

Public Hearing and Regular Council Meeting of the City Council

November 8, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Johnson	City Clerk Sartoph
Councilmember Leary	Deputy City Clerk Espinosa
Councilmember Porter	Community Planner Schwartz
Councilmember Prensky	

CITY OFFICIALS ABSENT:

Councilmember Hamilton

The City Council convened at 7:35 p.m. on Monday, November 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 announced that Congressman Wynn will be present for a forum on gun control, "Searching for Solutions" that is scheduled for November 15, 7:30-9:00 p.m. at the Takoma Park Junior High School.

Mr. Prensky commented that he did not seek re-election in the City Election and that he will not be present next Monday to make his farewell remarks, at the time of transition from the outgoing to incoming Council. He named several reasons why he did not seek re-election, and elaborated on his commitment to parenting and spending time with his son, Sol. He noted why he originally ran for office, including some of the obligations that he has had to his constituents and the realization that he cannot do it all or comment on all things. He said that citizens should be assured that the City is blessed with a staff and workforce of largely dedicated, responsible, skilled and decent people who care about the citizens of Takoma Park. He commented on the leadership of the senior staff members. He named some of the issues that he has stood for--spoke against reciting the pledge of allegiance as a preamble to Council meetings; supported a ban on cigarette vending machines from the easy access of children; visited Companion City Santa Marta; fought to save the Takoma Park Parent-Child Resource Center; represented the City at 4th International Conference of Nuclear Free Zones; represented residents of Walnut Avenue in efforts to affect traffic controls; championed the rights of non-U.S. citizen residents and tax payers to have the right to vote in municipal elections; championed the rights of the tenants of the City to be better protected from irresponsible landlords; helped Hispanic day laborers working with the Casa de Maryland to have a place to trade their labor for a fair wage; and helped the City secure a \$175,000 allocation of CDBG funds to help Takoma Park to have some substantial say and control over the shape of development in Takoma Junction. He said that as a personal experiment in participatory democracy, he feels that it was successful and encouraged other people to perform the same experiment. Mr. Prensky noted that the city's officials need to take care of the city's basic services before going out into the wider arenas--counties, state, nation, world. Getting active in these wider arenas is as important as fixing the city's street and arresting criminals in the community, because it is these broader principle concerns and passions that define Takoma Park as a community. He recalled the events of Halloween night when the events were moved indoors because of inclement weather. He said that he was talking with Mr. Mitton in the lobby, who had commented that the City had picked the most appropriate place to move the events--the Council Chamber. Mr. Prensky stated that Mr. Mitton went on to explain that the magic show was moved into the Council Chamber, and that there is a magic show that takes place in the Chamber every week. Mr. Prensky commented that he was right in his observation. He thanked the citizens, councilmembers and staff for the opportunity to learn and grow with the city that he really loves.

Ms. Porter noted her appreciation for his talents in working with citizens on neighborhood issues affecting both Wards 2 and 3. She said that she has appreciated his help and interest in working with her on these issues.

Ms. Habada thanked him for his comments about city staff and said that

there are a number of staff members present this evening that really appreciate his comments. She said that he has certainly kept staff on their toes and asked the right questions, and that hopefully, the staff was able to give him the right answers most of the time.

Mr. Elrich noted that he came on the Council two years before Mr. Prenskey did, and that he was thankful when Hank came on the Council because they would often offer each other seconds to open discussion about different issues. He said that Hank did a good job of focusing on what it took to make the city a better city on a day-to-day basis, and that Mr. Prenskey's interest in global issues never got in the way.

Mr. Sharp recalled that when Mr. Prenskey first came on the Council, Hank had some apprehensions regarding how the two of them would work together. He said that he does not feel that there is any question that he and Mr. Prenskey have had probably the best working relationship that he could imagine having, and that, in a lot of ways, Mr. Prenskey's capabilities and insights are not replaceable.

Ms. Habada asked the Council's consent to have a resolution on the Washington Adventist Bond issue. The resolution amends the previous Resolution #1993-90 which was adopted October 11, 1993. She explained that there are some additional comments from the hospital that need to be incorporated, that were received last week.

Mr. Sharp consented to add the item to the end of the regular council meeting.

CITIZEN COMMENTS

Rino Aldrigetti, 7213 Central Avenue congratulated councilmembers who will be returning on the new Council and said that his comments are directed to Mr. Hamilton, Mr. Leary, Mr. Prenskey, and Mr. Johnson. He said over the years that they have served on the Council that he has agreed and disagreed with each of them on some issues. He noted that each person has put in time and effort, for little thanks and pay, and that they deserve the thanks from all people on his side of the microphone. Mr. Aldrigetti thanked them all and added that he hopes they will continue to make their contributions from the other side of the microphone.

He noted that on election day, he observed that the poll workers had been made to stand well back from the entrance to the building. He said that for people who drove up to the building entrance, there was a unique feeling--almost as if there was no election taking place. He commented that he does not know if the law has changed or how the decision was arrived at, but that an election in Takoma Park really is a reflection of the spirit of the city. He said that he doubts that very many votes are changed at the last minute, but that access to the polls by the campaign workers is important to the workers and an opportunity for people who do not normally see each other to talk to each other seriously about city issues. Mr. Aldrigetti said that he thinks these opportunities were taken away from the citizens of the community in the 1993 election, and that an explanation is owed to the citizens of the city regarding how the decision was arrived at. He suggested that the entrance to the building be moved, the polling place be moved, or the person who made the decision be moved.

Raymond Hill, 7104 Poplar Avenue commented that he has lived in the community for approximately 30 years and said that he would like to comment on the Takoma Junction Development.

Mr. Sharp suggested that he save his comments for later in the agenda when this topic will be the subject of a public hearing.

Patricia Axelrod, 308 Boyd Avenue congratulated the winners of the election and commented on the efforts of the candidates that did not win in the election. She stated that she lives in a house that has been declared as contaminated by lead based paint. She said that Ms. Beelar is preparing to move because she has been harassed by her landlord since the time she brought the same matter of lead paint to his attention. Ms. Axelrod said that she has received six eviction notices since April the time when she began bringing this issue before her landlord and that she expects the City of Takoma Park to support what they say is their commitment to affordable housing. She stated that the only affordable housing in the city currently is primarily rental housing and that a good percentage of it is in the hands of slum landlords. She said that she is not alone as a tenant in a home or apartment that is contaminated by lead based paint. Ms. Axelrod

challenged the Mayor to stand up to his conviction for affordable housing and to protect her from eviction by her landlord, Jim Welu. She said that every tenant and resident in this town is entitled to safe and healthful property that is commercial and residential. She commented that if Takoma Park has the guts to be Nuclear Free then the City should be working harder to ensure the safety and welfare of the citizens, including children and women of child bearing age.

Mr. Sharp explained that these comments are in relation to an ongoing discussion between him and Ms. Axelrod about what actions can be taken to deal with issues of lead based paint and lead contamination, more generally. He noted that he has encouraged Ms. Axelrod to make her views known to a citizens group that the city has had for some time now, that is working on this issue to make policy recommendations to the Mayor and Council.

Ms. Axelrod said that Mr. Sharp's statements are not true and stated that Mr. Sharp encouraged her to join in a mediation process, which bought her silence. She noted that she was encouraged to participate in mediation with her landlord that was arranged by the city staff, whereupon she was to promise not to discuss this issue with other tenants or the newspaper. She commented that Ms. Habada told her yesterday that when she vacates her home, Mr. Welu can rent it to anyone. She said that she has a letter from the City Attorney stating that the lead paint in her house would be abated, and that Ms. Habada told her the other day that there is no commitment on the part of Takoma Park to see that the lead paint is indeed abated. Ms. Axelrod said that the city is in breach of the law and liable for law suit if it allows the house to go unattended.

Rudy Arredondo, 251 Manor Circle #5 commented on a recent study regarding the impact of lead paint on children, and stated that the threshold of lead trace in the blood has been lowered to 10 micrograms by the Environmental Protection Agency. He said that the issue of lead based paint continues to be a landlord-tenant problem and that he has been unsuccessful in bringing the issue into the public health arena. He explained that one of his worst experiences as a resident of Takoma Park was the treatment he received when he was to testify before COLTA and was physically pushed out by Ms. Lee-Bryant. Mr. Arredondo noted that in his position with the Governor's Commission on Black and Minority Health, this is an issue of tremendous importance. He said that the comprehensive housing assistance strategies must be in place by 1994, and that he has not heard anything in terms of what the Department of Housing and Community Development is doing. He commented that the DHCD staff is disappointingly hostile, especially toward the people who bring this issue up. He stated that he would like to be part of the solution, and that the issue of lead based paint must be addressed.

Mr. Sharp stated that the city is not ignoring the importance of this issue and that there is a group of people who will be making some systematic recommendations to the Council. He encouraged Mr. Arredondo to make his views known to that citizen advisory committee. Mr. Sharp asked staff to contact Mr. Arredondo and Ms. Axelrod regarding the citizens group.

Ms. Axelrod said that she has been waiting for staff to assist her since April and asked for a commitment from the Mayor to put some controls on Mr. Welu.

Condie Clayton, Maple Avenue noted that in 1985 and 1986 he conducted the first lead based paint testing in the city and that lead based paint has been and continues to be a real problem. He suggested that in addition to the committee that has been established, the city should include these two individuals in efforts to address this issue. He noted that there are funds available through the Community Development Block Grant program and that he would be more than willing to help the city in this regard. He said that the problem not only affects homeowners, but businesses as well, and that when the federal law comes into play in 1994, the city should be ahead if not in time with the federal regulations.

Kay Dellinger, Hampshire Towers commented on the Council's responsibility for the mess that has occurred with the cable station. She stated that two weeks ago, Mr. Hamilton tried to put the blame on Ms. Habada by saying that she ran the station, and that it was an outrageous lie and no other councilmember refuted statements made by Mr. Hamilton. Ms. Dellinger said that Ms. Habada did not run the station nor was she supposed to run it. Takoma Park Community Television had made a contract with the city to run the station. She stated that the point she has consistently made is that

Mr. Hamilton ran TPCT, that Ms. Jacobs was the CEO in name only, and that by virtue of the fact that Mr. Hamilton ran TPCT, he ran the city's cable station. She said that everyone knows that Mr. Hamilton was not on the board of TPCT, but that this fact is irrelevant. She recounted the history of Mr. Hamilton's association with TPCT and the city's cable station, and recalled persons who have written memos to Ms. Habada complaining about the actions of Mr. Hamilton in regards to the cable station. She said what happened to the city's cable station is the Council's fault, the fault of the previous City Council, and most of all the fault of Mr. Hamilton. She noted comments and concerns as expressed by several respected citizens in the past regarding the incompetent and antidemocratic character of some of the persons working on TPCT. She said that the Council ignored the conflict of interest that Mr. Hamilton had from the beginning of his involvement with the city's cable station and that he should never have been allowed to vote on any matter relating to the station. She recalled some of the specific votes that have taken place. She thanked Mr. Coleman and Mr. Young for making public the incredible mess that was made of the station. She said that Ms. Habada's only mistake was in not canceling the contract with TPCT sooner.

Mr. Sharp responded that there are a number of inaccuracies in the statements made by Ms. Dellinger. TPCT has not existed as an entity for years. Mr. Hamilton was never the CEO or in charge of TPCT; what happened behind the scenes may only be speculated. He said that the city is back to ground zero, and that the Council has not been able to identify a satisfactory mechanism for the station. He noted that the programming of the Council meetings has continued to go on thanks to the people that are seen here this evening. Mr. Sharp stated that he has asked the City Administrator to get a group of citizens together to begin rethinking how the city wants to manage cable television in Takoma Park. He encouraged Ms. Dellinger to participate.

Ms. Dellinger said that there are city documents with TPCT at the top of them stating that Mr. Hamilton was the Chief Executive Officer, and asked how it could be stated that TPCT has not existed for years, when the city made a contract with TPCT to run the cable station.

Mr. Sharp responded that TPCT has been in existence for approximately 8-9 months.

Ms. Dellinger stated that TPCT was in existence before they were incorporated and in city documents, Mr. Hamilton has the title of Chief Executive Officer.

Mr. Johnson said that he has sat on the Council for two years and that he has never responded to citizen comments made during the time set aside particularly for citizen comments. Citizen comments represent the beauty of what Takoma Park is all about, but there is a down side to it also. He noted that unfortunately the citizen comment period permits some people to take over the microphone and make a lot of statements that are not true, half true, or great on emotion and short on substance. He clarified that his comments are not directed at the persons who have legitimately spoken on the issue of lead based paint, but that they are directed toward some people who seem to feel that they can take the microphone and shoot down individuals in the city, disregarding civility. Mr. Johnson said that it is sad that some individuals feel free to stand up and defame individuals who are trying to do a good job under difficult circumstances.

George Taylor, 5 Columbia Avenue thanked Mr. Prensky for his leadership in representing the city in the Santa Marta project and commented that Mr. Prensky was in every way a good will ambassador for Takoma Park, passing out commemoration pins and flags. He said that Hank always displayed a heartfelt commitment to bring some hope to that war ravaged village. He thanked Mr. Prensky for taking the time to go to Santa Marta, and as an indirect result of that expedition \$8,000 of medical supplies was later sent there due to courtesy of the Seventh Day Adventists Church, a program to put 30 cows in the village (Cows for Kids Campaign) was launched, and now a medical clinic and day care center are being built in the city. These accomplishments are, in part, due to the visions of Mr. Prensky and others. Mr. Taylor thanked him for his leadership on the Council.

Patricia Axelrod commented that Mr. Prensky has been a good councilmember, has stood up for many issues, and has done his best to assist her. She thanked him and wished him the best in the future. She complimented Mr. Sharp on his efforts for good progressive government, and encouraged him to work toward making Takoma Park lead free by 2002--the year that the Federal

government has proclaimed for 75% of lead-free America.

