
March 2, 1993

TO : Distribution Noted Below

VIA : Beverly K. Habada *BKH*
City Administrator

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

SUBJECT: Council Summary from March 1, 1993 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. "Time Dollars" - Edgar Cahn, Ph.D., J.D., and author of the book, "Time Dollars" shared with Council and senior executive staff a service credit system system he developed which is successfully used in many communities. Council and staff will be discussing this approach and what its implications would be on the Takoma Park community.
- [] 2. Ethics Task Force Report - Task Force Chair, Jim Douglas and members, Kathy Breckbill, Ron Collins and Ed Kimmel were present to discuss the Task Force recommendations with the Council. The Council asked that the Task Force prepare a "laundry" list of examples when certain activities should be disclosed. The Council also expressed support for the idea of an Ethics Commission. The Ethics Task Force was asked to draft an article of their recommendations for the March issue of the Newsletter. Mr. Douglas to talk with **CITY CLERK JEWELL** about preparing a scope for the ordinance. **CITY CLERK** to merge the Task Force's amendments into the current legislation and prepare an ordinance that would be available prior to the public hearing on April 12th.
- [] 3. Proposed Annexation Plan for Poplar Mills Subdivision - Council discussed the proposal made by developer Curtis Marts to annex the Poplar Mills Subdivision, a vacant site, into the City. The developer is planning development of 18-22 town homes in this area. While Council noted that the development proposal is attractive

(Over)

3/4/93 - Correction Page (See #4)

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because of its residential use, concerns were expressed about the costs to the City connected to development (clean up of area, sidewalk, curb and gutter and storm drain work), as well as the costs to provide City services to this area, compared with the area's potential for annexation revenues.

Council did not favor use of CDBG money for this project, but did not rule it out if there were funds left over from other Prince George's County CDBG projects that were not ear-marked for something else. **CITY ADMINISTRATOR** to flesh out ideas for possible funding sources and address the storm drainage problems. Council will revisit this proposal once **CITY ADMINISTRATOR** is ready to come back to the Council on this.

- [] 4. Takoma Park Community Television, Inc. Fee Schedule - Council reached consensus on language proposed by Mr. Leary as follows: Section (A) to read: "Fees charged for taping programs by TPCT for City Residents and nearby organizations or institutions closely associated with Takoma Park." Section (B) add the word "individuals" at the end of the description line. Section (C) to read: "Fees charged for taping programs by TPCT for non Takoma park organizations. Examples: (NAACP, Fair Housing Groups, Montgomery County Partnership, and MML Montgomery County Chapter)."

Council did express an interest in having the Cable Station look at bringing in revenues from other sources. The Resolution approving the TPCT, Inc. Fee Schedule has been rescheduled for the March 8th Council Meeting.

- [] 5. Update on Affirmative Action Program - **ASSISTANT ADMINISTRATOR HOBBS** noted that several organizations had reviewed and commented on the Policy at the City's request. In addition, the City has contracted with Dr. Robert Ethridge to review the Plan and write the sex discrimination guidelines, guidelines for religion and national origin discrimination and the AA Plan for disabled and Vietnam era Veterans and persons with disabilities. The Council noted the following amendments to the Plan:

- (Page 3) - add a sixth point for communicating the policy: "The Affirmative Action Policy will be referenced in all City job advertisements and its availability will be noted."

CITY OF TAKOMA PARK, MARYLAND (FINAL 4/9/93)

Regular Meeting and Public Hearings of the City Council
Monday, March 8, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	City Clerk Jewell
Councilmember Hamilton	Deputy Clerk Sartoph
Councilmember Johnson	Deputy City Admin. Grimmer
Councilmember Leary	Police Chief Fisher
Councilmember Porter	Public Works Dir. Knauf
Councilmember Prensky	Corporation Counsel Silber

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that the House Judiciary Committee was holding a public hearing on 3/17/93 to take comments on HB 445, a re-introduction of a bill by Delegate Morgan that died in Committee last year in an effort to prevent municipalities from enacting legislation that would allow non citizens the right to vote in local elections. Mr. Sharp encouraged residents to let members of the House Judiciary Committee know their views on this and he noted that phone numbers of each of the Committee members were available. Mr. Sharp also said he was planning to testify in opposition to the bill.

Mr. Sharp announced that on Monday, March 29, 1993 in the James Senate Office Building, the 21st District Delegation was holding a reception for Prince Georges County delegates to meet the constituents and discuss matters of concern.

Mr. Sharp noted there would be Public Forum on Affordable Housing on March 18th, 7:30 p.m. sponsored by the Affordable Housing Committee as part of their efforts to develop an affordable housing plan.

On March 18th at Garrett Park Town Hall, there will be a public discussion of the trash tax that Montgomery County was proposing for its citizens.

Mr. Hamilton announced that on March 16th, 7:30 p.m., the Montgomery County Council would be holding a public hearing regarding a proposal to build a new Blair High School.

Ms. Porter announced that on March 9th, SOSCA and Long Branch/Sligo Neighborhood Associations would be meeting at 7:30 p.m. at Grace Methodist Church on budget issues. Ms. Porter also announced that an open house previously scheduled for last week was canceled and had been rescheduled for March 10th at 7:30 p.m. at Carole Highlands Elementary School. The meeting would be open to parents who will have kindergartners starting in the Fall and any one else in the community to learn about the school and some exciting new programs.

Mr. Johnson commended the neighbors of Haverford Road and local developer Mr. Keating, in working together to develop an amicable solution to some development that threatened to destroy a number of trees. Mr. Johnson said that he was delighted the neighbors and Mr. Keating were able to resolve the issue; he said a nice house was being built with little impact on the trees and the neighbors were involved in the design of the house, and it was good to see neighborhood working together effectively for the betterment of the community.

Mr. Prensky noted that the M-NCP&PC took action to extend the opening of the section of Sligo Creek Parkway every Sunday, year

round from 9 am to 6 pm. Mr. Prenskey noted that the closed Parkway length was also extended from Maple to Old Carroll Avenue.

ADOPTION OF MINUTES FROM 2/8/93. Moved by Mr. Hamilton, seconded by Mr. Prenskey, the Minutes were unanimously adopted.

ADDITIONAL AGENDA ITEM. Mr. Sharp noted the passing of Charlotte Miller, wife of former Takoma Park Mayor George Miller. He noted that Council would be considering a Resolution of Condolence during the evening's Consent Agenda.

CITIZEN COMMENTS (on items not on agenda)

Catherine Simpson, 7300 Cedar Avenue complained about the Silver Spring address that appeared on all of her mail. She said she hoped that the Council would not let Takoma Park residents down in fighting to get a single zip code for the City. Ms. Simpson also noted that she was pleased to see that the City had another College within its borders--Strayer College.

Jody Hymes, 710 Maplewood Avenue noted that there was a building owned by Montgomery College on her street that was formerly a drug rehab treatment facility. She questioned what kind of program would be installed there.

Mr. Sharp asked Ms. Habada to check into this and get back to Council.

Mike Tidwell, Willow Avenue said he was starting a campaign about the use of alternative powered lawn mowers in place of gas powered ones. He read a copy of a resolution endorsing a ban on power mowers that he asked the Council to consider adopting. Mr. Tidwell noted that Barbara Beelar, owner of Green Goods store would be stocking manual mowers for rent to Takoma Park residents.

Mr. Sharp noted that he sat on the Council of Governments Air Quality Committee which was charged with developing a regional air pollution reduction plan and they had recently received a breakout of the various pollutant sources and lawn garden equipment contributed a surprisingly large amount to pollution. Mr. Sharp encouraged Mr. Tidwell to work with the City's Environmental Committee on this issue.

AGENDA

Mr. Sharp noted that Staff had requested that Item 9(d), a Resolution establishing a Takoma Park Recreation Advisory Council, be removed.

#1. 2nd Reading Ordinance Re: Permit Parking for Maplewood Avenue Area. Moved by Mr. Elrich; seconded by Mr. Hamilton.

Jody Hymes, 710 Maplewood Avenue said the Ordinance at second reading reflected the wishes of the neighborhood and she appreciated the work done by the City Administrators and City Clerk's Office.

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

ORDINANCE #1993-7
(Attached)

#2. 2nd Reading Ordinance Re: Elm Avenue Speed Hump. Moved by Ms. Porter; seconded by Mr. Johnson.

CITIZEN COMMENTS

Don Pollins, 6636 Eastern Avenue said the City installed too many speed humps without doing traffic surveys. He remarked that a

traffic survey was put out by Prince George's County Park and Planning Commission which included Elm Avenue although not the area under consideration for a speed hump. He said there was far more traffic on the part of Elm between East West Highway and Eastern than there was between East West and Heather and traffic surveys would show whether the need was there. Mr. Pollins quoted other findings of the Park and Planning survey and said he could not see how the Council could continue to spend money on speed humps without conducting traffic studies.

Fred Prevo, 908 Elm Avenue said he was out in the street every morning with his children and he witnessed cut through traffic speeding, not local traffic. He said it was not pertinent to have a traffic survey from another organization. Mr. Regal said that the street did not have a sidewalk and therefore the street was the resident's sidewalk, which was not safe.

Sani Barr, 910 Elm Avenue said she supported the installation of a speed hump on Elm; during the day vehicles sped through the street and she had witnessed vehicles running the stop sign.

Charlotte Sobel, 905 Elm Avenue thanked the Council for their support of a speed hump on Elm and invited the Council to come out and celebrate the installation of the City's 100th speed hump with cake and punch.

COUNCIL COMMENTS

Ms. Porter said she continued to support the installation of the speed hump. She noted that the provision in the Traffic Plan requiring surveys of neighborhood traffic counts was not in effect at the moment and it was not fair to judge the installation of a speed hump under rules which weren't in effect at the time the petition was put forward. Ms. Porter also said that whether the traffic exceeded the legal speed limit was not necessarily the most relevant criterion because this neighborhood had very narrow streets, parking on both sides of streets and streets without sidewalks and even with vehicles traveling at the legal limit, it still was not safe.

Mr. Leary, responding to Mr. Pollins, said he supported the Elm Avenue speed hump as well as others because speed humps did what they were intended to do. He said a substantial majority of residents on that street wanted the speed humps and whenever the Council debated a speed hump petition, there was overwhelming support by the neighbors for speed humps. Mr. Leary said the residents were convinced with good reason that the installation of speed humps would cure the problems.

Mr. Prenskey thanked Mr. Pollins for airing the issue and said that he encouraged his comments although he did not agree with them. Mr. Prenskey said the problems of extreme numbers of cut through traffic was a problem the Council hoped to address with the proposed Transportation Plan. Mr. Prenskey said that high speed and cut through traffic was not one concept; additionally, there were drivers who ignored the stop signs while traveling through the City's neighborhoods and these were the people he wanted to slow down or discourage. Mr. Prenskey reminded residents that the same process to obtain speed humps could also be used to have them removed after one year.

Mr. Elrich said he was one of the Councilmembers who was continually dismayed by getting Police reports and having them ignored. He said department of transportation standards focused on how fast cars should go and how much time people needed to cross streets, and everything was designed to facilitate the movement of the automobile with as little consideration as possible towards the movement of human beings. Mr. Elrich he did not understand why anyone could care about adding a few seconds

to their travel time when it made a street a little bit safer. Mr. Elrich also said he did not like driving over speed humps, but they did work.

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

ORDINANCE #1993-6
(Attached)

#3. Public Hearing Re: City's Proposed Infrastructure Improvement Program. Mr. Sharp noted that there were materials available to the public which set out the proposed maintenance improvement program and alternatives the City had taken a look at in the past.

CITIZEN COMMENTS

Jim Voorhies, 7400 Piney Branch Road said he would appreciate some upgrades to the sidewalks in the area of Philadelphia and Eastern; areas which were heavily traveled by pedestrians and had sidewalks which were in pretty bad shape.

Hank Cox, 7331 Piney Branch Road said Piney Branch Road had a combination of heavy traffic, incidents of wrecks and many sidewalks that were crumbling away. He said both ends of traffic came into four lanes and then downed abruptly and this caused many accidents. He said the City had tentative permission from State Highway to build out the sidewalks at each end so those coming in would have to come to a single file lane and this would reduce a lot of the accidents. He asked the Council to support efforts to help create an atmosphere that Piney Branch Road was a residential street.

Richard Coppola, 7309 Piney Branch said he had spent time meeting with Mr. Leary and others over the last couple of years to try to find some solutions to the problems on Piney Branch. He said the sidewalks were in need of improvements and although aesthetics were important, more important was the flow of traffic. He said he hoped through the redesign of the street, the problems would be alleviated.

Lou D'Ovidio, 7324 Piney Branch Road said he had been a resident on Piney Branch Road since 1974 and he recalled that there were two lanes going into D.C. in the morning and two lanes in the evening going in the opposite direction. He said the parking along the street had increased pedestrian traffic, and he encouraged the Council to take strong action on the Piney Branch Road sidewalks which he said were in terrible disrepair.

David Van Horn, 7336 Piney Branch Road said the biggest problem he had was with the sidewalks, curbs and drainages. He said that every time there was a significant storm his property suffered from excessive water run off because his home was at the lower end of the Road. Mr. Van Horn said he thought the problem could be solved by bringing the curbs and sidewalks up about 6 inches above the roadway.

Diana Vidutis, 7416 Piney Branch Road reminded the Council that Piney Branch Road was the pack mule of Takoma Park. She noted that speed humps worked for other streets in the City, but they also put everyone else's traffic onto Piney Branch Road. She asked that the street be made a residential street and she encouraged the widening of sidewalks through the entire stretch of the Road.

Ed Scorza, 7333 Piney Branch Road added that he had two children who walked along Piney Branch Road and he would appreciate it if the sidewalks were made in better condition for them.

Gary Fulton, 7315 Piney Branch Road said he endorsed the comments he had heard and he would like the sidewalks fixed and traffic slowed down in a reasonable way if possible.

Don Pollins, 6636 Eastern Avenue said there were a lot of roads in bad shape in Takoma Park, especially on main streets. He said anything the City could do to improve those streets would help every resident out.

Kathleen Fulton, 7315 Piney Branch Road said that the residents who tried to pull out of their driveways were at risk and she hoped the infrastructure plan would take into account how drivers could better see the driveways or driveways and owners could better see the street.

COUNCIL COMMENTS

Mr. Johnson confessed that in 1975 he received a ticket from Takoma Park Police for speeding along Piney Branch Road; he said he was supportive of the concerns he heard this evening.

Mr. Leary said one impediment to solving the problem on Piney Branch Road was the cost combined with the City and State's joint responsibility for the stretch of road. He said he had never gotten a straight answer on what the State would or would not contribute to the costs of fixing up the Road. He noted that Mr. Prenskey, Ms. Habada and he had met with Mr. Creston Mills, the district engineer and his predecessor on this issue and their response would require some prompt action by the City within the next year. Mr. Leary said State Highway's budget would not have money to pay for curbs and gutters and resurfacing of the roadway, although the State acknowledged it was their responsibility. Mr. Leary said Mr. Mills indicated they could find the money to pay for resurfacing of the road itself, but could not promise the money in the near future to pay for the curbs and gutters. Mr. Leary noted that the State would pay for resurfacing and curbs and gutters if it were a proposal in the 1996 budget. Mr. Leary said Mr. Mills suggested strongly that he could arrange to repay the City for curbs and gutters if the City put money up front and could start repaying this fiscal year and over the next two fiscal years. Mr. Leary remembered that the last specific estimate on the costs was \$50,000 for sidewalks, \$75,000 for curbs and gutters, plus \$40,000 to move the telephone poles. Mr. Leary said it was fair to suggest if Council moved quickly on this, they could get an agreement from State Highway Department Office of the District Engineer to schedule resurfacing early in the fiscal year early to coordinate the City's work plans for curbs and sidewalks and also to repay the City for curbs and gutters over the next two to three years or less.

Mr. Prenskey added that it was his understanding State Highway said they could hopefully repay the City in FY'94. He agreed that the City would need to move expeditiously and get the written agreement between the City and the State Highway.

Councilmember Hamilton suggested that the Public Works Department separate the issue of Piney Branch Road repairs from the whole street repair program since there is potential for an agreement between the State and City regarding the repairs.

Mr. Leary moved, without objection, that Ms. Habada be directed to contact the State Highway representative to begin immediate discussion of the details for a written agreement between the City and the Office of the District Engineer for a reimbursement of the anticipated expenses in the next fiscal year to fix the curbs and gutters on Piney Branch Road. Ms. Habada was also directed to keep Delegate Franchot informed of the action the City is taking.

#4. PUBLIC HEARING RE: FY'94 City Tax Rate. Mr. Sharp invited public comments on how citizens felt about the City's tax rate.

Mr. Sharp explained that there was information available, showing a tax rate equivalent chart and also a table showing the City's relationship to other Maryland municipalities in terms of how much the City spent per person and how many employees the City had per person.

CITIZEN COMMENTS

Lou D'Ovidio, 7324 Piney Branch Road commented that the issue of rent control should come up at same time as the tax rate because the Council needed to address whether rent control lowered property values for homeowners. He also said the Council needed to look at why every person living in rental property needed to be included in rent control programs and said it should not be for those with incomes and who could afford higher taxes or higher rents. Mr. D'Ovidio commented that the Council ought to consider looking at these issues as part of the whole budget package.

Tom Gagliardo, Maplewood Avenue said he still did not know what the Council was looking for even after seeing the Newsletter article and the various materials made available to the public. He said he felt the discussion was adrift and he asked what the purpose of the hearing was.

Mr. Johnson explained that he had been concerned that the budget process addressed programs that the Council wanted to support but there was no opportunity for citizens to address whether they wanted certain programs supported. He said the Council hoped to give citizens an opportunity to speak to the process by which revenue was addressed rather than backing into it by just addressing the programs and constant yield.

Mr. Leary also explained that he supported Mr. Johnson's suggestion for holding a public hearing because traditional budget hearings focused on City departments and what was expected of those City departments. He said the constant yield tax rate discussion would come at the end of the budget process after all decisions had been made.

