

CITY OF TAKOMA PARK, MARYLAND (FINAL 2/20/92)

Regular Meeting of the City Council  
Monday, February 10, 1992

CITY OFFICIALS PRESENT:

Mayor Pro Tem Leary	Deputy City Admin. Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Public Works Dir. Knauf
Councilmember Johnson	Corporation Counsel Silber
Councilmember Porter	Recreation Director Ellis
Councilmember Prensky	
ABSENT: Mayor Sharp	

The City Council convened on Monday, February 10, 1992, at 8:01 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, Mayor Pro Tem Leary made his remarks:

Mr. Leary noted that Mayor Sharp was out of town this evening due to a serious illness in his family. Mr. Leary announced that on February 12th and 13th, at 7:30 p.m. each night, there would be a candidates forum for the Fourth Congressional District candidates to meet with the residents and provide an opportunity for the residents to ask the candidates questions.

Mr. Leary announced that the City Council was still seeking persons to serve on the Program Open Space Committee. Mr. Leary said this was an attempt to resurrect a project started several years ago to complete a comprehensive inventory of open space properties in the City. The committee will be completing that inventory and suggesting ways to save as much open space as possible. Persons interested in serving on this committee are asked to contact their Councilmember or call City Staff.

ADOPTION OF MINUTES

Moved by Mr. Prensky; seconded by Mr. Hamilton, the Minutes of October 28, 1991, November 12, 1991, November 18, 1991 and January 27, 1992 were unanimously adopted.

CITIZENS COMMENTS (On Items Not on Council's Agenda)

Albert Nunez, 8 Sherman Avenue expressed concern about the special exception for the child care center located at 7 Lee Avenue, to provide child care for up to 30 children. Mr. Nunez's wife, Joan Simons spoke to the issue, and said that the original Hearing Examiner ignored the Council's recommendation of 20 children. She said the State regulations for child care centers with over 30 children require 500 sq. feet per child on the site, and based on the petitioner's lot size, it was figured out that 13 children could be accommodated on the site. Ms. Simons also said that home day care use allows for up to 10 children in an R-60 zone. She also said that the Petitioner, Kathleen Greene, no longer lives on the site so it is not owner occupied. Ms. Simons said, in addition, the Petitioner was required to have parking for this use and the petitioner has not been able to meet that requirement.

Deputy City Administrator Habada confirmed that the City had written to express dissatisfaction with allowing any more than 20 children at the site. Ms. Habada noted that there was an appeal hearing charging administrative error scheduled for Wednesday at 1:00 pm, and that the Petitioner was appealing for additional children--up to 30. Ms. Habada said that City Staff would be attending the Board hearing on Wednesday, and if the Council wanted the City's legal Counsel to present a stronger position, then this could be arranged with Council approval. The Council decided to add this matter to this evening's worksession agenda.

Ms. Simons commented that this was part of a larger issue worth pursuing and that was the need for providing adequate day care in Takoma Park.

Rino Aldrighetti, 7213 Central Avenue said that he recently heard a report that the City Council was considering dropping the Pledge of Allegiance, and that he heard Mr. Prensky comment that the Pledge was a knee jerk reaction and that he and other Councilmembers did not believe in God. Mr. Aldrighetti said that there were so many real issues in this community, that this issue embarrassed him. Addressing Mr. Prensky, Mr. Aldrighetti said this was not the way to build a community or make philosophical points for the City of Takoma Park.

Mr. Leary asked that any members of the audience who wished to speak on this subject, hold their comments until the time when the Council chose to put the issue on an agenda.

Mr. Johnson requested an exception to Mr. Leary's request. He said the citizens who have an issue to address which is not on the Council's agenda have a right to address such issues at this time.

Michael Clinansmith, 7710 Maple Avenue commented that the City should begin to address the question of affordable housing, which was going to be a crucial matter in the coming weeks. Mr. Clinansmith said that a lot of people were moving out of the community and the buildings remaining were going to be unaffordable as rental housing. He suggested that the Council establish a citizens commission to address all the housing problems of the City.

#### AGENDA

1. Resolution Extending No Parking Zone on East Side of Holly Avenue. Mr. Leary moved adoption; seconded by Mr. Hamilton. Ms. Habada noted that there was a revised Resolution before the Council which authorized the Director or Public Works to install whatever No Parking markings that were necessary to effect this action.

Ed Longen, 7515 Holly Avenue said he lived across the street from the elementary school and the present no parking signs were set back approximately 10 feet from the area which left about 14 feet for the buses to enter or exit the driveway without coming within inches of parked cars on that street. He said this Resolution would free up the East side of Holly Avenue so the busses would have more room. He urged the Council's passage of the Resolution. Mr. Longen read a letter from Wesley Horner and Rob Ludera at 7519 Holly who also supported this measure and pointed out a more serious problem--excessive school bus traffic between the Junior High School (TPIS) and the elementary school. School buses frequently ignored the stop signs and they suggested that City officials should raise the issue of re-routing the school buses off of Grant and Holly Avenue and onto East West Highway. Mr. Longen noted that it appeared that this proposal had the consent of the neighbors, but if it wasn't effective, the residents would consider a residential parking program.

Mr. Leary noted he had received a phone call from a member of the staff of the elementary school who acknowledged the benefit to be gained from this change and who asked that the City investigate whether it would be possible to reserve whatever parking spaces remained on Holly Avenue between the no parking signs for school staff to park.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-8  
(Attached)

2. First Reading Ordinance Amending Ordinance 2395 to Extend New York Avenue's Permit Parking Hours - Moved by Mr. Leary; seconded by Mr. Hamilton. Mr. Leary noted the recommendation the Council had received from Public Works Director Dick Knauf to insert language in the Ordinance which would allow Staff to address any possible spillover problems that might arise from this action. Mr. Prenskey questioned the use of the term "ripple effects"; Ms. Habada responded that Staff would return with more appropriate language that can be inserted in the Ordinance for second reading. Ms. Jewell, responding to Mr. Leary's request for the areas that are defined by Ordinance 2395, said that the Ordinance 2395, adopted in 1976, established the exact street boundaries for fourteen permit parking areas in the area of the Metro. Mr. Leary noted that Staff had been in contact with the Montgomery College officials who supported the City's action to extend the permit parking hours and that the College would encourage the students and staff to make more use of the College's parking garage.

Council Action: The Ordinance was unanimously accepted at first reading.

ORDINANCE #1992-3  
(Attached)

3. 2nd Reading Resolution Amending City Charter to Allow Takoma Park Residents Who Are Non United States Citizens the Right to Vote in City Elections. Moved by Mr. Hamilton; seconded by Mr. Leary.

Jack Mitton, 501 Philadelphia Avenue said he found it interesting that the Council was ready to adopt legislation in a building so recently renamed the "Sam Abbott Citizens' Center". Mr. Mitton commented that the proposal in front of the Council tonight should not be adopted as it was written, because the proposal would allow aliens to be eligible to serve as officials in the City. He said the Resolution should be worded to prohibit non United States citizens from running and being elected to office.

Tom Anastasio, 32 Columbia Avenue said that he remained a strong supporter of the Resolution, and he commended the City for defending the Resolution as it had now become the City's right to home rule which was now under attack. Mr. Anastasio said the State of Maryland has a strong tradition of home rule and Takoma Park was simply saying that it was fair to have every resident who is affected by the laws to have a right to vote in the City of Takoma Park.

DeVona Garey, 7018 Poplar Avenue said that she had been offended by the comments she heard that anyone who did not support this referendum was a bigot. Ms. Garey said that voting was one of the most important privileges of being a citizen of this Country and she implored the Council not to give this privilege away.