Eric Sepler, Glenside Drive commented on how people cannot see or hear cable broadcasts very well. He thanked Mr. Johnson for his service on the Council and his many efforts in the community.

PUBLIC HEARINGS

#1 Westmoreland Avenue Traffic Management Study. Ms. Schwartz introduced Mr. Faramarz Mokhtari the traffic engineer from the Maryland-National Capital Park and Planning Commission.

Mr. Mokhtari explained that they did the study at the request of the City of Takoma Park. The study area encompassed the area bounded by Ethan Allen Avenue to the North and West, New Hampshire Avenue to the East, and basically Eastern Avenue to the South. He stated that they were charged with looking at the issue and impact of cut through traffic in the residential areas. The study included a collection of data that illustrated the 24-hour turning/movement counts at designated locations, intersection turning/movement counts, and speed studies. He noted that many citizens of the area helped with the collection of the data. The study indicated that the speeding problems only exist along Ethan Allen Avenue, and that cut-through traffic was an issue on some of the major residential streets--Elm Street, Walnut Avenue and Westmoreland Avenue. The magnitude of traffic is not substantially higher than the normal value set for residential streets; however, the percentages are somewhat high. He stated that based on these findings the recommendations cover measures to deter the cut-through traffic on these streets, and explained one of the recommendations to alternate parking in an effort discourage cut-through traffic and reduce speeds of vehicles.

Mr. Mokhtari directed the Council's and audience's attention to a map that illustrates the proposal for alternating parking along Walnut Avenue. In the existing situation there is parking on the North side of the street, and the proposal is to provide parking on both sides of the street by providing a landscaped median (extended curb line). Parking will be reduced by only 2-3 spaces. He commented that there was some concern expressed about the turning radius and whether a school bus can negotiate maneuvers through the parking islands along the street. They feel that a school bus can be accommodated with the proposed scheme. He noted that currently, a school bus cannot make the turn from Walnut Avenue onto Westmoreland Avenue adequately, and said that for this reason, they did not include the corner in their proposed scheme. He said that the second recommendation is for the city to investigate installation of two "No Left Turns" during the peak hours along Ethan Allen Avenue at Elm Avenue and Prince George's Avenue intersections. The third recommendation called for a warrant study to be conducted for a 4-way stop sign at the intersection of Walnut and Eastern Avenues. He commented that they feel that due to the west bound down grade, that a 4-way stop might not be appropriate for this intersection because of the slope and reduced braking distance--increased potential for rear-end type accidents. He stated that in terms of monitoring, they recommend that the city continue monitoring traffic situations on these residential streets, and if the situation does not improve with these recommendations, then the city might consider a more drastic approach such as a traffic diverter at Elm and Poplar Avenues.

Mr. Prensky asked if there is any difference in the grades at the intersections of Eastern/Kansas and Eastern/Walnut.

Mr. Mokhtari stated that the only difference is that the sight distance is better at Eastern/Kansas, but that the grade is almost the same. He noted that Kansas Avenue carries almost the same volume of traffic as Eastern Avenue, whereas Walnut carries only about 1/20 of the traffic volume in comparison.

Joy Barret, Hickory Avenue (B.F. Gilbert Citizens Association) said that she is speaking on behalf of the association who met to discuss the two issues being discussed in public hearings this evening. She stated that they propose first experimenting on Walnut and that they are not comfortable yet with taking any permanent measures or establishing any permanent structures. Any measures taken on Walnut Avenue must be reasonable for both buses and emergency vehicles, and also meet the needs of the residents in that area. She commented that the association supports an interim, trial measure of painting the outlines of where structures would be placed. After a successful trial, they would then support

permanent measures. She stated that they support a 4-way stop at Eastern and Walnut and that they would be willing to canvass and offer volunteer labor in an effort to study this option. She noted that they oppose a diagonal diversion at Poplar and Elm, and also oppose preventing left hand turns onto Elm from Ethan Allen. She stated that they have some reservations regarding alternate side parking on Elm Ave, but feel that all residents along Elm should be in concurrence, and that alternate side parking could present extra hazards. She said that they are asking the city to consider a 4-way stop at Hickory and Elm, a speed bump in front of the school, and/or a 15 mile per hour flashing light on the approaches to the school. If so, then again this should be done with the approval of the area residents. She commented that they recommend keeping the John Nevins Andrews School sign on Eastern Avenue and noted that if the sign is taken down, motorists may spend more time wandering through neighborhoods trying to find the school.

Mr. Leary asked what consequences of the proposal regarding Walnut Avenue would they regard as negative or unsatisfactory?

Ms. Barret stated that they are concerned about the buses and emergency vehicles being able to turn onto Walnut, and the hazards associated with weaving down the street--alternating parking.

Mr. Sharp asked her to explain the opposition about restricting left hand turns onto Elm from East West Highway.

Ms. Barret explained that it is the same reason as the one for wanting to keep the sign on Eastern and that they do not feel that the recommendations will solve the problem. The cut-through traffic on Elm Avenue will figure out alternative cut-through routes.

Ms. Porter commented on the turning radius onto Walnut Avenue and stated that the study was based on the information that the largest fire truck is the size of a school bus and would hence, require the same turning radius.

Ms. Schwartz said that she has since been informed that the fire truck is 43 feet in length and that a school bus is 40 feet in length.

Ms. Porter confirmed that this new information reveals that a fire truck is bigger than a school bus. She asked that this be followed-up to ensure that a fire truck can turn onto the street as illustrated by the proposal.

George Seidel, 437 Ethan Allen Avenue asked that if there is 85% speeding on Ethan Allen, what is to prevent the people who are stopped in traffic from continuing to make the illegal turn.

Rich Dart, Westmoreland Area Traffic Committee spoke on behalf of the Westmoreland Area Community Organization and clarified WACO's position on the traffic plan. He stated that they are limiting their request to just the things that affect WACO the most--the planters on Walnut Avenue. He said that they feel that the planters will be most effective and that they support this recommendation. He noted that the measures that more directly affect B.F. Gilbert Citizens Association should be left to their consideration, but that if they get behind any specific measure, then WACO would probably support them. He said that some of the objections that have been raised in the past have been addressed by this proposal. He commented that if he understands the process, then the planters would originally be painted and if they appear to be effective and the residents are pleased with the results, more permanent structures would be established. He noted that they support the trial process but that they feel that the traffic engineer is probably correct in stating that vehicles will be able to safely pass through the street. Mr. Dart stated that this plan is an alternative to speed humps--a prototype, and that it is time to take the next step and paint the outlines for the planters.

Juan Luis Torres, 900 Elm Avenue congratulated the efforts of the traffic engineer in providing the members of WACO with the plan and stated that he is willing to help WACO in whatever activities they are about to engage in reference to the installation of a 4-way stop sign. He said that he is concerned about a large vehicle making a right turn from Eastern Avenue onto Walnut Avenue, because such a vehicle will not be able to make that turn if an actual structure is erected in that area.

Mr. Prenskey noted that currently, a small passenger vehicle can barely make that turn, and that there has never been the ability for a bus or emergency vehicle to make the right turn coming downhill on Eastern.

Mr. Torres stated that he is concerned about the alternative for restricting left hand turns from Ethan Allen onto Elm Avenue and that considering the traffic counts for this area, the warrant is not there. He said that the city takes a certain amount of liability any time that it puts in a traffic control device that is not warranted. He commented on the expenditures necessary to initiate the recommendations and stated that the Cherry/Colby area could really use a good sidewalk to get to Jackson Avenue.

Leroy Kuhn, 117 Elm Avenue, Principal of John Nevins Andrews School stated that the proposal is based on two things, (1) too much traffic during peak hours and (2) the school is part of the cause for the traffic problem and that the sign directing traffic to the school was unauthorized and should be removed. He said that he is puzzled by the draft traffic study because it seems to read that there is not really a speeding problem. The problem is only perceived. He noted that there has been an overall increase of traffic over the years and that this realistically causes an increase in traffic for residential areas. He stated that the study shows that the volume of traffic is within the range for residential streets and that the speed is within limits. It appears that speed humps have done the job. He gave some statistics regarding the amount of traffic that John Nevins Andrews School draws. Mr. Kuhn concluded that the school's impact on the traffic on Walnut during rush hour is minimal but that the right to use Walnut is very important to the school. Therefore, the sign that was requested by the school and installed with the city's permission on Ethan Allen should remain, and the four entrances to the school (Walnut, Poplar, Elm, Hickory) are important and have a balanced number of vehicles coming into the school. None of these streets should be closed or impeded causing cars to go on other streets. He commented that to further choke traffic on Walnut, Elm, and Poplar is hazardous to vehicle movement. Presently the turn from south Eastern Avenue onto Walnut is very difficult and additional barriers would make it almost impossible to negotiate the turn. He said that by making alternate parking, the tail end of a school bus could hit parked cars along the street. He noted that he concurs with the proposal for a 4-way stop on Eastern however, that he recognizes that the city will have to work with the District on this proposal. He concluded that the school does not want to cause any problems for the community and that they are interested in educating the children with safety for the children, and commented that he sees some safety issues associated with the proposal that need to be addressed.

Patricia Murphy, 6807 Woodland Avenue stated that she is opposed to many of the recommendations and that she sees no clear cut evidence that there is a traffic problem in this area. She said that she is particularly concerned with the alternate side of the street parking recommendation and that she thinks it will pose a serious potential for traffic hazard. She noted that some fear that this is an attempt by the city planners to use the citizens autos as weapons against a questionable traffic problem. Speed humps already present a hazard to emergency vehicles, and an emergency vehicle that has to weave in and out could pose a serious problem to the people, children and automobiles parked along the street. She stated that she has not noted any traffic congestion behind her when she has occasionally made the left turn off Ethan Allen onto Elm Avenue. Ms. Murphy stated that it strikes her that this proposal is an attempt to create upheaval in everybody's lives for problems that are perceived by only a few. The fact is that Takoma Park is located on the edge of a rather large city, and the traffic experienced is part and parcel of an urban existence. She suggested that people need to take responsibility for teaching their children not to play in or near the streets.

Judy Haberek, 6803 Allegheny Avenue said that she particularly opposes the alternate side of the street parking that she believes will cause a lot of weaving of traffic. She stated that she opposes any effort to restrict traffic onto Walnut Avenue and that she does not see that there is any major traffic problem there now. She commented that she feels that the people on Walnut Avenue are asking for preferential treatment and that they must realize that Walnut is a public street and that vehicles have to go on it.

Richard Joy, 7002 Westmoreland Avenue recalled when the streets had no speed humps and that the speed humps that were put in on Westmoreland have done what they were intended to do. He commented on the net reduction of parking along Walnut if the alternate parking be established and said that he cannot think of anything that will upset people more is to lose parking in a situation where there is currently precious little parking. Mr. Joy noted that by alternating parking, there is more space for children to play

between parked cars and possibly jump out in front of traffic. He said that consideration needs to be given to drunk drivers who will have to weave in and out of alternate parking.

Elliott Rosen, 65 Walnut Avenue said that he is speaking on behalf of the citizens of Walnut Avenue. He recognized Mr. Dart for shepherding the community over the last 3-4 years in this effort with a steady approach to address this issue. He noted the process that led to this evening's public hearing: a series of community meetings to discuss traffic issues resulting in a proposal to the City (2 years ago), city began working with a traffic planner, and Council now has a formal proposal submitted by the traffic planner. He thanked the persons who stood out in the weather gathering the data for the study. He said that they are strongly in favor of implementing the portions of the proposal that apply to Walnut Avenue. Streets are built for cars to drive on, yet neighborhoods are built for persons to live in. He recognized that even though traffic is increasing in the area, that residents of the neighborhood do not want to see that trend move onto their residential streets. He said that they implore the Council to not ignore the efforts of the entire community over the years and asked that the city give the traffic planner's proposal a try. Mr. Rosen commented that they feel that the plan is an important step in addressing the issue of traffic in the city.

Bill Valdez, 53 Walnut Avenue stated that he lives in front of one of the speed humps on the street, where vehicles do not slow down and that a problem is not just being perceived. There needs to be a recognition within the city that streets, like Walnut Avenue, that are the main entry into the residential parts of the neighborhood should have some special protection to discourage those people who use it as a cut-through. He commented that there have been numerous discussions regarding the residential traffic, that the residents are not asking for preferential treatment, and that they want some relief from the cars that are speeding through their neighborhoods. He said that the residents are simply asking the city to help them solve a problem that in a way makes sense for everyone in the neighborhood.

Jordan Barab, 55 Walnut commented that he has three small children that have been taught not to play on or near the street. The speed hump does not slow traffic until half-way down the street. He noted that the residents have considered a lot of options, and that there may be inconveniences but the residents will experience them more than anyone else. He stated that they feel it is a bigger inconvenience to have their children at risk. He asked the Council to consider the plan, not a radical one, and to experiment with this idea.

Nancy Weil, 914 Glazewood Avenue (President of South of Sligo Citizens Association--SOSCA) said that she came this evening to speak on behalf of SOSCA. She stated that about a month ago, she wrote a letter in strong support of WACO's traffic proposal, which is not the same as the document that is being discussed this evening. She said that the other proposal was moderate in its efforts to restrict the immediate traffic in certain areas that were problematic and to minimize the impact on outlying areas. She stated that the plan being discussed this evening is much more of a problem for persons living immediately adjacent to the areas studied. This plan is a microcosm of a plan that should be conducted for the entire City. She asked whether the true purpose should be to spare a few residents the traffic that all residents are experiencing? She commented on some of the dangerous conditions and situations that are present in the SOSCA neighborhood and noted that the residents along Sligo Creek Parkway have to walk on the shoulder since there are no sidewalks. She stated that they would like to see an overall traffic picture rather than one that focuses on one area. Ms. Weil said that they have no particular opinion about parking on alternate sides of the street, that a 4-way stop at Walnut and Eastern is largely a decision that should be made by the people on Walnut after considering the increased exhaust fumes, and that they think restricting turns from Ethan Allen onto Elm is a poor idea. All areas have cut-through traffic, most of which is probably local traffic. She commented that installing planters on Walnut is a good idea but only at the end where access is currently difficult (turn from Eastern onto Walnut). She said that they appreciate the efforts of the members of WACO in trying to alleviate traffic problems and urge the Council to implement WACO's proposal as opposed to the one before the Council this evening.

