanimously accepted at first Reading.

ORDINANCE NO.1990-47

(Attached)

8. Resolution of Council Support of Prince George's County Petition to Vacate Highland Street. The Resolution was moved by Councilmember Prensky and seconded by Councilmember Douglas.

Aldo R. Corso, 6503 Westmoreland Avenue said he read from the Resolution that the Council had determined that the City's interest would not be harmed by the subject street vacation. He said the street vacation would maintain Westmoreland Avenue as a dead-end street eliminating through traffic and the property at 6503 would be open to robbery because the Police Department would not patrol the street because it was a dead-end. Mr. Corso said he was the only tenant on the street that had been notified of the County's plans, and when he became aware of them, he appeared before the Council and at the Hearing in Prince George's County. He also said he did not understand why so many robberies occurred and why the Police Department was not patrolling the streets. He said he was told to put flood lights around his house and he asked who determined the paving of the street. Mayor Del Giudice questioned whether there was anyone in the audience who had received a notice as Mr. Corso had. It was indicated that Community Planner Lisa Schwartz had sent out the notices to residents in Takoma Park but it was uncertain whether or not notices had been sent to residents in Prince George's County, just outside of the City. Mayor Del Giudice explained to Mr. Corso the Public Works Department had to approve street paving and all street considerations were taken into account, and if there was a difference in grade, it would be corrected and no damage would be done to his property. Mr. Corso indicated if the street were to be elevated, it would damage his property. Mayor Del Giudice encouraged Mr. Corso to work with Mr. Prensky when the implementation took place. The Resolution passed by unanimous vote.

RESOLUTION NO.1990-81
(Attached)

9. Resolution Re: Equipment Disposal

Moved for adoption by Councilmember Prenskey and seconded by Councilmember Douglas. It was noted that the Resolution was to dispose of three Public Works vehicles; a 1980 Chevrolet Van, a 1972 White refuse truck, and a cement mixer. The Resolution carried unanimously.

RESOLUTION NO.1990-84
(Attached)

10. Council Ratification of Items to Present at M-NCPPC Budget Forum on 9/13/90

Mayor Del Giudice indicated that he would try to attend the Forum to present the Council's issues. The motion to endorse the City's list of issues was accepted.

11. Resolution Recognizing Constitution Week

Motion to adopt was moved by Councilmember Hamilton and seconded by Councilmember Sharp and passed unanimously.

RESOLUTION NO.1990-85
(Attached)

12. Consent Item: Single Reading Ordinance to Purchase Leaf Vacuum. The Ordinance was moved by Councilmember Douglas, seconded by Councilmember Hamilton and was adopted by Roll Call Vote: AYE: Douglas, Hamilton, Moore, Sharp; ABSENT: Elrich, Leary, Prenskey.

ORDINANCE NO.1990-48
(Attached)

Upon motion duly made and seconded, the meeting adjourned at 12:35 AM to reconvene in Regular Session on September 24, 1990.

Introduced by: Councilmember Hamilton
Amendments moved by Councilmember Prensky
(Drafted by: P. Jewell, S. Silber)

RESOLUTION #1990-82

WAIVING SECTION 8A-6(a) and (b) OF THE
NUCLEAR-FREE ZONE ACT
TO PURCHASE TWO STAKE DUMP TRUCKS

- WHEREAS, on July 10, 1990, the City Administrator notified the Nuclear-Free Zone Committee of the Council's intent to consider a waiver resolution of the Nuclear-Free Zone Act to purchase two stake dump trucks from Ford Motor Company, a nuclear weapons producer; AND
- WHEREAS, the Nuclear-Free Takoma Park Committee has advised the City Council that the Ford Motor Company is on the list of nuclear weapons producers; AND
- WHEREAS, the list of nuclear weapons producers has been referenced by the City and the Committee for use in determining those companies that the City cannot, under law, purchase or lease products from; AND
- WHEREAS, in accordance with the provisions of Section 8A, the Nuclear-Free Zone Committee has reviewed the City's search process to determine whether non-nuclear production sources, as defined in the NFZ Act have been fully explored; AND
- WHEREAS, in the Recommendations of the Nuclear-Free Takoma Park Committee dated September 4, 1990, the Committee concluded that a diligent, good faith search for the stake dump trucks was not conducted, and recommended that a waiver resolution not be granted; AND
- WHEREAS, the Committee also recommended that the City pursue the option of purchasing one Mitsubishi truck at this time and renting another Mitsubishi truck; AND
- WHEREAS, the City Administrator does not concur with the recommendations of the Committee and has recommended in his Report of Recommendation, dated September 7, 1990, that a Waiver Resolution be granted for the purchase of two stake dump trucks from Ford Motor Company.
- WHEREAS, the Ford Motor Company has decided to sell its Aerospace Division, representing the extent of Ford's current involvement in nuclear weapons-related production; AND

WHEREAS, that sale of Ford's Aerospace Division to the Loral Corporation is expected to be finalized on or about October 3, 1990.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT upon the advice of the Nuclear-Free Takoma Park Committee, the City Council hereby acknowledges that the Ford Motor Company is a nuclear weapons producer; AND

BE IT FURTHER RESOLVED, THAT since the City Council has considered all factors specified in Sec. 8A-6(f)(2) and finds that it cannot locate a reasonable alternative source in time to provide the necessary good or service of leaf collection and snow removal that is vital to the health and safety of the residents of the City and that in accordance with the provisions of the Nuclear Free Zone Act of 1983, as amended, this Waiver Resolution is hereby passed by a majority vote of the Council as follows:

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

NAY: None

ABSTAINED: None

ABSENT: None

BE IT FURTHER RESOLVED, THAT the City Administrator is hereby authorized to proceed with the purchase of two Stake Dump Trucks from the Ford Motor Company, as called for in the City's FY 1991 Capital Budget; AND

BE IT FURTHER RESOLVED, however, that if, before the purchase of the two Stake Dump Trucks is completed, Ford Motor Company has divested itself of its Aerospace Division and becomes a non-nuclear weapons producer, then the waiver, pursuant to Sec. 8A-6(f) shall, at that time, end and be of no further force and effect.

Dated this 10th day of September, 1990

Introduced by: Councilmember Douglas

ADOPTED: September 10, 1990

RESOLUTION 1990-80

WHEREAS, the firm of Constructive Alternatives, Inc. is seeking to develop the property at 6 Grant Avenue in Takoma Park as commercial office space; AND

WHEREAS, the City Council earlier supported the rezoning of this property from R-60 (one-family detached, residential) to O-M (office, moderate intensity); AND

WHEREAS, this rezoning application, G-599, was approved by Montgomery County in September of 1988; AND

WHEREAS, the remaining development approvals for the property were received from Montgomery County in March of 1990; AND

WHEREAS, since obtaining these approvals, Constructive Alternatives has been unsuccessful in obtaining private financing to develop the property due to the current lending climate in the Washington metropolitan area; AND

WHEREAS, Constructive Alternatives has therefore requested the City's assistance in obtaining State financing for the project; AND

WHEREAS, after a review of available State financing programs by City staff, staff previously recommended use of the MICRF program; AND

WHEREAS, the City Council authorized City staff to work with the property developers and State MICRF representatives to begin preparing an application to the MICRF program for 90 percent financing for acquisition, development, and construction at 6 Grant Avenue (Resolution 1990-75); AND

WHEREAS, City staff has submitted a preliminary, unsigned application for a \$297,000 loan to the State MICRF program for their review, and MICRF staff have given their opinion that the project appears financially sound; AND

WHEREAS, the Council has held a public hearing and taken into consideration public comment on the proposed application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK THAT, the Council hereby authorizes the Mayor to sign the MICRF application for 6 Grant Avenue, and authorizes City staff to submit a final MICRF application to the State.

BE IT FURTHER RESOLVED THAT the Council will review and approve any loan agreement that is prepared between the City, MICRF, and the applicant subsequent to the MICRF application.

