

PROPERTY OF
TAKOMA PARK MD. LIBRARY

CITY OF TAKOMA PARK, MARYLAND (FINAL 2/16/93)

Regular Meeting of the City Council
Monday, February 8, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Admin. Grimmer
Councilmember Hamilton	City Clerk Jewell
Councilmember Johnson	Assistant City Admin. Hobbs
Councilmember Leary	DHCD Director Nance-Sims
Councilmember Porter	Code Enf. Sup. Castillo
ABSENT: Councilmember Prensky	Public Works Dir. Knauf
	Deputy Clerk Sartoph

The Council convened at 8:04 p.m. on Monday, February 8, 1993 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, the following remarks were made.

MAYOR/COUNCIL COMMENTS AND PRESENTATIONS

Mr. Sharp noted that Mr. Prensky was absent because he was out of town on business. On behalf of the residents of Takoma Park, Mayor Sharp presented 4th Congressional District representative, Congressman Albert Wynn, with a City flag.

Congressman Wynn thanked the City Council and citizens of Takoma Park and commented that it was the first gift he had received from a municipality in the 4th District. Mr. Wynn then spoke about what he saw as some positive events happening on Capitol Hill and said that he was proud to be part of the process. Mr. Wynn extended an invitation to everyone to keep in contact with him and visit him on Capitol Hill.

Mr. Sharp reported that the State Board of Public Works heard and voted favorably on the open space property on Glenside Drive and that open space funds for the property would become available in May when the State's bond issue was put forth.

Mr. Sharp announced that the Maryland Municipal League Board of Directors passed a Resolution in support of the City's litigation in the cigarette vending appeal which would come before the Maryland Court of Appeals. Mr. Sharp acknowledged the efforts of Ms. Jewell who made the request to MML on behalf of the City.

Mr. Johnson commented that later in the evening, the Council would be discussing in Executive Session, litigation addressing issues regarding 6729 Poplar Avenue. Mr. Johnson said he would be recusing himself from the discussion to avoid an appearance of conflict because the matter involved his employer, the State's Attorney Office. Mr. Johnson said the only opportunity he would have to speak on the issue was at this time and he wanted to raise a few matters. Mr. Johnson remarked that he was disturbed that there had been no Council oversight of the administration of a \$65,000 rehab loan made by the City. Mr. Johnson commented that he hoped the Council would consider in the future, what needed to be done to ensure that the Council met its fiduciary responsibilities in such matters.

Mr. Sharp said he was sorry that Mr. Johnson had taken this opportunity to raise concerns that he had also expressed to several Councilmembers over the weekend. Mr. Sharp said he felt constrained in responding to Mr. Johnson in detail, because of the evening's agenda and also by what the "Council Comments" period was supposed to be used for. Mr. Sharp said he believed that Mr. Johnson's first statement was factually inaccurate and he said he disagreed with the assertion that there was no oversight exercised in securing the loan. Mr. Sharp said that Mr. Johnson's comments were not correct and said that if Mr. Johnson chose to put the discussion on the Agenda, there would be an opportunity to discuss the matter.

Mr. Leary said he was pleased to report that the Montgomery County Planning Committee's proposal to widen Philadelphia Avenue and Piney Branch Road was removed from the Sector Plan, largely because of the intense lobbying efforts by Takoma Park residents and the City Council. Mr. Leary commented that the issue was not yet over and he said the full County Council would be taking it up again on February 23rd and those persons interested should call County Councilmembers and make their opinions known.

Mr. Hamilton noted that he would not be participating in discussion of the Worksession Agenda regarding Takoma Park Community Television's fee schedule, because of a conflict of interest.

ADOPTION OF MINUTES from January 11, 1993

Moved by Mr. Hamilton; seconded by Ms. Porter. Mr. Sharp noted there was a line missing from page 4 and a minor correction on page 8. The Minutes were unanimously adopted without objection.

CITIZEN COMMENTS (on items not on evening's agenda)

Rebecca Brown, Takoma Park Resident and City's Reference Librarian thanked Congressman Wynn and his staff for some assistance they provided to the City Library in obtaining information and helping to link the City's Library up with the Library of Congress' donation program.

Walter Tray, 1002 Houston Avenue said in his daily walk from his home to the Sligo shopping center, he noticed that part of Flower Avenue was littered with newspapers and beer bottles. He said he hoped that the City could do something about the problem. Mr. Sharp noted that Ms. Nance-Sims was present in the audience and would follow up on the matter.

Lee Edmonds, 7520 Maple Avenue asked if there was a City curb law requiring persons to clean up their animals' fecal matter which littered the City's right of ways where people had to walk. Mr. Sharp noted that the Code Enforcement Supervisor would follow up on the matter.

Rino Aldrighetti, 7313 Central Avenue thanked the Council and Staff for their work put into the handling of the open space property on Glenside Drive and helping to get the project open space money approved for the acquisition. Mr. Aldrighetti also commented that the Takoma Foundation had just completed the annual telethon to increase membership; he noted that the City Newsletter included a flier on the telethon and Suburban Record waived their fees for inserting the flyers which saved the Foundation over \$300. Mr. Aldrighetti said that Congressman Wynn volunteered on the telethon and it was helpful to have his visibility in the community. He also acknowledged Washington Adventist Hospital for making the telephones and space available. Mr. Aldrighetti reported that the efforts resulted in 119 additional members and 250 persons who were considering membership were being mailed information.

Gregory Wims, President, Police NAACP, Montgomery County thanked the City Council for allowing the Chief to participate in a town meeting on crime scheduled for February 10th. Mr. Wims noted that Congressman Wynn, County Executive Neal Potter and other County officials were also planning to be present. Mr. Wims also said he was proud to see the Columbia Union College Choir perform and he noted that the NAACP Montgomery Chapter had just formed its first college division and most of the CUC Choir were members.

Condie Clayton, 7710 Maple Avenue commended the Council for the curb cut work being done on Maple Avenue in front of the Sub Shop. Mr. Clayton said he was disappointed that tree box spaces originally in place were being bricked over and he hoped these would be restored since Takoma Park was a Tree City and it would be a shame to lose the tree box spaces. Mr. Clayton also commented that it was a pleasure to have Congressman Wynn present at the Council's meeting.

Mr. Hamilton responded that the tree boxes were bricked off because it became a liability issue on how to grade them off in inclement weather months. Mr. Hamilton also said there was only 6-8 inches of dirt area and the decision was made to use the block grant money to block the area off so that it would be handicapped accessible.

AGENDA

1. Resolution Recognizing Black History Month - February 1993. Moved by Mr. Hamilton; seconded by Mr. Johnson. Mr. Johnson commented that he endorsed the Resolution but it would be a serious mistake to overlook the many problems of Afro-Americans in the community. He noted there were symbolic and substantive issues (i.e., statute of Johnny Reb in front of the Rockville Court House) and that he regarded that as a serious affront to the Afro-American community and community at large. Mr. Johnson commented that there was not a single Afro American judge sitting on the bench in Circuit Court; he noted other concerns and said that "lest we forget, we have a long way to go".

Mr. Hamilton commented that the City Council also needed to recognize Takoma Park residents for their individual accomplishments and he cited as an example, Dominique Dawes who competed in the gymnastics field at the Barcelona Olympics, as well as Miss Dawes' family who had been a leading family in the Takoma Park business community for many years. Mr. Hamilton said he would like to see the Council expand on the celebration of Black History Month by recognizing more Takoma Park residents and their contributions.

Council Action: The Resolution passed unanimously. (Absent: Mr. Prensky).

RESOLUTION #1993-12 (Attached)

Mr. Sharp then acknowledged the Columbia Union College Gospel Choir who performed two musical selections, under the direction of John Tiller, Choir Director.

#2. Introduction of Volunteer Staff. Mr. Hobbs noted that the City had been awarded a grant and was selected as one of 35 groups in the State chosen to serve as the site for a volunteer program. He introduced the Volunteer Coordinator, Sandra Broadwater, who would be coordinating efforts of volunteers to provide services in the City. Mr. Hobbs noted that Ms. Broadwater held a Bachelors Degree in family community development and he said the City would benefit by her efforts.

Ms. Broadwater said it was her pleasure to be in Takoma Park. She said she strongly believed in the spirit of volunteerism and she hoped to carry this out in her work.

Mr. Sharp announced that at the Council's March 1st Worksession, the author of Time Dollars would be making a presentation to the Council; he invited all to tune in.

#3. 1st Reading Ordinance Amending Building Officials & Code Administrator's (BOCA) legislation. Mr. Sharp noted that the City was trying to adopt a national code so that the City would have a systematic property maintenance code.

Mr. Castillo noted that staff had met with Corporation Counsel who had made basic numbering changes in the Ordinance. In response to a question from Mr. Elrich, Mr. Castillo reported that Staff was still compiling information on the issues of air conditioning for larger buildings with closed ventilation systems, automobile security systems that were activated and running longer than 30 minutes, and overgrown vegetation. Regarding the air conditioning issue, Mr. Castillo said Staff was planning to present a comprehensive plan on temperature and the timing for cutting off

and turning on systems. He commented that there would be some fiscal impacts on the owners of many buildings.

Mr. Hamilton said that the issue was not affordability for the builders; it was a health, safety and welfare issue for the City's tenants which comprised the majority of the people in the City. Mr. Hamilton also said the legislation was very important and it affected tenants which made up over 60% of the City's population. He said there needed to be a clear understanding of the changes the Council was proposing; he asked that Staff make sure that the legislation was made clear and be publicized widely to landlords and building owners.

Mr. Sharp noted that the issues of the auto security systems and overgrown vegetation may need to be addressed in some other part of the Code, rather than in the BOCA Code. He reminded the Council that the Ordinance was up for first reading and said the Council could come back to the issues later.

CITIZEN COMMENTS

Kay Dellinger, Hampshire Towers suggested that October 1st be a starting date for the heating season and it should run through to April 30th with air conditioning being turned on by May 15. She said temperatures in the area was very changeable and systems could not easily be switched back and forth in larger buildings. Ms. Dellinger said she would be interested in what the City's Police Department had to say about the idea of towing cars whose car alarm systems were going off for consistently long periods of time when vehicle owners were not available to deactivate the systems.

The City Administrator was asked to talk to Chief Fisher about Ms. Dellinger's concerns.

Mr. Hamilton asked that Council discuss how the City would enforce and regulate when heating and cooling systems were turned on and off.

Council Action: The Ordinance was unanimously accepted at first reading. (Absent: Mr. Prensky).

ORDINANCE #1993-5 (Attachment)

#4. Resolution Dismissing Tree Commission Appeal No. 92-1 Re: Gaskins Property. Moved by Ms. Porter; seconded by Mr. Johnson. Mr. Sharp explained that the Resolution would dismiss Tree Commission Appeal No. 92-1 which was filed from the decision of the Takoma Park Tree Commission in re Gaskins Property at 7318 Glenside.

Ms. Porter moved a friendly amendment to add an additional Resolved clause directing the Director of Public Works to take appropriate action to terminate any outstanding tree permits. The amendment carried.

Council Action: The Resolution, as amended, passed unanimously. (Absent: Mr. Prensky).