Owen Feldman, 439 Ethan Allen Avenue commented that the only real problem that he sees is vehicles speeding through neighborhoods and that there is a lack of speed enforcement. He said that the city needs more traffic

enforcement and asked who will enforce a "No Left Turn" off of Ethan Allen since there is no one currently enforcing the speed limit.

Terry Healy, 6501 Allegheny Ave concerned about the proposal for a "No Left Turn" off of Ethan Allen Avenue onto Elm and Prince George's. He said that by not allowing vehicles to turn onto those two streets, the traffic will bypass Ethan Allen, go to Poplar Avenue, and come up to John Nevins Andrews School from that point. By complicating Poplar Avenue with alternate parking, drivers could begin working their way around to Cockerille and Allegheny. He commented that by complicating the traffic flow on Walnut one result could be more traffic trying to get out of neighborhoods in other ways on residential streets.

Ingrid Hassen, 62 Walnut Ave said that she supports the WACO plan for the Walnut Avenue situation and pointed out that they have been experiencing an increase in traffic throughout the whole area, but it is not coming from an increase in residents of the neighborhoods. The idea that residents should expect an increase of traffic in their neighborhoods consistent with the increases on other major arteries, should not be the case. She commented that neighborhood streets should not be used for cut-through traffic and that the idea is to preserve the streets in residential areas for the people living in the neighborhoods. She noted that by making trespass more difficult it makes it less attractive.

William Eckert, 7106 Woodland Avenue said that ten years ago he lived on Walnut Avenue and that this issue came before the Council at that time. He noted that the same basic points were made at that time. The people on Walnut Avenue saw a particular problem with the traffic that was ending up on Walnut Avenue. He stated that he thinks it is interesting that this issue has lasted for ten years and that he does not think that this issue is a result of people's imagination. He commented that having lived on Walnut Avenue in the past, he felt that it was a particular problem. The Council should separate this plan from what WACO is actually asking for. He urged the Council to focus on the narrow, limited request being made by the residents along Walnut Avenue--change in traffic pattern and use of parked cars to try to slow down and deter the traffic. If it does not work and becomes a problem for other streets, it can be changed. He stated that the Council should give the people of Walnut Avenue an opportunity to try this approach.

Arthur Karpas, 6916 Westmoreland Avenue (President of Westmoreland Area Community Organization) stated that there really are two agendas here, (1) a traffic plan for larger than just the WACO neighborhood (clearly includes a larger area), and (2) WACO's request to address one part of the agenda--the problem that exists on Walnut Avenue. He said that the portion of the study that addresses Walnut Avenue be given consideration as part of a plan that has received the most attention, study and support. He asked that the Council take a vote on whether the portion of the study that affects Walnut can be put into place as soon as possible. He noted that there seems to be a general agreement to install a 4-way stop at Eastern Avenue where it intersects Walnut. However, maybe a sign should be placed to warn a motorist that a traffic regulating sign is ahead. He received confirmation from the traffic engineer that there are no findings for/against the safety of alternate side of the street parking. He noted that several people have expressed their support for the temporary measures (painting on the street where curb extensions might be placed). He stated that records show that speeding, according to county definitions, does not appear in data, but that the county definitions are also based on streets of certain width. He said that our streets do not have that width. Mr. Karpas said that in regards to the swinging tail of a bus hitting parked cars, the study shows that this is not be a problem. He said that the people on Walnut are not seeking preferential treatment and that they have worked hard for something that they have felt worthy. Residential streets are defined as being for cars that are within three blocks of their destination, and there are clearly cars that are passing through the neighborhood that do not live within three blocks. He stated that these cars should be moved to arterial streets. He commented that motorists do not stop at the intersection of Walnut and Eastern, and that it creates a hazard for the people who are expecting the cars to stop.

Mr. Leary asked whether it is correct that WACO neither supports nor opposes any of the recommendations in the study except those that apply to Walnut Avenue.

Mr. Karpas responded that they greatly respect the traffic engineer and that based on that they would have a tendency to support the points of the

plan. He said that they are very sensitive also to wanting to have things that happen in their neighborhood to come before them so that they can have an opportunity to respond, and that likewise, a primary response should come from the neighborhoods most directly impacted by the other points in the plan.

Mr. Sharp brought the public hearing to a close at 8:28 p.m.

Mr. Prensky said that WACO's initial proposals were the things that reinvigorated the city's efforts to reconstitute its traffic committee, come up with a city-wide transportation plan, and begin several area traffic studies (approximately 12). The Council has been looking for alternatives to speed humps as a way to deter cut-through traffic. He noted that residents of WACO have asked for the experiment, that it is a low cost experiment, and that the Council should move head with agreeing to paint the lines along Walnut Avenue.

Mr. Elrich asked Mr. Mokhtari if cars do seek alternate routes, where is it anticipated that the cars will end up, and will the traffic be redistributed down other residential streets?

Mr. Mokhtari said that they want the cut-through traffic to utilize Ethan Allen, Carroll, New Hampshire, and Eastern Avenues and noted that the traffic going to the school was not identified as cut-through traffic.

Mr. Leary said that he would like to vote for implementing the temporary measure of the study--painting the lines on Walnut Avenue. Seconded by Mr. Prensky.

Ms. Porter said that she would support this idea.

Mr. Sharp said that he would also support this measure.

Mr. Prensky recommended that money be put into the budget to support staff efforts to address all traffic studies.

The Council voted unanimously to paint the lines along Walnut Avenue.

PUBLIC HEARING

#2 Uses of Takoma Junction Site. Ms. Habada noted that there is a fact sheet (an information sheet) available regarding the project and that there is a questionnaire available for persons who may not wish to speak this evening. She briefly explained the project chronology.

Mr. Sharp said that there are a number of things that the City is trying to focus on to take an active role in the development of the site. He noted that the Declaration of Covenants is the current proposal, but that the current owner of the site has not agreed to anything regarding the development of the site.

Raymond Hill, 7104 Poplar Avenue said that he is opposed to the alternate parking on Poplar Avenue. He commented in regards to the Takoma Junction site that there have been many businesses that have tried to establish in that area and have had to go out of business and stated that it is a good idea for people to understand what businesses have failed in the past before discussing what they think should go on the site.

Tom Kaufman, Manor Circle stated that even though a final deal has not been made with the property owner, it is worth the effort to keep trying to make a deal if there is any possibility of doing so. He said that he would like to see a hardware store, family style restaurant, or other store similar Green Goods on the site. He commented on the petition drive that was conducted to survey the merchants, pedestrians and residents in the area and said that it was well organized and thanked Ms. Beelar for offering her store as a pickup/drop off for surveys.

Kent Abraham, Carroll Avenue commended the city staff and Council for their work in coming up with the Declaration of Covenants and said that he believes it is an excellent document. He said that a couple of key issues that will go great lengths for improving the nature of the development will be to deal with the quantity of and location of things like parking, particularly in regard to whether it is in front of or behind the building. The sizes of the buildings put on the site and their fit with the adjacent lots will also be important. He noted that he thinks that the proposal by

the current owner of the property to put a very large single unit store on the site with large quantities of parking would be very inappropriate for this development.

Bill Kules, 7012 Poplar Avenue (President of B.F. Gilbert Citizens Association and member of the Takoma Junction Development Committee) stated that tonight he will be presenting BFG's position on the Takoma Junction development. He said that foremost, the development must be safe in regards to traffic, potential late night activities that would accompany a 24-hour operation, water flow and trash off the back side of the property, storm drain problems at the intersection of Poplar and Columbia. He commented that any development must fit in with the architecture and landscaping of the city and that any businesses that locate on the site must meet the needs of the immediate community. Mr. Kules recalled the resolution that was passed by Council at the time a post office was proposed for the site that included a set of criteria for any development plan on the site, and listed the criteria, saying that they are still appropriate today. He stated that BFG encourages the City Administrator and Council to work closely with the developer, county, and state to ensure that whatever replaces the current billboard addresses the concerns emphasized in the criteria. He said that he is excited about this opportunity because it gives the city the chance to create something positive in that area--something beneficial to the entire city. He thanked the City Administrator and city staff for their work on this matter.

Frances Phipps, 7210 Holly Avenue said that it is her understanding that the city is concerned that it has no control because with the zoning in place, Mr. Zarpas could go ahead with development of Rite-Aid or a national discount drug. She stated that unless the city has seen a binding letter of intent, it should not be concerned, and that there is another element of control. The city is really dealing with five separate sites. For the owner to put any building on the site he has to apply to Park and Planning for a subdivision.

Mr. Elrich explained that for the size building that Mr. Zarpas was considering, he could build lot line to lot line within the boundaries of one of his 50 foot wide parcels and get his 8,000 to 10,000 sq.ft. in by not putting windows on the sides, or he could do a 2,000 sq.ft. minor subdivision.

Ms. Phipps said that she called Park and Planning and was told that no building permit would be approved until they could see the whole site as platted and plotted, and that it would be very difficult to get an automatic building permit even on one side. If there is any use related to that site, such as parking which would have to be accommodated on the other lot, he must consolidate the site to go ahead with development. She noted that to go through with an application to consolidate the site would entail full public hearings, participation of the city, and most importantly meeting the adequate facilities ordinance of Montgomery County. Only one piece of that ordinance is meeting the traffic requirement. The only time that a person does not have to meet the adequate facilities ordinance in Montgomery County for parking is when a person can document that the new use on the site is only going to generate five additional cars. She stated that the other components of the ordinance address water run-off, environmental controls, buffering, etc. She said that she is very concerned that the city is putting itself in the place of the owner's banker--holding his note. If the city is going to do this, it must think like a banker and realize that this is the first commitment of funds and the easiest. She noted that there will not be any construction funding unless there is a positive financial development and that this cannot be achieved with marginal tenants. If the land owner does not have the money to make the note now, he will never be able to qualify for construction loans. She commented that she thinks the City is on the right track in working with Mr. Zarpas but that she remains concerned that this is the first and smallest financial commitment and that the city will be facing trouble in years to come. She said that she supports the Declaration of Covenants.

Mr. Prenskey commented on the money that is being considered for spending on this project and said that this seems to be the most limited risk that can be taken, without affecting the residents' tax dollars.

Ms. Phipps said that if this is a financially viable deal, there are other people out there who would be interested in buying the property owner's note. She suggested that the city ask Mr. Zarpas for proof that he has an offer from either of the chain drug stores. She commented that the city

should go out and aggressively recruit the types of businesses that it wants on the site. Ms. Phipps stated that she has seen substantial change over the years since the time of the first market study in the Takoma Junction area, and that she supports the Declaration of Covenants. She said that it would be nice to attempt a unified development of the site that would truly be a companion piece to the business row across the street. She restated her concerns about the ultimate costs of the approach being taken by the city, and stated that if the city goes in on the deal as a partner, it will probably not have appropriate standing to oppose any consolidation when Mr. Zarpas goes to consolidate his properties.

Carl Elefante, 6607 Westmoreland commended the city for this effort and said that he strongly supports the general efforts in terms of the Takoma Junction site development. He said that to solve a situation as complex as Takoma Junction requires a comprehensive look at the whole of Takoma Junction. The question of use is only one question that needs addressing. He made a comparison of Takoma Junction and Old Town, pointing out that housing and open space agendas are also available for the site, not just the retail options. He commented on the significance of the Farmer's Market in defining the character of Old Town--similar uses have potential for Takoma Junction. He said that Takoma Tower is an important part of the development of Old Town and that housing options have an important role in the site development. He commented that the goal has to be beyond economical feasibility and that it has to be economic, environmental and community sustainability.

Roland Weiss, 44 Columbia Avenue supports the city's involvement in this development and stated that he thinks this is taking a positive direction. Without involvement by the city, nothing or nothing pleasant is going to happen on this site. He commented on the development guidelines that were adopted in 1987 and reminded the Council of the guidelines were a result of about a year and a half of public hearings and much citizen input.

Kit Gage, 14 Philadelphia Avenue seconded the comments made by Ms. Phipps, and stated that she is worried about the city investing money and getting left holding the bag, and the potential increase in traffic. She said that she likes the idea of a Covenant and asked what would be the reason that Mr. Zarpas would sign the covenant.

Mr. Prenskey explained that it is in exchange for having the city not hold the note over his head and agree not to foreclose on the note for a given period of time. The bank is anxious to get their money; the city buys Mr. Zarpas time to pursue the rest of his development.

Ms. Gage said that Mr. Zarpas has had the option to develop the site for years and has not. She stated that she assumes this is in part because he has not found the money or interest in developing the site. She commented that the city should not make it more complicated to get to the point of development. Maybe the question should not be what the people want on the site, but what will work on the site.

Rudy Arredondo, 251 Manor Circle stated that in order to sustain any type of a project on the site, foot traffic needs to be developed. He urged the Council to work with Ms. Phipps and take advantage of her expertise, because she evidently has some very definite ideas of how the development should take place without putting the city in a financial liability for a project that is going to fail. He commented that the Takoma Park Immigrant Merchants Association has concerns in regards to what development takes place and the existing conditions in the sector. He suggested that the Community Development position be brought back to the Department of Housing and Community Development.