ADOPTED THIS 10TH DAY OF SEPTEMBER, 1990.

6gtmicrf.r2

Introduced by: Councilmember Douglas

Adopted: 9/10/90

(Single Reading)

ORDINANCE NO. 1990-46
An Ordinance to Procure (2) 4x4 Trucks

WHEREAS, \$38,800.00 was budgeted in FY-89 for the procurement of equipment for the Streets Division; AND

WHEREAS, these funds were diverted to purchase the recycling vehicle; AND

WHEREAS, in accordance with City procurement procedures bids were solicited from eleven qualified vendors on the bidders list, advertised in the Washington Post and the Dodge Report; AND

WHEREAS, that bids were publicly opened at 2:00 p.m., June 15, 1990 with four firms responding.

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

SECTION 1. THAT the below bid be accepted; AND

Academy Ford Sales	(2) 4x4 Trucks	\$44,888.00
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SECTION 2. THAT funds to cover this procurement in the amount of FORTY-FOUR THOUSAND EIGHT HUNDRED EIGHTY EIGHT DOLLARS (\$44,888.00) be authorized from the Capital Budget Equipment Account 9100-8000.

Adopted this _____ day of September 1990.

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

NAY: None

ABSTAIN: None

ABSENT: None

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

SECTION ONE. A penalty rate of 1% per month or fraction of a month shall be imposed on all real property taxes which are overdue and in arrears on the first day of October in the year for which the taxes are levied.

SECTION TWO. The tax penalty rate provided for by this Ordinance shall be retroactive to November 1, 1989.

Adopted this _____ day of _____, 1990 by roll call vote as follows:

AYE:
NAY:
ABSTAIN:
ABSENT:

Introduced By: Councilmember Prensky

ADOPTED: September 10, 1990

Resolution No. 1990-83

WHEREAS, the Adler Construction Group, Inc., has applied to Prince George's County for the vacation of Highland Street between Westmoreland Street and Eastern Avenue; AND

WHEREAS, this street 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 applicant previously 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, the City Council recommended APPROVAL, WITH CONDITIONS of the variance application on February 2, 1990 (Resolution No. 1990-14); AND

WHEREAS, the Prince George's County Board of Appeals subsequently approved the variance application, with the condition that the applicant file for the vacation of the block of Highland Street that abuts his property; AND

WHEREAS, the applicant is now seeking to satisfy this condition to the variance request with the street vacation request currently before the Council; AND

WHEREAS, the Council has determined that the City's interests will not be harmed by the subject street vacation, and that in fact the street vacation is desirable in that it will maintain Westmoreland Street as a dead-end street, thus eliminating through traffic; AND

WHEREAS, the Council has taken into consideration public comments received on the subject application:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council hereby SUPPORTS the subject street vacation application, and recommends that the Maryland-National Capital Park and Planning Commission for Prince George's County APPROVE the subject application.

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

ADOPTED THIS 10TH DAY OF SEPTEMBER, 1990.

highvac.res

Introduced by: Councilmember Hamilton

Dated: 9/10/90

RESOLUTION NO. 1990-84

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

SECTION 1: That the Public Works Department has overage deadlined equipment which has or will be replaced by newer equipment.

SECTION 2: That the equipment takes up valuable space within the Public Works compound.

SECTION 3: That this equipment has minimal resale value and is considered scrap.

SECTION 4: That the below equipment listing be disposed of by the Public Works Director or designated representative.

<u>Description</u>	<u>Serial #</u>
<u>1980 Chevy Van</u>	<u>CHD15A7127793</u>
<u>1972 White Refuse Truck</u>	<u>BB061DA758920</u>
<u>Cement Mixer</u>	<u>No Serial #/Make</u>

TMG:A:RESOLU.5.0

Introduced by: Councilmember Prenskey
(Drafted by: N. Grimmer)

1st Reading: 9/10/90
2nd Reading:

ORDINANCE #1990-44

(Condemning The Building At 6729 Poplar Avenue As Unfit For
Human Habitation)

WHEREAS, the Council has received information from the Inspector of Buildings that the building located at 6729 Poplar Avenue, Takoma Park (Prince George's County), Maryland (hereinafter "the building") is so structurally unsound, dilapidated, unsanitary, and unsafe that it is a danger to public safety, and recommending that it be condemned as unfit for human habitation; AND

WHEREAS, on July 23, 1990, the City Council adopted Ordinance #1990-41, establishing a date for a hearing in order to determine whether or not the building should be condemned as unfit for human habitation; AND

WHEREAS, notices of the hearing stating the nature of the alleged defects in the building were sent, by certified mail, to the building owners of record, Charles Patterson and Hattie Patterson, and to all other persons who appeared to have possible ownership interest in the building in a newspaper of general circulation, and posted in a conspicuous place on the building in accordance with Article 6, Chapter 6, Section 6-71 of the Takoma Park Code; AND

WHEREAS, on September 10, 1990, the Council held a hearing on the condition of the building to determine whether or not the building should be condemned as unfit for human habitation.

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

SECTION 1. THE Council, based on the information presented at the hearing on September 10, 1990, and other competent evidence bearing on the condition of the building at 6729 Poplar Avenue, finds that the building is so structurally unsound, dilapidated, unsanitary, and unsafe that it is a danger to public safety; AND

- SECTION 2. THAT in accordance with Article 6, Section 6-72, of the Takoma Park Code, the Council does hereby determine that the building at 6729 Poplar Avenue shall be condemned as unfit for human habitation;
AND
- SECTION 3. THAT, the Council also determines that the defects in the building are so extensive that they cannot be corrected and, therefore that the building should be destroyed. The Council directs City staff to take appropriate action to move forward with demolition of the building located at 6729 Poplar Avenue.
- SECTION 4. THE Council directs City staff to promptly placard the building with a notice that it has been condemned as unfit for human habitation.
- SECTION 5. THAT this ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 1990 by roll call vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

Introduced by: Councilmember Hamilton
Amendments moved by: Councilmember Prensky
(Drafted by: P. Jewell, S. Silber)

RESOLUTION #1990-81

WAIVING SECTION 8A-6(a) and (b) OF THE
NUCLEAR-FREE ZONE ACT
TO PURCHASE THREE POLICE VEHICLES

- WHEREAS, on July 13, 1990, the City Administrator notified the Nuclear-Free Takoma Park Committee of the Council's intent to consider a waiver resolution of the Nuclear-Free Zone Act to purchase two police cruisers from Ford Motor Company, a nuclear weapons producer; AND
- WHEREAS, the Nuclear-Free Takoma Park Committee has advised the City Council that the Ford Motor Company is on the list of nuclear weapons producers; AND
- WHEREAS, the list of nuclear weapons producers has been referenced by the City and the Committee for use in determining those companies that the City cannot, under law, purchase or lease products from; AND
- WHEREAS, in accordance with the provisions of the Nuclear Free Zone Act, Section 8A, the Committee has worked cooperatively with the Police Department and its staff and has conducted research to determine reasonable alternate sources for purchasing the vehicles; AND
- WHEREAS, based on the research, the Committee was unable to locate police cruisers from a non-nuclear weapons producer which met the requirements of the Police Department; AND
- WHEREAS, in the Recommendations of the Nuclear-Free Takoma Park Committee, dated September 4, 1990, the Committee found and the City Administrator concurred that the City made a diligent, good faith search and would be unable to obtain the police package vehicles that meet City requirements from any other source other than a nuclear weapons producer; AND
- WHEREAS, the Committee and the City Administrator also recommended that a waiver be granted to allow the purchase of two police vehicles from Ford.

