

CITY OF TAKOMA PARK, MARYLAND

Regular Meeting and Public Hearing of the City Council
Tuesday, November 13, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Douglas	Ass't City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	DHCD Director Grimmer
Councilmember Leary	Corp. Counsel Silber
Councilmember Moore	Personnel Ofc. Hobbs
Councilmember Prensky	Police Chief Fisher
Councilmember Sharp	

The City Council convened at 8:05 p.m. on Monday, November 13, 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: (1) The Mayor announced a Press Release done by the City on Friday, November 9th, announced the 10/24/90 sale of Ford's aerospace division to LORAL and also announced the termination of the two NFZ waivers which were approved by the Council on September 10th. He said while Purchase Orders had been issued for the vehicles under the waiver amendment, the actual purchases would not require a waiver of the ordinance because Ford had divested itself of its only nuclear weapon component. (2) The Mayor announced his intention to resign on December 3, 1990, at the hour of his swearing in ceremony for the Prince George's County Council seat. (3) The Mayor said the Washington Adventist Hospital would be appearing at the Worksession next week and would be presenting proposals for two projects. (4) The Mayor also announced that the Youth Outreach Program would be playing a basketball game on Friday against the Police Department and other City employees and urged all to attend.

Councilmember Prensky indicated that the Washington Post had a feature in it concerning the Takoma Park recycling program.

ADDITIONAL AGENDA ITEMS

The Mayor said that the process of filling the vacancy for Mayor of Takoma Park would be added to the agenda.

CITIZEN'S COMMENTS (those directed at items not on Council Agenda)
Henry C. Daniels, 19 Sherman Avenue announced that the Piney Branch Swimming Pool on Maple Avenue was open, and schedules would be distributed at the pool.

PUBLIC HEARINGS:

1. Installation of Parking Meters

Mayor Del Giudice asked for a brief outline of the Parking Meter issue. Assistant City Administrator Habada said that it was part of the budget proposal which had been submitted to City Council last Spring, and it consisted of three parts: 1) parking meter installation, 2) parking violation collection process, and 3) state flagging program. She said the 1990 Report indicated that there was an outstanding balance of uncollected tickets. She said the revenue estimate was not given on additional tickets. She further said that the purpose of the parking meter proposal was to work on controlling parking in town and as a revenue alternative, capturing lost revenue that had not been captured currently, which was due to the lack of participation in the State Flagging Program. When the State changed the flagging program from an annual program to a quarterly program, there was not enough staff support to keep up with the number of tickets to be submitted to the State to withhold the license and registration for vehicles with Maryland tags until outstanding tickets were paid. She also said the outstanding revenue as of March 1990 for the past three years, was \$224,600.00.

City Administrator Wilson noted that this was anticipated last Spring as a project that needed to go forward in order to attempt to anticipate, and offset additional property tax requirements for future years; and that it was an alternative to property tax.

Elizabeth Kozel, New Hampshire Gardens Citizens Association said the residents in the Association feel there was no commuter problem at the present time, but if parking meters are placed in the area, it would cause the people who have been parking free to come further back into their neighborhood and it would detract from the free parking aspects that currently surround 7676 New Hampshire Avenue as well as the whole section of the Safeway. She further stated that by installing parking meters, it would not increase the revenue of the City, people would not pay for parking, they would just go further into the residential neighborhood to find a "free" parking space.

Mary D'Ovidio, 7324 Piney Branch Road said she and her husband have lived at their present address for 16 years. She read her prepared statement which provided a history of parking on the street and expressed their opinion about the idea of parking meters. The proposal to install parking meters to take advantage of commuter parking is understandable from a revenue standpoint, but very insensitive to an already impacted residential neighborhood. Adding this commercial encroachment to the already narrow sidewalks is not acceptable. She also noted that utility poles block the sidewalk. In addition to the sidewalks being narrow, they are deteriorated. Mrs. D'Ovidio said that curbs and gutters are State responsibility, but sidewalks do belong to the City and they are in terrible disrepair, so instead of parking meters, the Council should give the residents what they really want: repaired, wider sidewalks, curbs and gutters, removal of the utility poles from sidewalks and perhaps a few speed bumps like other streets in Takoma Park to control the speeding.

Jeanette Bupfano, 7329 Piney Branch Road said she was against the parking meters for the safety of getting in and out of her driveway on Piney Branch Road. She further said it was hard to get out of her driveway because of the parked cars, which park all the way down to her driveway, which blocked her vision. She said the drivers do not slow down when she gives a turn signal, and she feels some consideration should be given to the placement of permit parking for the residents of Piney Branch Road and she prefers stickers or permits.

James Gordon, 7310 Piney Branch Road said he was against parking meters and he indicated other areas where the parking meters could be placed instead of on Piney Branch Road. He said there were plenty of streets where the parking meters could be placed which were near the Metro Station also. He pointed out that Piney Branch Road was very narrow, and also how much difficulty the handicapped people would have trying to get up and down the street.

Hank Cox, 7331 Piney Branch Road said he was adamantly opposed to the parking meter proposal, and that parking meters go into commercial areas not residential. He asked the Council what was the justification for singling out Piney Branch Road for parking meters.

Mayor Del Giudice stated that he was not feeling well and excused himself and turned the meeting over to Councilmember Sharp.

Jim Welu, 7330 Piney Branch Road said he had been in many battles in trying to control traffic and trying to help the other residents on Piney Branch Road to keep it a residential environment. He said it was a negative impact on the residents to put parking meters in a residential community and that there was no reason to put the meters within a half mile of the Metro Station, if that was the purpose of the Town to raise revenues. He went on to say that

3 years ago, the majority of the citizens on Piney Branch Road asked for control of their street and to have permit parking; there was a general approval of the Council to have permit parking for the residents of that block, which would not have caused a negative impact to the commuters coming into the City. He said the last he heard was that the City Council would vote on the resolution to implement that issue, and it was being drafted but has never been produced. He asked what had happened to it and was told that it had been "shelved". Mr. Welu said he would like to propose that the City go back to where it was 3 years ago by making the street available on a regular basis to the citizens who live on that street, avoid the problem of having cars being parked in front of people's houses, and avoid those parking lanes from becoming traffic lanes, to create an island of concrete as in the commercial zones, which would create a more residential atmosphere. He also said the residents had met with the State Highway 3 years ago and was told by the City that there could not be permit parking on Piney Branch Road. The State Highway said that if they wanted permit parking they could have it. He concluded by suggesting that Council forget about the parking meters on any residential area in Takoma Park. He said commuters should not be capitalized upon, but to capitalize on the situation and make it a street available for the citizens who live on those two long blocks from the District line out to Philadelphia Avenue, and make parking available for residents, their neighbors, and their guests.

Maureen Thompson, 7330 Piney Branch Road said she had been living on Piney Branch Road for 20 years and had seen traffic problems compounded. She said that she had seen debates where people in Block 69 on Takoma Avenue, Baltimore Avenue, and Albany Avenue were inundated by students and faculty parking from Montgomery Junior College. She said she did not remember hearing that there ought be parking meters on Piney Branch Road, and that she only remembered hearing people should be able to park in front of their own house. She said if Councilmember Prenskey thought there was a mystery going on, she hoped that the Council would give some consideration as to what is really going on. She said that when she had been living on Piney Branch Road for only 3 months, she heard that the Park and Planning Board was attempting to raise half the property tax on Piney Branch Road and make it into a 6-lane highway. She said she and the other residents went to the meetings and it was finally decided to hold hearings in the community about the plan to make Piney Branch Road into 6 lanes. She said after the hearings, Piney Branch Road remained the way it was and from Piney Branch, the Historic District was initiated in order to keep out highway projects. She said not only would any revenue enhancement brought by parking meters and tickets be completely washed out, it would become a financial burden because the property tax revenues would be greatly reduced by the devaluation of the properties on Piney Branch Road, and the lost taxes would not be able to be made up with the money from the meters and parking tickets. Ms. Thompson said the most disquieting aspect of the whole situation was a phone call which she had received from a realtor indicating that the proposal was publicized to the citizens of Piney Branch Road, and she said that it was the fourth time that they had been through another episode at an attempt to blockbust Piney Branch Road.

Gus and Jackie Thomas, 7425 Piney Branch Road. Mr. Thomas said they did not have a prepared statement and he felt that all of their neighbors had done a fine job with their statements, for them. He further stated that since 1977, no one had mentioned the violent traffic accidents and the mangled bodies on Piney Branch Road. He said the parking meters do not make sense in a residential neighborhood. He said he and his wife were at the meeting in support of not putting parking meters on Piney Branch Road. Mrs. Thomas then said that there were a lot of families on Piney Branch Road with young children such as they had, and that the children did not have an opportunity to play in a residential setting as on other neighboring streets and that parking meters

would make it a lot worse.

David Van Horn, 7336 Piney Branch Road asked the Council why would they want to put parking meters on Piney Branch Road. He is particularly angered that sidewalks are still in need of repair, he has been working on getting them fixed for six years, but the focus is on parking meters.

Mary K. Vorhies, 7400 Piney Branch Road, Girl Scout Leader, said she had a Troop that met at her home sometimes, and it was a real challenge to get a stroller up or down her sidewalk. She asked why the Council couldn't allow residential parking, is it really because it was a State Highway? She suggested raising the fines and buying "boots" as in the District of Columbia. She said that her children had seen the accidents, some of which were right in front of their house and that she had to administer First Aid right in front of her own home.

Sally Hines, 7318 Piney Branch Road asked how would parking meters and ticketing violators improve the collection of fines. She said Takoma Park had a reputation of being "unable" to collect. She also said most of the residents did not have off-street parking and asked, where would they park. Ms. Hines said an effective control of parking was needed.

Diana Vidutis, 7416 Piney Branch Road said she had lived on Piney Branch Road since November 1986, and during that time, she had gotten to know her neighbors, partly because of all the traffic accidents in front of their homes, and also their car had been side-swiped twice within the first six months of residence. Ms. Vidutis said a lot of issues had come out in the meeting that had nothing to do with the parking meter situation. She also said she was against the parking meters in her neighborhood, and that it was obvious Piney Branch Road had become the street to bear the brunt of any sort of experiment in revenue enhancement or for pacifying the State Highway Department. She said what she would like to see, and what she proposed, was a program to widen the sidewalks, cement Piney Branch Road to three lanes, two for traffic and one for parking, and then have permit parking by the residents to fill up the lanes to provide a buffer for the people on the sidewalks. This would make Piney Branch Road a safer place to live.

