

Regular Meeting and Public Forum of the City Council
Monday, March 11, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Leary	DHCD Director Grimmer
Councilmember Moore	Comm. Devel. Coord. VinCola
Councilmember Porter	Community Planner Schwartz
Councilmember Prensky	Public Works Director Knauf

ABSENT: Councilmember Hamilton

The City Council convened at 8:04 p.m. on Monday, March 11, 1991, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the City Council made the following comments.

MAYOR AND COUNCIL COMMENTS

Ms. Porter noted with pleasure the article that appeared in the March Issue of the Takoma Voice on City Clerk Jewell and urged all to read it.

Mr. Douglas noted that the Administration and Finance Committee would be meeting on Tuesday, March 12, 1991.

Mr. Sharp announced that the Montgomery County Executive was proposing to withdraw the ladder truck from the Takoma Park Fire Station and he would be attending a meeting with Mr. Potter on Tuesday, March 12, 1991, at 4:30 p.m., to discuss this matter.

Mr. Sharp also announced that on Thursday, March 14, 1991, there would be a meeting to discuss how much the City should receive for its recycling program, and he said he would be participating in that discussion as well.

Mr. Moore announced that a meeting had been scheduled for Wednesday, April 3, 1991, at the Takoma-Langley Community Center, for the Hampshire Gardens Citizens Association, Hillwood Manor Citizens Association, and Hampshire Towers Tenants Association, to elicit input for the budget discussions.

CITIZENS COMMENTS (those directed at items not on Council's Agenda)

Susan Flashman, 8306 Roanoke Avenue, said that on November 22, 1989, at 4:00 a.m., her car had been towed by G&G Towing Company, and she was very surprised to find her car missing, since it was the day before Thanksgiving. Ms. Flashman said she called the Takoma Park Police dispatcher and was told that the towing of her car had been authorized. She also said she had lived in Takoma Park since June 1987, and had never experienced a situation as this one. She noted that she had received numerous correspondence from several persons in relation to the parking situation; the City Administrator, property owners, Sue Silber, her landlord, and others. Ms. Flashman said that she had received a letter from Ms. Grimmer indicating that the City only owned half of the area which was now used for parking cars, and the rest was owned by individual landlords. Ms. Grimmer said that she would seek the landlords' permission to stripe the area, but that property lines may have to be marked as well. Ms. Flashman said she has lived in Takoma Park for eleven years and has spent a lot of time trying to correct a situation the City should not have allowed to drag on for 15 months. She encouraged the Council to resolve the problem by buying the 50% of the parking area from the landlords through issuance of an easement by the City. She concluded by saying that

she was moving out of Takoma Park but if nothing was done to resolve the problem, the apartment building tenancy would decline and the only landlords who will want the building would be slumlords.

Mr. Elrich asked how much of the parking was owned by the City; Ms. Grimmer replied that about 60% was privately owned and the lot line was 40% of parking space in public right-of-way, and 60% in private right-of-way. City Administrator Wilson commented that the only potential remedy would be to make parallel parking. The Mayor asked City Administrator Wilson to look into the matter and report his findings to the Council in a few weeks.

CITY ADMINISTRATOR'S COMMENTS

City Administrator Wilson announced that Richard Knauf, Jr. joined the City as the new Public Works Director. He also gave a brief description of Mr. Knauf's credentials and job experience and introduced him to the Council.

Mayor Sharp welcomed Mr. Knauf to the City of Takoma Park.

AGENDA

1. Public Forum on Farmer's Market Policy

Mr. Sharp commented that in past years when the Farmer's Market Guidelines were reviewed, it has been done fairly quickly with the focus on the operation of the Market. However, he said it would be useful periodically, to have a more in-depth discussion about the principles of what the Farmer's Market meant, what kind of vendors it entailed, etc., and he said rather than treating it as a pro forma type of approval it was decided to have a discussion about the market in a more in-depth way.

Mr. Prenskey asked Ms. VinCola if there were a set number of vendors and how did one determine which ones were in and which ones were out. Ms. VinCola replied in past years they had used the previous year as a guideline.

CITIZENS COMMENTS

Cass Peterson, Route 1, Box 765 Warfordsburg, PA, said she was at the meeting because she and others had heard there would be changes made in the Farmer's Market and she believed that the Farmer's Market was a popular community market and did not feel anything about the Market should be changed.

Tony Ricci, HCR73 Box 3256, Three Springs, PA, said that he too was a member of the Farmer's Market, having participated in it for 2 years. He expressed his concern for some of the proposals for the Market, by saying he felt if the Market was changed too much from the way it was at the present time, it would hurt the Market. He further stated that the Farmer's Market was one of the best run markets, and it seemed to have the best support from the community as well as from the farmers and from the City. Mr. Ricci said in some cities, there was no support and it caused the farmers to fight for their market, but in Takoma Park this was not the case, and he hoped it would stay that way.

Barbara Beelar, 7112 Maple Avenue, commented that the Farmer's Market was a community gathering place and that she was a firm believer in the Farmer's Market movement. She cited an article published last Fall by Ward Sinclair, on the issues that were critical today, i.e., the high cost of diesel fuel which makes long distance produce cartage unwise and wasteful. Ms. Beelar questioned that in the absence of an energy policy, whether it made sense to eat carrots from California or Pennsylvania. She commented that it was time to get to the policy level issues important to this community, such as the tree ordinance, recycling, rent control and the nuclear free zone. Ms. Beelar said she supported the idea of a taskforce which would work with oversight and implementation of a policy initiative to resolve current issues and decide where to go from here. She suggested that a taskforce

could look into holding opening and closing day ceremonies, explore the issue of a second market and could also clarify the role of City staff in market issues. Ms. Beelar said the producers only concept works and should not be changed, and although there should be a cap on the market, it was distressing that there was a waiting list of 20 farmers/producers trying to come into the market who are turned down. Ms. Beelar concluded by saying she would like the Takoma Park Farmer's Market to serve as an advocate for farmer's markets in general and to promote how good it was for a community.

Victoria Wood, 109 Elm Avenue, said that she had a nutrition practice at 6935 Laurel Avenue, and said her reason for being at the meeting was because of her concern for the environment, and said she agreed with Ms. Beelar. She said she was also concerned about her clients, some of whom were chemically-sensitive, and could not tolerate foods which had been grown with pesticides and herbicides. Ms. Wood noted that the Farmer's Market was the only place where people could go to get foods which were not pesticided and herbicided without travelling long distances.

Barbara Francisco, representative for Capital Coalition For Safe Food, 8904 Glenville Road, Silver Spring, MD. Ms. Francisco explained that the Capital Coalition For Safe Food was a group of farmers, retailers, consumers, and nutritionists, who were joined together to help promote increased access to locally produced and competitively priced safe food. She said that the Capital Coalition for Safe Food's concerns were the chemicals used in growing and processing safe foods. She also said that CCSF's goal was to promote the economic health of the farm families, including their rural communities. Ms. Francisco praised the Farmer's Market for its fresh, tasty and nutritious produce and urged the City Council to keep it as it is--a grower's market, and to open an additional market at another location in Takoma Park.

Gail Naftalin, 11 Devon Road, Silver Spring, MD, said she was at the meeting as a consumer, and was also a consumer of Gail's vegetarian meals. She said she cooked vegetarian foods for people, taught vegetarian cooking, and she was also a nutritionist. She said she loved the Farmer's Market, and shopped there quite often. Ms. Naftalin said she was dismayed by the remarks of some of the people that the prices were too high, because to her the prices were very fair, especially for the high quality of the foods. She also expressed her dismay for the possibility of middle people joining the Farmer's Market. She said the market was already crowded, and there were numerous places where a person could purchase food sold by middle people, e.g., Giant, Safeway; but it would not be high quality produce that you get at the Farmer's Market.

Elizabeth Cohn, 7209 Willow Avenue, said she had taken an informal poll of some of her neighbors, and they were all strong supporters of the Farmer's Market. She further expressed her concern as to other vendors joining the Farmer's Market; she said it would be a good idea to have more variety. Ms. Cohn said it was also a good idea to extend the hours at the Market, even though the season had ended, she supported the vendors who were still selling their products.

Jeff Tryans, 6602 Allegheny Avenue, said he had lived in Takoma Park for 7 years. He said he had enjoyed the Farmer's Market since it opened and he was quite impressed with it. He also said his job was an agriculture and environmental policy analyst, and the Market was such that people around the country would admire because of its aspects. Mr. Tryans said he worked at the Farmer's Market as a volunteer for one of the farmers, and he had made friends with several of the shoppers at the Market. He concluded by urging the Council to leave the Market as it was, and to view it as something that worked very well.

Bill Preston, a vendor at the Farmer's Market, said that the customers in Takoma Park were the best, and everyone of the vendors would agree with him. He offered a few suggestions by saying since the trash cans were already full before the vendors arrived in the mornings, it created a problem especially during the Spring and Summer; a major problem in the Fall, because the bees are already there in the area on the trash cans, thereby moving onto the produce. He therefore suggested some way of alleviating that problem. Mr. Preston also said that he was surprised since there were so many customers who come to the Market, all the other shops which were close to the Market were not open. He said it would be to their benefit to open earlier. He also suggested having more benches for customers to sit on.

Patricia Cohen, a Leesburg resident, said that her grandmother used to live in Takoma Park and she had fond memories of shopping at the Market, especially on Sundays. Ms. Cohen said she and her daughter shopped at various shops in Takoma Park and they had gotten to know a few of the merchants. She made a suggestion to have the Market extend the closing to late in the seasons.

Jennifer Simmons, 7063 Carroll Avenue, owner of Takoma Traders, located at 7071 Carroll Avenue. Ms. Simmons said she was a member of the Takoma Old Town Business Association. She said on Sundays, her store was open, not to increase sales particularly, but there were so many new people to meet and it was worth it. She also said since they were open on Sunday, they took advantage of the extra goodies for their own families. Ms. Simmons said that as a business owner, it proved that it was a good marketing tool and she loved the Market.

Jerry Worrell, Calvert County resident and a vendor at the Farmer's Market. Mr. Worrell said he had been coming to the Market for over 5 years, and the Market was one of the best run. He also said a great deal of thanks was due the Manager of the Farmer's Market Frances Roland, Val VinCola, and Barbara Beelar, who had been an instrumental spokesperson for them. He expressed his concern for the people who had trouble getting to the Farm in Calvert County.

Unidentified citizen. Expressed her concern about the idea of having the Market open earlier in the mornings.