Condie Clayton, Maple Avenue said that there appears to be some real concerns about how the city should go about getting involved in the development of the site. He commented that over the past weeks he has questioned the city's commitment of \$300,000 for the property and stated that he believes that there are other ways in which the city can make sure that it has its imprint on what goes in the location. There are residents who have enormous experience and expertise; we do a disservice to the city when we do not tap into that resource. He noted that everyone is concerned about what will take place on the site. Mr. Clayton stated that the CDBG monies that would be earmarked for the development can certainly be used in other portions of the city and commented on other projects. He said that it is a mistake for the city to be the banker for the owner of a property that has given no indication of his development intentions for the property. He commented that the city should consider all elements

(financial, economic, aesthetic, that which makes sense) in arriving at a solution that all citizens can live with.

John Fleming, 6907 Westmoreland Avenue noted that he owns and operates a business located in Takoma Junction (7334 Carroll Avenue) and commented on the attempts to develop this property in the past. He applauded the city's interest in once again addressing the development of this site. He said that his concerns are similar to those of Ms. Phipps--should the city become involved as a potential partner in this effort? If we become a partner, have we lost the ability to use leverage on the County level? He said that Park and Planning listens to the issues and objections expressed by the city. There are a lot of areas in which the city can render influence regarding this issue. Mr. Zarpas does not have a gun to our heads; he has never been able to produce a contract with Peoples Drug or any other pharmacy, over the years. He questioned whether the city has a valid appraisal that justifies the expense of buying the note and future development of the site. He said that after considering all the factors (hard costs of developing the site, soft costs, bonds and insurance, architecture, miscellaneous costs, taxes, construction financing costs, etc.) he came to a break-even point using a 10,000 square foot building of a lease rate at about \$20/sq.ft using a \$350,000 purchase figure. There are currently four vacant properties in the Takoma Junction area that are available for lease at \$10/sq.ft., that are not being leased. He commented on the importance of an Economic Development Coordinator, previously staffed by Mr. Neal and said that if the City had an economic developer, we could be actively looking for businesses to fit the site. No one has gone out actively and tried to recruit businesses. He stated that he thinks there is an opportunity here to re-address some of the earlier plans for the area and that the city needs a good appraisal to value the property at its use today, taking into account that the city will be limiting the uses of the property.

Robert Turner, 201 Ethan Allen, Turner Electric Company said that he feels it is a great idea that the city has finally gotten involved in the development of this site and that it has been vacant for years. He stated that he is concerned that the city will not see the development project through until its completion and that there are no big stores in Takoma Junction. There needs to be a large, attractive store on the site, something that can be referenced as a landmark. He said that there needs to be something to identify the area as a main part of the City of Takoma Park and suggested that the city consider moving the municipal building to Takoma Junction. He said that this might be something serious to think about, and if not, that the city should look for a business that could afford moving onto the site and developing. The city needs to expand the business district and give Takoma Junction an identity. He noted that any business on the site would utilize the traffic from Ethan Allen and Carroll Avenues. He commended the city for getting involved and said that he believes a large drug store (Rite-Aid) would be interested in developing the site and would benefit the other area businesses.

Dan Robinson, 120 Grant Avenue (Co-Chair of the S.S. Carroll Citizens Association) said that they are concerned with crime and parking in the junction area. He suggested that the city consider permit or limited parking in the streets around Takoma Junction in the event that development goes forward. He said that as a member of the Takoma Junction Development Committee he would like to invite all citizens to come to the committee meetings and express their concerns and share their expertise. He commended the city for getting involved and stated that the land that exists in the city is a resource, that citizens need to be aware of--it is capital. The landlords in the Takoma Junction area are also a resource who deserve respect; they may be the source of a lot of creative ideas.

Mitch Rouda, 6909 Westmoreland Avenue stated that he agrees that the city has to make the development of Takoma Junction a top priority and that he does not understand the particulars of the Covenants (ie. store size). He commented that to some extent, he agrees that the city should want to screen what kind of a store goes on the site and that he thinks that what the city "wants" is basically irrelevant. What really matters is does a business survive and what will make the difference is a viable proposal that makes sense financially. He said that it is hypocritical to state concerns about traffic problems associated with a People's Drug and not consider that traffic problems will also come about with other developments that may be more desirable, like Fresh Fields. Mr. Rouda stated that he does not understand the details of the city's proposal enough to determine how risky the initiatives are and that the idea of an economic developer is

a good idea. He said that free market is what will make the difference and that the things that the city can conventionally do are the best things to do--studies, solicitation of tenants, hire an economic development coordinator, organization of a citizen committee devoted to economic development, and set architectural guidelines. He commented that he thinks the city needs a big store on the site and that the rest will fall into place.

Barbara Beelar, Green Goods, Carroll Avenue said that as a business owner she does not believe that her business could survive in the Takoma Junction area because of the lack of parking and foot traffic, but that as a resident, if a big store comes to the site there will be an increase in traffic and consequent lack of parking. She commented that she is glad that the city is taking an initiative and that she is not sure that putting the money into the note as currently proposed is the way to go if the suggestions made by Ms. Phipps would give the city the same leverage. She reminded the city not to forget about the small business across the street when considering a large business for the site. Good intentions to get something new could have a negative impact on the small businesses across the street.

Patricia Axelrod, 308 Boyd Avenue commented that she would like to see a community of stores that compliments the town, possibly an immigrant merchants association, and complimented the efforts of the community and city in addressing this issue. She stated that according to the Residential Lead Based Paint Hazard Reduction Act of 1992, the city better take into consideration lead abatement if it plans to continue applying for CDBG funds, and federal or state funds for affordable housing. She said that if the city does not have a plan by 1994 to put in place by 1995, according to the law, the city's CDBG funds will be cut off.

Kay Dellinger, Hampshire Towers said that many of the concerns that have been raised should be considered and that Ms. Phipps' comments should be carefully considered. She commented that she would like to see something that symbolizes Takoma Park be developed on the site, like the Takoma Cafe or a branch of the Takoma Co-op. If that is not possible, a store like Fresh Fields would be desirable. She noted that there are people in the community that really feel the need of a grocery store and said that she opposes a big store (Peoples, Rite-Aid). The city should encourage people not to drive by possibly installing bike racks. She commented that the city should look at the option of putting in some housing on the site, and that all concerns mentioned this evening need to be considered. There needs to be a lot of citizen participation, involvement and discussion because it is very important.

Mr. Turner noted that since the new traffic signal was put up at the intersection, there have been very few accidents and that the traffic moves well in the area. He said that traffic should not be the major concern in considering what kind of a business should be developed on the site.

Mr. Sharp closed the public hearing at 10:55 p.m. and thanked the citizens for their comments.

Mr. Prensky asked that if and when the City proceeds with its bargaining, the city ask for a current appraisal of the property with the covenants taken into account. He said that he would like to be assured that the property has value in excess of what the city will be investing.

Mr. Sharp noted that the city is in the process of continuing negotiations with Mr. Zarpas and that two members of the new Council have been present for this evening's discussion and will recall the concerns expressed by citizens during the hearing as the Council moves forward in future discussions.

Mr. Leary said that regardless the action of the city, the objective is to prevent a People's or Rite-Aid drug store from being developed on the site.

| REGULAR MEETING

#3 Nuclear Free America List. Moved by Mr. Prensky; seconded by Ms. Porter. Mr. Sharp explained that the resolution would adopt the Nuclear Free America List dated August 16, 1993.

Tom Anastasio, 32 Columbia Avenue (representative of the Nuclear Free Zone Committee) stated that the committees thinks that the Council should adopt

the list as it stands. Mr. Anastasio said that with respect to the memo from Mr. Knauf to Ms. Habada, Mr. Knauf is mistaken in the part of the memo in which he states "but firms which are considered sole sources and from which purchases must be made either with the understanding....do not require waivers" and explained that this statement is not in consonance with the committee's understanding of the law. He noted that the committee does recognize that there are, for example, vehicles for which Bendix Brakes are required and are sole source, but that this does not make all Bendix Brakes sole source. He said that with this understanding by the Council, he believes that the resolution should go forward, and emphasized that there is no notion of sole source for the entire production of any corporation.

Ms. Habada stated that she agrees with Mr. Anastasio's remarks and said that the city will continue operating by the same understanding that has existed in previous years.

Patricia Axelrod, 308 Boyd Avenue commented that the data being considered this evening is data that she analyzed when she worked with Nuclear Free America some years ago and broke down the defense budget, and that her area of expertise is weapons systems. She supported the remarks of Mr. Anastasio and a no waiver policy. A waiver policy with erode the spirit and letter of the nuclear free zone of Takoma Park. She offered her assistance to the City Administrator and said that her particular area of expertise is electronic circuitry and components--high tech weapons.

Kay Dellinger, Hampshire Towers stated that she supports the work of the Nuclear Free Committee and encouraged the city to make use of Ms. Axelrod's expertise. She thanked Mr. Prensky for his support of the Nuclear Free legislation and his service on the Council.

The resolution was unanimously adopted.

RESOLUTION #1993-94
(Attached)

#4 2nd Reading Ordinance re: Budget Amendment - Capital Improvements and Special Revenues. Mr. Sharp explained that the second reading ordinance would amend the FY94 budget to reflect special revenue changes relating to the Takoma Junction Project.

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

The second reading ordinance was unanimously adopted by role call vote (ABSENT: Hamilton, Johnson, Leary).

ORDINANCE #1993-34
(Attached)

#5 2nd Reading Ordinance re: Montgomery County False Alarm Law. Moved by Mr. Elrich; seconded by Ms. Porter.

Mr. Sharp said that he did not think that the Council had gotten a reason from staff for opting out of the Montgomery County False Alarm Law.

Mr. Prensky recalled that the reason the Council decided not to be part of this county law is because Captain Wortman explained that the sole purpose of the law is to bring revenue to Montgomery County--\$30 for each false alarm system wired into police stations--and that the city would, in fact, have to provide the enforcement of the law. He said that Mr. Wortman also had said that as of 1992 there was new state legislation that applies to the city and in essence provides the same protection to the citizens. Mr. Prensky commented that he would like to be reassured by Corporation Counsel that such state legislation does exist and that it does give the city essentially the same control that the Montgomery County will be getting.

Ms. Silber stated that there is state legislation that covers the same ground with a slightly different approach--different fees and no ultimate penalty of losing the ability to react to an alarm. There are fines and the ability to enforce a particular false alarm owner to get his/her system repaired. She explained that the main reason for opting out of this county law is because of the bi-county status, and a realization that the main

purpose of the Montgomery County scheme is to bring money in to help the county police department deal with false alarms but the city will still have to respond to Takoma Park's false alarms. She stated that the new Council might want to consider a Takoma Park, city based law that has fees or some other revenue enhancement, and that the idea of money simply going to the county is disturbing.

Mr. Elrich commented that one compelling reason that was presented by Mr. Wortman was that the city has not really had a problem with false alarms and that when the police did have problems, they were able to deal with it in a very friendly one-on-one discussion with the owners.

The second reading ordinance was unanimously adopted by roll call vote (ABSENT: Hamilton, Johnson, Leary).

ORDINANCE #1993-35
(Attached)

Mr. Sharp moved up the additional agenda item regarding the Washington Adventist Hospital bonds.

#8 Additional Agenda Item - Washington Adventist Hospital Bond Request. Ms. Habada noted the Ms. Cathy Scheineson, Bond Counsel for the hospital, is present to explain the resolution.

Ms. Scheineson explained that on October 11, 1993, the Council adopted a resolution approving certain changes to be made to the bond documents, and that approximately two weeks after that date the holder of the bonds agreed to certain other changes which would lower the interest rate on a portion of the bonds, in exchange for a change in the redemption provisions to the same bonds. She recognized that the resolution before the Council does not correctly reflect the proposed amendments to the previous resolution.

Ms. Habada stated that this is the version that was faxed to the city by Bond Counsel, Pat Arey.

Mr. Sharp said that the Council needs the appropriate version in front of them with some assurances that the changes do not affect any of the other provisions of the agreement made between the city and the hospital.

Mr. Sharp moved on to another item while the City Administrator and Ms. Scheineson discussed the issue.

#6 2nd Reading Ordinance re: Ethics. Mr. Sharp noted that Corporation Counsel has passed out some proposed language and made several points regarding the provisions of the ordinance.

Ms. Porter stated that the Council has put a lot of work into the ordinance and that she would hate to see the work come to nothing. She said that the Council had discussed the possibility of passing the ordinance with the understanding that the Council knows that there are some problems and that the next Council or Commission would be asked to consider those problems.

The Council reached consensus to consider some amendments by Mr. Sharp.

Mr. Sharp proposed the following: (1) allow flexibility for the commission to decide whether an advisory opinion will be issued; (2) commission members shall not serve past the expiration date of their term; (3) Sec.2-16. should be titled "Inquiries and Complaints"; (4) Sec.2-16(a). "Should the commission receive an inquiry or complaint of any action which may be criminal, such allegation shall be referred to city, county, state, or federal officials as appropriate"; (5) Sec.2-17(a). "An official or employee may not participate in:" to be followed by a list of prohibited activities; (6) Sec.2-17. immediate family member, throughout text; (7) Page 8. "this prohibition does not apply to an official or employee who is appointed to a board, commission, or task force, pursuant to the requirement that persons subject to the jurisdictions of the board, commission, or task force are represented in appointment to it."; (8) Sec.2-19(c). provision regarding gifts should track lobbyist reporting, "when a single gift to an official or employee exceeds \$50 in value, or a series of gifts exceeds \$100 in value, the official or employee should also

value, the official or employee should also be identified; (9) Page 4. (j). "official" and "employee" should have identical definitions but should be listed as separate definitions; (10) enforcement powers of Corporation Counsel (see memorandum with summary of recommendations), including additional authority for commission to recommend legislative changes and improvements to Article Sec.2-15; (11) Page 9. (d)(3) "...impair the partiality and judgment of any reasonable and prudent official"; (12) Page 11. (b)(2) "each candidate for elective office shall file a disclosure statement within one week of his/her nomination for the immediately preceding calendar year and for the current calendar year to the date of the candidate's nomination"--intention is to delete "for the immediately preceding calendar year and".