RESOLUTION #1993-13 (Attached)

#5. Resolution Supporting Amendments to Montgomery County Zoning Ordinance. Moved by Mr. Leary; seconded by Mr. Hamilton. Mr. Sharp explained that the Resolution supported the proposed zoning text amendment to the Montgomery County accessory apartment procedure. Without objection, an amendment proposed by Ms. Porter was made to delete the third Whereas clause because of its irrelevancy.

Council Action: The Resolution, as amended, passed unanimously.
(Absent: Mr. Prensky).

RESOLUTION #1993-14
(Attached)

The Council adjourned at 9:05 p.m. to reconvene immediately in Worksession and back in Regular Session on February 22, 1993. Following the Worksession, the Council convened into Executive Session.

EXECUTIVE SESSION - Upon motion by Councilmember Hamilton, duly seconded and unanimously passed by all members of the Council present, the Council convened into Executive Session at 9:50 p.m., pursuant to State Code Sec. 10-508(a) to be briefed on matters of litigation by the City's Corporation Counsel. The Executive Session adjourned at 10:40 p.m.

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

RESOLUTION #1993-12

RECOGNIZING BLACK HISTORY MONTH - FEBRUARY 1993

WHEREAS, Afro-American educators have traditionally set aside a time each year to engage in activities that help to rediscover and commemorate the heritage of Black Americans; AND

WHEREAS, the City Council of Takoma Park, Maryland wishes to join in this effort, particularly as it relates to the State of Maryland; AND

WHEREAS, Maryland has a rich Black heritage dating back to the year 1638, and the State can count among its famous sons and daughters such illustrious names as *scientist and planner, Benjamin Banneker born in Ellicott City; author and lecturer, Josiah Henson from Charles County; writer, lecturer and diplomat, Frederick Douglas from Talbot County; abolitionist with the Underground Railroad, Harriet Tubman from Dorchester County; founders of the Afro-American Newspapers, the John Murphy family from Baltimore; and Supreme Court Justice Thurgood Marshall, born in Baltimore;* AND

WHEREAS, the lives and works of these Afro-American citizens, and others unnamed and also as yet undiscovered, have touched the lives and left their mark on all citizens of Maryland.

NOW THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland hereby recognizes *Black History Month - February 1993* in Takoma Park, Maryland and salutes Afro-Americans of the past, present and future who help shape the future of us all.

Dated this 8th Day of February, 1993.

ATTEST:



Paula S. Jewell, CMC/City Clerk

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

RESOLUTION #1993-13

DISMISSING TREE COMMISSION APPEAL NO. 92-1
IN RE: GASKINS PROPERTY, 7318 GLENSIDE DRIVE

WHEREAS, in October 1992, the City Council of Takoma Park, Maryland received an appeal from Lt. Col. and Mrs. Robert J. Glitz ("the Appellants") from the October 12, 1992 decision of the Takoma Park Tree Commission, in Appeal No. 92-1; AND

WHEREAS, purchase settlement of the property known as the Gaskins Property, located at 7318 Glenside Drive in Takoma Park's New Hampshire Highlands Subdivision, Block 9, Lot 5, occurred on October 22, 1993 with purchase by the Maryland-National Capital Park and Planning Commission for open space thereby making the appeal moot.

NOW THEREFORE BE IT RESOLVED by the City Council of Takoma Park, Maryland that the Council hereby dismisses Appeal No. 92-1; AND

BE IT FURTHER RESOLVED, THAT the Council hereby directs the Public Works Director to take appropriate action to terminate any outstanding tree permits.

Dated this 8th day of February, 1993.

ATTEST:


Paula S. Jewell, CMC/City Clerk

Introduced By: Councilmember Leary

ADOPTED: 8 February 1993

Resolution No. 1993 - 14

A Resolution Supporting the Proposed Zoning Text Amendment to
the Accessory Apartment Procedure


WHEREAS, The Town of Somerset through their Legal Counsel has
drafted a proposed zoning text amendment to the Accessory
Apartment Procedure for Montgomery County; AND

WHEREAS, this proposed procedure would provide broader notice and
facilitate input by concerned citizens by requiring the
posting of a notice sign; AND

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK,
MARYLAND THAT, the City Council hereby supports the
proposal to amend the zoning text of the Accessory
Apartment Procedure.

ADOPTED THIS 8th DAY OF JANUARY 1993.

ATTEST:



Paula S. Jewell, CMC
City Clerk

introduced by:
Drafted by:
Draft Date:

1st Reading: 1/11/93
2nd Reading:
Effective Date:

ORDINANCE NO. 1993 - 5

HOUSING
CHAPTER 6, ARTICLE 1 AND 2 OF THE TAKOMA PARK CODE

WHEREAS It is the desire of the City Council of the City of Takoma Park, Maryland to set standards for improved housing conditions, to provide for and protect the health and safety of persons; AND

WHEREAS The Provisions as set forth in Chapter 6 Article 1, General Provisions and Article 2, Property Maintenance Code adopt by reference the Building Officials and Code Administrators (BOCA), National Property Maintenance Code (1990) and indicate modifications as herein provided as an enforceable regulations governing existing structures and premises.

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

SECTION ONE. Chapter 6, Article 1, General provisions and Article 2, Property Maintenance of the Takoma Park is hereby repealed and replaced with the following:

CHAPTER 6.
HOUSING.

ARTICLE 1. GENERAL PROVISIONS.

- § 6-1. Reserved.
- § 6-2. Reserved.
- § 6-3. Conflict of laws.
- § 6-3.1 Exemption from county code.

ARTICLE 2. PROPERTY MAINTENANCE CODE.

DIVISION 1. BASIC PROPERTY MAINTENANCE
CODE ADOPTION

- § 6-4. Basic Property Maintenance Code; adoption by reference; copies.
- § 6-5. Effect of adoption proceedings.
- § 6-6. Enforcement of Article; coordination with county and state.

DIVISION 2. EXCEPTIONS AND MODIFICATIONS TO
BASIC PROPERTY MAINTENANCE CODE.

- § 6-7. Exceptions and modifications generally.
- § 6-8. Screening of solid waste container areas
- § 6-9. Reserved
- § 6-10. Conflict of interest
- § 6-11. Reserved
- § 6-12. Inspection by Code Enforcement Officer
- § 6-13. Notice to owner, Responsible person(s)
- § 6-14. Form of notice
- § 6-15. Violations
- § 6-16. Penalty
- § 6-17. Transfer of liability
- § 6-18. Reserved
- § 6-19. Reserved
- § 6-20. Preservation, paved parking areas
- § 6-21. Reserved
- § 6-21.1 Reserved
- § 6-21.2 Reserved
- § 6-21.3 Reserved
- § 6-22. Reserved
- § 6-23. Reserved
- § 6-24. Reserved
- § 6-24A. Lighting at entrances
- § 6-24.1 Reserved
- § 6-25. Reserved
- § 6-26. Reserved

§ 6-27. Reserved
§ 6-28. Refrigeration for food preservation
§ 6-29. Cabinets, shelves
§ 6-30. Reserved
§ 6-31. Reserved
§ 6-32. Drug and poison storage
§ 6-33. Installed plumbing fixtures
§ 6-34. Reserved
§ 6-35. Utilities
§ 6-36. Transfer of responsibility
§ 6-37. Registration
§ 6-38. Graffiti
§ 6-39. Reserved
§ 6-40. Reserved
§ 6-40.1 Reserved

HOUSING

CHAPTER 6.
HOUSING.

ARTICLE 1. GENERAL PROVISIONS.

Sec. 6-1. Reserved.

Sec. 6-2. Reserved.

Sec. 6-3. Conflict of laws:

In case of conflict between any provisions of this chapter and any other chapter of this Code, or enactment by the county in which the premises are located, whether in relation to zoning, building fire, safety of health matters, or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision containing the lower standard, if contained in this Code, is hereby repealed to extent of the conflict with this Code. (M.C. 1961, Art. 15, § 26.)

Sec. 6-3.1 Exemption from county code:

(a) Pursuant to the authority conferred by Article 23A of the Annotated Code of Maryland and by Section 2-96 of the Montgomery County Code, the City of Takoma Park, Maryland, hereby exempts itself from Chapter 26, The Housing Code, enacted by Montgomery County.

(b) Pursuant to the authority conferred by Article 23A of the Annotated Code of Maryland and by Section 2-96 of the Montgomery County Code, the City of Takoma Park, Maryland, hereby exempts itself from Chapter 29, The Landlord-Tenant Relations Act, enacted by Montgomery County. (Ord. No. 1987-40, §§ 2 and 3, 8/10/87)

Article 2. Property Maintenance Code

**Division 1. Basic Property Maintenance
Code Adoption**

**Sec. 6-4 Article 2 Basic Property Maintenance Code; adoption by
reference; copies.**

A certain document, three (3) copies of which are on file in the office of the City Administrator for public inspection and use, being marked and designated as the "Basic Property Maintenance Code, Third Edition, 1990," as published by Building Officials and Code Administrators (BOCA) International, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Takoma Park in the State of Maryland as though set out in full herein with the exceptions and modifications set forth in Division 2 of this Article.

Sec 6-5. Effect of adoption on proceedings.

Nothing contained in this Article or in the Property Maintenance Code adopted in this Article shall be construed to affect any suit of proceeding pending in any court, or any rights acquitted or liability incurred, or any cause of action acquired or existing under any act or ordinance repealed by this Article; nor shall any just or legal right or legal right or remedy of any character be lost, impaired or affected by this Article.

(Ord. No. 2073, § 2; Ord. No. 2555, § 2, 3/23/81.)

**Sec. 6-6. Enforcement of Article; coordination with county and
state.**

Administration and enforcement of the Property Maintenance Code will be coordinated to the maximum extent feasible with other city and county departments, boards, commissions, agencies and the Mayor and City Council, in order that corrective actions and resources may efficiently and effectively applied to the common goal of attainment of improved housing conditions.

(Ord. No. 2073, § 5; Ord. No. 2555, § 2, 3/23/81; Ord. No. 2615, § 2, 7/14/82.)

DIVISION 2. EXCEPTIONS AND MODIFICATIONS TO BASIC PROPERTY MAINTENANCE CODE.

Sec. 6-7. Exceptions and modifications generally.

The following additions, insertions, deletions and changes to the property maintenance code adopted in this article are made:

PM-100.1, Title, is amended as follows:

These regulations shall be known as the Property Maintenance Code of City of Takoma Park, Maryland. It is referred to herein as this code and is referred to elsewhere in City ordinances as the 'Property Maintenance Code'."

PM-104.1, Code Official, is amended as follows:

The City Administrator is the code official, and as such, ~~is hereby authorized and directed to designate an employee of the City to administer the provisions of this code. The person~~ authorized may to delegate any powers and duties under this code to any assistant or code enforcement officer of the City.

PM-104.3, Inspections, is amended to read as follows:

1. Subject to the limitation and conditions as hereinafter stated in this section, it shall be the duty of the Code Official to make or cause to be made inspections as often as necessary to determine the conditions of dwellings, multifamily dwellings, dwelling units, rooming houses, rooming units and premises in order to safeguard the safety, morals and welfare of the public under the provisions of this Code. Such inspections shall be made in response to citizen or official complaints or other reliable information or allegations of existing violations of this Code. Further, inspections of dwellings, dwelling units, rooming houses, rooming units and premises shall be made on a systematic basis (house, block-by-block) during daylight hours, only, in areas, communities or neighborhoods when it is determined by the Code Official that such action is necessary to properly apply and enforce the provisions of this Code.

