

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the City Council
Monday, October 8, 1990

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	DHCD Director Grimmer
Councilmember Leary	Corp. Counsel Silber
Councilmember Moore	
Councilmember Prensky	
Councilmember Sharp	

The City Council convened at 8:00 p.m. on Monday, October 8, 1990, in the Council Chambers at 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR AND COUNCIL COMMENTS/ANNOUNCEMENTS

The Mayor congratulated all those who were associated with the Takoma Old Town Festival on another successful event. He also noted that the Council had been invited to an informal gathering with members of the Commercial Development Authority in Langley Park to discuss the future of the commercial development authority and concerns of the Takoma-Langley shopping district. Councilmember Douglas announced that the City of Takoma Park was interested in exploring the issue of tax rebates with Montgomery County and invited the Council to a meeting on October 16th with other municipalities to discuss the issue and develop a strategy for the next month.

ADDITIONAL AGENDA ITEMS

Mr. Hamilton moved passage of a Resolution congratulating City Administrator James S. Wilson, Jr, on his recent ordination to the Order of Deacon of Our Lady of Sorrows Catholic Church. Mr. Hamilton read the Resolution which noted Mr. and Mrs. Wilson's contributions to the parish and in and around the Takoma Park community.

City Administrator Wilson thanked the Mayor, the Council, and his key staff in being so cooperative in the venture and allowing him the flexibility to obtain the Order. Mr. Wilson said that he wanted all to appreciate the fact that the role in terms of duties and responsibilities was entirely voluntarily. Mr. Prensky stated that having gotten to know Mr. Wilson over the last year, he would like to recommend him as a role model to other members of the community in terms of his commitments and his involvement in the City and civic affairs.

RESOLUTION NO. 1990-93
(Attached)

AGENDA ITEMS

1. First Reading Ordinance Re: Smoking Ban in Eating and Drinking Establishments

Councilmember Prensky indicated that he first brought the ordinance to the attention of the Council and the City in July and commented that he thought he'd finally found an issue which the City of Takoma Park was not ready for. He moved that the ordinance be withdrawn and the motion was duly seconded by Councilmember Hamilton. The Ordinance was withdrawn by unanimous vote.

2. Resolution of Council's Position Supporting Total Prohibition of Smoking in Eating/Drinking Establishments

Councilmember Prensky moved adoption with Councilmember Elrich seconding. Mr. Prensky said that in passing the ordinance that restricted smoking in Takoma Park, the City took a very bold stand

in protecting the health of the non-smoking public and employees in City businesses, as well as protecting the health and safety of children in the community. Mr. Prensky said that when he originally proposed the total elimination of smoking in City restaurants he felt the City could be a model in protecting two classes of citizens - the non-smoking public and the employees of restaurants. He went on to say that since the original ordinance had been adopted and taken effect in the past week, he felt it was important to extend the protection to the workers in restaurants, especially since in many instances, the employees were often members of the family of the restaurant owner. He said he now felt there was a potential problem for causing a burden on the City's local business owners. To avoid that a larger ban was needed.

CITIZEN COMMENTS:

Victor Crawford said that his client, The Tobacco Institute, felt that it got a fair deal by the removal of the previous ordinance.

COUNCIL COMMENTS:

Councilmember Sharp said he was not completely convinced that a smoking ban would have a detrimental effect on the restaurants. He said that it was likely smokers would continue to frequent restaurants despite a smoking prohibition.

Councilmember Douglas agreed with Councilmember Sharp and said he personally thought the correct policy would be to have the ban on smoking. He was surprised to learn in talking with friends, neighbors, and constituents since the last discussion on the smoking ban, how much support there was for a total ban. He stated that there were a lot of people who said they would prefer it and said he would encourage restaurant owners to test this to see if it made a difference, by taking measures such as placing signs in their windows advertising a smoke-free eating environment, to make their restaurants more hospitable for their clientele.

Mr. Hamilton said he did not agree with the total smoking ban in restaurants; however, he would support the resolution because he felt it was one way for people to look at the issue as a whole. He expressed concern about taking approaches on these types of issues and commented that today the issue was smoking --tomorrow it would be drinking. Mr. Hamilton said the question becomes does the Council have a right to determine whether people smoke and where they smoke. He said the Council does need to look at the things that do become a hindrance to the system--i.e., alcohol as an abused drug.

Mr. Elrich stated that he would support the resolution but was still inclined to support the total smoking ban in restaurants. He said restaurant workers become the one class of workers who don't gain any equal protection of health and safety and employees were entitled to protection from cigarette smoke in all workplaces, including restaurants. He said it was easier for non-smokers to find another place to eat than it would be for those who work in restaurants to find another job.

Councilmember Prensky said alcohol was a greater problem in our society in terms of its cumulative and far-reaching effect when people abused that particular substance. He pointed out that it was different from tobacco in that someone with a drinking problem did not directly affect those around them while smokers did. He agreed with Councilmember Douglas and challenged the restaurant owners in Takoma Park to follow the examples of two of the twelve restaurants in the City -- Giorgio's Pizza and Everyday Gourmet, both of which had completely banned smoking in their establishments. Mr. Prensky said those restaurants had reported to him there was no decrease in the patronage. He further said he would like to point out to other restaurateurs in Takoma Park that there was nothing in the ordinance that limited restaurants from having more than 50% of the seating as a non-smoking section and he encouraged them to provide a 75% non-smoking section that would

more accurately reflect the portion of the public that did not smoke. The question was called and the resolution carried unanimously.

RESOLUTION NO. 1990-94
(Attached)

3. Second Reading Ordinance Setting a Hearing Date of November 12, 1990 to Declare 6729 Poplar Avenue a Nuisance

The Mayor indicated that because November 12th was Veteran's Day, the hearing date had been changed to November 13th. Councilmember Douglas moved adoption of the Ordinance, duly seconded by Councilmember Prensky.

Mr. Douglas said that the purpose for moving the ordinance for second reading, was to provide an opportunity for the Council to have an on-the-record discussion of the nuisance issue. He said he was not pre-judging whether or not the property was a nuisance now; there were some reports that it may be a nuisance and that his intent is to formalize testimony so the Council could make a decision based on that public hearing in November or at some other appropriate time thereafter. The Ordinance was unanimously adopted by Roll Call vote at second reading.

ORDINANCE NO. 1990-49
(Attached)

4. First Reading Ordinance Re: Public and Private Signs

Councilmember Douglas moved adoption of the Ordinance which was duly seconded by Councilmember Hamilton. Mr. Douglas said the ordinance was intended to accomplish two types of sign regulations. The first was public signs: street signs, speed limit signs, locations of public buildings, etc. The ordinance would direct the Director of Public Works to take steps to consolidate those types of signs and to eliminate the ones that were no longer needed. The second part of the ordinance deals with private signs; for example, commercial businesses, concerts, yard sales, lost pets, etc. Mr. Douglas said these types of signs have proliferated more; have not been taken down when they have expired and had been posted at inappropriate places, particularly on painted surfaces, e.g., the City clock in Takoma Old Town. Also, he said he hoped to get regulations that would restrict placement of those signs on painted surfaces, regulate the sign size so that large signs were not obscuring sight lines and require people to remove them after they have expired.

Councilmember Sharp noted that if there were no posting date or expiration date on the sign, it could be taken down immediately.

The question was called and the ordinance was unanimously accepted at first reading. (Councilmember Hamilton absent for vote.)

ORDINANCE NO. 1990-50
(Attached)

5. First Reading Ordinance Setting a Homestead Property Tax Credit Percentage

Acceptance of the Ordinance at first reading was moved by Councilmember Sharp and duly seconded by Councilmember Douglas. Councilmember Sharp explained that the Homestead Property Tax Credit pertained to the amount of a property tax increase that a municipality may levy on its properties. He said that in its last session, the State Legislature permitted counties and municipalities to set their own rates provided they did not go above the State cap of 10%. He said he believed that if citizens wanted lower taxes, it was up to local officials to provide them and figure out where the cut should come from. He went on to say that having limits such as this was a bad approach and the ultimate effect would be a disparity among equally valued houses. The question was called and the ordinance was unanimously accepted at

first reading. (Councilmembers Hamilton and Prensky were absent for the vote.)