Mr. Gagliardo suggested that the question that needed to be asked more broadly what services did the people want and how can those services be best delivered.

COUNCIL COMMENTS

Mr. Prensky clarified for Mr. D'Ovidio that rent control as it affected the tax rate, had changed in the past year; Council no longer independently determined the rent stabilization rate; it was now tied to the Consumer Price Index (CPI) formula. He also said the purpose of rent control went to the goals of the City's emerging affordable housing strategy--that we maintain the broadest ethnic, racial and economic mix possible.

Mr. Leary said that he agreed with Mr. Gagliardo's comments and he noted that the Mayor and City Administrator were trying to push the City in the direction of developing a new method that would focus everyone's attention on what it was they want City government to do and what was the most effective way to carry those goals out. Mr. Leary said he'd like to see the City focus on one major department and consider options most citizens did not know existed, e.g., arrangements with the County to perform certain services.

Hank Cox said he was glad to know the City used a formula that was consistent with the CPI. He said as a matter of principle, if the City were to tell rental property owners that they were only allowed to make so much profit from their investment, the same statement needed to be made to other for-profit businesses in the City.

Dave Lorenz, North Takoma and Founder of Residents Against Government Excess (RAGE) said there were many people who were interested in the housing situation in Takoma Park and who felt the same way Mr. Cox did.

Richard Coppola said he was happy to pay taxes on the tax rate in Takoma Park at the moment; however, he said the issue was whether the tax rate was excessive; the secondary issue of whether the residents were getting good value for that rate and how effective services were was not an issue of the tax rate per se, but of management of the City.

Mr. Elrich said he was not happy with having the hearing because it was important for the City to determine what services it was going to deliver and what services the people wanted. He said the tax rate ought to be determined once that information was determined based on what the citizens wanted to be done. He said he endorsed Mr. Cox's remarks. He reiterated Mr. Prenskey's comments that the purpose of the housing policy was not to protect individuals but to preserve the City's housing stock. Mr. Elrich said realistically, the value of the City's rental housing was below market and was assessed very low.

#5. PUBLIC HEARING RE: Socially Responsible Investment Policy.
Mr. Sharp called the public hearing to order at 9:55 p.m.

Charlotte Sobel (written comments she would submit later).

COUNCIL COMMENTS

Mr. Sharp noted that the Council could put the item up for a Worksession discussion before adoption of the policy. Without consensus, Council agreed that the City Administrator and Mr. Prenskey could collaborate on an executive summary of the Policy that will be published in the March 26th Newsletter.

The Council also concurred that they would schedule a Resolution adopting the Socially Responsible Investment Policy for April 12th.

#6. Resolution Approving Takoma Park Community Television Fee Schedule. Moved by Ms. Porter; Mr. Johnson seconded.

Mr. Prenskey proposed an amendment to the third Whereas clause to strike "...met in worksession to review and suggest" and replace the language with "...reviewed and suggested".

CITIZEN COMMENTS

Kay Dellinger, Hampshire Towers said that she was informed there was an ad for Nike Shoes appearing on the City's cable channel. Mr. Sharp said he would ask Staff to follow up on this. Ms. Dellinger commented that it appeared that the TPCT group did not know much about the City and she quoted from an article in the Newsletter where Cable Volunteer Ralph Coleman noted that it was not a goal of TPCT to provide public access. She said the fees were too high and residents were still denied access to programming and she questioned who would be receiving the fees.

Mr. Sharp directed the City Administrator to follow-up on whether Nike ads were appearing on the cable station.

Mr. Sharp responded to Ms. Dellinger and said that she knew from the many worksessions that the fee schedule was modulated to provide lower fees for residents living inside the City and higher fees for people residing outside of the City. Mr. Sharp noted that this year so far, no fees had been charged to anyone as of yet and no monies were paid to TPCT workers. He said the fees would go to cover the hours of TPCT workers and the increased costs for organizations taping programs outside the City was an attempt to bring in some revenues for the station.

Mr. Prenskey clarified that there was no assumption at this point that any money was being paid to individual workers until there was a FY'94 budget proposal. He said the Council would entertain whatever was proposed in the budget and pass whatever the Council thought was fair and just and in the best interest of the City. Mr. Prenskey commented that the City did not have a public access channel, it had what was known as a Public Education and Governmental (PEG) channel with a purpose to provide the government access to the airways.

Andrew Busby questioned why the Council was voting on fees without seeing the TPCT budget.

Ralph Coleman, Maple Avenue and TPCT Volunteer said he was a citizen of Takoma Park and said that franchise fees were not resident's tax dollars. He also said he had been slandered by Ms. Dellinger; just because the Newspaper "quoted" him did not mean that was what he said. He said he has been involved in the station for over eight months and no one had ever been paid during that time. Mr. Coleman also said that it was wonderful that one third of the station was being used for municipal programming and one third was being used for educational purposes and one third was for public access of the community. He said he'd like someone to prove that the TPCT volunteers did not possess the expertise to run the station. He said when he came here, he found many incidents of equipment abuse by persons who did not know how to operate the equipment.

Tom Gagliardo said he endorsed Mr. Buzby's comment that if Council did not have a budget, they should not be voting on a fee schedule. He also said he agreed that if fees were too high, it priced people out of the market to produce.

COUNCIL DISCUSSION

Mr. Elrich said that he too thought the fees were too high. He suggested that the fees should be \$10 per hour for one camera or \$20 per hour for the use of two cameras. He said part of the problem was that no one had come forward to take advantage of the programming opportunities. Mr. Elrich said he was troubled by the assumption that in the next budget there would be a line for fees collected for the services and an expenditure item going out to volunteers who taped for the station. He said the people who were collecting fees were members of the station and the people voting on the station policy and this was not the best policy. Mr. Elrich said he did not see any thing in the station's structure that offered a broader community input and he hoped the people in the community would in the future come back to the Council with alternatives about running the cable station.

Mr. Leary said there was no charge to produce programs for anyone who was interested enough in becoming certified by taking the training class. He also said it was legitimate for Council to approve the fee schedule now without a budget because the rates were much lower than rates charged by comparable television stations in the area. He said there had been inquiries by groups wishing to hire the services of TPCT. He also said he believed that the fee schedule for individuals and organizations outside the City should include some modest reimbursement to the persons who were providing this service on a voluntary basis. Mr. Leary said TPCT was precisely the group that should be receiving the fees--they knew what they were doing and have demonstrated enough commitment to get involved in the station as opposed to people who wanted to rely on rhetoric about what cable television should or should not be.

Mr. Sharp noted that the contract with TPCT was a short term contract and Council could look to at making adjustments later on. He also said he had monitored fairly closely the broadcasts of council meetings and the quality had improved over the last several months. Mr. Sharp said he recognized that a large part

of the problem had been the equipment and the City should not have to pay for repair of this equipment and he hoped the City Administrator would look into this. Mr. Sharp said that Ms. Dellinger was correct that the Council would have to figure out how citizens of the City could have access to the station at a much lower rate than those set by the fee schedule. He said the City needed to figure some way to provide an opportunity for citizens on the outside to produce programs even if they did not want to do the work themselves, although, Mr. Sharp said this would put the City Administrator into a situation of rationing already scarce resources.

Mr. Prenskey said he understood that Council had seen a proposed budget of TPCT many times and it had identified \$28,000 as City franchise fee revenues to pass through to the cable group. Mr. Prenskey said he had seen a budget that satisfied him for the short time the contract would be in place. He also said perhaps the City could get cheaper and broader access, possibly through the use of time dollars; the combination of barter and service that could be exchanged by people wanting to produce on cable. He said he had never seen word or utterance from any group that ever wanted to bid on the contract for operating the City's PEG station and he did not feel the City was shutting anyone out of the process.

Mr. Johnson said the debate had continued for one year and nothing had been said tonight that had not already been said. He said he endorsed Mr. Leary's comments and he indicated that lest Council forgets, they owed a strong debt of gratitude to the TPCT volunteers for the work they did.

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

RESOLUTION #1993-19
(Attached)

#7. First Reading Ordinance Re: 911 Recording Equipment. Mr. Sharp noted that the Ordinance authorized the purchase of a 911 recording device for the Police Department. The Ordinance was moved by Mr. Elrich; seconded by Mr. Prenskey.

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

ORDINANCE #1993-9
(Attached)

Item #8. First Reading Ordinance Re: Solid Waste Collection. Mr. Sharp explained that the Ordinance would opt the City out of Montgomery Code Chapter 48, Solid Waste Collection District. Moved by Mr. Johnson; seconded by Mr. Leary.

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

ORDINANCE #1993-10
(Attached)

CONSENT AGENDA: Moved by Mr. Sharp, seconded by Mr. Johnson, the Consent Agenda was adopted unanimously.

- (a) Resolution #1993-20 - Resolution of Condolence in memory of Charlotte K. Miller, wife of Takoma Park Mayor George M. Miller (Mayor from 1954 to 1972).
- (b) Resolution #1993-21 making additional appointments to the Alternative Transportation Modes Committee.

- (c) Resolution #1993-22 appointing members to the Affordable Housing Committee.
- (e) Resolution #1993-23 to authorize exceeding the 25% change order limit for Municipal Gym Improvements.

RESOLUTIONS #1993-20 THRU #1993-23
(Attached)

Mr. Johnson moved adjournment; without objection, the Council adjourned at 10:55 p.m. to reconvene in Regular Session on Monday, March 22, 1993.

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

1st Reading: 2/22/93
2nd Reading: 3/8/93
Effective: 3/8/93

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 8th DAY OF March BY
ROLL CALL VOTE AS FOLLOWS:

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

NAY: None

ABSTAINED: None

ABSENT: None

filename:MEMOS\ELM.SPD

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

1st Reading: 2/22/93
2nd Reading: 3/8/93

ORDINANCE #1993- 7

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 8th day of March, 1993, by roll call vote as follows:

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

NAY: None

ABSTAINED: None

ABSENT: None

Introduced by:

First Reading: 3/8/93

Second Reading:

Drafted by: Linda Perlman

Asst. Corporation Counsel

Effective Date:

ORDINANCE NO. 1993-10

(Exemption from Chapter 48A of the Montgomery County Code)

WHEREAS, Article 23A, Section 2B of the Annotated Code of Maryland and Section 1-203 of the Montgomery County Code provide that legislation enacted by a county does not apply to a municipality located in the county if the municipality specifically exempts itself from the county legislation; and

WHEREAS, the City of Takoma Park has always handled its own solid waste collection and disposal; and

WHEREAS, the provisions of Chapter 10, Refuse, of the Takoma Park Code govern solid waste collection and disposal and recycling in the City; and

WHEREAS, in order to receive reimbursement from Montgomery County for the cost of collecting recyclables from City residents in Montgomery County, the City of Takoma Park, by Resolution No. 1991-97, agreed that the Montgomery County Comprehensive Solid Waste Management Plan, specifically Montgomery County Council Resolutions 11-382 and 11-2132, would apply within the Montgomery County portion of the City to the extent necessary for the County recycling reimbursement program; and

WHEREAS, although Resolution No. 1991-97 did not make Chapter 48 of the Montgomery County Code effective in the City of Takoma Park, the City of Takoma Park wishes to clarify that it is not subject to the Montgomery County Code provisions dealing with solid wastes by enacting this ordinance specifically exempting the City from Chapter 48 of the Montgomery County Code.

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

SECTION ONE. Pursuant to the authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City of Takoma Park exempts itself from Chapter 48, Solid Wastes, of the Montgomery County Code, as amended from time-to-time.

SECTION TWO. This Ordinance shall be effective immediately.

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

Aye:

Nay:

Absent:

Abstained:

Introduced by: Councilmember Porter
(Drafted by: C. Sartoph)

RESOLUTION NO. 1993 - 19

APPROVING TAKOMA PARK COMMUNITY TELEVISION CABLE FEE SCHEDULE

WHEREAS, on January 25, 1993, by Resolution 1993-8, the City Council authorized the Mayor to execute a contract with Takoma Park Community Television, Inc. (TPCT) to provide cable services for the City of Takoma Park, Maryland; AND

WHEREAS, the contract sets forth that all fees and rates are subject to annual review and approval by the Takoma Park City Council; AND

WHEREAS, the Council has reviewed and suggested revisions to the categories and applicable fees outlined in the cable fee schedule; AND

WHEREAS, the Council, the City Administrator and TPCT representatives agree upon the recommended final cable fee schedule.

NOW THEREFORE BE IT RESOLVED, BY THE TAKOMA PARK CITY COUNCIL THAT the cable fee schedule is hereby adopted and is attached hereto and made a part of this Resolution.

Dated this 8th day of March, 1993.

ATTEST:



Paula S. Jewell, CMC/City Clerk

(REVISED 3/5/93)

FEE CATEGORIES

I. TPCT PRODUCTIONS ON BEHALF OF GROUPS OR INDIVIDUALS:

(As Adopted by Council Resolution #1993-19)

TPCT CHARGES GROUPS OR INDIVIDUALS WHO DO NOT WANT TO BE TRAINED AND CERTIFIED BUT HAVE REQUESTED TPCT TO SHOOT, EDIT AND PRODUCE PROGRAMS FOR THEM.

A. FEES CHARGED FOR TAPING PROGRAMS BY TPCT FOR CITY RESIDENTS AND NEARBY ORGANIZATIONS OR INSTITUTIONS CLOSELY ASSOCIATED WITH TAKOMA PARK.

MINIMUM 1 HOUR	1 CAMERA	45.00
1 HOUR TO 2 HOURS	1 CAMERA	75.00
1 HOUR TO 2 HOURS	2 CAMERAS PLUS SWITCHER	125.00
2 HOURS TO 4 HOURS	2 CAMERAS PLUS SWITCHER	175.00

THIS FEE INCLUDES COST OF 3/4" TAPES FOR BROADCASTING, EDITING, CREDITS AND ONE 1/2" COPY TO REQUESTOR. ADDITIONAL COPIES OF PROGRAMS - SEE DUBBING FEES.

B. FEES CHARGED FOR TAPING PROGRAMS BY TPCT FOR NON-RESIDENT INDIVIDUALS.

MINIMUM 1 HOUR	1 CAMERA	75.00
1 HOUR TO 2 HOURS	1 CAMERA	125.00
1 HOUR TO 2 HOURS	2 CAMERAS PLUS SWITCHER	250.00
2 HOURS TO 4 HOURS	2 CAMERAS PLUS SWITCHER	310.00

THIS FEE INCLUDES TAPING, EDITING, CREDITS, 3/4" TAPE(S) FOR BROADCASTING, AND ONE 1/2" COPY TO REQUESTOR. ADDITIONAL COPIES OF PROGRAMS - SEE DUBBING FEES.

C. FEES CHARGED FOR TAPING PROGRAMS BY TPCT FOR NON-TAKOMA PARK ORGANIZATIONS. EXAMPLES: (NAACP, FAIR HOUSING GROUPS, MONTGOMERY COUNTY PARTNERSHIP AND MML MONTGOMERY COUNTY CHAPTER)

MINIMUM 1 HOUR	1 CAMERA	150.00
2 HOURS TO 3 HOURS	1 CAMERA	250.00
3 HOURS TO 4 HOURS	1 CAMERA	365.00
MINIMUM 2 HOURS	2 CAMERAS WITH SWITCHER	525.00
2 HOURS TO 3 HOURS	2 CAMERAS WITH SWITCHER	620.00
3 HOURS TO 4 HOURS	2 CAMERAS WITH SWITCHER	715.00

II. ACQUIRED PROGRAMS

PROGRAMS PRODUCED BY OUTSIDE PRODUCERS WHO ARE NOT SUPERVISED BY TPCT AND WANT THEIR PROGRAMS AIRED ON CABLE 54/19 MUST MEET ALL REQUIREMENTS FOR BROADCASTING.

THE FOLLOWING PROCEDURE IS HOW AN OUTSIDE PRODUCER WOULD AIR THEIR PROGRAM ON THE CITY'S CHANNEL;

1. ALL PROGRAMS MUST BE REVIEWED FOR LEGAL AND TECHNICAL CONTENT. A FEE OF \$10.00 WILL BE CHARGED FOR VIEWING THESE PROGRAMS.

THE VIEWING FEE IS NON-REFUNDABLE.

This fee may be waived under certain circumstances.

2. NON-CITY RESIDENTS WILL BE REQUIRED TO PAY AN ANNUAL MEMBERSHIP OF \$100.00. TAKOMA PARK RESIDENTS WILL NOT PAY A MEMBERSHIP FEE. MEMBERSHIP FEE IS ONLY FOR THE FIRST PROGRAM ACCEPTED FOR BROADCAST. COST FOR ADDITIONAL PROGRAMS TO BE AIRED WOULD EXCLUDE THE MEMBERSHIP FEE DURING THE MEMBERSHIP YEAR.
3. VIDEO TAPES.

A. IF ACQUIRED PROGRAMS ARE ACCEPTABLE FOR BROADCASTING THE COST IS:

VIEWING TIME	+	MEMBERSHIP	=	COST
10.00		100.00	=	110.00

B. IF TPCT NEEDS TO TRANSFER ACQUIRED PROGRAMS THEIR MASTER 3/4" TO OUR 3/4" TAPE.

VIEWING TIME	+	MEMBERSHIP	+	3/4" TAPE	=	COST
10.00		100.00		16.00	=	126.00

C. IF TPCT NEEDS TO TRANSFER ACQUIRED PROGRAMS FROM 1/2" HVS MASTER TO OUR 3/4" TAPE VIA TIME BASE CORRECTOR (TBC) FOR BROADCAST QUALITY.

VIEWING TIME	+	MEMBERSHIP	+	3/4" TAPE	+	VIA TPC	=	COST
10.00		100.00		16.00		5.00	=	131.00

NOTE: ALL FEES ARE BASED ON PROGRAMS UP TO 1 HOUR.

III. PROJECTS NOT AUTHORIZED

THERE IS NO FEE SCHEDULE FOR PERSONS WHO WANT TO DO PERSONAL PROJECTS THAT ARE NOT PART OF A CABLE PROGRAM. (BIRTHDAY PARTIES, WEDDINGS, ETC.)