2. The following limitations and conditions shall be observed by the Code Official in the performance of such duties as said, requiring entry and access:
 - a. Proof of credentials and identity shall be exhibited to the occupant or person in charge, stating the purpose for which entry is requested. If permission is granted, the inspection or other authorized activity shall be conducted in the normal manner.
 - b. Permission need not be obtained for entry to spaces and areas to which the public is ordinarily invited.
 - c. If entry is denied or access to interior, nonpublic areas is restricted so as to limit or impair a housing inspection or other authorized function, then, and in that event, no forced entry shall be attempted or made. Instead, application shall be made to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function.
 - d. Notwithstanding the foregoing, all licensing, registration and permit inspections authorized and required by this Code shall be processed without the necessity for obtaining permission or obtaining a judicial warrant authorizing entry. Failure to allow entry for such inspections shall constitute sufficient reason for the denial or revocation of the license or permit involved.

PM-104.4 is deleted in its entirety.

PM-104.11, Official records, PM-104.11 is amended as follows:

The Building Official shall keep, or cause to be kept, a record of the business of the Department. The records of the Department shall be open to public inspection unless otherwise prohibited or restricted by Maryland or federal statute or by any ordinance or regulation having the force and effect of law.

PM-106.0 is deleted in its entirety. (106.1 to 106.6)

PM-107.0 is deleted in its entirety. (107.1 to 107.3)

PM-108.0 is deleted in its entirety. (108.1 to 108.6)

PM-109.0 is deleted in its entirety. (109.1 to 109.3)

PM-110.0 is deleted in its entirety. (110.1 to 110.5)

PM-111.0 is deleted in its entirety. (111.1 to 111.3)

PM-201.0, Applied meaning of words and terms, shall remain in full force and effect with the following additions, deletions and amendments:

Graffiti: Any and every name, identification description, announcement, declaration, demonstration, display, illustrations or insignia, other than advertising which is otherwise provided for in this code, or other ordinances of the City, which without authorization is marked, written, drawn, painted, scratched, inscribed, or affixed directly to or upon any of the following objects or structures: Public or private curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamppost, ~~utility pole~~, postal mail receptacle, sign, hydrant, gate, fence, door, wall, window, garage, enclosure, vehicle, bridge, pier or upon any other public or private structure or building.

PM-301.1, Sanitation, is amended to read as follows:

All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage. The open storage for any period of time on residential property of any ice box, refrigerator, stove, glass, building materials, building rubbish or refuse, furniture or similar items or material is also prohibited, irrespective of age or condition. It is the duty of the owner and/or occupant to maintain the outside premises of residential property free of all such items, including but not limited to weeds, dead trees, trash, garbage and the like, and to remove such items from their prohibitive location upon notice from the Building Official.

PM-301.7, Accessory structures, is amended to read as follows.

All accessory structures on dwelling premises such as, but not limited to, the following: detached garages, storage sheds or buildings, driveways, exterior walkways and steps, fences or other constructed appurtenances and facilities, shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

PM-301.8, Motor vehicles, is amended to read as follows.

(a) It shall be unlawful in any residential area or on any property zoned residential for any person to store, park, leave, or cause or permit the storing, parking, or leaving of:

(1) Any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair; and is visible from the street, sidewalk, or other public right-of-way or from any other person's private property for more than forty-eight (48) hours, whether or not the property on which the vehicle(s) is located is owned, leased, or used with or without the consent of the owner or tenant; it being understood that covering a vehicle with plastic or a tarpaulin does not render it invisible; or

(2) More than one (1) unregistered and/or uninspected motor vehicle; or

(3) More vehicles, regardless of their condition, registration, or inspection status, than there exist parking places allowed for under applicable zoning laws; or

(4) Any vehicle anywhere on the property except the garage, carport, driveway, driveway apron or other paved surface: provided, however, that nothing contained herein shall be interpreted as allowing or authorizing blocking or impeding the sidewalk or eliminating of green space in excess of that permitted by applicable zoning laws and regulations; or

(5) Any vehicle that is incapable of being moved under its own automotive power and that is more than five (5) years old based upon its year of manufacture.

(6) Except in sheds, garages, or other structures, any automotive or truck parts, components, or tires.

(b) As used in this section, "vehicle" shall mean any motor vehicle as defined in 11-135 of the Transportation Article of the Annotated Code of Maryland, including but not limited to any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor, or other motorized farm implement and any other device in, on, or by which any individual or property is or might be transported or towed on a highway, including but not limited to flatbed trailers, semitrailers, boat trailers, and campers.

(c) Any violation of this section shall be a Class C offense. Each vehicle left, stored, or parked in violation of this section shall constitute a separate violation. A subsequent violation shall not be deemed to have occurred until and unless the time provided in Subsection (d) below shall have expired.

(d) No person shall be issued a municipal infraction citation for a violation of this section without being first given a warning notice and not less than seventy-two (72) hours to cure the violation and come into compliance with this section. If within seventy-two (72) hours of receiving a warning notice a person cures the violation and comes into compliance, no municipal infraction citation shall be issued. If the person does not do so within said seventy-two (72) hours, even if they shall later cure the violation and come into compliance, a violation shall be deemed to have occurred, and a municipal infraction citation shall be issued.

(e) Without limitation upon or election against any other available remedy, the city or any other aggrieved party, including but not limited to any adjoining property owner, may apply to a court of competent jurisdiction for an injunction enjoining any violation of this section. An injunction shall be issued prohibiting any continued violation of this section upon a showing that after notice from the city to remove vehicles from the subject property such vehicles were not removed. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

PM-302.8, Overhang extensions, is amended to read as follows:

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, gutters, downspouts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-302.10, Handrails and guardrails (exterior), is amended to read as follows:

Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the treads. Guardrails shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

Every handrail shall be "graspable" - not a 2" x 4".

PM-302.11, Window and door frames, is amended to read as follows:

Every window, door and frame shall be kept in sound condition, good repair and weather-tight.

(a) Security locks or pins are required on windows and sliding doors less than three (3) stories above the ground, which shall include any stories which are partially below ground. Tack locks¹ and charlie bars² shall be deemed acceptable for sliding glass doors. Casement windows shall fit tightly and the latch and/or crank shall be capable of firmly closing and latching the windows.

¹ Any locking device that when pushed into a window or door frame; locks and secures that window or door to its frame and/or adjacent window or door.

² any device made of wood or metal that acts as a stop when placed between a frame and window or door.

(b) All double French or paired exterior doors shall be equipped with a vertical dead-bolt lock affixed to both doors, with either cane bolts or concealed header and threshold bolts located at the top and bottom of each such door. A horizontal bolts located at the top and bottom of each such door. A horizontal dead-bolt lock attached to both doors may be used when concealed header and threshold bolts are used on one (1) such door.

PM-302.12, Insect screens, is amended to read as follows:

a) **Maintenance of screens:** In the absence of a written agreement to the contrary between the owner and occupant, maintenance or replacement of screens and screen doors, once installed in any one season, shall become the responsibility of the occupant.

b) **Screens generally:** Every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

PM-302.13, Doors, is amended as follows:

Entrance doors to every apartment dwelling unit, rooming unit, and guest room shall be provided with approved locking devices so as to provide security against unauthorized entry. The locking devices on main entrance doors must include a deadbolt with not less than a five-eighths-inch minimum throw, with the deadbolt capable of being activated by key from the outside and by turn knob from the inside. Door locks and the manner of installation shall be subject to the specific approval of the Building Official. Every exterior door, door hinge, door lock, and door latch shall be maintained in functional condition. The requirements of this section apply to all existing apartment dwelling units and apartment dwelling units hereafter constructed in the city.

PM-303.4, Lead-based paint, is amended to read as follows:

Interior and exterior painted surfaces of dwellings, child and day care facilities, including fences and outbuildings, that contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

NOTE: It is hereby stated that landlord or designed workman must do any and all repairs involving the removal, scraping, or alteration of painted surfaces; tenants specifically prohibited from such work because of danger of lead poisoning.

PM-303.8, Handrails and guardrails (interior), is amended to read as follows:

Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Every handrail shall be "graspable" - not a 2" x 4".

PM-501.3 is deleted in its entirety.

PM-501.4 is deleted in its entirety.

PM-502.2, Location, is amended to read as follows

Toilet rooms and bathrooms serving rooming units, or dormitory units, shall be accessible by traversing not more than one flight of stairs and be accessible from a common hall or passageway.

PM-502.3 is deleted in its entirety.

PM-504.4, Water heating facilities, is amended to read as follows:

Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F. (43° C.) and not more than 140 degrees F. A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

PM-601.1, Residential buildings, is amended as follows:

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 ° F. (20° C.) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 15 to May 15 of each calendar year, to maintain a room temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60° F. (16° C.) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

PM-601.3, Cooking and heating equipment, is amended to read as follows:

All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accidental hazards. All installations and repairs shall be made in accordance with the provisions of the building code or other laws or ordinances of the municipality applicable thereto. Portable cooking and heating equipment employing flame is prohibited.

PM-801.1, Cleanliness, is amended to read as follows:

Every occupant of a structure, dwelling unit shall keep that part of the structure, exterior property, and all supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment and electrical fixtures, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

PM-801.4, Garbage facilities, amended to read as follows.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure for the use of the occupants in each dwelling unit or an approved leakproof, covered outside garbage container.

Exception: In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

PM-801.4.1, Containers, is amended to read as follows.

The operator of every establishment producing garbage shall provide, and at all times cause to be used, leakproof approved containers provided with closefitting covers for the storage of such materials until removed from the premises for disposal.

Exception: In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

PM-801.5, Rubbish storage facilities, is amended to read as follows.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Exception: In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

Sec. 6-8. Screening of solid waste container areas

The owner and occupant of commercial or industrial property must screen from view at street level any solid waste container or solid waste storage area on the property if the container or storage area can be seen from the street level of any residential property. The owner of multifamily residential property must screen from view at street level any solid waste container or solid waste storage area on the property if the container or storage area can be seen from the street level of any residential unit on the property or the street level of any other residential property. This paragraph does not apply to temporary solid waste containers at construction sites.

Sec. 6-9. Reserved

Sec. 6-10. Conflict of interest:

No officer or employee who has an official duty in connection with the administration and enforcement of this code shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or in making the plans or specifications therefor, unless he is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and his official duties.

(b) A violation of this section is a Class A offense.
(Ord. No. 2589, § 1, 10/13/81; Ord. No. 1987-59, § 2, 11/16/87.)

Sec. 6-11. Reserved

Sec. 6-12. Inspection by Code Enforcement Officer:

The owner or operator of a dwelling unit or rooming unit, or his agent or employee (including tenants) shall accompany or be present during the time that the building officials conduct the inspection. (Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-13. Notice to owner or to person or persons responsible:

Whenever the Building Official determines that there has been a violation of this code or has reasonable grounds to believe a violation has occurred, he shall give notice to the owner or the person or persons responsible therefor in the manner prescribed below. (Ord. NO. 2589, § 1, 10/13/81.)