Rino Aldrighetti, 7213 Central Avenue said that previous speaker, Maureen Thompson, was wrong about one thing. When the issue came up about parking problems due to the College on Takoma Avenue, several options were presented to the citizens--permit parking and parking meters. He said that as one of the organizers, he felt he was going to be hanged very quickly when the issue of meters on a residential street was raised. Regarding Holton Lane, Mr. Aldrighetti said that people tend to park in those few metered spaces and not put money in because they quickly run in and out of the businesses there and it was demeaning for the Police to ticket people for this. He said that when deciding to put in parking meters, there were two issues; the parking problem and the revenue source, and both were needed. Mr. Aldrighetti referenced the meters on Carroll Avenue and said these were an advantage to the business people and shoppers, but on Holton Lane, meters were not needed. People would be inconvenienced--they will park in the Center lot or at the meters and not put money in and then they would be ticketed. He said this would generate tickets which will generate revenue--but why do it. He said the Shopping Center is not in great shape and the City should be looking for ways to help it.

Joseph Gooch, 7422 Piney Branch Road said he had been living on Piney Branch Road for 41 years and he was definitely against parking meters. He further stated that it was very hard to get anything done on his street, and he did not have a curb in front of his house for over 12 years and the sidewalks had not received

much maintenance in the past 20-25 years and that they were very narrow.

Dan Putler, 7419 Piney Branch Road said he had a car that was destroyed on Piney Branch Road. He said he has a daughter under the age of 2 and he was concerned about her safety. He said that he felt that the proposal was made to avoid taxation, but asked was it really relevant to the residents of Piney Branch Road, or to the City of Takoma Park. He further stated that it was a tax on the residents in two ways: (1) the residents who did not have off-street parking would be taxed through their need to feed the meters outside their house to be able to park their car in front of their house and (2) they would be taxed by the reduction in the property values. Mr. Putler then brought up what happened in Berkeley, California: so many parking meters were vandalized that the City realized it was cheaper to remove them.

Holly Schadler, 7322 Piney Branch Road said she agreed with her friends and neighbors concerning the parking meters. She said it seemed ironic that a city which is one of the foremost cities in the country in protecting its historic nature and its historic assets, one which had carefully crafted various laws to restrict the trees that could be cut down, and one which tried to maintain the rural and suburban nature of the City, would think of putting parking meters on a residential street. She also said that she and the others residents had moved to Takoma Park for its residential nature and away from the city, and even in the District of Columbia there were few neighborhoods that had parking meters. Ms. Schadler said that in the study that reviewed the proposal for parking meters, it stated that there was \$81,000.00 in unpaid tickets from 1989 but the revenue gains from meters would be \$44,000.00. She said that a more logical approach would be to try to collect more of the unpaid tickets rather than install more parking meters and attempt to collect tickets or violations. She said that she opposed the parking meters, and she hoped the Council would take into consideration the opposition which had been voiced.

Ed Scorza, 7333 Piney Branch Road said he wanted to reinforce a comment that was made earlier about the parking meters causing more confusion, people parking and having to move their cars, thereby causing more accidents.

Councilmember Elrich asked Mr. Scorza how he felt about permit parking. Mr. Scorza responded by saying he was reluctant about permit parking because he wanted to see the cars stay; while he does not really like to have the cars there, it was the best solution because they protected the people walking on the sidewalks and the property. Maybe permits could be given for parking spaces on Piney Branch Road, to the people who live there, and then sell the rest to commuters.

Mary D'Ovidio spoke again and said some people came to her neighborhood last summer and dug up the streets, sidewalks, and curbs and did a lot of damage; she did not know where they came from and none of the residents were given prior notice that they were going to be there. She urged the Council to consider putting in new sidewalks and to look into the damage that was done.

Sally Hines spoke again and said she would like to have the opportunity to respond to Mr. Elrich's question about permit parking. She said she would be in favor of permit parking if there were adequate curbs, sidewalks and gutters.

COUNCIL COMMENTS:

Councilmember Leary announced that he had received seven calls from people who were in opposition to the installation of parking meters on Piney Branch Road: Mary Duru, Jean Narayanan, Elliot & Martha Andalman, Dot Chichello, Sandy Littlejohn and Mary Ann Leary.

Councilmember Moore said that the Cross Roads Development Authority

Board of Directors had voted unanimously two months ago to oppose the installation of the meters, primarily because of the concern that it forced more people into the lots and no one would park at the meters anyway. The revenue enhancement therefore, would not occur, and it would cause overcrowding of some of the smaller lots on the south side of Holton Lane.

Mayor Pro Tem Sharp brought the Public Hearing to a close and said the Council would be considering the matter further and that he would tentatively schedule the next discussion of this Item for the December 3rd worksession.

2. 6729 Poplar Avenue - Declaring Property a Nuisance

Nancy Grimmer, Director of DHCD, said that the Council had previously passed an ordinance condemning the property and established certain conditions that needed to be met. She said those conditions, including a repair schedule to be agreed upon between the City Staff, DHCD, and the property owners, and the provision of a safe and operable heating system on the property, restoration of water, restored, and installation of a hot water heater, had been met. Also, debris had been cleared from inside the house. She said the building itself remains in need of repair to bring it into compliance with the Code, but the property owners had met the terms of the ordinance which was passed on September 24th.

Mr. Prenskey asked whether or not the building was still condemned. Ms. Grimmer responded by saying the building was habitable.

John Gavin, Director of Adventist Community Services, said he was not at the meeting to urge the City on any particular action, but to report on the progress which the Pattersons had made to resolve the problems at their property. He said a payment plan had been established with the water and gas companies to bring the payments up to date and that there had been an application for disability payments and income maintenance for Mrs. Patterson to increase her income and her capability for managing the bills in the house more independently. Mr. Gavin said he had been in conference with Adult Protective Services to try to resolve Mrs. Patterson's problem, and they also had a meeting with household members and extended family members to organize and plan to take care of the household expenses, and also his organization was working with the mortgage company to determine how to facilitate the rehab loan process. He confirmed that gas and water services had been restored. He said that Adventist Community Service had coordinated a yard cleanup on Sunday, November 11th. He indicated that all able-bodied members of the household participated in the yard cleanup and that there were no bills in arrears.

Ralph Cooke, 501 Sligo Avenue who works with Mr. Gavin at the Center said he had made several unannounced visits to the Patterson home, and he did not find anything unusual or out of order. He said Mrs. Patterson's family was supporting her financially, spiritually and morally.

T. J. Osborne, 6727 Poplar Avenue said that a few weekends ago he heard a barking dog outside, and one of his house mates went over to the Patterson house and asked that the owners bring in their dog, but they did not. Another house mate went over and asked again, and the occupants denied that they owned the dog that was barking outside. Finally, the police were called, and they brought the dog inside. He said that was not the most suspicious activity he had seen pertaining to the Patterson house. At other times he had seen vehicles pulling up in front of the house for a few moments with persons going in and out at odd hours mostly on the weekends.

Norman Taylor, 217 Spring Avenue said he did not know whether declaring the house a nuisance was the answer to the problem. He said he also had observed the unusual activities at the house, although they had decreased. He expressed his concern for the

children that play in the playground across the street from the house.

Charles Patterson, 6729 Poplar Avenue said the dog that was barking was his German Shepherd and that he was not at home at the time the dog was barking, but the reason the dog was barking was because the dog had worms, which also made him look undernourished. Mr. Patterson said that as far as there being a lot of traffic at his house, it was his friends, his brothers' friends and his nephews' friends and that he did not appreciate the negative statements made about his mother's house, including the drugs. As long as they had lived in the house, none of the children have gotten hurt who play in the park. He asked for an explanation of what "nuisance" meant, pertaining to his mother's house.

Councilmember Prenskey said that since most of the physical problems had been worked on in detail with the City staff, it would be advisable to schedule further discussion at the worksession on December 3rd.

3. Resolution In Support of Takoma Park Delegation's Visit to Santa Marta on November 30, 1990

Councilmember Prenskey moved adoption of the resolution and it was seconded by Councilmember Elrich.

Councilmember Prenskey said he travelled to Santa Marta in June with three other persons from Takoma Park and the most tangible result of the visit was the discussion which they had with the military Commander of that region, to allow a delegation from Takoma Park to carry medical supplies that would serve the needs of the 3,000 people, living in and around Santa Marta who had been denied access to medical supplies and care, because of the warlike situation in the area in which they lived. He indicated that four people were planning to carry forward that promise and they would be leaving Takoma Park on November 30th; including Dr. Rebecca Elan, Jan Walker who is a nurse from Takoma Park, 2 members of the Takoma Park Santa Marta Companion Cities Project: Nancy Chisholm and Joan Hall. They would be carrying supplies from the Companion Cities Program, and also supplies that have been donated by people from Takoma Park. He also noted that Community Service Center of the Adventist Church and Sligo Adventist Church had made donations.

RESOLUTION NO. 1990-101
(Attached)

4. Resolution of Council Action Re: Special Exception Application for An Accessory Apartment At 8215 Sligo Creek Parkway

Councilmember Elrich moved adoption and Councilmember Douglas seconded.

Councilmember Elrich suggested that the City approve the application for the Accessory Apartment. Councilmember Leary said it was an excellent example, and one that should be approved. The resolution was adopted by unanimous vote.

RESOLUTION NO. 1990-102
(Attached)

5. Second Reading Ordinance - Public and Private Signs

Councilmember Douglas moved adoption and Councilmember Prenskey seconded.

Councilmember Douglas said the ordinance had two primary concerns: (1) to try to consolidate and minimize the signs put up by public entities for purposes of regulation and information and (2) to address the littering of certain parts of Takoma Park, with signs advertising yard sales, rallies, concerts, etc. He said the ordinance also seeks to eliminate the use of public space for commercial purposes. The effective date of the ordinance would be January 1, 1991, with the hopes of getting it out to the citizens

in the Newsletter. Mr. Douglas moved to delete all of the words that were enclosed in brackets and include all of the words that were underlined. Mr. Prenskey duly seconded.

Mayor Pro Tem Sharp said the Council was authorizing regulations to be promulgated by the City Administrator. He therefore suggested adding "pursuant to regulations", and he also proposed to take the word "detail" out. Councilmember Douglas said the real estate signs were not public signs and those types of signs would be set up as a separate category. Councilmember Elrich asked about the prohibition of street signs, and if it was a problem for the CDA when they discussed wanting to put up banners. Mr. Douglas responded by saying he was told by the CDA that the banners would be permanent.