WHEREAS, the Ford Motor Company has decided to sell its Aerospace Division, representing the extent of Ford's current involvement in nuclear weapons-related production; AND

WHEREAS, that sale of Ford's Aerospace Division to the Loral Corporation is expected to be finalized on or about October 3, 1990.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Council hereby establishes the list of nuclear weapons' producers; AND

BE IT FURTHER RESOLVED, THAT upon the advice of the Nuclear-Free Takoma Park Committee and the City Administrator, the City Council hereby acknowledges that the Ford Motor Company is a nuclear weapons' producer; AND

BE IT FURTHER RESOLVED, THAT since the City Council has considered all factors specified in Sec. 8A-6(f)(2) and finds that it is not reasonable to find an alternative source; that in accordance with the provisions of the Nuclear Free Zone Act of 1983, as amended, this Waiver Resolution is hereby passed by a majority vote of the Council as follows:

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

NAY: None

ABSTAINED: None

ABSENT: None

BE IT FURTHER RESOLVED THAT, the City Administrator is hereby authorized to proceed with the purchase of *three Ford Crown Victoria police cruisers from the Ford Motor Company, as called for the City's FY 1991 Capital Budget; AND

BE IT FURTHER RESOLVED, however, that if, before the purchase of the two police cruisers is completed, Ford Motor Company has divested itself of its Aerospace Division and becomes a non-nuclear weapons producer, then the waiver, pursuant to Sec. 8A-6(f) shall, at that time, end and be of no further force and effect.

Dated this 10th day of September, 1990

*Clerks Note - One Police Vehicle will be purchased through the Drug Crime Reduction K-9 Grant Program.

Introduced by: Councilmember Douglas

Single Reading
Effective: 9/10/90

ORDINANCE NO. 1990-45

**AN ORDINANCE AUTHORIZING THE PURCHASE OF
THREE FORD PATROL VEHICLES**

WHEREAS, Funds were set aside in the FY 1990-91 City budget for the purchase of new police vehicles; AND

WHEREAS, In 1989, Anne Arundel County conducted a valid competitive bid process to purchase 1990-91 police package vehicles manufactured by Ford Motor Company; AND

WHEREAS, The City Administrator qualifies this purchase of three police package vehicles from Sheehy Ford as a cooperative purchase by "piggybacking" on to the Anne Arundel County bid process to purchase from said dealership; AND

WHEREAS, The City of Takoma Park has received a Federal Drug K-9 grant providing for the purchase of one police vehicle at a cost of \$12,960, to be charged to City special revenue budget line 0010-7240; AND

WHEREAS, The Takoma Park City Council met on September 10, 1990, and agreed to purchase three such police vehicles for Takoma Park Police Department use,

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

SECTION 1. THAT authorization is given for the purchase of three (3) Ford police package vehicles from Sheehy Ford, at a total cost of \$38,880.00, AND

SECTION 2. THAT the purchase of two (2) of the vehicles shall be charged to Account 9100-8000, Capital Expenditures, AND

SECTION 3. THAT the purchase of one vehicle to be used in the Federal Drug K-9 program, shall be charged to Account 0010-7240.

Adopted this 10th day of September, 1990.

AYES: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp

NAYS: None

ABSTAIN: None

ABSENT: None

CITY OF TAKOMA PARK

REGULAR COUNCIL MEETING
Monday, September 24, 1990

'CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Ass't City Admin. Habada
Councilmember Elrich	Captain Hernandez
Councilmember Hamilton	DHCD Director Grimmer
Councilmember Leary	Police Captain Wortman
Councilmember Moore	Recreation Dir. Ziegler
Councilmember Prensky	Corporation Counsel Silber
Councilmember Sharp	Admin. Clerk Mitchell
	Community Planner VinCola

The City Council convened at 8:05 p.m. on Monday, September 24, 1990 in the City Council Chamber at 7500 Maple Avenue in Takoma Park, Maryland. Following the Pledge of Allegiance, the Mayor made his remarks.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS: The Mayor commented that he, Mr. Douglas and other members of the Council had recently met with the State Highway Administration (SHA). He took the opportunity to thank Delegate Franchot for the timely phone call he had made to the State Highway Administration and commented that, as a result of the call, SHA made a commitment to resurface the Carroll Avenue bridge in Spring 1991. The Mayor also said that he and the State Highway Administration officials discussed putting a fence barrier safety feature on the bridge, to protect the traffic traveling beneath the bridge on Sligo Creek Parkway. Mayor Del Giudice said that a number of recommendations were made, e.g., a wrought iron decorative fence for the Carroll Avenue bridge.

ADOPTION OF MAY 29, 1990 MINUTES: Mr. Sharp indicated that on page 4 of the May 29th Minutes, fifth line down, a line was missing. Mayor Del Giudice clarified what the sentence should read. Also in the 5/29 Minutes, Mr. Prensky noted that the Mayor's comments on page 1 regarding the invitation extended to President Gorbachov, should be reworded to note that at this point the City was unlikely to receive a response to the invitation that was extended to Gorbachov to visit Takoma Park. Mr. Sharp also indicated that on page 8, the two abstentions should be noted and that he was one of them. Mr. Moore clarified that also in the first paragraph of the Mayor's comments on page one, he did not make the comments pertaining to the Newsletter Editor although these comments were attributed to him. Mr. Sharp indicated that on page 12, there was a mistake indicating that the Mayor voted; the Mayor was not present--he had left, due to an illness. The Minutes were adopted with corrections.

ADMINISTRATIVE REPORTS:

1. Second Reading of Tax Penalty Ordinance

Councilmember Douglas moved adoption of the Ordinance at second reading and it was duly seconded by Councilmember Hamilton. Mr. Wilson noted corrections in Section One on page 2. It was moved and seconded to amend the Ordinance to reflect amendments recommended by the City Administrator. The Ordinance, as amended, carried unanimously by Roll Call vote: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp; NAY: None.

ORDINANCE NO.1990-47

(Attached)

2. Status Report Re Condition of Building at 6729 Poplar Avenue/Second Reading Ordinance

DHCD Director, Nancy Grimmer, said the property owners (the Pattersons) were actively pursuing the loan rehab application for

verifications at the present time and that the rehab construction specialist had been to the property and prepared a preliminary work write-up which gave a cost estimate of \$22,000 for rehabilitating the property. Ms. Grimmer said \$22,000 was only a range estimate. She went on to say the property owners made some repairs to the property. Ms. Grimmer said DHCD engaged the assistance of the Community Services Center (CSC) of the Seventh Day Adventist Church who had come forward and offered their assistance to the property owners to coordinate community resources where needed. She said Mr. Bruce Williams had also taken an active role in trying to assist the property owners in making repairs and had been very instrumental in getting the progress made to date. Ms. Grimmer suggested the ordinance be amended so it would take the condition of the property into account and outline a timetable for the heating system and water service to be restored, thereby setting the property owners on a compliance schedule. Mr. Elrich questioned how cold the weather would have to get before the absence of heat would be considered a violation. Ms. Grimmer responded it was not defined in the Code and she suggested that if the ordinance was amended, the date of October 31st could be put in as the deadline to have the heating system operable. She went on to say that when the loan was approved by the City, DHCD would assist the homeowner to secure three bids for the work to be done and the City, the CSC and the property owner together would evaluate those bids and select a contractor. Ms. Grimmer explained that once the agreements were entered into and the City gave notice to proceed with the work, the City would handle disbursements of funds to the contractor and also monitor the work on an on-going basis. Once everything was finished, the City would then sign off on the work. Mayor Del Giudice asked Ms. Grimmer if it were her opinion the house would be habitable if the furnace and water heater were installed prior to October 31st. Ms. Grimmer responded in the affirmative. Mr. Leary brought up the fact that DHCD did not pursue a firm agreement with the owner on a schedule for compliance because they filed for the rehab loan and he questioned if that would be pursued. Ms. Grimmer responded yes and that a compliance schedule would be put in that would allow adequate time for processing the rehabilitation loan.

Mayor Del Giudice indicated that Ms. Patterson was in the audience and had stated she would like to remain on the premises and that she would like to have it repaired, and she was doing the best that she could to see that repairs were done.