Sec. 6-14. Form of notice:

Such notice prescribed in Sec. 6-13 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why it is being issued.
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code. (Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-15. Violations:

Notice of violation shall be served upon the owner or occupant, as defined in Article 2, sub. section PM-201.0, provided that such notice shall be deemed to be properly served upon such owner or occupant if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or if the notice is returned showing that it has not yet been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-16. Penalty:

1. Any violation of the following sections of the City Code, as adopted by the City of Takoma Park, shall be deemed to be a serious violation:

Subsections	Subject Matter
PM-302.0 (302.1 - 302.15)	Exterior structure
PM-303.0 (303.1 - 303.8)	Interior structure
PM-501.0 (501.1 - 501.2)	Required plumbing facilities
PM-502.0 (502.1 - 502.2)	Toilet rooms
PM-503.0 (503.1 - 503.2)	Plumbing fixtures
PM-504.0 (504.1 - 504.4)	Water system
PM-505.0 (505.1 - 505.2)	Sanitary drainage system
PM-601.0 (601.1 - 601.5)	Heating facilities
PM-602.0 (602.1 - 602.3)	Electrical facilities
PM-603.0 (603.1 - 603.2)	Elevators, escalators, and dumbwaiters
PM-700.0 (700.2)	Firesafety requirements
PM-701.0 (701.1 - 701.10)	Means of egress
PM-702.0 (702.1 - 702.2)	Accumulation of storage
PM-703.0 (703.1 - 703.2)	Fireresistance ratings
PM-704.0 (704.1 - 704.5.1)	Fire protection systems

2. Any violation listed in Subsection 1 above shall be a Class C offense unless such violation poses a clear and imminent danger to health and safety or a substantial hardship to the occupant. Such exceptional violation shall be a Class A offense.

3. Any violation of any other section of Chapter 6, Article 2 of the City Code, as adopted by the City of Takoma Park, unless such violation poses a clear and imminent danger to health and safety or a substantial hardship to the occupant, shall be a Class C offense. Such exceptional violation shall be a Class B offense.

4. Willful, unabated, and continuing violations.

- a. Any willful violation of any section of the City Code, as adopted by the City of Takoma Park, or any violation which is not abated or corrected within thirty-five (35) days of service of a citation for such violation shall be a Class A misdemeanor offense. A person so charged may, in the case of any violation which is not abated or corrected within the time limits provided herein, assert that circumstances beyond the control of the defendant prevented timely compliance. Upon clear and convincing proof of such, the charges against a defendant shall be dismissed.

b. Each day for which a violation continues or is in existence after the time for correction or abatement has passed shall constitute a separate offense.

Sec. 6-17. Transfer of liability:

The Building Official shall cause any municipal infraction citation issued under Section 6-16 (PM-109.2) of this code to be recorded in the tax records maintained by the City with the notation to remain so recorded until such time that the fine imposed has been paid or the citation dismissed by court order. All subsequent transferee's of the dwelling, dwelling unit or rooming unit in connection with which a citation has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged and shall be liable to all penalties and procedures provided by this Code and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor. (Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-18. Reserved:

Sec. 6-19. Reserved:

Sec. 6-20. Preservation, paved parking areas:

The exterior surfaces of paved parking areas such structures shall be made weather resistant through the use of decay resistant materials or the use of paint or other preservatives. Such materials shall likewise be used in the repair of paved parking lots. It shall be understood that all repairs and material shall meet all applicable codes and construction standards. In the case of All paved parking areas associated with multifamily dwelling and or commercial establishments, shall be painted with separation lines and suitable car stops to protect adjacent structures and property. will be provided and maintained by the owner. The property owner will be required to maintain and repair all paved parking areas.

Sec. 6-21 Reserved

Sec. 6-21.1 Reserved.

Sec. 6-21.2. Reserved.

Sec. 6-21.3. Reserved.

Sec. 6-22 Reserved.

Sec. 6-23 Reserved.

Sec. 6-24 Reserved.

Sec. 6-24A. Lighting at entrances:

All multifamily structures shall provide exterior lighting for each entrance to the dwelling during the hours of darkness. An entrance is defined as one which provides access to the structure from streets, plazas, parking areas, walkways and any other points of ingress or egress. Hours of darkness shall include the hour before sunrise and the hour before sunset.

Sec. 6-24.1 Reserved.

Sec. 6-25. Reserved.

Sec. 6-26. Reserved.

Sec. 6-27. Reserved.

Sec. 6-28. Refrigeration for food preservation:

Every dwelling unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such unit shall be capable of maintaining an average temperature below forty-five degrees Fahrenheit (45 F.), shall be properly installed and operated and shall be kept in a clean and sanitary condition. (Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-29. Cabinets and/or shelves:

Every dwelling unit shall contain cabinets and/or shelves for the storage of eating, cooking, and drinking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe-keeping and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-30. Reserved.

Sec. 6-31. Reserved.

Sec. 6-32. Drug and poison storage:

Each dwelling unit shall have a suitable facility for the safe storage of drugs and household poisons.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-33. Installation and care of plumbing fixtures and other basic facilities by occupant:

Every plumbing or electrical fixture or other basic facilities furnished by the occupant of a dwelling unit shall be properly installed and operated and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-34. Reserved.

Sec. 6-35. Utilities:

(A) No owner, operator or occupant shall allow any service, equipment or utility, as required by this code, to be removed, shutoff or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are being made, or during other temporary emergencies.

(B) A violation of this section is a Class A offense.

Sec. 6-36. Transfer of responsibility:

A contract, lease or other agreement effective as between owner and operator, operator and occupant with regard to matters covered hereunder shall not relieve any party of his direct responsibility under the provisions of this Code.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-37. Registration:

The owner or lessee of a rental dwelling, every rooming house and of every multiple-family dwelling located in the city shall, in person or by agent, on or before the first day on which the building is used for rental purposes, file with the Director of Housing and Community Development or his designee an application for registration of the rental dwelling, rooming house or multiple-family dwelling, in accordance with Article 9 of this chapter.

(Ord. No. 2589, § 1, 10/13/81.)

Sec. 6-38. Graffiti:

All exterior structure surfaces must be kept clean and free of graffiti as defined in sub. section PM-201.0. Surfaces which have been exposed to graffiti must be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and to return the surface to its prior condition within thirty (30) days of receipt of violation notice to the owner. It shall be the responsibility of the owner to comply with the provisions of this section.

Sec. 6-39. Reserved.

Sec. 6-40. Reserved.

Sec. 6-40.1 Reserved.

February 9, 1993

TO : Distribution Noted Below

VIA : Beverly K. Habada
City Administrator *BKH*

FROM : Paula S. Jewell, CMC
City Clerk *Paula Jewell*

SUBJECT: Council Summary from February 8, 1993 Regular Meeting,
Worksession and Executive Session

**DEPARTMENT HEADS: PLEASE READ EACH ITEM CAREFULLY FOR MATTERS THAT
MAY PERTAIN TO YOUR DEPARTMENTS AND FEEL FREE TO COPY TO OTHER
STAFF AS NEEDED.**

- [] 1. Mayor's Presentation - On behalf of the residents of Takoma Park, Mayor Sharp presented 4th Congressional District representative, Congressman Albert Wynn, with a City flag.
- [] 2. Black History Month - Resolution #1993-12 was unanimously passed, recognizing February 1993 as Black History Month. The Council was then entertained by the Columbia Union College Gospel Choir who performed two selections under the direction of John Tillery, Choir Director. **STAFF** will prepare a letter of appreciation to the Choir.
- [] 3. Introduction of Volunteer Staff - **PERSONNEL OFFICER HOBBS** introduced **SANDRA BROADWATER**, the new Volunteer Coordinator whose services are being provided to the City under a grant program, "Volunteer Maryland".
- [] 4. 1st Reading Ordinance Amending Building Officials & Code Administrator's Legislation - Ordinance #1993-5 was unanimously accepted at first reading. **CODE ENFORCEMENT STAFF** is still compiling information on the following issues: (a) air conditioning for larger buildings with closed ventilation systems, (b) automobile security systems that are activated and running longer than 30 minutes, and (c) overgrown vegetation. **STAFF** reports that the issue of the auto security systems and overgrown vegetation may need to be addressed in some other part of the Code, rather than in the Housing Code. **STAFF** should plan to take steps to ensure that the amended legislation is publicized widely. Second reading is tentatively scheduled for 2/22/93.

(Over)

- [] 5. Dismissal of Tree Commission Appeal - Resolution #1993-13 was unanimously passed, as amended, dismissing Tree Commission Appeal No. 92-1 which was filed from the decision of the Takoma Park Tree Commission in re Gaskins Property at 7318 Glenside. In October 1992, the City Council supported the purchase of the property for a proposed addition to the Long Branch Stream Valley Park. Settlement purchase of the property was subsequently negotiated and it nullified the Appeal. Amendment was made to the Resolution to add an additional Resolved clause directing the **DIRECTOR OF PUBLIC WORKS** to take appropriate action to terminate outstanding tree permits. (City Clerk's Note: A review of the permit file revealed that no tree permits were issued on this matter).
- [] 6. Zoning Text Amendment - Resolution #1993-14 was unanimously passed, as amended, supporting the proposed zoning text amendment to the Montgomery County accessory apartment procedure. Amendment was made to delete the third Whereas clause. **CODE ENFORCEMENT SUPERVISOR CASTILLO** to forward a copy of the Resolution by February 16, 1993, to the Town of Somerset for subsequent forwarding to the Montgomery County Council.

WORKSESSION

- [] 7. Takoma Park Community Television Fees Schedule - The Council discussed the cable fee schedule of categories of fees charged by TPCT, Inc. Consensus reached that categories #1 and #2 should not be included as part of the fee schedule as they have more to do with the Cable budget. The **CITY ADMINISTRATOR** suggested that the schedule be amended to show that City residents who request taping that takes place outside the City's limits fall under Fee Category A (Fees charged for taping programs by TPCT for City residents). **CITY ADMINISTRATOR** to check the Contract to verify whether the Council has to formally adopt the schedule; if so the Council will consider a Resolution on 2/22/93 approving the Fee Schedule. Mr. Elrich reiterated his concern that the fees for City residents are too high making production of programs inaccessible for those residents.
- [] 8. Proposed Speed Hump for 900 Block of Elm Avenue - Council clarified that once the Transportation Plan is in place, the recommendation for speed humps (and any other physical speed control devices) would have to be based on the criteria outlined in the Transportation Plan (i.e., traffic counts, radar studies, etc.). Regarding Ms. Porter's question about placement of humps on designated emergency routes, **CITY CLERK JEWELL** reported that other

(Next)

than the State's designation of emergency snow routes, the City's **POLICE DEPARTMENT** no longer designated City streets as emergency routes. A Public Hearing on the proposed Elm Avenue speed humps has been scheduled for 2/22/93.