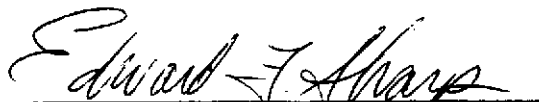
NO SUCH PERSONAL PROJECT WOULD BE AUTHORIZED!

RESOLUTION OF CONDOLENCE
(#1993-20)

- WHEREAS,** *it was with sorrow that the City Council learned of the passing on February 25, 1993, of Charlotte K. Miller, wife of former Takoma Park Mayor, George M. Miller, Sr.; AND*
- WHEREAS,** *George M. Miller, Sr., with the support of his wife Charlotte, served the City of Takoma Park as Mayor during the period 1954-1972; AND*
- WHEREAS,** *Charlotte moved to Takoma Park in her twenties, married George M. Miller, Sr., in 1942, and remained a resident of the City of Takoma Park for over 37 years; AND*
- WHEREAS,** *on the day Takoma Park's new Municipal Building was dedicated, Charlotte K. Miller cut the ribbon across the front doors of the Municipal Building which holds the City Council Chamber that is dedicated to the memory of George M. Miller, Sr.; AND*
- WHEREAS,** *during her residency she volunteered her time and supported many Takoma Park activities such as the Sister City affiliation with Jequie, Bahia, Brazil, the "Azalea City" beautification program, the City's Horticulture Club, and the Fourth of July celebrations.*

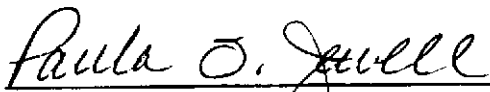
NOW, THEREFORE, BE IT RESOLVED by the City Council, on behalf of the employees of the City of Takoma Park, Maryland, as well as the citizens of the community, that we hereby extend to her daughter, Susan Soulé and other members of Charlotte's family, this expression of heartfelt sympathy.

Adopted this 8th day of March, 1993.



Edward F. Sharp, Mayor

ATTEST:



Paula S. Jewell, CMC
City Clerk

Introduced By: Mayor Sharp
Drafted By: L. Schwartz

ADOPTED JANUARY 25, 1993
AMENDED MARCH 8, 1993

Resolution #1993-21

**A Resolution to Appoint Members to the
Alternative Transportation Modes Committee**

WHEREAS, traffic volumes in the City are currently straining the capacities of major and residential streets in the City, and are projected to increase in the future; AND

WHEREAS, there is a need to reduce overall traffic volumes in the City through alternatives to the single-occupant vehicle, such as transit, ridesharing, bicycling, and pedestrian activity; AND

WHEREAS, the City Council wishes to appoint an Alternative Transportation Modes Committee to provide input for and assistance in the development of an element of the City Transportation Plan (to be known as Phase III) to address these concerns; AND

WHEREAS, the City has issued notice for volunteers to serve on this committee; AND

WHEREAS, the Alternative Transportation Modes Committee will be charged with recommending goals for reducing overall traffic volumes in the City by such means as:

- evaluating and expanding as necessary the City's existing goals and policies for alternative transportation modes such as transit, ridesharing, bicycling, and pedestrian activity;
- evaluating and developing recommendations concerning the alternative transportation mode goals and policies of jurisdictions whose actions impact Takoma Park;
- evaluating measures currently being developed by the Metropolitan Washington Air Quality Committee to attain compliance with the Clean Air Act;
- identifying areas of pedestrian/vehicular conflict, and proposing general measures to address these conflicts;
- recommending potential bicycle and pedestrian routes, including a review of undeveloped rights-of-way (paper streets) for this purpose, in

coordination with the work of the City's Open Space Committee;

- developing recommendations concerning transit, ridesharing, bicycling, and pedestrian activity designed to accomplish the agreed upon goals and objectives, including cost estimates for these recommendations, and relating these recommendations to other elements of the City Transportation Plan;
- identifying potential funding sources and prioritizing proposed alternative transportation improvement measures.

NOW THEREFORE BE IT RESOLVED THAT the City Council does hereby appoint the following members to the Alternative Transportation Modes Committee:

<u>Name</u>	<u>Address</u>
1. Maurice Belanger	7421 Cedar Avenue
2. Pamela M. Lebeaux	6843 Eastern Avenue
3. Neil Henrichsen	7322 Piney Branch Road
4. Peter A. Feiden	7025 Eastern Avenue
5. Byrne Kelly	307 Circle Avenue*
6. Larry Himelfarb	24 Philadelphia Avenue
7. <u>John Mitchell</u>	<u>424 Ethan Allen Avenue</u>
8. <u>Andrew Keleman</u>	<u>18 Philadelphia Avenue</u>

BE IT FURTHER RESOLVED THAT the City Council may make additional appointments to this Committee as necessary.

BE IT FURTHER RESOLVED THAT the Committee shall provide progress reports to the City Council on at least a quarterly basis.

BE IT FURTHER RESOLVED THAT the members of this Committee shall serve until July 31, 1993, unless their terms are extended by the Council.

ADOPTED THIS 25TH DAY OF JANUARY, 1993.
AMENDED THIS 8TH DAY OF MARCH, 1993.

*resides outside City limits

alttmcom.amr

Introduced by: Mayor Sharp

Adopted: January 25, 1993
Amended: March 8, 1993

Resolution 1993-22

To establish and appoint members to an Affordable Housing Committee

WHEREAS, there is a need to develop a comprehensive multi-year affordable housing strategy in the City of Takoma Park to:

- ensure, to the greatest extent possible, safe and affordable housing for all City residents; and
- respond to population trends and housing needs with creative ways to address them;
- establish priorities which provide a multi-year framework for decisions on the City's housing policy and housing-related programs; and
- guide the development of innovative programs to expand the availability of affordable housing options and preserve the City's diversity in terms of the race, ethnicity, age, income, and physical disabilities of its population.

WHEREAS, The City Council desires to appoint an Affordable Housing Citizens Committee to provide recommendations on the direction and implementation of a comprehensive multi-year affordable housing strategy for the City; AND

WHEREAS, several Takoma Park residents have expressed an interest in serving on the Affordable Housing Committee; AND

WHEREAS, the Affordable Housing Committee is charged with carrying out, with the assistance of City staff, the following duties by the end of the 1993 Fiscal Year:

1. identify and prioritize housing needs based on the City's housing and population characteristics and prevailing market conditions;
2. identify how existing housing programs and resources, including those of the Counties, State, Federal and local non-profits, can be used in Takoma Park to address unmet needs;
3. recommend new program ideas which may be necessary to fill in gaps between the City's identified needs and the availability of existing outside programs and resources to meet those needs;
4. initiate an evaluation of the merits of creating a

housing authority, and the prioritize this evaluation in relation to other identified needs in (1) above;

5. develop guiding principles to be used by the City for selecting sites to acquire and/or develop;

6. recommend a procedure for monitoring progress on the City's affordable housing goals and adopting modifications to this strategy as new information/conditions become known;

7. explore expanded relationships with local and regional lenders to maximize access to capital, credit, and creative partnerships; and

8. present final recommendations of policy and program initiatives to expand affordable housing options in the City over the next five years; these recommendations shall include program priorities and a projection of financial resources needed to carry out each program initiative.

NOW THEREFORE BE IT RESOLVED THAT the City Council does hereby appoint the following members to the Affordable Housing Committee:

(T)	Jack Amick	407 Tulip Avenue #3
(T)	Rae Ballard	7403 Hancock Avenue #201
	Kathleen Bissa	7315 Wildwood Drive
	<u>Linda Borst</u>	<u>117 Sherman Avenue</u>
	Peter Feiden	7025 Eastern Avenue
	Mary Grice	7611 Maple Avenue
	Louise Howells	102 Elm Avenue
(T)	John Jefferson*	1705 East-West Highway*
	Stephen Johnson	7217 Central Avenue
	Brandon Lipman	328 Boyd Avenue
	<u>Reuben McCornack</u>	<u>7026 Carroll Avenue</u>
(T)	Lora Miesner	8308 Flower Avenue #505
	<u>Lin Moyer</u>	<u>7129 Willow Avenue</u>
(T)	Wallace Nunn	7777 Maple Avenue
	Gabby O'Brien	7009 Poplar Avenue
(T)	Kirsten Springer	16 Philadelphia Avenue
(T)	Charles Shipp	7333 New Hampshire Ave #905
	Charlotte Sobel	905 Elm Avenue
	Gail White	609 Hudson Avenue
	Bruce Williams	326 Lincoln Avenue

(T) Tenant

* outside City limits

BE IT FURTHER RESOLVED THAT the City Council may make additional appointments to this Committee as necessary, not to exceed twenty members, may amend and/or prioritize the duties as described above, and may set completion dates on certain tasks at a later date.

Adopted this 25th day of January, 1993; Amended March 8, 1993.

Introduced by: Mayor Sharp

Single Reading: 3/8/93

Resolution No. 1993-23
Authority to Exceed 25% Change Order Limit

WHEREAS, bids were received for a Community Development Block Grant funded contract to correct various deficiencies in the Municipal Gym, AND

WHEREAS, the Council accepted the low bid from Rosa's Contracting for this work in the amount of \$29,944, AND

WHEREAS, it is anticipated that change orders for additional work related to deficiency correction may be required, AND

WHEREAS, these Change Orders in aggregate cost may exceed 25% of the contract amount, AND

WHEREAS, the City Procurement Regulations provide for Change Orders to existing contracts above a 25% limit with the approval of Council, AND

WHEREAS, the balance of Community Development Block Grant Funds is \$9,066.

NOW THEREFORE BE IT RESOLVED THAT the Director of Public Works is authorized, pursuant to Section R3-106.01 of the City Procurement Regulations relating to construction contracts, to issue Change Orders to correct additional deficiencies resulting in a total contract amount not to exceed \$39,650 charged to CDBG funds and \$42,000 if supplementing City funds are required, AND

BE IT FURTHER RESOLVED THAT the Director of Public Works will exercise this authority only pursuant to consultation with the Department of Housing and Community Development to ensure compliance with Community Development Block Grant procedures and requirements.

Dated this 8th day of March, 1993.

CITY OF TAKOMA PARK, MARYLAND (FINAL 4/12/93)

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

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Johnson	Deputy City Admin. Grimmer
Councilmember Leary	Asst. City Admin. Hobbs
Councilmember Porter	City Clerk Jewell
Councilmember Prensky	Deputy Clerk Sartoph
	Recreation Director Ellis
ABSENT:	Public Works Dir. Knauf
Councilmember Elrich	Public Works Dep. Dir. Laster
Councilmember Hamilton	

The Council convened at 8:00 p.m. on Monday, March 22, 1993 in the Council Chamber at 7500 Maple Avenue. Following the Pledge of Allegiance, the following remarks were made.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that Mr. Hamilton is not in attendance this evening because he is attending a Montgomery Cable Television meeting representing the City's interests.

Mr. Sharp announced that WSSC has proposed a charge to be placed on new development in Montgomery and Prince George's counties--a systems development charge (SDC) to reduce the amount of costs that current rate payers have to pay because of new development in both counties. The bill introduced has passed the Prince George's House delegation, but it is encountering some opposition in the Montgomery County Senate delegation. Mr. Sharp stated that it would be very advisable for residents to speak with their senators. The Montgomery County Senate delegation is holding hearings on the bill on Thursday, March 25, at 3 p.m.

Mr. Sharp announced that Metropolitan Area Gun Turn-in Day is scheduled for Saturday, May 1st from 10 am to 4 pm. The City's drop-off site will be Our Lady of Sorrows Church, 1006 Larch Avenue at the intersection of Larch and New Hampshire Avenues.

Mr. Prensky announced that there is a bill before the Maryland House of delegations--(SB 346) a smoking regulation bill. Mr. Bruce Bereano has seen to it that an amendment is being offered to the bill that would prevent any municipality from passing any ordinance for public health and safety that would be more restrictive than the state law clause. The law would in effect make it impossible for the City to pass any more restrictive legislation than the limited provisions in the State bill. Mr. Prensky said that he feels the success of such an amendment would be a damaging precedent to the principle of home rule that allows municipalities to govern their own affairs. The bill is being considered by the House Judiciary Committee in Annapolis. Mr. Prensky urged the citizens to get in touch with their delegates in Prince George's and Montgomery Counties. The Maryland Municipal League is organizing opposition to the bill.

Adoption of Minutes from 2/22/92. Ms. Jewell noted a correction to Cavan Capps' comments on page 4. Mayor Sharp announced an additional adjustment to the second paragraph on page 1. Moved by Mr. Sharp with the two changes indicated, seconded by Mr. Leary, the Minutes were unanimously adopted.

CITIZENS COMMENTS

Jack Mitton, 501 Philadelphia Avenue said he was surprised to read an article in the Journal that when the Council secured the right of non-U.S. citizens to register for vote, Council had also paved

the way for non-U.S. citizens to run for elective office. He said he doubted this was an accident, quirk or oversight. He said at the City Council Meeting on February 10, 1992, he addressed the Council and asked that the proposal not be adopted as written because the Charter amendment would allow aliens to serve in the offices of Mayor and Council. He quoted from the minutes the day legislation was enacted (2/10/92). He said if those enforcing the law must be citizens then it is far more important that those writing and enacting the laws must be citizens.

Lynne Bradley, 8112 Flower Avenue commented about the blizzard. She said the City needed to be more responsible in insisting that snow be removed more promptly by citizens and commercial properties in the City. She said the City should have insisted that the property owners in the commercial areas clean off the sidewalks in front of their properties and that the City should have dug out the mounds of snow in parking areas in commercial areas of town which prevented people from getting to the sidewalks safely.

Mr. Sharp noted that on April 5th, the Council will be holding a worksession discussion on the issue of non-U.S. citizens serving in elective office.

Mr. Leary asked what Mr. Mitton had been quoting his comments from.

Mr. Mitton responded from the audience, that he was quoting from the presentation he had made on February 10, 1992.

Additional Agenda Item

Mr. Sharp read a Resolution of Commendation for Paula S. Jewell, CMC, City Clerk on the occasion of her leaving employment with the City to become the Rockville City Clerk. The Resolution was moved by Mr. Sharp; seconded by Mr. Prensky.

Mr. Sharp commented on Ms. Jewell's combination of cheerfulness and skill and its importance in Council actions over the past six years. Of all accomplishments, the most significant, possibly difficult, and certainly pressure filled is running the City elections. Mr. Sharp thanked Ms. Jewell for her efforts in running the City elections.

Ms. Porter said she couldn't imagine a more difficult job than being the City Clerk for the Council and that she had always been impressed with Paula's efficiency--Paula is a model of efficiency.

Mr. Sharp noted that Paula's service provided to City Committees, particularly the Elections Task Force, is not adequately reflected in the resolution.

Mr. Prensky noted Ms. Jewell's support of order even in issues that she did not personally approve of; she remained able to convey both official and personal opinions without conflict. Mr. Prensky commented on Paula's work on the nuances of Takoma Park life (i.e., Non-U.S. Citizens Voting Resolution, Nuclear Free Zone Ordinance, Smoking Ordinance).

Mr. Leary commented on the distinguished tradition of Takoma Park's City Clerks and that Ms. Jewell has in every way lived up to the examples of her predecessors.

Mr. Johnson said that he admired and respected Ms. Jewell and wished her continued success.

Ms. Habada commented on Ms. Jewell's steady and calm presence and her exemplary promotion of the principles of democracy.

Individual staff made comments and special presentations.

Mr. Prensky requested that a video tape copy of the evening's Council meeting be presented to Paula and her son, Edwin.

Council Action: The Resolution passed unanimously (Absent: Elrich, Hamilton).

RESOLUTION #1993-24
(Attached)

Public Hearing Re: Julissa's Restaurant

Mr. Sharp called the public hearing to order at 8:40 p.m.

Mr. Sharp explained that Julissa's Restaurant, which is just outside the City limits, has applied for a Class B, Beer, Wine and Liquor License. The Council will take this opportunity to either support or oppose the license. Mr. Sharp said that a decision had to be made this evening because the hearing in front of the liquor board will be on March 25th.

CITIZENS COMMENTS

Andrew Thompson, 611 Elm Avenue said he was representing a large number of people, some present tonight. He said the City Council held a hearing on 1/21/92 where citizens testified that the noise level was outrageous. He said over the last 14 months, the problem has escalated. He referred Council's attention to the copies of letters that had been given to them. He said citizens asked the Council to be the voice of the citizens in objecting to the granting of the liquor license. He said the restaurant serves as a nightclub. He shared with the Council some posters put up by Julissa's for various go-go bands, advertising that attendees bring their own drinks; some events advertised for every Wednesday night, not occasional events, e.g., weddings. He said the problem is that this is a nightclub in a residential area. He noted that last year the Council asked Mr. Perez to meet with the community; Mr. Perez denied there is a problem and has made no attempt to meet with the neighbors. Mr. Thompson said residents have been awakened at 2-3 a.m., there have been gunshots and music flooding the neighborhood for blocks. He said that the County Board indicates that in order to have a license, a Restaurant has to comply by having a quiet use (Rules and Regulations #17). He asked that Council write a very strong letter speaking for the citizens of Takoma Park, arguing against granting the liquor license.

David Lindley, New President of Longbranch/Sligo Citizens Association endorsed the efforts of their friends in the neighborhood of Julissa's. Mr. Lindley said the neighborhood is very conscious that a lot of problems emit from the New Hampshire Avenue/Langley Park strip and that opposing the liquor license is a step toward maintaining the quiet in area neighborhoods.

Joe Hallinan, 615 Elm Avenue gave an example of the last meeting held with Mr. Perez (two weeks ago) to work out some differences in the neighborhood; at which time Mr. Perez's attorney gave his word that Mr. Perez would work with the residents to resolve the problems. About one week after the meeting the music started cranking up and Mr. Hallinan said he called P.G. County Police; he said Mr. Perez denied that the noise was too loud and was reluctant to turn down the music. Mr. Hallinan said that Officer Gober told Mr. Perez that there had been three other complaints that night. He said Mr. Perez was unwilling to be cooperative.