Margie Garey, 7018 Poplar Avenue said that she was distressed that the referendum narrowly passed and by the unrepresentative manner in which the City officials handled the entire matter. She reminded the Council that after five years of residence, an eligible alien could apply for naturalization. Ms. Garey said she

believed that Takoma Park elected officials should uphold the laws of the country as they were sworn to do when they took office, and vote against the Resolution.

Michael Clinansmith, 7710 Maple Avenue said that the person who announced that Delegate John Morgan was the legislator sponsoring the bill to prohibit Takoma Park from taking this action, told a lie. Mr. Clinansmith said that he personally talked with Delegate Morgan who told him that the proposal was submitted to the State Legislature at the request of the Prince George's Civic Association and that Morgan personally did not support the bill. Mr. Clinansmith said that it was also a lie that several seconders of the legislation wished to remain confidential for fear of reprisal, and said that Mr. Morgan had not received a single delegate that would co-sponsor the legislation.

Henry Quintero, of the Hispanic Alliance asked the Council to approve the Resolution, saying that the Hispanic community would be a viable addition to the Takoma Park community. He said the Hispanic Alliance would be testifying in Annapolis against Del. Morgan's proposed bill on February 11th.

#### Councilmember Comments

Mr. Johnson said he had hoped the Council could disagree on important policy issues without being accused of ulterior motives. He said the accusations that he was a "phony" were inappropriate and wrong and there was nothing phony about his strong dissent for what the Council proposed to do. He said the accusations go against what he spoke to when he said the strength of the City was the ability of people to express their points of view. Mr. Johnson said he opposed the Resolution because it discouraged people from seeking citizenship and the Council needed to encourage this. He also said an individual could only be loyal to one sovereign and that the amendment failed to address certain issues such as language barriers. Mr. Johnson said that he was also troubled by the other inaccuracies--the most troubling one being that the Supreme Court looked favorably upon non citizens voting.

Mr. Elrich said that he was in agreement with the substance of Mr. Johnson's comments. He said the debate he heard from Takoma Park citizens who opposed the Resolution had been characterized by substance and not innuendos. Mr. Elrich said that citizenship was not just a national phenomenon but a local one, and that the people who resided in this community were citizens of this community; they pay taxes, they send their kids to school and get involved in the community, and they do this no differently than any other citizen of this community. He said everyone residing here was ultimately responsible for the laws of this community. Mr. Elrich said that he felt comfortable with expanding the franchise in the community. He said this was an extension of democratic principles; not a contraction of democratic principles.

Mr. Hamilton said he supported the referendum because the Council as a whole could not make the decision as a whole. He said he was elected to vote on the way his constituents felt, and he had to ensure that their voices were heard. Mr. Hamilton said that any person residing in this City had a right to express their opinion about the issues of this City. Mr. Hamilton also said he respected Mr. Johnson's vote, because he, too, was voting on how his own constituents felt.

Mr. Prensky said that one of his constituents, Ms. Sarah Hansard, called him to express her opposition to the Resolution--who did not specifically oppose non citizen voting, but said that she was unhappy that the Council was not limiting the voting right to only those who legally have entered the United States. Mr. Prensky said he was representing the 60% of Ward 3 voters who advised the Council they approved of this change, and represent the 52% majority of the voters who advised the Council to make this change

in the Charter. Mr. Prensky said this legislation would not discourage people from taking part and seeking citizenship in this Country if they so choose. He said he chose to define the word citizen to those who lived here, resided here and participated here, and not just those who held a magic card.

Ms. Porter said that everyone should be proud of the process taken on this issue. She said there was wide public participation and a referendum and that this process should be a model for making future decisions on major issues. She disagreed with Mr. Johnson and said that the ability to vote in only City elections was unlikely to discourage non U.S. citizens from seeking citizenship.

Mr. Leary said he supported the Resolution as he urged his constituents in his Ward to do in the recent Election; and that 3/5 of the voters in Ward 1 supported this change. He said the action being taken was a modest step that will have modest and positive consequences, and he did not foresee any negative consequences. Mr. Leary said if his prediction turned out to inaccurate, the council could take a different action.

Council Action: The Resolution passed by a vote of 5 to 1. (Nay: Johnson)

Mr. Leary noted that the Council would be discussing later in worksession the City Clerk's testimony that would be delivered on behalf of the City Council in Annapolis on February 11th.

RESOLUTION #1992-5A  
(Attached)

Mr. Johnson clarified that he while he strongly disagreed with the action the Council has taken, he would not provide any support to anyone trying to determine the City's future.

Mr. Leary encouraged anyone wishing to write to the Chair of the Constitutional and Administrative Law Committee, to do so and he gave the address and phone number.

3. Resolution Endorsing Takoma Park Peace Network Proposal. Moved by Mr. Elrich; seconded by Mr. Prensky.

Ms. Joan Jacobs said this was a community based project and the Takoma Park Peace Network had received more interest and support from persons in the community. She announced that the public forum would be held on May 14, 1992, and prior to the forum they would be conducting a community needs assessment to gather opinion and hard data on how people view the issue of violence in Takoma Park and ways to prevent it. She said those working on this project were excited about it and whatever the City could do in support of the project would be appreciated.

Kay Dellinger, Hampshire Towers, said that as a long time member of the Peace Taskforce and founding member of the Peace Network, she felt that the Resolution and the planned forum were extremely important steps. She said it was an important first step towards taking other actions for combatting the issue of violence in our community. She encouraged other City community organizations to work with the Peace Network towards solving this problem.

Councilmember Comments

Mr. Elrich said it was important that the community take these steps to combat violence, and it was important to look at how to prevent violence in the first place and the causes of violence. He said dealing with violence after it has occurred was expensive.

Ms. Porter commented that this was a very important effort, and one of the things that heartened her was the involvement of the community because it made her positive that the solution to this community problem would come from the community. She encouraged all tenant and civic associations to get involved in this effort.

Mr. Johnson said that he attended the meeting where Joan Jacobs first introduced the idea of the project, as he endorsed it during the planning of the Martin Luther King celebration. He said in his day job he dealt with the issue of violence all day long. He said there are two types of violence--stranger to stranger and person to person violence which was violence between families, partners in a household, and violence inflicted on our children. Mr. Johnson said he hoped that the project would address not only the violence we read about in the newspapers, but the violence that took place behind closed doors.

Mr. Prensky also encouraged the active participation of all, and said the Council was encouraging the involvement of the Police Department, the Recreation Department and City employees.

Council Action: The Resolution passed unanimously.

RESOLUTION #1992-9  
(Attached)

5. Resolution Authorizing City Administrator to Enter Into Agreement with Karl Kessler Ms. Habada explained that the Resolution would authorize the City Administrator to enter into an agreement with Mr. Kessler by the City contributing \$2,000 towards Mr. Kessler's expenses for making stormwater management improvements and parking lot paving behind 7320-7334 Carroll Avenue. Ms. Habada said that the agreement was conditional upon an agreement with Mr. Kessler to provide lighting and other improvements there as well.

Mr. Elrich said he would be voting against the Resolution because he did not see why it was the City's responsibility to finance private improvements; he believed that private property owners were responsible for the control of stormwater run-off from their properties and that he knew nothing of the financial situation of Mr. Kessler that taxpayer's money was needed to do this.

