

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, January 9, 1995

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Asst. City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Solid Waste Manager Braithwaite
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:35 p.m. on Monday, January 9, 1995, 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 next Monday, 3:00-5:00 p.m. in the Municipal Building, Council Chamber, a Martin Luther King Commemoration Ceremony will be held. He noted that Councilmember Davenport is working with the commemoration committee to plan the event.

Mr. Davenport corrected that the ceremony is scheduled for Sunday, January 15th, and announced that the theme is "remember to celebrate and to act."

Mr. Sharp remarked that the Rolling Agenda needs to be amended to reflect the correct date for the ceremony.

ADDITIONAL AGENDA ITEMS

Mr. Williams requested that the Council add the interview of Patricia Miller, applicant for the Personnel Appeals Board, to the beginning of the Regular Meeting. There were no Council objections.

CITIZEN COMMENTS

Randy Boehn, North Takoma Citizens Association announced that a meeting of "Citizens for a Better Blair", several citizens' associations, and community and business leaders met on Sunday, to form a coalition in regards to the development of Takoma Junction. He cited remarks by Montgomery County Executive Douglas Duncan concerning Takoma Junction serving as an example for economic development. He presented a resolution that the group proposes for Council adoption, that would underscore the recommendations for utilizing an Economic Development Coordinator and establishing a Takoma Junction Community Development Corporation.

Mr. Rubin asked that the Council schedule a discussion of this matter.

Mr. Sharp remarked that the Council should decide on the scheduling of this discussion later during the evening's Worksession.

INTERVIEW

#1 Personnel Appeals Board. The Council interviewed Ms. Patricia Miller, applicant for appointment to the Personnel Appeals Board.

REGULAR MEETING

#2 Resolution re: Ethics Commission. Mr. Sharp explained that when the commission was originally established, it was necessary to appoint three members for one year terms, and that it was agreed at that time, that it

would not be necessary to re-interview these persons if they were interested in continuing their service on the commission at the time their terms expired. He noted that one person has indicated her desire to not be reappointed, and asked that the City Clerk publish a notice of the vacancy in the next Takoma Park Newsletter.

Moved by Mr. Sharp; seconded by Mr. Chavez.

The resolution was unanimously adopted (ABSENT: Rubin).

RESOLUTION #1995-1
(Attached)

#3 Resolution re: Deferred Compensation Plan. Mr. Hobbs remarked that the resolution would authorize the establishment of a 457 Deferred Compensation Plan with Mutual of America Life Insurance Company, similar to the one already offered to employees through the ICMA Retirement Corporation. He said that several employees expressed interest in this particular plan, and that it costs the City nothing to run the plan. An employee can contribute, voluntarily, as he chooses.

Mr. Sharp asked why the City has to offer this additional plan.

Mr. Hobbs said that this plan is an extra offer to the employees, and that Mutual of America Life Insurance Company requires a formal agreement to set up the program.

Moved by Mr. Davenport; seconded by Mr. Williams.

The resolution was unanimously adopted.

RESOLUTION #1995-2
(Attached)

#4 Resolution re: Washington Gas Compressed Natural Gas (CNG) Refueling Station Proposal. Mr. Sharp noted the history of the CNG initiative, going back a couple of years. He said that the resolution addresses authorization for the city to set up the station at the Public Works Compound, for an 18-month trial period.

Ms. Porter noted that the resolution makes reference to "the attached Service Agreement," and observed that the copy provided her does not have an agreement attached.

Ms. Braithwaite stated that she is waiting for a final copy of the Service Agreement to be forwarded from Washington Gas, and that the copy has not yet arrived. The agreement will be the same as the one presented at the last Worksession discussion of this matter, with the change of the implementation date--until the city actually has a working facility. She recalled the issue raised by Corporation Counsel during the Worksession, to have Local Government Insurance Trust (LGIT) review the agreement. Consequently, LGIT made a few recommendations, none of which would affect the agreement, but LGIT did ask that the city get a Certificate of Insurance from Washington Gas. She commented that the city is currently in the process of completing the certificate paperwork.

Ms. Porter proposed that the resolution be amended to delete references to "the attached Service Agreement", since the final agreement is not available at this time when the Council is considering adoption of the resolution. The last Whereas clause would be amended "...the Service Agreement will outline the responsibilities, and the Resolved clause would be amended "...the City Administrator is authorized to sign a Service Agreement."

Mr. Chavez questioned whether the facility is exclusively for the City's use.

Ms. Braithwaite remarked that the facility will be inside the fence of the Public Works yard, and that it is intended for only City vehicles.

Mr. Sharp asked how many vehicles will be using the facility.

Ms. Braithwaite said that there will be five vehicles. There are three trucks now, and two conversion packages, pending for two administrative police vehicles, are expected soon.

Ms. Porter made a motion to adopt the revised resolution; seconded by Mr. Chavez.

Ms. Porter asked whether the city is still exploring the option of the station being a public service facility.

Ms. Braithwaite responded that she is not aware of any current exploration of this option for the city's station. She said that the Council of Governments (COG) is working with two different oil companies to increase the amount of public service facilities that have compressed gas available. There are plans to expand in the next couple of years.

Mr. Chavez questioned the average amount of gas that would be used each day.

Ms. Braithwaite said that currently, because the refueling facility is in Chillum, the city's CNG vehicles have not been used to their maximum extent. There are difficulties with getting vehicles back-and-forth to Chillum for refueling. She commented that as a result, there is no good data being gathered at this time, but that once a facility is in-house, it will be much more accessible. The CNG trucks are primarily for in-city use along streets and parks, and there is one vehicle that is used by both the Solid Waste Division and the Streets/Parks Division in collection operations. The Police administrative vehicles could be driven as much as 15-30 miles a day.

Mr. Davenport asked how many CNG vehicles the city currently has in its fleet, and if future vehicles will be purchased to run on natural gas.

Ms. Braithwaite said that there are Federal mandates that require local governments to purchase a certain number of CNG vehicles beginning in 1997. The city currently has three trucks in Public Works--two that work either on gasoline or CNG, and one that works on a mix of CNG and diesel. The state has provided the city with two conversion packages to convert two gasoline powered administrative vehicles to CNG use, which may also end up being dual-fuel vehicles. She stated that the city will have a total of five vehicles ready by the spring, and that future purchases will have to be taken into account on an individual basis. Ms. Braithwaite noted that the city has been awarded a Federal grant to purchase a large heavy duty truck with CNG capacity, but that so far a manufacturer has not been identified. She said that the grant money will be available to cover the cost of the difference between a CNG vehicle and a regular diesel fueled vehicle, and that this purchase is pending for the future. Ms. Braithwaite recalled that there has been some discussions about converting some of the city's lawn mowing equipment to CNG, and commented that there are conversion packages available now that would reduce some of the emission problems associated with riding mowers. She said this may be another area that will be investigated in the future.

Mr. Williams questioned what is the relative cost of running CNG vehicles as opposed to gasoline fueled vehicles.

Ms. Braithwaite said that the assumption is that CNG has higher octane, so it burns more efficiently, and that consequently, the maintenance and wear-and-tear on the vehicle is reduced. It would seem to follow that CNG would significantly reduce maintenance, oil use and general wear-and-tear, and improve mileage. She remarked that the conversion of gallons and cubic feet in which CNG is measured, is still cheaper than gasoline. The assumption is that there will be a savings.

Mr. Sharp remarked that this will be a significant issue 18 months from now, when the Council will be considering whether to pay for the facility.

Ms. Braithwaite agreed. She stated that Washington Gas is certainly interested in the city gathering that data, and that the city will be gathering data on maintenance costs, fuel use and mileage. There will be information at the end of the 18 month period to evaluate exactly what the difference has been between CNG and gasoline fueling.

Ms. Porter asked what will be the purchase price for station at the end of the 18 month period.

Ms. Braithwaite said approximately \$30,000.

The resolution was unanimously adopted.

RESOLUTION #1995-3
(Attached)

ADDITIONAL AGENDA ITEM

#5 Volunteer Fire Board. Mr. Sharp noted that there is one vacancy on the Montgomery County Volunteer Fire Board.

Ms. Porter made a motion that Mr. Rubin be appointed to the Board; seconded by Mr. Rubin.