Mr. Prenskey asked what will happen in the event of a candidate who has repeatedly been running for office? He stated that after his first election to office he continued to receive donations after being elected and that two years later he ran for re-election. Under the combination of both sets of language, all gifts from previous and current years would have to be disclosed. He commented that there ought to be a way to include the entire time period since the last election.

Mr. Sharp responded that if a person were to run for office in a later election, he/she would have to disclose such gifts in their interim report.

Ms. Porter asked what if the person does not ever run for office again? She questioned whether the principle is the same for disclosure of gifts and campaign contributions.

Mr. Sharp said that the point of the gifts is that someone may attempt to influence a person's official behavior by virtue of what they are giving the person. If a person is a candidate, it may be necessary to require disclose of the types of gifts that have been received during a reasonable period of time. He asked whether it would be necessary to require a candidate to disclose gifts that were received over a year past?

Ms. Porter commented that there could arise the situation where a candidate understands that he/she is to receive something following this period of time and that expectation may in fact influence the person.

Mr. Prenskey stated that he thinks the time period ought to be since the last election.

Mr. Sharp said that he would agree to this at this point, but that he is not sure that he would ultimately agree that it makes sense to do in this context--substitute the following language: "...each candidate for elected office shall file a disclosure statement within one week of his/her nomination for gifts received since the previous city election."

Council agreed to accept Corporation Counsel's recommendations regarding 2-20(a).

Ms. Silber asked that the ordinance title be changed to "Repealing and then Reenacting with Amendments..."

Moved by Mr. Sharp with amendments that have been discussed; seconded by Ms. Porter.

The second reading ordinance was unanimously adopted by role call vote (ABSENT: Hamilton, Johnson, Leary).

ORDINANCE #1993-30
(Attached)

#8 Additional Agenda Item - Washington Adventist Hospital Bonds. Ms. Habada noted that the Council has been provided with a corrected version of the resolution.

Ms. Scheineson explained the changes to the original resolution.

Ms. Porter asked whether Council now has before them the version that is being proposed for Council's consideration.

Ms. Scheineson responded that everything that she described is in the current version and noted that the major changes are on the first page.

Mr. Sharp commented that in light of the confusion with this item, he would like the Council to consider this item next week.

Mr. Prenskey moved to table the item.

Mr. Sharp said that considering the sensitive of this issue in the community, the Council would be well advised to have a final version with statements from Bond Counsel about the issue for consideration next week.

Ms. Silber stated that Mr. Aldrigetti asked her to pass on to the Council that he would be grateful if the item were tabled, since the community groups that have been working on the Washington Adventist Hospital issues are meeting with the hospital tonight, could not be at two places at the same time.

#7 2nd Reading Ordinance re: Campaign Material. Mr. Sharp suggested that the Council not address this issue and noted that the section was taken out of the Ethics ordinance, and a clear redundancy now exists by moving that section into the Campaign Material section of the Code.

Ms. Porter said that she does not understand why this came up at all and that her understanding was that at the end of the last Council discussion of the matter, all agreed that it is confusing, questioned why the section is in the code, and asked for a recommendation regarding the section.

Mr. Sharp suggested that the Council not take up the item and allow it to die at second reading.

The Council agreed to the suggestion.

Mr. Sharp announced that there will not be an executive session this evening.

Mr. Prenskey made a motion to adjourn the meeting; Mr. Elrich seconded the motion.

Introduced by: Councilmember Prensky

RESOLUTION 1993 - 94

ADOPTING THE AUGUST 1993 NUCLEAR FREE AMERICA LISTING OF
PARENT COMPANIES OF U.S. DEPARTMENTS OF DEFENSE AND ENERGY
NUCLEAR WEAPONS CONTRACTORS

WHEREAS, Ordinance #2700, adopted on 12/12/83, established the City of Takoma Park as a nuclear-free zone as set forth in the Nuclear-Free Zone (NFZ) Act; AND

WHEREAS, the NFZ Act prohibits the purchase of goods and services from producers of nuclear weapons; AND

WHEREAS, Section 8A-6(e) of the NFZ Act requires the City Council to establish and publish a list of nuclear weapons' producers to guide the City, its officials, employees, and agents in the procurement of goods and services for the City; AND

WHEREAS, Nuclear Free America has provided the City with a listing of companies that are U.S. Departments of Defense and Energy nuclear weapons contractors for fiscal year 1992.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the Nuclear Free America list of "Parent Companies of U.S. Departments of Defense and Energy Nuclear Weapons Contractors", dated August 16, 1993 is hereby adopted; AND

BE IT FURTHER RESOLVED THAT the list attached hereto, is considered to be part of this Resolution.

Dated this 8th day of November, 1993

vj/c:resolution.nfz

Introduced By: Mayor Sharp
Drafted by: Catherine Sartoph
Draft #7 (11/15/93)

1st Reading: 9/27/93
2nd Reading: 11/8/93
Effective: 11/8/93

ORDINANCE #1993-30

REPEALING AND THEN REENACTING WITH AMENDMENTS TAKOMA PARK CODE,
CHAPTER 2, ARTICLE 2A. "ETHICS"

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

SECTION 1. CHAPTER 2, ADMINISTRATION, ARTICLE 2A, ETHICS, OF
THE TAKOMA PARK CODE IS REPEALED AND REENACTED AS
FOLLOWS:

ARTICLE 2A. ETHICS.

Sec. 2-11. Title.

This Article may be cited as the "City of Takoma Park Public
Ethics Ordinance."

Sec. 2-12. Purpose and policy.

(a) The City Council of the City of Takoma Park finds that:

(1) Officials and employees will maintain the highest
standards of political and professional responsibility and
maintain the highest respect for the interests of the citizens
and for the City itself;

(2) Representative government depends upon the
Citizens having the highest trust in their public officials;

(3) The trust, necessary to our system of government,
is dangerously eroded not only by improper conduct by employees
and official of government, but by the appearance of improper
conduct, as well;

(4) In order to maintain the fact and appearance of
high standards of conduct, it is necessary to have clearly
articulated standards of conduct, a procedure for resolving
questions that may arise concerning the propriety of specific
acts, and a forum for receipt and review of complaints and
questions, whether raised by concerned citizens, employees, or
those doing business with the City;

(5) The Citizens have a right to expect that all
decisions made in the name of the government of Takoma Park will

be made for the general welfare of the Citizens of Takoma Park, rather than for the private gain or personal motives of the official or employee making the decision;

(6) Employees and officials of Government have a right to know that the Government clearly articulates the standards of conduct by which their actions will be measured;

(7) Employees and officials of Government have a right to expect that their personal lives, choices, associations, and those of their families will not unduly or unnecessarily be burdened because of their choice to serve the City;

(8) No restriction placed upon the employees or officials of Takoma Park can be made without cost to the City, whether by discouraging otherwise qualified persons from serving Government, or by discouraging vendors or other businesses from trading with the City, or by placing administrative burdens upon the City and those with which it conducts business;

(9) Full and timely disclosure of information and private activities that could affect the nature of public decisions allows the public to be aware of real or actual conflicts and make their own judgments about such conflicts.

(b) In order to meet these found needs, and to articulate the balance which the City Council has struck between the needs and expectations of the citizens, employees, and those with whom the City does business, the City Council has enacted this Ethics Ordinance.

(c) On behalf of the citizens of the City of Takoma Park, the City Council intends that this ordinance be liberally construed, in complement with the civil and criminal statutes of the State of Maryland and of the United States, to accomplish these goals without unduly restricting the rights of the officials and employees and their families to associate freely, speak freely, and to enjoy the other rights and benefits of citizenship in this City, State and Country.

Sec. 2-13.

Scope.

This ordinance shall apply to all individuals and organizations acting on behalf of the City in any capacity and to all those individuals and organizations doing business with the City in any capacity. The extent of application of the ordinance shall depend on the nature of the relationship with the City and the degree to which conflicts between public and private interest affect the public trust in the City of Takoma Park government.

Sec. 2-14.

Definitions.

In this Article, the following words have the meanings indicated:

(a) "Business" or "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation or other organization, regardless of whether or not operated for profit.

(b) "Commission" means the City Ethics Commission established in Section 2-15 of this Article.

(c) "Compensation" means any money or thing of value, regardless of form, received or to be received by any person covered by this Article for goods or services rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

(d) "Doing business with" means:

(1) Having or negotiating a contract with the City that involves the commitment (either in a single or combination of transactions) of City funds; or

(2) Being regulated by or otherwise under the authority of the City; or

(3) Being registered as a lobbyist in accordance with Section 2-17 of this Article.

(e) "Employee" means any individual and organizations acting on behalf of the City in any capacity and to all those individuals and organizations doing business with the City in any capacity.

(f) "Financial interest" means:

(1) Ownership of any interest as the result of which the owner has received, within the past three (3) years, or is presently receiving or in the future is entitled to receive more than one thousand dollars (\$1,000.) per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three percent (3%) of a business entity.

(g) "Gift" means the transfer of anything of economic

value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provision of Article 33, 26-1 et seq., Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(h) "Immediate Family" means a domestic partner, spouse, mother, father, siblings, children and any dependents.

(i) "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of Section 2-16 of this Article, "interest" applies to any interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(1) An interest held in the capacity of a personal representative, agent, custodian, fiduciary or trustee, unless the holder has an equitable interest therein;

(2) An interest in a time or demand deposit in a financial institution;

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

(4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under Sections 401 and 501 of the Internal Revenue Code.

(j) "Lobbying" means:

(1) Communicating in the presence of a City official or employee with the intent to influence any official action of that official or employee; or

(2) Engaging in activities having the express purpose of soliciting others to communicate with a City official or employee with the intent to influence any legislative action of that official or employee.

(k) "Official" means any individual and organizations acting on behalf of the City in any capacity and to all those individuals and organizations doing business with the City in any capacity.

(1) "Person" means any individual or business entity.

Section 2-15. Ethics Commission.

(a) There shall be a City Ethics Commission, which shall be composed of five (5) members appointed by the City Council. The Commission shall have the following responsibilities:

(1) To devise, receive and maintain all forms generated by this Article.

(2) To provide, at its sole discretion, advisory opinions to persons subject to this Article as to the applicability of the provisions of this Article.

(3) To process and make determinations as to complaints filed by any person alleging violations of this Article.

(4) To conduct a public information program regarding the purposes and application of this Article.

(5) To recommend legislative changes and improvements to this Article.

(b) The members of the Commission shall be appointed to staggered two-year terms and may only be removed by the City Council for cause. "Cause" shall include neglect of duty, misconduct in office, a disability rendering the member unable to discharge the powers and duties of the office, or a violation of this Article. Initially, three (3) members shall be appointed to a one-year term and two (2) members to a two-year term. The terms shall begin on January 1 and end on December 31. Any vacancy occurring on the Commission shall be filled for the unexpired term in the same manner as provided for appointments to the Commission. Commission members shall not serve past the expiration date of their term.

(c) Consistent with the provisions of state and city laws and ordinances, the Commission shall operate under Robert's Rules of Order, or such rules as it may promulgate.

(d) Its members shall take an oath of office.

(e) The Commission may establish three-member review panels to investigate and adjudicate complaints or respond to requests for advisory opinions.

(f) Each year the Commission shall elect one of its members as Chair and one of its members as Vice-Chair. The Chair shall preside over meetings, assign members to such review panels as

may be established and carry out other duties as may be established in the Commission's Rules. The Vice-Chair shall act as Chair in the absence of the Chair.

(g) The City Administrator shall make available to the Commission such staff assistance as may be needed and shall provide appropriate security for Commission records.

Sec. 2-16. Inquiries and Complaints.

(a) The Commission will receive and review any ethics inquiries or complaints concerning elected officials, City staff, or volunteers. Any inquiry or complaint concerning City staff other than the City Administrator or Corporation Counsel, and volunteers other than members of the Commission on Landlord-Tenant Affairs, City Ethics Commission, Personnel Advisory Board, and Tree Commission shall be referred to the City Administrator for appropriate disposition. The City Administrator shall report to the Commission on the disposition of the complaint. The Commission may comment on the City Administrator's actions. If a complaint is referred to the Commission which is a personnel matter and not an ethics issue, it shall be referred to the City Administrator for disposition without further reporting to the Commission. Should the Commission receive an inquiry or complaint regarding any action which may be criminal, such allegation shall be referred to city, county, state or federal officials as appropriate.

(b) The Commission shall investigate any written inquiry or complaint it receives, whether it is anonymous or identified.

(1) The person about whom an inquiry or complaint has been received shall be immediately notified about its receipt by the Commission. The subject of the inquiry or complaint may provide a response which shall be considered by the Commission.

(2) The Commission may make an initial investigation into the inquiry or complaint without taking testimony or receiving information from the subject of the inquiry or complaint. The Commission may dispose of an inquiry or complaint after the initial investigation, with a finding of no conflict of interest or no basis for the complaint. Such disposition shall not be publicly released without the written consent of the subject.

(3) The Commission may, after an initial investigation, proceed further and must offer the subject the opportunity to be interviewed by the Commission, provide information to the Commission, and offer witnesses for the Commission to interview.

(4) The Commission may not use as a basis for any fact or conclusion in its report any information the source of which is not specifically identified; that is, information from anonymous sources cannot be used in a report.

(5) Should the Commission propose to issue a finding other than no conflict of interest or no basis for the complaint, a draft final report must be presented to the subject before it is issued. The subject shall have an opportunity to respond to the report before it is issued, and his or her response shall be addressed by the Commission in its final report.

(6) The final report shall be transmitted to the subject prior to being released to the public. The report shall, at a minimum, state the nature of the inquiry or complaint, the actions taken by the Commission to investigate the matter, the information received as a result of the investigation, the Commission's conclusions, and the subject's response (which may be summarized).

(c) There shall be an opinion of the Commission issued. Commission members may also release separate concurring and dissenting opinions.

Sec. 2-17. Prohibited conduct and interests.

(a) Participation prohibitions. An official or employee may not participate in:

(1) Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he or she, or his or her immediate family member has an interest therein.

(2) Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, when any of the following is a party thereto:

(A) Any business entity in which he or she has a direct financial interest of which he or she may reasonably be expected to know;

(B) Any business entity of which he or she is an officer, director, trustee, partner or employee, or in which he or she knows any immediate family member has this interest;

(C) Any business entity with which he or she or, to his or her knowledge, any immediate family member is negotiating or has any arrangement concerning prospective

employment;

(D) Any business entity which is a party to an existing contract with the official or employee, or which the official or employee knows is a party to a contract with any immediate family member, if the contract could reasonably be expected to result in a conflict between the private interest of the official or employee and his or her official duties;

(E) Any entity doing business with the City in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if he or she may be reasonably expected to know of both direct financial interests; or

(F) Any business entity which the official or employee knows is his creditor or obligee, or that of any immediate family member, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official or employee or any immediate family member.

(b) If a disqualification pursuant to Subsection (a)(1) or (2) of this section leaves any body with less than a quorum capable of acting, or if the disqualified official or employee is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

(c) Employment restrictions.

(1) Conflicts of interest. An official or employee may not hold any employment relationship or have any financial interest which could impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(A) An official or employee who is appointed to a board, commission or task force pursuant to a requirement that persons subject to the jurisdiction of the board, commission or task force be represented in appointment to it;

(B) Subject to other provisions of law, including this Article, a member of a board, commission or task force in regard to a financial interest or employment held at the time of appointment, provided that the financial interest or employment is publicly disclosed to the appointing authority; or

(C) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict

of interest, as permitted and in accordance with any resolutions adopted by the City Council or rules and regulations adopted by the Commission.

(3) A former official or employee may not assist or represent a party in a case, contract or other specific matter involving the City if that matter is one in which he or she significantly participated as an official or employee.

(d) Use of prestige of office. An official or employee may not intentionally use the prestige of his or her office for his or her own private gain or that of another. The performance of usual and customary constituent or citizen services, without additional compensation, does not constitute the use of the prestige of office for an official's or employee's private gain or that of another.

(e) Solicitation or acceptance of gifts.

(1) An official or employee may not solicit any gift.

(2) No official or employee may knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:

(A) Is doing or seeking to do business of any kind with the City Council, as to Council members, or, as to other officials or employees, with their office, agency, board, commission or task force;

(B) Is engaged in activities which are regulated or controlled by the City; or

(C) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duty.

(3) Unless a gift of any of the following might tend to impair the impartiality and the independence of judgment of any reasonable and prudent official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, a reasonable and prudent official or employee believes, or has reason to believe, that it is designed to do so, subsection (d)(2) does not apply to:

(A) Meals and beverages;

(B) Ceremonial gifts or awards which have insignificant monetary value;

(C) Unsolicited gifts of nominal value or trivial

items of informational value;

(D) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(E) Gifts of tickets or free admission extended to an official or employee to attend a professional or intercollegiate sporting event or charitable, cultural or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(F) Gifts which would not be detrimental to the impartial conduct of the business of the City and that are purely personal and private in nature;

(G) Gifts from an immediate family member or a child, ward or other relative over whose financial affairs the person has legal or actual control;

(H) Honoraria.

(f) Disclosure of confidential information. Other than in the discharge of his or her official duties, an official or employee may not disclose or use for his or her own economic benefit or that of another party confidential information which he or she has acquired by reason of his or her public position and which is not available to the public.

Sec. 2-18. Financial disclosure.

(a) Officers and employees to file.

(1) Every official and employee who receives individual gifts valued in excess of fifty dollars (\$50) or a series of gifts valued in excess of one hundred dollars (\$100) from any one person who does business with the City shall file annually a statement with the City Clerk disclosing gifts received by that person during the preceding year. This requirement also applies to gifts made indirectly or on behalf of someone, but does not apply to gifts received from an immediate family member. If no such gifts have been received, a statement need not be filed. The disclosure statement shall describe:

(A) The nature of the gift;

(B) The value of the gift; and

(C) The name of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(2) In addition, any official, employee or volunteer shall file a full financial disclosure statement when an anticipated action by the official, employee or volunteer will present a potential conflict or potential appearance of conflict with his or her personal or financial interest. Such a disclosure shall be submitted to the Commission sufficiently in advance of the action to provide adequate disclosure to the public. Such disclosure statement shall contain a full and complete statement of all facts, including a complete description of the nature and extent of the official's, employee's or volunteer's financial interest(s) which present a potential conflict of interest.

(b) Time limits for filing.

(1) Each incumbent official and employee subject to subsection (a)(1) hereof shall file under oath or affirmation with the City Clerk on or before the 30th day of April of each year during that person's term in office or employment the statement required by this section for the calendar year immediately preceding each such year in office. An official or employee who has not filed the required statement and who is employed or appointed to fill a vacancy shall file a disclosure statement covering the calendar year in which he is appointed within thirty (30) days after appointment.

(2) Each candidate for elective office shall file a disclosure statement within one week of his or her nomination for gifts received from the preceding City election. If gifts of the nature covered by this Section have not been received, no statement need be submitted. The disclosure requirement of this subsection does not apply to individuals who have been filing required disclosure statements by virtue of the office they hold.

(c) All statements filed pursuant to this section shall be maintained by the City Clerk and shall be made available, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Administrator may establish from time to time. The forms shall be retained for three (3) years from the date of receipt. Any person examining or copying these statements shall be required to record his or her name, home address and the name of the person whose disclosure statement was examined or copied. This record shall be forwarded upon request to the person whose disclosure statement is so examined or copied.

(d) Except as otherwise specifically provided herein, all disclosure statements filed pursuant to this section shall be on a form or forms developed by the Commission .

(e) Evidence of noncompliance shall be referred to the

Commission for appropriate action.

(f) Volunteers need not submit disclosure statements if the activities for which they are volunteering involve no authority to recommend purchases or commit funds.

Sec. 2-19. Lobbying disclosure.

(a) Any person who personally appears before any City official or employee with the intent to influence the official or employee in the performance of his or her official duties or influence any legislative action and who in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of two hundred dollars (\$200.) on food, entertainment or other gifts for such officials or employees shall file a registration form as a lobbyist with the City Clerk.

(b) The registration form required in Subsection (a) above shall be filed with the Clerk not later than five (5) days after first performing any act requiring registration under this section, and shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposed to conduct lobbying activities. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form.

(c) Registrants under this section shall file a report within thirty (30) days after the end of any calendar year during which they were registered, disclosing the value, date and nature of any food, entertainment or other gifts provided to a City official or employee. When a gift to a single official or employee exceeds fifty dollars (\$50) in value, or a series of gifts exceeds one hundred dollars (\$100), the official or employee shall also be identified.

(d) All registration forms and reports filed pursuant to this section shall be maintained by the City Clerk and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the City Administrator may establish from time to time. The forms shall be retained for three (3) years from the date of receipt. Any person examining or copying these statements shall be required to record his name, home address and the name of the person whose registration form or report was examined or copied. This record shall be forwarded upon request to the person whose statement is so examined or copied.

(e) All statements filed pursuant to this section shall be on a form developed by the City Clerk with the assistance of the

Corporation Counsel.

Sec. 2-20. Enforcement; violations and penalties.

(a) Upon direction of the Council, Corporation Counsel may file an action for injunctive or other relief in the circuit court of the county having the property venue for the purpose of requiring compliance with this Article.

(1) In addition, the court may:

(A) Issue an order to cease and desist from the violation;

(B) Void an official action taken by an official or employee when the action taken was in violation of this Article and if the legal action was brought within ninety days of the occurrence of the official action;

(C) Impose a fine of up to one thousand dollars (\$1,000) for any violation of the provisions of this Article;

(D) Order the violator to make restitution; and

(E) Grant such other and further relief as is appropriate.

(2) The court, after hearing and considering all the circumstances in the case, may grant all or part of the relief sought. However, the court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligation.

(b) The enforcement provisions set forth in subsection (a) above are in addition to any other civil remedies or criminal penalties provided by applicable law.

(c) In addition to any other enforcement provisions in this Article, a person who is subject to the provisions of this Article and who is found by the City Administrator or a court to have violated its provisions, may be subject to disciplinary action in accordance with the City's Personnel Regulations, as may be warranted.

(d) Any person who is subject to the provisions of this Article shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to complete and substantiate any reports, statements or records required to be made pursuant to this Article for three (3) years from the date of filing the report, statement or record containing these items.

These papers and documents shall be available for inspection upon request by the City after reasonable notice.

SECTION 2. THAT this ordinance shall be effective immediately.

Adopted this 8th day of November, 1993 by roll call vote as follows:

AYE: Elrich, Porter, Prenskey, Sharp
NAY: None
ABSTAIN: None
ABSENT: Hamilton, Johnson, Leary

Introduced By: Councilmember Porter

First Reading: 10/25/93
Second Reading: 11/08/93

**ORDINANCE #1993 - 34
FY 94 BUDGET AMENDMENT NO. 1**

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

SECTION 1. that the Fiscal Year 1994 Budget be amended as follows:

General Fund

Appropriate \$44,400 from Unappropriated Reserves for: replacement of emergency generator (\$18,000); recoat city building roof (\$20,000); matching funds for replacement of street trees (\$6,400), to Account 9100.8001, Capital Improvements.

Special Revenue Fund - Revenue Amendments

- a. Delete the appropriation of \$38,000 Community Development Block Grant (CDBG) funds for the Transitional Housing Rehabilitation (Montgomery County PY18) project: Account 0010.3713
- b. Delete \$12,000 in CDBG fund appropriations for the Housing (Montgomery County PY19) project: Account 0010.3715.
- c. Create a revenue account for \$50,000 in CDBG funds for the Takoma Junction project: Account 0010.3721
- d. Delete \$24,436 in CDBG appropriations for the Street Construction project (Montgomery County PY17): Account 0010.3706
- e. Delete the appropriation of \$5,112 CDBG funds for the Maple-Sherman Revitalization project; Account 0010.3704
- f. Appropriate an additional \$29,548 CDBG funds for the Heffner Park project: Account 0010.3712
- g. Delete \$5,000 in Program Open Space funds for Jackson-Boyd Park: Account 0010.3838

- h. Create a revenue account in the amount of \$5,000 in Program Open Space funds for Colby Park: Account 0010.3831

Special Revenue Fund - Expenditure Amendments

- a. Delete the appropriation of \$38,000 in Community Development Block Grant funds for the Transitional Housing (Montgomery County PY18) project: Account 0010.6823
- b. Delete \$12,000 in CDBG appropriations for the Housing Rehabilitation (Montgomery County PY19) project: Account 0010.6825
- c. Create an expenditure account for the Takoma Junction project in the amount of \$50,000: Account 0010.6831
- d. Delete \$24,436 in CDBG appropriations for the Street Construction project (Montgomery County PY17): Account 0010.6818
- e. Delete the appropriation of \$5,112 CDBG funds for the Maple-Sherman Revitalization project: Account 0010.7246
- f. Appropriate an additional \$29,548 CDBG funds for the Heffner Park project: Account 0010.6822
- g. Delete \$5,000 in Program Open Space funds for Jackson-Boyd Park: Account 0010.7187
- h. Create an expenditure account in the amount of \$5,000 in Program Open Space funds for Colby Park: Account 0010.7192.

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

AYE: Elrich, Porter, Prenskey, Sharp
NAY: None
ABSTAIN: None
ABSENT: Hamilton, Johnson, Leary

Introduced by:
Councilmember Elrich

First Reading: 10/25/93
Second Reading: 11/8/93

Effective Date: 11/8/93

ORDINANCE NO. 1993-35

(Exemption from Chapter 3A, Alarms, 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, Montgomery County recently amended Chapter 3A of the Montgomery County Code by enacting Bill No. 2-92 dealing with alarm user registration, alarm response fees, suspension of police response to alarms signals under certain circumstances, and other matters regarding alarms (hereinafter "false alarm law"); and

WHEREAS, the Montgomery County false alarm law relates to a subject with respect to which the City of Takoma Park has a grant of legislative authority provided by public general law (Article 23A, Annotated Code of Maryland) and its charter; and

WHEREAS, the City of Takoma Park wishes to specifically exempt the City from Chapter 3A, Alarms, 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 3A, Alarms, of the Montgomery County Code, as amended from time-to-time.

SECTION TWO. This Ordinance shall be effective immediately.

Adopted this 8th day of November, 1993 by roll call vote as follows:

Aye: Elrich, Porter, Prensky, Sharp
Nay: None
Absent: Hamilton, Johnson, Leary
Abstained: None

Regular Meeting of Outgoing City Council
Mayor and Council take Office
Regular Meeting of the Incoming City Council

Monday, November 15, 1993

OFFICIALS PRESENT:

Mayor Sharp

Councilmember Elrich

Councilmember Hamilton

Councilmember Johnson

Councilmember Leary

Councilmember Porter

City Administrator Habada

City Clerk Sartoph

OFFICIAL ABSENT:

Councilmember Prensky

The City Council convened at 7:30 p.m. on Monday, November 15, 1993, in the Council Chamber at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following remarks were made.

Mr. Sharp commented that this is the final meeting of the outgoing Council and that directly following the adjournment of this meeting, the new Council will meet briefly.

Mr. Johnson noted that Takoma Park has come a long way over the years. He recalled that one of the issues that he spoke about when he ran for office two years ago was safe streets and reminded all that every candidate who ran for office in this year's election spoke about the need for residents to feel safe in their communities. He said that his service as councilmember has given him the chance to meet and touch the lives of persons who he otherwise may not have had the opportunity to come in contact with. Mr. Johnson stated that initially, he had concerns about televising Council meeting proceedings but that many people view the Council meetings and as a result of watching televised Council meetings, residents have been able to associate the names with the faces of the councilmembers. He commented that elected and appointed officials must be willing not only to talk the talk, but also to walk the walk. The new Council must look at some harsh choices as far as the city is concerned. He urged the four new councilmembers to move forward into the future, by looking at what previous council's have tried to do in the past, but realizing that there are no sacred "cows". Each program must be looked at individually. He cautioned that the new councilmembers will find this job to be very draining but that at the same time, it will give them the opportunity to gain a sense of satisfaction through a fulfilling experience. Mr. Johnson thanked his colleagues on the Council for supporting him in the things that he has tried to accomplish.

Mr. Hamilton said that he is proud to have taken part in activities over the past six years. He commented on his involvement in working on rent control issues, obtaining the Maple Avenue shuttle, identifying a need for a full-time outreach person for the Recreation Department to work with young male and female residents, establishing the 7611 Maple Cooperative, and moving forward with opening the municipal gym that will be operated by the Recreation Department. He credited city employees, councilmembers and residents for their specific efforts over the years. Mr. Hamilton stated that he will continue to pursue efforts to ensure that a balance of vocational training and academic courses is offered in area high schools, and that as the vice president of the 7611 Maple Cooperative, he will continue to work with the residents of the city in helping them to become home owners. He noted that it is important for the new councilmembers to realize that they will be wearing at least two hats. They will be representing the residents of the city but they will also be responsible for the jobs of city employees and must consider what is important to those employees. He said that Mr. Davenport must realize that he not only represents the people that voted him into office, but that he represents the majority of the rental community in Takoma Park. Mr. Hamilton commented that he is proud of the job that he has done while serving as councilmember of Ward 4.

Mr. Leary congratulated Mr. Rubin and wished him the best. He commented that he is grateful to have had the opportunity to serve on the Council for the last six years and that he will miss the weekly discussions with his colleagues about issues that are occasionally important, usually interesting, and participating in discussions which are almost always intelligent and civil. He said that he has every expectation that this will continue. He noted that the mayor has been most responsible for the quality of the council discussions and that the citizens of Takoma Park are fortunate to have the representatives that they have serving them.

Ms. Porter noted that she has enjoyed working with her colleagues who are now leaving the Council. She commented that she worked with Mr. Johnson on several issues but that in particular, she admired his perseverance in working to save a piece of land that overlooks Longbranch Park. She said that Mr. Hamilton was responsible for teaching her a lot about the Volunteer Fire Department. She noted that Mr. Leary, who has often been characterized as the conservative on the Council, has always impressed her with his wisdom and his common sense approach to issues.

Mr. Sharp commented that a person gets to know people very well after having spent many late evenings discussing matters before the Council and that he thinks of all three departing councilmembers as his friends. He said that the accumulated experience of the outgoing councilmembers will be missed and that their absence places an additional responsibility on the returning councilmembers. He wished them all well and invited them to come to future meetings. He thanked them for their dedicated service on the Council.

Mr. Sharp noted that the Unification Bill is before the Montgomery County Delegation for a public hearing this evening, and that in the essence of time, the Council will need to move on to the installation ceremonies for the new Council.

#1 Resolution re: Washington Adventist Hospital Bonds. Mr. Sharp explained that the resolution would amend the previous resolution passed by Council that approved certain amendments to documents relating to bonds issued by Takoma Park, Maryland, for the benefit of Washington Adventist Hospital. He noted that the city has been assured by Bond Counsel that the additional amendments proposed by this resolution do not affect the controls and restraints that were in the original agreement made by the city with the Washington Adventist Hospital, to issue the bonds.

Ms. Habada stated that Bond Counsel assured her again today that the amendments do not change the controls that the city has according to the original agreement.

Moved by Mr. Hamilton; seconded by Mr. Johnson.

The resolution was unanimously adopted.

RESOLUTION #1993-95
(Attached)

Moved by Mr. Hamilton; seconded by Ms. Porter, the outgoing Council adjourned.

Mr. Sharp explained that due to the bi-county status of the city, the mayor is sworn in by both county clerks.

Ms. Geraldine Stark, Deputy Clerk of Montgomery County, came forward and administered the Oath of Office to Mr. Sharp. Mr. Sharp signed the County Register.

Ms. Vivian Jenkins, Clerk of Prince George's County, came forward and administered the Oath of Office to Mr. Sharp. Mr. Sharp signed the oath.

Mr. Sharp administered the Oath of Office to the new and re-elected councilmembers.

There was a brief intermission for photographs of the new City Council.

OFFICIALS PRESENT:

Mayor Sharp
Councilmember Chavez
Councilmember Davenport
Councilmember Elrich
Councilmember Porter
Councilmember Rubin
Councilmember Williams

City Administrator Habada
City Clerk Sartoph

The new City Council convened at 8:15 p.m. on Monday, November 15, 1993, in the Council Chamber at 7500 Maple Avenue.

Mr. Sharp offered some remarks on the election and looked forward to the next two years.

#1 Appointment of Mayor Pro Tempore. Mr. Sharp appointed Mr. Elrich as the Mayor Pro Tempore and explained that in his absence, Mr. Elrich will have the important responsibility of organizing agendas, taking the lead on many policy issues, and representing the city. He said that he is looking forward to working with Mr. Elrich and congratulated him.

#2 Unification Bill. Mr. Sharp introduced the resolution expressing support for the Unification Bill (PG/MC 12-94) and unification of Takoma Park into one county.

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

Mr. Williams noted that in the first therefore clause, there needs to be an amendment "urges".

Ms. Porter noted that this effort will require the combined efforts of Council and residents and that it will be a fight for success. She said that the Council is providing an opportunity but that the citizens will have to make it happen.

Mr. Elrich commented on the greater willingness of the Prince George's County Council to support the unification initiative. He said that Mr. Glendening's desire to become governor has provided an opportunity that the City has not had in the past. The citizens of the community need to put pressure on the elected officials of the county and state levels. He emphasized that this is not just a City Council battle. He said that he thinks that this battle may be won, but that everyone will have to work hard to win it.

Mr. Daniels, Sherman Avenue pledged his support to helping in the efforts regarding the unification initiative.

Kay Dellinger, Hampshire Towers welcomed the new councilmembers and re-elected members of the City Council. She said that people have a lot of expectations of the Council and that she hopes that the Council will be able to meet those expectations. She commented that there are a lot of citizens that do not know about the current unification initiative and that residents need to be educated and informed. Ms. Dellinger suggested that the city use the cable station, Journal newspapers, and radio and television stations to reach the residents of Takoma Park. She stated that it will be important, on a continual basis to educate and inform residents in an effort to mobilize their support.

Clarence Boatman, Ritchie Avenue said that residents have already been talking with Mr. Davenport about this issue. He said that he pledges to support and help Mr. Davenport and the Council in efforts on regarding this issue. He noted that most often in the past he heard too late or after the fact that the Council needed assistance in Annapolis.

The resolution was unanimously adopted.

RESOLUTION #1993-96
(Attached)

Moved by Ms. Porter; seconded by Mr. Chavez. The Council adjourned at 8:30 p.m. and departed to attend the hearing of the Montgomery County Delegation regarding the Unification Bill, at the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland.

Introduced by: Councilmember Hamilton

As Adopted October 11, 1993 and
Amended and Restated on November 15, 1993

CITY COUNCIL OF TAKOMA PARK, MARYLAND

Resolution #1993-95

RESOLUTION AMENDING AND RESTATING A RESOLUTION ADOPTED ON OCTOBER 11, 1993,
APPROVING CERTAIN AMENDMENTS TO DOCUMENTS RELATING TO BONDS ISSUED BY TAKOMA
PARK, MARYLAND, FOR THE BENEFIT OF WASHINGTON ADVENTIST HOSPITAL, INCORPORATED
AND AUTHORIZING THE EXECUTION THEREOF

RECITALS

On September 11, 1991, the City of Takoma Park, Maryland (the "City"), issued pursuant to the Maryland Economic Development Revenue Bond Act its \$31,055,000 Hospital Facilities Revenue Refunding Bonds (Washington Adventist Hospital Project) Series 1991A, Subseries 1, \$23,210,000 Hospital Facilities Revenue Refunding and Improvement Bonds (Washington Adventist Hospital Project) Series 1991A, Subseries 2 (both such subseries herein referred to as the "1991A Series Bonds"), and \$16,210,000 Hospital Facilities Subordinate Revenue Improvement Bonds (Washington Adventist Hospital Project) Series 1991B (the "1991B Series Bonds"; together with the 1991A Series Bonds, the "Bonds"), for the benefit of Washington Adventist Hospital, Incorporated, a Maryland not-for-profit corporation (the "Corporation"), for the purpose of (i) financing or refinancing the costs of the acquisition by the Corporation, of certain facilities located at 7600 Carroll Avenue in the City of Takoma Park, Maryland, (ii) refunding or refinancing certain prior indebtedness of the Corporation (including, without limitation, certain bonds previously issued for the benefit of the Corporation), (iii) the funding of reserves, and (iv) costs of issuing the Bonds.

The Corporation has requested that the City authorize and approve certain amendments to the Indenture of Trust [and], Loan Agreements and other documents relating to the Bonds and reissuance of the Bonds in order to: (i) authorize the issuance of the Bonds in denominations of \$5,000, (ii) place the 1991B Series Bonds on a parity with the 1991A Series Bonds and to redesignate the title of the 1991B Series Bonds to delete the term "Subordinate", (iii) restructure the debt service reserve fund to create a single reserve fund with a debt service reserve requirement equal to the maximum annual debt service on the Bonds for any year, [and] (iv) reduce the rate or rates of interest borne by the Bonds, (v) amend the terms of redemption of the Bonds, and (vi) make other changes incident thereto.

The Corporation has represented to the City that the holders of 100% of the aggregate principal amount of the Bonds and all other parties whose consent is required (other than the City) have consented or will consent to the foregoing amendments.

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

1. The City hereby approves the proposed amendments to the Indenture of Trust, dated as of September 1, 1991, between the City and First Trust National Association, trustee (the "Original Indenture"), the 1991A, Subseries 1 Loan Agreement, dated as of September 1, 1991, the 1991A, Subseries 2 Loan Agreement, dated as of September 1, 1991, and the 1991B Loan Agreement, dated as of September 1, 1991, all between the City and the Corporation (the "Original Loan Agreements"), and to any and all other documents, instruments and agreements relating to the Bonds, including without limitation, the forms of the Bonds (together with the Original Indenture and the Original Loan Agreements, the "Original Bond Documents"), for the purposes described above and such other purposes as the Mayor of the City shall determine necessary or desirable, which shall be in such form as may be approved by the officers of the City authorized to execute and deliver such amendments.

2. The amendments to the Original Bond Documents shall be executed on behalf of the City by the Mayor or the person then acting as Mayor and attested (if required) by the City Clerk or any designated Deputy City Clerk. The Mayor, or the person then acting as Mayor, the City Administrator and the City Clerk or any designated Deputy City Clerk are hereby authorized to execute and deliver on behalf of the City any other documents, certificates, bond certificates, tax filings, agreements or instruments as they may deem required or necessary in connection with the amendment of the Original Bond Documents for the purposes described above. Prior to the reissuance of the Bonds, the Mayor of the City shall, by executive order or otherwise, approve the interest rate or rates to be borne by the bonds and the terms and conditions (including without limitation, dates of redemption and redemption prices) of the redemption of the Bonds prior to their stated maturity or maturities.

3. The execution of the amendments to the Original Bond Documents and the execution by the officers of the [Issuer] City of any other documents, certificates, bond certificates, tax filings, agreements or instruments shall be conclusive evidence of the approval of the final terms, provisions, form, content and substance thereof, and, in the case of the Mayor, the approval of the interest rates and redemption terms required pursuant to Section 2 of this Resolution.

4. The Corporation shall pay directly all costs, fees and expenses incurred by or on behalf of the City in connection with the execution and delivery of the amendments to the Original Bond Documents, including (without limitation) legal expenses and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith.

5. The Bonds and the interest on them are limited obligations of the [Issuer] City the principal or, premium, if any, and interest on which are payable solely from revenues received in connection with the financing or refinancing of the Corporation's facilities and from any other moneys made available to the [Issuer] City for such purpose, all to the extent provided in the Original Bond Documents. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the [Issuer] City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the [Issuer] City.


6. This Resolution amends in certain respect and restates Resolution No. 1993-90, adopted by the City Council on October 11, 1993. Except to the extent amended by this Resolution, Resolution No. 1993-90 remains in full force and effect.

7. The amendments to Resolution No. 1993-90 made by this Resolution shall take effect on the date of its adoption.

Certificate of City Clerk

I hereby certify that the foregoing is a true, correct and complete copy of Resolution No. 1993-95 (the "Resolution"), adopted by the City Council of Takoma Park, Maryland, at a regular meeting duly called and held on November 15, 1993. A proper quorum was present throughout such meeting and the Resolution was duly proposed, considered and adopted in conformity with all applicable requirements, including, without limitation, the Charter of the City of Takoma Park. The Resolution has not been amended, repealed or rescinded since its original adoption and is in full force and effect on the date of this certificate.

Dated: November 15, 1993.


Catherine Sartoph
City Clerk

Introduced by: Mayor Sharp

RESOLUTION 1993 - 96
IN SUPPORT OF UNIFICATION OF TAKOMA PARK INTO ONE COUNTY

WHEREAS, the citizens of Takoma Park, Maryland, have repeatedly indicated that they, overwhelmingly, are in favor of unification of the City into one county; and

WHEREAS, the citizens in favor of unification represent a broad cross-section of City residents: Asian, black, hispanic, native American, and white, of all ages and economic groups; and

WHEREAS, such unification would result in an increased sense of community and a decreased cost of City government, among other, substantial benefits to the City and its residents.

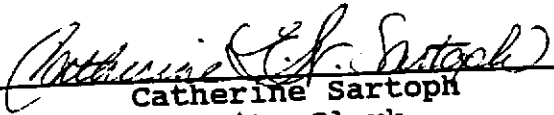
NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland, expresses unequivocal support for the unification of the City into one county, and urges all County and State officials to do likewise; and

BE IT FURTHER RESOLVED THAT the Council supports Bill PG/MC 12-94, which calls for a binding referendum to be held in the City of Takoma Park, so that the voters of the City may democratically determine whether or not the City should be so unified, and into which county; and

BE IT FURTHER RESOLVED THAT this Resolution shall be forwarded to all appropriate state and local officials to register the support of the Council for such a referendum.

ADOPTED THIS 15th DAY OF NOVEMBER, 1993.

ATTEST:


Catherine Sartoph
City Clerk

Regular Meeting, Public Hearing, Worksession and
Executive Session of the City Council

Monday, November, 22, 1993

TAKOMA PARK MD LIBRARY
301 PHILADELPHIA AVENUE
TAKOMA PARK, MD, 20912

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Deputy City Clerk Espinosa
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The City Council convened at 7:40 p.m. on Monday, November 22, 1993, in the Council Chamber at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following remarks were made.

Mr. Sharp announced that Tuesday evening at 7:30 p.m. in the Mayor's office there will be a meeting to discuss unification issues. The Council has been meeting with various candidates for office to talk about a number of issues, unification being the primary topic. He said that they have met with State Senator Bea Tignor who is running for the office of Prince George's County Executive, who said that she is very supportive of the unification bill. He noted that the Council will continue to meet with the other candidates and that citizens should also continue to discuss this issue with candidates. Mr. Sharp encouraged all interested persons to participate in the meeting tomorrow evening.

CITIZEN COMMENTS

Jim Douglas, 18 Sherman Avenue (S.S. Carroll Citizens Association) said that he is speaking on behalf of the association and that he would like to address the issue of neighborhood traffic management. In September 1992 when Phase II of the Transportation Plan was pending before the Council, the association sent a letter to the City Administrator requesting that S.S. Carroll be included among the citizen associations which would be considered for Phase II traffic studies. He said that they have not heard from the Council or the City Administrator since that time regarding the status of their request nor have they received an official acknowledgement of their request. He noted that they have spoken with staff off and on, and that he has reason to believe that planning staff does have a copy of the association's letter. He said that they are concerned that since the Phase II Traffic Management Plan approach has been adopted, there is nothing happening to implement the plan. He commented that they believe that they submitted a fairly detailed and persuasive reason to be considered, if not first, at least near the top of the list in terms of addressing their traffic management issues. Mr. Douglas stated that he would like this issue put on the Council's agenda and that he would like some sense of the criteria that will be used to put neighborhoods on the priority list, how long the list is, and when the studies will get underway. He said that it concerned him to hear that the Director of Housing and Community Development has made some comments contrary to that.

Ms. Habada said that the city has had commitments from the Prince George's County Planning Commission under the Aid to Municipalities Program to undertake the traffic studies that are a part of Phase II, and explained that Council adopted Phase I (setting up the guidelines). Phase II involves actually doing the traffic studies, and Phase III reviewed alternative transportation modes. She said that the first, Westmoreland Area Traffic Management Study, has already come up for public hearing, and that the studies for the Longbranch-Sligo and New Hampshire Gardens areas are currently being reviewed in consideration of the commitments that were made by the Prince George's County Traffic Planning Division to assist the city with these studies. These studies are in various stages of drafts. Ms. Habada stated that the city does not have the in-house resources to undertake the other requests. She said that in light of these considerations, staff is looking for other options, and that she is meeting with both Fern Piret, Planning Director of Prince George's County, and Bob Marriott, Planning Director of Montgomery County, and will be asking Mr.

Marriott to give the city the same type of services that have been committed from Prince George's County. This would enable the city to begin some of the studies that have been waiting on the Montgomery County side of the city. She commented that in regards to comments made by the Director of DHCD, she does not know the nature of the kinds of commitments that people are stating have been made and what commitments perhaps the Ms. Nance-Sims is saying the city may need to rethink. Ms. Habada said that she will speak with her.

Mr. Douglas said that if resources do become available that he would like some indication of where his community is on the list of priorities.

Mr. Sharp said that it would be valuable for the Council to have some type of discussion that addresses the points made by Mr. Douglas. He suggested that the Council discuss this issue at next week's meeting.

Ms. Porter asked that the discussion be expanded to talk about the strategy that is being used to seek support from the counties.

Mr. Sharp asked whether staff would be prepared to discuss this issue more generally, in addition to WACO, on December 6th?

Ms. Habada responded that the staff could meet this request.

Mr. Williams asked if staff could provide the Council with an ordered list of the communities being considered for studies?

Ms. Habada said that in the absence of any guidelines at this point, staff can provide a list of the communities in the order their requests have been submitted.

Mr. Sharp asked that a letter be sent to S.S. Carroll following the discussion on December 6th.

Mr. Douglas said that there are some parts of their request that can be addressed, in consideration of the tight budget constraints.

#1 Resolution re: Funding Raising for Santa Marta. Mr. Sharp explained that this is a resolution supporting additional fundraising efforts for Takoma Park's companion city.

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

Mr. Elrich noted that the Council passed a similar resolution for the Cows for Kids program and that he thinks it is an appropriate thing for the city to do. He said that Santa Marta could certainly use a clinic.

Mr. Rubin said that the city should be very proud of this effort and that it is very valuable to the residents of Takoma Park and those in El Salvador. He noted that it is a great educational experience and that it enriches everyone.

Mr. Sharp referred to the second resolve clause and noted that there was some concern expressed by staff regarding the placement of the cows on the roof of the Library. He asked if there is a concern about placing a replica of the Clinic on city property?

Ms. Habada said that the preference is to place it on the lawn, assuming that it would not be vandalized, but that if there is a problem, then the option of putting the replica on the roof can be investigated.

Nancy Chisholm said that the people in Santa Marta began building the clinic but had to stop because they ran out of money. She stated that they have advanced to them \$10,000 to complete the clinic, and that now they are raising money to pay back the persons who lent the money. She introduced the persons from her committee (Companion Cities Project) who are present: Co-Chair Catherine Lambert, Camilla Prescott, Fran Tall, Gabrielle Prescott, Lyle Prescott. She said that the name of the campaign is "Viva La Clinica" and that Takoma Park has been the companion city for Santa Marta for six years. Ms. Chisholm noted that their current clinic is made out of mud and sticks, has a dirt floor, a swinging light bulb, and no running water. She said that in the clinic surgery is performed, emergency care is administered, prenatal care is given (treatment for 100% of the village women), and malnutrition is being greatly reduced. She commented that the clinic plans to offer mental health care and therapy for war injuries. She stated that out of a very crude dwelling, a very significant health program is being operated and managed, and that the clinicians have

dreams of being able to serve areas surrounding Santa Marta. The new clinic will help them to create sterile circumstances, and operate a more successful health program.

The resolution was unanimously adopted.

RESOLUTION #1993-97
(Attached)

#2 Public Hearing: Cable Television Franchise Transfer. Mr. Sharp noted that the hearing is to discuss the cable television franchise transfer from Montgomery County Cable Franchise to S.B.C. Media Ventures.

Mr. Hobbs explained that the city is a co-franchiser with Montgomery County requiring that the city would have to approve the transfer before it can go forward. He introduced Mike Gillum, President of S.P.C. Media Ventures, and John Edy, President and Chief Operating Officer of the Montgomery County Cable Television, and Bob Honeycutt.

Mr. Gillum said that South Western Bell looked a long time before it settled on Montgomery County and Arlington. He stated that they are looking forward to doing business in this area but that it is obviously contingent upon the Council approving the transfer.

Mr. Elrich referred to the note from Mr. Hobbs and the statement that "subscriber rates will not be adversely affected by the transfer for at least three years" and asked whether this means that they will be adversely affected after three years?

Mr. Gillum responded that this does not mean that the rates will be affected after three years. He noted that Montgomery County is certified to regulate rates, in terms of equipment rates and local programming services, and that the FCC is going to be regulating another tier of programming services. He said that South Western Bell and Hauser have just filed a benchmark approach and that this approach will result in a roll back of rates for somewhere between 70-80% of the subscribers.

Ms. Porter asked if the transfer would affect the subscriber fees that the city gets?

Mr. Gillum noted that it would not.

Ms. Porter asked if there would be any change in the services available to the city, from what the city gets under the current franchise arrangement?

Mr. Gillum said that in terms of services, South Western Bell envisions more services over the next five to seven years, but that it would be very difficult to name the specific services. He stated that no current services will be cut, and that the focus is on what new services may be brought to the network.

Mr. Rubin asked if there would there be any change in the input or decision making function of the city in the operation of cable under the new franchise?

Mr. Gillum responded that there would be no change and that they would still be bound by the original franchise license agreement and the city would continue to deal with the same people that it has dealt with in the past.

Mr. Rubin asked if Montgomery County Cable is going out of business?

Mr. Gillum explained that the franchise is just being purchased and that they would be taking over the company. He noted that the same people would remain except for the two partners that own the two systems (Arlington/Montgomery) would be replaced by South Western Bell.

Mr. Sharp stated that there had been some initial concern by Montgomery County with what South Western Bell was proposing to do regarding rates and that this did cause some concern that was expressed by County staff to the City Council when it was discussed in Worksession. Since that time, those concerns have been eliminated, and the County Executive has signed off on the agreement. It now goes to the County Council for approval. Mr. Sharp asked whether it is up for vote tomorrow?

Mr. Hobbs stated that it will be considered by the County Council at 3:00 p.m. tomorrow.

Mr. Sharp asked for citizen comments. In the absence of citizen comments, he closed the public hearing at 8:09 p.m.

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

The resolution was unanimously adopted.

RESOLUTION #1993-98
(Attached)

Moved by Mr. Elrich; seconded by Ms. Porter. The Council adjourned from regular session and moved into worksession.

Mr. Sharp announced that at the end of the Worksession, the Council will adjourn to Executive Session to discuss a land acquisition matter.

RESOLUTION 1993-97
IN SUPPORT OF THE "VIVA LA CLINICA" CAMPAIGN
OF THE TAKOMA PARK-SANTA MARTA COMPANION CITIES PROJECT

WHEREAS, the City of Takoma Park joined with Santa Marta, El Salvador, as companion cities in 1988; AND

WHEREAS, the citizens of Santa Marta suffer not only from the wide range of illnesses common to most populations but also from a high incidence of many serious illnesses including respiratory, ear, eye and skin infections, severe dental problems, parasitic infections, malnutrition, mental illnesses, and disability from war wounds, AND

WHEREAS, medical care for these illnesses, all preventive medicine, treatment of pregnant and nursing women and newborn babies, minor surgery and all emergency care now is provided in a tiny building of mud and sticks with a dirt floor, no running water, no electrical outlets, poor lighting, and minimal medical supplies and equipment, AND

WHEREAS, provision of quality medical care and creation of sterile conditions is extremely difficult under such conditions, AND

WHEREAS, the Health Committee of Santa Marta has begun construction of a substantial medical clinic planned to include a poured concrete floor, running water, and adequate electrical service, but has had to stop construction for lack of funds, AND

WHEREAS, the Health Committee of Santa Marta has requested help from Takoma Park in completing the clinic,

NOW THEREFORE, BE IT RESOLVED THAT the City Council endorses the campaign in support of the request of the Health Committee of Santa Marta, which campaign is known as "Viva La Clinica"; AND

BE IT FURTHER RESOLVED THAT the City Council authorizes the Companion Cities Project to place a replica of the clinic on City property at Maple and Philadelphia Avenues in a highly visible place, showing the progress of fund-raising for completion of the clinic, AND

BE IT FURTHER RESOLVED THAT the City Council shall recognize and thank appropriately major individual and organizational donors to the campaign.

Adopted this 22nd day of November, 1993.

Introduced by: Councilmember Elrich

RESOLUTION 1993-98

A Resolution approving the transfer of the cable communications franchise from Montgomery Cablevision Limited Partnership to SBC Media Ventures, Inc.

WHEREAS, The City of Takoma Park, has granted to Montgomery Cablevision Limited Partnership, a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park; AND

WHEREAS, Montgomery Cablevision Limited Partnership and SBC Media Ventures, Inc. have applied to the City of Takoma Park for approval to transfer the franchise from Montgomery Cablevision Limited Partnership to SBC Media Ventures, Inc.; AND

WHEREAS, The City of Takoma Park conducted a public hearing on the proposed transfer on November 22, 1993; AND

WHEREAS, based upon the application and supporting materials supplied by Montgomery Cablevision Limited Partnership and SBC Media Ventures, Inc., and the record of the hearing, the Council of the City of Takoma Park finds that the proposed transfer will serve the best interests of Takoma Park and it's residents, provided that the transfer is upon the terms and conditions set forth by Montgomery County.

NOW, THEREFORE, BE IT RESOLVED by the City of Takoma Park that the transfer of the cable communications franchise from Montgomery Cablevision Limited Partnership to SBC Media Ventures, Inc. within the corporate limits of the City of Takoma Park be and the same is hereby approved upon the following conditions:


1. SBC Media Ventures, Inc. shall execute an agreement whereby it assumes all of the obligations of Montgomery Cablevision Limited Partnership under the existing franchise agreement and any amendments or supplements thereto.

2. SBC Media Ventures, Inc. shall execute an agreement with the Montgomery Chapter of the Maryland Municipal League, acting on behalf of the City of Takoma Park.

AND BE IT FURTHER RESOLVED, that the City Administrator of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Resolution.

Adopted this 22nd day of November, 1993.

I, Catherine Sartoph, the City Clerk of the City of Takoma Park, hereby certify that the foregoing Resolution was approved and adopted by the Council of the City of Takoma Park at a meeting held after due notice on the 22nd day of November, 1993.



Catherine Sartoph
City Clerk