Ed McMahon, 7105 Cedar Avenue said he commended the Council on the improvement of the Ordinance at Second Reading, but with one exception: the authority for local businesses to put up their own signs which was added at the last worksession. He said he would take strenuous objection to that addition, and he urged Council not to include it as an amendment. He further stated that there were over 365 businesses in the City, and that no business was going to want only one sign. He said there would always be signs in the City; yard sales, events signs, etc, but the last thing to do would be to invite the businesses in the community to use the public space that belongs to all of the citizens for advertising. He concluded by saying that it would render the ordinance unconstitutional.

Corporation Counsel Silber said she felt that it was important to hear the public interest rationale from business owners as to why that exception was there. She also addressed some of the other amendments. She also said she felt that the ordinance could be read in a very constitutional manner and felt commercial speeches could be more restrictive than other kinds of speech signs.

Mr. Juan Torres, 900 Elm Avenue said he did agree with Ms. Silber, but he said that he wanted to know why so much time was being spent on the issue of real estate signs, when the Montgomery County and Prince George's County code addressed the issue of signs. He said that signs on property can stay up as long the property is up for sale, but directional signs have to be taken down at the end of the day.

Ms. Silber said there were different provisions in Montgomery and Prince George's counties, but they were almost the same. The difference was that in Montgomery County the sign stays until sundown on Sunday and in Prince George's County, it stays until noon on Monday. She said most of the County Sign Ordinances pertain to private property and they are both found in the zoning codes of the perspective counties.

Mike Cruise, Owner of Aspen Temporary Services 7000 Carroll Avenue, said she supported and agreed that there was a need for the regulation of signs, but she would not want to see them abandoned completely because signs do provide a valuable community service. She said her agency used signs to recruit and place Takoma Park citizens in jobs. She said what she was asking was to be able to work within the confines of the law, and still provide a community service of announcing jobs to the community when it was necessary. Ms. Cruise also said there were many things which could be done to achieve that goal and in doing so, the law could be observed and not do away with the community service which was currently being provided.

Mr. McMahon spoke again and said the question was whether commercial advertising would be allowed on public property. He said the question was not whether signs can be useful but were there better, more efficient, less costly means to provide information to people without cluttering up the community. He also

said there were over 400 employment agencies listed on 21 pages of the telephone book and the majority did not place signs on public property. He urged Council to oppose the amendment to the ordinance.

Councilmember Prensky made a proposal to strike the section in the ordinance on real estate signs, which would still be covered by the County Code.

Mike Cruise said that by the time those types of methods (which Mr. McMahon listed) would be used, the jobs would be gone. The signs Aspen used reached the masses and produced immediate results. She also said that she had spoken with a number of business people in Takoma Park, and the Business Association would be meeting in January 1991. Ms. Cruise said she was asking for an opportunity to develop a plan to present to the Council and get it approved, which would stay within the regulations and still provide the community service. She asked for a time extension from the Council.

Councilmember Elrich moved to delete section (b) "Real Estate Signs" and section (c) "Exception for Local Business Development"; the motion was seconded by Councilmember Prensky. Councilmember Douglas then moved to take up the amendments to remove (b) and (c) as separate motions. The question was called and section (c) was removed by unanimous vote. The question was then called on the amendment to remove section (b) and it failed by a 4 to 3 vote.

Sue Silber suggested that the City Administrator consult with local business owners to design a program which would permit certain temporary private signs, including advertising commercial goods and services on public property, owned by local businesses, pursuant to detailed regulations more narrow than those limitations in subsection (a).

Councilmember Douglas said he would not want the Waiver provision to be used as a general-use application for business-specific signs, and that his view of the Waiver provision section was for a more general festival-type signs on a limited time basis, and should not be used as a "back door" way to allow the sorts of things that might have been allowed under section (c) if it were removed.

Sue Silber indicated that the language regarding exceptions for local business development on page 2 needed to be eliminated also. The ordinance, as amended, adopted at second reading by unanimous Roll Call Vote.

ORDINANCE NO. 1990-50
(Attached)

6. Single Reading Ordinance Authorizing Purchase of Two Pick-Up Trucks

Councilmember Hamilton moved adoption and Councilmember Elrich duly seconded. The Ordinance was adopted unanimously.

ORDINANCE NO. 1990-55
(Attached)

7. First Reading FY'91 Budget Amendment No. 1

Councilmember Hamilton moved adoption and Councilmember Leary duly seconded.

Councilmember Leary asked about the rationale for a budget amendment to cover the cost of speed humps, and if every purchase of the Public Works Department was budgeted in advance. Ms. Habada said that since the speed humps were approved by the Council, they would not be put in without having the money to do so; \$525 for each speed hump. Mr. Wilson said this was a policy issue, simply because the Code required it to be a policy matter put before the

Council. Councilmember Douglas said there was a memo from the City Clerk bringing up-to-date information on the speed hump petitions. He said \$3,675.00 was in the budget amendment.

Motion to accept the ordinance at first reading was passed unanimously.

ORDINANCE NO.1990-56
(Attached)

8. Process For Selecting a New Mayor

Mr. Douglas offered to move the Council's position paper as a Resolution; Mr. Leary seconded. It was agreed to issue the paper as a press release and not as a resolution. After discussion, it was determined that the Council would release a statement about the process accepting expressions of interest in filling the vacancy of Mayor rather than pass a resolution.

The meeting adjourned at 11:25 p.m. to reconvene in Regular Session on Monday, November 26, 1990.

STATEMENT
(Attached)

Introduced by: Councilmember Prensky Dated: November 13, 1990

RESOLUTION NO. 1990-101

WHEREAS, On March 14, 1988, Resolution No. 1988-14 was passed establishing Takoma Park as a Companion City in affiliation with Santa Marta, El Salvador; AND

WHEREAS, Takoma Park's citizens and the community work actively for peace in Central America; AND

WHEREAS, On November 30, 1990 a Takoma Park delegation will depart for Santa Marta, including Dr. Rebecca Elon, Jan Walker, Nancy Chisholm, and Joan Hall to deliver medicines collected from our community.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council respectfully asks that Salvadoran Government authorities and the United States embassy and the Coordinating Council of Santa Marta also lend their full support and assistance to this humanitarian delegation in carrying out the common goal towards peace in international affairs.

Stephen J. Del Giudice

Stephen J. Del Giudice, Mayor

William H. Leary

William Leary, Councilmember

James E. Douglas

James E. Douglas, Councilmember

Hank Prensky

Hank Prensky, Councilmember

Gregory V. Hamilton

Gregory V. Hamilton, Councilmember

Marc Elrich

Marc Elrich, Councilmember

Michael Moore

Michael Moore, Councilmember

Edward Sharp

Edward Sharp, Councilmember



Introduced By: Councilmember Elrich
Drafted By: Darlene Morning

Resolution No. 1990-102

Resolution regarding SES application for 8215 Sligo Creek Parkway

WHEREAS, The petitioners, Dennis W. Casper and Marjorie Bru-Casper have submitted an application to the Montgomery County Board of Appeals for a special exception for 8215 Sligo Creek Parkway, Takoma Park, MD.; AND

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

WHEREAS, the application has been reviewed by City Staff, and Staff has recommended approval of the application on the basis of analysis contained in the pertinent staff report dated October 21, 1990; AND

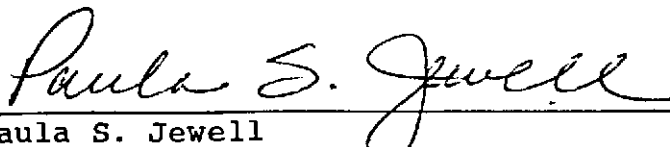
WHEREAS, the City Council have taken into consideration public comments received on the subject application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby recommend Montgomery County Board of Appeals SUPPORT of the subject special exception and APPROVAL of the subject application.

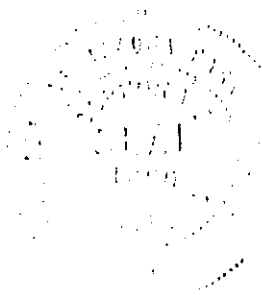
BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to send a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 13th DAY OF November, 1990.

ATTEST:



Paula S. Jewell
City Clerk



(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. Chapter 11, Streets, Article 1 of the Takoma Park Code is amended by adding the following new section:

Section 11-4.1. Placement of signs and advertisements

(a) Private signs. Except as expressly permitted in Section (b) below, 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:

(1) Size of Signs - 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.

(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 ("sponsor") 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.

(4) Limits on Placement. The following private signs are prohibited:

(A) Signs which are placed on or attached to any public lamppost, lantern, bench, public trash receptacle, public sign or the Old Town clock;

(B) Signs which are placed on or attached to any tree;

(C) Signs which are placed in or attached to any structure in any public park;

(D) Signs which are placed on or in a municipal street right-of-way or sidewalk unless specifically authorized elsewhere in this section;

(E) Street banners; and

(F) Signs which obstruct the view of or which, because of the shape, color or wording of the sign, may be construed as or confused with any traffic control device or public sign placed by the City or other public body.

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

(b) Real Estate Signs. Temporary real estate directional signs announcing an open house may be placed in the public right-of-way on weekends between the hours of noon Saturday and sundown the following Sunday. Such signs shall not exceed three (3) square feet in area and the top of such signs shall not exceed three (3) feet in height. A maximum of four (4) signs per property advertised shall be permitted on approach routes to an open house and there shall be only one (1) sign facing each direction of traffic at any one intersection. If a police officer finds that a real estate directional sign placed in the public right-of way is a hazard to traffic, the police officer may remove the sign.

(c) Violations and Removal of Signs.

(1) Any person or entity who posts any private sign, authorizes the placement of any private sign or sponsors the event advertised by the private sign shall receive a warning notice for a first, single violation of this section. Multiple or repeat violations shall be Class D offenses. Each day a violation continues after a warning notice is issued shall constitute a separate offense for which a citation may be issued.

(2) Any violation of subsection (a)(4) which results in injury to public property shall be a Class B offense and no warning notice is required prior to a citation being issued.

(3) Removal of private signs or signs advertising commercial goods or services which violate any of the provisions of this section is not a violation of this section.