- [] 9. Petition for Permit Parking Restrictions in the Maplewood Avenue Area - The Council has scheduled a public hearing on this proposal for February 22, 1993. Council also discussed whether the Code could be amended to give the **CITY ADMINISTRATOR** authority for establishing permit parking areas. Council decided that because of the major impact of such permit parking designations, it would not be prudent to have this type of action taken without benefit of a public hearing. There was some support for the idea of distinguishing between emergency situations and giving the **CITY ADMINISTRATOR** authority for designating permit areas. Virginia Pisarra, representing the Washington Adventist Hospital reported what steps the hospital was taking to offset the parking concerns expressed by the neighbors. Ms. Pisarra reported that 187 spaces in the parking deck were expected to open on 2/15/93 with the remainder spaces opening on 3/15/93 and hopefully making a noticeable difference in the neighborhood. **CITY CLERK** to arrange for posting of signs in the neighborhood and newspaper advertising of the public hearing.
- [] 10. EXECUTIVE SESSION - Upon motion by Councilmember Hamilton, duly seconded and unanimously passed by all members of the Council present (Mr. Prensky absent), the Council convened into Executive Session at 9:50 p.m., pursuant to State Code Sec. 10-508(a) to be briefed on matters of litigation by the City's Corporation Counsel. The Executive Session adjourned at 10:40 p.m.

Copies to: City Council
City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
Corporation Counsel
Hsng & Comm. Dev. (Nance-Sims, VinCola, Schwartz, Ross)
Police Dept. (Fisher, Wortman, Young, Kendall)
Public Works (Knauf, Laster, Braithwaite, McKenzie)
Recreation Department (Ellis)
Library (Robbins, Brown [Reference Copy])
Finance Division (McKenzie)
Cable Office
Newsletter
Admin. Office (Rivers, Johnson, Vidal, Sartoph)

Regular Meeting and Public Hearings of the City Council
Monday, February 22, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Johnson	Deputy Clerk Sartoph
Councilmember Leary	DHCD Director Nance-Sims
Councilmember Porter	Community Planner Schwartz
Councilmember Prensky	Police Chief Fisher

ABSENT: Councilmember Hamilton

The Council convened at 8:05 p.m. on Monday, February 22, 1993 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, the following comments were made.

MAYOR/COUNCIL COMMENTS

Mr. Sharp commented that Mr. Hamilton was absent from the evening's meeting in order to attend a Montgomery Community Television Board meeting. Mr. Sharp also noted that Mr. Elrich would be arriving later because he was attending a hearing at Park & Planning regarding the closure of Sligo Creek Parkway on Sundays.

Mr. Johnson expressed his pleasure at the City's Nuclear-Free Takoma Park Committee's vigorous support for racial justice and equality and anticipated further collaboration with the Committee in addressing these issues. He requested that the agenda item on sunsetting the Nuclear Free Zone legislation which he had requested to be placed on the rolling agenda be removed from the Council's future agenda. Without objection, Mr. Johnson's request was adopted.

Ms. Porter announced there would be an open house at Carole Highlands Elementary School on March 4th, at 7:30 p.m; she said the event was intended for parents of children entering Kindergarten in September, however everyone was invited to attend to learn about a number of exciting events that transpired over the past year.

Mr. Prensky noted that the Council would be scheduling budget meetings with the City's community, tenant and business associations to discuss residents' concerns about City services and the City tax rate. Mr. Prensky noted that the first meeting, sponsored by the Westmoreland Area Community Organization, was scheduled for March 3rd.

Mr. Johnson noted that in the process of budget planning, proponents of certain programs readily came forward to make their cases known to the Council and the issue of where revenues were generated from were hardly known by residents. He reminded the public that the Council had scheduled a public hearing on March 8th to provide an opportunity for citizens to learn about the City's sources of revenues and to share with the Council their views on the budget.

Mr. Sharp said he was pleased that the City had been awarded a grant from the Governor's Office of Justice Assistance to fund one police officer's position and the amount of a police vehicle to work on street crimes with an emphasis on drug related cases.

Mr. Johnson commended City Police Officer Steve Knight, whose work was above and beyond the call of duty a few weeks ago. Officer Knight observed a suspicious car which was later found to have been stolen. That matter led in turn to another stolen car which had been taken in a carjacking.

Adoption of Minutes from 1/25/93 and 2/8/93. Moved by Mr. Prensky; seconded by Ms. Porter. Mr. Johnson noted that he had some

amendments to the Minutes of 2/8/93; without objection they were tabled. The Minutes of 1/25/93 were adopted unanimously.

CHANGES TO THE EVENING'S AGENDA

Mr. Sharp noted an additional agenda item which would be added to the end of the agenda--a Resolution in support of uniform State building performance standards. Mr. Sharp also noted that the Council would be convening into Executive Session after the evening's agenda to discuss a possible land acquisition.

Mr. Sharp then noted that Item #5, a Public Hearing that was scheduled regarding invoking the waiver provision of the Nuclear Free Zone Act was being removed from the agenda because the City Administrator had determined that a waiver for the purchase of Bendix brakes and Sony cable equipment would not be necessary.

Mr. Prenskey commented that he was pleased with the removal of the NFZ waiver requests. He commended Ms. Habada, staff and the Nuclear Free Takoma Park Committee on sitting down and working a solution out.

CITIZEN COMMENTS (On Items Not On Evening's Agenda)

Karen Anderson, Woodland Avenue said she was concerned about the number of residential break-ins on her street and she asked when the three vacant police positions would be filled. Ms. Anderson also said that the Community Oriented Policing did not seem to be occurring in her neighborhood; she said she was tired of being afraid and she would be monitoring the situation. Ms. Anderson said it was Council's responsibility to protect its citizens and she did not feel this was happening.

Ms. Habada responded that there were currently only two vacant positions and the testing to fill these vacancies had been completed and extensive background checks needed to take place. Ms. Habada commented that Staff was anticipating that the positions would probably be filled within the next couple of months.

Jim Swyers, 206 Spring Avenue said he heard that the P.G. County Council had voted in support of unification for Takoma Park. He said it was his feeling in the P.G. County portion of the City that this was not something that happened at the State level; the bicounty task force was not going to do anything without pressure from the residents in the Prince George's portion of Takoma Park. Mr. Swyers said it was difficult in trying to deal with two different governments and he hoped that someone would give the residents a chance to say where they would like to live.

Mr. Sharp said there had been a lot of misunderstanding in the news media of what the process was. He said since 1984 unification had been an ongoing, regular issue for the City. Mr. Sharp commented that a lot of things would be taking place in 1994 that might make unification more of a possibility.

AGENDA

#1. Ethics Task Force (ETF) Presentation.

Jim Douglas, Chair of ETF introduced Task Force Members Kathy Breckbill, Ed Kimmel, and George LaRoche. He noted that members Ron Collins and Mike Moore were not able to be present and there were two other members who had started with the group but had since resigned. Mr. Douglas commended the Task Force members and said they were involved in many long and intense discussions. He said they looked at more general issues and saw that the City's Ethics law was not working well. He said there did not seem to be a good and fair way of resolving ethical concerns and the Task Force had recommended the formulation of an Ethics Commission. He noted one problem of the law was that it established that the City's corporation counsel was responsible for administering the law which was not a good idea since she served at the pleasure of the City Council and might, therefore, be required to investigate her employer.

Mr. Douglas went on to explain the process taken by the Task Force and said that the law must balance four competing goals: ensuring that officials and employees exercise the power and authority of their offices for public purposes; ensuring that elected officials and employees appear to exercise power and authority of their offices for public purposes; ensuring that the public had the opportunity to know of actual or potential conflicts between private and public purposes, and protecting rights of elected officials and employees to think and act freely and to not unduly infringe upon their private economic and familial affairs.

Mr. Douglas also noted that the Task Force did not address the issues relating to enforcement of the City's election laws. He said that the Elections Task Force was addressing some of the issues and the Ethics Task Force was interested in devoting its attention to the ethics ordinance. Mr. Douglas then reviewed some of the Task Force's findings and recommendations that were outlined in the Report.

Council Comments

Mr. Johnson said he appreciated the work done by the Task Force, but noted that, although ETF meetings were open to the public, the ETF took no measures to court public involvement. Mr. Johnson suggested that the Report be mailed to the City's community associations and other groups and hoped the Council would find ways to deal with the elections issues since the City's election was just 6 months away.

Mr. Sharp said the Council was planning to meet in Worksession on 3/15 with the Elections Task Force. He noted the Council was scheduled to meet with the Ethics Task Force to discuss their report on 3/1; the work needed now would be to translate the report into an amended ordinance which would be put to public hearing for all citizens to comment on.

#2. Public Hearing Re: Speed Humps for 900 Block of Elm Avenue

Mr. Sharp called the Public Hearing to order at 8:45 p.m.

Citizen Comments

Jane Hawkanson, 908 Elm Avenue spoke in favor of the speed hump on Elm Avenue and said the neighbors have watched considerable increase in the number of young children in the neighborhood and a considerable growth in traffic.

Charlotte Sobel, 905 Elm Avenue thanked Ms. Porter and Ms. Jewell for their assistance in getting the speed hump petition processed. She commented that when they had their first neighborhood meeting, a major concern was slowing down traffic in the neighborhood. She said it had become an absolute hazard for children riding their bikes and playing. Ms. Sobel said that the number of cars that traveled the street from outside areas had increased and children who were waiting for morning school busses were at risk because of the speeders.

Howard Barr, 910 Elm Avenue said he supported the installation of speed humps on Elm Avenue.

Tim Siegel, 808 Elm Avenue said the proposal seemed to be the only alternative and speed humps were definitely in need.

Don Pollins, Eastern Avenue said he grew up on Heather Avenue and it was his feeling that traffic there was no worse than it was when he was a child. He said he did not understand why the Council continued to install speed humps based on people's feelings instead of facts and without conducting surveys. He noted the number of speed humps already installed in the City and he encouraged at least one Councilmember to vote against the installation of this speed hump.

Cavan Capps, 6737 Eastern Avenue said he went through the same issue regarding speed humps on Eastern Avenue and he used to see a wrecker vehicle that traveled on Little Eastern Avenue at 40 mph, he did not anymore since the speed humps were installed. Mr. Capps said that the City had a responsibility to maintain the quality of life of a small community.

John Dirksen, 612 Ethan Allen Avenue said he supported the installation of speed humps on Elm because he often walked down Elm and had witnessed cars traveling at high rates of speed.

Ms. Sartoph noted phone calls received from Ms. Bell, 1000 block of Elm and Ms. Moore, 911 Elm who both expressed opposition to the speed humps; and Lyle Rosbotham, 1001 Elm who said he wholeheartedly favored a speed hump on Elm.

Mayor Sharp brought the public hearing to a close.

Council Comments

Ms. Porter moved acceptance of the ordinance at first reading. She noted that she had also received one call in opposition to the speed hump. She noted that since she lived one block away, she was personally affected by the proposal. Ms. Porter spoke in favor of a speed hump and said that she had noticed an increase in speeders in the eight years she had been a resident of the street. Ms. Porter also explained that one of the goals of the proposed traffic plan was to come up with a systematic way of dealing with traffic problems as a whole, but she said the proposal for Elm Avenue was before the Council before the rules for humps were adopted in the Transportation Plan. She said the speed hump would be an improvement and she urged Council to approve it.

Mr. Leary noted that he agreed with Mr. Pollins that speed humps were installed on City streets based on the residents' feelings. He also said that speed humps were very effective and they did what they were intended to do. He reiterated Ms. Porter's comments that the recommended change in the policy was specified in the draft of the Transportation Plan and that once the Plan was adopted, the process would require a traffic impact study conducted by a traffic engineer before speed humps were considered.

Mr. Prensky commented that as Mr. Pollins' Council representative, he had heard the objections raised by Mr. Pollins for many years. Mr. Prensky said it was his own feeling that speed humps were sometimes an inconvenience because they obstructed the free flow of traffic; however they were immensely successful in slowing speeders down and thereby protecting those residents who lived on the streets. He said he was enthusiastically in favor of them although he hated them.

Mr. Johnson noted support during the consideration of speed humps for Glenside and Wildwood Drives; he said that he would defer to the wishes to those who were most directly affected by speed humps.

Mr. Sharp said he also did not particularly care for speed humps as well but that he would vote in favor of it. Referring to the dangerous traffic conditions on Larch Avenue, Mr. Sharp commented that he did not even let his daughter ride her bike on that street.

Council Action: The Ordinance was unanimously accepted at first reading. (Absent: Mr. Elrich and Mr. Hamilton).

ORDINANCE #1993-6 (Attached)

#3. Public Hearing Re: Maplewood Avenue Permit Parking. Mr. Sharp called the public hearing to order at 9:10 p.m.

Beverly Ouattlebaum 8000 Maplewood Avenue said she was in favor of the establishment of a permit parking area for Maplewood Avenue and

she asked the Council to support the adoption of the ordinance.

Mark Fisher, 700 Erie Avenue said he opposed a permit parking area for Erie Avenue because he had not seen a problem on that stretch of Erie Avenue.

Sara Fisher, 700 Erie Avenue spoke against including Erie Avenue in the permit parking area and said from the corner from Erie along Maple to its end at Kennebec, there was plenty of parking; she said it would cause some difficulty for residents and their visitors.

Darrell Westrick, 700 Erie Avenue said he parked on Maple and he sympathized with Maple Avenue residents but he could not support the ordinance as worded to include Erie Avenue.

Ghislaine Jackson, 706 Maplewood Avenue said she understood the concerns expressed by the last few speakers but if Erie was not included in the permit area, they would get an overflow of the traffic problems.

Jodi Hymes, 710 Maplewood Avenue said she was troubled by the inclusion of Erie Avenue and the exclusion of the south side of Maplewood Avenue. She said she purchased her house a few years ago and up until construction of the Hospital garage, the street had been fairly quiet. She said there were a lot of assurances made to the citizens about parking and her trust was shattered when despite those assurances, residents were finding non resident cars parked along their street. Ms. Hymes gave an account of the process that led up to the residents initiating the petition for permit parking. She noted her receipt of a letter from the neighborhood citizen association and passed this along to the Deputy Clerk. Ms. Hymes said the Hospital expansion created problems and residential permit parking was the only solution. She also said she was concerned about public safety; there were many more young children residing on the street who were at risk because of the increased traffic. Ms. Hymes said as a Takoma Park taxpayer she was asking for the Council's support of the proposal for permit parking.

Tom Gagliardo, 704 Maplewood Avenue said he experienced the same things Ms. Hymes had discussed. He thanked her publicly for allowing him to park in her driveway. Mr. Gagliardo raised the issue of the cost of the permit and said that given the City's outrageous amount of taxes, it was not fair to ask residents to pay \$10 for the permit. He asked Council to amend out the \$10 fee.

Barry Portnoy, 8001 Maple Avenue said he resided at the corner of Maple and Maplewood and he had the worst of both streets and so he was seconding a lot of the comments. He said he had witnessed cars coming around Maplewood and had seen several near accidents as well as the trouble busses and cars had in passing through.

Lynne Bradley, 8112 Flower Avenue said she supported the permit parking area; most of the activities she was involved in led her down Maplewood Avenue and she had experienced very severe problems; i.e., being stuck in the right lane while waiting to be able to go down Maplewood. Ms. Bradley said she did not support the sunseting of the legislation. She said permit parking would provide safety for the whole community.

Dick Freund, 8000 Maple Avenue said when he signed the petition, he saw the matter as a safety issue. He said Maplewood Avenue with traffic parked on both sides was a very dangerous street and the permit process was the best solution.

Barbara Corriea, 724 Maplewood Avenue said as a resident for 8 years, she had seen parking problems as a result of increased hospital and college programs. She said one could see people going to and from swimming classes and other programs and she was very supportive of having permit parking.

Darrell Westrick, 700 Erie Avenue stated his opposition in having the area above the 8000 block of Maplewood included in the permit area and he asked the Council to amend the ordinance to have only the 8000 to 8005 block of Maplewood included.

Ms. Sartoph noted a phone call from Holly Mines, 8004 Maplewood, who expressed her support of the permit parking area for Maplewood Avenue.

Council Comments

Mr. Sharp noted an amendment to Section 2(a) of the ordinance to show that the north and south side of Maplewood Avenue were to be included in the defined area. In Section 2(b), Mr. Sharp noted an amendment to limit the parking area to the 8000 through 8005 block of Maple Avenue.

Mr. Prensky noted an amendment to the first whereas clause to read, "...residents of the City are sometimes adversely affected...". The motion was duly seconded.

Mr. Elrich moved adoption of the ordinance with amendments; seconded by Mr. Johnson.

Mr. Johnson commented that he regularly drove through Maplewood Avenue and witnessed the problems caused by the overflow of parked vehicles. He referred to Mr. Gagliardo's comments regarding the City's "outrageous taxes" and he encouraged Mr. Gagliardo to come to the City's upcoming FY'94 budget hearings.

Mr. Elrich expressed concern about excluding Erie Avenue from the defined area.

Mr. Sharp asked if that were to take place, could a petition to establish Erie Avenue as a permit area be expeditiously handled.

Ms. Jewell noted that in the City, past practice has shown that streets in or around a proposed area for permit parking were always adversely impacted by spill over traffic. She said if that happened with this particular case, the Maplewood Avenue ordinance could not be amended; the process would have to start from the beginning to establish Erie Avenue as a permit area. Ms. Jewell explained that this was how the City ended up with adjoining Parking Permit Areas known as 1A, 2A, etc.

In response to a question asked by Ms. Porter, Ms. Habada explained that the recently enacted legislation gave the City Administrator the authority to install certain parking regulatory measures and permit parking was not included in the legislation. However, early this year, in response to concerns raised by the residents, she had prohibited parking on Maple between the Hospital driveway and Maplewood to prevent cars from parking on that stretch of the street and narrowing safe access for through traffic.

Mr. Prensky asked what the Hospital's construction plans were and when the parking structure would be opened. He also asked about the \$10 permit fee charge and whether it actually reflected the City's administration costs.

Ms. Habada said the fee did not cover the administration of the program; however it did cover the costs of printing the parking and visitor permits.

Virginia Pisarra, Vice President of Washington Adventist Hospital (WAH) responding to Mr. Prensky's comment, said that on February 17th, they opened about 95 spaces of the parking deck and would be opening the remainder on March 5th for a total of 107 spots. She said they would also offer visitor and patient parking in the garage. Ms. Pisarra said that on March 1st, the Hospital would be vacating the ballfield as a parking site and had contracted with Takoma Academy for 220 spots and they will be running two shuttle

buses back and forth beginning at 6 a.m.

Mr. Prenskey asked if WAH would prohibit their staff from parking on the street once the Ordinance was adopted.

Ms. Pizarra said there were spaces for employees at the campus of Takoma Academy. She also said the Hospital had sent out newsletters with instructions to employees about what was appropriate parking. In response to Mr. Prenskey's question whether WAH would support the permit parking if the legislation were adopted, Ms. Pizarra said she was providing information about alternative parking solutions. She said the swimming classes were community education classes and were frequented by visitors to the hospital and not all employees.

Jodi Hymes said that since the Hospital opened the parking structure, the residents had not noticed any difference on the streets.

Tom Gagliardo said it was not patients and visitors who were going to benefit from the garage. He said what was learned from the evening's discussion was that the County had failed the residents of Takoma Park when they applied for the special exception to build the garage. Mr. Gagliardo questioned how many permits were sold for other permit areas in the City and he reiterated his comment about the unfairness of paying the fee in addition to paying taxes.

Mr. Sharp closed the public hearing at 9:42 pm

Mr. Elrich said he was inclined to agree with residents about the Hospital not getting as many spaces as they had originally intended and he said the Hospital employees found it was easier to park on the street than to park in the garage.

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

ORDINANCE #1993-7
(Attached)

#4. Introduction of Staff. Ms. Nance-Sims introduced Venita George, an intern hired to assist the Department of Housing and Community Development with planning activities. Ms. George is in her last year of graduate studies in urban and regional planning at the University of the District of Columbia.

Mr. Sharp welcomed Ms. George and commented that the City had a long and successful history with interns.

#5. Public Hearing Re: Transportation Plan, Phase I.

Ms. Schwartz explained that the version before Council had asterisks at locations where changes were made since the Council's worksession on 2/1.

Citizen Comments. The Council heard testimony from the following persons who offered comments and made suggestions on the proposed Transportation Plan. Ms. Schwartz prepared a summarization of those comments made. That summary is attached to these Minutes and considered part of the official record.

Tracey Sivitz, 607 Philadelphia Avenue
John Ascosi, Sr., 504 Mississippi Avenue (Outside City)
Edmund Kirby-Smith, 7421 Holly Avenue
Diana Vidutis, 7416 Piney Branch Road
Cavan Capps, 6737 Eastern Avenue
Roland Halstead, 7116 Maple Avenue
Maurice Belanger, 7421
Lynne Bradley, 8112 Flower Avenue
Dan DeMocker, 45 Philadelphia Avenue (Historic Takoma)
Don Pollins, 6633 Eastern Avenue

John Dirksen, 612 Ethan Allen Avenue
Bruce Moyer, 37 Philadelphia Avenue
Steve Shapiro, 7324 Willow Avenue

Mr. Sharp brought the public hearing to a close at 11:05.

Staff was asked to outline the various comments and suggestions made. The Council decided to come back to Transportation Plan on 3/15.

Council Comments

Mr. Leary commented that most of those who had spoken had been involved in lobbying Montgomery County Council to oppose the proposed widening of Rt. 410. Mr. Leary said that although the Montgomery County Council planning committee voted 2 to 1 to delete language from sector plan on the proposal, it was not a done deal and there were still issues to be debated by the full County Council on March 8. Mr. Leary encouraged interested persons to call the County Council and register their strong opposition to the language in the sector plan and the proposed widening of Philadelphia.

A motion made by Mr. Elrich and seconded by Mr. Leary to put 4 minutes on the evening's agenda to discuss the Transportation Plan failed by a 4 to 2 vote.

#6. Single Reading Ordinance Re: Improvement to City Parks. Moved by Mr. Prensky; seconded by Mr. Johnson.

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

ORDINANCE #1993-8 (Attached)

#7. Resolution Approving Cable Fee Schedule. Ms. Habada noted the modifications made from the last Worksession discussion. The Resolution was moved by Ms. Porter and seconded by Mr. Johnson.