Abby Mandel, 7003 Woodland, spoke in favor of the Farmer's Market. She said the vendors of the Farmer's Market were very generous to Shepherd's Table, an organization that feeds the homeless. Ms. Mandel said that Shepherd's Table will feed anyone who shows up for a meal; be they homeless, destitute, poor working-class or whomever; they turn away no one. Ms. Mandel also said the Farmer's Market had donated truckloads of fresh produce to the Shepherd's Table. She suggested leaving the Farmer's Market as it was.

Emily Zoss, resident of Carroll County, said she was also a vendor at the Market and commented on the idea to extend the market longer. She said that she did not wax their apples or put anything on them to keep them fresh looking, but it was horrible to sit out in the Spring with old apples. Ms. Zoss said to extend the market until Christmas would help their business as well as the business merchants in Takoma Old Town.

COUNCIL COMMENTS

Mr. Douglas said the Council had received numerous comments regarding the Farmer's Market. His comment was that he supported the producer-only aspect of the market and that it was important to have a public airing of the issues. Mr. Douglas said that flowers and seeds and baked goods were okay, but his concern was with the homecraft items, which he felt were not a part of the Farmer's Market; if the area were larger it would be more feasible. He felt the priorities should be on fresh produce. He expressed his concern about the space problem; parking and being able to get in and out of the market area. He also supported opening an

additional Farmer's Market. As far as extending the hours of the Farmer's Market into the Fall, he said there had been some concern with the safety problems at the proposed Takoma Junction location.

Mr. Elrich said he liked the Farmer's Market, the prices were not the issue, and he hoped that everything would go smoothly. He said there should be some rationalization of space and clearly laid out areas, to try to accommodate people, but there should also be a way made to accommodate additional vendors who wished to join the Market. Mr. Elrich said he felt that the Market should mainly stay as a producer-only Market.

Mr. Prensky thanked the numerous citizens who were at the Council meeting, particularly those who came to show their support for the Farmer's Market, and those who voiced their opinions. He said he was uneasy with changing the greenspace, and he would like to see a solution where the greenspace would be maintained. Mr. Prensky also said he was not enthusiastic in having baking vendors in the market to sell their goods, but he also was in favor of having an additional Farmer's Market.

Mr. Moore suggested opening an additional Market at the Takoma/Langley Crossroads area, if there were farmers who wanted to participate, that area would be a possibility. He said in the past, he had heard about the possibility of opening a Flea Market; something to bring in additional revenue and lure more customers into the area on the weekends.

CITIZEN COMMENT

Paul Plant said he had lived in Takoma Park for 16 years and he was the owner of "Plant's Plants". He said in the summertime he specializes in local grown produce, but he was very unlucky because he had to pay property tax, be open 7 days a week, and also had to hire people to work for him. Mr. Plant said he goes to Farmer's Market daily, and his overhead was very high because he had to charge competitive prices, and in order to be competitive, he had to have high quality. He said he could sell his produce at competitive prices; he could tell anyone where his produce came from also, because he knew the farmers, and he knew what farms his produce came from. He said he had nothing against the Farmer's Market per se, but he did know that there were vendors who worked at the Farmer's Market who did not grow the produce they sold.

COUNCIL DIRECTION

Mr. Sharp said he would like Staff to come back with some specific recommendations about this year's market and at that time the Council would examine some of the policy questions.

Mr. Prensky mentioned that during worksession on March 18, the Council would be discussing specific guidelines on the issue of the Farmer's Market.

Mr. Sharp thanked all of the citizens who participated in the discussion of the Farmer's Market.

2. First Reading Ordinance - Exception to Takoma Junction Facade Ordinance

Moved by Mr. Douglas and seconded by Mr. Moore.

Ms. Grimmer, Director of DHCD, noted at last worksession, several options had been discussed in reference to the Texaco station sign and improvements to the site, and the Council had suggested that staff establish an ordinance which would allow a free-standing sign identification for the Texaco at the Takoma Junction station. She said staff recommendation, as contained in the Ordinance, was that the free-standing sign would be a "monument style", with the gasoline prices and the Texaco star identification contained in one sign, and it would not exceed a maximum of 7 feet. She also said that the Texaco Star Enterprises had been advised of the recommendation.

Joseph Mitchum, Distribution and Development Representative for Star Enterprise. Mr. Mitchum indicated that the station in Takoma Junction was one of many, which Star Enterprise had targeted for renovation in Maryland, as well as in Northern Virginia. He said the Sign Ordinance before the Council at present, was just one part of the renovations which Star Enterprise proposed to do. Mr. Mitchum said the facia of the building was 13 feet high, the sign sat on a 2 foot concrete base and the sign was 4 feet high. He said after speaking with Community Planner Lisa Schwartz, they had agreed with the recommendations given by staff, and he was looking forward to working with them in the future on further improvements to the station.

COUNCIL COMMENTS

Mr. Douglas suggested having an amendment at second reading to recommend a maximum square footage for the sign. He also brought up the Memorandum of Agreement issue, and he agreed there should be one; he did not think that any particular business should be singled out for the enforcement of the facade ordinance, since there were so many of violations. He suggested creating some sort of strategy to deal with those problems.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading. (ABSENT: Hamilton)

ORDINANCE NO. 1991-4
(Attached)

3. Second Reading Ordinance Relocating Parking Meters at Old Post Office Location to New Post Office Location

Moved by Mr. Douglas and seconded by Mr. Moore.

Mr. Douglas moved to table the Ordinance indefinitely, because during the previous worksession, City Administrator Wilson had raised the question about whether or not to extend a residential parking zone into a commercial area. Mr. Douglas also said when he met with the Takoma Old Town Business Association and other Councilmembers, he discovered a number of the merchants in the area of Old Town were concerned about the parking meters, coinage, hours on them, etc. He had urged them to come to the Council meetings with their proposals, and he felt it would be premature to make decisions on the matters with their input. Mr. Leary seconded the Motion.

COUNCIL ACTION: On Second Reading, the Ordinance was tabled indefinitely by unanimous vote. (ABSENT: Hamilton)

ORDINANCE NO. 1991-3
(Attached)

4. First Reading Amendment to Drug and Alcohol Ordinance

Moved by Mr. Moore and seconded by Mr. Leary.

Mr. Moore said the intent of the Ordinance was not to cause undue burden and/or stress on the volunteers or contract employees for the City, or create additional expenses for the City's Employee Assistance Program to individuals who already had their own health care providers. He said the purpose was to clearly show that the use of alcohol or drugs would not be tolerated during work hours, where it could be harmful to other employees, as well as interfere with their work performance, and whosoever would deviate from that, would be dismissed from their position. Mr. Moore said the amendment would exempt volunteers and hourly contract employees from the more burdensome aspects of the policy such as mandatory urinalysis upon reasonable suspicion and self-reporting of off-duty drug and alcohol offenses. He said the rule would apply to persons who are paid for their services to the City on an hourly basis, pursuant to contract, such as Corporation Counsel and COLTA Rents Analyst; and also to volunteers who perform duties as required by

City ordinance or that are ordinarily performed by paid staff. The restrictions would not apply to volunteers or bodies appointed solely to advise the Council on various matters, such as the Historic Preservation Task Force or the Recycling Task Force.

Mr. Prensky asked if the Nuclear Free Takoma Park Committee would be covered by the policy. Mr. Moore responded no. He said, their role was to provide advice and recommendations and said that COLTA would be an organization in which the rules would apply.

Mr. Douglas asked what was the status of an intern under these amendments. Mr. Wilson replied that since they do the work which was associated directly with obligations that the Council had, they would come under the general policy.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading. (ABSENT: Hamilton)

ORDINANCE NO. 1991-5
(Attached)

5. Resolution Supporting House and Senate Bills Regarding Smoking
Moved by Mr. Prensky and seconded by Mr. Elrich.

Mr. Prensky said that it had come to his attention that there were a number of bills up for adoption in the Maryland General Assembly that the Council might want to support. He said two had been discussed in worksession; House Bill 488, a smoking in public places ordinance that would create the requirement of having non-smoking sections in any restaurant with 50 seats or more, as well as delineating areas in public places where smoking is not permitted. Additionally, Mr. Prensky said, House Bill 663 would totally ban cigarette vending machines from the state of Maryland. He said that was the intent of the City Council's legislation, which limited cigarette vending machines to only places that were bars or taverns. The Bill that was discussed support for was House Bill 705, which had since been voted on unfavorably, and the replacement that the House of Delegates were in favor of, would repeal the exemption of cigarettes sold over the counter from being exempt from sales and use taxes; there would now be a 5% sales tax on single packs of cigarettes and cartons of cigarettes sold in retail stores, which until now, the Tobacco Industry had been exempted from up until now. Mr. Prensky said this matter seemed to be the level that the State Legislature was willing to pursue these taxes on, and he felt it deserved the Council's support. He urged the Council's support to continue to preserve the health and safety of its citizens in Maryland.

COUNCIL ACTION: The Resolution passed unanimously. (ABSENT: Hamilton).

RESOLUTION NO. 1991-26
(Attached)

Upon motion duly made and seconded, the Council meeting adjourned at 9:46 p.m. to reconvene in Regular Session on March 25, 1991.

Introduced by:
Drafted by: T. Kowaluk

1st reading: 3/11/91
2nd reading:

ORDINANCE #1991-4

An Ordinance to Grant an Exception to Ordinance #1985-30
for the Takoma Junction Texaco Station

WHEREAS, Star Enterprise, owner, and Mr. Chonai James, lessee of the Takoma Junction Texaco station located at 7224 Carroll Avenue, Takoma Park, have requested permission to erect a 26 foot high freestanding sign at the above referenced property; AND

WHEREAS, freestanding signs of any type are expressly prohibited in this area under City of Takoma Park Ordinance #1985-30 (Takoma Junction Building Facade and Sign Ordinance); AND

WHEREAS, the City will not permit the installation of the 26 foot freestanding sign which would be totally out of character for the area; AND

WHEREAS, the Council recognizes that the posting of gasoline prices is required by State law and that this case is unique since the accepted primary method of gas station price advertisement involves a freestanding sign; AND

WHEREAS, Star Enterprise and Chonai James have acknowledged their responsibility to come into full compliance with Ordinance #1985-30, and have executed a Memorandum of Agreement to this effect;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City Council grants an exception to Ordinance #1985-30 in this case only and will permit Star Enterprise to erect a freestanding monument sign whose design is incorporated herein as Attachment 1 to this ordinance, the final height and placement of which will be determined by the City Administrator or his designee, but which shall not exceed 7 feet in height; AND

BE IT FURTHER ORDAINED THAT, this exception only applies to the specific case involving the Takoma Junction Texaco, and creates no precedent.