(d) 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 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 following locations are designated as "Community Gateways" at which points public signs welcoming persons entering the City of Takoma Park may be erected:

Introduced by: Councilman Hamilton

Adopted: 11/13/90

(Single Reading)

ORDINANCE NO. 1990-55

An Ordinance to Procure (2) 4x4 Short Bed Pick Up Trucks

WHEREAS, \$16,000 was budgeted in FY-90 for the procurement of a vehicle for the Streets Division; AND

WHEREAS, \$15,000 was budgeted in FY-90 for the procurement of a replacement vehicle for the Shop Division; AND

WHEREAS, in accordance with City procurement procedures bids were solicited from thirteen qualified vendors on the bidders list, advertised in the Prince Georges and Montgomery County Journals and the Dodge Report; AND

WHEREAS, that bids were publicly opened at 2:00 p.m., August 24, 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

World of Ford Sales, Inc. (2) 4x4 Pick Up Trucks \$31,920.00

SECTION 2. THAT funds to cover this procurement in the amount of THIRTY ONE THOUSAND NINE HUNDRED TWENTY DOLLARS (\$31,920.00) be authorized from the Capital Budget Equipment Account 9100-8000.

Adopted this 13th day of November 1990.

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

NAY: None

ABSTAIN: None

ABSENT: None

First Reading: 11/13/90
Second Reading:

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

ORDINANCE #1990-56
FY 91 BUDGET AMENDMENT NO. 1

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 BUDGET

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

SECTION 1. that the Fiscal Year 1991 Budget be amended as
follows:

REVENUE AMENDMENTS

- a. Appropriate \$44,888 from prior years unappropriated reserve for two 4x4 trucks.
- b.

EXPENDITURE AMENDMENTS

- a. Transfer \$3,675 from Account 9000-7010, General Contingency, to Account 9100-8001, Capital Expenditures for installation of speed humps.
- b. Transfer \$5,000 from Account 9000-7010, General Contingency, to Public Works Account 3600-6145, Subcontract Work, for hazardous waste removal.
- c. Appropriate \$44,888 to Account 9100-8001, Capital Equipment, for purchase of two 4x4 trucks for Public Works.
- d. Transfer \$6,000 from Account 8000-7300, Debt Service - Bonded Indebtedness to Account 9200-8100, Special Revenue Fund Transfer, to cover City match on K-9 grant project.
- f.

CAPITAL BUDGET

a.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Appropriate \$18,000 to Account 0010-3383, Federal Drug Grant (K-9 Grant), for receipt of federal funds through the State of Maryland.
- b. Increase Account 0010-3385, General Fund Transfer by \$6,000 for City match on K-9 grant project.
- c. Appropriate \$14,431 to Account 0010-3377, Forest Park, to reflect funding overlap from FY 90 for continuation of a park development project.
- d.
- e.

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. Appropriate \$24,000 to Account 0010-7240, Drug K-9 Grant Project for K-9 purchase, training, equipment and purchase of a patrol vehicle.
- b. Appropriate \$14,431 to Account 0010-7186, Forest Park, for continuation funding of a park development project begun in FY 90.
- c. Transfer \$5,520 from Account 0010-7177, Erie Avenue Street Improvements to Account 0010-7176, Erie Avenue Facade Easements.

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

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

AYE:
NAY:
ABSTAIN:
ABSENT:

**STATEMENT OF THE TAKOMA PARK CITY COUNCIL REGARDING THE FILLING
OF UPCOMING MAYORAL VACANCY**

Mayor Del Giudice has announced that he intends to resign his position as Mayor upon taking office as a member of the Prince George's County Council on December 3, 1990.

Under Article III, Section 307 of the City's Charter, vacancies on the City Council, of which the Mayor is a member, are filled by the City Council, which "by a majority vote shall within sixty (60) days appoint some person, qualified in accordance with Section 302, to fill such vacancy for the remainder of the unexpired term." Under the Charter, in order to be qualified to hold the office of Mayor a person must have resided in the City for at least six months immediately preceding his/her election, must be a qualified voter of the City, and must maintain permanent residence in the City during his/her term of office.

Until the Mayoral vacancy is filled, the Mayor Pro Tem, Councilmember Sharp, will take over the duties of the Mayor, in accordance with the Charter.

The Council notes that it is at the midpoint of its 1989-1991 term, with several important budgetary, legislative, and policy initiatives pending. The election of a new County Executive and largely new County Council in Montgomery County, and the election of a new District Two County Councilmember in Prince George's County, provide new challenges and opportunities for the City of Takoma Park to work with both County governments on those initiatives. Thus, in filling the expected Mayoral vacancy, the City Council expects to focus its attention on existing members of the Council. Never-the-less, the Council believes it is important to consider all interested, qualified citizens and actively solicits those individuals.

The City Council intends to proceed as follows with the task of filling the Mayoral vacancy. If the election of a Mayor creates another vacancy on the Council, that vacancy will be filled in a similar matter at the first meeting of the Council in January 1991 (scheduled for January 14).

1. At the December 3 worksession of the Council, the Council will discuss any suggestions for Mayor made by citizens. All suggestions must be submitted in writing to the City Clerk by 5 pm, Friday, November 30. By the conclusion of the worksession discussion the Council will agree upon a set of nominees to be voted upon by the Council.
2. As the first item of business at the first meeting of the Council following the creation of the vacancy (expected to be the December 10, 1990, Council meeting), the Council will elect a new Mayor. Upon election by the Council, that person will be sworn into office and immediately assume office.

3. Prior to action by the Council at the December 10 meeting, citizens will be invited to offer their comments to the Council.

Regular Meeting of the City Council
and Public Hearing

Monday November 26, 1990

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Elrich	Asst. City Administrator Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Leary	Community Planner Schwartz
Councilmember Moore	Corp. Counsel Silber
Councilmember Prensky	DHCD Director Grimmer
Councilmember Sharp	Dep. Pub. Works Dir. Laster
ABSENT: Councilmember Douglas	Corp. Counsel Perlman

The City Council convened at 8:06 p.m. on Monday, November 26, 1990, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Mayor made his remarks.

MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS:

Mayor Del Giudice announced that Councilmember Douglas was out of town on business. He noted that this would be his final official meeting as Mayor of the City. When he decided to seek the office of County Council member for the Second District of Prince George's County, he did it with the knowledge that his resignation from position of Mayor might happen. He made the decision with the knowledge that he would leave the City in good hands and in a strong position and he would have every confidence in the new Mayor and the members of the Council, the City Administrator, the Senior Staff, the employees of the City, and the people of the community. The Mayor said that while his tenure as Mayor had its problems, it had been a rewarding and fruitful experience and he was very proud of the many accomplishments that had been made over the last 5 years, which he knew could not have taken place without the active help of citizens, staff and Council. He respected the contributions of each member of the Council, especially Carl Iddings and Paul d'Eustachio, who had previously served as Mayor Pro Tem. He thanked Councilmember Ed Sharp, who was currently serving as Mayor Pro Tem and Mike Haney, who was the person who encouraged him to get involved more actively in the Takoma Park political life. He thanked City Administrator Wilson, Assistant City Administrator Habada, former DECD Director Dan Neal, the senior staff and the employees for all of their commitment and devotion to the community. He thanked the citizens of Takoma Park and said that their active involvement in the City had made most of his tenure very enjoyable, and that he was proud to be a citizen of Takoma Park. The Mayor also said that he would enjoy the opportunity to represent Takoma Park; both Montgomery County and Prince George's County sides. The Mayor said he knew that there were many things that the Council had wanted to do for a number of years, including getting the Ride-On Bus on the Prince George's side, and he would be looking toward accomplishing that goal. He said the Council had been working for 3 years on the Landlord & Tenant Code, and while much time had been spent on it, he felt that it was important not to rush, but that it was very important to address that issue. He said that the Recycling Program was a great accomplishment. The City had created the first and most extensive recycling program of any municipality in the State of Maryland, but we were falling behind in one area - the recycling of plastics. He suggested the City should aim to recycle plastics through curb-side collections. The Mayor said that the City should adopt a strong procurement policy statement also and that the Code Review needed to proceed. The Mayor concluded by saying that City redistricting needed to be put on the Agenda because it was a decision that would need to be made within the next year.

COUNCIL COMMENTS:

Councilmember Sharp introduced Resolution #1990-102 expressing gratitude to Mayor Del Giudice for his efforts on behalf of the citizens and employees of the City. Mr. Prensky told the Mayor it had been an honor and a pleasure to have served with him on the Council and he felt he was not losing a son but gaining a County Council member and he wished the Mayor well.

Councilmember Hamilton then spoke about Mayor Del Giudice, saying that he had helped him to communicate and work with several programs, including programs for the youth in the City and cable to only name a few.

Councilmember Moore said that working with the Mayor and observing him had been very instructive and rewarding to him since he had been on the City Council, and he would not miss the Mayor because he was his neighbor as well as his Council member, and he said he was looking forward to his counsel and advise.

Councilmember Leary said it was fair to say that there was a fairer and gentler government since Mayor Del Giudice took over 5 years ago. Mr. Leary indicated that he met the Mayor about 5 years ago at a coffee at the beginning of a mayoral election, and that the Mayor had a lot of guts to take on that supposedly unwinnable campaign as well as the one a few months ago.

Councilmember Elrich said that Mayor Del Giudice was very supportive on social issues, such as the area of tenants rights and rent stabilization. Mr. Elrich also said that he had enjoyed working with the Mayor and he was looking forward to a better relationship with Prince George's County as result of the Mayor's election there.

Councilmember Sharp said that he found Mayor Del Giudice's elections to be a lot of fun.

Mayor Del Giudice said that in his last campaign, one of his supporters told him that if he ever decided to run for an elective office again in the State of Maryland, they would move because they had been through the ringer a couple of times, and they were not sure that they wanted to do it again. The resolution passed unanimously.

Councilmember Prensky announced that he had attended a service at the Sligo Adventist Church to see off the delegation that would be traveling to Santa Marta, El Salvador. He said that the delegation would be going under the auspices of the United Nations High Commission on Refugees, and through the efforts of the Companion Cities Project, and the citizens of Takoma Park would be carrying over \$6,000.00 worth of medical supplies to the people in Santa Marta.

RESOLUTION #1990-103
(Attached)

CITIZENS' COMMENTS (those directed at items not on Council Agenda)
Rino Aldrighetti congratulated the Mayor and said he was looking forward to him representing the City on the Prince George's County Council and he hoped the Mayor would represent the citizens in one city and one county - Montgomery County. He then read a letter from Lynn Bradley regarding the most recent proposal to cooperate with the Washington Adventist Hospital (WAH) on issuing another bond for upcoming improvements. She supported the City's preliminary intention to provide such bond approvals while at the same time seeking some kind of payment in lieu of taxes or other financial adjustment as had been done previously by Takoma Park. She also opposed a helicopter transport system being installed directly in a residential area and asked that the City seek to formalize official City representation on the WAH Board of Directors.