Andy Lemma, 6801 Belford Drive said he has been a resident of the neighborhood for the last 9 years. Julissa's serves as a sports club, go-go club and hosts weddings, etc; he said it looks like Julissa's holds a multiple license allowing for a variety of events. He said Mr. Perez is charging fees for events and is closing the main exit/entrance for people to go out. He said Mr. Perez promised to talk with the neighbors, and he has not done this. He asked the Council to oppose the granting of a liquor license.

Lynn Ducey, 6807 Belford Drive said the parking lot surrounding Julissa's is littered with broken glass and fresh oil filters from people changing their oil, making it an unsafe place for children to ride their bikes. She said that she has witnessed from her kitchen door men urinating in her next door neighbor's back yard and that the noise keeps adults and young children up at night. She asked for the Council's support.

Patrick Welsh, 6806 Belford Drive said that even last night shortly after midnight he and his wife had walked up to Julissa's still hearing noise at which time 6 or 7 bottles were smashed on the pavement in the parking lot. He feels that it is entirely possible that a patron is going to be shot or killed or that someone in the neighborhood is going to be hurt. He said that this is the real reason for preventing Julissa's from getting a liquor license and to pursue other action if possible.

Joy Hallinan, 615 Elm Avenue said she moved to Takoma Park about 6 months ago, and the Restaurant did not provide her and her husband with the neighborhood environment that Takoma Park is known for and that they had moved here for. She asked that Council support the citizens of the City in wanting to maintain the spirit of Takoma Park.

Nancy Weil, President of SOSCA noted that she had written a letter to the Chairman of the Board of License Commissioners, Robert Miller, to go on record that SOSCA opposes Julissa's application for a liquor license. She urged the City to continue to oppose Julissa's application for a liquor license.

Mr. Sharp brought the public hearing to a close at 9:00 p.m.

COUNCIL COMMENTS

Resolution was moved by Ms. Porter; seconded by Mr. Prenskey and Mr. Johnson. Mr. Sharp asked that the letters from citizens be included as part of the record.

Ms. Porter said that in the whole time Julissa's has been open, she has heard constant complaints from many people and concern in a wide area of the neighborhood around Julissa's about the problems of the establishment. She said last time Council held a public hearing on this issue, she had approached Mr. Perez and offered to work with him as a mediator/facilitator to work with folks in the neighborhood; she said he has never taken her up on that offer. Ms. Porter said this is definitely a problem and it is not going away. The idea of a liquor license would only exacerbate the problem. She again made her invitation to Mr. Perez and said until he demonstrated some interest in making things better for the folks living around his night club, she would not support the granting of a liquor license. She said she would urge her colleagues to do the same.

Mr. Leary said the question of a liquor license was not a close call; there is no doubt about the fact that a license to sell liquor in an establishment like this is out of the question and that the City will oppose it as vociferously as possible. He said that City staff should start investigating how to put a stop to these problems and put the establishment out of business. He said if there is any appropriate role for municipal government to play in a situation like this it is to help citizens correct the problem.

Mr. Johnson agreed with Mr. Leary and said there is clearly some need for strict enforcement. He said that the City's sign legislation is being violated. He said what is going on at Julissa's is wrong and the way this needs to be addressed is by a full court press. He said people have a right to live decently without their privacy being intruded upon.

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

Mr. Sharp noted that Julissa's is outside the City's limits and the City does not grant liquor licenses; but it is obvious from the testimony both this evening and in the past that this has a very adverse effect on the people who live in the City and that there is some spill-over activity that comes from Julissa's into the City that we can have some impact on. Mr. Sharp encouraged the City Administrator to talk with the police and others as appropriate to come back to Council with some type of strategy to take in this regard. Mr. Sharp stated that the City will have to work with P.G. County and that Councilmember DelGiudice has gotten involved to the extent of setting up a meeting with Julissa's.

RESOLUTION #1993-25
(Attached)

#3. Resolution Commending Public Works for Snow Removal Efforts. Moved by Mr. Leary; seconded by Mr. Prenskey.

Mr. Sharp also expressed appreciation to the Department for meeting the needs of residents on designated sledding streets; it is important in Takoma Park for people to feel like staff is working for them.

Mr. Prenskey also congratulated the Department for their diligence in clearing all the City streets.

Mr. Johnson said that the Department of Public Works was not only to be commended but thanked as well.

Council Action: The Resolution passed unanimously (Absent: Porter, Elrich, Hamilton).

RESOLUTION #1993-26
(Attached)

#4. Resolution Commending City Businesses for Removal of Snow from their Store Fronts and Sidewalks. Moved by Mr. Prenskey; seconded by Mr. Leary.

Mr. Leary questioned whether the resolution was commending all businesses, even those mentioned as having failed to remove snow during the Citizen Comments.

Mr. Sharp explained that the resolution only commends those businesses which were noted to have kept their sidewalks clean as the law requires and that they thought it would be nice to notice that they did that, given that there were businesses that did not do that.

Mr. Prenskey said he suggested the City reward people for doing exactly what they were supposed to do because there is a lack of consciousness on the part of people taking responsibility when the snow falls. He said the City could at least applaud those who manage their responsibilities as they are supposed to.

Mr. Johnson questioned whether citations had been given out to businesses that failed to comply with the law.

Ms. Habada responded that no citations were given out but that notices were made to businesses that they needed to clear the snow; those businesses complied.

CITIZEN COMMENTS

Lee Edwards, 7520 Maple Avenue said he agreed with the Council but he asked whose responsibility was it to remove snow from around the meters.

Mr. Sharp resonded that it was the City's responsibility to keep the streets clean and the first priority was to remove snow from the street so emergency vehicles could pass through, not clearing parking spaces.

Council Action: The Resolution passed unanimously (Absent: Elrich, Hamilton).

RESOLUTION #1993-27
(Attached)

#5. Environmental Protection Agency (EPA) Green Lights Program.
Moved by Mr. Sharp; seconded by Mr. Johnson.

Mr. Sharp explained that the resolution recognizes the City's involvement with the EPA in a program in which the City government commits to implementing cost effective lighting upgrades and other energy efficiency steps over a 5 year period working in conjunction with the EPA. The EPA will be providing various types of information, staff available to answer questions, brochures, pamphlets, written literature, etc. to try to affect energy savings. Mr. Sharp said he had read reports that in some of the larger jurisdictions over \$100,000 was saved in a ten month period and that the City would not be required to take steps that are not cost effective.

Mr. Prensky referred to the last resolved clause and asked who would be coordinating the work for the City and Environmental Committee?

Ms. Habada said the Department of Public Works will have the responsibility for any lighting changes and they will be working with the Environmental Committee coordinating with them and herself on what will be involved and what the costs will be.

Mr. Prensky suggested that the last resolved clause be amended to read "...directs the City Administrator to begin".

Council Action: The Resolution passed unanimously (Absent: Elrich, Hamilton).

RESOLUTION #1993-28
(Attached)

#6. 1st Reading Budget Amendment Ordinance transferring \$22,000 for engineering work associated with the street maintenance and repair program.

Moved by Ms. Porter; seconded by Mr. Leary.

Mr. Sharp stated that the City Council has indicated to staff that they are going to be making some commitments in the next budget for more systematic street repair and maintenance work than has existed in the past and we have given staff instructions to begin doing the engineering work that will be necessary for us to put out contracts to do some of those street repairs. He said that this a budget amendment taking money out of unappropriated reserves as partial payment for costs of that engineering work.

Ms. Habada said the remaining cost will show up in the FY'94 budget to have an engineer inspect the work that has been performed. Ms. Habada confirmed that the \$40,000 dollar estimate includes \$ 2,000 for planning and \$18,000 for inspection.

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

ORDINANCE #1993-11
(Attached)

#7. 2nd Reading Ordinance Re: 911 Recording Equipment. Moved by Mr. Sharp; seconded by _____.

Mr. Sharp explained that Takoma Park has need of a 911 recording instrument since the Police Department takes a number of emergency calls and that the City has received contributions from P.G. and Montgomery Counties as partial off-sets to the cost of the 911 machine. He further explained that the City is entitled because the 911 system is in part funded by a tax on residents' telephone bills and if we paid for the 911 machine completely out of City property taxes, citizens would be paying twice.

Ms. Porter explained that this did not mean the City was changing its emergency number which is 270-1100 and that the machine simply records calls that come in on an emergency number; it doesn't mean that we have to use the number 911.

Mr. Prenskey added that people should understand that the fastest way to get emergency service in Takoma Park is to call 270-1100 which directly connects you to the Police emergency line.

Mr. Johnson noted that the non-emergency number that the public is encouraged to use is 270-8724.

Council Action: The Ordinance was unanimously adopted as amended on second reading (Absent: Elrich, Hamilton).

ORDINANCE #1993-9
(Attached)

#8. 2nd Reading Ordinance Re: Montgomery County Solid Waste. Moved by Mr. Leary; seconded by Ms. Porter.

Mr. Sharp explained that the ordinance opts the City out of Montgomery County Code Chapter 48, Solid Waste legislation, a step that the City has been advised to take to strengthen our legal argument that we will not be bound by any systems charge that Montgomery County may think of imposing for purposes of building the incinerator or for operating their solid waste disposal program in general.

Council Action: The Ordinance was unanimously adopted at second reading (Absent: Elrich, Hamilton).

ORDINANCE #1993-10
(Attached)

Mr. Sharp noted that, as a collateral matter, the City Council will consider the question of a proposed lawsuit along with the City of Rockville against Montgomery County regarding the County's attempt to impose a solid waste disposal charge on Rockville and other municipalities in the County. He said that although this is not on the evening's agenda, it is an item that he feels should be on the agenda fairly soon for discussion.

#9. Washington Adventist Nursing Home Payment in Lieu of Taxes Agreement. Moved by Mr. Sharp; seconded by Mr. Johnson.

Mr. Sharp explained that the Nursing Home on Carroll Avenue was purchased by the Washington Adventist Nursing and Rehabilitation

Center which is a non-profit organization; as a result of that, the City has lost taxes. He said that when the Nursing Home had been owned by a for-profit corporation, the last years's taxes were \$22,000. He went on to say that the City had begun discussions with the Adventist Nursing and Rehabilitation Center for payment in lieu of taxes and that the agreement up for consideration reflects the conclusions of those discussions. He didn't feel that the City would be receiving as much as it should be getting; however, they don't exactly have to pay the City anything--we have talked with them about the services the City provides them.

Ms. Jewell pointed out that she has the original agreement for Mr. Sharp's signature.

Council Action: The Resolution passed unanimously (Absent: Elrich, Hamilton).

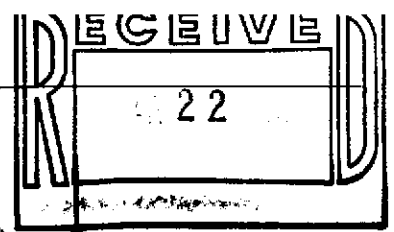
RESOLUTION #1993-29
(Attached)

Adjournment moved by Ms. Porter at 9:33 p.m.

Council adjourned to Worksession to discuss Departmental FY'94 Budget Goals (City Clerk, Library).

SOSCA

*South
Of
Sligo
Citizens Association*



Takoma Park, Maryland

March 15, 1993

Commissioner Robert Miller
Board of License Commissioners
5012 Rhode Island Avenue
Hyattsville, MD 20781

Mr. Commissioner,

Please put my neighborhood association on record as opposing the application for a license to serve beer, wine and liquor to Julissa's Restaurant, at 6824 New Hampshire Avenue. Our association includes the residential area adjoining the parking lot behind the building in which Julissa's is located, and the people who live there have complained about the ongoing problems of late-night noise, littering, people urinating on their lawns, parking particularly on Belford Drive, the street whose end adjoins the parking lot, though there is no vehicular access from the street to the lot, and all these complaints, generated by events at Julissa's, have occurred without the place having a liquor license.

Mr. Perez, the owner, was in the process of seeking a liquor license in January of 1992 but due to the opposition of neighbors, withdrew his application at the last minute. He offered to meet with concerned residents prior to your hearing date of March 25, 1993, in order to respond to neighbors. They did meet, March 9, but he offered no new evidence of greater cooperation with the residents. Instead, he let his lawyer do all the talking, and did not show any signs of real concern for residents other than their ability to make his quest for a liquor license more difficult. There have not been changes in the behavior of his patrons, the lateness of the hour, or their general noisiness. Mr. Perez claims to be operating a restaurant but it seems clear that the place is really a nightclub. It is a very large space and with a liquor license could be a real threat to neighborhood tranquility.

We urge you to deny his request for a liquor license. If you have further questions, please contact me.

Sincerely,

Nancy B. Weil,
President of SOSCA
day: (202) 829-7327
eve: (301) 891-2150

RECEIVED - BOARD OF
LICENSE COMMISSIONERS
1993 MAR 17 PM 1:17

*LongBranch-Sligo
Citizens' Association*

David Lindley
President
LongBranch-Sligo
Citizens' Association
903 Jackson Avenue
Takoma Park MD 20912

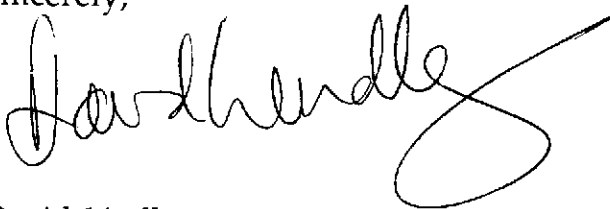
March 21st, 1993

Commissioner Robert Miller
Board of Licensing, Prince George's County
5012 Rhode Island Avenue
Hyattsville MD 20781

Dear Sir:

On behalf of the Executive Committee of the LongBranch-Sligo Citizens' Association, I would like to petition the Board of Licensing to deny the request by Julissa's Restaurant for a liquor license. This nightclub adjoins residential dwellings which are unreasonably disturbed by the late-hour activities of the club and by overflow parking. Granting a liquor license would exacerbate these current problems.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Lindley", with a large, sweeping flourish at the end.

David Lindley
President

cc: LB-S Executive Committee
Allison Porter, Legislative Information Group

21 March 1993

City Council Members
7500 Maple Ave
Takoma Park, MD 20912

Dear City Council Members:

As a citizen of Takoma Park, I urgently request your support. Your voice is needed at this time to speak on behalf of the rights of Takoma Park citizens to the quiet use of our neighborhood. Specifically, for the following reasons, we need the Council to recommend to the P.G. Commission on Licenses the denial of Julissa's request for a liquor license.

At this time, a business which functions as a nightclub, namely Julissa's, is applying for a liquor license. For more than two years, I, my family and neighbors have suffered the abuse of periodically being awakened by loud music coming from Julissa's at one or two in the morning. I have also heard gun shots, loud arguments and fights, a bull horn and other chaotic noise associated with the uncontrolled crowds that fill the four-hundred-plus capacity of that business.

Takoma Park police can not help because Julissa's is outside its jurisdiction. Prince George County police seem to be unable to stop these disturbances of the peace. I have had the experience of calling the County police many times with little or no effect. Sometimes they would not come to the scene at all. Sometimes in the past they would come and the noise would temporarily stop, only to start up again with minutes of their departure. Now the practice of the County police seems to be to keep no record of my and my neighbors' phone complaints.

When the Takoma Park City Council last considered this issue, in approximately January of 1992, you suggested to Julissa's manager, Mr. Perez, that he meet with the neighbors and work toward an accommodation. He has not followed your advice and has made no such effort. The disturbances of the peace have continued. Some neighbors did go to him and spoke with him about the problem and he denied it existed. In March of 1993, he hired an attorney to assist in obtaining the license. At Steve DelGuidice's prompting, the attorney and Mr. Perez met with neighbors to offer eleventh-hour promises to obtain our support of his liquor license.

At that meeting, the attorney systematically minimized our long standing complaints and referred to the P.G. County Police record as substantiating Mr. Perez's claim that there was no problem of disturbance of the peace. The attorney then asked us to meet with him so he could make eleventh-hour promises, perhaps

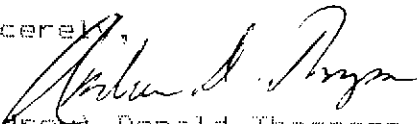
negotiate promised concessions. Because of Mr. Perez's consistent denial of the problem, the disrespect he has consistently shown to my neighbors, and because of the lack of control over his patron's behavior that Mr. Perez has exhibited, the attorney's offer had no credibility. So it seemed prudent for neighbors not to enter into last-minute negotiations with the attorney. Then he in turn would be able to tell the County Board of Commissioners that negotiations were ongoing and problems were being successfully resolved in good faith. So we rejected the attorney's tactic and he accused me of not being serious about attempting to resolve the issue. But you must understand our side of the issue.

At that January 1992 Takoma Park City Council meeting, you also suggested to Mr. Perez that he decide what kind of establishment he is running. Is it a nightclub or a restaurant? Mr. Perez, I assure you, has not followed your advice. Julissa's has not functioned as a restaurant and has functioned instead as a multi-purpose nightclub and sports viewing theatre. Although it retains the title "restaurant" it has consistently not fulfilled the County Rules and Regulations for being a restaurant. I conclude that the title is simply a sham for the purpose of obtaining a liquor license, while in actual practice, Julissa's is a full-blown nightclub which undermines our neighborhood.

Lastly, at that January 1992 Takoma Park City Council meeting, a Council member said he had a difficult time voting against a minority business, which Julissa's appears to be. My family 19 years ago chose to live in Takoma Park because of its reputation for being welcoming to all persons regardless of race, creed and religion. We have stayed because of our personal commitment to these values. But we also have a right to "quiet use" of our neighborhood. I assure such City Council concerns that we neighbors share a commitment to this hospitality. I also point out that our neighbors who suffer from Julissa's consistent disturbance of the peace are ourselves ethnic minorities and together we share the right to live in peace together. The liquor license would only make our neighborhood's problems worse for all of us.

For these reasons, we respectfully request your support in going on record as a City Council to recommend to the Prince George's Board of Commissioners to deny Julissa's request for a license.