Ms. Habada said the offer was made to Mr. Kessler on the basis of his request for assistance on this project and the only compelling reason was the revitalization of that area. Ms. Habada said that previous discussions with Mr. Kessler took place about improvements that were made during the time when the City was helping with the revitalization efforts and allowing the businesses in that area to pave the areas behind their property and include the costs of that repaving in the calculation for their facade easements the City provided to them out of CDBG funds. She said the \$2,000 was not based on any financial need of Mr. Kessler, and that the his total improvements costs ranged in the area of \$40,000.

Mr. Prensky reminded the Council about their discussions in worksession about the possibility of pursuing a special assessment on the other property owners. He said they had discussed with Mr. Kessler that it was not clear what responsibility the City had in doing this, but the Council had authorized the Deputy City Administrator to negotiate some consideration to ensure the completion of this project in a timely fashion that would benefit the continued revitalization of Takoma Junction. He said that the issues were "still muddy" but the Council could clear this up by going ahead with the Resolution. Mr. Prensky said that he has talked with the citizens association and the neighborhood and he was assured that conversations regarding the lighting and other improvements have taken place between them and Mr. Kessler, and that the neighborhood was satisfied.

Mr. Hamilton said that a lot of the funds that went into the area were block grant funds and his concern was whether the Council was setting a precedent by giving someone City funds.

Mr. Elrich said parts of the property have sat vacant for a long period of time and Mr. Kessler had not seen fit to place his property in a marketable fashion. He said he might think differently if he saw a real hardship case in Mr. Kessler's situation.

In response to a question from Mr. Leary, Ms. Habada said the only consequence of the Council not approving the Resolution to enter into an agreement was that the Council may get some grief on the other improvements (lighting, etc.), but that Mr. Kessler's project was not going to be stopped if the Council did not contribute to this.

Mr. Prenskey asked that the Council not defeat this Resolution because it was unfair in terms of the treatment of Mr. Kessler. He said the Council authorized the Deputy City Administrator to negotiate with Mr. Kessler and this had been done, regardless of whether this was or was not a good use of taxpayer money. Mr. Prenskey said if it was the will of the Council to not go ahead with it, the Resolution should be tabled.

Council Action: Ms. Porter moved to table the Resolution; Mr. Elrich seconded. The Motion to table carried 4 to 0. (Abstained: Prenskey).

6. 1st Reading Ordinance to Amend the Personnel Code Re: Evaluation Dates for Employees - Moved by Mr. Hamilton; duly seconded. Ms. Habada said the evaluation process had already started and would be ongoing as the anniversary system goes into effect.

Council Action: The Ordinance was unanimously accepted at first reading.

ORDINANCE #1992-4  
(Attached)

Upon motion duly made and seconded, the Council adjourned at 10:54 p.m., to reconvene in Regular Session on February 24, 1992.

Introduced by: Councilmember Leary  
(Drafted by L. Perlman)  
(Revised 2/10/92)

Adopted: 2/10/92

RESOLUTION NO. 1992-8

(Authorizing the Director of Public Works to paint yellow curb markings on the east side of Holly Avenue in order to prohibit parking on either side of the driveways to and from Takoma Park Elementary School.)

**WHEREAS,** school buses have difficulty entering and exiting the driveways to Takoma Park Elementary School when vehicles are stopped or parked on Holly Avenue on either side of these driveways; AND

**WHEREAS,** in the interest of public safety, the Council wishes to prohibit vehicles from stopping or parking on Holly Avenue on either side of the driveways to and from Takoma Park Elementary School; AND

**WHEREAS,** Section 13-70 of this Takoma Park Code provides that "[i]n the regulation and supervision of traffic, the Director of Public Works is authorized to place, erect and maintain upon and along the public highways of the City those traffic signs and devices as the Mayor and Council have or may direct, at the locations designated by the Mayor and Council'; AND

**WHEREAS,** a traffic device includes a marking such as the painting of curbs; AND

**WHEREAS,** Section 13-63 of the Takoma Park Code prohibits any vehicle from stopping, standing or parking alongside any painted portions or areas of the curbs.

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

**THAT,** the Director of Public Works is authorized to apply the necessary no parking markings in accordance with the Manual for Uniform Traffic Control Devices on the east side of Holly Avenue between Philadelphia Avenue and Grant Avenue in the area of Takoma Park Elementary School in the City of Takoma Park in order to prohibit vehicles from stopping, standing or parking on either side of the driveways to and from Takoma Park Elementary School.



**BE IT FURTHER RESOLVED,** that the Director of Public Works shall use his best judgement to determine the distance along Holly Avenue, on each side of the driveways to and from Takoma Park Elementary School, where parking should be prohibited by means of yellow curb markings and/or a stenciled "no parking" message on the curbs in order to facilitate school bus entry and exit.

Adopted this 10th day of February, 1992.

Introduced by Councilmember Leary  
(Drafted by: P. Jewell)  
(Amended 2/21/92)

1st Reading: 2/10/92  
2nd Reading:

**ORDINANCE #1992-3**

**AMENDING ORDINANCE #2395 TO EXTEND RESIDENTIAL PERMIT  
PARKING HOURS ON NEW YORK AVENUE**

WHEREAS, On August 6, 1976, the Council adopted Ordinance #2395, establishing the boundaries for fourteen Permit Parking Areas throughout the City; AND

WHEREAS, the spirit and intent of permit parking is to alleviate the problems placed on the health, safety and welfare of residents in the City who are adversely affected by the existence of major public facilities and programs; AND

WHEREAS residents on New York Avenue have increasingly been inconvenienced by the number of students and staff attending evening classes at Montgomery College who park adjacent to the resident's homes instead of using the facilities available to the College community; AND

WHEREAS, the City Council, in keeping with the spirit and intent of the permit parking legislation, desires to enforce an extended period of time for this permit parking area to alleviate the problems experienced by New York Avenue residents.

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

SECTION 1. THAT Ordinance #2395, adopted August 9, 1976 is hereby amended as follows:

c. (11)(a) PARKING BY PERMIT ONLY FROM 8:00 AM TO 7:00 PM [5:00 PM], MONDAY THROUGH FRIDAY ON NEW YORK AVENUE, SOUTH SIDE BETWEEN TAKOMA AND BALTIMORE AVENUE.

(b) Parking by permit only from 8:00 am to 7:00 pm Monday through Friday in lieu of from 8:00 am to 5:00 pm Monday through Friday on other streets listed in section 2.C of ordinance #2395, if determined necessary by the City Administrator to address any ripple effects from the changes in permit parking times on New York Avenue.

SECTION 3. THAT in this Ordinance, underlining shall denote new language and [brackets] shall denote language removed; AND

SECTION 4. THAT this Ordinance shall become effective once the street signs are erected; AND

SECTION 5. FURTHER THAT a violation of this Ordinance is a Class C offense.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1992, by Roll Call Vote as follows:

AYE:  
NAY:  
ABSTAINED:  
ABSENT:

Introduced by: Mayor Sharp  
(Drafted by: P. Jewell)  
(Revised 1/27/92)

1st Reading: 1/27/92  
2nd Reading: 2/10/92  
Posted: 2/10/92  
Effective: 3/31/92

CHARTER AMENDMENT RESOLUTION #1992-5A  
AMENDING CHARTER ARTICLE VII, SECTION 701(a) REGARDING  
"QUALIFICATIONS OF VOTERS" AND SECTION 703 REGARDING REGISTRATION  
CERTIFICATION BY SUPERVISORS OF ELECTION

WHEREAS, Takoma Park is a diverse community including people of many different nationalities, races and economic circumstances; AND

WHEREAS, Takoma Park welcomes the full participation in City affairs of all those who have chosen to make the City their home; AND

WHEREAS, the Mayor and City Council of Takoma Park recognize that all residents of the City have an equal interest in issues before City government, and deserve an equal opportunity to influence decisions that directly affect their lives; AND

WHEREAS, a majority of Takoma Park voters voted on November 5, 1991 in a non binding referendum to allow residents of Takoma Park who are not citizens of the United States to vote in City elections.