The Council unanimously agreed to appoint Mr. Rubin to the Board.

WORKSESSION

The Council moved into Worksession, and later adjourned from Worksession to convene in Executive Session at 9:45 p.m. At the conclusion of the Executive Session, the Council adjourned for the evening.

Executive Session 1/9/95 - Moved by Mr. Williams; seconded by Mr. Davenport. Council convened in Executive Session by unanimous vote at 9:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Ellis Koch. Council discussed possible land acquisition; staff was provided with further direction to continue exploring land acquisition (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Introduced by: Mayor Sharp

RESOLUTION #1995 - 1

RE-APPOINTMENTS TO THE TAKOMA PARK ETHICS COMMISSION

WHEREAS, Section 2-15, City of Takoma Park Public Ethics Ordinance, of the Takoma Park Code, 1972, as amended, sets forth the provisions for the establishment and duties of an Ethics Commission, to oversee implementation of and adherence to the city's Ethics Ordinance; AND

WHEREAS, the Ethics Commission consists of five Takoma Park residents; AND

WHEREAS, initially, three members were appointed to one-year terms and two members were appointed to two-year terms, effected by Resolutions #1994-13 and #1994-38; AND

WHEREAS, the three one-year terms expired December 31, 1994; AND

WHEREAS, two persons are seeking reappointments to fill the vacancies created by their expired terms.

NOW, THEREFORE, BE IT RESOLVED THAT the following persons are hereby reappointed, effective immediately, to serve on the Ethics Commission.

Name/Address:	Term Expires:
Ulf Grahn 7404 Holly Avenue	December 31, 1996
Claudine Schweber 7004 Sycamore Avenue	December 31, 1996

Dated this 9th day of January, 1995.

INTRODUCED BY: Councilmember Davenport

RESOLUTION NO. 1995-2

**To Authorize City Employees to Voluntarily Participate in a
Deferred Compensation Plan Offered by Mutual Life Insurance Company**

WHEREAS, the Council of the City of Takoma Park, Maryland had its regular meeting on January 9, 1995 in Takoma Park, Maryland at which a quorum was present; AND

WHEREAS, at the January 9, 1995 meeting of the Council the issue of a 457 (b) Voluntary Deferred Compensation Plan was considered.

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

Section 1. THAT the Voluntary Deferred Compensation Plan presented by Mutual Of America Life Insurance Company is hereby adopted; And

Section 2. THAT the City Administrator is directed to provide for the execution of the various documents by the appropriate persons to effect these programs.

Adopted this 9th day of January, 1995:

AYE: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams.
Nay: None
Abstain: None
Absent: None

Introduced by: Councilmember Porter

RESOLUTION NO. 95-3

(Authorizing the City Administrator to Enter into an Agreement with Washington Gas Light To Install and Maintain a Compressed Natural Gas Refueling Facility for a period of Eighteen (18) Months in the Public Works Compound.)

WHEREAS, Federal energy legislation enacted in the Fall of 1992 mandates that municipalities purchase alternatively fueled vehicles for 20% of the new cars and trucks purchased in 1999 and increasing to 70% of new cars or trucks purchased in 2006; and

WHEREAS, alternative fuels are intended to reduce emissions of ozone producing chemicals, carbon monoxide and particulates, and reduce dependence on imported oil; and

WHEREAS, the City has taken a proactive stance to the Federal requirement and currently has three Compressed Natural Gas trucks and will receive conversion packages from the State of Maryland for two cars and desires to evaluate the performance of natural gas fuel for use in City operations; and

WHEREAS, refueling for these alternatively fueled vehicles has been problematic because local service stations have not yet begun to offer natural gas in the area and the City now refuels at the Washington Gas facility in Chillum, four miles away; and

WHEREAS, Washington Gas desires to promote the use of natural gas fuel vehicles and is evaluating the market for fueling vehicles with natural gas and to that end will install and maintain a refueling facility at the City Public Works Compound at no cost to the City for a period of eighteen (18) months; AND

WHEREAS, the service agreement outlines the responsibilities of Washington Gas Light and the City of Takoma Park has been reviewed and approved by the Corporation Counsel and the Local Government Insurance Exchange.

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

RESOLVED THAT, the City Administrator is authorized to sign the Service Agreement with Washington Gas Light Company.

THIS RESOLUTION IS ADOPTED THE 9th DAY OF JANUARY, 1995.

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, January 23, 1995

Executive Session 1/9/95 - Moved by Mr. Williams; seconded by Mr. Davenport. Council convened in Executive Session by unanimous vote at 9:45 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Sartoph, Ellis Koch. Council discussed possible land acquisition; staff was provided with further direction to continue exploring land acquisition (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Executive Session 1/17/95 - Moved by Mr. Rubin; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Espinosa. Staff presented briefings on possible land acquisitions; no action taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Elrich	Asst. City Administrator Hobbs
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	Dir. Special Projects Ludlow
Councilmember Williams	Solid Waste Manager Braithwaite

OFFICIAL ABSENT:

Councilmember Davenport

The Council convened at 8:04 p.m. on Monday, January 23, 1995, in the Upstairs Meeting Room at the Municipal Building, 7500 Maple Avenue.

The following remarks were made:

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that the Council regularly meets in the Council Chamber for Regular Meetings, but that since the evening's agenda is primarily Worksession items, the upstairs meeting room was considered a more appropriate setting for the Council's discussions.

He announced that Mr. Davenport will not be attending the meeting tonight.

Mr. Sharp remarked that the Martin Luther King Commemoration Celebration was a very nice event, and commented that Mr. Davenport wrote a poem on the occasion of the celebration. Mr. Sharp also said that Mr. Rubin gave a moving presentation that really brought Dr. King alive.

CITIZEN COMMENTS

Carl Smith, 632 Kennebec Avenue said that he has been recycling for years and that he has become concerned that Public Works sanitation workers are mixing recyclable items with regular trash at the time of collection. He suggested that the city provide "trash" bags, at a cost, to the residents of the City, making it possible to charge collection fees based on the amount of trash picked up from individual residences.

Ms. Porter pointed out that the City is using a packing truck for the collection of some recyclable items, so that what Mr. Smith saw may have been a recycling truck that looked like a trash truck.

Mr. Sharp recalled the pilot program proposed by Montgomery County that was discussed with the Council a few years ago. The proposal was to institute a

program whereby individual residences would pay for collection services based on the amount of trash put out for pick-up. He noted that at that time, the Council decided not to change the trash collection policy, but that it may make sense to discuss this matter again. Mr. Sharp asked City Administrator Habada to investigate Mr. Smith's complaint regarding the mixed collection of recyclables and trash.

Clarence Boatman, Ritchie Avenue commented on incidents of B-B gun vandalism to cars parked along Ritchie Avenue. He said that he is concerned that the lack of confidentiality that results from a person having to state his name and address before speaking during the "Citizens' Comments" portion of the Council Meeting. This could hinder residents from coming before the Council to make comments about such acts of vandalism, out of fear of retaliation by the perpetrators.

REGULAR MEETING

#1 Single Reading Ordinance re: Purchase of Recreation Department Vehicle. Mr. Sharp asked why the vehicle needs to be replaced.

Ms. Grimmer commented on the recurring maintenance problems with the Recreation Department's passenger van.

Mr. Sharp questioned what is the timeframe for the "piggy-back" purchase on the State contract. He said that he is concerned about this purchase since it was not discussed as part of the FY95 budget.

Ms. Grimmer responded that she is not sure about the window of opportunity as related to the State contract, but that she could get the answer for Council.

Mr. Sharp said he would also like information regarding the use and mileage of the van.

Mr. Elrich noted that the State contract was awarded to Sheehy Ford, and questioned whether Sheehy Ford offered the best price option. He commented that he would like to see more aggressive shopping for comparison costs.

Mr. Williams asked how the "flip" of the Van and Sedan replacement years affect the Capital Improvements Program (CIP) years.

Ms. Grimmer responded that FY96 CIP year total would go down, and that \$5,000 would be transferred from the Operating Budget to afford the purchase in FY95.

Mr. Sharp questioned whether we know we need a van, and reiterated he position that this vehicle replacement should be treated as a budget discussion.

The Council reached consensus to schedule a continued discussion of this matter for the next Worksession.