Sincerely,



(Andrew) Donald Thompson
611 Elm Ave.
Takoma Park, MD 20912

home 301-270-6790
work 202-529-3330

Commissioner Robert Miller
Board of License Commissioners, P.G. County
5012 Rhode Island Ave.
Hyattsville, MD 20781

21 March 1993

Dear Commissioner Miller:

As a citizen Prince George County, I urgently request your support. Specifically, for the following reasons, my family members request the Board of License Commissioners to deny Julissa's request for a liquor license.

At this time, a business which functions as a nightclub, namely Julissa's, is applying for a liquor license. For more than two years, I, my family and neighbors have suffered the abuse of periodically being awakened by loud music coming from Julissa's at one or two in the morning. Sometimes the noise has been so loud that my family has not been able to even get to sleep. I have also heard gun shots, loud arguments and fights, a bull horn and other chaotic noise associated with the uncontrolled crowds that fill the four-hundred-plus capacity of that business.

Prince George County police seem to be unable to stop these disturbances of the peace. I have had the experience of calling the County police many times with little or no effect. Sometimes in the past police would come and the noise would temporarily stop, only to start up again with minutes of their departure. Othertimes they would not come to the scene at all. Now the practice of the County police seems to be to keep no record of my and my neighbors' phone complaints.

For the following reasons, I ask that you deny the licence request.

1. For the past two years, Julissa's has consistently been the source of outrageous disturbances of the peace, and that is without its having a liquor license. Your granting of a license will make the problem worse.

In early 1991, for example, Julissa's had applied for the license. But the opposition from our ethnically diverse neighborhood coalition was so fierce that Julissa's decided to withdraw its application minutes before the hearing was to take place. Now Mr. Perez is back requesting the license.

2. For the past two years, Mr. Perez has denied there is any problem. He publically denied this as recently as March 9th.

In March of 1993, Perez hired an attorney to assist in obtaining the license in April. At Steve DelGuidice's prompting, the attorney and Mr. Perez met with neighbors to offer eleventh-hour promises to obtain our support of his liquor license.

At that March 9 meeting, the attorney systematically minimized our long standing complaints and referred to the P.G. County Police record as substantiating Mr. Perez's claim that there was no significant problem of disturbances of the peace. Our complaints to the police have been very numerous. The nature of the police record is such that the Police do not keep a written record of each phone call of complaint. So reference to the police record is not a valid argument of no problem.

3. For the past two years, Mr. Perez, the manager of Julissa's has demonstrated that he has no control over the conduct of his patrons. He said they can bring weapons and liquor into his establishment and he has no way of stopping them.

This constitutes a denial of responsibility and evidences no control. To grant a liquor license to such an irresponsible business person would be itself irresponsible.

4. For the past two years, Mr. Perez has demonstrated no serious effort to meet with and resolve the complaints of the neighbors.

When the Takoma Park City Council considered this issue in approximately January of 1992, it suggested to Julissa's manager, Mr. Perez, that he meet with the neighbors and work toward an accommodation. He told the Council he would and accepted neighbors' phone numbers. He has not followed that advice and has made no such effort. The disturbances of the peace have continued. Some neighbors did go to him and spoke with him about the problem and he denied it existed.

Instead, the Mr. Perez hired an attorney in March of 1993 and he has offered some eleventh-hour promises and made an offer to negotiate promised concessions. Because of Mr. Perez's consistent denial of the problem, the disrespect he has consistently shown to my neighbors, and because of the lack of control over his patron's behavior that Mr. Perez has exhibited, the attorney's offer had no credibility. So it seemed prudent for neighbors not to enter into last-minute negotiations with the attorney. If we did meet at this eleventh hour, the attorney in turn would be able to tell the County Board of Commissioners that negotiations were ongoing and problems were being successfully resolved in good faith. So we rejected the attorney's tactic and he accused me of not being serious about attempting to resolve the issue. But you must understand the record of these past two years and not believe any complaint that the neighbors are not acting in good faith.

5. Mr. Perez has affirmed to many parties, including to the City Council of Takoma Park, that he runs a restaurant. Yet his establishment does not concomply with the Rules and Regulations for what a restaurant is. It is a nightclub and in no way has it functioned as a restaurant.

At that January 1992 Takoma Park City Council meeting, Council

members suggested to Mr. Perez that he decide what kind of establishment he is running. Is it a nightclub or a restaurant? Mr. Perez, I assure you, has not followed that advice. Julissa's has not functioned as a restaurant and has functioned instead as a multi-purpose nightclub and sports viewing theatre. Although it retains the title "restaurant" it has consistently not fulfilled the County Rules and Regulations for being a restaurant. I conclude that the title is simply a sham for the purpose of avoiding County scrutiny and for obtaining a liquor license, while in actual practice, Julissa's is a full-blown nightclub which undermines our rights to the peaceful and quiet use of the neighborhood.

6. The credibility of Mr. Perez as a law abiding citizen is at risk. Mr. Perez has affirmed to a neighbor, Mrs. Joy Hallihan, that he will obtain the license because he has learned that the way to be successful in P.G. County and obtain the license is to donate money to politicians which he affirmed he has done.

My complaint here is not that he has donated money, but that he has affirmed that our County's political system is vulnerable to being bought and that he has done precisely that. This affirmation does not support Mr. Perez's credibility.

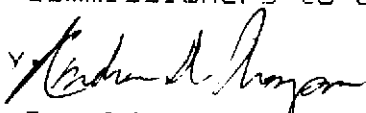
7. Neighborhood opposition is ethnically diverse and in no way represents prejudice against any minority.

At that January 1992 Takoma Park City Council meeting, a Council member said he had a difficult time voting against a minority business, which Julissa's appears to be. But vote against it he did because it was clear that minorities in the neighborhood had suffered and were against granting the liquor license.

My family 19 years ago chose to live in Takoma Park because of the neighborhood's reputation for being welcoming to all persons regardless of race, creed and religion. We have stayed because of our personal commitment to these values. But we also have a right to "quiet use" of our neighborhood. I assure the County Board of Commissioners that we neighbors share a commitment to this hospitality. I also point out that our neighbors who continue to suffer from Julissa's consistent disturbance of the peace are ourselves ethnic minorities and together we share the right to live in peace together. The liquor license would only make our neighborhood's problems worse for all of us.

For these reasons, we respectfully request the Prince George's Board of Commissioners to deny Julissa's request for a license.

Sincerely



(Andrew) Donald Thompson
611 Elm Ave. Takoma Park, MD 20912
home 301-270-6790 work 202-529-3330

811 Elm Avenue
Takoma Park, MD 20912
18 March, 1993

Prince George's County
Board of License Commissioners
5012 Rhode Island Avenue
Hyattsville, MD 20781

COPY

Dear Commissioners:

I am writing to express my opposition to awarding a liquor license to Julissa's. I see three main reasons why any request for a license should be denied:

1) The facility does not, and can not, serve the local community as a restaurant. Unlike the nearby family restaurants which serve alcohol, Julissa's is a cavernous structure suited only for a meeting hall or nightclub — it is totally inappropriate for a restaurant, and could not succeed as a family establishment without major renovation.

The occupant capacity of Julissa's is roughly 10 times that of nearby restaurants. With the huge capacity and rough character of the facility, serving alcohol makes the deterioration of Julissa's into a rowdy nightclub inevitable, regardless of the claims or intentions of its management.

2) Mr. Perez has proven himself unwilling to recognize and unable to solve the serious noise, litter, and safety problems already generated by Julissa's. Even when faced with a room full of neighbors who complain about noise violations from first hand experience, his response is to deny that there is a problem.

By denying serious existing problems, Mr. Perez has displayed an unwillingness to cooperate with the community. And by his actions, he has earned a measure of skepticism. Since Mr. Perez does not hold the confidence and trust of the community, he should not hold a liquor license.

3) Mr. Perez's legal council described a decrease in the number of establishments in the Adams Morgan area of the District as part of the rationale for Julissa's. Regardless of the validity of that rationale, it is

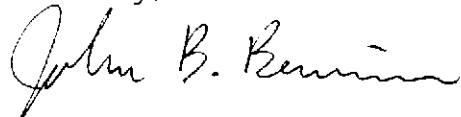
811 Elm Avenue
Takoma Park, MD 20912
18 March, 1993

clear that Mr. Perez intends to accommodate a non-resident population which drives a significant distance. Drinking and driving don't mix.

Although Julissa's faces New Hampshire Avenue, it backs onto quiet residential areas of Takoma Park. A nightclub serving alcohol to several hundred patrons, who then drive through our neighborhoods at closing, is inconsistent with every local usage pattern and in opposition to the interests, safety, and security of our community and the county.

I strongly urge you to deny any request for a liquor license to Julissa's.

Sincerely,

A handwritten signature in cursive script that reads "John B. Bennison".

John B. Bennison

cc: Stephen J. Del Giudice, PG County Council
Kathy Porter, Takoma Park City Council
Nancy Weil, SOSCA
Allison Porter, Neighbor

312 Elm Ave
Takoma Park, Md. 20912
March 11, 1993

Commissioner Robert Miller
Board of License Commissioners, P.G. County
5012 Rhode Island Ave.
Hyattsville, Md. 20781

Dear Commissioner:

While there are arguments on both sides of the issue of whether to award a liquor license to Julissa's nightclub, as a 20-year resident of Takoma Park and a close neighbor to the club I strongly recommend that such license NOT be granted. The following cites the pro's and con's, as I see them, and justifies my conclusion.

The pro's have mainly to do with minimizing government interference in the formation and running of private businesses. The line separating justifiable vs. unjustifiable regulation is fuzzy and changes over time; and your responsibility forces you to attempt to locate that line. Julissa's apparently meets a "consumer need", and consequently the burden of justification for denying the owners a liquor license should be borne by us who want it denied. There is also an economic argument favoring the granting of the license, in the form of increased tax income to the City of Takoma Park; though it's questionable whether there would be a net benefit after incremental monetary costs of police involvement and property destruction, and non-monetary costs to residents' peace and quiet. These two arguments should require your Board to begin in favor of awarding the license, and deny it only in the face of quite persuasive arguments and evidence against such an award.

In my view, there are sufficient arguments and evidence against awarding the liquor license. The arguments center around the incongruity between a neighborhood of families who pay taxes and have a right to peace (including security) and quiet on the one hand, and on the other hand a business that addresses a consumer need for a place where they can live in their own preferred reality of adrenalin-creating music, alcohol and interaction on their terms. The evidence centers around the neighborhood's complaints (including mine to your Board in January of 1992) and our police department's experience and judgment.

As I assume you have the evidence in hand, I will concentrate on the arguments against awarding Julissa's a liquor license in its present location. We residents want, and pay taxes to gain, respite from the aggressions, crime and confrontations of the outside world; and we form the essence and backbone of our neighborhood. Julissa's, without a liquor license, has already injected a group of people into our neighborhood who are seeking a state of affairs quite antithetical to the residents'. We can only expect that granting a liquor license would exacerbate that difference, to the very probable further detriment of the residents' quality of life, compared to the current situation.

I wish to make clear the nature of the arguments for rejecting Julissa's application for a liquor license. It is NOT to judge and condemn the business of Julissa's owners or the lifestyles of their

customers. That is their choice and I have no right to interfere in their choices and lives any more than they have a right to interfere in mine, as long as neither's actions unreasonably impinge on the others' freedom of choice. Of course, your Board is faced with a decision that is guaranteed to impinge on somebody's freedom of choice, so the crucial word is "unreasonably". The focus of my argument is that it is sufficiently more an unreasonable impingement on us residents to have Julissa's here (even without a liquor license) than it is an impingement on its customers and owners to not have a liquor license (or even be here). This simply boils down to the fact that we LIVE here and pay millions of dollars in taxes to do so, and we cannot just move elsewhere nearly as easily as Julissa's customers can (or even its owners). This inequality of loss would surely be reinforced economically if we compared the much larger probable losses to residents in home sales prices due to eventual mass moving and the reduced quality of life (and the induced tax losses to the City); versus the losses in profits to the owners of Julissa's and the inconvenience to its customers.

I apologize for the length of this letter, but the issue is not an easy one for me as I believe in minimizing government interference in both individual people's choice and in private business's endeavors. [For what it's worth, I teach business finance at George Washington University.] Governmental interference should only occur when there are strongly compelling arguments and evidence that the costs to individual choice (in this case, Julissa's customers) and entrepreneurial endeavors (Julissa's owners) are "unreasonably" small relative to the costs to the society (the neighborhood) in which the business seeks to operate. On both criteria of "quality of life" and economics, I think the arguments and evidence sufficiently strong to lead to the conclusion: Reject Julissa's application for a liquor license, and encourage the business to move to a location where other similar businesses already are. I hope you concur, and wish you good fortune (and wisdom) in your decision.

Respectfully,


Minor Sachis

17 March, 1993

Prince George's County
Board of License Commissioners
5012 Rhode Island Avenue
Hyattsville, MD 20781

COPY
Bennison
811 Elm Avenue
Takoma Park, MD 20912

RE: Opposition to Liquor License for Julissa's Nightclub New Hampshire Ave

Dear Commissioners:

I wrote to you January 1992 regarding this matter — my view on this is the same. I oppose the award of a Class B liquor license to Julissa's Nightclub, located on New Hampshire Ave near my home.

As a homeowner in the neighborhood adjacent to Julissa's I am concerned about anything that will draw late night activity, particularly alcohol influenced activity, to the area. Being just a block off of New Hampshire Ave. we already contend with non residential speeding traffic, burglaries, and late night noise.

Obviously, I am concerned about anything that could possibly stimulate more of this. A nightclub draws customers from outside our neighborhood — people who have no vested interest in picking up trash, keeping down noise or maintaining good relations with people nearby. These are established problems already. Adding alcohol service to the equation will only aggravate and expand these problems. And we who live nearby will have to endure the disruption and the concern over increased violence in our streets and backyards.

I appreciate that in a metropolitan area such as this, striking a balance between commercial and residential interests is difficult. I am interested in advancing a stable, community oriented neighborhood. I urge you to consider carefully the needs and concerns of our neighborhood in making your decision. I urge you to deny the request for a liquor license to Julissa's.

Thank you for your attention to this.
Sincerely,

Connally Bush Bennison

cc: Stephen J. Del Giudice, PG County Council
Kathy Porter, Takoma Park City Council
Nancy Weil, SOSCA
Allison Porter, Neighbor

March 20, 1993
600 Elm Ave.
Takoma Park
MD 20912-5432

Commissioner Robert Miller
Board of License Commissioners
5012 Rhode Island Ave.
Hyattsville, MD 20781

Dear Mr. Miller:

As longtime residents at the above address, my wife and I are opposed to Julissa's nightclub obtaining a liquor license at 6824 New Hampshire Avenue.

We are of the opinion that the County police have enough of a problem now, trying to control the behavior of people at Julissa's parties, especially since Julissa's outside the control of Takoma Park police.

Heaven forbid that some event should occur in our neighborhood involving strong action by the County police resulting in a lawsuit like the case in Langley Park which cost our County a lot of money!

Thank you for the Board's favorable consideration of our request.

Sincerely,

Clifford J. Waldron
Clifford J. Waldron

RECEIVED--BOARD OF
LICENSE COMMISSIONERS

1993 MAR -3 AM 10: 36

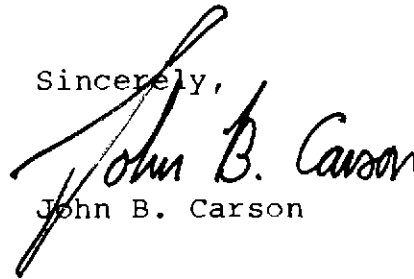
700 Auburn Avenue
Takoma Park, MD 20912
March 1, 1993

Mr. Robert S. Miller, Chairman
Board of License Commissioners
Prince George's County Government
5012 Rhode Island Avenue
Hyattsville, MD 20781

Dear Mr. Miller:

I am writing to request that you vote against the liquor license application submitted by Julissa's Restaurant of Takoma Park, MD. In my quiet, residential neighborhood, it is totally inappropriate to have a commercial establishment dispensing alcoholic beverages. Alcohol inevitably attracts an undesirable clientele and the crime, public disturbances, noise, public urination, etc., which accompanies these individuals. Please disapprove this application.

Sincerely,

A handwritten signature in black ink that reads "John B. Carson". The signature is written in a cursive style with a large, sweeping initial "J".

John B. Carson

cc: P. G. Councilman Stephen J. Del Giudice
Mayor Edward F. Sharp
Takoma Park Councilwoman Kathy Porter

6907 Prince Georges Ave.
Takoma Park, MD 20912
March 11, 1993

Commissioner Robert Miller
Board of Licenses - P.G. County
5012 Rhode Island Ave.
Hyattsville, MD 20781

Dear Commissioner Miller:

We have recently learned that Julissa's, located on New Hampshire Ave. in Takoma Park, MD, has applied for a liquor license and we want to state our strong opposition to the granting of that license based upon the following information:

We have heard from neighbors who live near Julissa's that they have been bothered by late night and early morning noise, including shouting, car horns and gun shots.

We understand that the police have been called in multiple times, but that this intervention has not solved the continuing problem.

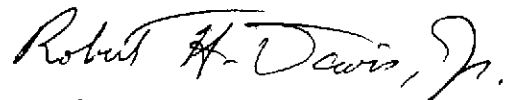

Neighbors report that they are required to clean up trash thrown about by people patronizing Julissa's.

There is inadequate parking in the shopping center in which Julissa's is located causing patrons to park on nearby residential streets. We understand that Julissa's has a capacity of 465 which means a large number of vehicles.

We believe that the peace and safety of the surrounding neighborhood, a quiet residential area, is threatened by the present situation, and that the granting of a liquor license will greatly increase the existing problems.

We hope that you will understand our concerns, and those of our neighbors, and deny Julissa's application.

Sincerely,



Martha B. Feldman
Robert H. Davis, Jr.

Patrick R. Welsh
6806 Belford Drive
Takoma Park, MD 20912

Commissioner Robert Miller
Board of License Commissioners, P.G. County
5012 Rhode Island Avenue
Hyattsville, MD 20781

March 21, 1993

Dear Commissioner Miller:

This is to express my absolute opposition to the board granting Julissa's nightclub, at 6824 New Hampshire Avenue, a liquor license.

