

## SPECIAL SESSION AND WORKSESSION OF THE CITY COUNCIL

Monday, April 4, 1994

## OFFICIALS PRESENT:

Councilmember Chavez  
 Councilmember Davenport  
 Councilmember Elrich  
 Councilmember Rubin  
 Councilmember Williams

City Administrator Habada  
 Deputy City Administrator Grimmer  
 Assistant City Administrator Hobbs  
 City Clerk Sartoph  
 Corporation Counsel Silber  
 DHCD Director Nance-Sims  
 DHCD Asst. Director Ludlow  
 Community Dev. Coordinator Sickie  
 Code Enforcement Supv. Castillo  
 Public Works Director Knauf  
 Library Director Arnold-Robbins

## OFFICIALS ABSENT:

Mayor Sharp  
 Councilmember Porter

The City Council convened at 7:37 p.m. on Monday, April 4, 1994, in the Municipal Building upstairs meeting room at 7500 Maple Avenue.

Mr. Elrich announced that he would be conducting the meeting as Mayor Pro Tempore, in the absence of the Mayor who, along with Ms. Porter, Ms. Habada, and others, is in Annapolis this evening regarding the Unification Bill.

The Council immediately moved into Special Session by unanimous consent at 7:40 p.m.

#1 English - Official Language. Mr. Elrich briefly explained that the resolution is in opposition to HB982 and SB467 both entitled "English Language - Formal Recognition" which would designate a single language (English) as the official language of the State of Maryland.

Mr. Chavez said that he supports the resolution, but that he encourages all immigrants to learn English as a second language. He asked whether the City Council meeting minutes are provided in a language other than English.

Ms. Sartoph replied in the negative.

Moved by Mr. Chavez; seconded by Mr. Williams.

(Mr. Rubin arrived to the meeting.)

Mr. Rubin commented that he was of the understanding that this resolution was being removed from this evening's agenda and postponed until next week, to allow several citizens who are unable to be here this evening, the opportunity to comment on the resolution. He moved that the resolution be tabled until 4/11/94.

Upon unanimous consent of the Council, the resolution was tabled until 4/11/94.

Ms. Grimmer noted that the Maryland General Assembly will close on midnight 4/11/94, and asked that if it were to become necessary because of a time conflict, the Council give staff permission to convert the intent of the resolution into a letter that would be forwarded to Annapolis with the stated "unanimous Council consent".

The Council took a straw vote, and unanimously agreed to Ms. Grimmer's request.

#2 Juniper Street Bridge. Mr. Elrich explained that the resolution is in regards to an agreement that has been reached by Montgomery County and the Washington Metropolitan Area Transit Administration (WMATA) to split the cost for the removal of the Juniper Street pedestrian bridge.

Dave McSpaden asked for clarification on the history of the Agreement and subsequent resolution being considered by the Council.

Mr. Rubin commented on the long history of disagreements and meetings regarding which party is the responsible for the maintenance of the bridge. He said that during his campaign for councilmember, many residents expressed concern about the bridge and related safety hazard issues. The neighborhood expressed a strong desire to have some pedestrian bridge at the site; however, the residents understand the need to remove the current bridge. He remarked that the bridge has been the topic of discussion at several North Takoma Citizens Association meetings, and noted some of his efforts in corresponding with Montgomery County and WMATA to arrive at an agreement regarding the disposition of the bridge. Mr. Rubin stated that there is a committee within the neighborhood association that has formed to explore building a new pedestrian bridge at some time in the future.

Mr. McSpaden asked whether the city has any "hold" (rights) to the bridge.

Mr. Rubin responded in the negative.

Mr. McSpaden said that he views this resolution as an abandonment of that section of Takoma Park and that it is very distressing. He urged the Council to be careful with taking any action regarding the bridge.

Larry Ravitz stated that he spends a lot of time at the Montgomery Gardens and that a lot of other young families from his apartment building also use the bridge to access the park.

Grace Bateman (President, Shepherd Park Citizens Association) said that she is not a citizen of Takoma Park. She commented that there is still some doubt as to who owns some of the property that the bridge spans and that until ownership is decided, it is premature to take any action on the bridge. Ms. Bateman noted that the Montgomery County Housing Opportunities Commission has asked Metro to reopen the case regarding the bridge.

Dan Maier remarked on the history of the bridge and suggested that the city handle the matter of the bridge according to the right-of-way abandonment procedures of the Code. He expressed his desire for North Takoma Citizens Association to meet with Shepherd Park Citizens Association to discuss this matter. He noted too, that the foundations for a vehicular bridge are still in place underneath the pedestrian bridge structure.

Mr. Rubin commented that the pedestrian bridge has been declared unsafe, and explained that the City can only "abandon" a right-of-way that the City owns. The City has no responsibility for the bridge. He noted that a notice of this discussion appeared in the North Takoma Citizens Association Newsletter that was distributed to residents encompassed by the association and in the vicinity of the bridge.

Mr. Maier stated that he is disappointed that the North Takoma Citizens Association did not arrange to meet with Shepherd Park Citizens Association.

Mr. Rubin remarked that a neighborhood association committee has been established to explore a future bridge, the current pedestrian bridge has been declared unsafe, and the neighborhood fears a rising crime rate in the area of the bridge. He emphasized that this is not a matter of "abandoning" or "giving-up" on the bridge, but that the current bridge is simply unsafe. Mr. Rubin said he is inclined to favor that a bridge at the location would be good; however, there is the matter of priorities to be considered. The City does not have \$200,000 to spend on a new bridge.

Mr. Maier said if the communities support restoration of the bridge, he hopes that Community Development Block Grant funds can be applied for to replace the bridge.

Mr. Williams asked if passing the resolution will affect whether or not a new bridge is ever considered.

Mr. Maier said that the current resolution makes no mention of a new bridge and offered a friendly amendment to make the City's consent to the Agreement contingent on Metro replacing the bridge.

Mr. Elrich stated that he is hesitant to add such an amendment to the resolution, and that the City should not prolong the decision to remove the current "hazardous" bridge. He commented that he does not believe that the community will ever concede to having the bridge opened as a vehicular bridge, and said that the resolution, as is, is the way to go.

Mr. Rubin proposed two amendments: (1) last Whereas clause "...the current

bridge for safety reasons, even if the..."; and (2) add Therefore clause "...applauds efforts of North Takoma Citizens Association to explore possibilities of replacing the current structure..."

Mr. Davenport seconded the proposed amendments.

Raymond Altevogt stated that he has an interest in the bridge, is not a member of North Takoma Citizens Association, and was not notified of this discussion. He said that the description of this item on the agenda does not clearly identify the topic of discussion--Juniper Street Bridge. He commented that he used the bridge regularly until recently, when it was closed, and questioned the bridge being "unsafe". He asked whether the plywood surface could be replaced to adequately restore the bridge to pedestrian use.

The amended resolution was adopted unanimously.

RESOLUTION #1994-20  
(Attached)

Moved by Mr. Elrich; seconded by Mr. Williams. The Council moved into Worksession at 8:20 p.m., and later adjourned for the evening at 10:40 p.m.