PUBLIC HEARINGS:

Proposed Speed Humps - Garland Avenue, "Little" Eastern Avenue, Woodland Avenue, Baltimore Avenue, and Erie Avenue

Jim MacPherson, 7443 Baltimore Avenue and several others from Baltimore Avenue (Michael Marx, Ellen Ramsey, and Michael Shibley) spoke in favor of one speed hump on Baltimore Avenue, preferably two. They also suggested replacing the "Yield" sign at the intersection of Baltimore and New York Avenues with a "STOP" sign.

Peter Dowling, 8005 Maple Avenue favored speed humps on Erie Avenue. He recommended removing the speed hump that is farthest south or west on Erie, and moving it closer to Maple Avenue because of the bad turn, and it would reduce speed coming up and down the hill.

David Dickerson 7710 Garland Avenue spoke in favor of the proposal for Garland Avenue. He also said that the speed humps needed to be moved closer to the city limits in order to slow down the drivers. He suggested putting one speed hump at the city limit line and the other one should be left as is.

Leona Overton, 7440 Baltimore Avenue proposed putting a guard rail on the south side of Philadelphia Avenue because of the speeders coming downhill.

Paul Rhymer, 711 Erie Avenue favored a speed hump on Erie Avenue.

Jay Bayerl, 6733 Eastern Avenue spoke in favor of the two humps and said that his neighborhood association made the proposal a year ago and it had been approved unanimously.

Rino Aldrighetti asked about a waiver of normal State Highway Department policy to permit speed humps on Piney Branch Road. City Administrator Wilson said that the Council had spoken with State Highway officials about a waiver to permit speed humps and were told it was not possible.

City Clerk Jewell gave names of persons who had called in reference to the speed humps: Ray Arner 7809 Garland Avenue, against speed humps being placed on Garland Avenue; Susan R. Mason 7429 Baltimore Avenue, in support of speed humps for Baltimore Avenue.

Mayor Del Giudice said for the purposes of the next discussion, the speed humps had been supported by a petition of the residents in the City in sufficient quantity to meet the guidelines, and had been certified by the Clerk.

First Reading Ordinance - Speed Humps for Above Locations

Moved by Councilmember Leary and duly seconded by Councilmember Hamilton. Mr. Leary said that a stop sign should be installed at the corner of New York and Baltimore Avenues and that some kind of provision to prohibit left turns from Philadelphia into Baltimore, at least during rush hour would also be desirable. He also said that some method had been tried to gather citizens' suggestions about the kind of traffic control method that they felt was needed in their neighborhoods, but it had been unsuccessful. Mr. Leary urged all who had made suggestions to follow up in writing to assure action would be taken.

Mr. Laster, the Deputy Public Works Director, said that he had recommended two speed humps for Baltimore Avenue.

Mayor Del Giudice said that he did not understand why there were streets like Baltimore and Erie that have 30 mph speed limits since they are clearly residential streets. He also said that the staff should review the streets in the City where there were 30 mph speed limits on residential streets and bring them forward for change under the City's code so they could be posted at 25 mph.

Councilmember Prensky said the State Legislation stated that any street that was posted by the City as 25 mph speeds prior to 1971 may have that 25 mph speed limit, all others had the State mandated 30 mph speed limit unless an engineering study was done on each individual street. Motion was made to adopt the ordinance as presented with the understanding that it would be reviewed at worksession and possibly amended.

COUNCIL ACTION: The Ordinance at first reading carried by unanimous vote (ABSENT: Douglas).

ORDINANCE #1990-57
(Attached)

(Motion was made to remove the Second Reading of an Ordinance amending the FY'91 Budget from the Consent Agenda by Councilmember Hamilton and duly seconded by Councilmember Moore.)

PUBLIC HEARING - Public Hearing Re: FY'91 Budget Amendment #1 and Second Reading Ordinance Re: FY'91 Budget Amendment #1

Motion to adopt the budget amendment ordinance was moved by Councilmember Hamilton and duly seconded by Councilmember Moore.

Councilmember Moore said, regarding the earlier discussion about possibly adding speed humps, he wondered if the Council should add more money to the appropriation already in the budget amendment. Mayor Del Giudice responded that the amendments which were made in the Ordinance since First Reading needed to be taken up first--the addition of expenditure items in paragraphs (c) and (f), and capital budget item, paragraph (a), and the deletion of a revenue amendment, paragraph (b). The amendments were moved by Councilmember Moore and duly seconded by Councilmember Hamilton. The Mayor noted the most significant of the amendments, was to add money previously reserved for the Municipal Building's renovation. The amendments passed. (NAY: Councilmember Prensky; ABSENT: Sharp and Douglas).

The Mayor then addressed Mr. Moore's question about adding additional funds for the speed hump on Baltimore and Erie Avenue. Ms. Habada explained that in expenditure amendment, paragraph (a), the transfer amount should be increased by \$525 per speed hump. Councilmember Moore moved to increase the expenditure amount by \$525 for the additional speed hump and this was duly seconded by Councilmember Hamilton. Mr. Elrich commented that it would be better to add the funds now for the speed humps expected to come before the Council later. The Council agreed and Mr. Moore withdrew his previous motion and moved an amendment to put a total of \$9,000 into the expenditure amount for the other speed humps expected to come before the Council at a later date. The motion carried.

COUNCIL ACTION: The question was called and the ordinance, as amended, was accepted at first reading. (NAY: Prensky; ABSENT: Douglas).

Mr. Elrich commented that he supported the Budget Amendment but pointed out that the commitment of \$250,000 towards Municipal Building renovations were merely a down payment toward the complete renovation of the project and in reality, the project would run in excess of \$400,000.

Mr. Prensky commented that for those same reasons, he had voted Nay on the Budget Amendment, but that he would address his comments during the next agenda item.

ORDINANCE #1990-56
(Attached)

Item #1. Single Reading Ordinance Authorizing Purchase of Backhoe
Assistant City Administrator Habada indicated that there was one correction on the Salt Spreader. It should read \$3,345 for each Spreader; \$6,690 for two.

City Administrator Wilson indicated that there was an analysis of the bid specs versus the three bids that he had, and his recommendation was to get the JCB 1550b because it met all of the specifications and also it was within the budget.

Councilmember Sharp said the equipment is the least expensive because a non-responsive bid was not a bid, and that the City Council would be purchasing the low bid. Motion to adopt the Ordinance at Single Reading was moved by Councilmember Moore and duly seconded by Councilmember Hamilton.

Councilmember Prensky moved to strike the 4th "whereas" clause; the reference that Chesapeake Supply and Equipment is not involved in the nuclear weapons industry, this was seconded by Councilmember Hamilton.

COUNCIL ACTION: The ordinance, as amended, was adopted by Roll Call Vote (ABSENT: Douglas).

ORDINANCE #1990-58
(Attached)

#2. Resolution Re: Municipal Building Space Plan

Councilmember Hamilton moved adoption and duly seconded by Councilmember Sharp.

Mayor Del Giudice indicated that the Newsletter contained an article on the building renovation which contained a misstatement of fact with regard to the architects that the City had hired to work with the City on the project. He said that the misstatement was the suggestion that the City had in their budget deliberations put \$250,000.00 aside to do the renovation based on a preliminary estimate given to the City by the architects. In fact, that preliminary estimate was made by City staff; it was revised upward only after several months work by the architects. The Mayor said the City and the Newsletter owed the architects an apology. He suggested having a public briefing after the holidays, after which he felt the citizens would be willing to support the project.

Councilmember Prensky said he was against the Resolution, but he wanted to go on record that he does not question the need for that type of renovation. He opposed the Resolution because the Council was committing itself to spend \$175,000.00 of next year's tax money without adequate information or adequate input from the public, and there were a large number of costs to the project that were currently unknown; the potential for asbestos removal, the cost of a telephone system expansion and relocation, cost of additional furnishings, cost of moving, cost of locating temporary space if the moving renovations and staging of the renovations makes necessary temporary quarters, relocation of larger security systems, and relocation of police telecommunication equipment, all of which had not been presented with adequate estimates. He was not willing to vote on an expansion without an adequate plan in place.

Councilmember Sharp said he wanted to emphasize a point which Mr. Elrich alluded to. He said the decision of going from \$250,000 to \$425,000 was not a decision the Council was forced into because of the earlier decision. If he felt that the \$425,000 project was unwanted and unneeded by the City, he would be willing to cancel the whole project at that point and absorb whatever costs were involved in the architectural plans. He said the \$175,000 may or may not come out of next year's tax money; it may be available out of the 1990 reserve.

Councilmember Leary said he supported the Resolution because he felt the overriding purpose of it was to put the Council on record and to put the City staff on notice that there would be no more spent on the project, despite any additional unanticipated costs.

Councilmember Hamilton said he supported the Resolution of \$425,000.00 because the Council had to provide adequate working space, adequate facility space, etc., including adequate facilities for female employees. He said that the \$425,000.00 was not adding anything onto the building; it was maximizing the use of the internal workings of the building without touching the second floor.

Brandon Lipman said he felt the City staff gave a reasonable preliminary estimate since some of the costs could not have been anticipated until the detailed architectural cost estimate was completed.

Councilmember Prensky said that he does not understand why the Council is moving ahead with the potential \$175,000 extra expenditure without knowing where it stands. This could very well involve excess taxpayer's funds from the current fiscal year, or may force the citizens into looking at additional bonding which may have the City borrowing money from a bank without adequate discussion on the part of the citizens. He concluded by saying that when the time came to set the tax rate for FY'91, the citizens would be concerned whether the City had committed the excess tax funds which they had paid without their discussion.

Mayor Del Giudice commented that the decision was not a final one; it was the Council saying "let's go forward and this is as much as we are going to spend." The Mayor said none of the funds would be spent until a second budget amendment had been done. He also said that the project had been discussed before in public hearings and there had been another public briefing on the space renovation, and that the only critical comment that was received was "don't move recreation off the first floor."

Mike Haney, 7806 Lockney Avenue said he had served on the City Council from 1983-1987 and he recalled a discussion like the present one to be going on when he had served on the Council. He said that at that time there was no revenue available. He was glad to see the series of projects undertaken in recent years to get the City up to where it should be, including the Police Department, Public Works Department, etc. He said in terms of payment for the project, whether it be from revenues or through the bonding process, it needed to be looked at in terms of everything that the City had. He then congratulated Mayor Del Giudice for a job well done.

COUNCIL ACTION: The Resolution passed by a 5-1 vote (NAY: Prensky, ABSENT: Douglas).