I live less than four doors down from the parking lot behind Julissa's, and since their establishment in that shopping center three years ago, they have been directly responsible for a general decline in the quality of life in our neighborhood. In particular, many large, noisy parties have been held there, parties frequently marked by outdoor beer and liquor consumption, fighting, shouting, and car horns. These have interrupted our sleep time and time again. The people frequenting these parties are violent, out-of-control people, with no business in a residential area at these hours.

And the environment is growing more dangerous and intrusive all the time. At a rate of about twice a month during the spring and summer months, increasing gradually every year, my wife and I hear gunfire in Julissa's parking lot between the hours of about 9:00 PM and 4:00 AM. We routinely call the police, who sometimes investigate.

Frankly, we find Mr. Perez, Julissa's owner, to be the crux of the problem. Perez has routinely made false and misleading claims about the nature of his business, denying that he holds large Go Go parties and other nightclub-like events there.

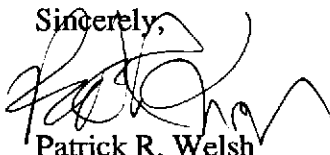
Many neighbors around Julissa's have expressed their dissatisfaction directly to Mr. Perez concerning how he runs his business, asking for accommodation, and we have all found him to be not only uncooperative, but combative and arrogant.

As a direct result of alcohol already being consumed on and around the premises, Julissa's has for years been robbing us of sleep, making us fearful to walk outside our own homes. It is only a matter of time, with regular gunfire in the parking lot, before someone there or in one of our homes is shot.

I cannot imagine a reason why this establishment should have a liquor license, and I am outraged that it continues to operate at all. We will not tolerate this utter disregard for the quality of life in our neighborhood.

I thank you for your consideration in this matter.

Sincerely,



Patrick R. Welsh

March 20, 1993

Robert Miller
Chairman
Board of License Commissioners
County Service Building
5012 Rhode Island Avenue
Hyattsville, MD

Dear Chairman Miller:

We are writing to you once again regarding the hearing to be held on the application for an alcohol license for Julissa's nightclub. Believe me it is a nightclub, not a restaurant. Judging from the crowd and the type of music that we've heard coming from there it has never been a restaurant. What type of restaurant has a ticket booth inside? As early as March 12, a go-go band (Junkyard) was to appear at Julissa's, but because of the blizzard it was cancelled. We saw the posters advertising this at New Hampshire Ave. and University Blvd. This is not the type of band you would want to hear in a restaurant. Once again we are strongly opposed to this application.

We are still being awoken 1, 2 or 3 a.m. on Sundays by the loud music, horns blowing and people yelling at each other. Once back in July at approximately 1:00 a.m., we were awoken by loud talking.

We looked out of the window, there were about 5 young men in front of our house sitting and standing with their beer cans and bottles sitting on the back of our car. We took our dog to the front door as if to walk him and that made them leave. Obviously, there is no security controlling the crowd. Usually in the mornings there is beer bottles and cans in front of our houses. Nothing has improved since the last application for the license was submitted. If anything, things have gotten worse.

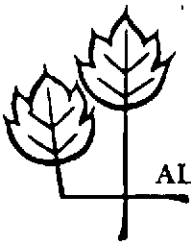
It is our understanding that the crowd is allowed to bring their own alcohol, even though there is no license for it. If this application is approved, we hate to think what problems our neighborhood will have.

We hope you consider what we have said before you decide on this application.

Sincerely,

Mr. & Mrs. Turner

6810 Belford Drive
Takoma Park, MD 20912



ALLISON I. PORTER - Legislative Information Group

6812 Belford Drive, Takoma Park, MD ~~20912~~ ²⁰⁹¹² • (301) 270-8939

March 16, 1993

Robert Miller, Chairman
Board of License Commissioners
5012 Rhode Island Avenue
Room 204
Hyattsville, Maryland 20781

Dear Chairman Miller:

I am writing to you today to urge the commissioners to reject the application of Julissa's nightclub for a Class B liquor license. Since I last wrote to you (see attached), the problems I cited have only gotten worse.

As you may recall, Julissa's applied for a Class B license in January, 1992 and withdrew their application prior to the hearing because of community opposition. At that time, residents in the neighborhood wrote over 30 letters and 20 signed petitions opposing this liquor license. The Takoma Park City Council, the South of Sligo Citizens' Association and the Longbranch-Sligo Citizens' Association also opposed the license. We expect even greater opposition this time because the incidents have become more frequent and our safety is in jeopardy.

At the instigation of County Councilman Stephen Del Giudice, a group of residents recently met with the owners of Julissa's. At that time the attorney for the nightclub stated that the establishment was going to change to a restaurant and catering business, that the owners were anxious to work with the community, and that there had been few complaints about the nightclub.

This sounds good on the surface, but these are the same arguments that Mr. Julio Perez made before the Takoma Park City Council 14 months ago. Since that meeting last year and his withdrawal of the application for a liquor license, Julissa's has remained a nightclub, Mr. Perez has made no efforts to resolve the complaints of the community, and the Prince George's County Police are no longer responding to our calls because they are so frequent.


I have been trying to keep a log of the dates, times, and circumstances where I have been disturbed by Julissa's. Although it is incomplete, in the last 14 months I have been disturbed at least 15 times by loud music and noise when Julissa's has held events. I have also recorded incidents of fighting (1), trash (3), drunkenness (2), gun shots (2), and occasions when the events at Julissa's have spilled over into the neighborhood. Please note that other neighbors have different stories, and that there have been many other examples that I witnessed and did not record. A vast majority of the entries have occurred after midnight and I have been awakened by them, forced to call the police, and been unable to get back to sleep for a long period of time. If Julissa's is granted a liquor license, these problems are bound to increase.

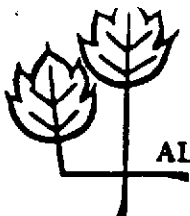
I would like to cite one example from the diary regarding Julissa's. On January 7, 1993, from 10:00 p.m. to 12:45 a.m. loud music was coming from Julissa's. At 12:45 a.m. I heard 6 or 7 rapid-fire gun shots. I looked out and could not see the shooter. I called the police (I don't think they came). Everyone left Julissa's at 1:00 a.m. At 1:05 a man came from the parking lot up the side of my house and entered the backyard. I turned on the front porch light and he ignored it. He came back down to the street with a motorscooter, which he had evidently hidden in my backyard. He and another man rode off. A neighbor observed people coming in a car a short time later and one man left the car and picked up a box, which the neighbor thought might contain drugs.

The incident above is only one of many to which our neighborhood has been subjected. I don't pretend to understand the events of that night, but the fact is that the quiet residential character of our community has changed to one in which the citizens dread an event taking place at Julissa's. Not only is our sleep disturbed because of Julissa's, our safety is now in doubt. Add in the fact that the police don't investigate our calls and perhaps you can understand our frustration and opposition to Julissa's getting a Class B license.

I don't know what kind of activity is going on in this "nightclub," but whatever it is will be exasperated with a liquor license. Please listen to the residents of the neighborhood and reject Julissa's application.

Sincerely,


Allison I. Porter



ALLISON I. PORTER - Legislative Information Group

6812 Belford Drive, Takoma Park, MD-20912 • (301) 270-8939

20912
January 7, 1992

Robert Miller, Chairman
Board of License Commissioners
5012 Rhode Island Avenue
Room 204
Hyattsville, Maryland 20781

Dear Chairman Miller:

I am writing to you today to urge the commissioners to reject the application of Julissa's nightclub for a Class B liquor license.

Julissa's is located in a shopping center at East-West Highway and New Hampshire Avenue in Takoma Park. A shopping center typically has store entrances and parking in the front. The layout of this center is different. The parking is in the back and Julissa's entrance is in the back. The center is surrounded on three sides by residential housing. In addition, the egress to and from New Hampshire Avenue is not well designed. There are serious questions about the ability of patrons to escape if this parking lot is full and a fire should occur. A full parking lot in non-emergency situations results in gridlock and a lot of honking.

My living room is approximately 10 feet from the parking area and my bedroom is 20 feet away. Some of my neighbors' bedrooms are about 10 feet from the parking lot.

Patrons don't usually arrive at the nightclub until after 10 p.m. On one occasion I tried to call the club to see if they would turn down the music and they aren't listed in either the directory or with information.

The police have been called frequently in the past because of disturbances coming from both the nightclub and the parking lot. I have called the police at least 10 times because of late-night music, yelling, and loitering in the parking lot.

I was awakened from a deep sleep one Sunday morning at approximately 12:30 a.m. by the noise. When I got up to investigate, I discovered the parking lot full of cars and about

10 groups of between four to six people each hanging out at various cars yelling and with music going in the cars. This was in October with the windows to my house shut, and with the club not having a liquor license.

On another occasion, my aunt and I observed that people in the parking lot never seemed to go inside the club. They hung out in groups or played musical chairs with their cars, moving from one parking space to another, constantly cruising the lot. I don't know what kind of activity is going on in this "nightclub," but whatever it is will be exasperated with a liquor license.

If a liquor license is granted, the parking will spill over into the neighborhood, and more people will be loitering in the parking lot, resulting in increased trash and noise, and possibly more violence. Our neighborhood has faced these problems before when the Allen Theatre was in operation in this shopping center.

Allowing this club to serve liquor will make a bad situation worse. Residents in the neighborhood have written letters and signed petitions to you opposing this liquor license. We have the support of the South of Sligo Citizens' Association and the Longbranch-Sligo Citizens' Association. Please do not grant Julissa's a license, either now or in the future.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Allison I. Porter". The signature is written in dark ink and is positioned above the printed name.

Allison I. Porter

Jane Buckwalter
6806 Belford Drive
Takoma Park, MD 20912

Commissioner Robert Miller
Board of License Commissioners, P.G. County
5012 Rhode Island Avenue
Hyattsville, MD 20781

March 21, 1993

Dear Commissioner Miller:

I am writing to let you know of my opposition to the approval of a liquor license for Julissa's nightclub, at 6824 New Hampshire Avenue. This is not the first time I have voiced my opposition against a liquor license for Julissa's; please see attached letter dated January 22, 1992 regarding the owner's last attempt to obtain a liquor license.

I have lived four doors from the parking lot behind Julissa's for the past seven years. Ever since Julissa's opened its doors in 1991, I have witnessed a decline in the quality of life in my neighborhood. I am awakened at 4:00 am to the sound of music emanating from Julissa's, I pick up beer bottles and cans and associated trash in my front yard on a regular basis after large events at Julissa's, and the frequency of gunfire originating from the parking lot has increased greatly.

The owner of Julissa's has told our community that he runs a restaurant. This is not the truth. Julissa's is not a restaurant, but a nightclub. Julissa's hosts Go-Go bands and advertises for patrons to bring their own liquor—which they drink not only in Julissa's but in their cars and in the open air in the parking lot. This situation is a recipe for disaster—it is only a matter of time before someone gets hurt.

Mr. Perez, the owner of Julissa's has been approached by several members of my neighborhood about the disturbances and noise. He refuses to acknowledge the problem. At the Takoma Park City Council meeting held on January 21, 1992, he was encouraged to work with the community to deal with these issues. Several of us gave him our names and phone numbers and voiced our willingness to meet with him. We've heard nothing from him in the following 14 months. Mr. Perez only met with us (March 9, 1993—two weeks before his hearing in front of your Board) at the urging and coordination of our County Council Representative, Mr. Del Guidice. During the meeting, it quickly became obvious that Mr. Perez is not at all interested in the affect his business has on our neighborhood.

Mr. Perez has done nothing in the past 14 months to change my original opposition to a liquor license for Julissa's. And until I can sleep through the evenings without being awakened by the loud music, until I stop seeing beer bottles and trash accumulating on my front lawn, and until I stop hearing gunfire coming from Julissa's parking lot I will continue my opposition not just to the granting of his liquor license but to the existence of his business.

I thank you for your consideration in this matter.

Sincerely,



Jane Buckwalter

Jane Buckwalter
6806 Belford Drive
Takoma Park, MD 20912

Chairman Robert Miller
Board of License Commissioners
5012 Rhode Island Avenue
Hyattsville, MD 20781

January 22, 1992

Dear Chairman Miller:

I am writing to you regarding the pending application for a liquor license for Julissa's, located in the strip shopping center at the corner of Ethan Allen (MD 410) and New Hampshire Avenue.

I have lived at 6806 Belford Drive, Takoma Park, Maryland for the last six years. During that time, I have often been disturbed by noise (many times the sound of gunfire) emanating from the parking lot behind the old Allen Theater on New Hampshire Avenue. (Belford Drive dead-ends at the parking lot behind the old Allen Theater; cars cannot access the parking lot from Belford Drive, but there is a pedestrian walk-through.) The parking lot is used by the patrons of Julissa's.

On Tuesday, January 21, 1992, I attended a meeting held by the Takoma Park City Council to consider a resolution against awarding a liquor licence to Julissa's. Even though the house I rent is not within Takoma Park City limits, I attended and urged the City Council to vote for the resolution against awarding the liquor license.

I am bothered by two issues. First, our neighborhood has already experienced late-night noise due to patrons arriving and departing Julissa's. I feel the presence of alcohol will only exacerbate these problems.

The second issue involves the use and management of Julissa's itself. Mr. Perez, the owner, stated to the Takoma Park City Council that "he only runs a restaurant", that except for "special events" he will close at 10:00 pm. What are these "special events"?? Good question.

Mr. Perez's characterization of Julissa's as a restaurant is not the perception held by the community at large. I have seen notices on telephone poles up and down New Hampshire Avenue, Military Road and Georgia Avenue in the DC/Silver Spring/Takoma Park area advertising go-go clubs appearing at Julissa's. A co-

worker of mine mentioned that he has heard advertisements on WPGC (a radio station in Greenbelt) for live entertainment at Julissa's. I called WPGC and talked to a person in advertising. Two events have been advertised through that radio station: in October, there was an event geared to college students celebrating the University of Maryland's homecoming weekend; in November, an independent promoter rented out Julissa's and advertised a live music event geared to teenagers that was to last until midnight. The person I talked to at WPGC was familiar with Julissa's and even referred to it as a nightclub. My co-worker referred to it as a nightclub. It seems like everyone but the owner perceives of Julissa as a nightclub.

Our neighborhood has enough problems with the amount of crime that we presently have had to deal with. During the last couple of months, the following has taken place:

In November, new neighbors moved in across the street; shortly after their arrival, their home was broken into and they were robbed.

On Thanksgiving morning my husband and I stopped for an early morning breakfast at the Hardees on New Hampshire located two blocks from our house; it was closed because the manager had been stabbed to death the day before.

The following week, the liquor store at Eastern and New Hampshire (four blocks from our house) was robbed at gun point.

Last Friday, two of my neighbors aided PG County police in apprehending 3 suspects that had stolen a car and stashed it on our street.

The last thing we need is a nightclub that serves alcoholic beverages. Please deny Julissa's application for an alcohol license and help us save our neighborhood.

Sincerely,

Jane Buckwalter
Jane Buckwalter

Saturday, March 20, 1993

Robert Miller, Commissioner
Prince George's County
Board of License Commissioners
County Service Building
5012 Rhode Island Avenue
Hyattsville, MD 20781
(301) 699-2770

Dear Commissioner Miller:

We are writing to request that the Class B beer, wine and liquor license applied for by Julissa's nightclub located at 6824 New Hampshire Avenue be denied. Since we are unable to attend the Prince George's County public hearing scheduled for Thursday, March 25, 1993, at 10:00 AM, to testify before the Board of License Commissioners at the County Service Building, we would like to express our views to you in this letter.

We are homeowners in the Hampshire Knolls subdivision of Prince George's County which is located approximately 1 block from Julissa's. We purchased our home in August, 1990. We oppose the issuance of a Class B beer, wine and liquor license for Julissa's for the following reasons:

1. PARKING. Frequently, there are no parking spaces available for residents on Belford Place and Prince George's Avenue. We have observed that most of the parked cars on these roadways belong to occupants of the high-rise apartment complex located directly across the street on the East side of New Hampshire Avenue. Julissa's has insufficient parking spaces to accommodate the patrons who would attend the nightclub should it be issued a Class B license. The spill over would exacerbate this existing problem.

2. LITTER. The expected increase in pedestrian traffic going to and from Julissa's on New Hampshire Avenue after parking on the roadways mentioned above, may lead to unwanted bottles, cans and food containers being pitched onto home owner's property. Litter is a minor problem now. We do not want to go out every day and clean up after people littering on the way from Julissa's. As you are well aware, litter attracts vermin, contributes to minor cuts and abrasions - especially to young children at play who may trip or fall onto broken glass - and detracts from the natural beauty of the environment.

3. NOISE. A good night's rest is important to us all. Children need to be refreshed and alert in the morning so that they are ready to learn at school. Adults require undisturbed sleep so that they are alert for the morning's commute and so that they may work safely and productively a.

their jobs. During the past year, Julissa's has hosted gatherings of people in its nightclub. During these gatherings, patrons have been observed consuming alcohol on the parking lot and excessively loud music has blared from the club well past midnight. Many of my neighbors whose homes are adjacent to Julissa's have heard sounds during these gatherings. These sounds include loud shouting, car horns, bull horns and gun shots. We find this fact both disturbing and frightening. How can anyone sleep under these circumstances?

4. CRIME. In June of 1991, our home was broken into while we slept. As victims of crime, we are sensitive to the epidemic of crime in the Metropolitan area. We feel that Julissa's owners are insensitive to the concerns and fears of the community. We believe that their disregard is irresponsibly contributing to a potential increase in crime.

We believe that the issuance of a Class B beer, wine and liquor license to Julissa's would be detrimental to the adjacent residential community of Hampshire Knolls. We feel that the nightclub has applied for the license strictly to improve attendance at its events without regard for the surroundings families and their property.

Thank you for considering our request to deny the Class B license to Julissa's.