ADOPTED THIS ____ DAY OF _____, 1991.

texaco.ord

Introduced by:

1st Reading: 2/25/91
2nd Reading:(Tabled Indefinitely)
Effective:

ORDINANCE NO. 1991-3

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

SECTION 1. THAT Ordinance #2000, adopted April 23, 1968, authorized the placement of two (2) thirty (30) minute parking meters in front of 7117 Maple Avenue, AND

SECTION 2. THAT it has been determined that the 30 minute parking signs/meters are no longer needed in front of 7117 Maple Avenue and should be removed, AND

SECTION 3. THAT these 30 minute parking signs/meters are to be relocated in front of the new Takoma Park Post Office located at 6909 Laurel Avenue, AND

SECTION 4. THAT the City Administrator or his representative shall determine the placement for these spaces, AND

SECTION 5. THAT the Director of Public Works is instructed to have the proper signs installed immediately upon adoption of this ordinance, AND

SECTION 6. THAT this ordinance shall become effective upon adoption by the Council and completion of signing, AND

SECTION 7. THAT the penalty for violation of this ordinance shall be as prescribed in Section 13-64(a) of the Code of Takoma Park, Maryland, 1972, as amended.

Adopted this _____ day of February 1991.

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced By: Councilmember Moore

1st Reading: 3/11/91

2nd Reading:

Effective:

ORDINANCE NO. 1991-5
Amending Alcohol and Drug Policy to Include Certain
City Volunteers and Hourly Contract Employees

WHEREAS, Takoma Park has enacted comprehensive legislation establishing an alcohol and drug policy coupled with an employee assistance program, designed to protect its employees' safety and to ensure that they are able to carry out their duties in an effective manner; AND

WHEREAS, this legislation presently covers only full- and part-time positions within the City's classification system, crossing guards, and senior executive-level employees; AND

WHEREAS, volunteers and hourly contract employees who provide important services to the City are not covered by the substance abuse policy; AND

WHEREAS, the City's need to ensure that its workplace is safe and that City services are effectively provided requires that certain volunteers and hourly contract employees refrain from using or being under the influence of alcohol or drugs while performing their assigned duties.

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

SECTION 1: Article 3 of Chapter 8B of the Takoma Park Code, titled "Alcohol and Drug Policy," is amended as follows:

To Sec. 8B-211, "Definitions," add a new subsection (k):

(k) "Volunteer means any person who provides services to the City, on a voluntary basis without remuneration, by carrying out a duty whose fulfillment is prescribed by the Takoma Park Code or which is ordinarily accomplished by a full-status City Employee. It does not include individuals who act in a purely advisory capacity, such as members of citizen task forces that supply recommendations to the City Council on impending legislative matters."

To Sec. 8B-212, "Substance Abuse Policy," add a new subsection (p):

(p) "Volunteers and hourly contract employees of the City are forbidden to use or be under the influence of alcohol or drugs while acting in their capacity as volunteers or contract employees. Violation of this policy is sufficient cause for termination of volunteer or contract employee status."

SECTION 2: This ordinance becomes effective upon enactment.

Adopted this ____ day of _____, 1991, by Roll Call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Regular Meeting and Public Hearing of the City Council

Monday, March 25, 1991

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Douglas	Asst. City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Corporation Counsel Silber
Councilmember Leary	Community Planner Schwartz
Councilmember Moore	Public Works Dir. Knauf
Councilmember Porter	
Councilmember Prensky	

The City Council convened at 8:15 p.m. on Monday, March 25, 1991, in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the Mayor and City Council made the following remarks.

MAYOR/COUNCIL COMMENTS

Mr. Sharp announced on Tuesday, March 26, 1991 at 7:30 p.m. the Housing Committee would meet in his office to discuss rent petition standards. He informed those in the audience that located near the sign-up sheets was an address list for the County Executive, the President of the Montgomery County Council, and Takoma Park District #5 representative, along with their addresses and telephone numbers. He urged all the citizens to write or call their representatives and tell them that they should not remove the fire truck from the Fire Station Budget, nor should they remove four staff members from the Fire Station. Mr. Sharp noted that it had become evident to him that it would be done even though there was a contract prohibiting such action.

Mr. Douglas indicated that the S.S. Carroll Citizens Association would be meeting on Wednesday, March 27, 1991, instead of Thursday, March 28th.

Mr. Elrich announced that on April 24, 1991 in the Municipal Building, a newly-formed Takoma Park/Silver Spring Coalition for Quality Education, would hold an open forum to discuss the Montgomery County budgets and implications for education in the County. He said the group consisted of parents from different local elementary and junior high schools. He urged all citizens to attend, as well as elected officials, County Councilmembers and the State Legislators.

Mr. Leary announced that the Planning, Transportation and Zoning Committee, would meet on Thursday, March 28, 1991 at 7:00 p.m.

ADDITIONAL AGENDA ITEMS

Mr. Elrich suggested that an additional item to be added to the agenda: a Resolution noting the City as the sponsor of the Town Meeting on Education to be held April 24th.

Mr. Sharp noted two additional items to be placed put on the Agenda; A resolution supporting the effort to bring baseball back to the Nation's Capital and a resolution recognizing April as Fair Housing Month, and noting the 28th anniversary of Suburban Maryland Fair Housing.

CITY ADMINISTRATOR'S COMMENT

Mr. Wilson announced that Montgomery County Council's Management and Fiscal Policy Committee would meet on April 2nd at 2:00 p.m. to discuss municipal rebates, and that the Montgomery County Council's Public Safety Committee would meet on April 8th at 9:00 a.m. to discuss the Fire Service budget.

CITIZEN'S COMMENTS (those directed at items not on Council Agenda)
Jack Mitton, 501 Philadelphia Avenue, said every time he attended the Council meeting, he became upset because whenever the Pledge of Allegiance was recited, everyone except Councilmembers Prensky and Elrich participated in reciting the pledge and he wondered why. He said he did not think it was right for them not to recite the Pledge of Allegiance.

AGENDA

1. Discussion of a Proposal to Modify the Name of the Municipal Building

Mr. Elrich moved to add the name "Sam Abbott Citizens' Center" to the front of the Municipal Building and Mr. Prensky seconded.

CITIZEN COMMENTS:

George Leventhal, 8200 Flower Avenue, said he had lived in Takoma Park since 1985 -- in time to vote for Sam Abbott for Mayor. He worked closely with Sam Abbott on different community affairs, and also to form the Rainbow Coalition, and to campaign for Jesse Jackson for President of the United States in 1988. He said he had not always agreed with Sam Abbott, but that Sam had a tremendous effect on the history and the character of Takoma Park, and there was no question in his mind as to whether or not to place his name on the Municipal Building.

Kathryn Simpson, 7300 Cedar Avenue, said she also had not always agreed with Sam Abbott, but he worked very hard for what he believed in and she felt he deserved credit for the energy he utilized and his dedication. Ms. Simpson said she would like to see a more "living" kind of memorial; e.g., efforts for an art student educational scholarship, rather than have his name on the Municipal Building.

Frank Garcia, 1117 Holton Lane, said he and his family lived in Takoma Park since 1958. Mr. Garcia said he had served as a Councilmember in Takoma Park in 1974 and lived through the struggles in building the Municipal Building, and that a lot of the credit was due to the late Mayor George Miller. He also said he had worked with Sam Abbott on numerous programs. Mr. Garcia read a petition from 287 citizens who did not want the Municipal Building name changed, and he submitted the petition to the City Clerk.

Anna Grice, 1109 Merwood Drive, said she had lived at her present address since 1952 and said she did not feel it was appropriate in singling out one particular individual's name to rename the building with.

Elizabeth Degen, 20 Montgomery Avenue, said she was born in Takoma Park 79 years ago and she had seen Takoma Park grow in many ways, and she too was opposed to renaming the building.

James Arisman, 7408 Aspen Avenue, said he was the son-in-law of Sam Abbott. He said after having lived in D.C. for a number of years, he decided to find a home and a place to raise a family, and Takoma Park appealed to him, and he had been living here since 1979. Mr. Arisman said he had been active in the Civil Rights and the Peace Movements for a number of years, and said there had been an older person in those movements that he idolized -- Sam Abbott. He also said he had worked with Mayor Sharp, and former Mayor Del Giudice was a friend of his. Mr. Arisman spoke of the numerous contributions that Sam Abbott made to the City of Takoma Park, and said he agreed with having Sam Abbott's name on the front of the Municipal Building.

Ruth Abbott said her late husband did what he felt he had to do, and if he were still alive and listening to the citizens of Takoma Park debating this issue, she was sure he would analyze it. Mrs. Abbott said he would have come up with a name that would say "the

next time you want to build a 10-lane freeway, don't mess with us", and this would signify that Takoma Park took pride in its quiet streets, with speed humps and stop signs; the care for homeowners and apartment dwellers alike; and the liking for our diversified populations architectures, schools, etc. Mrs. Abbott said her husband would say "if the means justify the end, go with it". She concluded by saying the end in this instance would be a constant reminder of citizen activism and involvement in Takoma Park.

Lewis Brown, 25 Darwin Avenue, said he had lived at his present address since 1953, and he was opposed to any alteration to the name of the Municipal Building.

Roderic Davis, 707 New York Avenue, said he had lived in Takoma Park since 1910, and had seen many councils and mayors come and go and he had been impressed by them all. Mr. Davis said he was at the meeting to request some sort of memorial for Sam Abbott. He said he met Sam Abbott in 1964, when he was a member of the North Takoma Citizens Association, and held a meeting at the Piney Branch School with about 700 people. He said he discovered that Sam did not put any limitation on how long citizens could speak, nor did he frown on the suggestions they made.

Naomi Turner, 7667 Maple Avenue, said neither the Council nor the citizens would ever come to a mutual agreement as to what was good for Takoma Park. Ms. Turner said Sam Abbott had done a lot of good things for Takoma Park, and she would do all she could to show her appreciation to him and his family for what they had done for her and her family when they moved to Takoma Park from D.C. Ms. Turner agreed that Sam Abbott's name be put on the Municipal Building.