SECTION 1: NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT pursuant to Article XI-E of the Constitution of the State of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title: "Corporations - Municipal," that Sections 701 (a) and Section 703 of the Charter of the City of Takoma Park are hereby amended as follows:

**ARTICLE VII - REGISTRATION, NOMINATIONS, AND ELECTIONS**  
**SECTION 701 Qualifications of Voters**

(a) Every person who (1) is a resident of Takoma Park [citizen of the United States], (2) is at least eighteen years of age, (3) has resided within the corporate limits of the City for 30 days next preceding the City election, and (4) is registered in accordance with the provisions of this charter, is a qualified

voter of the City. Every qualified voter of the City is entitled to vote in all City elections.

(b) Clerks Note: Remains as is as amended by Ordinance #1991-21

**SECTION 703 - REGISTRATION**

(a) Any Resident of Takoma Park who is a United States citizen may register to vote at the boards of election supervisors for Montgomery and Prince George's Counties, respectively, any time these offices are open for business or by mail. Registration shall be permanent unless such registration shall be cancelled as provided by state law. No person is entitled to vote unless properly registered.

(b) Any resident of Takoma Park who is not a United States citizen may register with the City Clerk, who shall maintain a separate voter roll from the existing voter rolls generated by the Montgomery County and Prince George's County Boards of Election, to include the names of those non United States Citizens.

SECTION 2: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the date of adoption of this Resolution is scheduled for February 10, 1992, and the amendment of Section 701(a) and Section 703 of the Charter of the City of Takoma Park hereby enacted shall become effective on March 31, 1992, unless a proper petition for referendum hereon shall be filed as permitted by Article 23A of the Annotated Code of Maryland, Section 16, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board of the Municipal Building until March 21, 1992, and provided further that a copy of the fair summary of this Charter Resolution shall be published in a newspaper of general circulation in the City of Takoma Park, once a week for four weeks.

SECTION 3: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT the City Clerk is hereby specifically commanded to carry out the provisions of Section 2 hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of the newspaper in which the title of the Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed

amendment hereby enacted to have been approved by the voters and the Charter amendment shall become effective on the date provided by law.

SECTION 4: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, THAT as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by registered mail, to the Department of Legislative Reference of Maryland, a clear certified copy of this Resolution showing the number of Councilmembers voting for and against it and report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

SECTION 5: The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Regular Meeting of the Council of the City of Takoma Park on Monday, February 10, 1992, five (5) members of the City Council voting in the affirmative, one (1) members of the City Council voting in the negative, no members of the City Council abstaining and one (1) members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 31st day of March, 1992.

SECTION 6: In this ordinance, [brackets] shall denote language to be deleted from the current City Charter and underlining shall denote language to be added.

Adopted this 10th day of February, 1992 by Roll Call Vote as follows:

AYE: Elrich, Hamilton, Leary, Porter, Prensky

NAY: Johnson

ABSTAINED: None

ABSENT: Sharp

COUNCILMEMBERS OF THE CITY OF TAKOMA PARK

Edward F. Sharp  
Mayor

Bill Leary  
Councilmember, Ward 1

Kathy Porter  
Councilmember, Ward 2

Hank Prensky  
Councilmember, Ward 3

Gregory V. Hamilton  
Councilmember, Ward 4

Marc Elrich  
Councilmember, Ward 5

Lloyd Johnson  
Councilmember, Ward 6

ATTEST:

\_\_\_\_\_  
CMC/City Clerk

\_\_\_\_\_  
Date

Introduced by: Councilmember Elrich

RESOLUTION #1992-9

Resolution Supporting the Takoma Park Violence Prevention Project

**WHEREAS,** all of us are concerned with the incidents of violence that have occurred in our community; AND

**WHEREAS,** we believe that violence cannot be prevented by law enforcement alone; AND

**WHEREAS,** it is important that we look for and address the root causes of violence so that violence can be prevented; AND

**WHEREAS,** citizens can work together to strengthen the community and in the process diminish the occurrence of violence; AND

**WHEREAS,** many individuals and organizations in our community are joining together to initiate a Takoma Park Violence Prevention Project; AND

**WHEREAS,** the Takoma Foundation has provided a grant to further the work of the Takoma Park Violence Prevention Project; AND

**WHEREAS,** the City Council of Takoma Park believes that these efforts deserve the support and encouragement of our entire community.

**NOW THEREFORE BE IT RESOLVED THAT** the City Council of Takoma Park joins in endorsing the work of the Takoma Park Violence Prevention Project and encourages the citizens of our City to join in this effort to reduce acts of violence in our community.

Dated this 10th day of February, 1992.



Introduced by:  
(Drafted by: P. Jewell & W. Hobbs)

1st Reading: 2/10/92  
2nd Reading:

ORDINANCE #1992-4

Amending Takoma Park Code Section 8B-160 (a) and (b)  
Regarding Procedure for Employee Evaluations

- WHEREAS,** In the City of Takoma Park, management has a basic obligation to inform employees of what is expected of them and how their supervisor will evaluate their performance.
- WHEREAS,** the City's current personnel practice is to conduct all employee evaluations on December 1st and June 1st each year; AND
- WHEREAS,** this current practice is not an efficient use of time as it requires managers to review the performance of and conduct all of their employees evaluations at the same time; AND
- WHEREAS,** studies have shown that this current practice is somewhat outdated and seldom used in organizations; AND
- WHEREAS,** the City desires to amend the current practice and adopt a system that would require managers to conduct each employee evaluation once every six months based on a date which coincides with that employee's date of hire or promotion.

**NOW THEREFORE BE IT RESOLVED** by the Council of Takoma Park  
Maryland:

SECTION 1. That Section 8B-160 (a) and (b) of the Takoma Park City Code are hereby amended as follows:

SECTION 8B-160. Procedure

- (a) Employee performance evaluations shall be conducted every six (6) months based on the employee's date of hire or date of promotion. [on a semiannual basis for all employees. The first shall commence on December 1; the second shall commence on June 1.]
- (b) No later than fifteen (15) [ten 10] working days after the date of hire or promotion, [above mentioned dates] an employee's supervisor shall prepare an employee performance evaluation form.

(rest of 8B-160 (b) remains as is.)

SECTION 2. That this ordinance is effective retroactive to January 1, 1992.

Adopted by Roll Call vote this \_\_\_\_ day of \_\_\_\_\_, 1992 as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

CITY OF TAKOMA PARK, MARYLAND (FINAL 3/5/92)

Regular Meeting of the City Council  
Monday, February 24, 1992

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Wilson
Councilmember Elrich	Deputy City Admin. Habada
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Corporation Counsel Silber
Councilmember Leary	Personnel Officer Hobbs
Councilmember Porter	Public Works Dir. Knauf
Councilmember Prensky	DHCD Director Grimmer

The City Council convened on Monday, February 24, 1992, at 8:37 p.m., in the Council Chamber at 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, the following announcements were made:

Mr. Sharp reminded citizens that in the February City Newsletter, there was a questionnaire on recycling and trash pick up, and this was the first of a number of citizen surveys that would be distributed with the Newsletter. He encouraged people to complete the questionnaire and turn them in.