#2 Single Reading Ordinance for Engineering Services--Ritchie Avenue and Routes 410 & 650 Improvements. Moved by Mr. Elrich; seconded by Mr. Williams.

Mr. Sharp explained that the ordinance awards the contract to Larsen Engineering for \$8,490.

Mr. Boatman said that he worked on the petition to get the matter of needed improvements to Routes 410 and 650, before the Council. He requested that staff provide him with information regarding the project timeframe. Mr. Boatman specifically asked how long will it be before the project starts, and how long will it take.

Director of Special Projects Ludlow said she would get the information to Mr. Boatman.

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

ORDINANCE #1995-1
(Attached)

CONSENT AGENDA

Moved by Mr. Rubin; seconded by Mr. Porter. The following items were unanimously adopted (ABSENT: Davenport).

#3 Nuclear-Free Takoma Park Committee. The resolution effected the reappointments of Miles McCord and Reuben Snipper to the Nuclear-Free Takoma Park Committee.

RESOLUTION #1995-4
(Attached)

#4 City Tree Commission. The resolution effected the reappointment of John Hartman to a primary term on the Tree Commission.

RESOLUTION #1995-5
(Attached)

#5 Personnel Appeals Board. The resolution effected the appointments of Carol Coldren, Patricia Miller and Don Houck, and reappointment of Milford Sprecher, to the Personnel Appeals Board.

RESOLUTION #1995-6
(Attached)

#6 Resolution re: Local Government Insurance Trust (LGIT) Agreement. The resolution approved amendments to the LGIT agreement.

RESOLUTION #1995-7
(Attached)

WORKSESSION

The Council moved into Worksession at 8:26, and later adjourned from Worksession to convene in Executive Session at 10:30 p.m. At the conclusion of the Executive Session, the Council adjourned for the evening.

Executive Session 1/23/95 - Moved by Mr. Rubin; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Ellis Koch. Council discussed possible land acquisition; staff was directed to continue negotiations (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3)).

Introduced by: Councilmember Elrich

Adopted: 1/23/95
(Single Reading)

ORDINANCE NO. 1995-1

RITCHIE AVENUE & 410/650 INTERSECTION - ENGINEERING SERVICES CONTRACT

- WHEREAS, Prince George's County has allocated \$42,662 in Program Year 20 funds to the City through the Community Development Block Grant Program for traffic island improvements at the intersection of Routes 410 and 650 and Montgomery County has allocated \$37,000 in Program Year 20 funds to the City through the Community Development Program for sidewalk, curb, and gutter installation along Ritchie Avenue; AND
- WHEREAS, the City of Takoma Park desires to obtain Professional Engineering Services for the proposed intersection, sidewalk, curb, and gutter improvements; AND
- WHEREAS, appropriate solicitation of interest through a formally advertised Request for Proposals resulted in the submission of seven responsive and responsible proposals; AND
- WHEREAS, based on the selection criteria and in consideration of other qualifications included in the Request for Proposals, staff recommended award of the contract to Larsen Engineering; AND
- WHEREAS, based on the cost of the engineering services to be provided, the allocated funds are sufficient to purchase the engineering services for the proposed intersection, sidewalk, curb, and gutter improvements,

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

SECTION 1. THAT the contract is awarded to Larsen Engineering in the amount \$8,490.00; AND

SECTION 2. THAT the funds to cover this purchase in the amount of EIGHT THOUSAND FOUR HUNDRED NINETY DOLLARS AND ZERO CENTS (\$8,490.00) shall be charged as follows:

Special Revenue Fund, Account No. 0010 6836 - \$4,400.00

Special Revenue Fund, Account No. 0010 6837 - \$4,090.00

ADOPTED THIS 23 DAY OF JANUARY, 1995

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

NAY: None

ABSTAINED: None

ABSENT: Davenport

Introduced By: Councilmember Rubin

RESOLUTION #1995 - 4
REAPPOINTING MEMBERS TO THE NUCLEAR-FREE TAKOMA PARK COMMITTEE

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

WHEREAS, currently, there are three (3) vacancies on this Committee, two (2) arising from the expiration on December 14, 1994, of the commissions of Miles McCord and Reuben Snipper; AND

WHEREAS, both Dr. McCord and Mr. Snipper have indicated their respective interest in reappointment to the Committee; AND

WHEREAS, Council has interviewed Dr. McCord and Mr. Snipper, and has concluded that their respective reappointments to the Nuclear-Free Takoma Park Committee would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, that the following persons are hereby reappointed, effective immediately, to serve on the Nuclear-Free Takoma Park Committee:

Name/Address:

Term Expires:

Miles McCord
7012 Carroll Avenue

December 14, 1996

Reuben Snipper
705 Erie Avenue

December 14, 1996

Dated this 23rd day of January, 1995.

Introduced By: Councilmember Rubin

RESOLUTION #1995 - 5
APPOINTING MEMBER TO THE TAKOMA PARK TREE COMMISSION

- WHEREAS, the Code of the City of Takoma Park provides for the composition of the City Tree Commission to preserve, protect, and promote the urban forest of Takoma Park; AND
- WHEREAS, City Code Sec. 2-142 provides that the Commission shall be composed of three (3) primary and two (2) alternate members; AND
- WHEREAS, the commission of one primary member expired on June 17, 1994, and that primary does not seek reappointment to the Commission; AND
- WHEREAS, Council has interviewed a heretofore alternate member of the Commission, John Hartmann, whose commission as an alternate expired on June 17, 1994, and who has expressed interest in serving as a primary member of the Commission; and Council has concluded that appointment of Mr. Hartmann as a primary would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, that the following person is hereby appointed, effective immediately, to primary membership on the Takoma Park Tree Commission:

Name/Address:

John Hartmann
6701 Cockerille Avenue

Term Expires:

June 17, 1997

Dated this 23rd day of January, 1995.

Introduced By: Councilmember Rubin

RESOLUTION #1995 - 6
APPOINTING MEMBERS AND REAPPOINTING A MEMBER TO THE TAKOMA PARK
PERSONNEL APPEAL BOARD

WHEREAS, the Code of the City of Takoma Park provides for the composition of the City Personnel Appeal Board for the purpose of hearing employee appeals; AND

WHEREAS, City Code Sec. 8b-181 provides that the Commission shall be composed of five (5) members; AND

WHEREAS, there currently exist four (4) vacancies on the Board; AND

WHEREAS, Council has interviewed a heretofore incumbent member of the Board, who has expressed interest in continuing his service on the Board, as well as other City residents who have expressed interest in serving on the Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, that the following person is hereby reappointed, effective immediately, to the Takoma Park Personnel Appeal Board:

Name/Address:	Term Expires:
Milford Sprecher 24 Pine Avenue	January 13, 1997

BE IT FURTHER RESOLVED, THAT the following persons are hereby appointed, effective immediately, to the Takoma Park Personnel Appeal Board:

Name/Address:	Term Expires:
Carol Coldren 111 Lee Avenue	January 13, 1998
Don Houck 29 Hickory Avenue	January 13, 1998
Patricia Miller 30 Columbia Avenue	January 13, 1997

Dated this 23rd day of January, 1995.

Introduced by: Councilmember Rubin

RESOLUTION NO. 1995- 7

Approval of the Second Supplemental Amendment to the Fifth Amended and Restated Local Government Insurance Trust Agreement

Whereas, the City of Takoma Park is a participating member of the Local Government Insurance Trust; AND

Whereas, on November 28, 1994, the Board of Trustees of LGIT adopted and approved the Second Supplemental Amendment to the Fifth Amended and Restated Local Government Insurance Trust Agreement; AND

Whereas, the Trustees have determined that it is in the best financial interest of the Trust and consistent with industry standards to maintain positive fund balances in each Pool; AND

Whereas, the Agreement has been amended to permit the Trustees to maintain positive fund balances in each Pool with the advice of the consulting actuaries and auditors and in accordance with generally accepted industry practices and guidelines and also requires the Trustees to transfer to the Surplus Account in each fiscal year any amount in excess of the positive fund balance which the Trustees have determined to maintain for each Pool; AND

Whereas, as required by Section 11.02 of the Trust Agreement, the Amendment was approved by two-thirds of the Trustees; AND

Whereas, pursuant to Section 11.02 of the Trust Agreement, the enclosed Amendment is not effective until consented to and approved by two-thirds of the members.