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

**RESOLUTION #1994 - 20**

**WHEREAS**, in 1976, the Washington Metropolitan Area Transit Authority (WMATA) constructed a temporary pedestrian bridge known as the Juniper Street Bridge (hereinafter referred to as the Bridge) as a replacement for the former Juniper Street vehicular bridge, over the WMATA and B&O Railroad Tracks in the vicinity of Blair Road and Takoma Avenue south of Montgomery College; **AND**

**WHEREAS**, the condition of the bridge has suffered from disrepair for several years, resulting in it being closed to pedestrian passage because of associated safety hazards; **AND**

**WHEREAS**, the WMATA has agreed to remove the bridge under a cost participation agreement with Montgomery County; **AND**

**WHEREAS**, WMATA and the County will split the cost of the bridge removal without any cost participation from the City of Takoma Park; **AND**

**WHEREAS**, the City of Takoma Park is made party to the agreement for the following conditions:

1. The City has no objections to the permanent removal of the bridge;
2. The City hereby quits any right, title, and interest the City may have in the present bridge structure;
3. The City hereby agrees that the abutments of the bridge may remain in place--necessary to prevent any erosion of the steep slopes at the abutments; **AND**


**WHEREAS**, the City further realizes the necessity to remove the current bridge for safety reasons, even if the construction of a new bridge at the same site were to be considered at some time in the future.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council applauds the efforts of the North Takoma Citizens Association to explore possibilities of replacing the current structure; **AND**

**BE IT FURTHER RESOLVED THAT** the City Council hereby agrees to the conditions as they apply to the City and acknowledges the cost sharing provisions that will be split by WMATA and Montgomery County, of the Agreement to be executed among the Washington Metropolitan Area Transit Authority, the City of Takoma Park, Maryland, and Montgomery County, Maryland.

**ADOPTED** this 4th day of April, 1994.

**ATTEST:**

  
Catherine Sartoph, City Clerk

EXECUTIVE SESSION, REGULAR MEETING, AND WORKSESSION  
OF THE CITY COUNCIL

Monday, April 11, 1994

EXECUTIVE SESSION

Executive Session 4/11/94 - Moved by Mr. Chavez; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote (ABSENT: Elrich, Porter) at 7:46 p.m., in the Conference Room--Officials Present: Sharp, Chavez, Davenport, Rubin, Williams; Staff Present: Habada, Hobbs, Espinosa, Silber. Council received information regarding a personnel matter and discussed possible land acquisition; the City Administrator was authorized to proceed with land acquisition (Authority: Annotated Code of Maryland, State Government Article, Sections 10-508(a)(1) and 10-508(a)(3)).

REGULAR MEETING

## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Assistant City Administrator Hobbs
Councilmember Elrich	Deputy City Clerk Espinosa
Councilmember Porter	DHCD Director Nance-Sims
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:58 p.m. on Monday, April 11, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that the Council met in Executive Session earlier this evening to receive information regarding a personnel matter and discuss possible land acquisition. The City Administrator was authorized to proceed with land acquisition.

Mr. Sharp remarked that House Bill 1090 (Takoma Park Unification Bill) was passed by the Maryland General Assembly on Friday, April 8th. He noted that the next step is for the Governor to sign the Bill, and that once signed, the Bill will affect referenda on the November 1995, City Election Ballot regarding whether the Counties' boundaries should be changed to incorporate all of Takoma Park in one County--Prince George's or Montgomery.

Ms. Porter noted that the "miracle" passage of the Bill was the result of a lot of hard work and direct lobbying by the citizens of Takoma Park, and that it was a wonderful demonstration of people behind something they care about.

Mr. Rubin thanked the citizens for their outstanding contributions to the unification effort. He announced that on Monday, April 11th, Takoma Park resident Fred Feinstein was introduced at the White House as the new General Counsel of the National Labor Relations Board.

Mr. Elrich commented on a successful rally in support of a new Blair High School that was held on Sunday, and announced that the Montgomery County council will hold a public hearing on Tuesday, April 19th (7:30 p.m.) at Richard Montgomery High School in Rockville, regarding Blair. He encouraged residents to attend the public hearing and support the funding of a first rate education facility on the Kay tract.

Mr. Rubin noted that bus transportation to the hearing will be provided departing from 100 Maryland Avenue.

Mr. Williams remarked that a public hearing is scheduled before the Maryland-National Capital Park and Planning Commission for April 25th.

Ms. Porter noted that Carole Highlands School will be holding its International Day at the Parkway School located on East-West Highway and Riggs Road on Saturday, April 23rd, at 1:00 p.m.

Mr. Sharp noted that Takoma Park recognized Arbor Day on Saturday, April 9th, and that a Unity Tree was planted behind the City Library.

#### PRESENTATIONS

Volunteer Fire Department Centennial. Mr. Sharp read the Mayoral Proclamation for the record.

Introduction of Russian Officials. Mr. Sharp said that the Council is very fortunate to have present this evening some visitors from Russia who have been working with the City for the past week, and noted that they have had the opportunity to visit the Maryland General Assembly.

Mr. Pashkov presented the Mr. Sharp with two items of Russian artwork.

Mr. Sharp remarked that the Council would be interested in hearing what the visitors have learned since they have been here in the city and what they have found most interesting.

Ms. Habada introduced Mikhail Pashkov who is the Administrator of the Department of International Relations for the City of Ivanovo in Central Russia, and Maria Buzadgy who is Legal Counsel with the Kirov District Administration, City of Yaroslavl.

Mr. Pashkov said that this is the second week of their internship program as sponsored by Delphi International and Institute for Advanced Russian Studies. These organizations provide for their stay in the United States. He commented that they arrived on March 26th, and started their program in Takoma Park last week. They are currently enjoying their stay. He remarked that they are very grateful for the warm hospitality they have received. Mr. Pashkov stated that he was particularly excited about the police ride-along he had the opportunity to experience arranged by the Police Department.

Ms. Buzadgy commented that she looks forward to strengthening her English language skills while in Takoma Park. She hopes that by observing the city's administrative system, she may be able to improve her city's administrative system.

Mr. Pashkov thanked the Mayor and Volunteer Coordinator Broadwater. He noted that Ms. Broadwater is in charge of their stay in the City, and that she has done a great job.

Mr. Sharp asked whether they have had the opportunity to attend a baseball game.

Mr. Pashkov responded in the negative.

Mr. Sharp said that the city is very happy that they are able to visit.

Ms. Habada thanked the Takoma Park families who have extended their home hospitality to the visitors for a week.

Mr. Rubin offered three words of Russian ("peace and friendship") to the visitors.

Mr. Sharp thanked Ms. Broadwater, once again, for her good work.

#### ADOPTION OF MINUTES

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

Ms. Porter noted a typographical correction. Mr. Elrich amended his comment as appears on page 1, "...noted with enthusiasm that Mr. Subin is in support of building the new Blair High School."

The minutes from 3/14/94 were unanimously adopted as amended.

#### CITIZEN COMMENTS

Tom Anastasio, 32 Columbia Avenue thanked the Council for their creativity and energy in the unification efforts. He noted that the cherry tree which was planted in observance of Hiroshima Day outside the Library is in bloom, and said that he hopes it symbolizes the possibility of a Nuclear-Free America and a Nuclear-Free World.

#### REGULAR MEETING

# 1 Resolution re: English - Official Language. Mr. Sharp explained that the resolution opposes HB982 and SB467 both entitled "English Language - Formal Recognition" which would designate a single language (English) as the official language of the State of Maryland.

Mr. Rubin noted that the resolution was introduced last week by Mr. Chavez, and was later tabled to allow an opportunity for public comment this evening. He moved that the resolution be re-introduced.

The Council voted unanimously to remove the item from the table.

Mr. Sharp noted that in addition to opposing HB982 and SB467, the resolution urges the Governor to veto the bills.

Mr. Rubin read a letter from Father John McKay, Pastor of Our Lady of Sorrows Church (attached) supporting the resolution, for the record.