Belle Ziegler, 109 Sheridan Avenue, said she wanted to make it clear that she did not want her opinions or statements to be taken to mean anything personal or political. Ms. Ziegler said she had been with the City for 30 years, and George Miller had been the main force in obtaining the Municipal Building. After he passed away, the building was dedicated to him. Ms. Ziegler said that it had been requested to name the building after him, but the Mayor and Council at that time felt, that after a number of deliberations, the building should not be named after anyone, and she had concurred. Ms. Ziegler said she felt Sam Abbott should be honored in a way which would be closer to his heart; something that he felt strongly about. Ms. Ziegler said she had contacted former Mayor John Roth and she proceeded to read a statement he made on the discussions held and the decision reached for not renaming the building after former Mayor Miller.

Dolores Milmo, 7212 Cedar Avenue, said she would like to see the name of the Takoma Park Municipal Building remain the same, because she felt the City Hall belonged to everyone in the City, and the only name that it should have is the City's name. Ms. Milmo said there could be other ways in which Sam Abbott could be memorialized to honor his civic activism. She then read a letter from Jane Lawrence at 7304 Takoma Avenue who could not attend the meeting but who felt that it would be a mistake to name the Municipal Building after anyone.

Josephine Miles, 7200 Central Avenue, said she did not approve of putting anyone's name on the Municipal Building, nor did she believe Sam Abbott would think it to be a very fitting memorial because he was too dynamic a person to have his name on a piece of stone. Ms. Miles said Sam should have a better memorial than putting his name on a building.

Laurence Robinson, 7501 Holly Avenue, said he did not feel it was wrong to honor Sam Abbott in any particular way the citizens wanted.

David Sawyer, 7722 Fenton Street, said he had lived in Takoma Park for 31 years, and to add Sam Abbott's name would be very appropriate. Mr. Sawyer said a lot of his work was in organizing, which he learned from Sam Abbott and his family. Mr. Sawyer also said that The Sam Abbott Center, was not a building, it was a citizen building, and he felt that former Mayor Abbott was one of the greatest citizens in this Country, who just happened to be from Takoma Park. He also noted that the hall was dedicated to George Miller, and there was a seat dedicated to Brint Dillingham.

Michael Duberstein, 106 Hodges Lane, said there could be no greater testament to the value of citizenship, than to the large attendance of the citizens who were at this meeting; he felt the community had been empowered by the feeling that Sam Abbott brought to it. Mr. Duberstein said politics to him meant having values and staying with them, rather than running for something, and Sam Abbott had been a very good politician. He also said the expedient thing to do would be to have a referendum, have a committee to study the issues, and to look at other alternatives. But, he said he felt that Sam Abbott would be amused by all the time being spent on this one issue. He urged the Council to vote on the issue, as it was a very important addition to the community.

Tom Toomey, 7315 Willow Avenue, said when he first came to Takoma Park in 1969, citizens came to the Council with an issue; the Council then retired to a room and returned with a unified front; there was no debate. Mr. Toomey said Sam Abbott was a chosen leader who helped the people save their City. He felt Sam Abbott should be recognized in the most grand way that he could be; putting his name on the Municipal Building to show it as a community center and a living center where people come to debate and have their voices heard.

Carol Stewart, 7211 Central Avenue, president of Longbranch-Sligo Citizen's Association, read a letter and petition from her Association which was addressed to Councilmember Porter and the other Councilmembers, urging the members of the Council to cast an affirmative vote on the issue. [copy on hand in Clerk's office].

Dan Robinson, 120 Grant Avenue, said he remembered Sam Abbott because of his anger, which used to really frighten him; he did not like that nor did he like Sam, but he saw how much fire and power he had. Mr. Robinson said a lot of the power was very destructive and therefore, he had a lot of concerns as to how to memorialize him and remember him. His inclination was to do something to capture the fire and still be able to talk about Sam Abbott as a whole person, but he said he did not agree to re-name the Municipal Building. The appropriate way to remember Sam was to do something different--having a citizen's achievement day and honor what previous mayors had done for the City.

Bill Brailey, 7113 Holly Avenue, said Sam Abbott was genuine, and honest, and only people who didn't know him spoke negatively about him. Mr. Brailey also said Sam Abbott was very scholarly and believed in being fair. He cited various incidents, problems and challenges, where Sam Abbott intervened and fought for him, his family and others alike. Mr. Brailey said to name a building after Sam Abbott would not be doing him a big honor, because he was known world-wide and he believed in fairness and leadership and was a very genteel person.

Paul Plant, 7411 Carroll Avenue, commented that he did not know why people wanted to put Sam Abbott's name on the building because the building was structurally not in very good shape. Mr. Plant said Takoma Park used to be a resort area with a lot of old houses, which have since been removed, and he also brought up several incidents of how Takoma Park used to be. Mr. Plant said Sam Abbott stopped the Freeway, he got the citizens involved, and he would love to see Sam Abbott's name on the building.

Alice Trembour, 7304 Birch Avenue, said the Council meeting symbolized the way it used to be in the days of Sam Abbott, and it might bring back some of the vitality that used to be, if his name were on the Municipal Building. Ms. Trembour said Sam Abbott's major contribution to the City was through City Hall and a more fitting memorial to him would be to make a political statement rather than a statement in the Arts.

Lynne Bradley, 8112 Flower Avenue, said she had lived in Takoma Park for 19 years and had gotten to know a lot of people in Takoma Park who had done a lot of good things for the City. She said the present proposal did not take away from what other mayors or councils had done, but it recognized the spirit of Sam Abbott, not just as Mayor, but as a citizen. Ms. Bradley urged passage of the Resolution for putting Sam Abbott's name on the Municipal Building in brass letters, which the citizens would pay for, and she urged the Council to vote on it and not to put it on a referendum.

Judi Cornelius, 716 Maplewood Avenue, said Sam Abbott was angry at all the injustices and unfairness so prevalent in Takoma Park and he fought against them until he died. She said she hoped the Council would vote to put Sam Abbott's name on the Municipal Building.

Kurt Stern, 103 Grant Avenue, commented that when he came to Takoma Park in 1964, it was a town with a City government that had been entrenched and un-opposed for years; whatever citizens wanted, it was useless to do anything because the opposition was not organized. He said Sam Abbott brought about citizen empowerment which had made all the difference in giving the citizens a sense control and letting them know they had the power to control their own destinies, and Takoma Park has never been the same since then.

Mr. Stern said the Sam Abbott Citizens' Center was an appropriate name, and it would keep his spirit alive.

Joe Brown, County Activist. said it was a great idea and very appropriate to name the Municipal Building the Sam Abbott Citizens' Center, and that Sam Abbott had been a champion of great ideas.

Faith Stern, 103 Grant Avenue, said she had been involved with the school issues for 10 years because of Sam Abbott who helped the citizens organize and band together in obtaining their rights to speak up and be heard. She expressed her support for renaming the building the Sam Abbott Citizens's Center.

Joni Eisenberg, 8316 Maple Avenue, said Sam Abbott gave the citizens a feeling of the right to voice their opinions and to disagree. Ms. Eisenberg said the citizens wanted a building for their future and she agreed to the renaming of the building.

Herman Williams, 7600 Maple Avenue, said Sam Abbott had a tendency to help citizens who had a fear of speaking out by making a spokesperson/leader out of them. Mr. Williams said it was Sam Abbott who made it possible for the Black citizens to have the right to vote in the City who proceeded to become some of the most knowledgeable and set records in voting, and were heavily instrumental in the way Takoma Park voted today. He said the spirit of Sam Abbott made a lot of things possible for minorities. He agreed that the Municipal Building name should be changed to the Sam Abbott Citizens' Center.

David Prosten, 6625 Eastern Avenue, said he hoped the Council would recognize the spirit that created the discussion regarding the name change of the Municipal Building. Mr. Prosten said it was appropriate to add Sam Abbott's name to the building because it spoke to what was needed in a community to make it function well and said because of Sam, a referendum was put on the ballot calling for ward representation. Mr. Prosten urged the Council not to put the issue on a referendum.

Maureen Thompson, 7330 Piney Branch Road, urged recognition of Sam Abbott by putting his name on the building. She suggested the Council give the citizens a vehicle to allow celebration of the community, the constitution, and the values of what they were made of, and to celebrate a man who gave the citizens a communal identity of what they had.

Kay Dellinger, 7333 New Hampshire Avenue, urged the Council to name the Municipal Building after Sam Abbott, not so much as a tribute to him, but as a tribute to Takoma Park. She said that Sam was integral to Takoma Park's history, his progressive policies, and in making Takoma Park known both nationally and internationally. Ms. Dellinger said Sam Abbott would not be concerned with having a building named after him, but concerned with democracy, and preserving Takoma Park's values, progressiveness, and hope and the renaming of the Municipal Building would be a symbol of hope that the government would become a body which represented all of its people, solved their problems fairly, and preserved life and peace on this planet.

Rino Aldrighetti, 7213 Central Avenue, read a letter which was submitted to the Council from various citizens who could not attend but all of whom had agreed to the renaming of the Municipal Building to the Sam Abbott Citizens' Center. Mr. Aldrighetti read some of the statements he had made when he sat on the City Council when Sam Abbott was Mayor of Takoma Park. He urged the Council to vote to add Sam Abbott's name to the Municipal Building.

Jay Levy, 7431 Baltimore Avenue said his wife Sharon could not attend the meeting due to a previous engagement, but she wanted to remind everyone of the uniqueness of Takoma Park, and that the most unique person to sit on the Council was Sam Abbott, who deserved something special, and she urged the addition of his name to the building.

Shirley LaCourse, 716 Maplewood Avenue, said she had lived in the community for most of her life; she was a graduate of Montgomery Blair High School and now attended American University. Ms. LaCourse said Sam Abbott was more than a politician; he had taken time out to get her and other young persons involved in the community, and that was why she felt his name should go on the building. Ms. LaCourse declared she was the future and she intended to make a change, which was what Sam Abbott was all about.

Roland Halstead, 7116 Maple Avenue, said he felt Sam Abbott would have enjoyed the discussion on whether his name should be added to the Municipal Building. He said Sam Abbott was a great, living, memorial-type person, and for that reason, he did not think that a plaque should be on a building for him; he felt Sam Abbott needed a memorial which would be much greater than a name on a building.

Jim Shrybman, 8 Columbia Avenue, said the name Municipal Building was boring and ordinary, and that Takoma Park was not boring or ordinary. Mr. Shrybman said Sam Abbott was a great model for children to emulate. He said he did not agree the issue should be put to referendum; it was a great idea to put Sam Abbott's name on the building.