RESOLUTION #1990-104
(Attached)

#3. Inducement Resolution Re: Washington Adventist Hospital Board
Councilmember Elrich moved to adopt the Resolution and Councilmember Sharp duly seconded. Mayor Del Giudice announced that for the record that there had been a presentation by the representatives of the Washington Adventist Hospital at the last worksession, that members of the community were there who participated in the discussions, and there were representatives at the Council meeting if anyone wanted further discussion on the resolution. The Mayor asked whether or not the current plan for the addition which was being considered included the possibility of a heliport.

Virginia Pissarra, Vice President of the Washington Adventist Hospital said the hospital presently did receive helicopter patients and that the helicopter landed at Takoma Academy, which is located at Carroll Avenue and University Boulevard. She said the subject which had been raised both by Emergency Services as well as the medical staff was the idea of a "helistop", which meant that you never station a helicopter there; it would only be a drop-off point. She said that the project was new and that it would be an item which she knew would be very sensitive to the community.

Councilmember Elrich said he did not think that many people would be happy with helicopters flying into their residential neighborhoods.

Councilmember Sharp said he was surprised by the questions about conditions because the only thing that he was agreeing to was that the Council would be discussing the bond.

Rino Aldrighetti said he wanted to compliment Ms. Pissarra, and said that it was a new sign for the hospital, and he hoped it would be a continuing sign. He further said he thought it was important to the hospital to understand that when neighbors are treated as neighbors they progress a lot further in terms of the kinds of things that they need. Mr. Aldrighetti asked whether the City would get a fee by being the broker of the bond. Mayor Del Giudice responded that the City would receive a fee.

COUNCIL ACTION: The resolution passed unanimously (ABSENT: Douglas).

RESOLUTION #1990-105
(Attached)

#4. First Reading Ordinance - MICRF Loan Agreement - 6 Grant Avenue

Councilmember Hamilton moved adoption of the Ordinance and Councilmember Elrich recused himself from deliberations because of ongoing involvement with the Takoma Junction area. Councilmember Leary said since the Resolution had been before the Council so many times, he would be brief and explain why he would vote against it. He said he thought the loan was a bad deal for the City and Constructive Alternatives because it was not a promising project given the current economic situation and a large number of the citizens in the neighborhood do not want the development at that spot. He also said the agreement which had been drawn up by City staff would protect City taxpayers and if it had to be done, he was glad that John Fleming was doing it because he recognized and applauded the conscientious and sensitive nature of the work that he had done in the City.

Councilmember Hamilton asked whether the City was responsible for the loan. Nancy Grimmer, Director DHCD responded by saying that the City had responsibility to the State and the City had received a letter from the State giving conditional approval for the loan at a rate of 7.1% interest. The City loan to the developer would then be 8.1% interest to recover some of the administrative costs in handling. Mr. Hamilton then asked the City Administrator if he had he received anything that substantiated what had been discussed about construction costs. Mr. Wilson responded that there was a slowdown in construction - 6% less than it was in November 1989, and he had heard some people say that this situation would exist for 6 months more and others had said 2 years. However, he did not see this as a long term problem based on the current market.

Councilmember Prensky said that he felt that the risks to the City were minimal and he would vote in favor of the ordinance.

John Fleming 6907 Westmoreland Avenue said that his project was not particularly contingent on the successful development of the Co-op property and that they had a small project - 3000 leasable feet and

there were a number of people who had expressed an interest in leasing space. He said that the State underwriting standards had been met and that they could lease 70% of the project and still be carrying it successfully. He further stated that the plan would be a 5-year one. Mr. Hamilton asked what would happen if the project could not get refinancing. Mr. Fleming responded by saying that they would sell it. Mr. Prensky said that he did not feel that the City was at risk, even if the land were to get sold at a loss. He expressed his confidence in Mr. Fleming and Constructive Alternatives.

COUNCIL ACTION: The ordinance was accepted at first reading by a 4-1 vote. (NAY: Leary; ABSENT: Douglas; RECUSED: Elrich).

ORDINANCE #1990-59
(Attached)

#5. First Reading of Procurement Ordinance

Moved adoption by Councilmember Moore and seconded by Councilmember Hamilton. Mayor Del Giudice said that he wanted to make clear that the version of the ordinance being considered was dated November 21, 1990.

COUNCIL MEETING: Motion to accept at first reading carried unanimously. (ABSENT: Douglas) Mayor Del Giudice said that the recycling of plastics, etc. would be discussed at the next worksession to be held on December 3rd.

ORDINANCE #1990-60
(Attached)

#6. Resolution In Support of Sunday Closure of Sligo Creek Parkway From Maple Avenue to Piney Branch Road

Moved adoption by Councilmember Elrich and duly seconded by Councilmember Prensky. Mayor Del Giudice said that one of the first things that he had done when he served on the City's Traffic Committee was to close down the park to motorists. He said that children could play and ride bikes and did not have to worry about traffic and the Recreation Department gave rodeos there also.

COUNCIL ACTION: The resolution carried unanimously (ABSENT: Douglas).

RESOLUTION #1990-106
(Attached)

#7. Resolution Appointing City Representative to Citizens Cable Advisory Committee

Moved by Councilmember Sharp and duly seconded by Councilmember Moore. Mr. Sharp announced that Michael Strait, 1016 Maple Avenue, had been chosen.

COUNCIL ACTION: The resolution carried by unanimous vote (ABSENT: Douglas).

RESOLUTION #1990-107
(Attached)

#8. Resolution Expressing Appreciation to Bruce Moyer for 10 Years Service to Cable Citizens Advisory Committee

Moved adoption by Councilmember Hamilton and seconded by Councilmember Prensky.

COUNCIL ACTION: Mayor Del Giudice asked that the record reflect that the resolution was adopted unanimously (ABSENT: Douglas).

RESOLUTION #1990-108
(Attached)

#9. Resolution Appointing Members to Martin Luther King, Jr. commemoration Committee

Moved adoption by Councilmember Hamilton and duly seconded by Councilmember Prensky.

COUNCIL ACTION: The Resolution carried by unanimous vote (ABSENT: Douglas).

RESOLUTION #1990-110

#10. Single Reading Ordinance Authorizing Purchase of Salt Spreader

Motion to adopt by Councilmember Hamilton and seconded Councilmember Moore. The Ordinance moved for \$6,690.000 as was corrected previously.

Councilmember Hamilton asked if there was a way to get a clarification on what the Consent Agenda would mean. Mayor Del Giudice responded by saying that the Council did not have standing rules, and that he had put items on the Consent Agenda, which he thought would flow without discussion. He wished his successor and the rest of the Council good luck.

Upon motion duly made and seconded, the Council meeting adjourned at 11:35 p.m., to reconvene in Regular Session on December 3, 1990.

Introduced by: Councilmember Sharp

R E S O L U T I O N

#1990-103

WHEREAS, on December 3, 1990, Stephen J. Del Giudice will resign from the office of Mayor of Takoma Park in order to assume the duties of Councilmember, District 2, of the Prince Georges County Council; AND

WHEREAS, it is this Council's desire to take note of, and express appreciation for, Stephen J. Del Giudice's service to the City as Mayor during the period November 1985 to date; AND

WHEREAS, Mayor Del Giudice was responsible for providing the leadership for a number of positive changes in this City government, that include but are in no way limited to the following: negotiating the first Fire Service Agreement between Montgomery County, Prince George's County and the City of Takoma park in 1985; enacting the 1986 Tenants Right of First Refusal Legislation; developing the first local employee classification system for Takoma Park in 1986; initiating the City's first collective bargaining agreement in 1987, that authorized City employees to organize as a labor union; negotiating the City's first Police Rebate Agreement with Montgomery County in 1988; transferring stormwater management responsibilities to the City in 1989 and successfully carrying out the City Centennial Celebration in 1990.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park, Maryland does hereby take recognition of all the accomplishments of Stephen J. Del Giudice, and expresses sincere gratitude for his valued efforts on behalf of Takoma Park and its citizens and the City employees.

BE IT FURTHER RESOLVED THAT this resolution be spread among the permanent records of the City of Takoma Park.

November 26, 1990

ATTEST:

Paula S. Jewell, City Clerk

Introduced by:

1st Reading: 11/26/90
2nd Reading:
Effective:

ORDINANCE #1990-57

INSTALLATION OF SPEED HUMPS

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of new subsections to Section 1, as set forth below:

Section 1. That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Md., 1972, as amended, be installed at the following locations:

(t) Garland Avenue, between Maplewood and Carroll Avenues, up to two speed humps within the City limits, to be installed 200 feet from the stop sign at Carroll Avenue.

(u) Eastern Avenue, between Walnut and 1st Avenues, two speed humps. One speed hump to be placed approximately 300 feet from Walnut Avenue, adjacent to 6749 Eastern Avenue, and one speed hump to be placed 450 feet from the first hump adjacent to 6705 Eastern Avenue.

(v) Woodland Avenue, between Elm and Beech Avenues, one speed hump to be placed approximately 280 feet from the existing speed hump on Woodland, approximately 240 feet from Elm Avenue.

(w) Baltimore Avenue, between New York and Philadelphia Avenues, one speed hump to be placed approximately 200 feet from Philadelphia Avenue, adjacent to _____ Baltimore Avenue, and the second speed hump to be placed approximately 300 feet from the intersection of New York Avenue.

(x) Erie Avenue, between Maple and Flower Avenues, two speed humps. One speed hump to be placed approximately 226 feet from Maple Avenue adjacent to 706 Erie Avenue, and one speed hump located 250 feet from the first hump, adjacent to 716 Erie, approximately 320 feet from Flower Avenue.

SECTION 2. THAT funds to cover these installations be

appropriated from Capital Expenditures, Account
9100-8001.

SECTION 3. THAT this Ordinance becomes effective upon adoption.

ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 1990, BY
ROLL CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSTAINED:

ABSENT:

First Reading: November 13, 1990
Second Reading: November 26, 1990

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

**ORDINANCE #1990-56
FY 91 BUDGET AMENDMENT NO. 1**

AN ORDINANCE TO AMEND THE FISCAL YEAR 1991 BUDGET

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

SECTION 1. that the Fiscal Year 1991 Budget be amended as follows:

REVENUE AMENDMENTS

a. Appropriate \$44,888 from prior years unappropriated reserve for two 4x4 trucks.

[b.]

EXPENDITURE AMENDMENTS

a. Transfer [\$3,675] \$9,000 from Account 9000-7010, General Contingency, to Account 9100-8001, Capital Expenditures for installation of speed humps.

b. Transfer \$5,000 from Account 9000-7010, General Contingency, to Public Works Account 3600-6145, Subcontract Work, for hazardous waste removal.

c. Appropriate \$44,888 to Account [9100-8001] 9100-8000, Capital Equipment, for purchase of two 4x4 trucks for Public Works.

d. Transfer \$6,000 from Account 8000-7300, Debt Service - Bonded Indebtedness to Account 9200-8100, Special Revenue Fund Transfer, to cover City match on K-9 grant project.

f. An appropriation of \$250,000 is added to Account 9100-8001, Capital Expenditures, for municipal building space renovation construction expenses.

CAPITAL BUDGET

- a. An appropriation of \$250,000 is authorized for municipal building space renovation construction.

SPECIAL REVENUE BUDGET

REVENUE AMENDMENTS

- a. Appropriate \$18,000 to Account 0010-3383, Federal Drug Grant (K-9 Grant), for receipt of federal funds through the State of Maryland.
- b. Increase Account 0010-3385, General Fund Transfer by \$6,000 for City match on K-9 grant project.
- c. Appropriate \$14,431 to Account 0010-3377, Forest Park, to reflect funding overlap from FY 90 for continuation of a park development project.

[d.]

[e.]

SPECIAL REVENUE BUDGET

EXPENDITURE AMENDMENTS

- a. Appropriate \$24,000 to Account 0010-7240, Drug K-9 Grant Project for K-9 purchase, training, equipment and purchase of a patrol vehicle.
- b. Appropriate \$14,431 to Account 0010-7186, Forest Park, for continuation funding of a park development project begun in FY 90.
- c. Transfer \$5,520 from Account 0010-7177, Erie Avenue Street Improvements to Account 0010-7176, Erie Avenue Facade Easements.

Page Three
FY 91 Budget Amendment No. 1

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

Upon motion by Councilmember Hamilton, duly seconded by Councilmember Moore, the ordinance was adopted by roll call vote as follows:

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

d#O/R2
O-91BA1

Introduced by: Councilmember Moore Adopted: 11/26/90
(Single Reading)

Ordinance 1990-58

WHEREAS, the Fiscal Year 1990-91 City Budget earmarked \$60,000 in the Capital Budget for the purchase of a Backhoe/Loader for the Public Works Department; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from 5 qualified bidders and advertised in a newspaper of local circulation; AND

WHEREAS, bids were received from 2 companies, with a low bid of \$43,500.00 being received from Chesapeake Supply and Equipment; AND

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

SECTION 1: That the low bid of \$43,500.00 for a Backhoe/Loader JCB 1550B from Chesapeake Supply and Equipment is hereby accepted; AND

SECTION 2: That the funds to cover this purchase in the amount of FORTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$43,500.00) be charged to the Capital Expenditures Account 9100-8000.

Adopted this 26th day of November, 1990

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

NAY: None

ABSTAIN: None

ABSENT: Douglas

Introduced by: Councilmember Hamilton

RESOLUTION NO. #1990-104

REGARDING MUNICIPAL BUILDING SPACE PLAN

WHEREAS, during FY'91 City budget deliberations Council approved revenue to be dedicated at a later date towards a redesign of existing municipal building space in order to accomodate growing space demands; AND

WHEREAS, Architectural plans have been presented to the Council and reviewed and discussed at length by the City Council and City staff on a comprehensive plan to accomodate the space needs of all City departments; AND

WHEREAS, The City Council desires to authorize the project start-up in a manner which is cost efficient and effective based on architectural recommendations.

NOW THEREFORE BE IT RESOLVED THAT a cap of \$425,000 is hereby set for the renovation plans presented and this amount is to include transitional costs of moving, security measures, telephone transfers and hook-ups, and asbestos removal (if any); AND

NOW THEREFORE BE IT RESOLVED THAT the City Administrator is hereby authorized to request that an asbestos inspection and obtain costs for the removal of any asbestos; AND

BE IT FURTHER RESOLVED THAT the City Administrator is also authorized to investigate a cost-effective way to provide tool library services at another location outside the Municipal Building without affecting the quality of those services.

Dated this 26th day of November, 1990.

RESOLUTION NO. 1990-105

A RESOLUTION OF INDUCEMENT ADOPTED PURSUANT TO THE MARYLAND ECONOMIC DEVELOPMENT REVENUE BOND ACT PROVIDING FOR THE ISSUANCE AND SALE BY THE CITY OF TAKOMA PARK, MARYLAND AS ITS LIMITED OBLIGATION AND NOT UPON ITS FAITH AND CREDIT OR PLEDGE OF ITS TAXING POWER, OF ONE OR MORE SERIES OF ITS BONDS (AS DEFINED IN SUCH ACT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 PLUS SUCH AMOUNT AS IS NECESSARY FOR THE REFUNDING OF PRIOR BONDS OF WASHINGTON ADVENTIST HOSPITAL, INCORPORATED (THE "HOSPITAL"). THE PROCEEDS OF THE BONDS SHALL BE USED FOR THE PURPOSE OF REFUNDING CERTAIN PRIOR BONDS, REFINANCING OTHER INDEBTEDNESS OF THE HOSPITAL, REFINANCING EQUIPMENT, LEASES AND OTHER CAPITAL EXPENDITURES RELATED TO FACILITIES USED BY THE HOSPITAL, FINANCING COSTS RELATED TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, IMPROVEMENT AND EQUIPPING OF FACILITIES TO BE USED BY THE HOSPITAL OR RELATED TO THE HOSPITAL, REIMBURSING PRIOR CAPITAL EXPENDITURES RELATED TO FACILITIES USED BY THE HOSPITAL AND FINANCING WORKING CAPITAL.

WHEREAS, Article 41, Sections 14-101 et seq. of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Issuer to issue revenue bonds for the purposes of financing the costs of acquisition of facilities, including hospital facilities, refunding outstanding bonds, funding reserves, paying costs associated with the issuance of bonds and any other use allowed pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to loan the proceeds thereof to facility users; and

WHEREAS, the Hospital Facilities Revenue Bonds, Series 1982 (Washington Adventist Hospital, Incorporated Project) were issued in the principal amount of \$24,400,000 (the "Series 1982 Bonds") pursuant to an Indenture of Trust dated as of September 1, 1982 and the proceeds of such Series 1982 Bonds were lent to Washington Adventist Hospital, Incorporated (the "Hospital") to (i) refund certain prior bonds issued in 1970, 1971, 1978 and 1981, (ii) refinance certain debts and (iii) finance a portion of the cost of acquisition of hospital facilities (the "Facilities") owned and operated by the Hospital; and

WHEREAS, the Hospital Facilities Revenue Refunding Bonds, Series 1983 (Washington Adventist Hospital, Incorporated Project) were issued in the principal amount of \$28,350,000 (the "Series 1983 Bonds") pursuant to an Indenture of Trust dated as of August 1, 1983 for the purpose of refunding the Series 1982 Bonds; and

WHEREAS, the City of Takoma Park, Maryland (the "Issuer") previously issued its Tender Option Hospital Refunding Bonds, Series 1985 (Washington Adventist Hospital, Incorporated Project) in the principal amount of \$25,950,000 (the "Series 1985 Bonds") pursuant to a Trust Indenture dated as of December 1, 1985 for

the purpose of redeeming the Series 1983 Bonds on September 1, 1993; and

WHEREAS, officials of the Issuer have been informed by representatives of the Hospital that the Hospital is planning to (i) refund certain prior bonds, (ii) refinance other indebtedness of the Hospital, (iii) refinance equipment, leases and other capital expenditures related to facilities used by the Hospital, (iv) finance costs related to the acquisition, construction, installation, improvement and equipping of facilities to be used by the Hospital or related to the Hospital and (v) reimburse prior capital expenditures related to facilities used by the Hospital and (vi) finance working capital (the "Project"); and

WHEREAS, the Hospital has estimated that the cost of the portion of the Project described in (ii) (iii) (iv) (v) and (vi) above will be \$40,000,000 and the cost of the portion of the Project described in (i) above will be based in part on interest rates in effect at the time of issue; and

WHEREAS, after initial review of the nature of the proposed Project as represented by representatives of the Hospital, the Issuer has determined that the Project will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State and in the City of Takoma Park; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in the City of Takoma Park; (c) assisting in the retention of existing industry and commerce and the attraction of new industry and commerce in the State and in the City of Takoma Park; (d) promoting economic development in the State and in the City of Takoma Park; and (e) generally promoting the health, welfare and safety of the residents of the State and the City of Takoma Park; and

WHEREAS, based upon representations made by representatives of the Hospital, the Issuer has further determined that the most feasible method of financing the Project is for the Issuer to issue its revenue bonds (the "Bonds") and make the proceeds available to the Hospital for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Takoma Park as follows:

1. That the Issuer does hereby declare its present intention to authorize the issuance of the Bonds under and in accordance with the applicable laws of the State of Maryland in an aggregate principal amount not to exceed \$40,000,000 plus such additional amounts as are necessary to refund the Series 1983 Bonds and the Series 1985 Bonds to the extent permissible and economically advantageous and to loan such amount to the Hospital, upon such terms and conditions as may be agreed upon by the Issuer and the Hospital.

2. The officers and employees of the Issuer are hereby authorized to take such further actions as may be requested by the Hospital in furtherance of the issuance of the Bonds, including without limitation, the execution of documents and certificates required in connection with the marketing of the Bonds; provided, however, further legislative action on the part of the Issuer shall be required to authorize the issuance of the Bonds. The form and terms of the Bonds and related documents shall be satisfactory to the Issuer and its counsel.

3. That the Bonds shall be limited obligations of the Issuer, payable solely from revenue received under the documents to be prepared and executed in furtherance of and for the purpose of completing the Project.

4. That the issuance of such Bonds shall be contingent upon the satisfaction of such further conditions or arrangements as may be set forth by the Issuer, and that the adoption of this Resolution is and constitutes the taking of affirmative official action by the Issuer towards the issuance of the Bonds within the meaning of the United States Internal Revenue Service Regulations.

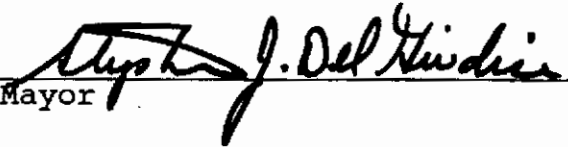
5. All costs and expenses in connection with the authorization, issuance and sale of the Bonds and the acquisition, construction, installation, improvement and equipping of the Facilities, including the fees and expenses of counsel to the Issuer, shall be paid by the Hospital whether or not the Bonds are issued, it being understood that the Issuer shall have no responsibility therefor. All such costs and expenses may be paid from the proceeds of the Bonds. to the extent permitted under the Act and the Code.