Ms. Porter announced there would be a meeting with the area superintendent of schools on March 11, 1992, at 7:30 p.m., at the Carole Highlands Elementary School to discuss renovations on the school, the planning for which was scheduled to begin next year.

Mr. Prensky announced there would be traffic planning and training session on February 26, 1992 at the Municipal Building. He said this training was part of Prince George's County's Aid to Municipalities Program and would assist citizens with traffic planning and counting to help alleviate some traffic problems in Takoma Park neighborhoods.

ADOPTION OF MINUTES FROM 7/8/91 AND 2/10/92

Mr. Hamilton moved adoption; Ms. Porter seconded, and the minutes were adopted by unanimous vote.

CITIZENS COMMENTS (directed at items not on Council Agenda)

Paul Spratlin, 11 Lee Avenue protested that the February 18th Council worksession did not allow any public comment about the bill to remove the Pledge of Allegiance from public schools. Mr. Spratlin read a poem by e. e. cummings about loyalty of oath to the United States Government.

Mr. Sharp clarified Mr. Spratlin's misconception and said that the Council's worksession discussion focused on the Pledge of Allegiance that is said at the opening of City Council meetings; he said the Council did not have authority over the recitation of the Pledge of Allegiance in schools.

Edward Troy, 7034 Carroll Avenue expressed concern about the City's Housing Code Enforcement as it related to his landlord, Mr. Norman Bernhardt, and code violations in a number of areas and more specifically in the recent incident of carbon monoxide poisoning at the residence. Mr. Troy said that he had a photos and a chronological list of the events that led up to the carbon monoxide poisoning. Mr. Sharp expressed concern about what had happened and requested that Mr. Troy speak to the DHCD Director to provide her with his information about the incident and discuss with her what steps Takoma Park is taking in response.

Margie Garey, 7018 Poplar Avenue reported that a large amount of cardboard and refuse had been dumped on Poplar Avenue and had been left there for about 3 weeks. Mr. Sharp noted that the Director of Public Works was in the audience and the matter would be referred to that Department. Ms. Garey also commented that the Pledge of Allegiance should be continued as it was a very important part of our Country.

William Brown, Westmoreland Avenue said the City was proud of its diversity, which was a blessing and a test of tolerance and sensitivity and he cited as an example the recent controversy over the Pledge of Allegiance. Mr. Brown said he would like to see bad feelings, bad press and political feud in the community end; he urged the Council to consider a proposed resolution to change the opening statement for Council meetings. The proposal would be for the introduction of the Pledge to be: "Please rise for the Pledge of Allegiance; or if you prefer, please rise and stand silently."

Tom Anastasio, 32 Columbia Avenue said that he was disappointed that the Council was unable to discuss this issue and said the Council might want to discuss in a retreat how to work more cooperatively when dealing with divergent points of view and hot issues. He said that Takoma Park residents do not need to be embarrassed by City attempts to be open to varied opinions. He said he was proud of the City's creative processes. He urged the Council to quickly take the proposal under consideration and adopt the proposed resolution.

Mr. Sharp said that he was willing to put the proposal on a Worksession agenda.

#### AGENDA

##### 1. Resolution of Recognition to City Employees Bobby Phillips and Jerry Sanford

Moved by Mr. Hamilton; seconded by Mr. Sharp. Mr. Hamilton read the Resolution recognizing Bobby Phillips and Jerry Sanford for their quick action and response to a fire at the Edinburgh Apartment on February 13, 1992. Mr. Sharp presented Mr. Phillips and Mr. Sanford with copies of the Resolution. Mr. Hamilton noted that the Takoma Park Volunteer Fire Department as well as the Edinburgh tenants also expressed their appreciation. He suggested that Staff send a copy of the Resolution to Bernie Tetrault at the Montgomery County Housing Opportunities Commission.

Council Action: The Resolution passed unanimously.

##### RESOLUTION #1992-10 (Attached)

##### 2. Resolution Re: Accessory Apartment at 134 Grant Avenue

Moved by Mr. Prenskey; seconded by Mr. Hamilton. Mr. Prenskey commented on the value of accessory apartments in expanding the City's housing base. He said that while the County and the City have in the past had some problems with overcrowding and negligent landlords in certain areas, the basic idea of acceptance of accessory apartments was a sound one. Mr. Prenskey commended the owners of this property for coming before the Council and handling everything in a proper and legal fashion to provide an expansion of the housing base.

Ms. Porter noted for the record that the owner came before the Council in Worksession to present their case and that the unit was inspected and DHCD's recommendation was to accept the accessory apartment.

Ms. Jewell noted that in response to letters her office sent out, Ms. Napalo, at 127 Grant said that she and her husband had no objection to this application.

Mr. Prensky also noted that Dan Robinson, President of S.S. Carroll Community Association spoke to the association and they found no objection to the accessory apartment.

Council Action: The Resolution carried unanimously.

RESOLUTION #1992-11  
(Attached)

3. 2nd Reading Ordinance Amending Ordinance 2395 to Extend New York Avenue's Permit Parking Hours

Mr. Leary moved adoption of the ordinance at second reading with a non substantive amendment noted in Section 1(b); the motion was seconded by Mr. Elrich.

Council Action: The Ordinance was adopted unanimously on second reading.

ORDINANCE #1992-3  
(Attached)

4. Resolution Establishing the Procedure for Television Worksessions

Mr. Elrich moved adoption; Mr. Prensky seconded. Mr. Sharp noted that the Council had experimented with different formats for televising the Council worksessions and the preferred method had not been arrived at but efforts were continuing.

Mr. Prensky noted that the Resolution cited the reasons and desirability for televising the worksessions. Mr. Prensky noted comments made this evening about the Council's handling of the proposals for the Pledge of Allegiance and said there would not have been questions or confusions of opinion had there been televising of Worksessions as he and Mr. Elrich had proposed some months ago. He said this was a valuable and important step for the Council to take. Referencing the last resolved clause, Mr. Prensky said he hoped the City Administrator would look into the possibility of transmitting all Council meetings through local radio stations as well as cable television.

Ms. Porter said she supported the Resolution with some reservations. She said her reservations had nothing to do with the value of getting information out to the citizenry; she always thought this was an important thing to do. However, she said her concern was that the Council not be hindered in accomplishing their work by televising worksessions. She said some of the changes suggested, but none agreed to so far, would have had the effect of making the worksessions look better on television but operate less efficiently. She said the way the Council best served the citizenry was by getting their work done most efficiently.

Mr. Sharp moved to delete the second Resolved clause and said the Council should not be asking the City Administrator to waste time in investigating the transmission of Council meetings over the radio when the investigations done by citizens on this indicated the most likely candidates to do radio transmissions were not interested and it was not likely there would be other candidates. He said if there were citizens who wanted to pursue this idea, that was fine. Mr. Leary seconded the motion.

Mr. Prensky said he opposed the amendment and said the additional value of radio broadcasting these meetings was that every citizen of the City had access to radio while only 51% of the homes in Takoma Park paid the fees to be wired for cable television. He said one of his constituents was in touch with WTGS, the Columbia Union College radio station and received a luke-warm response to the proposal for radio broadcasting. He said the idea might be better received if a member of the City staff or the City Council put forth the proposal.

Mr. Johnson said that he opposed the amendment and said that it was innocuous and would not be helpful for the public to listen to the meetings over the radio because listeners could not distinguish who was speaking.

Mr. Elrich suggested instead of deleting the clause, substituting the words "...the City is interested in exploring radio broadcasting...". Mr. Sharp said he had no objection to Mr. Elrich's proposal and he and Mr. Leary withdrew the motion and the second. The amendment carried by a 6-1 vote (Nay: Mr. Prensky).