Delegate Peter Franchot, 7111 Sycamore Avenue, thanked Tom Gagliardo, David Prosten, and Rino Aldrighetti for the work they had done on the petition and the patience exhibited by the citizens and City Council in listening to the numerous testimonies. Mr. Franchot said that he felt the criticism would die because it would be realized that the reason Sam Abbott's name was on the building - publicly - rather than on the second floor or in a room, was because that was his spirit; he was willing to stand up and speak out in public when many were not. He said he hoped everyone would

agree to have Sam Abbott's name added, and then acknowledged his monetary contribution to the memorial fund.

Bruce Moyer, 37 Philadelphia Avenue, said that Sam would be pleased with the debate which was unrestricted and had no time limit. He also felt Sam would be discouraged that the kind of factions that existed at times during his life and his administration were still evident after his passing, and that so much time was spent on one matter. Mr. Moyer said there were many problems in the City that should be the focus. Mr. Moyer said to lend Sam Abbott's name to the building indicated what he and the Takoma Park citizens stood for.

David Sawyer said he had been unimpressed with the political leadership of the City since Sam Abbott left and he felt people would think if Sam Abbott's name were on the building, they would expect his kind of leadership which was in effect and there would be disappointments. Mr. Sawyer said he was impressed with the quality of the current City Council, and he said maybe they were better than they were thought to be. He concluded by saying it was not a matter of the City Council, but a question of naming a building in the City of Takoma Park after Sam Abbott.

Tom Gagliardo, said the issue was not to name the building after Sam Abbott, but to name what went on inside the building. He said he would not name the building after B.F. Gilbert because he was a real estate developer who never did anything to contribute to the community, except to make money selling houses and land, nor would he name the building after George Miller who was mayor for 18 years although no one could say what he did for 18 years. Mr. Gagliardo said that the people knew what Sam Abbott did in five and one-half years.

Fred Feinstein, 7114 Sycamore Avenue, said there was an overwhelming presumption that if there were a referendum, the position would prevail to name the building after Sam Abbott. Mr. Feinstein said that with the number of people at the meeting and from discussions he heard, there was an overwhelming majority who were in agreement with changing the name of the building.

Mary Panafield, 7305 Takoma Avenue, said she would not be in her home today if Sam Abbott had not stopped the Freeway from going through Takoma Park. She said the love he had for people knew no limits and no boundaries and Sam Abbott was not like some of the present Maryland politicians, and it would be an honor to have his name inscribed on the building.

Cynthia Johnson, 308 Boyd Avenue, said if there was to be any hope in the world, what was needed was the kind of citizenship that was represented by Sam Abbott and it would be a strong symbol to add Sam Abbott's name to the building, to project a sense of history that things could change.

Larry Drake, 7428 Carroll Avenue, said he had lived in Takoma Park for 5 years. Mr. Drake said he did not know Sam Abbott very well, but felt he had made a tremendous impact on the community, and it would be fitting to name the building after him.

Saul Schneiderman, 306 Lincoln Avenue commented that he had chaired the Folk Festival Committee with Sam Abbott which started in Ruth and Sam's living room. He said Sam had also spent a tremendous amount of time creating interesting projects which instilled interest in the youth and he hoped those who remembered Sam also remembered how much he had done for the youth of Takoma Park.

COUNCIL COMMENTS:

Mr. Elrich said he was pleased that the Resolution was before the Council. He said he was proud to live in a community where he could express his opinions freely without any repercussions. He defended himself as to why he did not recite the Pledge of

Allegiance and said he did not believe in all the words. Mr. Elrich said he probably would not be living in Takoma Park had it not been for Sam Abbott. He said after living in Montgomery and Prince George's Counties, he had never felt a sense of community before moving to Takoma Park. Mr. Elrich also said that Sam understood the value of a community, and he worked tirelessly for the City of Takoma Park. Mr. Elrich went on to say that he was not sure whether Sam would be pleased about the debate on the particular subject of a kind of memorial for him, if he was not sure we would return to discuss the problems of rent control, and all of the other important issues. Mr. Elrich concluded by saying he was prepared to dedicate a building to Sam Abbott, and he hoped that those who were asking for the same, would be willing to dedicate their energy to the City, so that the kinds of things the citizens wanted to accomplish would go on indefinitely.

Ms. Porter offered an amendment to the Resolution, in the form of a substitute for the existing Resolution. Ms. Porter then read a summary of her proposed amendment which called for a referendum on the issue to rename the building. She explained that within the past week, she had received a number of calls on both sides of the issue and was very impressed with what she heard. She felt a referendum was appropriate on the issue because it was not like any issue that the Council usually handled. She said the issue was the renaming of a public building after a public figure, and it was the sort of issue upon which citizens should have a direct say. Ms. Porter said the issue was unique, in that so many people felt so strongly about it. Ms. Porter ended her remarks by moving a proposal for a referendum on the issue because she felt it was the right approach; Mr. Leary seconded the motion.

Mr. Prenskey said he supported putting Sam Abbott's name on the building because it added a great deal and it was a symbol. Mr. Prenskey said had it not been for Sam, he would not be on the City Council and a lot of other people would not be around either. Mr. Prenskey moved to table Ms. Porter's amendment and Mr. Elrich seconded the motion. The motion failed by a 5-2 vote.

Mr. Leary said there had been some good news on this issue: there was broad agreement the City should honor Sam Abbott in some way; however. On the other hand he said, it was clear there was no consensus about honoring Sam Abbott by renaming the Municipal Building. Mr. Leary said that if a referendum were held as he proposed, he would vote not to rename the building in favor of Sam Abbott because he did not wish to commemorate his tenure as Mayor in such a way. He said for a long time when it appeared there had been consensus in favor of the proposal, he was willing to let it happen because he did not feel it was worth so much debate. Mr. Leary said it was now clear there was deep division on the issue within the community, and he did not understand why so many people wanted to honor Sam Abbott by insisting on doing something that clearly offended so many other people who lived in the City. Mr. Leary said there were other ways for the City government to honor Sam Abbott which would not divide the community.

Mr. Moore admitted his mistake he said he made at the last worksession when he agreed to consider the idea of the name change and said he did not realize it would become such an important issue to so many people. Mr. Moore said he had spoken with a number of his constituents since the issue had become public in the Takoma Voice, and a vast majority of the people were opposed to the idea. Mr. Moore said some members of the opposition were never fans of Sam Abbott to begin with and they had made it clear, but there were others who said they were in favor but did not feel that by putting his name on the front of the Municipal Building was an appropriate way to commemorate him and felt there had to be other ways to do it. Some citizens did not want anyone's name on the front of the building. Mr. Moore said there was too much time being spent on the issue of the name and the approach which Ms. Porter's amendment would take would give the citizens the most direct voice possible

in resolving an issue of obvious importance to a lot of people in Takoma Park. He also said by merely placing Sam Abbott's name on the front of the building was not necessarily the way to honor him, and that he was in support of Ms. Porter's amendment.

Mr. Douglas said he voted not to table the amendment. Mr. Douglas said the Council had been approached initially to re-name the Building the Sam Abbott Building and were told if it did not do so there would be a petition to bring it to a vote. He noted that the current probably represented a significant compromise on the part of its sponsors. He also said the decision which came out of the worksession was not a decision in favor of the proposal, but whether or not the issue was ready for Council action. Mr. Douglas said if the Council had decided the issue in worksession, issue was yes or no there would be no need for the issue to be on the present agenda. He said that he would vote against Ms. Porter's amendment because he felt it was time to make a decision and not prolong the matter.

Mr. Hamilton commented that he was the one who came up with an alternative to name the second floor of the building after Sam Abbott and he had received several phone calls from people who did not go along with his idea. He said his constituents had also asked him about other alternatives.

COUNCIL ACTION:

The question was called on the amendment to put the issue to a referendum vote and the amendment failed 3-4. (NAY: Prensky, Elrich, Hamilton, Douglas).

Ms. Porter expressed her regrets that the referendum proposal failed because she felt it would have been the best way to get the largest number of people to have a direct say in the process. She said that without a referendum, she would do the best she could to represent the citizens of Ward 7, but she could not do a perfect job because there were many people from the Ward who were not in attendance or who had not called her.

Mr. Prensky said one of the things he had learned from the Council was to pay close attention to details. He said he became aware of the details of the additional name that was being proposed and it was extremely important that it be proposed correctly. The current naming uses the word citizen in the plural, and in the possessive to note our collective ownership of this center for citizens. Mr. Prensky said he would vote to add Sam Abbott's name to the Municipal Building.

Mr. Moore said he personally did not oppose the proposal, and if it had been put to a referendum he was not sure how he would have voted. However, he said after hearing from numerous constituents who opposed the change, he would like it to be reflected in the Newsletter, that people had not been given the opportunity to express their opinions.

COUNCIL ACTION:

The Resolution to modify the Municipal Building name by adding "Sam Abbott Citizens' Center" under the Municipal Building name passed by a 5-2 vote. (NAY: Leary, Moore)

RESOLUTION NO. 1991-27

(Attached)

2. Resolution Regarding Subdivision Plan 1-91005 At 102 Grant Avenue/Hancock Avenue

Mr. Douglas moved adoption and Mr. Hamilton seconded.

Lisa Schwartz, DHCD Community Planner, said she was recommending conditional approval based on conditions agreed to by the applicant to take immediate measures to preserve the mature and diseased oak tree that was on the lot, have the tree evaluated by a tree expert to determine whether or not the tree was viable, and if not, the

oak tree would be removed and the City would be given the opportunity to review the final plan for the property and to recommend appropriate landscaping.

COUNCIL ACTION:

The Resolution passed by unanimous vote. (ABSENT: Elrich, Hamilton, Moore, Prensky)

RESOLUTION NO. 1991-28
(Attached)

3. Resolution Regarding Special Exception No. 91-2 To Permit A Day Care at 7 Lee Avenue

Mr. Douglas moved adoption and Ms. Porter seconded.

City Clerk Jewell read into the record the names of the citizens who had called in regarding the Resolution: Janet Douglas, 18 Sherman Avenue, called to express her opinion that 30 children was too many to admit at 7 Lee Avenue; Ann Williams, 16 Sherman Avenue, expressed concern about the number of children that could potentially be permitted; Joan Simmons, 8 Sherman Avenue and said that while she did not consider the current day care facility burdensome, she was opposed to the proposed expansion of up to 30 children.

CITIZENS COMMENTS:

Kathleen Green, Director of the 7 Lee Avenue Day Care Center She noted in her possession was a petition consisting of 100 names in support of her request. Ms. Green said there was a need for day care in the community because 60% of her children were subsidized, and although most of the time she was not paid by the parents, her fees were 20%-30% below the average rate. She asked that the Council favorably consider her application.

Mr. Douglas asked Ms. Green if she was operating a 14-child day care center in the basement of the property, and questioned if there were three rental units as well in the building, and if the exception was granted, would she utilize one or more of the apartments, and how would she handle parking for her employees.

Ms. Green responded that she would utilize additional apartments for her day care center if the Resolution were approved for her to provide day care to 30 children. She said she would not have to provide parking because none of her employees drove a car. Ms. Green said that paving of the front yard was not relevant anymore and that she had spoken with the zoning officer and informed him she had two employees--one travelled by bus and the other walked.

Lynne Bradley, 8112 Flower Avenue said she was not familiar with the property but said the tone of the discussion sounded less supportive than she felt it should be when there was such a critical need for day care in Takoma Park. She said there had been a similar situation in her neighborhood and she had heard no complaints; only good responses in reference to the day care center.

Eileen Basaman, Attorney for Residents at #9 Lee Avenue, said that you could not tell by the proposal that had been brought forth whether or not all the requirements had been met for the day care center. She said that you had to know the age mix of the children and the staffing requirements; the age mix of the children determines the kinds of staffing requirements that would be needed. Ms. Basaman said that the use of on-street parking was a waiver which was only permitted in a day care center for 7-12 children by the Zoning Ordinance and therefore you could not count on on-street parking. Ms. Basaman stated that on-street parking was severely constrained on Lee Avenue: there was no on-street parking across the street; a fire hydrant, a piece of ground in front of 7 Lee Avenue which was too short to park a car in by the day care center, meters taking spill-over commercial parking from Carroll Avenue,

commercial vehicles that did not park on the meters on Lee Avenue, multi-families across the street that used on-street parking, and several houses which were divided into tenant houses that used on-street parking. Ms. Basaman said she had been informed that 14 children would be appropriate.

Faith Joyner said she had worked with Ms. Green for over a year, and they had discussed the problems concerning the number of children. She said the County had paid a visit to the day care center because of a complaint from a neighbor, but there had been no problem. She said there were 10 people on a waiting list to be called for employment at the center.

COUNCIL COMMENTS:

Mr. Prenskey said he did not want to restrict day care availability, the Council did not want to see the yard paved over, and he would like to see the most adequate and available day care possible.

Mr. Douglas said the issues the Council should be concerned about are how the operation of the day care center affects the neighborhood and not the operation of the center itself. Parking, both on-street and on the front yard of the center, were of particular concern. After some Council discussion he suggested a modification of the Resolution to change the condition to read: "no additional parking be created by paving over the front yard". Mr. Douglas said that some additional on-street parking in the area might be acceptable but he also did not want to exacerbate an on-street parking situation. He agreed that the number of children at the center should be limited to the current level to avoid further parking problems.

Mr. Leary said he felt such an approach to be a dangerous one because once a special exception decision was granted, it would be very difficult to get it changed. He said if the circumstances changed and Ms. Green decided to use the fully authorized level of 30 children, it would be too many for the location. He said the Council should state explicitly that it did not approve such an outcome. Mr. Leary suggested changing the number of children to 18 and Mr. Prenskey agreed.

Mr. Douglas suggested an amendment to have the number of children in the day care center restricted to 18. The amendment failed. Mr. Douglas then modified his amendment to include two conditions: one that no additional parking be created by paving over the front yard, and to restrict total occupancy to no more than 20 children. Mr. Prenskey seconded and the motion carried.

COUNCIL ACTION: The Resolution, as amended, passed unanimously.

RESOLUTION NO. 1991-29
(Attached)

4. Public Hearing and First Reading Ordinance Regarding Speed Humps (Larch Avenue, Popular Avenue, Park Avenue)

Mr. Leary moved acceptance of the Ordinance at first reading; Mr. Douglas seconded.

CITIZEN COMMENTS:

Allison Baker, 241 Park Avenue urged the Council to consider putting speed humps on her block for the children and the senior citizens. She said many drivers were not aware that the street was a one-way street.

Fran Tall, 239 Park Avenue, said she felt it appropriate after honoring Sam Abbott, to request speed humps. She also said the reason she moved to Takoma Park was because of the neighborhood Abbott created and because of his activism. She said she did not want people speeding up her street anymore than Sam wanted a super highway through his neighborhood.

Kathryn Scott, 242 Park Avenue said she endorsed what her neighbors and friends had said. Ms. Scott said Park Avenue was a residential street and a residential neighborhood, and the character of the street had been damaged by drivers using it as a super highway sometimes. She asked the Council to consider the proposal from a safety standpoint as well as the noise factor.

Randy Kubetin, 7103 Poplar Avenue, urged passage of the Poplar Avenue speed humps because there were speeding problems on Poplar Avenue as well as a high volume of traffic. Mr. Kubetin said there were kids on the street under age 5 who ran wild and free, and they did not listen to their parents when told not to run into the street. He also displayed photographs of some of the children who lived on the street, and commented that every adult in the photo was a member of a household that had signed the petition.

Steven Whitney, 16 Crescent Place said that on the left side of the Park going towards Carroll Avenue, there was no sidewalk for at least 100 yards, and he walked his children to school in the mornings and it was hard to get down that side of the street. He said kids walked on the lawns and sometimes kids slipped off the grass into the street which was very dangerous.

City Clerk Jewell noted for the record comments received in support of the Park Avenue the speed humps: Ms. Schroeder, 244 Park Avenue, Joan Whitney, 232 Park Avenue, John Erikson, 234 Park Avenue, Allison McElroy, 241 Park Avenue. Michael Klavans, 222 Park Avenue, said speed humps were not the answer and suggested other ways to control traffic, e.g., STOP sign on Crescent and another on Park Avenue at Spruce. Ms. Jewell also noted Ms. Hallman, 7016 Poplar Avenue, said she is in favor of speed humps; Mrs. Joseph Strizack, 7004 Poplar Avenue said she was against the installation of speed humps saying it was a terrible imposition for the residents causing loss of time and aggravation, a terrible waste of gas as well as excessive wear and tear on cars, and Mr. W. Bell, 812 Larch Avenue was in favor of speed humps.

Dee Clark, 906 Larch Avenue, said she had submitted the petition a year ago and was still waiting for the decision. She also said they did not have any sidewalks on either side of the street, which had two churches, bus stops, and small children.

Mayor Sharp commented that he lived near Larch Avenue and he strongly supported these speed humps.

Tim Smith said he lived on Sycamore Avenue which was parallel to Poplar Avenue. He said he walked his dog and was amazed how fast cars drove up and down his street, and if any street needed speed humps more, it was Poplar Avenue.

Public Works Director Knauf said he was only familiar with the Park Avenue request, and his findings were that the Ordinance could be satisfied with either two or three speed humps. He said he had gone to Poplar Avenue and he confirmed what the citizens had said 3 speed humps should be installed.

Ms. Porter noted she had received comments and letters from citizens who lived on Larch Avenue who were in favor of the speed humps.

COUNCIL ACTION: The Ordinance was unanimously accepted at first reading. It was noted that second reading was scheduled for April 8, 1991.

ORDINANCE NO. 1991-6
(Attached)

5. Second Reading Ordinance Regarding Takoma Junction Facade Ordinance

Mr. Douglas moved adoption of the Ordinance at second reading with

amendments; Mr. Hamilton seconded.

Mr. Douglas explained that the purpose of the amendments were to delete reference to a memorandum of agreement and to add a width and height dimension for the Texaco sign.

CITIZEN COMMENTS:

Mr. James, 7904 Glenside Drive and Owner of The Takoma Junction Texaco Station said all he was asking for was a replacement of the existing sign, and the amendment proposed stated that it was a violation. Mr. James said signed ordinance did not specify the violation, therefore the sign was not in violation. He suggested the Council replace the sign and make it equivalent to the height.

Mr. Douglas responded to Mr. James and said he believed he should have the type of sign that is appropriate to the Takoma Junction area.

COUNCIL ACTION: The Ordinance, as amended, was unanimously adopted at second reading. (ABSENT: Leary)

ORDINANCE NO. 1991-4
(Attached)

6. Resolution Approving Program Open Space Annual Plan
Mr. Hamilton moved adoption and Mr. Douglas seconded.

Mr. Douglas noted for the record that the Resolution was a preliminary plan which the County needed, and Council would be providing a more updated plan after the budget was completed.

Mr. Prensky asked if under the acquisition heading, was there additional money available from past accruals in the acquisition account in addition to the \$125,000.00 that now was now being requested. The response was in the negative.

COUNCIL ACTION:

The question was called and the Resolution unanimously passed. (ABSENT: Leary)

RESOLUTION NO. 1991-30

7. Second Reading of Amendment to Drug and Alcohol Ordinance
Mr. Moore moved adoption and Mr. Hamilton seconded.

COUNCIL ACTION:

The Ordinance was unanimously adopted at second reading. (ABSENT: Leary)

ORDINANCE NO. 1991-5

8. Consent Agenda: Mr. Hamilton moved adoption of the Consent Agenda and Mr. Douglas seconded and the Consent Agenda was unanimously adopted.

- A. Resolution #1991-31 Appointing Sarah Stevens to a 2-year on COLTA
- B. Resolution #1991-32, Authorizing Closing of Laurel Avenue for 1991 Farmers Market
- C. Resolution #1991-33, Recognizing Accomplishments of Local CDBG Program During National Community Development Week, April 1-7, 1991

ADDITIONAL AGENDA ITEMS

9. Town Meeting Regarding Education In Montgomery County FY'92

Mr. Elrich explained that the Resolution reflected a concern of what was happening in Montgomery County with the school budget, and it was agreed in order to let the people's voices be heard, to organize a town meeting to encourage elected officials to attend the meeting, give the citizens a forum, and give the elected officials a chance to hear their concerns. Mr. Elrich indicated that the town meeting would be held on April 25th at City Hall.

Ms. Porter asked if the issue of education in the Prince George's County side could be included at the town meeting. Mr. Elrich responded no, because the issues were different and it would be hard to focus on both sides.

Mr. Douglas moved to add a WHEREAS clause to reference the Council's concern about Prince George's education issues and noting that the Council would hold a similar meeting in the future; Councilmember Porter seconded.

CITIZEN COMMENTS:

Tim Smith came forward and said the intention was to try to organize the community to address the situation which was not only a problem with people who had kids in school, but also for the whole community, and he felt many of the people who did not have kids did not realize what an impact it would be. Mr. Smith said he hoped the Council would be supportive.

Carlos Valla 234 Grant Avenue, said he had been in touch with some citizens from Prince George's County, and they had been at the meeting but had already left, but they all had agreed that it made sense to have separate town meetings on this particular issue, and he commended the Council for working so hard.

COUNCIL ACTION:

The Resolution passed unanimously. (ABSENT: Leary)

RESOLUTION #1991-34
(Attached)

ADOPTION OF MINUTES FROM 11/26/90 AND 12/10/90

Mr. Hamilton moved adoption and Mr. Prensky duly seconded and the Minutes were adopted with minor corrections noted on pages 4 and 6.

10. Suburban Maryland Fair Housing Resolution

Mr. Hamilton moved adoption; Mr. Prensky seconded.

Mr. Hamilton noted that the Resolution also commended the Suburban Maryland Fair Housing Association on their 28th anniversary as the fair housing advocate for Montgomery County.

COUNCIL ACTION:

The Resolution passed unanimously. (ABSENT: Leary and Moore)

RESOLUTION NO. 1991-35
(Attached)

11. Resolution Supporting Baseball

Mr. Sharp moved adoption and Mr. Douglas seconded.

Mr. Prensky proposed an amendment to the Resolution: to add a RESOLVED clause that copies of the Resolution be sent to the appropriate named entities showing the Council's support.

COUNCIL ACTION:

The Resolution passed unanimously. (ABSENT: Leary, Moore and Elrich)

RESOLUTION 1991-36

(Attached)

Upon motion made and seconded, the Council meeting adjourned at 1:12 a.m., to reconvene in Regular Session on April 8, 1991.

Introduced By: Councilmember Elrich

RESOLUTION NO. 1991-27

WHEREAS, Sam Abbott's contributions to the life of Takoma Park over the course of over a half century helped forge the spirit of participatory democracy by which we, today, proudly define our city; AND

WHEREAS, whether as political outsider or insider, as Takoma Park citizen or mayor, McCarthy era blacklistee or respected member of the Washington Area Council of Governments, Sam Abbott never strayed from the struggle for human and civil rights for all people and the rights of citizens to take a vocal and active role in the decisions that affect their lives; AND

WHEREAS, Takoma Park would today be a 10 lane freeway rather than our home town, if Sam Abbott had not organized the 15 year fight to stop the North Central Freeway.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park desire to honor the values that Sam Abbott so consistently represented; AND

BE IT FURTHER RESOLVED THAT the City Council authorize that the words:

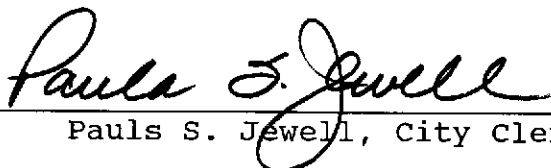
**Sam Abbott Citizens' Center
(be placed beneath the words)
City of Takoma Park
Municipal Building**

on the exterior of our City's Municipal Building. The additional words shall be sized as the words "Municipal Building"; AND

BE IT FURTHER RESOLVED, that at citizens' request, this honor shall be paid for by public contribution.

Dated this 25th day of March, 1991.

ATTEST:



Pauls S. Jewell, City Clerk

Introduced by: Councilmember Douglas

ADOPTED: MARCH 25, 1991

RESOLUTION 1991-28

A Resolution Concerning Preliminary Subdivision
Application 1-91005: 102 Grant Avenue, Takoma Park

WHEREAS, Mr. Ken Kusterer has applied to Montgomery County for the resubdivision of part of Section 2 of the General S.S. Carroll Addition to Takoma Park, otherwise known as 102 Grant Avenue, Takoma Park, into proposed Lots 1 and 2, AND;

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

WHEREAS, the application has been reviewed by City staff, which finds that the application meets Montgomery County standards for Subdivision of Land (Chapter 50, Montgomery County Code) and which has recommended CONDITIONAL APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated March 11, 1991, AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby expresses their support of the subject preliminary subdivision application, and encourages the Montgomery County Planning Board to APPROVE the subject application, with the following CONDITIONS:

1. THAT the applicant will take immediate measures to preserve the mature but diseased oak tree on the lot.
2. THAT the applicant will have the tree evaluated by a tree expert in May or June to determine if the tree is viable.
3. THAT if the tree is determined not to be viable at that time, and if the final subdivision plan involves removal of the oak tree, the City will be given the opportunity to review the final plan for the property, and to recommend appropriate landscaping.

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 25TH DAY OF MARCH, 1991.

102grsub.res

Introduced By: Councilmember Douglas

ADOPTED: MARCH 25, 1991

Resolution No. 1991-29

A Resolution Concerning Special Exception Application 91-2--
7 Lee Avenue, Takoma Park

WHEREAS, Ms. Kathleen Green has submitted an application to the Montgomery County Zoning Hearing Examiner for a Special Exception (S.E. 91-2) to permit day care to be provided at 7 Lee Avenue, Takoma Park for between 11 and 30 children; AND

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

WHEREAS, the application has been reviewed by City staff, which has recommended CONDITIONAL APPROVAL of the application on the basis of analysis contained in the pertinent staff report dated March 22, 1991; AND

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the City Council hereby recommends APPROVAL of the subject application, with the following CONDITIONS:

THAT no additional paving of the front yard be permitted;
AND

THAT the number of children permitted for the day care facility be restricted to 20.

BE IT FURTHER RESOLVED THAT the Council's support of this application is expressly tied to these conditions, and that the Council does not recommend any more intensive use of the property for the provision of day care services.

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 25TH DAY OF MARCH, 1991.

Introduced by:

1st Reading: 3/25/91
2nd Reading:
Effective:

ORDINANCE #1991- 6

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:

- (a) Park Avenue, between Philadelphia Avenue and Carroll Avenue, three (3) speed humps to be placed adjacent to 242, 230 and 118 Park Avenue.
- (b) Poplar Avenue, between Columbia Avenue and Elm Avenue, three (3) speed humps to be placed adjacent to 7110, 7018, and 7009 Poplar Avenue.
- (c) Larch Avenue, between Lincoln Avenue and New Hampshire Avenue, three (3) speed humps to be placed adjacent to 809, 818, and 909 Larch 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 _____, 1991 BY ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

Introduced by: Councilmember Douglas

1st reading: 3/11/91

2nd reading: 3/25/91

ORDINANCE #1991-4

An Ordinance to Grant an Exception to Ordinance #1985-30
for the Takoma Junction Texaco Station

WHEREAS, Star Enterprise, owner, and Mr. Chonai James, lessee of the Takoma Junction Texaco station located at 7224 Carroll Avenue, Takoma Park, have requested permission to erect a 26 foot high freestanding sign at the above referenced property; AND

WHEREAS, freestanding signs of any type are expressly prohibited in this area under City of Takoma Park Ordinance #1985-30 (Takoma Junction Building Facade and Sign Ordinance); AND

WHEREAS, the City will not permit the installation of the 26 foot freestanding sign which would be totally out of character for the area; AND

WHEREAS, the Council recognizes that the posting of gasoline prices is required by State law and that this case is unique since the accepted primary method of gas station price advertisement involves a freestanding sign;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City Council grants an exception to Ordinance #1985-30 in this case only and will permit Star Enterprise to erect a freestanding monument sign whose design is incorporated herein as Attachment 1 to this ordinance, the final dimensions and placement of which will be determined by the City Administrator or his designee, but which shall not exceed 7 feet in height and 10 feet 5 1/2 inches wide; AND

BE IT FURTHER ORDAINED THAT, this exception only applies to the specific case involving the Takoma Junction Texaco, and creates no precedent.

ADOPTED THIS 25TH DAY OF MARCH, 1991, BY ROLL CALL VOTE:

AYE: Douglas, Elrich, Hamilton, Moore, Porter, Prensky
NAY: None
ABSTAINED: None
ABSENT: Leary

Introduced by: Councilmember Hamilton

ADOPTED: MARCH 25, 1991

RESOLUTION #1991-30

A Resolution Submitting the City's Montgomery County
Program Open Space FY 92 Annual Program

WHEREAS, Montgomery County has requested that the City of Takoma Park submit its proposed Program Open Space Annual Program for Fiscal Year 1992; AND

WHEREAS, staff has requested and received comments from citizens, and has prepared its recommendations; AND

WHEREAS, the Council has taken into consideration public comments received on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT, the Council hereby submits the following POS Annual Program:

Development

- 1) Heffner Park (Phase I): \$20,000 (\$15,000 POS, \$5,000 local match)--playground equipment; design
- 2) Thomas-Siegler Gardens (Phase III): \$16,000 (\$12,000 POS, \$4,000 local match)--signage; lighting
- 3) Unspecified general development: \$60,000 (\$45,000 POS, \$15,000 local match)

TOTAL: \$96,000 (\$72,000 POS, \$24,000 local match)

Acquisition

- 1) Unspecified acquisition: \$125,000 (\$100,000 POS, \$25,000 local match required by Montgomery County)

TOTAL: \$125,000 (\$100,000 POS, \$25,000 local match)

TOTAL FY 92 ANNUAL PROGRAM: \$221,000 (\$172,000 POS, \$49,000 LOCAL MATCH)

BE IT FURTHER RESOLVED THAT this Annual Program is subject to amendment based on the results of City budget deliberations.

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 25TH DAY OF MARCH, 1991.

mcpos92.res

Introduced By: Councilmember Hamilton

1st Reading: 3/11/91
2nd Reading: 3/25/91
Effective: 3/25/91

ORDINANCE NO. 1991-5
Amending Alcohol and Drug Policy to Include Certain
City Volunteers and Hourly Contract Employees

- WHEREAS,** Takoma Park has enacted comprehensive legislation establishing an alcohol and drug policy coupled with an employee assistance program, designed to protect its employees' safety and to ensure that they are able to carry out their duties in an effective manner; AND
- WHEREAS,** this legislation presently covers only full- and part-time positions within the City's classification system, crossing guards, and senior executive-level employees; AND
- WHEREAS,** volunteers and hourly contract employees who provide important services to the City are not covered by the substance abuse policy; AND
- WHEREAS,** the City's need to ensure that its workplace is safe and that City services are effectively provided requires that certain volunteers and hourly contract employees refrain from using or being under the influence of alcohol or drugs while performing their assigned duties.

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

SECTION 1: Article 3 of Chapter 8B of the Takoma Park Code, titled "Alcohol and Drug Policy," is amended as follows:

To Sec. 8B-211, "Definitions," add a new subsection (k):
(k) "Volunteer means any person who provides services to the City, on a voluntary basis without remuneration, by carrying out a duty whose fulfillment is prescribed by the Takoma Park Code or which is ordinarily accomplished by a full-status City Employee. It does not include individuals who act in a purely advisory capacity, such as members of citizen task forces that supply recommendations to the City Council on impending legislative matters."

To Sec. 8B-212, "Substance Abuse Policy," add a new subsection (p):

(p) "Volunteers and hourly contract employees of the City are forbidden to use or be under the influence of alcohol or drugs while acting in their capacity as volunteers or contract employees. Violation of this policy is sufficient cause for termination of volunteer or contract employee status."

SECTION 2: This ordinance becomes effective upon enactment.

Adopted this 25th day of March, 1991, by Roll Call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: Leary

Introduced by: Councilmember Hamilton

Adopted: 3/25/91

RESOLUTION NO. 1991-31

APPOINTING MEMBER TO A TERM ON COLTA

WHEREAS, there currently exists vacancies on the City's Commission on Landlord and Tenant Affairs; AND

WHEREAS, one citizen has made application to serve on the Commission.

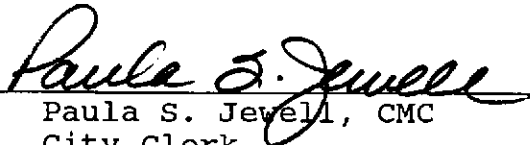
NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, does hereby appoint to the vacant seat on the Takoma Park Commission on Landlord and Tenant Affairs:

Name	Address	Term Expires
Sarah L. Stevens	8304 Eastridge Avenue #C	6/30/93

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

Adopted this 25th day of March, 1991.

ATTEST:


Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Hamilton

Adopted: March 25, 1991

Drafted by: V. VinCola

RESOLUTION NO. 1991-32

A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM APRIL 21 TO NOVEMBER 24, 1991, 9:15 A.M. TO 2:30 P.M.

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers' Market (the "Market") on Laurel Avenue in the Takoma Old Town Business District for the past eight years; AND

WHEREAS, the Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the Takoma Park community as a whole; AND

WHEREAS, the Mayor and Council of the City of Takoma Park are therefore desirous of continuing to sponsor the Market on Laurel Avenue in the Takoma Old Town Business District; AND

WHEREAS, in order for the Market to operate in a safe and effective manner, Laurel Avenue must be closed between Carroll and Eastern Avenues to accommodate the participating vendors, their stands and their customers; AND

WHEREAS, Section 11-24(a) of the Takoma Park Code requires the approval of the Mayor and Council prior to closing a street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or designee) is hereby authorized to establish and administer the Takoma Park Farmers Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT in order to promote the effective and efficient administration of the Market, the City Administrator (or designee) is hereby authorized and empowered to develop, adopt, and promulgate such guidelines and policies as may from time to time be necessary to administer the Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND, THAT Laurel Avenue between Carroll and Eastern Avenues shall be closed to all through traffic on the following

dates during the following times:

Every Sunday between (and including) 21 April 1991 -
24 November 1991, from 9:15am (local time) to 2:30pm
(local time).

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,
MARYLAND, THAT parking on Laurel Avenue between Carroll and Eastern
Avenues shall be prohibited on the dates and during the
times set forth above, except for officially permitted
vendors participating in the Takoma Park Farmers' Market.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,
MARYLAND, THAT in the event that there are fewer than ten vendors
participating in the Market on a given Sunday, the City
Administrator (or designee) may, at his/her discretion,
open the northbound lanes of Laurel Avenue to through
traffic between Carroll and Eastern Avenues. In this
event, parking shall be permitted in those spaces so
designated along the northbound lanes of Laurel Avenue.

BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF TAKOMA PARK,
MARYLAND, THAT the City Administrator (or designee) is hereby
authorized to arrange for the physical closing of Laurel
Avenue between Carroll and Eastern Avenues and the
posting of appropriate signage.

ADOPTED THIS 25th DAY OF March, 1991.

HF: Farmers Market 1991
VV:FMZ/farmkt91.res

Introduced By: Councilmember Hamilton

Adopted: March 25, 1991

RESOLUTION 1991-33

A RESOLUTION TO RECOGNIZE THE ACCOMPLISHMENTS OF THE LOCAL CDBG PROGRAM, AND ACKNOWLEDGE THE ROLE OF NONPROFIT SUBRECEIPIENTS IN DELIVERING CDBG SERVICES.

WHEREAS, the week of April 1-7, 1991 has been designated as National Community Development Week; AND

WHEREAS, the City of Takoma Park, Maryland is a participant in the Community Development Block (CDBG) program which funds a myriad of social service, economic development and housing programs in this community; AND

WHEREAS, in this community and in communities throughout the nation, seventeen years of Community Development Block Grant program funding have developed a strong working network of relationships between local government, residents of Community Development target neighborhoods and the many nonprofit agencies which provide services and help make possible our commitment to those neighborhoods; AND

WHEREAS, this community recognizes that the Community Development Block Grant program is a partnership of Federal, local government, nonprofit and community efforts, and that the services funded by the Federal CDBG program, administered by the local government and often delivered by local nonprofit organizations, relies heavily on the dedication and goodwill of our combined efforts.

THEREFORE BE IT RESOLVED that during National Community Development Week 1991, this community will give special thanks and recognition to all participants whose hard work and devotion to the neighborhoods and their low and moderate income residents help to insure the quality and effectiveness of the Community Development Block Grant Program; AND

BE IT FURTHER RESOLVED that this community, along with the service providers hereby petition the U. S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program, its vital importance to the community and to the people who live in its lower income neighborhoods; AND

BE IT FURTHER RESOLVED that copies of this resolution be conveyed to the appropriate elected and appointed officials in the Federal government and that this community's name and the names of its nonprofit service providers, be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant and maintenance of its essential features over the course of the next Congress.

ADOPTED THIS 25th DAY OF MARCH, 1991.

Introduced by: Councilmember Elrich

RESOLUTION No. 1991-34

WHEREAS, the Montgomery County Executive has proposed a Fiscal Year 1992 budget that will severely reduce resources available for Montgomery County Public School's classroom programs; AND

WHEREAS, the Prince George's County Public School programs will also be reduced due to that County's budget problems; AND

WHEREAS, many in our community believe that serious reductions in classroom programs will have a substantial negative impact on the quality of life in our City; AND

WHEREAS, it is important that our citizens have a full opportunity to learn about and discuss this issue.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Takoma Park shall sponsor Town Meetings to address this matter; AND

BE IT FURTHER RESOLVED THAT elected officials from the State and County level shall be invited to attend and participate.

Adopted this 25th day of March, 1991.

Introduced by: Councilmember Hamilton

March 25, 1991

PROCLAMATION/RESOLUTION #1991-35

WHEREAS, the City of Takoma Park, Maryland has always promoted fair housing concepts with the adoption of legislation such as the Tenant Opportunity to Purchase Law; AND

WHEREAS, the City of Takoma Park's Human Rights Commission ordinance governing open and fair housing gained law enforcement powers in 1974, making it illegal for a person to be discriminated against in the sale or rental of housing or property on the basis of that person's race, creed, color, sex, national origin, ancestry, marital status, disability or age; AND

WHEREAS, the City Council finds that discrimination in housing as in other forms of discrimination, adversely affects the health, welfare, peace and safety of the community; AND

WHEREAS, during the month of April, 1968, the Congress of the United States of America passed federal legislation prohibiting discrimination in housing on the basis of race, color, religion, sex or national origin otherwise known as the Civil Rights Act of 1968 or the Fair Housing Act of 1968, twenty-three years ago this month; AND

WHEREAS, the Takoma Park community joins in with other local civil rights communities in acknowledging and commemorating the 28th anniversary of the Suburban Maryland Fair Housing, Inc., a non-profit organization which has continuously worked to ensure that all people have equal access to housing; AND

WHEREAS, the City Council of Takoma Park reaffirms the commitment to fair housing as a matter of principle and will continue to work with Suburban Maryland Fair Housing towards fair and affordable housing.

NOW THEREFORE, I EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, do hereby proclaim the month of April, 1991, Fair Housing Month in Takoma Park, commemorating the 23rd anniversary of the Fair Housing Act of 1968 and the 28th anniversary of Suburban Maryland Fair Housing, Inc., for volunteer advocacy in the area of fair housing, thereby enhancing the tradition of cultural diversity in our neighborhoods and promoting the rights of all people to live free of housing discrimination.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Takoma Park to be affixed this 25th day of March 1991.



Edward F. Sharp
Edward F. Sharp, Mayor

Councilmember Jim Douglas
Councilmember Marc Elrich
Councilmember Gregory Hamilton
Councilmember Bill Leary
Councilmember Mike Moore
Councilmember Kathy Porter
Councilmember Hank Prensky

Introduced by: Mayor Sharp

RESOLUTION #1991-36

WHEREAS, the Nation's Capital has been without a major league baseball team for twenty years and an entire generation of Washington kids have been deprived of the thrill of rooting for the home-town team; AND

WHEREAS, in addition to its prestige as the Nation's Capital, Washington has a number of outstanding assets that make it an obvious choice by the Expansion Committee: a metropolitan population of 4 million; a rich and diverse economy; a top television market; and an excellent stadium built for baseball and well-served by a superb, high speed subway; AND

WHEREAS, baseball in Washington has the broad support of business, labor and community groups in local governments throughout the metropolitan area but, most importantly, there is strong fan support to bring baseball back to Washington; AND

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

The Takoma Park City Council expresses its continued support of bringing major league baseball back to the Washington metropolitan region; AND

BE IT FURTHER RESOLVED, THAT this Council expresses its support of the efforts of the District of Columbia Commission on Baseball and Washington Metropolitan Baseball in their efforts to bring baseball back to Washington; AND

BE IT FURTHER RESOLVED, THAT the Council welcomes the National League Expansion Committee to Washington and urges them to choose the Nation's Capital as one of the new baseball franchise to begin operation in the 1993 season; AND

BE IT FURTHER RESOLVED THAT the City Administrator is authorized to forward a copy of this Resolution to the District of Columbia Commission on Baseball and to the National League Expansion Committee.

Dated this 25th day of March, 1991.