Bruce Williams said he had a heating contractor who had given a bid of \$783.00 to install a new furnace. Mr. Williams said the contractor only needed a day's notice to put the furnace in but gas service had to be restored and a water heater needed to be installed in order to install the furnace. Mr. Leary asked Mr. Williams what his role was in the situation. Mr. Williams responded he had known Mrs. Patterson for 25 years. He said he was a general contractor and when he saw that condemnation was proceeding on the agenda of the last Council meeting, he felt he would be able to help. He stated he had met with the Pattersons every day, as well as with one of her sons who did not live there, about doing some of the work on the property on a voluntary basis.

John Gavin, Director of the Adventist Community Services Center (CSC) said when Ms. Grimmer informed CSC of Mrs. Patterson's problems, they visited the Pattersons to get the information on the problems so funds could be raised. Ralph Cook, from CSC said they did visit with Mrs. Patterson and she was now a client. He went on to say CSC had already started raising money, had contacted the water company, and had been offered an arrangement that if CSC could raise the amount of money needed, water service would be restored. Mr. Cook said the gas service problem had not been worked out yet, but, hopefully it would be within the next two weeks. Mayor Del Giudice asked Mr. Cook whether Mrs. Patterson received any income, and if so, what was the source. Mayor Del

Giudice said if Mrs. Patterson was eligible to receive support, assurance was needed that the funds were being dedicated to the maintenance of the property or Mrs. Patterson's care. Mr. Cook responded that he and his staff at CSC had not yet done an in-depth study since they only just began a week ago; he indicated Mrs. Patterson did have a limited income. He said he felt that if the utilities were restored and monitored, Mrs. Patterson could manage with her income. Mr. Cook said in the future he would pay a home visit to Mrs. Patterson to try and work out a budget for her.

face Peter Franchot, 7111 Sycamore, State Delegate Montgomery County expressed his sympathy for Mrs. Patterson. He went on to say that his personal experience with Mrs. Patterson's house happened several months ago, during which time he saw armed police surrounding a car on Sycamore Avenue and several people were arrested for drug violations. Mr. Franchot said when he inquired as to what the origin was, he was told Mrs. Patterson's house had been staked out and there had been multiple allegations of drug use in and around the house. He stressed that there should be no money spent to do any repairs on the house until the drug use allegations which have been made and dealt with and there was a guarantee for Mrs. Patterson's safety as well as all the people who lived in the neighborhood. Mr. Leary asked Mr. Franchot if there would be an effort made to try and find alternative housing for Mrs. Patterson. Mr. Franchot responded that he felt Mrs. Patterson should be moved to a safe environment, the other residents should receive drug counseling or whatever counseling was available to meet their needs, and the house should be rehabilitated and sold and that Mrs. Patterson should receive her share. He stated emphatically, it would be ironic to rehabilitate a house where there are people involved in allegations of illegal drug use.

Jim Swyers, 206 Spring Street, said he did not doubt the sincerity of the City's Housing Department or the friends of the family, or the Adventist Church. However, he said displacing Mrs. Patterson from her house was not the answer. He said \$22,000 for rehabing the house was not adequate and if the City got involved, it would take more than \$22,000. He brought up the fact that the house was Mrs. Patterson's in name only, meaning that she had no control of who lived there or what went on there. He said it did not make sense to put money into the house unless there would be fundamental differences guaranteed.

Dave Pollack member of B.F. Gilbert Citizens Association and the Takoma Junction Revitalization Steering Committee, said it was his impression that the Police Department might pass-the-buck to the Council and the Council to the Housing Department with the result perpetuating a public nuisance and a serious public and safety hazard to the children and the residents of the entire community. He said the multiple allegations of illegal drug use were enough to convince anyone this was not a problem that was going to be solved by housing rehabilitation loans; legal enforcement was needed for the drug use and housing codes needed to be enforced to ensure the safety of the citizens of the community. He said he believed he and his neighbors would not forget what happened in the disposition and he would hold those persons responsible who failed to take the necessary action that was clearly indicated by the circumstances.

Stacey Flaharty, resident on Poplar Avenue said she had a baby sitter who was afraid to go to the park because of all the activity that went on there. .

Robin Gerber, resident on Poplar Avenue said she was proud of her neighborhood and the reality was that everyone did not come to this meeting because of the fear of being out at night in the neighborhood. She indicated she had seen drug activity in the neighborhood in broad daylight. She said she and others wanted Mrs. Patterson to know that they care about her, and she expressed her embarrassment that it had taken so long to realize that Mrs. Patterson was living in such conditions.

Bob Shulman, President of B.F. Gilbert Citizen's Association said he was amazed how long the house had been sitting in such condition and nothing had been done. He expressed his concern for Mrs. Patterson's safety and well-being.

David Band, resident on Sycamore Avenue said he lived several blocks from Spring Park. He said on Sycamore Avenue there were a lot of children and adolescents that use the park even though it was not safe. He said the Park was used as a toilet facility for the people who lived in Mrs. Patterson's house. He also said that Mrs. Patterson was being abused. He said it was his opinion the house should be evacuated if it were to be rehabilitated, and stressed concern that all of the agencies work together including the County and the Adult Protective Services to ensure that if Mrs. Patterson returned to her house, she would not return to the same situation. Mayor Del Giudice indicated the matter had been referred to the Prince George's County Adult Protective Services and Social Services.

Ken Shields, resident on Poplar Avenue said his neighborhood consisted of a group of cohesive people; both ethnic and economically mixed, in ages from 3 months to 70 years old. He further stated that there was a high-level of activity on his street, i.e., school kids returning home, young, old, single people walking, recreating and it would be devastating for crime to intervene in his neighborhood and create more problems. Mayor Del Giudice indicated there was a limit to the kinds of official action the City Council could take, but one of the things under consideration was the condemnation proceeding that has been going on for three months. The Mayor said representatives of the Police Department communicated with the community and told them the alleged problems were known to them. He said the law does not allow condemning a property because there is a belief there are people in the premises using illegal narcotics.

Mr. Sharp asked Nancy Grimmer what the source of the \$22,000 loan was and what were the conditions for paying it back. Ms. Grimmer indicated that federal funds were available through the County for rehab loans, and the loan could be structured in several ways based upon the income of the owners and their ability to repay it, which could be deferred until sale of the property. Mr. Sharp then asked about ensuring maintenance. Ms. Grimmer responded that one of the conditions of the loan document was that the property continue to be maintained to keep up the investment that had been made to the property. Mr. Sharp asked the City's Corporation Counsel whether the City had the authority to order out persons who were living in an uninhabitable house. Ms. Silber's response was affirmative.

Ms. Grimmer said there was a meeting held with Adult Protective Services of Prince George's County and the County could not yet make a determination that assistance was required in this case. She also said there needed to be casework intervention done in Mrs. Patterson's situation; the Community Services Center had agreed to take on the casework because the City did not have the capacity to do so. She said Community Services Center would coordinate with Prince George's Social Services for public assistance and protective services.

Ms. Silber said the Council could find that the building could be condemned under Takoma Park Code Section 6-67 and under Section 6-67, if the Council found that it was proven there were no sanitary facilities adequate to protect the health and safety of the occupants or the public, the Council could proceed to placard the building with signs declaring the property unfit for human habitation and force the occupants to vacate within a reasonable of time. Mrs. Silber stated that on a separate track, the Council could set up a realistic repair schedule for the property.

Mr. Douglas asked if the property were to be condemned, what would the ramifications be for the residents who currently live in the building. Ms. Silber responded that under the Code provision, they would have to vacate the building within a reasonable time as ordered by the Council or by the Inspector of Buildings, unless specified otherwise. Mayor Del Giudice then suggested amending Section II and deleting Section III and said a date would be needed by which the premises would be vacated unless actions were taken to make it habitable.