Mr. Johnson said that, while he has always supported televising Council worksessions, he has long expressed dissatisfaction about the quality of the Council's meetings. He said he hoped the televising of the Council's worksessions would improve; if they did not, he would reserve the right to propose to stop televising all Council sessions until they could be done properly.

Mr. Leary said he would vote against the Resolution because it was an example of a solution in search of a problem and that the complaints supposedly addressed by the proposal--that decisions were made by the Council in secret and without citizen participation--were untrue and absurd. The government of Takoma Park not only encouraged citizen participation but indulged it. He said televising worksessions might result in less participation because those who attended worksessions might now instead watch them on television. Mr. Leary also said it would not change the reality of how decisions were made and it would not alter the perception of secretness and unresponsiveness because those who held this attitude objected to the results, not the process. Mr. Leary also said the proposal would cost approximately \$3500 more per year and the quality of the Council's deliberations would diminish. He commented that by carefully sampling different ways to televise the sessions, the Council minimized potential negative effects. He commended his colleagues for taking that approach and he encouraged them to resist the pressures to make the televising of the sessions any more obtrusive than they would be otherwise.

Mr. Sharp encouraged Councilmembers to submit to the Clerk a paragraph summary of any statements they wished to make so that these could be put verbatim into the Minutes.

Mr. Elrich said he supported this measure for some time and he shared Mr. Johnson's concerns about the quality of the broadcasting of current council taped sessions. He said he agreed with Mr. Leary that televising worksessions won't cure a problem that did not exist. He said televising worksessions would make the maximum amount of information available to the maximum number of people. Mr. Elrich said the reality was that the Council's worksessions were open and people were free to attend. He said those people who attended were concerned about their items on the agenda and he doubted citizens would cease attending these because their own comments would not be heard by being at home. Mr. Elrich said that televising the worksessions will have the advantage of letting everyone know what the basic arguments are behind the decisions that will be continued to be made in regular sessions.

Council Action: The Resolution passed by a 6 to 1 vote. (Nay: Mr. Leary).

RESOLUTION #1992-12  
(Attached)

5. Discussion of Takoma Old Town Business Association (TOTBA) Loan Guarantee and Council Action

Ms. Habada confirmed that in 1989 the Council guaranteed a \$5,000 loan to TOTBA; the loan expired last year and 80% of the loan had not been paid off. The request before the Council was to continue to guarantee the loan.

Rick Simmons, representing TOTBA and Takoma Traders, distributed to the Council a payment schedule on the \$4,000 balance. He said TOTBA was requesting that the City guarantee the loan through December 1992. Mr. Simmons said TOTBA did not have the funds to repay the loan because the 1991 Street Festival did not generate enough funds to pay off the 1989 loan.

Ms. Porter said that it appeared that the original intentions were that this was to be a short term loan and she asked for an explanation of how the Council could be assured this loan would be paid off timely.

Mr. Simmons said the organizer of the 1989 Festival took all the proceeds from that Festival which they were unable to re-coup. He said some of the TOTBA members had used their own funds to pay off outstanding balances. He said the 1991 Street Festival did not make the projected funds, but efforts were going to be made to improve fundraising in the 1992 Festival to pay off the \$3,000.

Mr. Prensky asked what other sources of income the TOTBA had. Mr. Simmons responded that there were about 10 dues paying businesses who paid a membership fee of \$45 each. Mr. Simmons said that TOTBA was not planning to pay the note with the dues.

Mr. Prensky referenced the letter from NationsBank to the City, putting the City on notice that this was the last extension the Bank would entertain. He said if the Bank did not get repaid, they would come after the City. Mr. Prensky said while he has enjoyed the Street Festivals, he did not see any reassurances that TOTBA would be able to pay off the loan with the 1992 Festival efforts.

Mr. Sharp said there was a debt that the City had guaranteed and it looked like a decision had been made by TOTBA to pay off other responsibilities instead of a loan that the City was backing.

Mr. Simmons said he did not know what the Bank would do if the City did not grant an extension.

In response to a question concerning what actions TOTBA had taken to recover the funds from the 1989 Street Festival, Mr. Simmons said that TOTBA had pursued, with Sue Silber's assistance, attempts to get money back through court action but they were unsuccessful.

Mr. Elrich said he did not understand why the individual businesses who benefitted from the Street Festival did not make loans to TOTBA to pay for the loan. Mr. Simmons said there were probably only 5 to 8 businesses who were willing to get involved in anything.

Mr. Sharp suggested that TOTBA might want to consider setting up a Commercial District Authority (CDA). Ms. Porter asked if this could be made a condition of the City guaranteeing the loan.

Mr. Prensky suggested that the Council's approval could be contingent upon the formation of a CDA and then it would be up to TOTBA whether to do this or not. Mr. Sharp suggested that the Council revisit this issue after TOTBA could discuss their options and City staff could work on addressing the Council's concerns.

Mr. Prensky suggested that staff call the bank and be asked to extend their deadline until after TOTBA's March 4th business meeting. Mr. Prensky then moved to table the issue until the Council's March 9th meeting when the Council could have a discussion on the potential of a CDA; the motion was seconded by Mr. Hamilton and carried by a 6-0 vote (Absent: Johnson).

## 6. Discussion of Fire Service Agreement

Mr. Wilson briefed the Council on the main issues in the Council's counter proposal to Montgomery County's proposal. He said he would be discussing these with the negotiator on February 25th at 10:00 a.m. He proceeded to go through the document and pointed out one initial concern on the part of the County to refer to the City's payment as a partial reimbursement when as of one week ago, the County passed a funding bill which would allow for the payment of all fire service administration, commission, etc. from the fire tax itself.

Mr. Wilson said the term of the agreement was for 4 years with one year add-ons. He explained how the four years would operate under the conditions that were outlined in the current draft. He said there were two occasions the County tried to drop reference to services to be provided by Station No. 2, but this was back in the agreement. The City also indicated they wanted first due fire service at the same level of first due fire and rescue service that was provided throughout Montgomery County. He said the County could argue for the need for expanding our area or diluting it; but in anticipation of this there was a clause in this draft that allowed for the City to meet and confer on any change they make above and beyond routine day to day management.

Mr. Wilson said this document called for the issue of community service fire inspections because it was discovered in 1989 that it had been dropped unilaterally in late 1988, and was reconstituted by the Prince George's County side. Mr. Wilson said fire and rescue service planning was an additional issue that Montgomery County stipulated that they would include and consider the entire City of Takoma Park as though it was located entirely in Montgomery County.

Mr. Wilson said the notice provision was causing the most contention at the moment. He said staff included a process that required the City to get notice from the County on an annual basis on any proposed major change, no later than the day their budget is due (March 1st) and the proposed major changes was something the City would meet and confer with Montgomery County on and any major change could not take place until the end of that tax year.

Mr. Wilson said another major concern was regarding the location of the fire station. He said the City's language says that Montgomery County agrees to provide fire and rescue services from Station No. 2 at Philadelphia and Carroll Avenue for the term of this agreement. He said this section did not preclude the County from determining what services are provided from Station No. 2, subject to the notice provisions of Section 2(e) of the agreement. Mr. Wilson said the County offered a practical clause that said notwithstanding the foregoing, Montgomery County, in consultation with the City of Takoma Park, may relocate consolidate or close the station due to it becoming uninhabitable in the event of a natural disaster.

Mr. Wilson said the City added a clause in the default section that said that any party may seek injunctive or declaratory relief or bring an action for damages due to breach of this agreement. Regarding the notice of termination, Mr. Wilson said that language was inserted so that the City would have no obligation for something being delivered that would go beyond the given tax year.