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

Section 1. THAT the Council approves the Second Supplemental Amendment to the Fifth Amended and Restated Local Government Insurance Trust Agreement; AND

Section 2. That the City Administrator is authorized to provide for the execution of the various documents required to certify and transfer this approval to the Trust.

Adopted this 23rd day of January , 1995.

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

NAY: None

ABSTAIN: None

ABSENT: Davenport

REGULAR MEETING, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, February 13, 1995

Executive Session 1/23/95 - Moved by Mr. Rubin; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Ellis Koch. Council discussed possible land acquisition; staff was directed to continue negotiations. Topic: Takoma Junction. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3))

Executive Session 1/30/95 - Moved by Mr. Elrich; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Davenport, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Chavez. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Ludlow. Staff briefed Council regarding possible acquisition of real property; no action taken. Topic: 1007 University Boulevard and 7120 Carroll Avenue. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3))

Executive Session 2/6/95 - Moved by Mr. Williams; seconded by Mr. Rubin. Council convened in Executive Session by unanimous vote at 11:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. STAFF PRESENT: Habada, Grimmer, Sartoph. Staff updated Council regarding possible acquisition of real property; City Administrator was directed to continue negotiations. Topic: 7120 Carroll Avenue. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3))

OFFICIALS PRESENT:

Councilmember Chavez	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Porter	Asst. Corporation Counsel Perlman
Councilmember Rubin	Dir. Special Projects Ludlow
Councilmember Williams	Solid Waste Manager Braithwaite
	Public Works Coordinator Shafer

OFFICIAL ABSENT:

Mayor Sharp

The Council convened at 7:38 p.m. on Monday, February 13, 1995, in the Upstairs Meeting Room at the Municipal Building, 7500 Maple Avenue.

The following remarks were made:

MAYOR AND COUNCIL COMMENTS

Mr. Elrich announced that he will be leading the meeting as Mayor Pro Tempore, in the absence of Mayor Sharp who is sick this evening.

#1 Mayoral Proclamation - Nevilla Ottley's 50th Birthday. Mr. Elrich read the proclamation for the record, recognizing Ms. Ottley's community service on the occasion of her 50th birthday.

MAYORAL PROCLAMATION #1995-1
(Attached)

Mr. Williams announced that the Takoma Foundation will hold its annual Phone-a-Thon on the evening's of March 6-10. For more information, contact Jack

Melamed at 345-0023.

Mr. Williams noted the Santa Marta fundraising effort, which is seeking fifty persons to pledge \$25 quarterly for the project. For more information, contact Catherine Lambert at 270-6592.

Mr. Williams remarked that the Hotel/Motel Tax Bill passed the Montgomery County House and Senate Delegations on February 9th.

Mr. Williams announced that he was recently reelected as vice-Chair of the Council of Governments (COG) Human Relations Committee.

ADOPTION OF MINUTES

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

The minutes from 10/10/94, 10/24/94, 11/7/94, 11/14/94, 11/28/94, 12/12/94 and 1/9/95 were unanimously adopted.

ADDITIONAL AGENDA ITEMS

Mr. Rubin asked that a discussion of the Takoma Park Middle School, as related to proposals to rebuild or refurbish the existing school, be added to the evening's Worksession agenda. There were no objections.

Mr. Williams noted that there will be a General Meeting regarding the school's reconstruction on Wednesday, February 15th, 7:30 p.m., at the Takoma Park Middle School. Montgomery County Councilmember Berlage is scheduled to chair the meeting.

INTERVIEW

#2 Nuclear-Free Takoma Park Committee. The Council interviewed Robert Alpern who has expressed interest in re-appointment to the committee.

The Council reached a consensus to schedule the re-appointment of Mr. Alpern for an upcoming Regular Meeting.

REGULAR MEETING

#3 Single Reading Ordinance re: Recreation Passenger Van. Moved by Mr. Davenport; seconded by Ms. Porter.

Mr. Davenport thanked staff for their responses to the questions he raised during the last discussion of this matter, and reiterated his support for the policy that the City Council not get involved in micro-management.

Ms. Porter explained that the purchase of the passenger van is a routine procurement according to the City's vehicle replacement policy. She added that the van was actually scheduled for replacement next year, but that the van is in need of replacement this year and is being switched with another vehicle from this year's replacement schedule.

Mr. Elrich noted the record of repeated repairs to the current van.

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

ORDINANCE #1995-2
(Attached)

#4 Resolution re: Anti-Discrimination Bill (HB 213). Mr. Williams explained the resolution in support of HB 213 that would add protection against discrimination based on sexual orientation to the State law, and noted that a hearing regarding HB 213 is scheduled for February 16th. He stated that of the six total delegates from Districts 20 and 21, five are sponsors of HB 213.

Moved by Mr. Williams; seconded by Mr. Davenport.

RESOLUTION #1995-7A
(Attached)

WORKSESSION

Moved by Ms. Porter; seconded by Mr. Williams. The Council moved into Worksession at 8:00 p.m., and later adjourned from Worksession to convene in Executive Session at 9:47 p.m. At the conclusion of the Executive Session, the Council adjourned for the evening.

Executive Session 2/13/95 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 9:50 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Davenport, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Sharp. STAFF PRESENT: Habada, Grimmer, Sartoph. Staff updated Council regarding possible acquisition of real property; City Administrator was directed to continue acquisition efforts, and to put a discussion of the matter on the 2/21/95 Worksession agenda. Topic: 1007 University Boulevard. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3))

MAYORAL PROCLAMATION #1995 - 1

IN HONOR OF

NEVILLA OTTLEY

WHEREAS, *Nevilla Otley is a long-time resident of the City of Takoma Park; AND*


WHEREAS, *Ms. Otley is a founder of the Takoma Park Symphony Orchestra, who has been indispensable in the organization, promotion, and performance of this great community asset; AND*

WHEREAS, *Ms. Otley has been active with radio station WGTS-FM, where her work has been instrumental in the propagation of musical compositions of numerous artists; AND*

WHEREAS, *Ms. Otley celebrated her fiftieth birthday on February 12, 1995.*

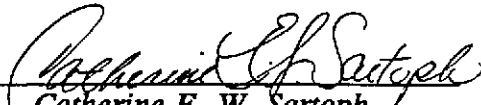
NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, *on behalf of the Residents, Council, and Staff of the City of Takoma Park, do hereby offer our thanks to Ms. Otley for her many contributions to the community, and extend the best of happy birthday wishes and hope for continued success.*

Dated this 13th day of February, 1995.



Edward F. Sharp
Mayor

ATTEST:



Catherine E. W. Sartoph
City Clerk

Introduced by: Councilmember Davenport

Single Reading: 2/13/95

Ordinance No. 1995- 2

PROCUREMENT OF RECREATION VAN

WHEREAS, funds in the amount of \$12,000 have been allocated in the FY-95 Capital Budget; AND

WHEREAS, this replacement vehicle purchase was included in the FY-95 Capital Budget pursuant to the City of Takoma Park's Vehicle Fleet Replacement Policy; AND

WHEREAS, the City has been given the opportunity to piggy back on the state contract for the purchase of this vehicle; AND

WHEREAS, the State contract was awarded to Sheehy Ford for a price of \$19,325 for the vehicle; AND

WHEREAS, Sheehy Ford has authorized a trade-in for the 1987 Dodge Van of \$2,500, reducing the purchase price to \$16,825.00.

NOW THEREFORE BE IT ORDAINED THAT authorization to purchase one Ford 15 passenger van from Sheehy Ford for SIXTEEN THOUSAND EIGHT HUNDRED AND TWENTY FIVE DOLLARS (\$16,825.00), AND

THAT funds for this purchase be charged to the Capital Expenditures Budget Account No. 9000-8001 in the amount of SIXTEEN THOUSAND EIGHT HUNDRED AND TWENTY FIVE DOLLARS (\$16,825.00).

Adopted this 13th day of February 1995.