Rudy Arredondo, 251 Manor Circle began by delivering his testimony in Spanish, and then translated his comments in English. He thanked the Council for their letter dated March 15, 1994, sent to officials and chairs of the legislative committees, opposing HB982 and SB467, and thanked Mr. Rubin, sponsor of this resolution in opposition to these bills. He said that under the provisions of these bills, his opening remarks in Spanish would have been illegal. The U.S. English Association, which is the National proponent of this legislation, is driven by anti-immigrant sentiment which engenders division. He thanked the Council for their time, attention, and "yes" vote for the resolution, and played a tape recording demonstrating anti-immigrant sentiments.

Maurice Belanger, Cedar Avenue said that HB982 has passed through the Senate and is now before the Governor, and that the Governor has eleven days to make a decision. He commented that the justification for the bill is that people should speak English, but that the bill does not do anything to help people learn English. It just makes it the law that English would be the official language. The emphasis appears to be on punishing people instead of helping them learn English, by taking away services in other languages until they learn English. He commented that there will always be immigrants coming into this Country, and that there will always be people making the transition from their native language to English. They should be able to participate in civic life and have access to services until they learn English. In States where similar legislation has passed, there has been discrimination against non-English speaking persons in the workplace and schools. He encouraged the Council to vote in favor of the resolution.

Ekpong Udo, (originally from Nigeria) asked the members of the Council to vote for the resolution. He said that he has never seen an immigrant who has made no attempt to learn English, and that it is obvious in this Country that to move ahead you must be able to speak English.

Tom Anastasio, 32 Columbia Avenue spoke in support of the resolution. The idea that language differences can divide a community, State or Nation has a certain simple minded charm to it. It is true to an extent; communities can be divided by language or religion--Canada, Ireland, Yugoslavia--or many other things. He said that the thing that makes Americans very proud is that we strive to work in the face of these differences. The move to legislate a single language does not make sense. He commented that people need to be encouraged to develop an ability to speak English, the current majority language, and thanked Mr. Rubin for bringing forward this resolution.

Mr. Chavez said that as an immigrant it was very hard to arrive in America knowing little English. It is a cultural shock to learn English and find a job. He thanked the City of Takoma Park, because the city welcomes persons of many different cultural backgrounds. He encouraged fellow immigrants to learn the English language, while maintaining their native culture and dialect.

The resolution was unanimously adopted.

RESOLUTION #1994 - 21  
(Attached)

#2 1st Reading Ordinance re: Shell Oil/Royal Dutch Shell Sanctions. Mr. Sharp questioned whether the resolution should be considered as an ordinance since its affect is to repeal Ordinance #1989-18 that imposed City sanctions against Shell Oil/Royal Dutch Shell.

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

Mr. Rubin recalled the discussion of the previous City Council concerning this matter, and asked whether there was a procedure set at that time regarding how to bring about the repeal of this ordinance.

Mr. Sharp noted that the Council repealed the South African Boycott resolution when Nelson Mandela had gone to the United Nations and called for that action. At that time, this provision was also discussed, and Ordinance #1989-18 was not repealed. He recalled that the discussion was in the context of Royal Dutch Shell having continued to do business in South Africa throughout the apartheid period, paying no attention to what people around the world were saying about their activities. It was determined that since a continued boycott was not a particularly onerous problem for the South African economy at that point, the city would continue the boycott of Royal Dutch Shell. He commented that he is not sure why this issue has been raised again.

Mr. Elrich responded that in the last Whereas clause there is a statement that the United Nations lifted its oil embargo against South Africa on December 7, 1993, which was after the lifting of some of the other sanctions. He noted that the arms sanction is still on.

Mr. Elrich explained that he intends to abstain on this issue, and said that he does not want anyone to confuse his opposition, if he were to vote against the ordinance, as a disapproval of the process that is unfolding in South Africa. He stated that he wholeheartedly supports the process that is unfolding there. He pointed out that at the time the embargo was placed and the fact that Shell Oil was singled out specifically, he felt that Shell Oil behaved in a particularly morally repugnant way--demonstrated no regard for the concerns that the world had about the situation in South Africa. He commented that he feels the only reasons the embargo is being lifted, which will reward Shell by allowing them to do business, are factors that have nothing to do with Shell. Shell did not change their position and has not shown any evidence of having any greater sense of moral responsibility today than when the sanctions were placed on them. The embargo is being lifted because the internal conditions in South Africa have changed. He concluded that he will not oppose the ordinance, but that he will abstain from the vote.

Mr. Rubin stated that he will vote for the ordinance to show his support for the process and because Nelson Mandela has called for the lifting of all such sanctions in order to help the people of South Africa, although he does understand Mr. Elrich's point.

The Council reached a consensus to designate the resolution a "first reading ordinance".

The ordinance was accepted at first reading (ABSTAIN: Elrich).

ORDINANCE #1994 - 8  
(Attached)

#3 Resolution re: Sligo Creek Parkway - Sunday Closure. Mr. Sharp stated that the resolution is with regard to the closing of Sligo Creek Parkway.

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

Mr. Elrich explained that the resolution supports the year-round Sunday closure of a portion of Sligo Creek Parkway on a permanent schedule. He noted that the park has been closed on Sundays, and that it is enjoyed by many persons for recreation purposes. He said that it has been a wonderful experiment, and that Park and Planning staff is going to recommend continuation of the experiment. This resolution asks the Park and Planning Commission to make the Sunday closure permanent and not require citizens to have to testify yearly to have the closure renewed. He remarked that the city is asking the Commission to make it a permanent arrangement that will only be reconsidered if there is a problem in the future.

Mr. Chavez asked what the times of closure will be.

Mr. Elrich responded that the parkway is closed from 10:00 a.m. to 6:00 p.m.

Ms. Porter noted that since the resolution makes mention of the fact that the city is asking Park and Planning to work with other citizens associations who are seeking to close other parts of the parkway, she wants to state for the



record that the part of Sligo Creek Parkway that runs between Old Carroll Avenue and New Hampshire Avenue is one such stretch of the parkway that has been discussed as being the subject of possible closure. The difficulty with that particular section, is that there are some houses on Sligo Creek Parkway, as well as houses on Colby, Cherry and Aspen Avenues which have no other access. She said that she wants it to be clear that the Council is not contemplating closing that portion of the parkway, denying access for those residents to get to their homes. The South of Sligo Neighborhood Association would not support closing off a section of the parkway that is someone's only access to their home; although, the Association is still seeking a way of reducing traffic on Sligo Creek Parkway during that period of time that would still allow residents to have access to their homes.

Mr. Elrich proposed deleting the word "seasonal" from the title of the resolution.

The amended resolution was unanimously adopted.

RESOLUTION #1994 - 22  
(Attached)

#4 Resolution re: Community Development Block Grant (CDBG) - Process & Appointments to Citizens Advisory Committee (CAC). Mr. Sharp listed the persons being appointed to the CDBG CAC by the resolution. There is also a discussion of the standards of participation in the CAC.

Moved by Mr. Elrich; seconded by Mr. Rubin.

Mr. Rubin pointed out that the resolution allows the City Administrator to appoint further members from additional groups, and noted that the Old Takoma Citizens Association, the Hodges Heights Citizens Association, and a newly formed (yet to be named) citizens association representing the people around Philadelphia corridor are all going to be requesting representation on the CDBG CAC.

Ms. Porter noted that relatively few neighborhood associations from the Prince George's County side of the city have participated on the CDBG CAC in recent years, primarily because the funding for CDBG on the Prince George's County side is very restricted. She urged residents on the Prince George's County side of the city to get involved in this process.

The resolution was unanimously adopted.

RESOLUTION #1994 - 23  
(Attached)

#5 1st Reading Ordinance re: Budget Amendment #2 - FY94. Mr. Sharp noted that the ordinance is an amendment to the FY94 Budget approving funding of the cultural audit.