Sincerely,

Barre Bull
Sandra Lee Filippi

Barre Bull
Sandra Lee Filippi
501 Belford Place
Takoma Park, MD 20912-4838
(301) 270-4765 home
(301) 322-0436 work

J. EVANS WALTER
6715 Conway Avenue
Takoma Park, Maryland - 20912-4802
Phone: 1-201-270-3039

Thursday, March 18, 1993

~~Commissioner Robert Miller
Board of Licenses - P.G. County
5012 Rhode Island Ave.
Hyattsville, MD. 20781~~

Dear Commissioner Miller:

Re: Julissa's Application for a
Class-B Liquor License

I, and many of my neighbors, have been residents of the beautifully landscaped neighborhood known as Hampshire Knolls West since 1958, or sooner. We are also surrounded by other quiet and peaceful areas that are ideal for good, clean family living free from the restless bolter-skelter that is trying to encroach upon us from the undesirable metropolitan areas not too far from our peaceful enclave. We are determined to keep our neighborhood like it is and are opposed to any changes that might infest our area and bring about its decay.

From what my neighbors say, Julissa's Nightclub is encroaching upon our peaceful residential harmony. It is slowly intruding upon our cherished rights to live a quiet and peaceful existence in our hard earned family residences in our normally sedate neighborhood. We object to this unwanted intrusion. We are, therefore, vehemently opposed to Julissa's being granted a Class-B liquor license; or any similar priveleges that would cause this place to become a haven for undesirable patrons who would disturb our normal peace of mind and intrude upon our rights to live in our homes in a lawful and peaceful manner.

Please deny Julissa's request for a Class-B liquor license, or any similar priveleges that would enable it to become a detriment to our neighborhood and peace of mind.

Very truly yours,



J. Evans Walter

cc: Allison Porter
6812 Belford Drive
Takoma Park, MD 20912

406 Circle Avenue
Takoma Park, MD 20912

March 8, 1993

Commissioner Robert Miller
Board of License Commissioners, P.G. Co.
5012 Rhode Island Avenue
Hyattsville, MD 20781

Dear Commissioner Miller:

It has just come to our attention that Julissa's, a nightclub located on New Hampshire Avenue, is applying for a liquor license. We are not able to attend the hearing on March 25 because we both work full-time. However, we would like to be on record as Hampshire Knolls neighbors who are definitely opposed to Julissa's being granted a liquor license.

We have been home owners on Circle Avenue for almost five years now and like the fact that our street is a quiet residential one. Over the past several years there seems to be increased cases of vandalism and break-ins. While we cannot attribute these cases directly to Julissa's, having a nightclub this close to a residential area certainly has not helped matters. We have heard neighbors on Elm Avenue complain about noise and disturbances, especially on weekend nights, because of parties at Julissa's. We all fear that if an alcohol license is granted, things will just be that much more difficult. We strongly urge you to deny Julissa's application to serve alcohol on their premises.

Thank you for your time and attention.

Sincerely,



Vivian Fong
Wendy Bell



cc: Andy Thompson
Allison Porter



18 March 1993

Commissioner Robert Miller
Board of License Commissioners, P.G. County
5012 Rhode Island Avenue
Hyattsville, MD 20781

Dear Commissioner Miller:


My name is Tawna Grasty and this letter comes to you on behalf of my family and my neighborhood. It has come to my attention that Julissa's, a neighborhood nightclub, is once again applying for a liquor license. I wrote the board about fourteen months ago when Julissa's first requested a license. I opposed the issuance of a liquor license then and I vehemently oppose it now.

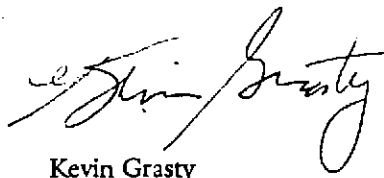
The situation between Julissa's and the surrounding residential neighborhood has not improved in these fourteen months. Our family lives toward the bottom of Belford Drive and sometimes we cannot enjoy a spring or summer night because the noise from a Julissa's event is unbearable. We cannot take our kids up to the parking lot to practice bike riding (we could prior to Julissa's) because the lot is often strewn with broken or partially consumed liquor bottles. (Julissa's patrons often bring their own liquor; isn't this a track record to be earnestly reviewed?)

We would like to and do support the neighborhood businesses but Julissa's does not support us. Mr. Perez (Julissa's owner) either disregards our requests for consideration or simply cannot control the huge crowds that patronize Julissa's. Either situation means the same, the neighborhood residents suffer frequent and annoying disturbances. Julissa's is a nightclub that attracts large, loud numbers and as such a liquor license would only serve to exacerbate our already maddening problems. As a business, a nightclub is not conducive to a peaceful neighborhood. As a rule, liquor does not encourage cleaner, quieter and more cooperative behavior. As an owner, Mr. Perez does not facilitate a peaceful coexistence.

Mr. Perez seems to currently have more on his plate than he can or will handle. Please do not reward him by extending his privileges and adding more responsibility to his proven, irresponsible plate. Please do not grant him a liquor license.

Sincerely,


Tawna Grasty


Kevin Grasty

Grasty

6804 Belford Drive • Takoma Park, MD 20912-4842 • (202) 891-2378

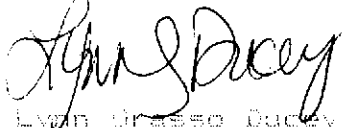
Takoma Park is well-known as a close and outlooked community, where families live peacefully. This is rare for a community so close in distance to the violence of the District of Columbia. We want to see that Takoma Park neighborhoods stay free of alcohol-related noise and violence. Please help us in keeping our community safe.

Our community is ready to take a stand at the hearing on March 28. We have researched Mr. Perez's establishment which he deems a "restaurant." To us, it is a nightclub, allowing patrons to bring their alcohol on the premises, then dump their remaining trash on the parking adjacent to our community. This is not a responsibly-run, neighborhood restaurant—it is a risk to our community.

Please consider this letter and the many reports from our neighbors in opposition to the liquor license application of Mr. Perez for the Quilissa's nightclub.

Thank you.

Sincerely,



Lynn Grasso Ducev
8807 Lerford Drive
Takoma Park, Maryland 20912

✓ cc: Mayor Sharpe, Takoma Park, Maryland

March 22, 1993

Mayor Ed Sharp and
City Council Members
7500 Maple Ave
Takoma Park, MD 20912

Dear Mayor Sharp and City Council Members:

As a citizen of Takoma Park, I appreciate your willingness to address our neighborhood concerns. I ask you to support my neighborhood in opposing Julissa's application for a liquor licence, which will be considered by the PG County License Board on March 26.

We have come to you before on Julissa's earlier application, and you came through for us at your 1/21/92 special session. We told you that Julissa's operates as a club, too often with loud crowds and loud music immediately beyond our back yards at 2 or 3 a.m. We said that this happened without a liquor license, and we didn't want to find out what would happen with a liquor license. Your conclusion then was that Julissa's owner needed to do two things before you could consider supporting his liquor application:

- * Seek better relations with his neighbors.
- * Be clear whether he wants to run a restaurant or a club.

Since January 1992 (when Julissa's withdrew its liquor application after seeing that neighbors intended to stay at the PG hearing as long as necessary in order to speak in opposition), Julissa's has continued to disturb our sleep periodically with after-midnight noise of crowds and music. I wish I had had the stamina to have recorded all dates and times, but 2 a.m. is not my best hour for careful work.

One particularly memorable night was this past October 18, when I called the police at 12:55 a.m. The woman who answered told me that she had heard an officer comment, in response to a prior call that night about Julissa's, that "the crowd is out of control." Some of that crowd had spilled out of Julissa's into the parking lot at the corner of my back yard. My husband called again at about 3 a.m. because the noise -- which had abated briefly about 2:30 -- was back at full volume. The noise eventually stopped. In this instance the PG County police did respond to citizen calls about noise, although they don't always do so; yet even the police weren't able to bring reasonable quiet within a reasonable time. And this is without a liquor license.

I hope you'll check to find out if Julissa's is applying for a liquor license for a restaurant. I find no evidence that Julissa's is really a restaurant, as the owner claimed at your 1/21/92 special session. At that session, the owner stated that Julissa's is a restaurant open from 11 a.m. to 10 p.m., unless he

puts out a sign at the door saying he will be closing early for a special event. He characterized a typical "special event" as a birthday party or anniversary. These special events would have to be quite large to require closing the entire establishment, since he claimed that Julissa's authorized capacity is 365 or 465 (I've forgotten which, but I think it's 465).

Since January I have regularly checked to see if we could go to dinner at Julissa's "restaurant." I've looked for whether there are any hours of business posted outside the doors, if customers are coming in and out at normal lunch or dinner hours, or if there are any other indications that Julissa's is regularly open for walk-in diners. I've never found any sign that this is a restaurant.

The only Julissa's "signs" I've seen have been neon placards stapled to electric poles along New Hampshire Avenue. One of these signs from this past fall says, "The GOOD OLD DAYS ARE BACK!!!...Bring your own drinks...Reggae...Go-Go...JULISSA'S... WED. SEPT 1 AND Every WEDNESDAY 10:00 P.M. 'til 3:00 A.M." It sounds as if Julissa's has made its choice: no normal restaurant hours and instead normal go-go hours ... at an establishment with a capacity of about 400 people ... nearly in my back yard.

My husband has been in the establishment for a recent meeting coordinated by Steve DeGiudice's office, but he didn't see tables for dining. He saw theater-style rows of chairs without tables for eating; the chairs were occupied by hundreds of men, facing a wall on which was projected a cable athletic event.

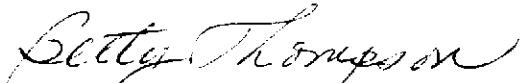
In contrast, according to the Board of License Commissioners' Rules and Regulations, R.R. No. 25 says, "A 'restaurant' shall be defined as any establishment located in a permanent building with ample space and accommodations commonly known as a restaurant wherein hot meals are habitually prepared, sold, and served to the public during the hours it is regularly open for business.... It shall have a dining area or areas with sufficient tables, chairs, and/or booths to comfortably seat and accommodate patrons.... There shall be employed a sufficient number of cooks, waiters, and/or waitresses to serve the number of patrons provided for in the dining area or areas.... Each restaurant shall maintain and display a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders made from said menu. Any interruption of restaurant facilities for any reason whatsoever must be reported to the Board promptly." R.R. No. 27 adds that "All Class B...licenses must have available from the regular menu, hot meals between the hours of 8 a.m. to 10:00 p.m. and hot food, sandwiches, and salads from 10:00 p.m. to 12:30 a.m.... "

If Julissa's owner intends to run a restaurant, then he should prove that he knows how to do that before he asks to offer liquor, too. If the owner intends to run a club and not a restaurant, then clearly his establishment does not belong facing

into the yards of our quiet neighborhood; he should relocate to a more suitable location before he applies for a license. In any case, he should not get a liquor license at this time. Our repeated after-midnight experiences reinforce that conclusion.

If Julissa's and the PG police can't keep control of Julissa's 400-person-capacity crowds and loud music without a liquor license, we are certain that the situation would be even worse with a license. Please oppose Julissa's application for a liquor license with the PG Board of License Commissioners.

Sincerely,


Betty (Frances B.) Thompson

611 Elm Avenue
Takoma Park, MD 20912
301-270-6790 (home)
202-708-9960 (work)

**IN APPRECIATION OF PAULA S. JEWELL, CMC, CITY CLERK
RESOLUTION #1993-24**

WHEREAS, *Paula S. Jewell is leaving the City of Takoma Park to become City Clerk of the City of Rockville, Maryland, as of April 1, 1993; AND*

WHEREAS, *Ms. Jewell began her career with the City as Deputy City Clerk in 1986, became Acting City Clerk in 1989 and then became City Clerk on July 3, 1990; AND*

WHEREAS, *among her many professional accomplishments Ms. Jewell joined the International Institute of Municipal Clerks (IIMC) and completed the IIMC requirements to become a Certified Municipal Clerk in 1990, served as Vice-President of the Maryland Municipal League Clerks Association from 1989 to 1991, and currently serves as President of the MML Clerks Association since 1991; AND*

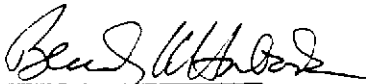
WHEREAS, *included in her duties over the past six years, Ms. Jewell has processed approximately 345 Ordinances and 687 Resolutions for codification, numerous petitions for speed humps, parking permit areas and designated sledding areas, and permits for canvassers/peddlers, public space and street closures; AND*

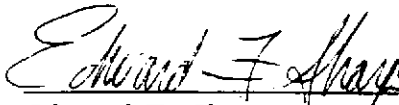
WHEREAS, *Ms. Jewell is to be commended for a superb job of agenda planning and preparation for weekly Council meetings; preparation of Council meeting summaries and minutes; maintenance of official City records; administering three City elections; professional representation of the City; and willing devotion of personal time to other city events and functions.*

NOW, THEREFORE, BE IT RESOLVED THAT *the City Council, on behalf of the citizens and employees of the City of Takoma Park commends Paula S. Jewell on her exemplary contributions and dedicated and unselfish service to the citizens, staff and Council of the City of Takoma Park, Maryland.*

Adopted this 22nd day of March, 1993.

ATTEST:


Beverly K. Habada
City Administrator


Edward F. Sharp, Mayor



Introduced By: Councilmember Porter

RESOLUTION NO. 1993-25

EXPRESSING THE OPPOSITION OF THE TAKOMA PARK CITY COUNCIL TO THE GRANTING OF A CLASS B, BEER, WINE AND LIQUOR LICENSE TO JULISSA'S RESTAURANT

WHEREAS, the City has been notified that Julissa's Restaurant, located on New Hampshire Avenue, has applied for a Class B, Beer, Wine and Liquor License; AND

WHEREAS, during the time Julissa's has been open, residents of the adjoining neighborhood have complained repeatedly about excessive noise from the building and from patrons congregating in the parking lot often into the early morning hours, about trash left on lawns and sidewalks, and about Julissa's patrons' cars parked in the neighborhood making it difficult for residents to find parking; AND

WHEREAS, the entrance to Julissa's as well as most of the parking is located at the back of the building, only a few yards from the homes of the nearest neighbors; AND

WHEREAS, the police have been called to Julissa's numerous times due to noise and disturbances caused by patrons; AND

WHEREAS, in January 1992, the Takoma Park City Council went on record opposing the granting of a liquor license for Julissa's Restaurant; AND

WHEREAS, the owner has failed to demonstrate appropriate control over his current operations and patrons, and this would be exacerbated by a liquor license.

NOW THEREFORE BE IT RESOLVED THAT the City Council does hereby find that the noise, trash, and parking problems caused by Julissa's Restaurant have continued to create an untenable situation for residents of the neighborhood, and that the serving of liquor in Julissa's would exacerbate these problems; AND

BE IT FURTHER RESOLVED THAT the City Council reiterates its previous position taken in 1992 and continues to strongly opposes the granting of a liquor license to Julissa's Restaurant now or in the future; AND

BE IT FURTHER RESOLVED THAT copies of this Resolution shall be sent to the Prince George's County Board of License Commissioners and to County Councilmember Stephen DelGiudice.

ADOPTED this 22nd day of March, 1993.

ATTEST:


Paula S. Jewell, CMCA City Clerk

Introduced by: Councilmember Leary

RESOLUTION #1993-26

COMMENDING CITY PUBLIC WORKS STAFF FOR THEIR EXCELLENT PERFORMANCE IN SNOW REMOVAL THROUGHOUT THE CITY

WHEREAS, on March 12 and 13 the Washington Metropolitan area was hit with approximately twelve inches of snow plus freezing rain and sleet; AND

WHEREAS, Public Works crews demonstrated extraordinary diligence and competence in quickly making city streets passable; AND


WHEREAS, Willis Shafer, Streets and Parks Supervisor, responded with round-the-clock effort for more than 48 hours to coordinate the Public Works efforts; AND

WHEREAS, Houston Jenkins, Building Maintenance Supervisor and Wayne Robertson, Master Mechanic, also demonstrated exceptional effort in support of the snow removal

NOW THEREFORE BE IT RESOLVED, THAT the City Council of Takoma Park, Maryland commends Public Works staff members for their skilled and diligent response to a difficult problem; AND

BE IT FURTHER RESOLVED, THAT the City Clerk be requested to place this Resolution in the permanent record of the City, and that a copy be given to City Public Works employees in recognition and appreciation of their performance.

Dated this 22nd day, March, 1993


Edward F. Sharp
Mayor

ATTEST:


Paula S. Jewell, CMC/City Clerk

Introduced By: Councilmember Prensky

RESOLUTION #1993 - 27

**COMMENDING CITY BUSINESSES FOR REMOVAL OF SNOW FROM
THEIR STORE FRONTS AND SIDEWALKS**

- WHEREAS,** on March 12 and 13, the Washington Metropolitan area weathered the 'Blizzard of 93' that left the area blanketed with approximately twelve inches of combined snow, freezing rain and sleet; AND
- WHEREAS,** specified by Sec.11-36 of the City of Takoma Park Code, in part, "every owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk shall keep the sidewalk adjoining the property free from snow and ice and for the full paved width of the sidewalk;" AND
- WHEREAS,** Code Enforcement staff conducted drive-by inspections of Takoma Junction, Old Town, Flower Avenue & Piney Branch, and Takoma/Langley Crossroads business areas to survey their snow removal efforts; AND
- WHEREAS,** the following businesses had performed complete removal of snow from their store fronts and sidewalks: All businesses of Takoma Junction - J.B. Fleming Company, Suds A. Laundromat, Turner Electric Company, Takoma Junction Texaco, Kinetic Artistry, Pizza Calzon's, World Trade Associates, Takoma Framers, Salon 2000 Inc., Carriage House Cleaners, Access International Press Inc., El Pulgarcito Grocery, TJ Food Market Grocery & Deli, Takoma Park Animal Clinic, Healey Surgeons, Takoma Letter Shop, Knee High To A Grasshopper Children's Consignment, Family Pets, Roland's Unisex Barber/Salon; Old Town businesses - Green Goods, Takoma Old Town Service Center, S&A Bead Shop, Well Read Books, House of Musical Traditions, Andean Traders, Mark's Kitchen, Takoma Gallery, The Law Offices of Susan Silber, NationsBank, Now and Then, Chuck and Dave's, Pizza Movers, Takoma Laundry, Kaz, Jack Allen Carpets, Park Pharmacy; and Takoma/Langley Crossroads businesses - Zodiac Records, Midas Muffler Shop, and Sari Restaurant.