Mr. Elrich said if Mrs. Patterson was found to have been abused, there would be no reason to expect she would go back to the same situation. He said he would not want the Housing Department taking action until after the County Department of Social Services and Adult Protective Services were in place, and the City could not afford to take action until everything was in place.

Mr. Hamilton said that you just don't move a senior citizen out of their home who had lived in the same house for 26 years. He said he would not want the Council to make a decision to deny anyone a rehab loan when it was not in the process to deny loans and it needed to be made clear whether the property would be condemned or rehabilitated.

Mayor Del Giudice asked for a motion on the ordinance at second reading with the amendments. He explained the amendments previously discussed in Section II in the first line the words "and 6-67" were to be added, and the current Section III to be deleted, and in its place, adding the second section from the proposed ordinance that staff had prepared. He read the language: "that the Council further hereby determines that substantial major repairs and improvements are needed to bring the building at 6729 Poplar Avenue, up to Housing Code standards and directs that the owners of the building, Hattie B. Patterson and Charles M. Patterson, on or before October 31, 1990 restore water service to the building and have a safe and operable heating system installed in the building" and the third Section would read, "on or before October 12 enter an agreement with the City of Takoma Park setting a reasonable time table for the repair and corrections of all conditions of the building which are violations of the property maintenance code as adopted by the City of Takoma Park." The Ordinance, as amended, was moved by Councilmember Prensky, seconded by Councilmember Hamilton and was adopted by Roll Call vote: AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky, Sharp. NAY: None. Ordinance carried with the amendments.

ORDINANCE NO.1990-44
(Attached)

New Item #3 - First Reading Ordinance Setting A Hearing Date Re: Declaring 6729 Poplar Avenue A Nuisance

Councilmember Leary then moved for first reading, an ordinance setting a hearing date as to the condition of the building at 6729 Poplar Avenue to determine whether the building should be declared a nuisance; this was seconded by Councilmember Douglas. Mr. Leary said that under the ordinance, the Council would make three findings; (1) that the property was substandard and unsafe, (2) that it menaced the people within, the people passing by and those residing in the neighborhood, and (3) it was or would become a blight or deteriorated factor in the neighborhood. He said the Ordinance would set a date for a hearing on whether the property should be declared a nuisance and he suggested the dates of October 22nd or November 12th. Mayor Del Giudice said that after the second reading the hearing date would be recommended. The question was called and the Ordinance was accepted at first reading.

ORDINANCE NO.1990-49
(Attached)

4. Resolution Taking A Position On The Proposals For The Takoma

Park Historic District.

Mayor Del Giudice presented a resolution that had been prepared and presented to the Council based on a presentation the Council had received from the Park and Planning Commission staff and also from the report of the work group that represented the Takoma Park Task Force and the City in monitoring the work of the Park and Planning staff. Councilmember Leary moved adoption of the resolution; duly seconded by Councilmember Douglas.

Gwen Marcus, Historic Preservation Planner for the Montgomery County Planning Board said at the worksession last week, she presented the Montgomery County Planning Board (MCPB) information to the City Council concerning the boundaries staff was recommending, the characterization resources, and the historic preservation review guidelines MCPB drafted. She expressed her appreciation to the Council and said her staff would make an effort to incorporate the information into their staff packet for the Planning Board. Mayor Del Giudice announced that the full text of the recommendations would be published in the next Newsletter.

Ken Norkin, 14 Hickory Avenue said he was a member of the work group that worked with the Planning Board on the Preservation Task Force. He also said the Office of Legislative Oversight (OLO) had been reviewing the regulations under which the Historic Preservation Committee operated, and it was his understanding that OLO would be recommending many of the improvements in the process the Task Force had wanted. He said the guidelines and concepts written down in the master plan should be binding on the Historic Preservation Commission, so the categorization seen in the document and the guidelines for the types of modifications that should and can be allowed, will have a force of law in guiding the Historic Preservation Commission in how they review historic area work permit applications from Takoma Park. Mr. Norkin said it was his understanding OLO would be recommending many of the procedural changes will be easier to access. He said he felt comfortable with what the Park and Planning Commission had brought forth and he believed that the Council should pass the resolution. Mayor Del Giudice indicated it was his understanding the proposed amendment would contain language much like the guidelines and to the extent the amendment was adopted by the County Council, it may have the force of law, certainly in so far as the Commission will look to the document for guidance on how to implement the plan. He also said the question of whether more specific guidelines were to be adopted will be addressed in two ways: 1) the Commission itself may adopt more detailed design guidelines for the purpose of more guiding individual property owners and 2) the County Council was looking at the idea of adopting additional guidelines as part of the legislative package.

Barbara Gibson, resident on Woodland Avenue said that she felt disappointment and anger when she finished reading the newly proposed guidelines because after all the work done by the Task Force members, she felt the set of guidelines was a betrayal of the good faith that was placed in the process. She said she believed all sides were skeptical when the Task Force first began and that since that time, she felt the consensus was forged. She further stated the efforts seemed to be tossed out because of the preference of the staff at Park and Planning who were choosing to ignore the citizens' compromises. She said she disagreed with Mr. Norkin and the tone of the guidelines violated the spirit of the Task Force report, which reflected the need for flexibility, appreciation and desire to continue to maintain the eclectic nature of Takoma Park.

Mayor Del Giudice said there was not any real action that the City needed to take at this point and the opportunity for a public hearing took place last year and the matter was now in the hands of the Park and Planning Commission. The Mayor said the Council was now accepting the report and every citizen in the City of

Takoma Park now had an opportunity to submit in writing their analysis of the proposed guidelines and there would be no public hearing until those guidelines go from the Planning Commission as part of a master plan amendment, to the County Council which would hold a public hearing.

Councilmember Leary said he felt it was appropriate for the Council to take a position on the excellent work done by County Planning Staff over many months in response to the Council's requests. He said the Council had an obligation to provide the Park and Planning Board with its judgement of how successfully the Board fulfilled that task which the Council charged them with. Mr. Leary said he felt the Planning Board did a remarkable piece of work and, in addition, Council had the judgment of the five members of the Committee who had closely monitored the work of the Park and Planning staff over many months. Mr. Leary congratulated the Park and Planning staff for their exceptional good and sensitive work. The Resolution carried unanimously.

RESOLUTION NO.1990-86
(Attached)

5. Resolution Authorizing Staff to Submit Program Year 17 CDBG Funding Proposals to Both Counties

Mr. Sharp reminded the Council that at the last worksession it was decided to go ahead with staff's recommendation with the expectation there would be further discussion. Councilmember Douglas moved passage of the Resolution and Councilmember Leary seconded it.

Karen Mitchell, 7600 Maple Avenue (and Citizens Advisory Committee member) said she had been asked to reiterate the Committee's very strong feelings regarding several of the projects. She said at first it was the unanimous vote of the Committee that the handicapped ramps were the most important item to be funded. In light of the new Federal laws and what the Committee felt was the moral obligation to handicapped residents of the City, she said they voted that the item was non-negotiable. She said the concern of the Committee regarding the Police Department children's holding area, was that it might not carry the same priority in the Police Department as cruisers, guns or radios but it was a top priority situation. She further said there were some citizen commitments to donate supplies to the holding area and she felt, if necessary, the Committee could generate a large amount of donations. She said the Committee also felt very strongly about funding for the Youth Outreach camping program.

Councilmember Douglas said that at the worksession there was some discussion about street projects and maybe the Piney Branch Road Sidewalk Project was negotiable. Ms. Mitchell responded by saying the Committee felt social programs took priority over street repair and if in order to get social programs funded, they had to alleviate a street repair item. She also stated that the reason the item was funded was because the Commission took into consideration issues that were sent forth by citizen groups and issues that had been brought forth repeatedly year after year by citizen groups.