Moved by Mr. Chavez; seconded by Mr. Williams.

Deputy City Administrator Grimmer stated that the ordinance will approve funding for the cultural diversity audit, and noted the last paragraph of the agenda item memo, which explains that staff is currently evaluating to determine whether any other budgetary house-keeping amendments need to be made before the end of the year.

Mr. Sharp clarified that the Unappropriated Reserves (\$112,600) are from the City Administrator's discretionary fund.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1994 - 9  
(Attached)

#6 1st Reading Ordinance re: Cultural Diversity Audit. Mr. Sharp explained that the ordinance will award a contract for the cultural diversity audit/training proposal.

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

Ms. Porter clarified that the Council will be briefed on the results of the audit.

Mr. Rubin stated for the record that the audit will explore whether or not

there are problems within the city's workforce, in making it clear to everybody that Takoma Park welcomes diversity among its employees. This contract is to explore whether or not there are any hindrances to that philosophy, and to identify solutions to problems that might exist.

Ms. Porter noted that the reason there may be some cultural friction is because the city has a very diverse workforce which is a good thing for the City. The audit will help identify ways of assisting employees to work more productively and pleasantly with persons of different cultures, genders, races and ethnic backgrounds.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1994 - 10  
(Attached)

#7 1st Reading Ordinance re: Graffiti Violations. Mr. Sharp explained that the ordinance amends the Code with regard to graffiti. Currently, an order to remove graffiti has 30 days to be carried out, and the ordinance would change that period of time to 5 working days.

Moved by Mr. Rubin.

Mr. Williams said that he was particularly impressed with the argument that was made in the paper (copy provided from the City of Rockville), one of the main points of which is that time is of the essence on this matter.

Mr. Rubin stated that it has been shown through studies that when there is graffiti on a wall, it encourages others to add to the graffiti--graffiti breeds graffiti. Speed in removal of the graffiti is not an effort to make it tougher on property owners, but an effort to improve the community as a whole.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1994 - 11  
(Attached)

WORKSESSION - Moved by Mr. Rubin; seconded by Mr. Williams. The Council moved into Worksession at 8:52 p.m.; following the Worksession, the Council adjourned for the evening at 10:15 p.m.

**MAYORAL PROCLAMATION NO. 1994 -1  
COMMEMORATING THE CENTENNIAL OF  
THE TAKOMA PARK VOLUNTEER FIRE DEPARTMENT**

**WHEREAS,** *the Takoma Park Volunteer Fire Department commenced service on October 15, 1894;  
AND*

**WHEREAS,** *not only has the Fire Department provided one hundred years of protection of the lives  
and property of the citizens of Takoma Park, but also, of members of surrounding  
jurisdictions; AND*

**WHEREAS,** *among the numerous contributions to the community by the Fire Department, the City  
shares the Fire Department's pride in having provided from its ranks the first  
Montgomery County, Maryland, Fire Marshal; AND*

**WHEREAS,** *among the Fire Department's numerous initiatives for public safety, the City shares the  
Fire Department's pride in having participated in the first University of Maryland civil  
defense course; AND*

**WHEREAS,** *among the Fire Department's numerous accomplishments, the City shares the Fire  
Department's pride in its members who invented the "kerunge," the patented hose  
rolling device in service with fire fighters around the world; AND*

**WHEREAS,** *the Fire Department, whose one hundred forty members are a cross-section of the men  
and women of our community, continues to represent the very best of our community.*

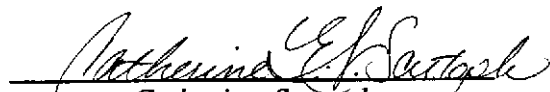
**NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK,  
MARYLAND,** *on behalf of the Citizens, Council, and Employees of the City of Takoma Park, extend  
the deepest thanks and most sincere congratulations to the Takoma Park Volunteer Fire Department  
on the occasion its Centennial.*

*Dated this eleventh day of April, 1994.*



**Edward F. Sharp  
Mayor**

**ATTEST:**



**Catherine Sartoph  
City Clerk**

(301) 891-3500

**Church of Our Lady of Sorrows**

1006 LARCH AVENUE

TAKOMA PARK, MARYLAND 20912-6597

April 11, 1994

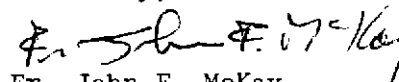
City Council,

I state my support for the resolution opposing HB982 and SB 467 both entitled "English Language--Formal Recognition." I work with many members of this parish who come from over 65 countries. Everyone who comes here already knows that to advance economically and job wise one has to know English. But learning English is a process that takes time. And our society and government needs at times to communicate with those who do not know English. We should not make anyone feel that they are second class here, not entitled to know what is available to them in different governmental programs.

I feel that there is sufficient economic and societal pressure for people to know the importance of learning English. This law will do nothing to help those who are still in process of learning. It will not provide any help to those who want to learn but do not have the time or the child-care to do so easily.

I ask that the City Council vote "yes" on this resolution tonight.

Sincerely,

  
Fr. John F. McKay  
Pastor

Introduced By: Councilmember Rubin

(Drafted By: Councilmember Rubin)

RESOLUTION #1994 - 21

IN OPPOSITION TO SENATE BILL 467 AND HOUSE BILL 982

**WHEREAS,** the City of Takoma Park, Maryland, is proud to be the home of people from many countries who are new arrivals to America; AND

**WHEREAS,** the City of Takoma Park makes every effort to encourage the participation of all of its residents in the civic life of this community; AND

**WHEREAS,** there is no evidence that, in the State of Maryland, the English language is threatened or that newcomers to this State are refusing to learn English; AND

**WHEREAS,** the adoption of English as the Official Language of the Government of the State of Maryland and all political subdivisions thereof, as per Senate Bill 467, passed by the Maryland Senate on March 24, 1994, and House Bill 982, passed by the Maryland House of Delegates on March 26, 1994, would send a signal that those newly arrived to our State from other countries would not be welcomed; AND

**WHEREAS,** adoption of an Official Language would be divisive to our community; AND

**WHEREAS,** legislating an Official Language would do nothing to help newcomers actually learn English; AND

**WHEREAS,** adoption of an Official Language would merely serve to reinforce a dangerous, growing nativist sentiment in this country.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT** Governor William Donald Schaefer is hereby urged to veto either Senate Bill 467 or House Bill 982, or both, should one or both be passed by the entire Maryland General Assembly.

Adopted this 11th day of April, 1994.

ATTEST:

---

Catherine Sartoph  
City Clerk

Introduced By:

**RESOLUTION #1994 - 22**

**SUPPORTING SUNDAY CLOSURE OF A PORTION OF SLIGO CREEK PARKWAY ON  
A PERMANENT SCHEDULE**

- WHEREAS,** Sligo Creek Park is an important recreational resource;  
AND
- WHEREAS,** Sligo Creek Park is an important environmental resource  
in an increasingly urban environment; AND
- WHEREAS,** automobile traffic contributes to the stress on the  
ecosystem of Sligo Creek Park; AND
- WHEREAS,** residents of the Between The Creeks Citizens' Association  
and other City residents have asked the Maryland-National  
Capital Park and Planning Commission (M-NCPPC) to close  
a section of the Park, from Maple Avenue to Piney Branch  
Road, to automobile use on Sundays, on a permanent  
schedule; AND
- WHEREAS,** other citizen associations have begun to explore the  
possibility of similar closures of other sections of the  
parkway; AND
- WHEREAS,** the City of Takoma Park believes that such closures of  
the Park would contribute to improved recreational  
opportunities while reducing the Park's exposure to  
environmental pollutants.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA  
PARK, MARYLAND, THAT** support is hereby expressed for the efforts of  
citizens to close the section of Sligo Creek Parkway from Maple  
Avenue to Piney Branch Road to automobile traffic on Sundays, on a  
permanent schedule; AND