The Council discussed at length the draft Fees Schedule and did not reach consensus on how the expenses listed on the three fee schedule categories should be itemized.

Mr. Sharp moved to table the Resolution; the motion was seconded by Mr. Leary and carried by a 5 to 1 vote (Nay: Mr. Prensky).

Citizen Comment

Kay Dellinger, Hampshire Towers argued that the costs for taping programs did not add up. She commented that community television meant that residents had access to programming in the City and she pointed out that the community did not have access because of the fees. She reminded the Council that the 1990 and 1991 Takoma Park Peace Concerts were not televised because of the high fee charges.

#8. Additional Agenda Item

Resolution In Support of Uniform Building Code. Mr. Sharp noted that the Council had earlier discussions about a state uniform building code but had not gone on record in support of the idea. He moved passage of the Resolution; seconded by Mr. Elrich.

Council Action: The Resolution was unanimously passed (Absent: Mr. Hamilton).

#9. Consent Agenda. Moved by Mr. Johnson; seconded by Mr. Elrich, the Consent Agenda was unanimously passed (Mr. Hamilton absent).

(a) Resolution #1993-16. Reappointing Mr. Robert Alpern to serve a two year term on the Nuclear Free Takoma Park Committee.

- (b) Resolution #1993-15. Appointing Mr. Andrew Strongin to serve a one year term on the City's Commission on Landlord Tenant Affairs.
- (c) Resolution #1993-18. Authorizing the closing of Laurel Avenue between Eastern and Carroll for the 1993 Farmers Market.

RESOLUTIONS #1993-16 - 18
(Attached)

The Council adjourned at 11:50 p.m. to reconvene in Regular Session on March 8, 1993. A motion was made by Mr. Prenskey and seconded by Mr. Elrich to convene into Executive Session at 11:50 p.m. to discuss a possible land acquisition. The Executive Session adjourned at 12:20 a.m. on February 23, 1993.

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 2/22/93
2nd Reading:
Effective:

ORDINANCE #1993-6

INSTALLATION OF SPEED HUMP

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 a new subsection to Section 1, as set forth below:

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 location:

- (a) Elm Avenue (between Devonshire Road and Larch Avenue), one (1) speed hump to be placed adjacent to 905 Elm 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 _____ BY
ROLL CALL VOTE AS FOLLOWS:

AYE:
NAY:
ABSTAINED:
ABSENT:

filename:MEMOS\ELM.SPD

Introduced by:
(Drafted by: P. Jewell)

1st Reading: 2/22/93
2nd Reading:

ORDINANCE #1993-6

ESTABLISHING PERMIT PARKING FOR THE MAPLEWOOD AVENUE AREA

WHEREAS, the Council has found that the health, safety and welfare of certain groups of residents of the City are ~~sometimes~~ adversely affected by conditions created by the existence of public institutions and, in recognition of this, adopted legislation that permits the establishment of parking permit areas in residential sections of the City where such conditions are extant; AND

WHEREAS, pursuant to the provisions set forth in Sec. 13-63.1 of the Code of Takoma Park, 1972, as amended, citizens have petitioned the Council to establish a parking permit area in the area of Maplewood Avenue, citing the existing use of accessible parking space by nonresident commuters and staff and visitors of the Washington Adventist Hospital and Columbia Union College, traffic impact created by parking on both sides of the street on Maplewood; AND

WHEREAS, the City Administrator, following a survey of the subject area, has determined that all criteria set forth in Sec. 13-63.1 of the City Code have been met and has recommended to the Council that Parking Permit Area #4 be established.

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

SECTION 1. THAT Parking Permit Area #4 be hereby established, said area to include that residential section lying to east of Sligo Creek Parkway, with parking restrictions applicable to the streets enumerated in Section 2 of this Ordinance; AND

SECTION 2. THAT, except where otherwise designated, parking on the following streets shall be restricted between the hours of 8:00 a.m. to 7:00 p.m., Monday through Friday, to vehicles displaying a valid parking permit issued by the City:

- (a) 600 and 700 Blocks of Maplewood Avenue, ~~north side,~~ from Sligo Creek Parkway to Flower Avenue;

(b) 8000 to 8005 block (inclusive) of Maple Avenue, west and east side, ~~beginning at a point from its intersection with Maplewood Avenue and extending to Kennebec Avenue;~~

~~(c) 700 block of Erie Avenue, north and south sides, from its intersection with Maplewood Avenue to Flower Avenue.~~

SECTION 3. THAT the City Administrator is hereby directed to fully implement the directives of this Ordinance at the earliest possible date; AND

SECTION 4. THAT permits will be issued annually at a cost of \$10.00 per year each by the Police Department.

SECTION 5. THAT all parking enforcement ordinances in conflict with the provisions of this Ordinance are hereby repealed; AND

SECTION 6. THAT the penalty for violation of Section 2 of this Ordinance shall be a Class C offense.

SECTION 7. THAT this Ordinance shall become effective upon adoption.

NOTE: In this Ordinance, shaded language shall indicate language added at first reading; and ~~strikethrough~~ language shall indicate language deleted at first reading.

Adopted by the City Council this _____ day of _____, 1993, by roll call vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

Summary of Testimony
Public Hearing on Transportation Plan, Phase I
February 22, 1993

Tracy Sivitz, 607 Philadelphia Avenue
(written testimony attached)

- Residents on Philadelphia Ave. close to breaking point
 - Tens of thousands of cars with destinations outside the City travel Philadelphia Avenue each week; state traffic planners regard Takoma Park as just another point on traffic grid between Silver Spring and Hyattsville
 - Cited specific incidences of pets being struck by vehicles and collisions and near-misses with children and adult pedestrians and vehicles of residents; destruction of property
 - Appreciates Mayor and Council's efforts to oppose widening of intersections on Philadelphia Avenue, but work has just begun
 - Must discipline traffic and protect community. Specifically, City should do the following:
 - Encourage alternate routes for through traffic now using MD 410 through City
 - Impose vehicle weight restrictions on MD 410 within City
 - Implement traffic control devices on MD 410 within City to reduce traffic speed and volume
 - Concentrate police enforcement at gateway points
-

John Asccsi, Sr., 504 Mississippi Avenue (outside City)

- Lives outside City; is vice-president of East Silver Spring Citizens' Association
 - They are seeking to widen Piney Branch Road; want to open up lines of communication with Takoma Park and other jurisdictions and agencies
 - Changes to Piney Branch Road were done without involvement of their association; he wants to make sure communication is improved in future
-

Edmund Kirby-Smith, 7421 Holly Avenue

- Has lived in neighborhood for 8 years; has witnessed traffic become increasingly worse
- Three schools and one day care center in neighborhood; difficult for children to cross Philadelphia Avenue
- Would like City to take steps to alleviate amount of traffic on Philadelphia Avenue

Diana Vidutis, 7416 Piney Branch Road

- Many of her initial concerns addressed by current document
- Piney Branch Road under State jurisdiction; therefore, no speed humps will ever be allowed
- Road is primary pedestrian route to Metro; high risk for pedestrians due to speeding traffic
- Parked cars along road serve as buffer for pedestrians
- No way to slow traffic down
- Rush hour is not a problem because traffic slows due to congestion. Main problem is speeding traffic during mid-day on weekdays and all day on weekends
- Proposes traffic islands at Eastern/Piney Branch and Philadelphia/Piney Branch which would allow only one through lane in each direction. Feels enforcement won't work

Cavan Capps, 6737 Eastern Avenue

- Thanked Council for staying on traffic issue; very important to community
- Thanked for including a concern for Eastern Avenue
- Expressed hope that would be successful in obtaining stop sign at Eastern Ave. and Walnut Ave.

Roland Halstead, 7116 Maple Avenue

- Applauds several enhancements to language contained in Phase I:
 - Goal to reduce traffic volumes
 - Formation of citizen committee (including bicycle advocate) to work on Phase III of plan
 - Description of certain arterials as residential streets now designated as arterials
 - Recognition of noise, vibration, pollution, and safety hazards as problem on residential streets
 - Encouraging use of smaller buses on residential streets
 - Discouraging commercial and through commuter traffic
 - Speed enforcement targeted to residential streets now designated as arterials

--Suggests some additional changes:

--p. 8, Problem #12: change to read, "Inadequate emphasis on environmentally sound alternatives to single-occupancy automobile travel, such as transit, ridesharing, and bicycling."

--p. 12: Takoma Old Town Business Association has agreed to provide a bicycle rack

--p. 15: Change Principle #2 to read, "Require that general, periodic traffic and community impact studies, . . . be accomplished. Prior to adoption of any traffic control devices that will result in traffic diversion, or that will require construction, consideration should be given to more specific studies, subject to budget availability."

Maurice Belanger, 7421 Cedar Avenue
(written testimony attached)

--Represents Washington Area Bicyclists Association (WABA)
--Generally pleased with Phase I; meeting goals will be difficult challenge due to increasing population and increased car ownership
--To reduce traffic, need to get people to use cars less
--Clean Air Act Amendments and Intermodal Surface Transportation Efficiency Act (ISTEA): support reduction of automobile trips
--City commitment to make streets safer for cyclists will result in more bicycle use
--Is member of Alternative Transportation Modes Committee; would appreciate if committee is kept informed of proposed road improvements

Lynne Bradley, 8112 Flower Avenue

--Needs to be conceptual shift: public transportation emphasis rather than traffic diversion
--Don't divert traffic to other neighborhoods
--Worried about fight with SHA if put up stop signs on arterials
--How can we get people out of cars?
--How can we keep from just moving problem?
--More aggressive police enforcement needed
--Flower Ave. is worse off than Philadelphia Ave. and Piney Branch Rd. because opposite side of street is outside City

Dan DeMocker, 45 Philadelphia Avenue

--Represents Historic Takoma
--Believes MD 410 will have to be widened unless Phase I is amended, passed, and implemented
--Cited traffic impact on housing stock and quality of life
--Language in Phase I should forbid any widening of MD 410
--Housing stock on 410 unique

Don Pollins, 6633 Eastern Avenue

- Emphasis of Phase I is still on putting traffic on main roads
 - Unhappy about timing of hearing (after other two hearings); most people who came to speak on traffic plan had left
 - Kentlands in Gaithersburg: wave of future (grid system)
 - Likes procedures, but hopes nothing happens to subvert them
 - 60% too low a threshold for petition; should be increased to 80%
 - City should deal only with legitimate problems
 - Objective citizens should do traffic impact studies
-

John Dirksen, 612 Ethan Allen Avenue

- 3-year resident of Ethan Allen Ave.; speeding traffic and vibration are real problems
 - Ethan Allen seems to be substandard road: should either be brought up to standard or abandoned
 - Access to Metro a problem: too far to walk, bicycling dangerous, and no bus service
 - Woonerfs are effective, but expensive. Can be done in less expensive way (also less aesthetic)
-

Bruce Moyer, 37 Philadelphia Avenue
(written testimony attached)

- Represents group of residents on Philadelphia & Ethan Allen Aves.
- Plan as now stands is significant improvement over earlier drafts
- Provides should analytical framework for future decisions with regard to traffic
- Support specific recognition of residential nature of Ethan Allen and Philadelphia; increased emphasis of primary importance of safety and environmental factors
- Additional comments:

- Strongly support public transportation; merely seeking more efficient use of large vehicles which are essentially empty most of day and routing that includes some sensitivity to specific street characteristics
 - Cost-sharing: Council should consider excluding from this provision traffic control measures whose significant impact extends beyond immediate location
 - Street widening: should be opposed across the board; not conditional
 - Phase I should support a return to city control of residential streets now under state control
-

Steve Shapiro, 7324 Willow Avenue

- His sentiments reflected in statements by T. Sivitz and B. Moyer
- Existence and strength of public and community spaces is the mark of a community
- Need to see transportation plan in a broader context
- Asked Council to envision Takoma Park without East-West Highway and Piney Branch Road cutting through; envision as place where people can gather

tpplphts.sum

Introduced by: Councilmember Prensky

Single Reading: 2/22/93

ORDINANCE NO. 1993-8

To Award A Contract for the Purpose of
Improvements at Jeguie & Spring Parks

WHEREAS, Open Space funds have been earmarked to address these improvements, AND

WHEREAS, appropriate advertising was placed in the Washington Post and the Dodge and Blue Reports, AND

WHEREAS, outreach efforts to minority contractors were pursued through Prince Georges County Minority Affairs Division and the Prince George's County Black Contractor's Association, AND

WHEREAS, bids were publicly opened at 2:00 p.m., February 18, 1993 with two bids, including add/alternates, being received as follows:

Nekoosa Contracting	\$63,025
Triple-J Construction	\$35,420

WHEREAS, it has been determined that Triple-J Construction Co., Inc. has submitted a responsive bid, AND

WHEREAS, it has been determined that Triple-J Construction Co., Inc. is a responsible contractor, AND

WHEREAS, sufficient earmarked Project Open Space funds are available.

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

SECTION 1. THAT the low bid received from Triple-J Construction Co., Inc. in the amount of \$35,420 be accepted, AND

SECTION 2. THAT this expenditure be charged to Open Space Account No. 0010-7191, and

SECTION 3. THAT authority is granted to award a contract to Triple-J Construction Co., Inc. accordingly.

Adopted this 22nd day of February, 1993 by Roll Call Vote:

AYE: Sharp, Elrich, Johnson, Porter, Prensky

NAY: None

ABSTAINED: None

ABSENT: Hamilton, Leary

City of Takoma Park, Maryland

TELEPHONE 270-1700



7500 MAPLE AVENUE
TAKOMA PARK, MD. 20912

Introduced By: Mayor Sharp

RESOLUTION #1993-15

IN SUPPORT OF A UNIFORM STATE BUILDING CODE

WHEREAS, building codes are an important tool for local governments in protecting the health, safety and welfare of its residents while encouraging a pro-business environment both which are vital to a community's existence; AND

WHEREAS, the Maryland State Department of Housing and Community Development has learned that while there are local governments that currently enforce building codes, there were others that do not have building code enforcement at all; AND

WHEREAS, the absence of building codes and the lack of consistency in existing code structures from jurisdiction to jurisdiction has made it difficult for business communities to disseminate information pertinent to the growth and development of housing and business; AND

WHEREAS, in response to these growing concerns, the Task Force on Maryland Building Performance Standards was formed and has developed a proposal that would require Maryland counties and municipalities who have adopted building codes to use the latest edition of National Building Officials and Code Administrator's Code (BOCA) and could then adopt local amendments to meet individual needs.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park, Maryland finds that uniform standards are important in protecting the public health and safety of Maryland residents while providing a more efficient mechanism for businesses to operate in the State; AND

BE IT FURTHER RESOLVED, THAT the City Council hereby expresses its support for the proposal for Maryland Building Performance Standards in the State of Maryland.

Dated this 22nd day of February, 1993.

Introduced By: Councilmember Johnson
(Drafted by: P. Jewell)

RESOLUTION NO. 1993 - 16

APPOINTING MEMBER TO THE NUCLEAR FREE TAKOMA PARK

WHEREAS, Takoma Park's Nuclear Free Zone Act established a seven member Nuclear Free Takoma Park Committee; AND

WHEREAS, currently there are 2 vacancies on this Committee due to a resignation and one term that has expired; AND

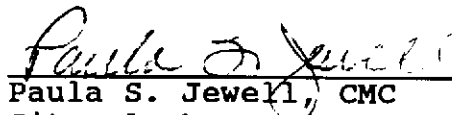
WHEREAS, the Council has interviewed Takoma Park residents who have expressed an interest in serving on the Committee.

NOW, THEREFORE, BE IT RESOLVED THAT the following person is hereby appointed to serve on the Nuclear Free Takoma Park Committee with the term assigned opposite the name:

Name/Address	Term Expires
Robert Z. Alpern 316 Elm Avenue	2/22/95

Dated this 22nd day of February, 1993.

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced By: Councilmember Johnson

RESOLUTION NO. 1993 - 17

APPOINTING REPRESENTATIVE TO COLTA

WHEREAS, there is one vacancy on the City's Commission on Landlord and Tenant Affairs; **AND**

WHEREAS, a Takoma Park resident has made application to serve on the Commission and has been interviewed by the City Council.

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

Name	Address	Term Expires
Andrew M. Strongin	58 Walnut Avenue, #2	June 30, 1994

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

Adopted this 22nd day of February, 1993.

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced by: Councilmember Johnson

RESOLUTION NO. 1993-18

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 18 TO NOVEMBER 21, 1993, 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 ten 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 City 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 City 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 CITY 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 CITY 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) 18 April 1993 - 21 November 1993, from 9:15 a.m. (local time) to 2:30 p.m. (local time)

BE IT FURTHER RESOLVED BY THE CITY 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 CITY 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 CITY 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 22nd DAY OF FEBRUARY, 1993.

February 23, 1993

TO : Distribution Noted Below

VIA : Beverly K. Habada *BKH*
City Administrator

FROM : Paula S. Jewell, CMC *Paula S. Jewell*
City Clerk

SUBJECT: Council Summary from February 22, 1992 Regular Meeting,
Public Hearings and Executive Session

**DEPARTMENT HEADS: PLEASE READ EACH ITEM CAREFULLY FOR MATTERS THAT
MAY PERTAIN TO YOUR DEPARTMENTS AND FEEL FREE TO COPY TO OTHER
STAFF AS NEEDED.**

- [] 1. Pre Council Meeting - Interview - The Council interviewed Mr. Robert Alpern, current member of the Nuclear Free Takoma Park Committee whose term expired and who had requested re-appointment to the Committee (See Consent Agenda Item #11A).
- [] 2. Ethics Task Force Presentation - Chairman Jim Douglas presented the February 22, 1993 Report of the Ethics Task Force to the City Council and summarized the recommendations made by the Task Force. The Council has scheduled discussion of the report for the March 1st Worksession.
- [] 3. Public Hearing Re: Speed Humps for 900 Block of Elm Avenue - The Council heard testimony from 7 residents and entered into the record, phone calls received from 3 additional residents on the proposed installation of a speed hump at 905 Elm Avenue. Three comments were made in opposition to the proposal. Ordinance #1993-6 was unanimously accepted at first reading; second reading of the Ordinance is scheduled for 3/8/93.
- [] 4. Public Hearing Re: Maplewood Avenue Permit Parking - The Council heard testimony from 12 residents and entered into the record one phone call on the proposal to establish Permit Parking Area #4 in the Maplewood Avenue neighborhood. Ordinance #1993-7 was unanimously accepted

(Over)

at first reading, as amended. An amendment was made in the Ordinance Section 2(a) to show that the north and south side of Maplewood Avenue was to be included in the defined area. In addition, amendments were made to limit the parking area to the 8000 through 8005 block of Maple Avenue (inclusive), and to delete Erie Avenue from the defined permit area. Second reading of the Ordinance is scheduled for 3/8/93.

- [] 5. Introduction of Staff - **DHCD DIRECTOR NANCE-SIMS** introduced **VENITA GEORGE** who was recently hired as an Intern to assist with DHCD planning. **MS. GEORGE** is in her last year of graduate studies in urban and regional planning at the University of the District of Columbia.
- [] 6. Public Hearing Re: Transportation Plan, Phase I - The Council heard testimony from 13 citizens who offered comments and made suggestions on the proposed Transportation Plan. **COMMUNITY PLANNER SCHWARTZ** to prepare an outline of the various comments and suggestions made during the public hearing. Council will discuss these at the March 15th Worksession.
- [] 7. Public Hearing Re: Waivers to the Nuclear Free Zone Act. Canceled per recommendation made by **CITY ADMINISTRATOR HABADA** who determined that waivers for the purchase of Bendix brakes and Sony cable equipment would not be necessary.
- [] 8. Improvements to City Parks - Ordinance #1993-8 was unanimously adopted on single reading (Absent: Mr. Hamilton and Mr. Leary), awarding a contract to Triple-J Construction Co., Inc. in the amount of \$35,420 to make improvements to Jeque and Spring Parks.
- [] 9. Cable Fees Schedule - A Resolution approving TPCT's schedule of fees was tabled pending further clarification of the schedule by the **CITY ADMINISTRATOR** and Takoma Park Community Television. Council to reconsider the Resolution (tentative scheduled for March 8th meeting), once the schedule is clarified.
- [] 10. Additional Agenda Item - Uniform State Building Code - Resolution #1993-15 was unanimously passed, expressing support for uniform Maryland Building Performance Standards in the State of Maryland.

(Next)

- [] 11. Consent Agenda - Upon motion by Mr. Johnson, seconded by Mr. Elrich, the Council unanimously adopted the Consent Agenda items as follows:
- (a) Resolution #1993-16 - re-appointing Mr. Robert Alpern to serve a two year on the Nuclear Free Takoma Park Committee.
- (b) Resolution #1993-17 - appointing Mr. Andrew Strongin to serve a one year on the City's Commission on Landlord-Tenant Affairs.
- (c) Resolution #1993-18 - authorizing the closing of Laurel Avenue between Eastern and Carroll for the 1993 Takoma Park Farmers Market season, on Sundays beginning April 18th to November 21, 1993, 9:15 a.m. to 2:30 p.m. The Resolution also authorizes the **CITY ADMINISTRATOR** to sign off on the Farmers Market guidelines.
- [] 12. Executive (Closed) Session - Upon motion by Mr. Prenskey; seconded by Mr. Elrich, the Council unanimously voted (Mr. Hamilton absent) to convene into Executive Session at 11:50 p.m. to discuss possible land acquisition. The Executive Session adjourned at 12:20 a.m., February 23, 1993.

Copies to: City Council
City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
Corporation Counsel
Hsng & Comm. Dev. (Nance-Sims, VinCola, Schwartz, Ross)
Police Dept. (Fisher, Wortman, Young, Kendall, Pinkard)
Public Works (Knauf, Laster, Braaithwaite, McKenzie)
Recreation Department (Ellis)
Library (Robbins, Brown [Reference Copy])
Finance Division (McKenzie)
Cable Office
Newsletter
Admin. Office (Rivers, Johnson, Vidal, Sartoph)