### Council Comments

Ms. Porter commented that the language was far superior to the original proposal from Montgomery County. She said that if the City did not get a four year agreement that the station would stay in its present location, there was not much use signing an agreement. Ms. Porter said there was a new section (e) on page 4 where she suggested striking "location of Station No. 2" to not make the location of the station an issue at all in this agreement.



She pointed the Council to # 7 on page 7 and said it seemed to be contradictory to the other language.

Sue Silber agreed with Ms. Porter that the language in Section (e) should be taken out.

Mr. Hamilton asked Mr. Wilson to report on what would be the Council's next option if this agreement was turned down by Montgomery County. He also questioned whether the City wanted to open the process up to the public while the City was still in negotiations with the county.

Following a lengthy discussion about whether the Council should be discussing their strategy in a public setting, the Council then discussed the issue of providing notice of the negotiated agreement prior to the Council voting on it. Mr. Sharp suggested that notice be placed in the March Newsletter that the Council would hold a public hearing on March 30, 1992. There was no objection from the Council on this date.

7. 2nd Reading Ordinance to Amend the Personnel Code Re: Evaluation Dates for Employees

Mr. Hamilton moved adoption; seconded by Ms. Porter. The Ordinance was adopted unanimously at second reading.

ORDINANCE #1992-4  
(Attached)

The Council adjourned at 10:25 p.m. to reconvene immediately following in Worksession and in Regular Session on March 9, 1992.

Reconvene Back Into Session To Discuss Agreement With Karl Kessler

1. Discussion of Kessler Agreement (Mr. Karl Kessler present.  
Upon motion duly made and seconded, the Council reconvened into Regular Session at 10:45 p.m. to consider adoption of a Resolution authorizing the City Administrator to enter into an agreement with Karl Kessler where the City would provide \$2,000 to Mr. Kessler for stormwater improvements to the parking lot area behind his Carroll Avenue properties. Funding for this would come from the Stormwater Management Budget, Unappropriated Reserves.

(Following is the worksession discussion on this matter prior to the Council convening back into session)

Mr. Elrich questioned what was Mr. Kessler's financial need for this contribution and said that he still did not see any.

Mr. Kessler responded that he had to borrow \$50,000 from the bank to pave the lot. He said there would be no need for putting in a storm drain if he was not paving the lot and the City's \$2,000 contribution would help pay for the architectural drawings.

Mr. Elrich commented that this was not his understanding.

Mr. Prenskey said that Mr. Elrich was correct. He referenced Mr. Knauf's memo of 11/25/91 and said that paving the lot would require stormwater improvements, and that the incremental costs due to runoff from the upper lot were considered small.

Dan Robinson, President of S.S. Carroll said that the association was interested in seeing Takoma Junction grow and that they supported Mr. Kessler's efforts. He said the neighbors were concerned about the quality of commercial tenants, and that he and Cyndi Wells had met with Mr. Kessler on February 15th about the improvements and they were encouraged that Mr. Kessler was taking an interest in his property and was careful about the types of tenant businesses he rented to. Mr. Robinson said Mr. Kessler listened to the concerns raised by the neighborhood. He encouraged the Council to re-consider their position on making the

contribution towards Mr. Kessler's improvements. Mr. Robinson said that the maintenance of the fences between Kessler's property and Ms. Well's property was still an outstanding issue.

Ms. Porter commented that Mr. Kessler's financial need was not an issue here; it was community improvement, and she was impressed that Mr. Kessler was working with the neighborhood to address their concerns. Ms. Porter also said that when the Council made an assignment to staff to take care of something, they should carefully consider the recommendations that staff comes back with.

Mr. Prenskey said he agreed with Ms. Porter that this was not an issue of financial need and he said it was not worth the additional time and effort to establish legal responsibility. He proposed that the Council add a provision that Mr. Kessler provide a new fence between the properties as a condition to the City contributing towards his expenses.

Mr. Leary moved that the Council reconvene into Session; duly seconded by Mr. Johnson.

Mr. Prenskey then moved adoption of the Resolution with an additional provision in the Resolved clause that the installation or repair of the existing fencing be done in accordance with applicable City and County Codes. Mr. Leary seconded the motion.

Mr. Kessler commented that the fence did not belong to him.

Mr. Sharp said that the Council wanted Mr. Kessler to acknowledge his legal obligation of ensuring that there would be a buffer between the residential and commercial parking lot. He advised Mr. Kessler that regardless of the decision to repair and replace the fencing, he would be responsible for meeting zoning codes regarding buffers between commercial and residential properties.

Council Action: The Resolution, as amended, passed by a 5 to 1 vote (Nay: Mr. Elrich; Absent: Hamilton).

RESOLUTION #1992-13  
(Attached)

The Council adjourned out of Session at 10:51 p.m. and reconvened back into Worksession.

**COPY**

Introduced By: Councilmember Hamilton

**RESOLUTION #1992-10**

**RECOGNIZING CITY EMPLOYEES BOBBY PHILLIPS AND JERRY SANFORD**

- WHEREAS,** on Thursday, February 13, 1992, Bobby Phillips, a Laborer with the Department of Public Works and Jerry Sanford, a Recreation Aide with the Department of Recreation, were carrying out their daily duties as City employees when a fire broke out at 7513 Maple Avenue; AND
- WHEREAS,** Mr. Phillips was performing snow removal duty on Maple Avenue when upon sighting the fire coming from a 5th floor balcony at the Edinburgh Apartments, he radioed back to the Public Works Department to alert the fire department, and then he entered the building; AND
- WHEREAS,** Mr. Sanford, who in addition to being a Recreation Aide, also serves as a Takoma Park Volunteer Fireman, immediately grabbed his fire gear and joined Mr. Phillips at the Edinburgh Apartments; AND
- WHEREAS,** upon arriving on the scene, Mr. Phillips and Mr. Sanford alerted the resident manager, the other residents and evacuated the 4th and fifth floors of the building. Mr. Sanford stayed on the scene to assist with extinguishing the fire and Mr. Phillips returned to the street to assist with traffic control; AND
- WHEREAS,** because of the quick thinking and actions of Bobby Phillips and Jerry Sanford, there were no injuries to any of the Edinburgh tenants and there was minimal damage to the apartment unit.

**NOW THEREFORE, BE IT RESOLVED, THAT** it is the pleasure of the City Council to take note of and recognize Bobby Phillips and Jerry Sanford for their quick action and response to the February 13, 1992 fire at the Edinburgh and for going above and beyond the call of duty as City employees.

Dated this 24th day of February, 1992

**ATTEST:**

\_\_\_\_\_  
Edward F. Sharp  
Mayor

\_\_\_\_\_  
Paula S. Jewell, CMC/City Clerk

Introduced By: Councilmember Prensky  
Drafted By: Darlene Morning

Resolution No. 1992-11

Resolution regarding Special Exception application for 134 Grant Avenue

WHEREAS, The petitioner, Carla Perlo, has submitted an application to the Montgomery County Board of Appeals for a special exception to allow an accessory apartment at 134 Grant Avenue, Takoma Park, MD; AND

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

WHEREAS, the application has been reviewed by City Staff, and Staff has recommended approval of the application on the basis of the property evaluation of January 16 and 22, 1992 and the staff report dated February 14, 1992; AND

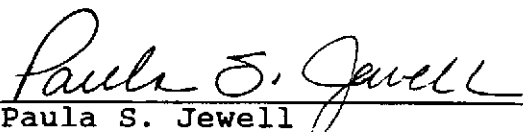
WHEREAS, the City Council has taken into consideration public comments received on the subject application;

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

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

ADOPTED THIS 24th DAY OF February, 1992.