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

NAY: None

ABSENT: Sharp

ABSTAIN: None

Introduced By: Councilmember Williams

RESOLUTION NO. 1995 - 7A

IN SUPPORT OF HOUSE BILL NO. 213

WHEREAS, on June 8, 1992, the City Council of Takoma Park adopted Resolution No. 1992-38, establishing a Task Force on Family Diversity; AND

WHEREAS, the Task Force on Family Diversity review of human rights statutes determined that the existing provisions of the Annotated Code of Maryland, contrary to the values and beliefs of the members of our Community, are inadequate not only to prohibit discrimination based on sexual orientation with regard to public accommodations, housing, and employment, but also are inadequate in providing remedies for victims of discrimination based on sexual orientation; AND

WHEREAS, House Bill No. 213 has been introduced to the Maryland General Assembly to revise and amend Article 49B of the Annotated Code of Maryland for prohibition of discrimination based on sexual orientation and for provision of remedies for victims of discrimination in public accommodations, housing, and employment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its citizens and staff, that support is hereby expressed for House Bill No. 213, and that its prompt passage by the Maryland General Assembly is urged.

Adopted this 13th day of February, 1995.

SPECIAL SESSION, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Tuesday, February 21, 1995

Executive Session 2/13/95 - Moved by Ms. Porter; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 9:50 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Davenport, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Sharp. STAFF PRESENT: Habada, Grimmer, Sartoph. Staff updated Council regarding possible acquisition of real property; City Administrator was directed to continue acquisition efforts, and to put a discussion of the matter on the 2/21/95 Worksession agenda. Topic: 1007 University Boulevard. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(3))

OFFICIALS PRESENT:

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

City Administrator Habada
Deputy City Administrator Grimmer
Asst. City Administrator Hobbs
Deputy City Clerk Espinosa
Corporation Counsel Silber
Dir. Special Projects Ludlow
Community Planner Schwartz
Housing Services Coor. Walker
Code Enforcement Officer George

The Council convened in Special Session at 7:38 p.m. on Tuesday, February 21, 1995, in the Upstairs Meeting Room at the Municipal Building, 7500 Maple Avenue.

The following remarks were made:

SPECIAL SESSION

#1 Resolution re: Special Assessment -- Westmoreland Area Storm Drainage Improvements. Mr. Sharp explained the resolution, describing the proposed storm drainage improvements for the Westmoreland Avenue area.

Arthur Karpas, 6916 Westmoreland Avenue asked that as much information as possible regarding the costs associated with the project be provided in time for the public hearing.

The resolution was unanimously adopted (ABSENT: Davenport).

RESOLUTION #1995-8
(Attached)

WORKSESSION

Moved by Mr. Williams; seconded by Mr. Davenport. The Council moved into Worksession at 7:40 p.m., and later adjourned from Worksession to convene in Executive Session at 9:36 p.m. At the conclusion of the Executive Session, the Council adjourned for the evening.

Executive Session 2/21/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 9:36 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Williams. OFFICIALS ABSENT: Davenport, Rubin. STAFF PRESENT: Habada, Grimmer, Hobbs, Silber, Espinosa. Corporation Counsel updated Council on the status of the City's litigation-related matters; no action taken. Topics: Active Court Cases, Notice of Claims Received, Administrative Appeals, Rent Stabilization Law Cases, Municipal Infraction Cases. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7))

Introduced By: Mayor Sharp

Resolution Date: 2/21/95

RESOLUTION NO. 1995- 8

(A Resolution Setting a Public Hearing on the Levy of Special Assessment Charges to Pay for the Costs of Storm Drainage Improvements to be Constructed in the Upper Westmoreland Area)

WHEREAS, Section 1201 of the Municipal Charter provides for the Council of Takoma Park to be designated the Stormwater Management Board ("Board") for Takoma Park; and

WHEREAS, Section 1216 of the Municipal Charter provides that the Board shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction of storm water sewers, curbs, and gutters and to provide for the payment of all or any part of the cost of such projects out of the proceeds of such special assessment; and

WHEREAS, Section 1216 of the Municipal Charter states that the procedure for the Board to levy and collect such special assessments shall be carried out in accordance with the procedures for making of similar assessments by the Council of the City of Takoma Park (which are set forth in Article XIII, Sections 1301 and 1302 of the Municipal Charter); and

WHEREAS, the City is considering a storm drainage improvements project to be constructed in the area defined by Westmoreland Avenue to the north, Eastern Avenue to the south, Laurel Avenue to the west, and Walnut Avenue to the east (this area is hereinafter referred to as "Upper Westmoreland").

WHEREAS, these storm drainage improvements will confer a special benefit on the owners of property in the Upper Westmoreland area of the City; and

WHEREAS, the Board is proposing to assess the costs of the storm drainage improvements against properties in the Upper Westmoreland area and to divide the property in the Upper Westmoreland area into different classes based on percentage contribution to the total water drainage problem; and

WHEREAS, before levying any special assessment charges, the Board will hold a public hearing concerning the proposed Upper Westmoreland storm drainage improvement project and the special assessment at which time all persons interested may appear before the Board and be heard concerning the proposed project and special assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, SITTING AS THE STORMWATER MANAGEMENT BOARD FOR TAKOMA PARK, that there shall be a public hearing at which

all interested persons may appear and be heard concerning the proposed Upper Westmoreland storm drainage improvements and a special assessment against the properties in the Upper Westmoreland area of the City of Takoma Park for the costs of the storm drainage improvements. The public hearing shall be held on March 13, 1995 at 7:30 p.m. (or as soon thereafter as the matter may be heard), in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, MD 20912.

AND BE IT FURTHER RESOLVED that the City Administrator shall cause notice of this public hearing to be given to the owners of record of each parcel of property in the Upper Westmoreland area which is proposed to be assessed and to each person in whose name such property is assessed for tax purposes and by publication of a copy of the notice at least once in a newspaper of general circulation in the City, in accordance with the requirements of Section 1302(d) of the Municipal Charter.

THIS RESOLUTION IS ADOPTED THIS 21st DAY OF February, 1995.

REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL

Monday, February 27, 1995

Executive Session 2/21/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 9:36 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Williams. OFFICIALS ABSENT: Davenport, Rubin. STAFF PRESENT: Habada, Grimmer, Hobbs, Silber, Espinosa. Corporation Counsel updated Council on the status of the City's litigation-related matters; no action taken. Topics: Active Court Cases, Notice of Claims Received, Administrative Appeals, Rent Stabilization Law Cases, Municipal Infraction Cases. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7))

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Davenport	Deputy City Administrator Grimmer
Councilmember Elrich	Asst. City Administrator Hobbs
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	Dir. Special Projects Ludlow
Councilmember Williams	Solid Waste Manager Braithwaite

OFFICIAL ABSENT:

Councilmember Chavez

The Council convened at 7:35 p.m. on Monday, February 27, 1995, in the Council Chamber at the Municipal Building, 7500 Maple Avenue.

The following remarks were made:

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that Mr. Chavez is attending to some family business and will not be here this evening.

Mr. Sharp commented that there is a special event this evening, and asked Mr. Rubin to make some remarks.

Mr. Rubin said that Takoma Park Cub Scout Pack 33, Den 6, has been studying citizenship this month, and that the Scouts are here this evening to lead the Council in the Pledge of Allegiance.

The Scouts led the Pledge of Allegiance. Each Scout introduced himself. Mr. Sharp thanked the scouts and said he is glad to have had them here this evening.

COMMENTS AND PRESENTATIONS

Mr. Sharp announced that on Saturday, March 4, a Child Immunization Clinic will be held at the Emergency Room of the Washington Adventist Hospital, from 9:00 a.m. to 11:00 a.m. The immunizations are free, and no appointment is necessary.

ADOPTION OF MINUTES

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

The Council Meeting Minutes from 1/23/95 were unanimously adopted.

ADDITIONAL AGENDA ITEMS

Mr. Rubin asked that two items be added to the Worksession agenda: (1) scheduling of a public hearing regarding the petition for installation of speed humps on Baltimore Avenue; and (2) a proposed resolution regarding lawn mowers.

Mr. Williams asked that a Resolution of Condolence honoring Ward Sinclair be added to the agenda, and that the Resolution authorizing the street closing for the 1995 Farmers Market be removed from the Consent Agenda.

Mr. Sharp requested that the resolution effecting the reappointment of Robert Alpern to the Nuclear-Free Takoma Park Committee, also be removed from the Consent Agenda.