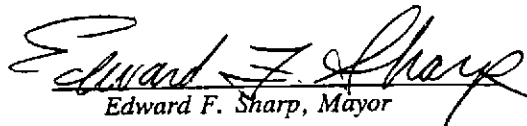
NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park, Maryland commends the exceptional efforts of these City businesses to keep their sidewalks shoveled during the 'Blizzard of 93'; AND

BE IT FURTHER RESOLVED THAT the City Clerk be requested to place this Resolution in the permanent record of the City, and that a copy be given to each of the above named businesses in recognition and appreciation of their performance.

Dated this 22nd day of March, 1993.

ATTEST:


Paula S. Jewell, CMO/City Clerk


Edward F. Sharp, Mayor

Introduced by: Mayor Sharp

Resolution # 1993 - 28

RESOLUTION ON JOINING THE ENVIRONMENTAL PROTECTION AGENCYS

"GREEN LIGHTS" PROGRAM

- WHEREAS, cost effective improvements in lighting technologies could reduce energy used to light municipal buildings in the City of Takoma Park by 30-50 percent or more with corresponding reductions in utility bills and air pollution emissions associated with electrical generation; AND
- WHEREAS, the U.S. Environmental Protection Agency (EPA) has developed "Green Lights" as a voluntary program to encourage and assist participating businesses, governments, and other institutions to implement cost-effective lighting upgrades over a five-year period; AND
- WHEREAS, participation in the "Green Lights" program offers the City of Takoma Park numerous advantages including a framework for the City to upgrade the lighting in its municipal buildings with consequent environmental and cost-savings benefits; AND
- WHEREAS, participation in the "Green Lights" program makes the EPA's extensive computer and other informational resources on lighting and financing options available to the City; AND
- WHEREAS; the "Green Lights" program is premised on the assumption that no investments be made that are not cost-effective; AND
- WHEREAS; the five year timeframe afforded "Green Lights" participants to make whatever lighting upgrades it determines to be cost-effective should provide more than ample time in which to develop, finance, and implement a responsible upgrade program for the City; AND
- WHEREAS; the "Green Lights" program is voluntary and Takoma Park can withdraw from it at any time without fear of any form of financial or legal sanctions if it subsequently determines that it cannot comply with the voluntary guidelines of the program or that EPA failed to provide the support services it has promised; AND
- WHEREAS; nearly 750 major companies, many state government (including Maryland), local school systems, and other cities (e.g., Houston, TX, Tallahassee, FL, Portland, OR) are now actively participating in the "Green Lights" program; AND

WHEREAS, participation in the "Green Lights" program offers Takoma Park the opportunity to take a leadership role among the municipalities in this area, and to set an example for the residents of the City of Takoma Park; AND

WHEREAS, the members of the Takoma Park Committee on the Environment, based on a six-month review, recommends that the City of Takoma Park participate in the "Green Lights" program.

NOW THEREFORE BE IT RESOLVED THAT the City of Takoma Park hereby formally joins the "Green Lights" program being sponsored by the U.S. Environmental Protection Agency and directs the City Administrator to begin the process of developing a plan to upgrade the lighting technologies used in all municipal buildings in accordance with "Green Lights" guidelines.

Dated this 22nd day of March, 1993.

Introduced by: Mayor Sharp

RESOLUTION #1993-29

AUTHORIZING THE MAYOR TO EXECUTE A PAYMENT IN LIEU OF TAXES
AGREEMENT BETWEEN THE CITY OF TAKOMA PARK AND
WASHINGTON ADVENTIST NURSING & REHABILITATION CENTER, INC.

WHEREAS, the Washington Adventist Nursing & Rehabilitation Center, Inc. (hereinafter the "Corporation") was granted a real property tax exemption from the State of Maryland Department of Assessments and Taxation, for the property at 7525 Carroll Avenue; AND

WHEREAS, the Corporation receives municipal services from the City of Takoma Park and is willing to provide certain financial compensation to the City in return for these services; AND

WHEREAS, the City Council has determined that the Corporation does serve the Takoma Park community, and it is in the City's best interest to be involved in a mutually beneficial relationship with the Corporation.

NOW THEREFORE, BE IT RESOLVED, THAT the Mayor is hereby authorized to execute a payment in lieu of taxes Agreement between the City of Takoma Park and the Washington Adventist Nursing & Rehabilitation Center, Inc.; AND

BE IT FURTHER RESOLVED, THAT the Agreement is attached hereto and made a part of this Resolution of Council action.

Dated this 22nd day of March, 1993.

ATTEST:


Paula S. Jewell, CMC/City Clerk

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 1993, by and between the City of Takoma Park, Maryland, a municipal corporation (hereinafter referred to as the "City") and Washington Adventist Nursing & Rehabilitation Center, Inc., a Maryland not-for-profit corporation (hereinafter referred to as the "Corporation").

WHEREAS, the Corporation is the owner of real property and improvements thereon known as Lots 8, 13, 42, 43, and parts of Lots 9 and 12, B.F. GILBERTS'S SUBDIVISION, with a street address of 7525 Carroll Avenue, Takoma Park, MD 20912 (hereinafter referred to as the "property"); and

WHEREAS, the Corporation is generally exempt from federal, state and local taxation, and has been granted a real property tax exemption by the Maryland State Department of Assessments and Taxation for the property under the provisions of Section 7-206 of the Tax Property Article of the Annotated Code of Maryland; and

WHEREAS, the Corporation receives services from the City and is willing to provide certain financial compensation to the City in return for these services.

NOW, THEREFORE, in consideration of the mutual covenants, terms, and agreements hereof, the Corporation and the City agree as follows:

1. On or before July 1st of each year (although the payment for fiscal year 1992-93 due July 1, 1992 shall be payable on or before March 31, 1993), the Corporation shall pay the sums noted below to the City. These sums shall be paid for eight (8) consecutive years and the amount of each payment shall be as follows:

4. The Corporation agrees to notify the City of the sale, transfer, conveyance, or assignment of the property not less than sixty (60) days prior to the effective date of any such event.

5. This Agreement shall be binding on the heirs, successors, assigns, purchasers, and transferees of the parties and shall run with the property unless this Agreement has been terminated pursuant to paragraph 3 or has expired.

6. This contains the entire agreement between the parties concerning its subject matter, and all prior discussions, negotiations and understandings are deemed merged in the Agreement.

IN WITNESS WHEREOF, the City and the Corporation have executed this Agreement by causing the same to be signed on the day and year first above written.

WASHINGTON ADVENTIST NURSING & REHABILITATION CENTER, INC.

Attest:

Teresa Harlan

By: Leslie M. Tolson

DATE: 3-5-93

CITY OF TAKOMA PARK, MARYLAND

Attest:

By: _____

DATE: _____

First Reading: 3/8/93
Second Reading: 3/22/93

Introduced by: Mayor Sharp

ORDINANCE 1993-9

WHEREAS, In April, 1992, Prince George's County contributed \$3,300.00 to the City toward purchase of a "911" recording device, funding which was placed into an escrow account; AND

WHEREAS, In January, 1993, Montgomery County contributed \$7,355.00 to the City toward purchase of a "911" recording device, funding which was placed into an escrow account; AND

WHEREAS, Montgomery County has a contract with AAT Communications Corporation for the purchase and maintenance of "911" recording devices; AND

WHEREAS, AAT Communications has a Federal GSA contract which allows municipalities to purchase Magnasync (911) recording equipment at a 35 percent discount; AND

WHEREAS, AAT Communications has agreed to sell a 20-channel Magnasync Specialist Plus 2-R (P-20 and T-60), an ICR-401 cassette compiler and associated equipment for \$12,000.00; AND

WHEREAS, The City Administrator qualifies this purchase as a cooperatiave purchase by "piggybacking" on the Montgomery County and Federal GSA bid process; AND

WHEREAS, The City of Takoma Park will have a co-payment of \$1,345;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND: THAT funds in the amount of Twelve Thousand Dollars (\$12,000.00) [be appropriated from the budget, line item 2100-8000] are authorized for the expenditure.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND: THAT disbursement of funds from the escrow account are authorized for this expenditure, with the balance charged to the Police Department Capital Equipment account, account number 2100-8000.

Adopted this 22nd day of March, 1993.

AYES: Sharp, Johnson, Leary, Porter, Prensky
NAYS: None
ABSTENTIONS: None
ABSENT: Hamilton, Elrich

Introduced by: Councilmember Elrich

First Reading: 5/8/93
Second Reading: 3/22/93

Drafted by: Linda Perlman
Asst. Corporation Counsel

Effective Date: 3/22/93

ORDINANCE NO. 1993-10

(Exemption from Chapter 48A of the Montgomery County Code)

WHEREAS, Article 23A, Section 2B of the Annotated Code of Maryland and Section 1-203 of the Montgomery County Code provide that legislation enacted by a county does not apply to a municipality located in the county if the municipality specifically exempts itself from the county legislation; and

WHEREAS, the City of Takoma Park has always handled its own solid waste collection and disposal; and

WHEREAS, the provisions of Chapter 10, Refuse, of the Takoma Park Code govern solid waste collection and disposal and recycling in the City; and

WHEREAS, in order to receive reimbursement from Montgomery County for the cost of collecting recyclables from City residents in Montgomery County, the City of Takoma Park, by Resolution No. 1991-97, agreed that the Montgomery County Comprehensive Solid Waste Management Plan, specifically Montgomery County Council Resolutions 11-382 and 11-2132, would apply within the Montgomery County portion of the City to the extent necessary for the County recycling reimbursement program; and

WHEREAS, although Resolution No. 1991-97 did not make Chapter 48 of the Montgomery County Code effective in the City of Takoma Park, the City of Takoma Park wishes to clarify that it is not subject to the Montgomery County Code provisions dealing with solid wastes by enacting this ordinance specifically exempting the City from Chapter 48 of the Montgomery County Code.

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

SECTION ONE. Pursuant to the authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City of Takoma Park exempts itself from Chapter 48, Solid Wastes, of the Montgomery County Code, as amended from time-to-time.

SECTION TWO. This Ordinance shall be effective immediately.

Adopted this 22nd day of March, 1993 by roll call vote as follows:

Aye: Sharp, Johnson, Leary, Porter, Prensky

Nay: None

Absent: Elrich, Hamilton

Abstained: None

First Reading: 3/22/93
Second Reading:

**ORDINANCE #1993-11
FY 93 BUDGET AMENDMENT NO. 2**

AN ORDINANCE TO AMEND THE FISCAL YEAR 1993 BUDGET

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

SECTION 1. that the Fiscal Year 1993 Budget be amended as follows:

General Fund

- a. Appropriate \$22,000 from Unappropriated Reserves for engineering services for the street repair program, and increase Account 3100.6105, Public Works Architectural and Engineering Services, for street repair engineering services.

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

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

AYE:
NAY:
ABSTAIN:
ABSENT:

March 23, 1993

TO : Distribution Noted Below

VIA : Beverly K. Habada
City Administrator *BKH*

FROM : Catherine Sartoph
Deputy Clerk *C Sartoph*

SUBJECT: Council Summary from March 22, 1993 Public Hearing and Regular Council Meeting

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. Additional Agenda Item - Resolution in Appreciation of Paula S. Jewell, CMC, City Clerk. Resolution #1993-24 was unanimously passed recognizing and commending the professional accomplishments of Paula S. Jewell, CMC, City Clerk during her employment with the City. City Council and Staff made farewell comments to City Clerk. **CITY ADMINISTRATOR** to get a copy of the video tape from March 22nd meeting and to give it to City Clerk.
- [] 2. Public Hearing Re: Julissa's Restaurant. The Council heard testimony from 8 residents urging the City Council to go on record opposing the granting of a liquor license to Julissa's Restaurant.
- Resolution #1993-25 was unanimously passed expressing the opposition of the Takoma Park City Council to the granting of a Class B, Beer, Wine and Liquor License to Julissa's Restaurant. **CITY CLERK STAFF** to prepare letter for **CITY ADMINISTRATOR'S** signature to transmit copies of the resolution to the Prince George's County Board of License Commissioners and to County Councilmember Stephen DelGiudice. Mayor Sharp requested that **CITY ADMINISTRATOR** talk to the **POLICE** and **OTHER DEPARTMENTS** and to report back to the City Council with feasible approaches to solving problems associated with Julissa's Restaurant.
- [] 3. Resolution Commending the Public Works Department. Resolution #1993-26 was unanimously passed acknowledging the **PUBLIC WORKS STAFF** responsible for exemplary snow removal efforts during the 'Blizzard of 93.' **CITY CLERK STAFF** to give copies of the resolution to the **PUBLIC WORKS EMPLOYEES.**

- [] 4. Resolution Commending Certain City Businesses. Resolution #1993-27 was unanimously passed commending certain City businesses for shoveling their sidewalks during the 'Blizzard of 93.' **CITY CLERK STAFF** to mail copies of the resolution to the city businesses recognized.
- [] 5. Environmental Protection Agency (EPA) Green Lights Program. Resolution #1993-28 was unanimously passed with amendment to the resolve clause, authorizing the City's participation in a voluntary program that encourages the widespread use of energy-efficient lighting. **RECYCLING COORDINATOR** to amend the resolve clause striking "...appropriate City Departments" and replacing with "...City Administrator."
- [] 6. 1st Reading Budget Amendment Ordinance. Ordinance #1993-11 was unanimously accepted at first reading authorizing FY'93 Budget Amendment #2 to transfer \$22,000 for engineering work associated with the street maintenance and repair program. Second reading is scheduled for 4/12/93.
- [] 7. 2nd Reading Ordinance Re: 911 Recording Equipment. Ordinance #1993-9 was unanimously adopted at second reading with amendments authorizing purchase of 911 Recording Device for **POLICE DEPARTMENT**.
- [] 8. 2nd Reading Ordinance Re: Solid Waste Collection. Ordinance #1993-10 was unanimously adopted at second reading opting out of Montgomery County Code Chapter 48, Solid Waste Legislation.
- [] 9. Washington Adventist Nursing Home. Resolution #1993-29 was unanimously passed authorizing Mayor to execute a payment in lieu of taxes agreement with Washington Adventist Nursing Home.
- [] 10. Discussion of Departmental FY'94 Community Goals (City Clerk and Library). **CITY COUNCIL** agreed that **DEPARTMENT STAFF** should respond in writing to some questions in the interest of saving time.

LIBRARY STAFF to note/respond to the following requests, concerns and questions:

- Councilmember Johnson expressed concern that the Library staffing is not reflective of the cultural diversity of the City.
- Councilmember Leary would like to see stats on City library services (over period of a few years).

- Councilmember Porter wants documentation that there is a major problem getting meeting space in the City before approving the funding for a feasibility study for a new Library meeting space.
- Mayor Sharp not interested in seeing a 'Friends of the Library' group lobby Council at budget time.
- Councilmember Prenskey questioned why the Library does not buy the charge-out machine that it presently rents.
- Councilmember Prenskey interested in the make-up of the New School--how it impacts us, both Montgomery and P.G. County Residents.
- Councilmember Prenskey suggested that staff talk with Donna Firer on how all elderly users can take advantage of large print books.
- Councilmember Prenskey wants to know what is the current lag time in cataloging of ~~books.~~ *media*

CITY CLERK STAFF to note/respond to the following requests, concerns and questions:

- Councilmember Johnson likes the idea of scanning City records; interested in the cost figures.
- Mayor Sharp wants codification brought in-house; knows that Code already exists in PC format and questions what it would take to get it translated into a text document that can be used in-house.
- Mayor Sharp concerned with the time it would take for all Departments to review the Code as a precursor to going ahead with some approach to bringing codification in-house.
- Councilmember Porter to re-issue her ideas on what a staff liaison to associations would be responsible for. Council may want to revisit the idea of assigning a City Staff person to serve as a liaison.

Copies to: City Council
City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
City Clerk
Corporation Counsel
Hsg & Comm. Dev. (Nance-Sims, VinCola, Schwartz, Ross)
Police Dept. (Fisher, Wortman, Young, Kendall, Pinkard)
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)

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- Councilmember Johnson likes the idea of scanning City records; interested in the cost figures.
- Mayor Sharp wants codification brought in-house; knows that Code already exists in PC format and questions what it would take to get it translated into a text document that can be used in-house.
- Mayor Sharp concerned with the time it would take for all Departments to review the Code as a precursor to going ahead with some approach to bringing codification in-house.
- Councilmember Porter to re-issue her ideas on what a staff liaison to associations would be responsible for. Council may want to revisit the idea of assigning a City Staff person to serve as a liaison.

Copies to: City Council
City Administrator Habada
Deputy City Administrator Grimmer
Assistant City Administrator Hobbs
City Clerk
Corporation Counsel
Hsg & Comm. Dev. (Nance-Sims, VinCola, Schwartz, Ross)
Police Dept. (Fisher, Wortman, Young, Kendall, Pinkard)
Public Works (Knauf, Laster, Braithwaite, McKenzie)
Recreation Department (Ellis)
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Correction Page 3/26/93

Summary from 3/15/93

Page 5

(g) Page 24 - Council disagreed with Mr. Prenskey's comment that police enforcement on roads that the City is trying to reduce traffic on that are recognized as residential streets shouldn't be given preferential treatment like arterials.

STAFF will pull together these points raised by Council and Council will continue discussion later.

- [] 9. Takoma Park Volunteer Fire Department. Mayor Sharp will talk with individual members of the Council about who to appoint as a replacement for Councilmember Hamilton, since he is resigning from the Board because Mr. Sharp asked him to work on the MML Cable Project.
- [] 10. Executive Session. Upon motion by Mr. Johnson; seconded by Mr. Elrich, the Council convened into Executive (Closed) Session to discuss Union negotiations. The Executive Session adjourned at 11:18 p.m.

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