ATTEST:

  
\_\_\_\_\_  
Paula S. Jewell  
City Clerk

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

1st Reading: 2/10/92  
2nd Reading: 2/24/92

**ORDINANCE #1992-3**

**AMENDING ORDINANCE #2395 TO EXTEND RESIDENTIAL PERMIT  
PARKING HOURS ON NEW YORK AVENUE**

WHEREAS, On August 6, 1976, the Council adopted Ordinance #2395, establishing the boundaries for fourteen Permit Parking Areas throughout the City; AND

WHEREAS, the spirit and intent of permit parking is to alleviate the problems placed on the health, safety and welfare of residents in the City who are adversely affected by the existence of major public facilities and programs; AND

WHEREAS residents on New York Avenue have increasingly been inconvenienced by the number of students and staff attending evening classes at Montgomery College who park adjacent to the resident's homes instead of using the facilities available to the College community; AND

WHEREAS, the City Council, in keeping with the spirit and intent of the permit parking legislation, desires to enforce an extended period of time for this permit parking area to alleviate the problems experienced by New York Avenue residents.

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

SECTION 1. THAT Ordinance #2395, adopted August 9, 1976 is hereby amended as follows:

C. (11)(a) PARKING BY PERMIT ONLY FROM 8:00 AM TO 7:00 PM [5:00 PM], MONDAY THROUGH FRIDAY ON NEW YORK AVENUE, SOUTH SIDE BETWEEN TAKOMA AND BALTIMORE AVENUE.

(b) Parking by permit only from 8:00 am to 7:00 pm Monday through Friday in lieu of from 8:00 am to 5:00 pm Monday through Friday on other streets listed in section 2.C of ordinance #2395, if determined necessary by the City Administrator to address any negative impact on other streets that result from the extending of permit parking hours on New York Avenue. [ripple effects from the changes in permit parking times on New York Avenue]

SECTION 2. THAT the City Administrator is directed to erect signs necessary to effect the directive of Section 1 above; AND

SECTION 3. THAT in this Ordinance, underlining shall denote new language, [brackets] shall denote language removed, and double underlining indicates language added since first reading; AND

SECTION 4. THAT this Ordinance shall become effective once the street signs are erected; AND

SECTION 5. FURTHER THAT a violation of this Ordinance is a Class C offense.

Adopted this 24th day of February, 1992, by Roll Call Vote as follows:

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter, Prensky  
NAY: None  
ABSTAINED: None  
ABSENT: None

Introduced by: Councilmember Elrich

RESOLUTION #1992-12

**WHEREAS,** the City Council of Takoma Park meets by law on the second and fourth Mondays of the month in Regular session; AND

**WHEREAS,** these Regular sessions are televised by Channel 54, the City's cable T.V. station, to all homes throughout the City of Takoma Park who subscribe to Cable T. V. Montgomery; AND

**WHEREAS,** the City Council of Takoma Park meets by law on the first and third Mondays of the month in Worksession; AND

**WHEREAS,** those Worksessions are not televised or available to citizens other than those who physically travel to the Municipal Building and Sam Abbott Citizens' Center to be in attendance at said meetings; AND

**WHEREAS,** it is the preferred policy of the City Council to encourage citizen involvement and participation in the political life and affairs of our City; AND

**WHEREAS,** the City's cable T. V. station has the technical capability necessary to telecast all meetings of the City Council, as well as many other community events throughout our City.

**NOW, THEREFORE BE IT RESOLVED THAT** beginning immediately upon adoption of this resolution, all meetings of the City Council of Takoma Park will be telecast live on channel 54 for the benefit of the citizens; AND

**BE IT FURTHER RESOLVED THAT** the City Council is interested in exploring the possibilities of transmitting all meetings of the City Council through local radio stations to further increase the access of citizens of Takoma Park to the workings of their government.

Adopted this 24th day of February, 1992.

Introduced by: Councilmember Hamilton  
(Drafted by: P. Jewell & W. Hobbs)

1st Reading: 2/10/92  
2nd Reading: 2/24/92  
Effective: 1/1/92

ORDINANCE #1992-4

Amending Takoma Park Code Section 8B-160 (a) and (b)  
Regarding Procedure for Employee Evaluations

- WHEREAS,** In the City of Takoma Park, management has a basic obligation to inform employees of what is expected of them and how their supervisor will evaluate their performance.
- WHEREAS,** the City's current personnel practice is to conduct all employee evaluations on December 1st and June 1st each year; AND
- WHEREAS,** this current practice is not an efficient use of time as it requires managers to review the performance of and conduct all of their employees evaluations at the same time; AND
- WHEREAS,** studies have shown that this current practice is somewhat outdated and seldom used in organizations; AND
- WHEREAS,** the City desires to amend the current practice and adopt a system that would require managers to conduct each employee evaluation once every six months based on a date which coincides with that employee's date of hire or promotion.

**NOW THEREFORE BE IT RESOLVED** by the Council of Takoma Park  
Maryland:

SECTION 1. That Section 8B-160 (a) and (b) of the Takoma Park City Code are hereby amended as follows:

SECTION 8B-160. Procedure

- (a) Employee performance evaluations shall be conducted every six (6) months based on the employee's date of hire or date of promotion. [on a semiannual basis for all employees. The first shall commence on December 1; the second shall commence on June 1.]
- (b) No later than fifteen (15) [ten 10] working days after the date of hire or promotion, [above mentioned dates] an employee's supervisor shall prepare an employee performance evaluation form.

(rest of 8B-160 (b) remains as is.)



SECTION 2. That this ordinance is effective retroactive to January 1, 1992.

Adopted by Roll Call vote this 24th day of February, 1992 as follows:

AYE: Sharp, Elrich, Hamilton, Johnson, Leary, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: None

Introduced By: Councilmember Prensky  
Drafted By: Theodore W. Kowaluk

RESOLUTION #1992-13

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR  
TO ENTER INTO AN AGREEMENT WITH KARL KESSLER

WHEREAS, Karl Kessler, owner of the parking area behind the buildings at 7320 - 7334 Carroll Avenue, Takoma Park, known as 6 Lee Avenue, Carroll's Subdivision, Block 3, Lot 16, has requested assistance from the City of Takoma Park to improve the parking area at this location as a revitalization effort; AND

WHEREAS, the City has invested heavily in the Takoma Junction Revitalization effort of which the above referenced properties are a part; AND

WHEREAS, the City believes that this commercial area is crucial to the well-being of the community as a whole; AND

WHEREAS, drainage and paving improvements for this parking area will control stormwater run-off, making the area much more attractive to businesses and customers.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND that the City Administrator or his/her designee is hereby authorized and empowered to provide \$2,000.00 in reimbursement to Karl Kessler for expenses accrued on stormwater improvements to the parking area located at 6 Lee Avenue in order to provide proper control of stormwater run-off. The release of funds is conditioned upon Mr. Kessler reaching consensus with adjoining property owners on lighting in the parking lot area; AND

BE IT FURTHER RESOLVED THAT the release of funds is also conditioned upon Mr. Kessler providing for repairs to the existing fence or construction of a new fence, between the residential and commercial parking lot. The repairs or construction of a new fence must be done in accordance with applicable City and County Codes; AND

BE IT FURTHER RESOLVED THAT this authorization shall expire on August 31, 1992.

ADOPTED THIS 24th DAY OF February, 1992