There were no Council objections.

CITIZENS' COMMENTS

Karin Anderson commented on the excessive number of signs in the City.

PUBLIC HEARING

#1 S.S. Carroll Traffic Management Report. Mr. Sharp commented that the Council received a briefing on the report last week in Worksession.

Mr. Sharp noted for the record that Ms. Akers, 251 Manor Circle submitted her comments in writing to the City Clerk, in support of the proposal to restrict the traffic flow around Manor Circle.

Code Enforcement Officer, Venita George summarized the events leading up to the compilation of the traffic report, and the recommendations of the final report. She commented on the support for the recommendations outlined in the report.

David Dellabadia, 213 Manor Circle said that when he first moved there, the traffic was light, but that things are very different now. He said that he supports the proposed plan to restrict the traffic flow around the circle.

Kathy James, 225 Manor Circle summarized a letter written by her husband. She said that she, her husband and daughter are all in support of the traffic plan. Ms. James noted that cars have run up into their yard, hitting trees and bushes, and commented on the speed of the vehicles in the area.

Elizabeth Wade, 251 Manor Circle stated that she is concerned about the speed with which vehicles enter Manor Circle. She said that she has a six year old son who she prohibits from taking the bus, from the bus stop across the street from their house, because she is afraid for him to cross the street. Ms. Wade observed that the traffic is not proportional to the number of people living on the circle. She remarked that she is happy to see that this issue is being addressed, and that she is in full support of restricting the traffic around Manor Circle and possibly installing speed humps, if they would further help to reduce speeding traffic.

Owen Philbin, 439 Ethan Allen said that he is opposed to the plan. He commented on the small size of the signs that were posted to announce this evening's public hearing, and noted he received the letter of notification yesterday. He remarked that the Council needs to look at the bigger picture--increased traffic volume across the entire City. Mr. Fulton stated that the best approach is to reduce the traffic volume in the City, and that restricting the traffic on individual streets, only moves the traffic to other streets.

Karin Anderson, 7007 Woodland Avenue stated her opposition to the plan. She commented on the traffic volume, and the difficulty she experiences getting out of her driveway into the traffic flow. The idea of setting up a barrier of barrels at Ethan Allen and the entrance to Manor Circle is unsightly. Ms. Anderson reiterated that she is very much opposed to this plan, adding that she is left to wonder "what street will it be tomorrow" on which traffic restrictions will be placed.

Richard Harris, 323 Ethan Allen Avenue said he is concerned about the barrels proposed in the plan, and that he hopes that the Council will consider the aesthetics of the traffic barrier. He asked if the curb has been engineered to account for the school buses that have to enter and exit the circle. Mr. Harris stated that it is extremely difficult to cross the street at Takoma Junction, currently, and that if the traffic is moved off of Manor Circle, it will force more traffic into the Takoma Junction area. He noted concerns about the school children crossing streets in Takoma Junction, and suggested that the street lights be timed differently.

Lauren Karamihos, 29 Philadelphia Avenue (PHANTOM) said that PHANTOM was formed about a year ago to address crime and traffic problems. She said that the officers of PHANTOM would like to express their empathy for the residents on Manor Circle, but that PHANTOM opposes immediate action on the plan. The problem is that traffic is being addressed with "bandages". The Council needs to look at large scale solutions for traffic problems.

Dan Robinson, Grant Avenue (Co-Chair S.S. Carroll Citizens Association) said that the association has tried to look at traffic concerns beyond just Manor Circle. He recalled that speed humps were installed along Grant Avenue some years ago, and that the speed humps resolved some of their traffic problems. S.S. Carroll agrees that there is too much traffic on Philadelphia Avenue, has worked with the Last Takoma Junction Committee regarding the volume of traffic in Takoma Junction. Mr. Robinson stated that the association supports the report and recommendations provided by the engineer and students.

Buddy Daniels (Co-Chair S.S. Carroll Citizens Association) agreed that there is a large problem with traffic, but that the traffic problems on Manor Circle need to be addressed. This is a test, that will be reevaluated. The impact on other streets and neighborhoods can be studied. He encouraged the Council to approve the experiment for the six month trial period, with an evaluation at the end of that period.

Kent Abraham, intersection of Carroll Avenue and Manor Circle said that this morning he and his small puppy were nearly run down by a vehicle. This intersection is a feeder intersection, with traffic flow that affects many other streets. He commented that taking action on the one intersection where traffic enters Manor Circle from Ethan Allen, would resolve traffic problems on other area streets. Mr. Abraham said that he shares the concerns about the barrels not being very pretty, but that he believes they will be effective.

Susan Robb, (Co-Chair S.S. Carroll Citizens Association) stated that she supports the plan. She commented that the traffic study which was conducted a year ago this spring, showed that it is a rare exception that motorists do not dart onto Manor Circle from Ethan Allen. She said that there are speed issues. The barrels are a temporary barricade for the trial period to see if the plan will work and not have adverse affects on other streets (i.e. Sherman Avenue). Ms. Rob noted that Manor Circle is a neighborhood street, not a through street.

Julie Miller, 313 Ethan Allen Avenue said she supports the plan with reservations, because something needs to be done at the intersection of Manor Circle and Ethan Allen Avenue. Twice in the past year there have been accidents in front of her home. She remarked that she worries about being able to get out of her driveway. She encouraged the Council to consider additional traffic devices to break the traffic flow along Ethan Allen, and commented that she is worried that the plan will make Ethan Allen even more a highway.

Mark Montz, 250 Manor Circle said that Manor Circle has become a cut-through street, for motorists who are trying to avoid the traffic light at Takoma Junction. These motorists, therefore, do not care about their speed. He said that at the very least he would like to see speed humps on Manor Circle. He noted that there have been vehicles and animals hit by motorists traveling the circle.

Tom Kaufman, 214 Manor Circle stated there is an incredible volume of traffic, often speeding, on the circle, and that the conditions are very dangerous. He remarked that he was almost run down by a car as he was trying to cross the street to get to his home. Mr. Kaufman supported the plan, and remarked that the "temporary" nature of the plan should reassure residents on other streets that any adverse affects will not be permanent. He said that the traffic restrictions will inconvenience him, but that the inconvenience is "well worth it."

Dana Robinson, 217 Manor Circle commented that he has lived there since 1984, and that back then, there were very few children living on the circle. Efforts were made in 1984 to address the problem, but the efforts fell short. He remarked that his child was struck by a car while crossing Carroll Avenue. Mr. Robinson said that the traffic comes around the circle too fast and often the "wrong way." There has been an increase in the volume of traffic. He stated that he realizes this might be a piece-meal approach, but that the issue of traffic on Manor Circle needs to be addressed. He remarked that he supports the barrel barricade, adding that making a left turn onto Ethan

Allen from Manor Circle takes a "leap of faith."

Bruce Moyer, 37 Philadelphia Avenue said he has been involved in efforts over the years to address traffic issues in the City, noting that traffic has been viewed comprehensively. He recalled that approximately ten years ago, residents on Maple Avenue wanted to re-route the large metro buses onto Philadelphia Avenue, causing a battle between the two communities of Maple and Philadelphia Avenues. The Council resolved this battle by leaving the buses on Maple Avenue, realizing that the larger problem is the overall traffic flow through the city. He asked that tonight, the Council and residents of Manor Circle and Philadelphia Avenue realize that the problem on Manor Circle is just symptomatic of the greater problem of cut-through traffic in Takoma Park. He predicted that in six months, the results of the trial period are going to show that the cut-through traffic is reduced. He suggested that the City work with the Counties to reduce the overall traffic in the city. He asked the Council to defer implementing the restriction on traffic flow around Manor Circle as recommended in the plan, and to spend time addressing the overall problem.

| Richard Harris suggested that the Council instruct staff to install planters instead of barrels for the barricade.

| Mr. Elrich questioned the assertion that re-routing the traffic will increase traffic on Ethan Allen Avenue, assuming the ultimate destination of the cars being in the direction of Philadelphia Avenue.

John Christman, Traffic Engineer said that the majority of the vehicles will be turning right from Ethan Allen Avenue onto Carroll Avenue at Takoma Junction.

| Mr. Elrich asked where the State Highway Administration's jurisdiction ends on Carroll Avenue.