**BE IT FURTHER RESOLVED THAT** support is hereby expressed for the  
recommendations of the Between The Creeks Neighborhood Association  
that the M-NCPPC take the necessary steps to implement the Sunday  
closure of Sligo Creek Parkway from Maple Avenue to Piney Branch  
Road, on a permanent schedule; AND

**BE IT FURTHER RESOLVED THAT** the M-NCPPC is hereby urged to work  
with other citizen associations of areas adjoining other sections  
of Sligo Creek Parkway who currently are exploring the possibility  
of closing those sections of the Parkway; AND

**BE IT FURTHER RESOLVED THAT** the M-NCPPC is hereby strongly  
encouraged to consider making seasonal closure of Sligo Creek  
Parkway from Maple Avenue to Piney Branch Road a permanent  
arrangement that does not require annual approval unless a need to  
review the closure were to arise in the future.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Resolution No. 1994-23

**A resolution establishing a committee to review and evaluate proposals for the use of Community Development Block Grant (CDBG) funds received, to recommend CDBG funding proposals and priorities to the City Council, and to monitor community development activities.**

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds through Montgomery and Prince George's Counties to use for eligible projects; AND

WHEREAS, the City believes it is important to obtain maximum citizen input into how CDBG funds are spent; AND

WHEREAS, the establishment of a Community Development Block Grant Citizens' Advisory Committee (CAC) composed of representatives of all citizen, tenant, civic, neighborhood and business organizations and groups who submit the names of nominees to serve on the CAC provides the most effective vehicle for this input; AND

WHEREAS, City Council has determined that it is in the best interests of the City to establish the CDBG CAC as a standing committee and to appoint members to three-year terms with the exception of this year when two-or three-year appointments will be made to establish the cycle; AND

WHEREAS, the names of primary and alternate nominees have been submitted and received.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT Appointments to the CDBG CAC are made as follows: [Note: (P) indicates primary representative; (A) indicates alternate]

<u>Name</u>	<u>Yrs. App.</u>	<u>Representing</u>
Susan Hodges	2 yrs (P)	Between-the-Creeks Citizens' Assn.
Alfred Martins	2 yrs (P)	Edinburgh Tenants' Association
David Whyte	(A)	Edinburgh Tenants' Association
Carl Elefante	3 yrs (P)	Westmoreland Area Community Org.
Bill Valdez	(A)	Westmoreland Area Community Org.
Roger McGary	2 yrs (P)	North Takoma Citizens Association
Susan Robb	3 yrs (P)	S.S. Carroll's Citizens' Assn.
G. Neel Teague	2 yrs (P)	Takoma/Langley CDA, Inc.
Jo Ann Henry	(A)	Takoma/Langley CDA, Inc.

Introduced By:

(Drafted By: T. Espinosa)

First Reading: 4/11/94

Second Reading:

Effective:

ORDINANCE NO. 1994 - 8

REPEALING ORDINANCE NO. 1989-18

WHEREAS, the citizens of the City of Takoma Park, Maryland, have recognized their collective responsibility as a community to express their repugnance of and moral outrage against the apartheid regime in South Africa and to take action to bring about the end of apartheid; AND

WHEREAS, to effect the community's intentions with regard to businesses then known to serve as supportive of the apparatus of enforcement of and to derive profits from the apartheid systems in South Africa, the Council of the City of Takoma Park, Maryland, on May 30, 1989, passed Ordinance No. 1989-18, which enjoined the City of Takoma Park from purchasing any products of Royal Dutch/Shell and/or its wholly-owned subsidiary, Shell Oil Company (U.S.A.); AND

WHEREAS, since the enactment of Ordinance No. 1989-18, negotiations among the Government of South Africa and other concerned parties have resulted in the freeing from incarceration of numerous political prisoners, the successful conclusion of multilateral agreements on the enactment of a transitional constitution, the institution of a transitional executive council, and the formation of an election commission; AND

WHEREAS, all-inclusive, multi-party elections for a democratic South Africa, as agreed-to by the Multi-Party Negotiating Forum of South Africa, are scheduled for April 26, 27, and 28, 1994; AND

WHEREAS, on October 11, 1993, the City of Takoma Park, Maryland, adopted Resolution No. 1993-91, rescinding the City's economic sanctions imposed upon South Africa in response to the systems of apartheid, with the exception of those relationships pertaining to weapons, nuclear technology, or the import of oil; AND

WHEREAS, on December 7, 1993, the United Nations lifted its oil embargo against South Africa, leaving only the mandatory arms embargo still in force.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT Ordinance No. 1989-18 is hereby REPEALED.

This ordinance becomes effective immediately upon adoption.

Adopted this \_\_\_\_\_ day of April, 1994.

AYE:

NAY:

ABSTAINED:

ABSENT:



Introduced By: Councilmember Chavez

First Reading: 4/11/94  
Second Reading:

**ORDINANCE #1994 - 9  
FY 94 BUDGET AMENDMENT NO. 2**

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 \$8,050 from Unappropriated Reserves for funding of a cultural diversity audit for the City workforce, to Account 1120.6140 Government Administration contracts.

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

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

Introduced by: Councilmember Porter      1st Reading: April 11, 1994  
2nd Reading:  
Adopted:

**ORDINANCE NO. 1994-10**

**Authority to Negotiate a Contract for A Diversity Audit of the City's Workforce**

- Whereas, the City of Takoma Park desires to evaluate the need for diversity training within the City's workforce and management staff; AND
- Whereas, proposals were solicited from three firms specializing in diversity audits and diversity training; AND
- Whereas, the proposals were carefully reviewed by staff with emphasis being placed on the depth of the audit, the recommended training package and the cost of the project; AND
- Whereas, the proposal submitted by Bonnie J. Berger and Associates is recommended as being the most desirable proposal; AND
- Whereas, it was decided to initially to award a contract for only the audit and based on the audit results to authorize the City Administrator to negotiate and award a contract for the training portion consistent with funding as approved in the budget.

**NOW THEREFORE BE IT ORDAINED THAT**

1. The City Administrator or her designee is authorized to negotiate with and enter into a contract with Bonnie Berger and Associates to provide a diversity audit of the City's workforce, in an amount not to exceed \$8,050 to be charged to Account 1120-6140, Government Administration, Contracts.
2. The City Administrator is authorized to review the findings of the audit and to negotiate and contract for a training program that is based on the needs identified in the audit and as funded for in the 1995 Budget.
3. This ordinance becomes effective upon adoption.

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

Introduced by: Councilmember Rubin  
Drafted by : Juan Castillo

1st Reading: April 11, 1994  
2nd Reading:  
Effective :

ORDINANCE 1994-11

ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 6, ARTICLE 2,  
SEC. 6-12, GRAFFITI

WHEREAS, Section 6-12 of the Takoma Park Code currently gives one (1) month for the removal of graffiti from all exterior structure surfaces, AND

WHEREAS, Graffiti is unsightly, and contributes to a deteriorated image of the city; and if not promptly corrected it attracts additional graffiti, and

WHEREAS, Code Enforcement staff finds that allowing less time for compliance would help deter this activity,

NOW THEREFORE, BE IT ORDAINED THAT the City Code language will be changed to give five (5) working days, from the receipt of a violation notice, for the graffiti removal, AND

BE IT FURTHER ORDAINED THAT Section 6-12 of the Takoma Park Code shall be amended as follows:

**Sec. 6-12 Graffiti**

All exterior structure surfaces must be kept clean and free of graffiti as defined in PM-201.0. Surfaces which have been exposed to graffiti must be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and to return the surface to its prior condition within [~~one (1) month~~] five (5) working days of receipt of violation notice to the owner. It shall be the responsibility of the owner to comply with the provisions of this section.

This ordinance becomes effective immediately upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_.

AYE:

NAY:

ABSTAINED:

ABSENT:

Deletions are [bracketed]; additions are underlined.

PUBLIC HEARING, REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION  
OF THE CITY COUNCIL

Monday, April 25, 1994

## OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Assistant City Administrator Hobbs
Councilmember Elrich	City Clerk Sartoph
Councilmember Porter	Public Works Director Knauf
Councilmember Rubin	DHCD Director Nance-Sims
Councilmember Williams	DHCD Asst. Director Ludlow

The Council convened at 7:35 p.m. on Monday, April 25, 1994, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

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

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that Mr. Elrich is attending a Maryland-National Capital Park and Planning Commission (M-NCPPC) meeting regarding the Blair High School and will be joining the Council meeting later this evening.

Mr. Sharp noted the Executive Sessions held by Council on 4/11/94 and 4/18/94:

---

Executive Session 4/11/94 - Moved by Mr. Chavez; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote (ABSENT: Elrich, Porter) at 7:46 p.m., in the Conference Room--Officials Present: Sharp, Chavez, Davenport, Rubin, Williams; Staff Present: Habada, Hobbs, Espinosa, Silber. Council received information regarding a personnel matter and discussed possible land acquisition; the City Administrator was authorized to proceed with land acquisition (Authority: Annotated Code of Maryland, State Government Article, Sections 10-508(a)(1) and 10-508(a)(3)).

Executive Session 4/18/94 - Moved by Mr. Davenport; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote (ABSENT: Chavez) at 10:35 p.m., in the Conference Room--Officials Present: Sharp, Davenport, Elrich, Porter, Rubin, Williams. Council discussed the procedure for conducting the City Administrator's evaluation, and set up procedures for future steps in the evaluation process (Authority: Annotated Code of Maryland, State Government Article, Sections 10-508(a)(1)).

---

Mr. Sharp announced that the Council will be convening in Executive Session this evening to discuss a personnel matter.

Mr. Williams recalled that last July the Council passed an Ordinance to extend health benefits to domestic partners and dependents of city employees contingent upon the city's insurance provider, Local Government Insurance Trust (LGIT), agreeing to extend such benefits. LGIT denied the city's original request, but has reversed their earlier decision following an appeal by the city. A rider option is being offered to all member municipalities in the LGIT pool to make this insurance available throughout the State.

Mr. Rubin commented that on Tuesday, April 19th, the Montgomery County Council held a hearing at Richard Montgomery High School in Rockville to discuss questions regarding Blair High School. Many Takoma Park residents were in attendance, and the reaction to the option of the Kay tract siting was a thunderous applause.

EXECUTIVE SESSION

Executive Session 4/25/94 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote (ABSENT: Elrich) at 7:50 p.m., in the Conference Room--Officials Present: Sharp, Chavez, Davenport, Porter, Rubin, Williams; Staff/Others Present: Habada, Hobbs, Sartoph, Members of the Police Chief Selection Committee (D'Eustachio,

Hoffman, Arrindell, Mills, Fruitt, Carter). Council received a briefing on the Police Chief selection process and candidate chosen; Committee members left the meeting following the briefing (Authority: Annotated Code of Maryland, State Government Article, Sections 10-508(a)(1)). Council received information on a personnel grievance (Authority: Annotated Code of Maryland, State Government Article, Sections 10-508(a)(1)).

#### MAYOR AND COUNCIL COMMENTS

Mr. Sharp congratulated C.P. Cook for his recognition and award presented by Montgomery County for outstanding community volunteer services.

Mr. Elrich commented on his testimony earlier this evening regarding the Blair High School siting. He noted that the golf course site option has not been ruled out, but that the siting issue is still undecided.

#### PUBLIC HEARING

#1 Boyd Avenue Alley. Mr. Sharp explained that the Council is holding a second public hearing regarding the request to close a section of the alley adjacent to 317 and 319 Boyd Avenue, for the benefit of the new councilmembers who have taken office since the original hearing.

#### ANNOUNCEMENTS

Mr. Sharp stated that the second item on the Worksession agenda re: Peddlers, Canvassers and Transient Merchants, will be rescheduled. He commented that adequate time has not been allotted for a thorough discussion of the Affordable Housing Recommendations this evening, but that staff should be given some direction for continued Council discussions of this matter at a future meeting.

#### PUBLIC HEARING

The public hearing was called to order at 8:43 p.m. Citizens were asked to keep their comments to three (3) minutes.

Rick Spiezman, 319 Boyd Avenue briefly explained the "exclusive use" history of the alley leading up to the current status of the alley being divided into two sections. He addressed some of the objections to the petition filed by him and Faith Horowitz, to close the alley section adjacent to 317 and 319 Boyd Avenue, and stated that they will improve the alley. Mr. Spiezman stated that they are proposing to relieve the city of its liability for the alley and take responsibility for improving the alley and hence, the community.

Ellen Lopez, 307 Boyd Avenue thanked the Council for continuing this process, and stated that the petitioners are due a prompt response to their request. She emphasized the benefits of the alley such as, off-street parking, safety issues, and its effect as a "community builder". Speaking on behalf of some of her neighbors, she stated that the neighbors want a civil reconciliation. Rick and Faith want access to the garage on the back of their property and the ability to improve their property and adjacent alley; the city has an interest as owner of the property especially in regards to property taxes; and the neighborhood has interests and concerns, also. She encouraged the Council to tour the alley before making any final decisions. As long as this issue is not addressed and the section of the alley remains closed, encroachments will continue onto the open portion of the alley. She stated that she would like to see the city open the alley, and asked for direction as to whether the neighbors can poll themselves regarding a special assessment to fund opening the alley.

Rob Valente, Boyd-Carroll Neighborhood Association, 7409 Carroll Avenue said that she agrees with Ms. Lopez and the proposal that she has made. Mr. Vallente commented that she thinks the neighbors are willing to deal with a special assessment to open the alley, and feels that there are some issues that need to be addressed (1) ownership of the alley (official document; title search); (2) the "exact" boundaries of the land in question (mark/tape-off the area); (3) four different proposals submitted by neighbors regarding disposition of the alley (willing to provide copies if these are not on record); and (4) formal statement from the city regarding how the petitioners' request is being handled so that neighbors have the opportunity to respond. She commented on the land-lock experienced during the winter weather due to the alley being closed, and the necessity for opening the alley.

Tom Kaufman, Manor Circle said that the root of this discussion is the intrinsic value of the alley (land). He stated that he has a problem with the City considering giving the section of alley to the petitioners. The land should be sold if it changes hands; however, then there is the added issue of how to address persons who may object to the sale of the land and who do not have the resources to offer a competitive purchase of the land.

John Catron, 7403 Carroll Avenue commented on the slope of the open end of the alley, and the milder slope of the section that is currently closed. He remarked about the difficulties experienced by large vehicles (police, fire/rescue vehicles) negotiating the alley as a result of the single entrance/exit route.

Steve Milkey, 309 Boyd Avenue said that until the city develops a city-wide alley maintenance policy, a decision regarding this request should not be made. He commented that he is disturbed that the alley has been neglected, and that he fears the open end of the alley will also fall into poor repair.

Steve Carter, 240 Manor Circle spoke in opposition to opening the alley. He commented on concerns about increased traffic and the environmental impact if the alley were an open loop. He said he supports any efforts to improve the alley, and is in favor of deeding the property without charge to the petitioners.

Kathryn Phillips, 7405 Carroll Avenue commented that she supports the statements made by Ms. Lopez, and that she feels there is enough of a need to open the alley that she is willing to bear the cost of a special assessment.

Paul Huebner, Boyd-Carroll Neighborhood Association commented on previous remarks made by Corporation Counsel regarding the use of the alley being for the "the general public". He defined the neighbors as the "general public". Mr. Huebner remarked on the fence behind Ms. Bennett's property, and said that there are neighbors who have yet to receive notification of this evening's hearing. He quoted portions of the original request submitted by the petitioners, especially comments regarding their expenditures to improve the section of alley. He noted the \$27,000 estimate provided by the Public Works Director to open the alley, and said that it is inflated. Mr. Huebner remarked that he has walked the entire length of the alley and believes it is accessible. He encouraged the Mayor to dictate that the alley be open as it is the public property that it is.

Deborah Blake, 313 Boyd Avenue stated that she has lived in a house along the alley for several years, and that because her mother cannot climb the stairs to the house from the front side of the property, she uses the alley as an entrance to the back of the house. She complained about accumulating debris that is left in the alley. Ms. Blake said she would like to see the alley open at some time in the future, but the immediate concern is the trash in the alley and limited access during the winter season.

Brian McCarthy, 7412 Carroll Avenue spoke in favor of closing the alley. He said that he does not view granting the petitioners their request as affecting the current status of the alley, and that it would be a liability relief for the city. He suggested that persons concerned about access during snow seasons park on the street (Boyd Avenue), and encouraged the city to recoup the value of the property and find in the favor of the petitioners.

John Howard, 318 Boyd Avenue has watched Rick and Faith expend considerable sums upkeeping the section of alley and adjacent trees. He said he favors the request made by the petitioners, and would like to see the land sold to Rick and Faith. The proceeds from the sale could be used to improve the open portion of the alley.

Paul Plant, 7411 Carroll Avenue apologized to Mr. Sharp for thinking that his campaign platform to pursue unification was just to get votes and thanked the Mayor, councilmembers and staff for their efforts in regard to the Unification Bill. He commented on a petition that was circulated at some time in the past by a resident to open the alley, and stated that it was opposed by a gentleman operating a cabinet business who lived on the property where the open section of the alley is closed. Rick and Faith are making a similar request for a situation to affect personal benefit. Mr. Plant stated that the closed alley has been a hardship on all persons involved. It was not feasible to open the alley 10 years ago, but a consensus has been reached by the current neighbors who are willing to bear a special assessment to open the alley. He commented that the city has not taken the proper responsibility to maintain the alley, and that the alley definitely needs to be opened.

Cynthia Carter, 240 Manor Circle said that the persons who will be most affected if the alley were to be opened would be her family and the Blake's. The current closed alley is safer for the children and keeps crime rates low. She remarked that the petitioners who want to improve the alley section, are in effect damaging the environmental status of the area. She noted that her husband runs a carpentry business and makes every effort to recycle--explaining the "debris", but that he is very responsive to neighborhood complaints about excessive debris.

Michael Isreal, Manor Circle stated that to his knowledge the petitioners have not made any expenditures to maintain the trees along the alley, and commented on the matter of water running out of a pipe on the property that has damaged a wall. He remarked that he does not believe that the petitioner will ever enhance the alley section as he is requesting permission to do.

Rick Spiezman, 319 Boyd Avenue said that he would be willing to show anyone interested the receipts for the work that he has done to the property.

Paul Huebner, Boyd-Carroll Neighborhood Association commented that Mr. Spiezman makes improvements for his own personal benefit, but that neighbors make constant improvements for the benefit of the community.

Mr. Sharp closed the public hearing at 9:34 p.m.

Mr. Williams asked if an investigation of a special assessment option should be conducted and a legal survey of the property obtained.

Ms. Porter noted that there was an opinion filed by Corporation Counsel explaining that the City does not have the authority to sell the property.

Mr. Sharp asked if Mr. Williams wants time to pursue the special assessment proposal with the neighbors more formally.

Mr. Williams noted that the proposal is a special assessment to open the alley and asked for clarification on the procedure for such an assessment. He questioned what degree of neighborhood consensus would be necessary for a special assessment.

Ms. Porter noted that a special assessment can be imposed by the Council even if none of the neighbors want it. She doubted, however, that in this case the Council would go ahead with a special assessment without some indication of support from more than a few of the neighbors. She said that she would not agree to a special assessment herself without a better indication of the degree of support in the neighborhood.

Mr. Rubin remarked that the assessment would be attached to the cost of a house, and that in the event a neighbor was to later sell his/her home, this would be a consideration in the sale price. He identified three issues that have been raised: (1) maintenance of the existing open alley; (2) opening the entire alley; and (3) ability to later open the alley. Mr. Rubin noted that the petitioners' request does not affect current use of the alley.

Ms. Porter commented that there are alleys in her Ward that are in need of maintenance, but that street repairs are the priority and money is being allocated in the budget for such street repairs. She said she feels that it is unlikely that alley maintenance will be addressed until more essential street repairs are made.

Mr. Rubin noted that since the request was received under current ("old") guidelines, it should be handled accordingly. It should not be held-up until new guidelines are established.

Mr. Elrich said that having walked the alley, he does not believe it to have ever been maintained as an open alley. He asked about the estimate provided by Mr. Knauf for opening and paving the alley and questioned whether the estimate is actually too low. He said that he finds it difficult to envision opening the alley, and remarked that the open portion of the alley is in poor repair. Mr. Elrich noted that if residents along the alley were to dedicate the normal amount of driveway space, they would alleviate some of the encroachment problems. He remarked that residents should be able to expect a basic level of maintenance and suggested patch work on the alley surface. He concluded that there are several issues that need to be addressed.

Ms. Porter promised to draft a concept paper dealing with how the city should address alley-ways, and stated her belief that the petitioners' request and maintenance of the alley are separate issues.

Mr. Sharp suggested the Council continue discussion of the request on June 13th. He listed some matters that need addressing: (1) what can be done in the interim to address the encroachment issues?; (2) the need for an assessment of the condition to which the alley should be upgraded and maintained; and (3) the options of closing and opening the section of the alley adjacent to 317 and 319 Boyd Avenue.

In response to a question posed by Mr. Sharp, Ms. Habada stated that if the city were to obtain a legal survey of the alley it could cost approximately \$1000 to \$2000.

#### REGULAR MEETING

#2 Street Improvements. Mr. Sharp explained the single reading ordinance.

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

Mr. Elrich asked whether the remainder of the \$300,000 included in the FY94 Capital Improvement Program for street rehabilitation can be used for other street improvement projects--bid is for \$269,638?

Mr. Knauf commented that some of the difference will be reserved for incidentals.

The single reading ordinance was unanimously adopted by roll call vote (ABSENT: Williams).

#### ORDINANCE #1994 - 12 (Attached)

#3 Shell Oil/Royal Dutch Shell Sanctions. Mr. Sharp noted that the Council had an extensive discussion of this item at first reading of the ordinance. He remarked that the ordinance had originally been presented as a resolution, but that since it was repealing a prior ordinance, Council felt it should be an ordinance rather than a resolution.

Moved by Mr. Rubin; seconded by Mr. Davenport.

The ordinance was adopted at second reading by roll call vote (ABSTAIN: Elrich; ABSENT: Williams).

#### ORDINANCE #1994 - 8 (Attached)

#4 Budget Amendment #2 (FY94). Mr. Sharp noted that the ordinance amends the FY94 Budget by appropriating \$8,050 from Unappropriated Reserves for funding of a cultural diversity audit for the city workforce.

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

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Williams).

#### ORDINANCE #1994 - 9 (Attached)

#5 Cultural Diversity Audit Contract. Mr. Sharp remarked that the ordinance authorizes the City Administrator to negotiate a contract for a diversity audit of the city's workforce.

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

Mr. Elrich proposed two amendments to the ordinance: (1) amend final Whereas clause "...it was decided to award a contract for a cultural diversity audit and based on the audit...", and (2) remove #2 from the Therefore Clause.

The Council agreed to the amendments.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Williams).

#### ORDINANCE #1994 - 10 (Attached)

#6 Graffiti Violations. Mr. Sharp explained that the ordinance changes the one (1) month timeframe, following receipt of a violation notice, allowed for



a property owner to remove graffiti from exterior structure surfaces, by reducing the timeframe to five (5) working days.

Moved by Mr. Elrich; seconded by Mr. Davenport.

Mr. Rubin said that he has "seen the writing on the wall".

Michael Isreal, Manor Circle commented on problems of littering in the city, and asked whether there are city laws concerning public trash and debris.

Mr. Sharp responded that there are State, County and City Codes with regard to littering. He commented that what is more of an issue than trying to actually catch a person littering, is what the city is doing to clean up litter. He recognized that there are times when certain areas of the city do get littered, and that as a fairly regular matter, those areas are also cleaned up. Mr. Sharp noted that for example, the Sunday morning after the Farmer's Market may find that area littered, and stated that the City Administrator has periodically had to address this.

Mr. Isreal said that he is concerned about the whole city.

Mr. Sharp commented that with regard to specific problem areas, he does not believe that there are a lot of problem areas.

Mr. Isreal noted that the drains are plugged up and the sand and salt is piled up about an inch thick on the sidewalks along on the Carroll Avenue bridge.

Mr. Sharp suggested that Mr. Isreal bring issues to specific locations to the attention of the City Administrator.

The ordinance was unanimously adopted at second reading by roll call vote (ABSENT: Williams).

ORDINANCE #1994 - 11  
(Attached)

WORKSESSION - Moved by Rubin; seconded by Davenport. Council moved into Worksession at 10:10 p.m.; the Council later adjourned for the evening at 11:09 p.m.

Introduced By: Councilmember Rubin

First Reading: 4/11/94

Second Reading: 4/25/94

(Drafted By: T. Espinosa)

Effective: Upon Adoption

ORDINANCE NO. 1994 - 8

REPEALING ORDINANCE NO. 1989-18

WHEREAS, the citizens of the City of Takoma Park, Maryland, have recognized their collective responsibility as a community to express their repugnance of and moral outrage against the apartheid regime in South Africa and to take action to bring about the end of apartheid; AND

WHEREAS, to effect the community's intentions with regard to businesses then known to serve as supportive of the apparatus of enforcement of and to derive profits from the apartheid systems in South Africa, the Council of the City of Takoma Park, Maryland, on May 30, 1989, passed Ordinance No. 1989-18, which enjoined the City of Takoma Park from purchasing any products of Royal Dutch/Shell and/or its wholly-owned subsidiary, Shell Oil Company (U.S.A.); AND

WHEREAS, since the enactment of Ordinance No. 1989-18, negotiations among the Government of South Africa and other concerned parties have resulted in the freeing from incarceration of numerous political prisoners, the successful conclusion of multilateral agreements on the enactment of a transitional constitution, the institution of a transitional executive council, and the formation of an election commission; AND

WHEREAS, all-inclusive, multi-party elections for a democratic South Africa, as agreed-to by the Multi-Party Negotiating Forum of South Africa, are scheduled for April 26, 27, and 28, 1994; AND

WHEREAS, on October 11, 1993, the City of Takoma Park, Maryland, adopted Resolution No. 1993-91, rescinding the City's economic sanctions imposed upon South Africa in response to the systems of apartheid, with the exception of those relationships pertaining to weapons, nuclear technology, or the import of oil; AND

WHEREAS, on December 7, 1993, the United Nations lifted its oil embargo against South Africa, leaving only the mandatory arms embargo still in force.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT Ordinance No. 1989-18 is hereby REPEALED.

This ordinance becomes effective immediately upon adoption.

Adopted this 25th day of April, 1994.

AYE: Sharp, Chavez, Davenport, Porter, Rubin

NAY: None

ABSTAINED: Elrich

ABSENT: Williams

Introduced By: Councilmember Chavez

First Reading: 4/11/94

Second Reading: 4/25/94

**ORDINANCE #1994 - 9  
FY 94 BUDGET AMENDMENT NO. 2**

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 \$8,050 from Unappropriated Reserves for funding of a cultural diversity audit for the City workforce, to Account 1120.6140 Government Administration contracts.

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

AYE: Sharp, Chavez, Davenport, Elrich, Porter, Rubin

NAY: None

ABSTAIN: None

ABSENT: Williams



Introduced by: Councilmember Rubin  
Drafted by : Juan Castillo

1st Reading: April 11, 1994  
2nd Reading: April 25, 1994  
Effective : April 25, 1994

ORDINANCE 1994-11

ORDINANCE TO AMEND THE TAKOMA PARK CODE, CHAPTER 6, ARTICLE 2,  
SEC. 6-12, GRAFFITI

WHEREAS, Section 6-12 of the Takoma Park Code currently gives one (1) month for the removal of graffiti from all exterior structure surfaces, AND

WHEREAS, Graffiti is unsightly, and contributes to a deteriorated image of the city; and if not promptly corrected it attracts additional graffiti, and

WHEREAS, Code Enforcement staff finds that allowing less time for compliance would help deter this activity,

NOW THEREFORE, BE IT ORDAINED THAT the City Code language will be changed to give five (5) working days, from the receipt of a violation notice, for the graffiti removal, AND

BE IT FURTHER ORDAINED THAT Section 6-12 of the Takoma Park Code shall be amended as follows:

**Sec. 6-12 Graffiti**

All exterior structure surfaces must be kept clean and free of graffiti as defined in PM-201.0. Surfaces which have been exposed to graffiti must be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and to return the surface to its prior condition within [~~one (1) month~~] five (5) working days of receipt of violation notice to the owner. It shall be the responsibility of the owner to comply with the provisions of this section.

This ordinance becomes effective immediately upon adoption.

Adopted this 25th day of April, 1994.

AYE: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams

NAY: none

ABSTAINED: none

ABSENT: none

Deletions are [bracketed]; additions are underlined.

Introduced by: Councilmember Porter      Single Reading: 4/25/94

Ordinance No. 94-12

FY94 Street Rehabilitation

WHEREAS, \$300,000 was earmarked in the FY94 Budget for Street Rehabilitation; AND

WHEREAS, in accordance with City procurement procedures a request for bids was advertised in the Washington Post, Montgomery Journal, Dodge and Blue Reports; AND

WHEREAS, bids were publicly opened at 2:00 p.m., April 15, 1994 with four bids being received; AND

WHEREAS, sufficient funds are available to award a contract to the low bidder; AND

WHEREAS, the Director of Public Works has determined that the apparent low bidder is considered to be responsive and responsible.

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

SECTION 1.        THAT the low bid being received from NZI in the amount of TWO HUNDRED SIXTY NINE THOUSAND SIX HUNDRED AND THIRTY EIGHT DOLLARS (\$269,638) be accepted; AND

SECTION 2.        THAT funds to cover this work in the amount of \$269,638 be charged to Capital Expenditures Account 9000-8001.

AYE: Sharp, Rubin, Porter, Davenport, Elrich, Chavez

NAY: None

ABSTAIN: None

ABSENT: Williams