6. The adoption of this Resolution shall not constitute an approval or endorsement of the Facilities by the Issuer for any purpose other than the official action of the Issuer described in Section 4. The Issuer specifically reserves the right to review and approve the Facilities or any portion thereof under any other applicable law, rule or regulation, and to exercise its discretion in connection with any such review or approval.

7. The adoption of this Resolution shall not constitute an approval or endorsement of the Bonds or the creditworthiness of the Hospital by the Issuer or an expression of any opinion by the Issuer as to the suitability of the Bonds for investment by any person.

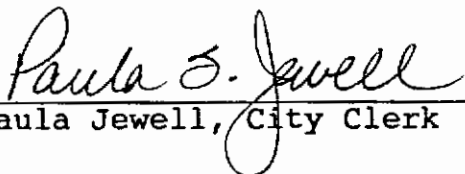
ADOPTED by the City Council this 26th day of November, 1990.

CITY OF TAKOMA PARK



Mayor

THIS IS TO CERTIFY that the
foregoing Resolution was adopted
by the City Council, in public meeting
assembled, on the 26th day of
November, 1990.



Paula Jewell, City Clerk

TAK00102.RSO
(11-21-90)

Introduced by: Councilmember Hamilton 1st Reading: 11/26/90
2nd Reading:

ORDINANCE NO. 1990-59
(MICRF Loan -- 6 Grant Avenue Project)

WHEREAS, the City of Takoma Park (the "City") has submitted an application dated September 10, 1990 to receive a loan of funds from the Department of Economic and Employment Development of the State of Maryland (the "Department") from the Maryland Industrial and Commercial Redevelopment Fund ("MICRF") in the amount of \$297,000.00 (the "Loan"), to undertake the acquisition of a parcel of land improved by a 2,200 ± square foot existing building, the rehabilitation of, and the construction of a 1,000 ± square foot addition to, that building located at 6 Grant Avenue, Takoma Park, Maryland, to enable the building to be used for professional office space ("6 Grant Avenue Project"); and

WHEREAS, the City agrees that the Loan shall be used in accordance with Maryland law relating to MICRF set forth in Sections 5-501 through 5-507 of Article 83A of the Annotated Code of Maryland, and the applicable regulations, for the purposes set forth in the application described above; and

WHEREAS, the City has received a letter dated October 5, 1990 from the Secretary of the Department conditionally approving the Loan to the City (the "Letter of Conditional Commitment"); and

WHEREAS, the Council has determined that it is in the best interests of the citizens of the City that the City accept the Letter of Conditional Commitment and participate in the financing of the rehabilitation and construction of an addition to the building at 6 Grant Avenue, Takoma Park, Maryland, as described above; and

WHEREAS, the City intends to reloan the MICRF loan proceeds to Constructive Alternatives, Inc., a Maryland corporation, that will carry out the 6 Grant Avenue project.

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

SECTION 1. The City Administrator and/or the City Administrator's designee are authorized and empowered to accept the Letter of Conditional Commitment, to borrow from the Department the amount of \$297,000.00 and to evidence the Loan and its terms and conditions by executing and delivering a Loan Agreement and a Promissory Note between the City and the Department, in substantially the form as Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. The City Administrator and/or the City Administrator's designee are authorized and empowered to reloan the MICRF loan proceeds to Constructive Alternatives, Inc., a Maryland corporation, to be used solely to carry out the 6 Grant Avenue Project and to evidence the reloan and its terms and conditions by executing and delivering a Loan Agreement, Promissory Note, Deed of Trust, Security Agreement, and Financing Statement between Constructive Alternatives, Inc. and the City, in substantially the same form as Exhibit B attached hereto and incorporated herein by reference.

SECTION 3. This Ordinance shall be effective upon its adoption.

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

Aye:
Nay:
Abstained:
Absent:

loan.res
corr82/cp

1st Reading: 11/26/90
2nd Reading:

Introduced by: Councilmember Moore

ORDINANCE NO. 1990-60

AN ORDINANCE TO ENACT CHAPTER 9A - PURCHASING., OF THE TAKOMA PARK CITY CODE.

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

SECTION 1. THAT Chapter 2, Administration, Article 4. Finance., Code of Takoma Park, Maryland, 1972 as amended, is repealed and replaced with the following:

CHAPTER 9A - PURCHASING

ARTICLE I. GENERAL

Sec. 9A-1. Purpose.

The purposes of this article are:

- (1) To provide for fair and equitable treatment of all persons involved in public purchasing by the City;
- (2) To ensure the maximum purchasing value of public funds in procurement; and
- (3) To provide safeguards for maintaining a procurement and disposition system of quality and integrity.

Sec. 9A-2. Scope.

This article applies to every disposition for value or expenditure of public funds by the City for public purchasing irrespective of its source. When the procurement or disposition involves Federal assistance or contract funds or is subject to Federal regulations, the procurement or disposition shall be conducted in accordance with any applicable mandatory Federal law and regulation which is not reflected in this article. Nothing in this article shall be construed as prohibiting or limiting the City's right to employ its own personnel for the construction or reconstruction of public improvements or any other purpose without advertising for or receiving bids or proposals.

Introduced by: Councilmember Elrich

RESOLUTION NO. 1990-106

WHEREAS, Sligo Creek Park is an important recreational resource;
AND;

WHEREAS, Sligo Creek Park is an important environmental resource
in an increasingly urban environment; AND;

WHEREAS, automobile traffic contributes to the stress on the eco-
system of the Sligo Creek Park; AND

WHEREAS, residents of the Between the Creeks Neighborhood
Association have asked the M-NCPPC to close a section of
the park, from Maple Avenue to Piney Branch Road, to
automobile use on Sundays; AND

WHEREAS, the City of Takoma Park believes that such a closure of
the Park would contribute to improved recreational usage
while reducing the Park's exposure to environmental
pollutants.

NOW, THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park
supports the efforts of citizens to close a section of
Sligo Creek Parkway to automobile traffic on Sundays; AND

BE IT FURTHER RESOLVED THAT the City Council of Takoma Park urges
the M-NCPPC to take the necessary steps to implement the
Sunday closure of Sligo Creek Parkway.

Dated this 26th day of November, 1990.

ATTEST:

Paula S. Jewell
City Clerk



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

RESOLUTION #1990-107

APPOINTING CITY REPRESENTATIVE TO THE CITIZENS CABLE
ADVISORY COMMITTEE

WHEREAS, the Montgomery County Citizens Cable Advisory Committee (CCAC) was established to provide advice and recommendations on the administration of County Chapter and other municipal franchise agreements; AND

WHEREAS, the CCAC membership includes one representative selected by the Montgomery County Chapter of the Maryland Municipal League, one representative selected by the City of Rockville and one representative selected by the City of Takoma Park; AND

WHEREAS, effective October 1, 1990, the Takoma Park representative, Mr. Bruce Moyer, resigned his membership on the CCAC; AND

WHEREAS, the Takoma Park Council desires to appoint another City resident to serve as the City's representative on the CCAC.

NOW THEREFORE, BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland, hereby appoint the following individual to serve as the representative on the Citizens Cable Advisory Committee:

<u>NAME</u>	<u>ADDRESS</u>
Michael Strait	1016 Heather Avenue Takoma Park, MD 20912

BE IT FURTHER RESOLVED, THAT this appointment is effective immediately.

Dated this 26th day of November, 1990.

Introduced by: Councilmember Hamilton

RESOLUTION #1990-108

EXPRESSING APPRECIATION TO BRUCE MOYER

WHEREAS, the Montgomery County Citizens Cable Advisory Committee was established approximately 10 years ago to provide advice and recommendations on the administration of municipal franchise and the County chapter agreements; AND

WHEREAS, ever since the establishment of the CCAC, Takoma Park resident, Mr. Bruce Moyer, has served in a volunteer capacity as the Takoma Park representative on this Committee; AND

WHEREAS, effective October 1, 1990, Mr. Bruce Moyer resigned his long-standing membership on the CCAC.

NOW THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland hereby expresses sincere appreciation to Bruce Moyer for his many years of service on the Citizens Cable Advisory Board and his committment, on behalf of Takoma Park residents, towards improving municipal cable services and the relationship between County and municipal programming.

Dated this 26th day of November, 1990.

ATTEST:

Paula S. Jewell
City Clerk

Introduced by: Councilmember Hamilton

RESOLUTION #1990-110

A RESOLUTION APPOINTING MEMBERS TO THE 1991
MARTIN LUTHER KING, JR. COMMEMORATION COMMITTEE

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

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

WHEREAS, such celebrations are planned to coincide with the Federal holiday observance of Dr. King's day of birth which is celebrated on Monday, January 21, 1990.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the following persons are hereby appointed to serve on the 1991 Martin Luther King, Jr. Commemoration Committee:

1. Elizabeth Reynolds, 203 Spring Avenue
2. A. J. Mitchell, 7600 Maple Ave., #1210 (Chairman)
3. Wanda L. Moore, 7667 Maple Ave., #611
4. Betty Mitchell, 228 Manor Circle
5. Lee Vidal, Administrative Office Staff Member
6. Valerie Johnson, Administrative Office Staff Member
7. Tony Carter, 104 Sunnybrook Terrace Road, Gaithersburg

Dated this 26th day of November, 1990.

Introduced by: Councilmember Hamilton Adopted: 11/26/90
(Single Reading)

Ordinance 1990-61

WHEREAS, the Fiscal Year 1990-91 City Budget earmarked \$10,000 in the Capital Budget for the purchase of (2) Sand/Salt Spreaders for the Public Works Department; AND

WHEREAS, in accordance with City procurement procedures, bids were solicited from 4 qualified bidders and advertised in a newspaper of local circulation; AND

WHEREAS, bids were received from 3 companies, with a low bid of \$3,345.00 being received from S. J. Meeks; AND

WHEREAS, S. J. Meeks has submitted the required notarized statement certifying that the company is not involved in the nuclear weapons industry.

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

SECTION 1: That the low bid of \$6,690.00 for two Sand/Salt Spreaders from S. J. Meeks is hereby accepted; AND

SECTION 2: That the funds to cover this purchase in the amount of SIX THOUSAND SIX HUNDRED AND NINETY DOLLARS (\$6,690.00) be charged to the Capital Expenditures Account 9100-8000.

Adopted this 26th day of November, 1990.

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

NAY: None

ABSTAIN: None

ABSENT: Douglas