Mr. Christman stated that he believes that the intersection at Ethan Allen and Carroll Avenues is within the State's jurisdiction.

| Mr. Elrich commented that "rumble strips" can be an effective traffic device.

Mr. Williams clarified that the majority of the traffic coming out of Manor Circle heads up Carroll Avenue, and that the second heaviest volume travels Sherman Avenue. The main concern of the study was that the traffic would go down Jackson to other streets.

Mr. Rubin asked whether there were any interactions between the persons doing the S.S. Carroll Traffic Study and the members of the Last Takoma Junction Committee and/or persons working on the charette.

Ms. George commented on the notification process, but added that the plan was not discussed with the Last Takoma Junction Committee, in particular.

Mr. Montz said there was an astonishingly high, duplicate membership in the two organizations--S.S. Carroll Citizens Association and the Last Takoma Junction Committee (charette participants).

| Mr. Sharp suggested that a continued discussion of this item be scheduled for Worksession on March 6, 1995.

Mr. Williams asked if there is any knowledge of how the school bus for Manor Circle that exists onto Ethan Allen will be affected.

Ms. George said that staff will be contacting the schools. She remarked that staff first wanted to have the citizens' comments from the public hearing.

Mr. Sharp asked that Ms. George provide the Council with a map of where the City's maintenance of Ethan Allen Avenue begins and ends.

Ms. Porter said that contrary to what some people may believe, the Council is not ignoring the larger traffic problem for the City. She commented on her participation on the Metropolitan Washington Council of Governments (COG) Transportation Planning Board, the work of the City's Alternative Transportation Modes (ATM) Committee, and other community efforts that are going on. For example, the residents on the Prince George's County side of city have been lobbying for a bus route into the City. She remarked that a bus route would hopefully, reduce some of the traffic. Ms. Porter commented about the radar training that Police officers have received, and said that speed enforcement is being stepped-up.

Mr. Williams said that work on the problem of the intersection at Takoma Junction and its signalization has been in the mill for the past two years.

Mr. Sharp commented on the City's adopted Transportation Plan. The Plan addresses many of the points that have been raised tonight. In particular, the process of the S.S. Carroll Traffic Management Report is in accordance with the dictates of the Plan.

Mr. Elrich added that Ethan Allen Avenue is a state highway, and that the City's ability to control the amount of traffic flowing into the city on this road is very limited. The state looks at this road as the major link to Bethesda. He said that he has no problem with putting speed humps and rumble strips along the City's portion of this road, but pointed out that the residents will also have to tolerate the traffic devices. There are things that could be done along Ethan Allen to reduce cut-through traffic, but there is a price to pay. Mr. Elrich stated that the notion of easy fixes from the state is not feasible.

Ms. Porter said that before the Council gets too far on the idea of rumble strips, they should be reminded that for a while the potholes on Ethan Allen constituted rumble strips of a sort which were not appreciated by residents.

Ms. Anderson asked about the feasibility of allowing only right turns from Manor Circle onto Ethan Allen.

The Traffic Engineer responded that this was proposed to allow for a second exit from the circle and also, to provide another access route for emergency vehicles.

Mr. Rubin said that the objections to the traffic plan, are in the context of a need to a solution to the overall problem of increased traffic volume in the City.

Mr. Dellabadia said that he supports pursuit of measures to make East West Highway (Route 410) a very undesirable road for motorists cutting through the City.

Mr. Sharp said that the stop sign at Ethan Allen and Jackson Avenues was installed to break traffic flow.

Mr. Robinson stated his concern about any "turns" onto Ethan Allen off of Manor Circle. He said that even if the entrance into the Circle is blocked, that there is still a significant element of danger with turns exiting the circle.

The public hearing was closed at 8:48 p.m.

#2 Resolution of Condolence - Ward Sinclair. Mr. Williams read the resolution for the record. He commented that Mr. Sinclair was one of the real strong participants in the Farmer's Market, and that he was also a writer for the Washington Post for a long time. According to his obituary in the Washington Post, Mr. Sinclair had felt he was being put-off when originally assigned to write for the agricultural column; however, he was truly a talented writer who wrote consistently interesting articles for the agricultural section.

Ms. Porter concurred that he was also very well known as a writer on domestic food issues for the Washington Post.

Mr. Williams noted that Mr. Sinclair was connected internationally with many people who had dealings with agricultural issues.

The resolution was unanimously adopted (ABSENT: Chavez).

RESOLUTION #1995-9
(Attached)

#3 1st Reading Ordinance re: PILOT Agreement for Edinburgh House. Mr. Sharp explained the agreement being requested by the Montgomery County Housing Partnership.

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

Ms. Porter directed attention to the first "Ordained" clause, and asked what

is the expectation when the terms of the agreement end?

Mr. Sharp said that upon expiration of the agreement the partnership will have to begin paying the taxes in full.

Frankie Blackburn, Montgomery County Housing Partnership asked for the Council's support for the ordinance.

The ordinance was unanimously accepted at first reading (ABSENT: Chavez).

ORDINANCE #1995-3
(Attached)

#4 Resolution re: 1007 University Boulevard. Moved by Mr. Williams; seconded by Mr. Rubin.

Ms. Habada explained that the resolution authorizes the purchase of the property at 1007 University Boulevard.

Ms. Porter noted that the property has fallen into considerable disrepair. The City would like to purchase the property and turn it into transitional housing. She said that the City would sell the property to a non-profit organization to turn it into transitional housing.

Mr. Rubin asked that if this works out as proposed, will the property be on the tax rolls.

Ms. Habada said that a Payment in Lieu of Taxes (PILOT) Agreement could be negotiated.

The resolution was unanimously adopted (ABSENT: Chavez).

RESOLUTION #1995-10
(Attached)

#5 Resolution re: 1995 Farmers Market. Moved by Mr. Williams; seconded by Ms. Porter.

Mr. Williams said that in the third "Resolved" clause he believes it was the intent of the person drafting the resolution that the date be 17 "December", not 17 "November." He commented that from his discussions with the farmers, he thinks that the extension of the market into December worked well last season.

Mr. Sharp asked what was the reaction of the merchants to the extension of the market season.

Ms. Habada said that she recalls that the merchants did not support the extension when it was originally proposed, but that the objections have not been reiterated since the extension has been in effect.

Mr. Rubin added that the merchants did have concerns, and that as a result, the compromise of closing only one side of the street beyond November was reached.

Mr. Sharp said he would like some information about the merchants' response to the extension of the market season. He commented that while he will support the resolution this evening, he looks forward to being provided with this information. In regards to the guidelines, the amendment should be highlighted for the Council's benefit. Mr. Sharp moved that the word "approximately" be removed from the paragraph (Section II-K).

Ms. Habada stated that staff can go back and look at the difference between this and last years' guidelines and highlight the amendments, and remove the word "approximately."

Mr. Sharp said that it would not be necessary to produce a highlighted version of the guidelines at this point, but that it would be helpful in future years. He remarked that it is important for the Council to look at the guidelines, since the Council is responsible for overseeing the Farmer's Market.

Mr. Williams asked if wreaths are permitted for sale at the market, and asked for clarification as to whether vendor stations can be set-up on Laurel

Avenue median strip. He noted that a vendor was stationed on the end of the median strip last season, and the vendor's location would be in direct violation of Section II-I should the vendor again set-up on the median this season.

Ms. Habada responded that staff will clarify this prohibition.

Mr. Rubin asked if the Old Town Business Association was asked for a reaction to the extension of the market season.

Ms. Habada responded that she does not know.

Mr. Sharp proposed that Section V be amended to read: "City Administrator may revise..."

The resolution was unanimously adopted (ABSENT: Chavez).

RESOLUTION #1995-11
(Attached)

#6 Resolution re: Nuclear-Free Takoma Park Committee. Mr. Sharp moved the resolution with an amendment to the second "Whereas" clause to delete language following "...currently, there are two (2) vacancies on this Committee," and to the "Resolved" clause to delete "retroactive to the expiration date of his former term" (seconded by Mr. Rubin).

The resolution was unanimously adopted (ABSENT: Chavez).