ORDINANCE NO. 1990-51
(Attached)

6. Single Reading Ordinance Awarding Contract for HVAC Maintenance
The Ordinance was moved by Councilmember Douglas and duly seconded by Councilmember Moore. City Administrator Wilson announced that this Ordinance authorized a reissuance of a contract to Sickler Service for City building heating, ventilation and air conditioning. The Ordinance was adopted unanimously at single reading. (ABSENT: Hamilton).

ORDINANCE NO. 1990-52
(Attached)

7. Resolution and Amendments of Council's Position Opposing Immigration Reform and Control Act Employer Sanctions. Passage of the Resolution with amendments was moved by Councilmember Elrich and seconded by Councilmember Prensky. Referencing the recent arrest of illegal immigrants seeking employment at a job pick-up site, Councilmember Prensky said what had happened at the borders of the City was a deplorable act on the part of those who uphold the law because it targeted the people who only desired to seek employment to support themselves and their families.

CITIZEN COMMENTS;

George Leventhal, 8200 Flower Avenue urged the reaffirmation of Takoma Park's status as a Sanctuary City for people who have the need for a place of refuge, and to call upon local jurisdictions, recognizing that the local police do not work for Dick Thornberg, do not work for George Bush, but that the local police work for the local taxpayers. He said he was not advocating the breaking of any laws; but was calling upon local jurisdictions to suggest to the local police that they do not work for the INS and there was no reason to cooperate with a policy that local taxpayers do not support.

Avis Sanders, 7130 Carroll Avenue spoke in support of the resolution and said she worked on drafting the Sanctuary Resolution five years ago. She said she was glad to see the show of support in Takoma Park was still strong. She also read from a GAO report which said that there was widespread discrimination.

George Taylor, 7215 Cedar Avenue said until recently, he was a pastor at Takoma Park Presbyterian Church that had a long interest in refugees and immigrants in Takoma Park. He said years ago, the church started out by extending help to Hungarian refugees, Vietnamese refugees, and Cambodians; now the church was interested in Central American refugees. He said their agency tried to help refugees with food, housing and legal help and sometimes there was so much to do, that it becomes overwhelming. He said the Central Americans do day labor jobs -- e.g., painting and domestic work. He said he was in support of the resolution and the Council could go on record as being in support of immigrants that were trying to survive. Mr. Taylor said Takoma Park had been known as a welcoming community for people of all ethnic groups and legal statuses, and said he felt for now the resolution was a good step forward for the Council to take.

Father Brian Jordan, Pastor of St. Camillus Church, Silver Spring, Maryland, said he was not a citizen of Takoma Park, but a citizen of Maryland and had worked as an associate pastor, a substance abuse counselor, and in a halfway house. He said he wanted to correct some fallacies about the refugees--they had been labeled as drug abusers, had no morals and were alcoholics. He admitted that for some, that was true, but not for the majority; most were looking for work and a sense of dignity and self-worth. Father Jordan said he supported the resolution and he hoped Takoma Park

would be a pioneer to welcome the immigrants to realize their own human dignity.

Rick Mines, 8004 Maple Avenue and a Labor Economist said he had been researching the issue for a long time and the employer sanctions had been totally ineffectual. He said the employers were not obeying the law and the only people that were affected by it were the workers.

Priscilla Labovitz, 104 Hodges Lane, an immigration lawyer, said she was speaking in support of the resolution, particularly the part that asked the County Councils of Montgomery County and Prince George's County to become sanctuaries as well. She said it was not just a matter of asking them to make a humanitarian gesture, but there was a responsibility of the citizens in the counties who employ undocumented aliens; not just landscapers and home improvement contractors who may go to the job pickup sites, but also others who employ babysitters. She went on to say that many women, particularly those from the Caribbean and Central American can be seen in Old Town Takoma, strolling the babies of their employers early in the morning--women who were not educated and had no way of coming to the U.S. and making a better life for themselves or their children than to perform the only work that they know how to do.

COUNCIL COMMENTS:

Councilmember Douglas, referencing Mr. Leventhal's previous testimony, said the Resolution states that the Council was opposing employer sanctions and urging various people to promote the opposition, but he was not sure that it gave guidance beyond the existing sanctuary ordinance to the Takoma Park Police. Mr. Douglas said if the Council was going to give some guidance to the Police, it should be in ordinance form. Mayor Del Giudice said the Takoma Park Police were not generally enforcing what was enforced by the INS service; he said it was not their function to do so. The Mayor said as an official body, this Council could ask that Congress recognize the mistake it made by hurting documented and undocumented members of the Hispanic community who were here trying very hard to build a life and make positive contributions to the community. Mayor Del Giudice said he felt the future of the greater Takoma Park area, Silver Spring and Langley Park is that it will grow and become more of a community with a very large segment of Hispanics and he said he saw that as a positive move which should be encouraged. He further said there did not seem to be a large amount of assistance through the normal channels and agencies that work with people who are trying to find employment that serve the Hispanic community.

Mr. Leary said he agreed that the situation was an extremely regrettable one and he hoped that there would be some fair way to deal with the problem. However, he said he believed that some limitations on immigration into this Country were necessary and he did not feel there should be unrestricted immigration into this Country. He said he was not sure the ending of employer sanctions was the best way to deal with the continuing problems of enforcing the legislation passed a few years ago by a substantial majority of the Congress in an effort to deal with this problem in a balanced way. Mr. Leary said he did not think the City Council was equipped or charged with examining the details of this extremely complicated and sensitive matter in coming up with a proposal about the best solution. He further stated that until the current law was amended, it should be enforced, and said he would not support the resolution.

Councilmember Hamilton indicated that he had some reservations on this issue although discrimination was not acceptable anywhere. He went on to say he represented a large minority group within the City and at the present time, the Council could not make a rational decision since it only received the draft resolution in their packet a week ago; and said he would abstain on the vote.

Councilmember Moore said he was sorry the Council could not do more to help the people who were trying to earn a living and house themselves. Employer sanctions were not the way for the U.S. to stem the tide of illegal immigration because people who feel they have to come, are still going to come and if they can't get work at all, then they will be forced to depend on what limited charitable resources they can get, or otherwise commit crimes out of desperation. He said he would vote in favor of the resolution and he strongly urged that local jurisdictions take a hard look at the situation.

Councilmember Douglas said that he too had a lot of concerns about the resolution. He said there was no excuse for the kind of behavior employers had engaged in since 1986, nor any excuse for the kinds of situations immigrants have found themselves in or any justification for national identification policies. He said he was concerned the Council's involvement in the issue was much bigger than the discussion. He said when Congress enacted the Reform and Control Act in 1986, it had been through years of bitter debate and discussion with all nature of factions in this country about how to deal with the immigration situation and said that maybe they came up with the best solution or maybe they did not. He said employer sanctions in particular did not make a great deal of sense to him and he did not have a lot of respect for the General Accounting Office, however, he said that they were probably right on this particular issue. He said he would abstain from voting on the resolution and he was not comfortable with the lack of adequate notice so that all sides could be heard and all of the ramifications were known. Mr. Douglas also said he was opposed to going beyond and delving into the substance of immigration policy.

Mr. Elrich said the most concrete provision being suggested was that the two County Councils take the same sanctuary steps the Takoma Park City Council had taken. Mr. Elrich commented that he had been to Central America and he would not live like 90% of those people lived and it did not surprise him that people coming from Central America to the U.S. would not be anxious to return to those deplorable conditions.

Mr. Prensky reminded the Council they were not being asked to take a far-out or unsupported position. He said the Council would be affirming its stand in support of refugees from places where there was extreme discrimination.

The resolution, as amended, carried by a 3 to 0 vote (with Leary, Douglas and Hamilton abstaining; ABSENT: Sharp).

RESOLUTION NO. 1990-95
(Attached)

8. Resolution in Support of Proposed Prince George's County Nontidal Wetlands Protection Ordinance

Passage of the resolution was moved by Councilmember Prensky, seconded by Councilmember Elrich, and passed by unanimous vote.

RESOLUTION NO. 1990-96
(Attached)

Upon motion duly made and seconded, the Council meeting adjourned at 9:40 p.m., to reconvene in Regular Session on October 22, 1990.

Introduced by: Councilmember Prensky

Drafted by: A. Button

Adopted: October 8, 1990

Resolution No. 1990- 96

A Resolution in Support of the proposed Prince George's County Nontidal Wetland Protection Ordinance.

WHEREAS, The Federal government, in recognition of the environmental significance of nontidal wetlands, regulates building and all other activities which may negatively impact the function of or destroy such wetlands regardless of whether they are owned publicly or privately; AND

WHEREAS, the National policy regarding nontidal wetlands is to insure no net loss of nontidal wetlands in acreage and function; AND

WHEREAS, as of January 1, 1991 the State of Maryland will implement its own nontidal wetland protection program in order to assume an active role in implementing the National policy regarding the protection and conservation of nontidal wetlands, to enhance the regional effort to protect and improve the Chesapeake Bay and its watershed, and to preserve the quality and extent of the Maryland's land and water resources; AND

WHEREAS, in accordance with the delegation provisions of the Maryland Nontidal Wetland Protection Act, Prince George's County, Maryland has applied to the Maryland Department of Natural Resources for the authority to regulate building and all other activities which may negatively impact the function of or destroy nontidal wetlands in Prince George's County whether they are owned publicly or privately; AND

WHEREAS, the Prince George's County Department of Environmental Resources has drafted the Prince George's County Nontidal Wetland Protection Ordinance in order to implement, at the County level, the National and State policies regarding the protection and conservation of nontidal wetlands.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND ENDORSES the proposed Prince George's County Nontidal Wetland Protection Ordinance and URGES the Prince George's County Council to approve the proposed Ordinance in its entirety; AND

BE IT FURTHER RESOLVED THAT CITY COUNCIL OF TAKOMA PARK, MARYLAND URGES the Maryland Department of Natural Resources to grant regulatory authority over nontidal wetlands within Prince George's County to the Prince George's County Government, as stipulated by the delegation provisions of the Maryland Nontidal Wetland Protection Act; AND

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND SUPPORTS the intent of the Prince George's County Department of Environmental Resources to include in the proposed Ordinance, the Nontidal Wetland Concept Plan, an important measure to assure the success and practicability of the County nontidal wetland protection program; AND

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND URGES the Prince George's County Council to provide the additional funding necessary for the successful implementation and enforcement of the proposed Prince George's County Nontidal Wetland Protection Ordinance; AND

BE IT FURTHER RESOLVED THAT copies of this resolution be transmitted to the Secretary of the Maryland Department of Natural Resources and the County Executive of Prince George's County, Maryland.

Introduced by: Councilmember Hamilton

RESOLUTION #1990-93

WHEREAS, Mr. James S. Wilson, Jr., Takoma Park's City Administrator since 1984, has been active in the Catholic Church of Our Lady Of Sorrows--a church with over 60 years of history in Takoma Park; AND

WHEREAS, Mr. Wilson and his wife, Phyllis Wilson have contributed much to the parish and in and around the Takoma Park community, having served as a Lector and Eucharistic Minister, respectively; Mr. Wilson also chaired the Pastoral Council in 1981-1990, served as a member of the Council for Black Catholics, and has worked with the Campaign for Human Development; AND

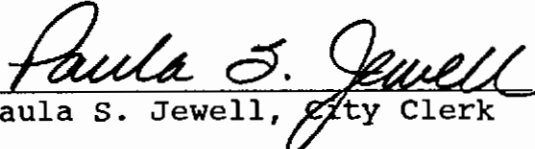
WHEREAS, both Mr. and Mrs. Wilson have worked with the Legislative Network, an advocacy group that works with the Maryland legislature, have worked on the Justice and Peace Committee which does work with Prince George's County shelters, and have been involved in the Marriage Encounter Group for the Archdiocese; AND

WHEREAS, on September 15, 1990, James S. Wilson, Jr., was ordained to serve as a Permanent Deacon by James Cardinal Hickey, Archbishop of Washington, D.C.

NOW THEREFORE, BE IT RESOLVED THAT the City Council and the City Staff of Takoma Park Municipal Government, hereby offer heartfelt congratulations to the Reverend Mr. James S. Wilson, Jr., on his recent ordination to the order of Deacon of Our Lady Of Sorrows Catholic Church.

Dated this 24th day of September, 1990.

ATTEST:


Paula S. Jewell, City Clerk

Introduced by:

1st Reading:

2nd Reading:

WITHDRAWN
10/8/90

Drafted by: Linda S. Perlman
Asst. Corp. Counsel

Draft Date: July 20, 1990

ORDINANCE NO. 1990- 42

(Prohibiting Smoking in Restaurants)

WHEREAS, secondhand smoke exhaled by smokers and emitted by burning cigarettes ("environmental tobacco smoke") is a known cause of lung cancer and respiratory symptoms and has been linked to heart disease; and

WHEREAS, smoking in restaurants exposes nonsmokers to environmental tobacco smoke and jeopardizes the health of nonsmokers; and

WHEREAS, separating smokers and nonsmokers in restaurants reduces, but does not eliminate nonsmokers' exposure to environmental tobacco smoke because pollutants readily disperse through a common air space; and

WHEREAS, studies have shown that under typical conditions of smoking and ventilation, environmental tobacco smoke diffuses rapidly throughout buildings, persists after smoking ends, and represents a significant source of indoor air particulate pollution in buildings where smoking is permitted; and

WHEREAS, few restaurants have smoking areas which are separately ventilated and directed exhausted to the outside; and

WHEREAS, there is no safe level for exposure to cancer-causing agents.

11-10-1990
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND.

SECTION 1. Chapter 10B, Article 5, Smoking in Eating
and Drinking Establishments, of the Takoma Park Code as
enacted by Ordinance No. 1990-39 is repealed and reenacted with
amendments to read as follows:

CHAPTER 10B. SMOKING PROHIBITIONS AND RESTRICTIONS.

Article 5. Smoking in Eating and Drinking Establishments.

Section 10B-20. Applicability.

(a) Smoking is prohibited in all eating and drinking
establishments in the City of Takoma Park.

(b) This section does not apply to a separate bar area of
an eating and drinking establishment or when the establishment is
being used exclusively for a private function.

Section 10B-21. Notice.

(a) A person who operates an eating and drinking
establishment subject to Section 10B-20 must:

(1) Post conspicuously at each entrance a sign stating
that there is no smoking in the eating and drinking
establishment;

(2) Refuse to seat or serve a person who smokes in the
eating and drinking establishment; and

(3) Ask a person who smokes to leave the establishment
if the person continues to smoke after proper warning.

(b) Nothing in Article 5 of this Chapter prevents a person
who operates an eating and drinking establishment from
prohibiting smoking entirely in a separate bar area of the eating

and drinking establishment or at private functions in the establishment by following the notice requirements of this section.

SECTION 2. Chapter 10B, Article 6, Administration, Section 10B-34, Penalties, of the Takoma Park Code as enacted by Ordinance No. 1990-39, is amended as follows:

Section 10B-34. Penalties.

(a) No change.

(b) No change.

(c) No change.

(d) A person who smokes in [a nonsmoking area] an eating and drinking establishment in violation of Article 5 (Smoking in Eating and Drinking Establishments) of this Chapter may be issued a citation for a Class D offense under Section 1-19 of the Takoma Park Code and/or, in the Montgomery County portion of the City, a Class C civil violation under Section 1-19 of the Montgomery County Code.

(e) No change.

(f) No change.

SECTION 3. All provisions of Chapter 10B, Smoking Prohibitions and Restrictions, of the Takoma Park Code, as enacted by Ordinance No. 1990-39, which are not amended by this Ordinance shall remain in full force and effect.

Section 3. This Ordinance shall become effective on

Adopted this _____ day of _____, 1990 by roll

call vote as follows:

Aye:

Nay:

Abstained:

Absent:

nosmoke.res
corr64/cp

Introduced by: Councilmember Prensky

RESOLUTION NO. 1990-94

**OF COUNCIL POSITION SUPPORTING THE TOTAL PROHIBITION OF
SMOKING IN EATING AND DRINKING ESTABLISHMENTS**

- WHEREAS, The City Council unanimously enacted Ordinance 1990-39 on July 23, 1990, establishing the most stringent smoking prohibitions and restrictions in the eastern half of the United States of American; AND
- WHEREAS, on the same date the City Council debated and tabled an additional ordinance that would have totally prohibited smoking in all eating and drinking establishments within the City of Takoma Park; AND
- WHEREAS, the City Council recognizes and affirms that a total prohibition on smoking in eating and drinking establishments would be of positive health benefit to all non-smoking patrons of said eating and drinking establishments, and additionally would help protect the health and well-being of employees and owners of such establishments; AND
- WHEREAS, the City Council recognizes the positive economic benefits that such a prohibition would have for the owners of such establishments, some of which include a lowering of fire insurance premiums, a lowering of health insurance premiums, a reduction in the costs of cleaning, repairs and maintenance of premises, and a reduction in employee absenteeism rates due to smoking related illnesses; AND
- WHEREAS, the City Council is concerned over the potential negative effects such a policy might have on the patronage of eating and drinking establishments in Takoma Park due to its contiguous boundaries with a variety of other jurisdictions, namely unincorporated Montgomery County, unincorporated Prince George's County and the District of Columbia, which have no such total prohibitions on smoking in eating and drinking establishments; AND
- WHEREAS, the City Council recognizes the desirability of adopting such a total prohibition on as wide a geographic and political base as possible.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council goes on record as supporting the total prohibition of smoking in eating and drinking establishments as a general policy, and does hereby encourage the duly elected governing bodies of Montgomery County, Prince George's County and the District of Columbia to consider and adopt such prohibitions, AND

BE IT FURTHER RESOLVED THAT the City Council does hereby request that our duly elected State Representatives to the Maryland General Assembly from the 20th and 21st Legislative Districts introduce and support legislation that would totally prohibit smoking in eating and drinking establishments in the entire State of Maryland, AND

BE IT FURTHER RESOLVED THAT the City Council encourages the Restaurant Association of Maryland to inform its members and encourage their support of similar legislation on the local and State levels; AND

BE IT FURTHER RESOLVED THAT when such total prohibitions can be effectively coordinated with jurisdictions beyond the borders of the City of Takoma Park, the City Council commits itself to introduce and enact such legislation, AND

BE IT FURTHER RESOLVED THAT the City Administrator is hereby instructed to send copies of this Resolution to the Montgomery County, Prince George's County and District of Columbia governments and to the State Representatives to the Maryland General Assembly from the 20th and 21st Legislative Districts, as well as to the Restaurant Association of Maryland.

Dated this 8th day of October, 1990.

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, Prensky, Sharp

Nay: None

Abstained: None

Absent: None

Introduced By:
(Drafted By: P. Jewell, S. Silber)
Revised: October 5, 1990

1st Reading: 10/8/90
2nd Reading:
Effective:

ORDINANCE NO. 1990-50

AN ORDINANCE ESTABLISHING GUIDELINES REGULATING PUBLIC AND PRIVATE
SIGNS IN THE CITY OF TAKOMA PARK

WHEREAS, there has been a proliferation of problems resulting from the number and placement of public and private signs within the corporate limits of Takoma Park, Maryland; AND

WHEREAS, the City Council desires to establish guidelines that would regulate placement, prohibitions and enforcement of public and private signs in the City of Takoma Park.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL of the City of Takoma Park, Maryland.

SECTION 1. Chapter 8, Sec. 42 of the Takoma Park Code entitled "placement of signs and advertisements" and Chapter 11, Sections 11-1.1 entitled "Definitions" are hereby repealed and reenacted with amendments to Section 11-1.1 as follows:

Chapter 11. Streets

Article 1. General Provisions

Section 11-1.1. Definitions.

As used in this chapter.

(a) Double vehicle driveway apron shall mean a driveway apron that is no more than twenty (20) feet long at the property line where it meets the driveway.

(b) Driveway apron shall mean a concrete or bituminous concrete area designed and shaped to Public Works' specifications and shall consist of the entire concrete or bituminous concrete area between the property line and the roadway or curb line, and it shall be used for ingress and egress of vehicles or other equipment between driveways and public roads.

(c) Private signs shall mean temporary signs placed by organizations or private individuals.

(d) Public signs shall mean signs placed by the City or other public bodies for the purpose of informing the public about laws, regulations or issues of public policy, or the location of places of public interest or need (i.e., schools, hospitals, etc.).

(e) Single vehicle driveway apron shall mean a driveway apron that is no more than ten (10) feet long at the property line where it meets the driveway.

SECTION 2. Section 11-4 entitled "Handbill distribution; regulations" is hereby amended by adding the following new section:

Section 11-4.1. Placement of signs and advertisements

No structure used as a sign or advertisement of any sort shall be placed, built, hung or left in or upon any of the places mentioned in any public area, except those lawfully authorized under the provisions of this ordinance.

(a) Private signs. Private signs may be placed in public locations only if announcing or advertising community events open to the public, promoting points of view, or soliciting information, such as information about missing pets. Signs advertising commercial goods or services are prohibited.

(1) Size of Signs - Private signs shall not exceed 400 square inches in size.

(2) Manner of Posting - No sign may be posted by using glue or any adhesives other than removable tape, tacks or staples.

(3) Time Limits and Authority -

(a) All private signs must have the date on which they were posted and the name of the person or entity who authorized its placement prominently displayed.

(b) Authority for the posting of private signs expires 14 days from the date of posting, or after the stated date of the advertised event, whichever occurs first.

(c) The sponsor and person who posted the private sign are responsible for removing it.

(d) Removal of a sign after the expiration date is not a violation of this ordinance.

(4) Limits on Placement

(a) In accordance with Chapter 11, Article 6 (Street Lamp Regulations), Sec. 11-45, no person shall attach, place or paste any sign, advertisement or other matter on any public lamppost, lantern or appurtenance. No signs may be attached to live trees. Signs posted on decorative lampposts, benches, public trash receptacles or the Old Town Clock will be removed immediately.

(b) Any violation of subsection (a) which results in injury to public property will be a Class B offense.

(5) Waiver.

(a) The City Administrator may grant a waiver to certain provisions of this Subsection, upon a written request in advance of any posting, where such waiver is in the public interest.

(b) Public Signs. Public signs shall be kept to a minimum number necessary to ensure the public safety and to communicate needed information. Wherever feasible, multiple signs shall be posted together on the same pole. All obsolete, redundant and unauthorized signs shall be removed.

(1) To the extent practicable, public signs shall be of a consistent size and style. Judgement shall be exercised by the City Administrator, generally following the "Manual of Uniform Traffic Control Devices".

(2) The City Council hereby designates the following "Community Gateways" at which points persons entering the City will be welcomed to Takoma Park:

(A) Southwest corner of Carroll Avenue at Garland Avenue travelling Southwest.

(B) Northwest corner of East-West Highway at New Hampshire Avenue travelling East.

(C) Northeast corner of Philadelphia Avenue at Chicago Avenue travelling Southeast.

(D) Northeast corner of New Hampshire Avenue at University Boulevard travelling East.

(3) Traffic signs regulating the speed limit will be displayed at the community gateways and on other streets only where necessary to comply with State law. This provision does not apply to those areas designated as school zones in Chapter 13, Article 3, Sec. 13-28 of the Takoma Park City Code.

(4) The placement, removal and regulation of all public signs shall be the responsibility of the City Administrator.

(c) A single violation of this section, unless otherwise specified herein, will lead to a warning. Multiple or repeat violations of this Section will each be a Class D offense.

SECTION 3. This Ordinance shall become effective on _____.

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

- AYE:
- NAY:
- ABSTAINED:
- ABSENT:

Introduced by: Councilmember Douglas
Drafted by: Linda S. Perlman
Asst. Corporation Counsel

1st Reading: 10/08/90
2nd Reading:

ORDINANCE NO. 1990-51

(Setting a Homestead Property Tax Credit Percentage)

WHEREAS, Section 9-105 of the Tax-Property Article of the Annotated Code of Maryland, as amended by Chapter 12 of the Laws of Maryland, 1990, provides that on or before January 1, 1991, the governing body of a municipal corporation may set, by law, a homestead credit percentage for the taxable year beginning January 1, 1991 and any subsequent taxable year; and

WHEREAS, if a municipal corporation does not set a homestead credit percentage, then the homestead credit percentage set by the county in which the property is located will apply to assessments used to compute municipal corporation property taxes; and

WHEREAS, the City of Takoma Park is located in both Montgomery and Prince George's Counties; and

WHEREAS, the Council as the governing body of the City of Takoma Park, a municipal corporation, desires to establish a homestead credit percentage for the taxable year beginning July 1, 1991 and subsequent tax years; and

WHEREAS, a homestead credit percentage of 110% will limit taxable assessment increases for homeowners to 10% annually for purposes of municipal corporation property taxation.

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

SECTION ONE. Pursuant to Section 9-105(e) of the Tax-Property Article of the Annotated Code of Maryland, the homestead credit percentage for the City of Takoma Park, effective for the taxable year beginning July 1, 1991 and subsequent tax years, shall be 110%.

SECTION TWO. The City Clerk is directed to notify the State Department of Assessments and Taxation of Maryland by January 10, 1991 of the homestead credit percentage established by the City of Takoma Park.

ADOPTED THIS 22nd DAY OF October, 1990 BY ROLL CALL VOTE AS FOLLOWS:

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

NAY: None

ABSTAIN: None

ABSENT: Sharp

Introduced by: Councilmember Elrich

RESOLUTION 1990-95

OF COUNCIL'S POSITION OPPOSING IMMIGRATION REFORM
AND CONTROL ACT EMPLOYER SANCTIONS

WHEREAS, Takoma Park, as well as the nation as a whole, has benefitted from the contributions of immigrants and refugees; AND

WHEREAS, the employer sanctions provisions of the Immigration Reform and Control Act of 1986 (ICRA), which criminalize the hiring of undocumented workers in order to curb illegal immigration, have resulted in widespread discrimination against U.S. citizens and other authorized workers; AND

WHEREAS, the General Accounting Office found in its third and final report (issued March, 1990) on the effects of the employer sanctions provisions of IRCA, that 20% or 900,000 employers nationwide engage in a pattern of discrimination against "foreign sounding" or "foreign appearing" workers because of the imposition of employer sanctions; AND

WHEREAS, similar reports of discriminatory behavior by employers has been documented by the United States Civil Rights Commission, the New York State Inter-agency Task Force on Immigration, the California Fair Employment and Housing Commission, and numerous civil rights organizations; AND

WHEREAS, organizations and agencies as diverse as the San Francisco Board of Supervisors and the state legislatures of California and Massachusetts, the U.S. Civil Rights Commission, the American Bar Association, the U. S. Chamber of Commerce, the National Council of Churches, the American Jewish Committee, the National Conference of Catholic Bishops, and numerous other civil rights organizations, have called for the repeal of employer sanctions; AND

WHEREAS, no legislation can curb undocumented immigration into the United States unless the conditions in immigrants' and refugees homelands -- war, poverty, persecution -- are addressed and unless immigrants are allowed to reunite with their families in the United States in a timely manner; AND

WHEREAS, the creation of a national identification card system will not curb discrimination, but will result in serious violations of civil liberties; AND

WHEREAS, within Montgomery County, the Immigration and Naturalization Service (INS) has, without warrants, arrested individuals seeking daily employment to provide for themselves and their families.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park hereby states its opposition to employer sanctions; AND

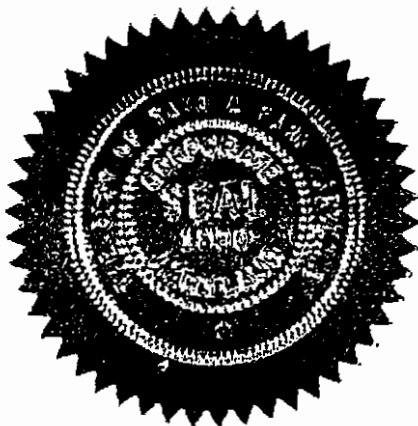
BE IT FURTHER RESOLVED THAT the City Council of Takoma Park urges Congress to repeal employer sanctions; AND

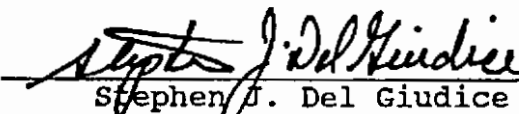
BE IT FURTHER RESOLVED THAT the City Council urges the Immigration and Naturalization Service to cease surveillance and arrests of individuals seeking daily employment;

BE IT FURTHER RESOLVED THAT the City Council asks that the Montgomery County Council and the Prince George's County Council adopt legislation similar to Takoma Park's "Sanctuary Law" and join in support of a resolution urging repeal of employer sanctions; AND

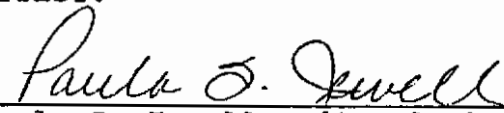
BE IT FURTHER RESOLVED THAT the Clerk of the City of Takoma Park is hereby directed to submit a copy of this Resolution to Montgomery County Council and the Prince George's County Council; all members of the Maryland Congressional Delegation; Senator Joseph Biden (Chair, Senate Judiciary Committee); Senator Edward Kennedy (Chair, Senate Subcommittee of Immigration and Refugee Law); Congressman Jack Brooks (Chair, House Judiciary Committee); and Representative Bruce Morrison (Chair, House Subcommittee of Immigration).

Dated this 8th, day of October, 1990.




Stephen J. Del Giudice
Mayor

ATTEST:


Paula S. Jewell, City Clerk

CITY OF TAKOMA PARK, MARYLAND

PROPERTY OF
TAKOMA PARK MD. LIBRARY

Regular Meeting of the City Council
Monday, October 22, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Corporation Counsel Silber
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	
Councilmember Prensky	

ABSENT: Councilmember Sharp

The City Council convened at 8:04 p.m. on Monday, October 22, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

MAYOR/COUNCIL COMMENTS:

Following the Pledge of Allegiance Mayor Del Giudice commented that a number of Council members would be attending a meeting the Council of Governments would be sponsoring on recycling and the development of recycling markets for area leaders and people who work in local government. He also reported that the Maryland Municipal League would be sponsoring its Legislative Conference on Thursday, Friday and Saturday, and he would be attending.

Mr. Prensky announced that on Wednesday, October 24th at 7:30 p.m., there would be a slide presentation and discussions held about his delegation's trip to El Salvador last June. Mr. Elrich announced that the Housing Committee would meet on October 23rd at 7:30 p.m., and Mr. Leary announced that the Planning Transportation and Zoning Committee would meet on Thursday, October 25th at 7:30 p.m. Mayor Del Giudice announced that it was Red Ribbon Week in Prince George's County, which was the County's campaign to galvanize support in the war against drugs.

The Minutes of June 11, 1990 were adopted with the correction of the police helmet quote from \$41,000 to \$2,300.

CITIZEN'S COMMENTS (those directed at items not on Council Agenda)

Margaret Gray, 7413 Maple Avenue asked the Council if it would consider having both the Ride-On and Metrobus stops at the Maple Avenue, Philadelphia Avenue intersection consolidated at the Ride-On stop in front of the Library.

Mr. Wilson responded that he agreed that it would be a good idea to have both stops in one spot, but not necessarily in front of the Library. Located there, a stop might conflict with future planned use of the area and there would be a traffic control issue with a Metrobus coming through the intersection hindering traffic as it stopped.

Rino Aldrighetti, 7213 Central Avenue said that over the last 4 to 5 years, in speaking about the Newsletter, he always said something negative about it. This time, though, he felt the first issue by the new Editor was very good. He hoped in the coming months there would be more community participation in the Newsletter. He also supported the non-smoking resolution regarding restaurants as finally passed by the Council.

Councilmember Prensky said it was very refreshing to have citizens say things that had happened right in the City and he applauded Mr. Aldrighetti for his effort.

1. Second Reading Ordinance Setting a Homestead Property Tax Credit Percentage

For purposes of the record, the Mayor noted that pursuant to legislation enacted by the State Legislature at the last session, each local government now had the option of either setting the

level that property tax assessments could increase (not to exceed 10%), or accept the level set by the counties. This proposal is to set the set the City ceiling at 10% annually. The Ordinance was adopted at second reading by unanimous vote. (Absent: Sharp)

ORDINANCE NO.1990-51
(Attached)

2. Second Reading Ordinance Public and Private Sign Legislation
The Mayor noted that there were two sets of amendments recommended, one which grew out of the Council's worksession. Mr. Douglas said that one of the amendments which was discussed in the past weeks' worksession, was to clarify the issue of placement and location of private signs, as well as an addition of one of the gateway areas, or modification. Mr. Prensky said it more clearly defined what commercial goods and services were, which were prohibited in the public and private signs.

Mr. Leary said that one of Mr. McMahon's revisions dealt with one of the amendments he thought is a change that should be made as Mr. McMahon suggested as an additional clarification in that section. Mr. Douglas said that he intended to move Mr. McMahon's amendments as additional amendments to the Ordinance and proceeded to do so. Mr. Prensky seconded Mr. Douglas' motion. Mayor Del Giudice then announced that there were amendments before the Council recommended by Mr. McMahon and Corporation Council. These were moved by Mr. Prensky and duly seconded by Mr. Hamilton.

Edward McMahon, 7105 Cedar Avenue said that he was an attorney and that he drafted sign ordinances for a living. In his opinion the original Purpose Statement of the ordinance would not be sufficient to sustain a legal challenge. It did not sufficiently enumerate the problems being addressed. He said his proposed amendment was a clarification which would deal with that concern.

Mr. Elrich said that he questioned the "20 inch" regulation which he felt was not adequate. He suggested having it limited to a standard size sign of 24 inches or 27 inches.

Mr. McMahon responded that the idea was not to set the limit on sizes. Mayor Del Giudice asked if 24 inches was a more standard size. Mr. McMahon said that in doing research standard sign stock was 24 inches. The Mayor said the amendments that had been proposed would be to amend the section of size of signs to read: private signs shall not exceed 24 inches in any dimension (i.e., length or width) and shall not exceed a total of 400 square inches in size. Amendments were adopted at single reading unanimously. The Mayor said that paragraph 5 would read: removal of a sign or advertisement that violates any of the provisions in this subsection is not a violation of this ordinance. Amended amendments carried unanimously.

Mr. Leary indicated that on page 3, subsection d(2) needed amending, and in section (a) first paragraph of section 11-4.1 was questionable to him. Mr. McMahon said if the intent was to say that you could not put signs on public property anywhere except where they are enumerated, the wording should be changed to reflect that. Mr. Leary said you only enumerate certain places where signs are prohibited specifically and there may be other places; sidewalks, etc., and would the sign be prohibited in the ordinance. Mayor Del Giudice said that the language in subsection (a) had been struck, and to add a section 3 on the last page to make a new section 3 a severability clause to read "if any one provision of this ordinance is struck down by a court of competent jurisdiction, the remaining section shall remain in full force and effect." The amendment carried unanimously.

Sue Silber, Corporation Counsel, raised the question about there being anywhere to post signs. Mr. Prensky said his reason for not including utility poles as a place acceptable to put signs on, was

because they were owned by C&P, PEPCO, etc. He said that although they are used extensively to put signs on by the public, there may be a need for some sort of public bulletin board, and if people find the ordinance to be too severe, public bulletins boards may be the answer. Mr. Douglas said that utility poles were private property, although they were located in the public right-of-way. Mr. Elrich said it was not clear to him about the restriction to not place signs on utility poles. The Mayor said that the first section 11-4.1 which speaks of hanging of a sign in any public area is broad, which could include a utility pole. Mr. Sharp said that when the subject first came up, there were two complaints; one was that everything in the public domain was being turned into a place where people were posting signs, and there were places which were totally inappropriate to paste signs on. He said it was not the intent to say that people should not be allowed to post event notices or yard sale signs. He said the problem was with people who put signs up and never remove them. He said that he felt that signs should be limited to utility poles and people should take them down when they are expired. The item was tabled for further discussion to take place at the Council's next worksession.

ORDINANCE NO. 1990-50
(Attached)

3. Single Reading Ordinance Authorizing Purchase of Video Editing Equipment

Councilmember Hamilton moved adoption of the ordinance, it was seconded by Councilmember Elrich and unanimously adopted. (Absent: Moore and Sharp)

ORDINANCE NO. 1990-53
(Attached)

4. First Reading Ordinance Awarding Contract for K-9 Purchase

Ordinance moved for adoption by Councilmember Hamilton and duly seconded by Councilmember Leary. Mayor Del Giudice quoted the estimated cost and noted it was right on budget. Mr. Prenskey moved to strike the "whereas" clause which stated that the purchase was in compliance with the NFZ Act because all purchases that the City made were in compliance with NFZ Act. The ordinance as amended, was unanimously accepted at first reading. (Absent: Douglas and Sharp).

ORDINANCE NO. 1990-54
(Attached)

5. Resolution Recognizing November 11-18, 1990 as National Community Foundation Week in Takoma Park

Councilmember Elrich moved adoption and Councilmember Prenskey duly seconded.

Barbara Beelar, 7112 Maple Avenue, President of the Takoma Foundation said that last year the President and the U.S. Congress set aside the second week in November as National Community Foundation Week, celebrating the 75th anniversary of the First Community Foundation in Cleveland. She said the reason they were growing was because people felt the money they contributed, afforded them the opportunity to see how it came back into the community. She said the Foundation was only 18 months old and had received money from the Old Town Street Festival 3 years ago in the amount of \$3,500 to start out, and they had done a great job in receiving support from the community as well as giving out funds and proving that the Foundation was needed. She indicated that they had 365 members and had raised over \$6,000; they also had over 30 members from the business community who raised contributions close to \$5,000. She also said that in the coming years they hoped to move the fundraising efforts beyond the community and also begin to move from the system of giving out everything they raised as

grants, and to begin to build an endowment. On November 11, they would be hosting a Tea to kick off Community Foundation Week and announce the formation of a Centennial Endowment Fund.

Mr. Prensky said the Takoma Foundation was a prime example of the Foundation that was being honored by the Resolution. Its very much one of those organizations that thinks globally, and acted very strong locally, and he expressed his support of the Foundation's efforts in the community. Mayor Del Giudice asked how many communities had those types of foundations. Ms. Beelar responded that there were 400 and they had more members and the least amount of assets. The Mayor then wanted to know how many were in the Washington/Metropolitan area. Ms. Beelar responded by saying there was one; the Community Foundation of Greater Washington with offices in Georgetown. She also noted that there were five operating in Maryland, and she believed that the Governor would be proclaiming the same week as Maryland Community Foundation Week. The resolution carried unanimously. (Absent: Sharp).

RESOLUTION NO. 1990-97
(Attached)

6. Resolution Authorizing Equipment Disposal

Moved to adopt by Councilmember Hamilton and duly seconded by Councilmember Prensky. City Administrator Wilson said that the equipment referenced were three more pieces of equipment that he was asking to declare as surplus to be sold to the highest bidder. The resolution carried unanimously. (Absent: Elrich and Sharp).

RESOLUTION NO. 1990-98
(Attached)

7. Resolution Appointing Representative(s) to COLTA

Moved by Councilmember Hamilton and seconded by Councilmember Prensky.

City Clerk Paula Jewell advised that Mr. Arisman's term which expires on June 30, 1992 could be filled by Mr. Cook.

RESOLUTION NO. 1990-99
(Attached)

8. Council Discussion of Projects to be Presented to the Maryland Department of Transportation Public Meetings

Mayor Del Giudice said that about 3 years ago, the Council received a commitment from the State saying they were going to improve Carroll Avenue, repair Carroll, and repair Piney Branch Road, and they were going to do that within the context of their repair budgets. He said that Carroll Avenue was supposed to be the first and Piney Branch Road was going to be second; he said that Carroll had been done and he expressed his thanks.

Mr. Douglas said there were a number of crosswalks on State roads, especially Carroll Avenue, which were barely there at all, and he said if it were the State Highway's responsibility, they should take responsibility; if it were the City's, they should take responsibility. Mayor Del Giudice said that Flower Avenue was in need of repair, and there was a need for curb and gutter work repair.

Mr. Moore said there was a need in Prince George's County for repairs of the crosswalks at the Takoma-Langley district, and the State had indicated they would work with coordinating the repairs but not contribute to the expenses.

Mayor Del Giudice expressed the need for discussion on the problems of signalization at East West Highway intersection and University Boulevard and the right of way in front of the Professional Building. The Mayor announced that the Council will be meeting to discuss a matter of land acquisition.

Upon motion duly made and seconded, the Council meeting adjourned at 9:36 p.m., to reconvene in Regular Session on November 5, 1990.

Introduced by: Councilmember Douglas
Drafted by: Linda S. Perlman
Asst. Corporation Counsel

1st Reading:10/08/90
2nd Reading:10/22/90

ORDINANCE NO. 1990-51
(Setting a Homestead Property Tax Credit Percentage)

WHEREAS, Section 9-105 of the Tax-Property Article of the Annotated Code of Maryland, as amended by Chapter 12 of the Laws of Maryland, 1990, provides that on or before January 1, 1991, the governing body of a municipal corporation may set, by law, a homestead credit percentage for the taxable year beginning January 1, 1991 and any subsequent taxable year; and

WHEREAS, if a municipal corporation does not set a homestead credit percentage, then the homestead credit percentage set by the county in which the property is located will apply to assessments used to compute municipal corporation property taxes; and

WHEREAS, the City of Takoma Park is located in both Montgomery and Prince George's Counties; and

WHEREAS, the Council as the governing body of the City of Takoma Park, a municipal corporation, desires to establish a homestead credit percentage for the taxable year beginning July 1, 1991 and subsequent tax years; and

WHEREAS, a homestead credit percentage of 110% will limit taxable assessment increases for homeowners to 10% annually for purposes of municipal corporation property taxation.

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

SECTION ONE. Pursuant to Section 9-105(e) of the Tax-Property Article of the Annotated Code of Maryland, the homestead credit percentage for the City of Takoma Park, effective for the taxable year beginning July 1, 1991 and subsequent tax years, shall be 110%.

SECTION TWO. The City Clerk is directed to notify the State Department of Assessments and Taxation of Maryland by January 10, 1991 of the homestead credit percentage established by the City of Takoma Park.

ADOPTED THIS 22nd DAY OF October, 1990 BY ROLL CALL VOTE AS FOLLOWS:

AYE: Douglas, Elrich, Hamilton, Leary, Moore, Prensky
NAY: None
ABSTAIN: None
ABSENT: Sharp

Introduced By:

1st Reading: 10/8/90

Amendments by: Ed McMahon
10/22/90

2nd Reading:

Effective: 1/1/91

ORDINANCE NO. 1990-50

AN ORDINANCE ESTABLISHING GUIDELINES REGULATING PUBLIC AND PRIVATE
SIGNS IN THE CITY OF TAKOMA PARK

WHEREAS, the uncontrolled proliferation of signs, placards, and other outdoor advertisements affects the health, safety, welfare of the city of Takoma Park; AND

WHEREAS, the proliferation of public and private signs causes confusion to motorists, impairs the effectiveness of governmental signs, damages public property, and degrades the aesthetic character and environmental quality of the City of Takoma Park, Maryland; AND

WHEREAS, the City Council desires to establish guidelines that would regulate placement, prohibition and enforcement of public and private signs in the City of Takoma Park.

[[WHEREAS, there has been a proliferation of problems resulting from the number and placement of public and private signs within the corporate limits of Takoma Park, Maryland; AND

WHEREAS, the City Council desires to establish guidelines that would regulate placement, prohibitions and enforcement of public and private signs in the City of Takoma Park.]]

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL of the City of Takoma Park, Maryland.

SECTION 1. Chapter 8, Sec. 44 of the Takoma Park Code entitled "placement of signs and advertisements" and Chapter 11, Sections 11-1.1 entitled "Definitions" are hereby repealed and reenacted with amendments to Section 11-1.1 as follows:

Chapter 11. Streets

Article 1. General Provisions

Section 11-1.1. Definitions.

As used in this chapter.

(a) Double vehicle driveway apron shall mean a driveway apron that is no more than twenty (20) feet long at the property line where it meets the driveway.

(b) Driveway apron shall mean a concrete or bituminous concrete area designed and shaped to Public Works' specifications and shall consist of the entire concrete or bituminous concrete area between the property line and the roadway or curb line, and it shall be used for ingress and egress of vehicles or other equipment between driveways and public roads.

(c) Private signs shall mean temporary signs placed by organizations or private individuals.

(d) Public signs shall mean signs placed by the City or other public bodies for the purpose of informing the public about laws, regulations or issues of public policy, or the location of places of public interest or need (i.e., schools, hospitals, etc.).

(e) Single vehicle driveway apron shall mean a driveway apron that is no more than ten (10) feet long at the property line where it meets the driveway.

SECTION 2. Section 11-4 entitled "Handbill distribution; regulations" is hereby amended by adding the following new section:

Section 11-4.1. Placement of signs and advertisements

(a) No [[structure used as a]] sign or advertisement of any sort shall be placed, built, hung or left in or upon any of the places mentioned in any public area, except those lawfully authorized under the provisions of this ordinance.

[[(a)]] (b) Private signs. Signs advertising commercial goods or services are prohibited. Such prohibited commercial signs advertise on behalf of for-profit on-going business enterprises. Commercial does not include such home-centered, occasional activities as yard sales and bake sales. Advertising by home daycare providers is specifically exempted from this prohibition. All other private signs may be placed in public locations only in accordance with the following requirements listed in this Subsection: [[if announcing or advertising community events open to the public, promoting points of view, or soliciting information, such as information about missing pets.]]

(1) Size of Signs - Private signs shall not exceed 20 inches in any dimension (i.e. length or width) [[400 square inches in size.]]

(2) Manner of Posting - No sign may be posted by using glue or any adhesives other than removable tape, tacks or staples.

(3) Time Limits and Authority -

(A) All private signs must have the date on which they were posted and the name of the person or entity who authorized its placement prominently displayed.

(B) Authority for the posting of private signs expires 14 days from the date of posting, or after the stated date of the advertised event, whichever occurs first.

(C) The sponsor and person who posted the private sign are responsible for removing it.

[[(d) Removal of a sign after the expiration date is not a violation of this ordinance.]]

(4) Limits on Placement

In accordance with Chapter 11, Article 6 (Street Lamp Regulations, Sec. 11-45) no person shall attach, place, paste, or otherwise affix any sign, advertisement, or other matter on any lamppost, lantern, bench, public trash receptacle, live tree or the Old Town Clock. Signs or advertisements posted or otherwise placed in these locations will be removed immediately.

[[(A) In accordance with Chapter 11, Article 6 (Street Lamp Regulations), Sec. 11-45, no person shall attach, place or paste any sign, advertisement or other matter on any public lamppost, lantern or appurtenance. No signs may be attached to live trees. Signs posted on decorative lampposts, benches, public trash receptacles or the Old Town Clock will be removed immediately.]]

(B) Any violation of subsection (a) which results in injury to public property will be a Class B offense.

(5) Removal of a sign or advertisement that violates any of these provisions is not a violation of this ordinance.

[[(5) Removal of a sign that violates any of these provisions after the expiration date is not a violation of this ordinance.]]

[(5)] (6) Waiver.

The City Administrator may grant a waiver to certain provisions of this Subsection, upon a written request in advance of any posting, where such waiver is in the public interest.

[[(b)]] (c) Public Signs. Public signs shall be kept to a minimum number necessary to ensure the public safety and to communicate needed information. Wherever feasible, multiple signs shall be posted together on the same pole. All obsolete, redundant [and] or unauthorized signs shall be removed.

(1) To the extent practicable, public signs shall be of a consistent size and style. Judgement shall be exercised by the City Administrator, generally following the "Manual of Uniform Traffic Control Devices".

(2) The City Council hereby designates the following "Community Gateways" at which points persons entering the City will be welcomed to Takoma Park:

(A) Southwest corner of Carroll Avenue at Garland Avenue travelling Southwest.

(B) Northwest corner of East-West Highway at New Hampshire Avenue travelling [[East]] West.

(C) Northeast corner of Philadelphia Avenue at Chicago Avenue travelling Southeast.

(D) [Northeast] Southeast and Southwest corners of New Hampshire Avenue at University Boulevard travelling South.
[East]

(3) Traffic signs regulating the speed limit will be displayed at the community gateways and on other streets only where necessary to comply with State law. This provision does not apply to those areas designated as school zones in Chapter 13, Article 3, Sec. 13-28 of the Takoma Park City Code.

(4) The placement, removal and regulation of all public signs shall be the responsibility of the City Administrator.

(c) A single violation of this section, unless otherwise specified herein, will lead to a warning. Multiple or repeat violations of this Section will each be a Class D offense.

SECTION 3. This Ordinance shall become effective on January 1, 1991.

NOTE: In this Ordinance, underlining indicates additional language added at first reading and [brackets] indicate language deleted at first reading.

Also, double underlining indicates language added at Worksession discussion and [[double brackets]] indicate language deleted at Worksession discussion.

Clerk's Note:

Bold Underlining indicates suggested new language and bold [[double brackets]] indicates suggested language for removal by Ed McMahon, and Councilmembers Jim Douglas and Hank Prensky on 10/22/90.

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

AYE:

NAY:

ABSTAINED:

ABSENT:

Single Reading:10/22/90

ORDINANCE NO. 1990 - 53

AN ORDINANCE TO AWARD A BID FOR THE PURCHASE OF VIDEO EDITING EQUIPMENT

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

WHEREAS, the Council of Montgomery County, Maryland 1990-91 Cable Communications Plan earmarked \$44,250 for the purchase of equipment for the Takoma Park Cable Television Office; AND

WHEREAS, the \$44,250 has been included in the 1990-91 Cable Television Office Equipment Account #5270; AND

WHEREAS, the principal use of that account is for the purchase of video production equipment for the production of municipal programming for the City's cable television channel; AND

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

WHEREAS, bids were received and opened at the 4:00 p.m., October 10, 1990 deadline from 7 qualified dealers; AND

WHEREAS, Columbia Audio/Video of Highland Park, Illinois had the lowest bid at \$10,878.40; AND

SECTION 1. THAT Columbia Audio/Video be awarded the contract for the purchase of video editing equipment for a total of \$10,878.40.

Adopted this 22nd day of October, 1990

Ayes: Douglas, Elrich, Hamilton, Leary

Nays: None

Abstained: None

Absent: Sharp, (Moore for vote)

Introduced by:

1st Reading-10/22/90
2nd Reading
Effective:

ORDINANCE NO. 1990-54

AN ORDINANCE FOR THE PURCHASE OF A CANINE AND ASSOCIATED TRAINING FOR THE POLICE DEPARTMENT.

Be it ordained by the City Council of the City of Takoma Park, Maryland:

WHEREAS, Proposals were solicited as advertised in the Montgomery Journal for a cross-trained canine in patrol and drug detection work for the Police Department; AND

WHEREAS, Two bid proposals were received from Canine Consultants, Inc. and Metropolitan Associates; AND

WHEREAS, Canine Consultants, Inc. has met all the City Police Department's requirements, and the costs will be \$7,000.00; AND

WHEREAS, The City Council approved the Drug Canine Grant through the Governor's Office of Justice Assistance on July 23, 1990, by resolution 1990-77; AND

WHEREAS, The funds have been budgeted and the cost of \$7,000.00 for the canine and associated training will be charged to City's special revenue budget line 0010-7240; AND

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Takoma Park, Maryland: THAT funds in the amount of Seven Thousand Dollars (\$7,000.00) be appropriated from the special revenue budget (line 0010-7240) to cover purchase of the canine and training from Canine Consultants.

Adopted this _____ day of _____, 1990.

AYES:
NAYS:
ABSTAIN:
ABSENT:

RESOLUTION NO. 1990-97

PROCLAIMING COMMUNITY FOUNDATION WEEK IN TAKOMA PARK

WHEREAS, The U. S. Congress and the President of the United States have set aside the second week in November to honor the charitable contributions of almost 400 community foundations nation-wide; AND

WHEREAS, the community foundations are the fastest growing sector of the philanthropic efforts because they provide an important local connection linking donors with the needs of the local community; AND

WHEREAS, The Takoma Foundation, the local community foundation which serves Takoma Park and Takoma D.C., in it's year and a half of operations has already made a valuable contribution to the betterment of our community by building a bridge between the caring, charitable orientation of our citizens and businesses and the needs of local groups serving our community; AND

WHEREAS, the City Council, wishing to join over 200 individuals, families and businesses who have already donated to The Takoma Foundation, recognizes and celebrates the charitable work of the Board of The Takoma Foundation.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby proclaim the week of November 11 through 17, 1990 as Takoma Park Community Foundation Week in appreciation of the constructive, philanthropic efforts of The Takoma Foundation; AND

BE IT FURTHER RESOLVED THAT the City Clerk is hereby instructed to spread a copy of this Resolution among the City's permanent records.

Dated this 22nd day of October, 1990.

Stephen J. Del Giudice
Mayor

ATTEST:

Paula S. Jewell
City Clerk

Introduced by: Councilmember Hamilton

Dated: October 22, 1990

RESOLUTION NO. 98

BE IT RESOLVED BY THE 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 No.</u>
1981 Plymouth Grand Fury	1P3BR27N3BA119962
1981 Plymouth Grand Fury	1P3BR27N5BA119963
1974 Ford F600 Dump Truck	F61DVU60656

RESOLU:dm:wp50

Introduced by: Councilmember Hamilton

RESOLUTION NO. 1990-99

APPOINTING TWO MEMBERS TO COLTA

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

WHEREAS, to date, one Commissioner has made application to be re-appointed on the Commission, and one citizen has applied to serve on COLTA.

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
<u>Joseph Cook</u>	<u>6714 Allegheny Avenue</u>	<u>6/30/92</u>
_____	_____	_____

Adopted this 22nd day of October, 1990.