In response to a Council question, Deputy Public Works Director Laster said in order to renovate the walkway from Grant Avenue to Ritchie all the asphalt would have to be excavated and reinstalled with curbs at a cost of \$23,950.00. He said if only the poor condition and the fair condition sections were replaced on Piney Branch the cost would be \$19,050.00 and he said if just the poor condition sections were replaced, the cost would be \$11,000 and for curb would be \$39,000.00.

Mayor Del Giudice said he supported the proposed amendment and the

recommendations for the funds the Recreation Department requested, but on the presumption that two-thirds of the population benefitting the programs live in Montgomery County and the other one-third live in Prince George's County. The amendment to allocate \$19,050.00 for Piney Branch Road repairs and \$5,660.00 for Youth Outreach camping equipment passed unanimously.

George Taylor, a Cedar Avenue resident said he had brought with him an explanation of the community block grant development for the elderly needs assessment. He said various groups were pleased that both the community, committee and staff approved the proposal for a \$10,000 block grant to be supplemented by \$5,000 in community-raised funds from churches and other agencies in the community to support the same project. He further stated he had been concerned about the elderly in Takoma Park who have "fallen through the cracks". He said the proposal would try to assess the needs of the elderly in Takoma Park and not compete with County community services but would be their ally in coming up with good proposals for the elderly in delivery of social services. He said one advantage of family services is they are a non-traditional social service agency, meaning that the social workers who would be involved in the project go to the homes of the elderly rather than waiting for the elderly to come to them and their specialty was dealing with resistant clients who don't want the social services, but need them desperately.

Mr. Sharp said he was in support of the project as long as it was not exclusively for Montgomery County residents in Takoma Park. He said the money was Takoma Park money and funds should not be expended on the program until the program can be made available to all the citizens in Takoma Park. He also said that without that assurance, he would not be able to vote in favor of it.

Mr. Douglas commented there was a lot of confusion at the worksession about Public Work's street priorities versus the CAC street priorities and it would be very helpful if there were some way of being more precise about the criteria the Public Works Department looks at versus what CAC looks at. The Resolution passed unanimously.

RESOLUTION NO.1990-87
(Attached)

6. Resolution Thanking Members of the CDBG Citizens Advisory Committee

The Resolution was moved for adoption by Councilmember Hamilton and duly seconded by Councilmember Douglas, and passed unanimously.

RESOLUTION NO.1990-88
(Attached)

7. Resolution Appointing An Elected Official to the Prince George's CDAC

The Resolution was moved by Councilmember Sharp and duly seconded by Councilmember Douglas appointing Councilmember Moore as the Elected Official to the Prince George's CDAC. The Resolution passed unanimously.

RESOLUTION NO.1990-89
(Attached)

8. Resolution of the Council's Recommendations About the Future of SSI Gymnasium

Councilmember Leary moved adoption of the Resolution with a slight revision of the wording of the second Resolved Clause. The

Resolution carried unanimously.

RESOLUTION NO.1990-90
(Attached)

9. Resolution Appointing Members and Adopting a Mission Statement for the Elections Task Force

Mayor Del Giudice moved adoption of the Resolution and noted the Task Force would be made up of a Chairperson; former Councilmember Paul d'Eustachio, and two individuals from each Ward in the City with the exception of Ward 4, which would have three representatives. The motion was duly seconded by Councilmember Leary and passed unanimously.

RESOLUTION NO.1990-91
(Attached)

10. Resolution Appointing Members to Commission on Landlord and Tenant Affairs

Councilmember Sharp moved the appointment of Azizah Muhammad and Thelma Spells. The Motion was duly seconded and the Resolution passed unanimously.

RESOLUTION NO.1990-92
(Attached)

Upon motion duly made and seconded, the meeting adjourned at 11:25 p.m. to reconvene in Regular Session on October 8, 1990.

Introduced by: Councilmember Douglas
Drafted by: Linda S. Perlman
Asst. Corporation Counsel
Draft date: August 21, 1990

First Reading: 9/10/90
Second reading: 9/24/90

ORDINANCE NO. 1900-47

(Tax Penalty Rate-Technical Corrections Ordinance)

WHEREAS, Charter Amendment Resolution No. 1982-3 and Ordinance No. 2617 adopted simultaneously by the Mayor and Council on July 13, 1982 amended subsection (f) of Section 1.9, Taxes and Assessments Generally, of the Charter of Takoma Park, 1972, to provide for a tax penalty rate of 1% per month or a fraction of a month on all taxes which were overdue and in arrears after October 1; AND

WHEREAS, the Charter of Takoma Park, 1972 (hereinafter "old Charter") was repealed in its entirety and replaced by a new municipal Charter which became effective on October 31, 1989 (hereinafter "new Charter"); AND

WHEREAS, Section 914(c) of the new Charter provides that, in addition to interest of 2/3 of 1 percent per month or a fraction of a month on overdue taxes, "a penalty rate set by ordinance may be imposed on all taxes which are overdue and in arrears"; AND

WHEREAS, although Section 1.9(f) of the old Charter has been repealed, Ordinance No. 2617, providing for a tax penalty on overdue taxes, continued in effect pursuant to Section 1605, Effect of Charter on Existing Ordinances, of the new Charter; AND

WHEREAS, the Council does not desire to make a substantive change in the tax penalty rate, but simply to reenact the tax penalty provision, pursuant to the authorization of Section 914(c) of the new Charter, as a technical corrections ordinance to be effective of the first day after the effective date of the new Charter.

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

SECTION ONE. A penalty rate of 1% per month or fraction of a month shall be imposed on all real and personal property taxes which are overdue and in arrears on the first day of October in the year for which the taxes are levied or as otherwise indicated in Section 918 of the Charter.

SECTION TWO. The tax penalty rate provided for by this Ordinance shall be retroactive to November 1, 1989.

Adopted this 24th day of September, 1990 by roll call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: None

Introduced by: Councilmember Prenskey 1st Reading: 9/10/90
(Drafted by: N. Grimmer) 2nd Reading: 9/24/90

ORDINANCE #1990-44

(Condemning The Building At 6729 Poplar Avenue As Unfit For
Human Habitation)

WHEREAS, the Council has received information from the Inspector of Buildings that the building located at 6729 Poplar Avenue, Takoma Park (Prince George's County), Maryland (hereinafter "the building") is so structurally unsound, dilapidated, unsanitary, and unsafe that it is a danger to public safety, and recommending that it be condemned as unfit for human habitation; AND

WHEREAS, on July 23, 1990, the City Council adopted Ordinance #1990-41, establishing a date for a hearing in order to determine whether or not the building should be condemned as unfit for human habitation; AND

WHEREAS, notices of the hearing stating the nature of the alleged defects in the building were sent, by certified mail, to the building owners of record, Charles Patterson and Hattie Patterson, and to all other persons who appeared to have possible ownership interest in the building in a newspaper of general circulation, and posted in a conspicuous place on the building in accordance with Article 6, Chapter 6, Section 6-71 of the Takoma Park Code; AND

WHEREAS, on September 10, 1990, the Council held a hearing on the condition of the building to determine whether or not the building should be condemned as unfit for human habitation.

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

SECTION 1. THE Council, based on the information presented at the hearing on September 10, 1990, and other competent evidence bearing on the condition of the building at 6729 Poplar Avenue, finds that the building is so structurally unsound, dilapidated, unsanitary, and unsafe that it is a danger to public safety; AND

SECTION 2. THAT in accordance with Article 6, Section 6-67 and 6-72, of the Takoma Park Code, the Council does hereby determine that the building at 6729 Poplar Avenue shall be condemned as unfit for human habitation; AND

SECTION 3. THAT, the Council further hereby determines that substantial major repairs and improvements are needed to bring the building at 6729 Poplar Avenue up to housing code standards and directs that the owners of the building, Hattie B. Patterson and Charles M. Patterson: (1) On or before October 31, 1990, restore water service to the building and have a safe and operable heating system installed in the building; and (2) On or before October 12, 1990, enter into an agreement with the City of Takoma Park setting a reasonable time table for the repair and correction of all conditions of the building which are violations of the BOCA property Maintenance Code, as adopted by the City of Takoma Park.

SECTION 4. THE Council directs City staff to promptly placard the building with a notice that it has been condemned as unfit for human habitation.

SECTION 5. THAT this ordinance shall become effective upon adoption.

Adopted this 24th day of October, 1990 by roll call vote as follows:

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

NAY: None

ABSTAINED: None

ABSENT: None

Introduced by: Councilmember Douglas 1st Reading: Sept. 24, 1990
2nd Reading: Oct. 8, 1990

ORDINANCE NO. 1990-49

(Setting a hearing as to the condition of the building at 6729 Poplar Avenue, to determine whether the building should be declared a nuisance.)

WHEREAS, it has been reported to the Council by the Inspector of Buildings that the building located at 6729 Poplar Ave., Takoma Park (Prince George's County), Maryland (hereinafter "the building") is substandard and unsafe as it:

- 1) Is dangerous to property or health; or
- 2) Menaces the people passing by, or those residing in the neighborhood; or
- 3) is or will become a blighting or deteriorating factor in the neighborhood.

WHEREAS, the City of Takoma Park has provided the owners of the property, Hattie Patterson and Charles M. Patterson, the opportunity to eliminate those conditions which cause the property to be a nuisance, however those conditions remain unabated.

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

SECTION 1. The Council has received information from the Inspector of Buildings that the building: (1) Is dangerous, to property or health; or (2) Menaces the people within, the people passing by, or those residing in the neighborhood; or (3) Is or will become a blighting or deteriorating factor in the neighborhood.

SECTION 2. The building is located at 6729 Poplar Avenue, Takoma Park, Md., and is more particularly described as Lot 14, Block 12, in the subdivision known as "Gibbs and Kosacks Subdivision of Takoma Park", Prince George's County, within the City of Takoma Park, Maryland.

SECTION 3. The Council hereby initiates proceedings to declare the building a nuisance under Article 6, Chapter 6, Sections 6-63 through 6-65 and Section 6-68 of the Takoma Park Code.

SECTION 4. The Council sets the date of November 13, 1990 at 8:00 p.m., in the Council Chambers at 7500 Maple Avenue, Takoma Park, Md. 20912 as the time and place for a hearing as to the condition of the building in order to determine whether or not the building should be declared a nuisance.

SECTION 5. The City Administrator is directed to give notice of the hearing to the building owners of record, Hattie Patterson and Charles M. Patterson, or their agent(s) in accordance with the provisions of Article 6, Chapter 6, Section 6-63 of the Takoma Park Code.

THIS ORDINANCE BECOMES EFFECTIVE ON THE DAY OF ADOPTION.

Adopted the 8th day of October, 1990 by roll call vote as follows:

Aye: Douglas, Elrich, Hamilton, Leary, Moore, Prenskey, Sharp
Nay: None
Abstained: None
Absent: None

Introduced By: Councilmember Leary

ADOPTED: September 24, 1990

Resolution No. 1990-86

WHEREAS, the Montgomery County Planning Board is scheduled to hold a worksession on October 11, 1990 to review the Preliminary Draft Amendment to the Montgomery County Master Plan for Historic Preservation--Takoma Park Historic District; AND

WHEREAS, the City of Takoma Park previously transmitted comments on the Preliminary Draft Amendment to the Planning Board as part of the record of the public hearing held by the Planning Board on October 5, 1989; AND

WHEREAS, the Takoma Park City Council appointed a citizens Working Group in April of 1990 to represent the City's interests in the development of the Preliminary Draft Amendment by County planning staff; AND

WHEREAS, the Working Group has met several times with County and City staff to discuss the contents of the Preliminary Draft Amendment; AND

WHEREAS, County staff has completed its preparation of recommendations for boundaries, classification of properties, and review guidelines for the proposed Takoma Park Historic District; AND

WHEREAS, County staff briefed the City Council on these elements of the Preliminary Draft Amendment recommendations at the Council's worksession on September 17, 1990; AND

WHEREAS, the members of the Working Group have reviewed the recommendations of County staff, and have prepared comments to the City Council; AND

WHEREAS, at an appropriate time in the future the Council wishes to pursue the possible designation of other areas identified by staff as potential historic areas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council hereby SUPPORTS the recommendations of County staff as expressed in the Preliminary Draft Amendment and recommends that the Montgomery County Planning Board APPROVE the Preliminary Draft Amendment.

BE IT FURTHER RESOLVED THAT the Council adopts the comments of the Working Group on the Preliminary Draft Amendment, which are attached and made a part hereof by reference.

BE IT FURTHER RESOLVED THAT the Council wishes to thank the members of the Working Group for their generous service to the City in the accomplishment of this important task: Ken Norkin, Ian Spatz, Ross Wells, Brandon Lipman, and Doug Varn.

BE IT FURTHER RESOLVED THAT the Council wishes to thank County staff members Gwen Marcus, Clare Cavicchi, Carol Kennedy, and Mary Ann Rolland for their professionalism, thoroughness, persistence, and willingness to be flexible and work with the City throughout this process.

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

ADOPTED THIS 24TH DAY OF SEPTEMBER, 1990.

mcpbtphd.res

Introduced By: Councilmember Douglas

Drafted By: V. VinCola

Resolution No. 1990-87

A resolution to adopt the recommendations of the Citizens' Advisory Committee regarding Community Development Block Grant requests to Montgomery and Prince George's Counties for Fiscal Year 1992 as amended by Mayor and Council, and to authorize DHCD staff to submit applications to the respective Counties.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties for Fiscal Year 1992 (Program Year 17) to use for eligible projects; AND

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the recommendations of the Citizens' Advisory Committee for requests for CDBG funding from Montgomery and Prince George's Counties, as amended by Mayor and Council as shown on Attachment A, are hereby ADOPTED; AND

BE IT FURTHER RESOLVED THAT staff of the Department of Housing and Community Development is hereby authorized to submit applications for Fiscal Year 1992 (Program Year 17) CDBG funding for the recommended projects to Montgomery and Prince George's Counties.

ADOPTED THIS 24th DAY OF SEPTEMBER 1990.

Introduced By: Councilmember Hamilton

Adopted: September 24, 1990

Drafted By: V. VinCola

Resolution No. 1990 - 88

A resolution to recognize the members of the Program Year 17 Citizens' Advisory Committee and thank them for their service to the City of Takoma Park.

WHEREAS, to achieve maximum citizen input into how CDBG funds received by the City are spent, it is the practice of the City government to form each year a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of citizen, tenant, civic, neighborhood, and business organizations and groups for the purpose of reviewing and evaluating proposals for the use of available CDBG funds and to make funding recommendations based on those proposals to the Mayor and Council; and

WHEREAS, the Citizens' Advisory Committee for Program Year 17 as completed its review and evaluation of proposals for the use of Community Development Block Grant (CDBG) funds to be received from Montgomery and Prince George's Counties during Fiscal Year 1992, and has submitted its recommendations to the Mayor and Council; AND

WHEREAS, the members of the CAC have generously volunteered their time, knowledge, and talents in developing these recommendations, and have performed a valuable service to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the Mayor and Council formally thank the members of the Program Year 17 Community Development Block Grant Citizens' Advisory Committee, as listed below, and commends them for their service to the City of Takoma Park.

[Note: (P) indicates primary representative; (A) indicates alternate; ** indicates Committee Chairperson]

NAME	REPRESENTING
Ira Amstadter (P)**	Between the Creeks Citizens Assoc.
Rick Mines (A)	Between the Creeks Citizens Assoc.
Karen Mitchell	Park Ritchie Tenants Association
Azizah Muhammad	Cambridge Tenants Association
Pat Rambaugh	North Takoma Citizens Association
Dorothy Starke	Ritchie Avenue Citizens Association
Monroe Stokvis	Takoma/Langley CDA
Bill Valdez	Westmoreland Area Community Org.
Ronald Waldron	At Large

Introduced By: Councilmember Sharp

Drafted By: V. VinCola

Resolution No. 1990-89

A Resolution appointing nominees to the Community
Development Block Grant (CDBG) Advisory Committee of Prince
George's County for CDBG Program Year 17.

WHEREAS, Prince George's County has formed a Community
Development Advisory Committee (CDAC) to advise the
County Executive on how best to spend funds received from
the federal Community Development Block Grant (CDBG)
Program for Program Year 17; AND

WHEREAS, the City of Takoma Park participates in the Prince
George's County CDBG program and has an interest in how
these federal funds are spent in the County; AND

WHEREAS, the County Executive has customarily appointed
representatives of the City of Takoma Park nominated by
the Takoma Park Mayor and Council to serve on the
County's CDAC.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA
PARK, MARYLAND, THAT the following individuals are hereby
nominated to serve on the Community Development Advisory
Committee for Prince George's County:

Councilmember Mike Moore
7201 13th Avenue
Takoma Park, Maryland 20912

Valerie VinCola (Alternate Representative)
Community Development Coordinator
7500 Maple Avenue
Takoma Park, Maryland 20912

BE IT FURTHER RESOLVED THAT copies of this resolution be
transmitted to the County Executive of Prince George's
County with a request that these nominees be appointed
to the County's CDAC.

ADOPTED THIS 24th DAY OF September 1990.

CAC/pgcdac.res

Drafted by: Councilmember Leary
Belle Ziegler

Introduced by: Councilmember Leary

Resolution No. 1990- 90

WHEREAS, a study commissioned by the Montgomery County Department of Recreation concluded that the Silver Spring Intermediate Gymnasium (SSI) has a 20 year life expectancy; AND

WHEREAS, the study also concluded that the SSI gymnasium needs substantial renovations to correct health and safety deficiencies; AND

WHEREAS, the SSI Park and Gymnasium are located in the middle of a residential neighborhood with an existing parking lot containing 21 parking spaces; AND

WHEREAS, a full-size outdoor basketball court adjacent to the Gym attracts large crowds of boisterous and sometimes disruptive players, primarily from outside the immediate neighborhood; AND

WHEREAS, the Montgomery County Department of Recreation has asked the Mayor and Council of Takoma Park for recommendations about the future of the SSI Gymnasium; AND

WHEREAS, the Mayor and Council of Takoma Park have received a report from the City Recreation Department and Recreation Council based on a review from the consultant's recommendations and input from the citizens who attended a public meeting and provided significant written comments including a neighborhood petition.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF TAKOMA PARK, MARYLAND hereby recommend that the Montgomery County Department of Recreation renovate the SSI Gymnasium to correct health and safety deficiencies including the installation of needed bathroom facilities on the first floor and other spaces needed to support a variety of recreational programs; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council support the continued use of SSI for gymnastics and other "low density" activities tailored to the needs of the surrounding neighborhood and community; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council oppose any expansion of the existing parking lot or encroachment upon the surrounding park; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council oppose the construction of a new facility at this site; AND

BE IT FURTHER RESOLVED, THAT the Mayor and Council urge the Montgomery County Department of Recreation to reconfigure the adjacent outdoor basketball court to install back-to-back courts.

Adopted this 24th day of September, 1990.

Stephen J. Del Giudice
Mayor

ATTEST:

Paula S. Jewell
City Clerk

Introduced by: Mayor Del Giudice
(Drafted by: P. Jewell)

RESOLUTION NO. 1990-91

APPOINTING MEMBERS TO THE CITY OF TAKOMA PARK ELECTIONS TASK
FORCE AND ADOPTING THE TASK FORCE'S MISSION STATEMENT

WHEREAS, on April 23, 1990, the City Council adopted Resolution 1990-41 which authorized the creation of an Elections Task Force; AND

WHEREAS, the Task Force will consider changes to the conduct of elections within Takoma Park and make recommendations for reconfiguration of the boundaries of Six Wards within the City; AND

WHEREAS, several persons have made application to the City Council to serve on the Task Force.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby appoint the following persons to serve on the Takoma Park Elections Task Force for such time as is required for the Committee to fulfill its purpose as established in Resolution.

<u>Name</u>	<u>Address</u>	<u>Ward</u>
1. Paul d'Eustachio (Chair)	6611 Allegheny Ave.	3
2. Jamin Raskin	7209 Holly Ave.	1
3. Jane Lawrence	7704 Takoma Ave.	1
4. Matthew MacWilliams	9 Sherman Ave.	2
5. Lissa Martinez	7107 Cedar Ave.	2
6. Elliot Rosen	65 Walnut Ave.	3
7. Dave McSpadden	111 Lee Ave.	4
8. Clarence Boatman	133 Ritchie Ave.	4
9. Diane Jenkins	7600 Maple Ave. #707	4
10. Azizah Muhammad	676 Houston Ave.	5
11. Julie Matthews	605 Hudson Ave. #114	5
12. Frank Garcia	1117 Holton Lane	6
13. Mary Ralston	1210 Elson Place	6
14. Johanna Potts	1016 Heather Ave.	7
15. Alvin Nichols	7204 Central Ave.	7

BE IT THEREFORE FURTHER RESOLVED THAT the Council hereby adopts by reference, and is attached hereto, Resolution 1990-41 which sets forth the statement of mission that the Elections Task Force will use to prepare their development recommendations to the City Council by June 1, 1991.

Dated this 24th day of September, 1990.

Introduced by: Councilmember Sharp

**RESOLUTION NO. 1990-41
CREATING AN ELECTIONS TASK FORCE**

WHEREAS, the City of Takoma Park adopted a New Charter in October 1989, which reduced the number of Wards in the City from seven to six for the 1991 and subsequent elections; AND

WHEREAS, The United States is conducting its decennial census in 1990 which may reveal a change in the number and geographic distribution of citizens within the City; AND

WHEREAS, Both of the above-mentioned factors will necessitate a reconfiguration of the boundaries of the Wards within the City for purposes of determining the geographic areas the members of the Council represent; AND

WHEREAS, A number of additional features of elections within the City merit reconsideration, such as length of campaigns, placement of promotion signs, disposition of unused campaign funds, and others.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the creation of an Elections Task Force (Task Force) to consider changes to the conduct of elections within Takoma Park and make recommendations to the City Council; AND

BE IT FURTHER RESOLVED that the Task Force shall recommend to the City Council boundaries for six Wards on the basis of which Councilmembers shall be elected; AND

BE IT FURTHER RESOLVED that the recommended boundaries shall take into consideration existing neighborhoods with the goal, to the degree possible, of locating those neighborhoods within the same Ward; AND

BE IT FURTHER RESOLVED that the recommended boundaries shall be drawn in such a way that the social, economic and cultural diversity that exists in Takoma Park will have an equal opportunity for representation by those elected to the City Council; AND

BE IT FURTHER RESOLVED that the Task Force membership shall represent a broad cross section of the Takoma Park community; AND

BE IT FURTHER RESOLVED that the Task Force shall be given such staff resources as are reasonably necessary for it to complete its work, including the hiring of an outside consultant if necessary; AND

BE IT FURTHER RESOLVED that the Task Force shall present its recommendations to the City Council on or about June 1, 1991.

Adopted this 23rd, day of April, 1990.

Introduced by: Councilmember Sharp

RESOLUTION NO. 1990-92

APPOINTING TWO MEMBERS TO COLTA

WHEREAS, that there currently exists five vacancies on the City's Commission on Landlord-Tenant Affairs that need to be filled; AND

WHEREAS, to date two people have made application to serve on the Commission.

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

Name	Address	Term Expires
Azizah Muhammad	676 Houston Ave. #306	June 30, 1992
Thelma Spells	8514 Flower Ave. #5	June 30, 1992

Adopted this 24th day of September, 1990.