RESOLUTION #1995-12
(Attached)

Mr. Sharp said that the Council needs to make an effort to seek applicants for the remaining vacancy on the committee.

WORKSESSION

The Council adjourned to Worksession at 9:08 p.m. Following the Worksession, the Council adjourned for the evening at 9:53 p.m.

Introduced by: Councilmember Williams

RESOLUTION OF CONDOLENCE

#1995 - 9

WHEREAS, it was with sorrow that the City Council learned of the death of Ward Sinclair of Flickerville Mountain Farm and Groundhog Ranch, a longtime vendor of the Takoma Park Farmers Market; AND

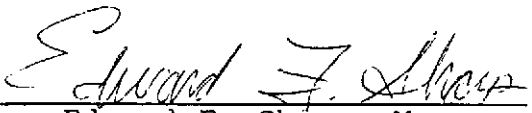
WHEREAS, Mr. Sinclair strongly supported the producer/vendor requirement for market participation as best serving market customers; AND

WHEREAS, Mr. Sinclair provided a standard for the quality of produce which market customers could expect to find at the Market; AND


WHEREAS, Mr. Sinclair contributed his own time to serve as a member of the Market Advisory Committee to assist the City in maintaining the good reputation of the Market.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland, on behalf of its employees and the citizens of the community, that we hereby extend to Mr. Sinclair's family and other friends, this expression of heartfelt sympathy.

Adopted this 27th day of February, 1995.


Edward F. Sharp, Mayor

ATTEST:


Catherine Sartoph,
City Clerk

Introduced By: Councilmember Williams Resolution Date: 2/27/95

RESOLUTION NO. 1995-10

WHEREAS, providing affordable housing which meets the needs of its citizens and rehabilitating blighting properties are important goals of the City of Takoma Park; and

WHEREAS, the structure at 1007 University Boulevard has long been in disrepair, is now vacant and boarded, and is a source of blight on a highly visible thoroughfare; and

WHEREAS, said structure is a sound, four-unit residential building that, after rehabilitation, will be well-suited for housing families; and

WHEREAS, the City of Takoma Park may purchase this property, appraised at \$120,000.00, for the sum of \$99,230.40; and

WHEREAS, \$100,000.00 in federal HOME monies, through Prince George's County, is available to the City of Takoma Park and was budgeted by the City for acquisition of property to serve persons in housing crisis; and

WHEREAS, federal Community Development Block Grant funds are available through both Montgomery and Prince George's Counties to pay for the rehabilitation of the structure; and

WHEREAS, once rehabilitated, it is the intent of the City of Takoma Park to sell the property to a qualified nonprofit organization at a price equalling unpaid City taxes, and unpaid maintenance, legal and miscellaneous costs, so that all City of Takoma Park funds expended on this property will be repaid; and

WHEREAS, the City declares that the acquisition of the property at 1007 University Boulevard serves a public purpose by rehabilitating a blighting property for an affordable housing use.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City of Takoma Park shall purchase the property at 1007 University Boulevard, Tax Map 32, Grid B-2, Block 14, Lot 26, which consists of approximately 7200 square feet.

BE IT FURTHER RESOLVED THAT the City Administrator is authorized to purchase the property at 1007 University Boulevard for the sum of \$99,230.40 and to take all actions deemed necessary to accomplish the purchase and settlement on the purchase of this property.

THIS RESOLUTION IS ADOPTED THIS 27TH DAY OF FEBRUARY, 1995.

Introduced by: Councilmember Williams

RESOLUTION NO. 1995-11

A RESOLUTION AUTHORIZING THE CLOSING OF LAUREL AVENUE BETWEEN EASTERN AVENUE AND CARROLL AVENUE FOR THE OPERATION OF THE TAKOMA PARK FARMERS MARKET ON SUNDAYS FROM APRIL 23 TO DECEMBER 17, 1995, 8:45 A.M. TO 2:30 P.M.

WHEREAS, the City of Takoma Park has sponsored the Takoma Park Farmers' Market (the "Market") on Laurel Avenue in the Takoma Old Town Business District for the past twelve years; AND

WHEREAS, the Market has proven to be a tremendous success that benefits the Takoma Old Town economy and the Takoma Park community as a whole; AND

WHEREAS, the City Council of the City of Takoma Park are therefore desirous of continuing to sponsor the Market on Laurel Avenue in the Takoma Old Town Business District; AND

WHEREAS, in order for the Market to operate in a safe and effective manner, Laurel Avenue must be closed between Carroll and Eastern Avenues to accommodate the participating vendors, their stands and their customers; AND

WHEREAS, Section 11-24(a) of the TAKOMA PARK CODE requires the approval of the City Council prior to closing a street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or designee) is hereby authorized to establish and administer the Takoma Park Farmers Market.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT in order to promote the effective and efficient administration of the Market, the City Administrator (or designee) is hereby authorized and empowered to develop, adopt, and promulgate such guidelines and policies as may from time to time be necessary to administer the Market.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT Laurel Avenue between Carroll and Eastern Avenues shall be closed to all through traffic on the following dates during the following times:

Every Sunday between (and including) 23 April 1995 - 17 December 1995, from 8:45 a.m. (local time) to 2:30 p.m. (local time)

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT parking on Laurel Avenue between Carroll and Eastern Avenues shall be prohibited on the dates and during the times set forth above, except for officially permitted vendors participating in the Takoma Park Farmers' Market.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT in the event that there are fewer than ten vendors participating in the Market on a given Sunday, the City Administrator (or designee) may, at his/her discretion, open the northbound lanes of Laurel Avenue to through traffic between Carroll and Eastern Avenues. In this event, parking shall be permitted in those spaces so designated along the northbound lanes of Laurel Avenue.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the City Administrator (or designee) is hereby authorized to arrange for the physical closing of Laurel Avenue between Carroll and Eastern Avenues and the posting of appropriate signage.

ADOPTED THIS 27th DAY OF FEBRUARY, 1995.

Introduced By: Mayor Sharp

RESOLUTION #1995 - 12

REAPPOINTING MEMBER TO THE NUCLEAR-FREE TAKOMA PARK COMMITTEE

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

WHEREAS, currently, there are two (2) vacancies on this Committee; AND

WHEREAS, Mr. Alpern has indicated his interest in reappointment to the Committee; AND

WHEREAS, the Council has interviewed Mr. Alpern, and has concluded that his reappointment to the Committee would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the following person is hereby reappointed to serve on the Nuclear-Free Takoma Park Committee, effective immediately:

Name/Address

Term Expires

Robert Alpern
316 Elm Avenue

February 22, 1997

Dated this 27th day of February, 1995.

ATTEST:


Catherine Sartoph
City Clerk

WHEREAS, the Council declares that agreeing to a PILOT in this case serves a public purpose and promotes the peace, health, and general welfare of the City and its citizens by rehabilitating a 44-unit apartment building, preserving 50% of the units for households with low to moderate incomes and contributing to the tax base of the City of Takoma Park.

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

SECTION ONE. The Council hereby approves a payment in lieu of taxes agreement with MHP Edinburgh House, Inc. such that:

1. For the first five years of MHP Edinburgh House, Inc.'s ownership of the property at 7513 Maple Ave, Takoma Park, Maryland, an amount equal to 50% of the amount of City property tax on the property would be paid in lieu of the property tax, and for the next five years, an amount equal to 75% of the amount of City property tax on the property would be paid in lieu of the property tax, and that subsequently, the payment in lieu of taxes agreement would end.
2. The MHP Edinburgh House, Inc. shall preserve 50% of the units of the property at 7513 Maple Ave, Takoma Park, Maryland for households with low or moderate incomes and that if the percentage drops beneath 50%, the PILOT amount shall be adjusted upwards accordingly.
3. The payment in lieu of taxes shall begin with the date the MHP Edinburgh House, Inc. acquires title to 7513 Maple Ave, Takoma Park, Maryland.

SECTION TWO. The City Administrator is authorized and empowered to enter into a PILOT agreement under the provisions of Section 7-503 of the Tax-Property Article of the Annotated Code of Maryland with the MHP Edinburgh House, Inc. for the property at 7513 Maple Ave, Takoma Park, Maryland as set forth in this Ordinance.

ADOPTED THIS _____ DAY OF _____, 1995, BY ROLL CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSENT:

ABSTAIN: