

PRESENTATIONS, PUBLIC HEARINGS, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL

Monday, July 10, 1995

Executive Session 6/12/95 - Moved by Ms. Porter; seconded by Mr Davenport. Council convened in Executive Session by unanimous vote at 9:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Williams. OFFICIALS ABSENT: Rubin. Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	Community Planner George
Councilmember Elrich	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

The Council convened at 7:35 p.m. on Monday, July 10, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

MAYOR'S COMMENTS AND PRESENTATIONS

Mayoral Proclamation recognizing Community Service of Historic Takoma & House and Garden Tour Founder, Ellen Marsh. Mr. Sharp announced that presentation of the proclamation has been postponed because Ms. Marsh is out-of-town.

COUNCIL COMMENTS

Ms. Porter noted that there will be a meeting at the Takoma-Langley Community Center at 7:30 p.m. on July 12th, concerning the proposals that have been formulated by the Prince George's County members of the School Redistricting Committee. The objective is to present to the community the proposals that have been made--proposals regarding how children will be handled if the City unifies into Montgomery County.

Mr. Rubin congratulated everyone who organized and/or participated in the parade adding that the event was a "showcase for the uniqueness and charm of Takoma Park".

Mr. Rubin asked that the following discussions be added to future agendas: (1) animal control ordinance, (2) ordinance to modify inspection process of group homes, (3) resolution opposing transport of toxic waste through City, and (4) resolution setting forth a "students' day" in the City, so that young people can be involved in City government for a day.

Mr. Sharp said that the Council will address each of the items proposed by Mr. Rubin.

ADDITIONAL AGENDA ITEMS

Mr. Sharp clarified that Ms. Habada has suggested that 1st Reading Ordinance regarding the Bond Pool be deferred until next week.

Ms. Habada stated that an attorney will be present for the discussion.

CITIZEN COMMENTS

Janet Berry, 807 Colbey Avenue requested clarification on the matters of annexation and unification.

Mr. Sharp distinguished between the two issues, and outlined the upcoming schedules as related to each.

Kay Dellinger, Hampshire Towers urged the Council to adopt a resolution opposing the execution of Mumia Abu-Jamal, an African-American political prisoner in Pennsylvania, on death row for a murder he claims he did not commit. She distributed a handbill. Ms. Dellinger expressed her support for Mr. Rubin's proposal for the City to take a position in opposition to nuclear waste transport near or through the City, and encouraged the Council to take action on the matter.

Lou D'Ovidio, 7324 Piney Branch Road thanked the Council and staff for the work that has been done on Piney Branch Road. Mary D'Ovidio expressed her thanks, and said that they have lived there for 21 years and have fought speeding as well as other things on the street. They noted that (1) there are still some construction issues that have to be dealt with on each end of the block, (2) landscaping of the big island needs to be addressed, (3) responsibility for mowing the small islands needs to be determined, (4) a decision should be made regarding who will maintain the islands, (5) the City is encouraged to plant trees on the islands, and (6) residents want to know the procedure for requesting residential permit parking along the road.

Mr. Sharp responded that he would like to have a more general Council discussion on July 31st about Piney Branch Road and "where we go from here", to include the points raised by the D'Ovidio's.

Mr. Williams suggested that the discussion of traffic island maintenance be broadened to include other islands in the City.

Frances Phipps, 7105 Holly Avenue/Piney Branch commented on an unintended consequence of the road repairs, limiting motorists during rush hour to enter Holly Avenue from Eastern Avenue. This results in a remarkable increase in cut-through traffic on Holly and Tulip Avenues. She suggested that a turn only signal be added to the intersection for the left turn lane at Eastern, striped by the State Highway Administration (SHA).

Mr. Rubin proposed that he meet with Ms. Phipps and some of the other neighbors to discuss this proposal, and then bring the matter before the Council at a later date.

PRESENTATION

#1 Historic Takoma. Doug Harbit, Auburn Avenue (President of Historic Takoma) gave a brief overview of Historic Takoma noting that it was founded in 1978. He said that this Spring, Historic Takoma had the honor of the City nominating the organization for the Montgomery County Award for Historic Preservation. Mr. Harbit stated that Takoma Park swept the Historic Preservation awards this year. He commented on a fabulous silver tray, award, and money that was awarded to Historic Takoma. Mr. Harbit explained that a portion of the monetary award was given to the Independence Day Committee, and that a portion is being given to the City for the Youth Outreach Program. He suggested that the silver tray and award be added to the Municipal Building lobby display.

Mr. Sharp received the presentation and thanked Mr. Harbit.

#2 Elections Task Force Report. Mr. Sharp explained that if the annexations become effective, the ward boundaries will need to be redrawn to account for the population increase.

Bryan Sayer, Chair, Elections Task Force stated that even with the outstanding work of the City staff and Park & Planning officials, we do not have an accurate count of the populations in the current wards. The Task Force has prepared recommendations based on what the Council might consider adopting with accurate population numbers. He outlined the preliminary recommendations:

- (1) Area #1--Hampshire Knolls joins Ward 2,
- (2) Areas #2 and #3--Gudes Addition, Gibb's and Kosack's Addition and Pine Crest subdivisions join Ward 3, and
- (3) the Hopewell Triangle moves into Ward 6.

Mr. Sayer said that there are eleven census blocks in the City that are split between wards, and that members of the task force went out and counted houses in these blocks. Our research shows that the existing Ward 3 is larger than

we currently believe it to be and exceeds the 10% variance across Wards. Generally, the reapportionment would involve the apartments along Maple Avenue corridor, however, there is some uncertainty about the number of units in some buildings. He recommended that City staff go out and count buildings in all of the split census blocks to either verify the Task Force numbers or come up with new ones. Mr. Sayer said that as things stand, we are talking about hundreds of people currently in Ward 3 that need to be moved to another Ward. He concluded that without exact numbers it is hard to make any more specific recommendations.

Ms. Porter asked if the Task Force members had actually gone out and counted housing units.

Mr. Sayer explained the general rule of counting housing units.

Ms. Porter said that it sounds as if the counting method used by the Task Force should be close to accurate, and questioned Mr. Sayer's concern about why their numbers need to be verified by staff.

Mr. Sayer commented that the Task Force is concerned that (1) they might be reading the map wrong, and (2) since they have only counted units on one side of the Ward boundary in split blocks, staff could better verify census data by counting the units on both sides of the boundary in those blocks.

Mr. Sharp asked what is the time frame for a Charter amendment.

Ms. Sartoph responded that the Charter amendment process requires approximately 2 1/2 months, taking into account legal notice, public hearing, two reading ordinance and 45-day period after adoption before ordinance is effective.

Ms. Habada said that she does not believe adoption of a redistricting plan requires a charter amendment.

Mr. Sharp acknowledged her observation. He asked if the City can hire a consultant to do the actual counting.

Ms. Porter remarked that it seems the matter being raised is how to best split census blocks, in the process of redrawing boundaries. She said that she thinks that the best we can do is decide on a respectable method of drawing boundaries and go with that. She asked Mr. Sayer what areas he feels need to be individually counted.

Mr. Sayer described blocks along Maple, Sherman, Lee and Grant Avenues.

Mr. Sharp requested that Ms. Habada and Ms. Sartoph meet with Mr. Sayer and discuss the needs of the Task Force in regards to assistance with counting the housing units. He stressed the importance of moving the process along.

Mr. Sayer commented that it will probably only take two staff members two days to perform the counts. Counts will need to be double checked against the census map and Ward/street listing to verify where the apartment buildings are located. He suggested that someone familiar with the city is probably best suited for the task.

Ms. Porter summarized the preliminary recommendations of the Task Force.

Mr. Rubin clarified that the Task Force has discovered a discrepancy in the balance of populations across Wards, but that the discrepancy has nothing to do with the annexations.

Mr. Sayer responded that there exists a potential problem within the annexation areas with regard to split census blocks.

PUBLIC HEARINGS

#3 South of Sligo Citizens Association (SOSCA) Traffic Study. Community Planner Venita George briefly commented on the traffic study, noting that the Kentland/Larch area is ready to implement the recommendations for their area. She noted that Traffic Consultant, John Christman, is here to discuss the proposal.

John Christman explained the traffic study and summarized the findings. He said that the majority of the problems on Kentland are a result of the cut-through traffic, and elaborated on the recommendations to restrict turns off

of Kentland Avenue. He commented on the other recommendations outlined in the staff memorandum.

Ms. George stated that the recommendations are consistent with the State Highway Administration's traffic plan for the area.

Sally Taber, 703 Auburn Avenue (President, South of Sligo Citizens Association) said that the traffic study happened because of the efforts of Kentland/Larch residents. They have been highly organized and the driving force for the entire study. She expressed her desire to see something done in the area to control traffic.

Ed Kindler, Hopewell Avenue remarked that the process started in November last year when residents petitioned for speed humps. Most people signed the petition with the suggestion that if there were another way to address the traffic problem without speed humps, they would like to see options discussed. He noted concerns about the recommendations regarding "No Left Turns". Mr. Kinler said we need to be sure that speed humps on Hopewell and Larch will be effective in diverting traffic from cutting through. In general, residents like the suggestions of the traffic consultant. There is definitely a problem in the area. He noted that there is general community consensus.

Tanya Hardings (Our Lady of Sorrows School) said that she agrees with the proposal to install speed humps to slow traffic in an area where there are children. She suggested that the light at Larch and New Hampshire be functioning at all times. Residents are also concerned that if there is no left turn at Kentland, there will be a back-up of traffic from New Hampshire Avenue and East/West Highway.

Kelly Olson stated her strong agreement regarding problems on Kentland Avenue, and expressed her support for speed humps on Hopewell, noting that there is currently parking on both sides of the street that does not seem to slow traffic. She commented on the danger of the left-hand turn from Hopewell onto Olson. Ms. Olson noted that cut-through motorists tend to dump a lot of garbage.

Ms. George said that she will get more clarification for Ms. Hardings regarding her concerns and will report back to Council next week.

Ms. Taber tried to clarify the proposals for Ms. Hardings.

Steve (unintelligible), Hopewell Avenue commented on the danger of traffic on Hopewell Avenue (downhill from Kentland to Larch). He said that it is a very serious problem, especially when a resident has to open a car door.

Don Sutter, Hopewell Avenue stated that if more vehicles could take a left from New Hampshire onto East-West Highway it would alleviate part of the problem. Speed humps will be helpful on Hopewell. If the signs entering/exiting the parking lot of the school were reversed, they would better direct the flow of traffic.

Father John McKay, Paster of Our Lady of Sorrows Church said his concern is for the safety of children and parishioners, and the ability of people to enter/leave the property. There are approximately 1000 registered families in the parish. People are constantly coming and going throughout the week, day and evening hours. He commented on some concerns: (1) striping at Larch and Hopewell make it impossible for people to enter the property next to the convent, (2) "no left turn" would make the only outlet at Larch and New Hampshire--a light that is not working all the time, and (3) speed humps on Larch and Hopewell may be effective to deter traffic, but speeding on Larch still needs to be addressed.

Ms. Porter stated that the consultant's proposal is to narrow the pavement with striping, and asked would this obstruct people from coming into the parking lot (proposal B).

Mr. Christman responded in the negative.

Aubry Merch, Auburn Avenue said she thinks the proposal is wonderful, and that it is a good idea to put some lines on Larch at East West Highway. Something ought to be done.

Norman Patrick, Larch Avenue remarked that he has been living there since 1951, and that there has always been a traffic problem. There is a lot of speeding traffic. He described an incident involving a motorist traveling in

the wrong direction, and he observed the Prince George's County police pull over to let the motorist pass. He asked about the possibility of putting a light at Olson and East-West Highway.

Mr. Sharp noted a letter from Robert Little that will be forwarded to the City Clerk to include in the record.

Ms. Porter noted the comments recorded by the City Clerk that were submitted by Frances Martin.

Mr. Sharp stated that there will be a continued discussion of this matter next week. He closed the public hearing at 9:02 p.m.

Ms. George commented that she has already made arrangements to talk with representatives from Our Lady of Sorrows (school/church) about the proposal.

#4 Takoma Junction. Ms. Habada noted that there are copies of the signed real estate contract and appraisal report available for public inspection. She summarized the memorandum (see Agenda Item #6), and commented on funding and use of space for a metered parking lot until development has been discussed.

Mr. Sharp opened the hearing at 9:04 p.m.

Frances Phipps noted that she is here to speak against this proposal because she thinks it is a bad idea. The City is mixing up the roles of government and private sector. The City government has successfully accomplished several things in regards to the Antonelli/Zarpas site; however, to pull together a comprehensive plan for that area will require expertise beyond that available in City government. The process that we follow in the City will bring us pretty close to what will work, but when we begin to talk about commercial retail development, the risk increases. Commercial revitalization is not short winded. There are often 5-10 years between a piece of ground and a finished development. The "carrying costs" on property is a factor, as well as, any other development "uncontrollables". The stated purpose is to get something going in Takoma Junction over which the City has some control. She asked if adjacent sites have been consolidated.

Ms. Habada commented on the residential and commercial sites in Takoma Junction.

Ms. Phipps noted that the sites have not yet been consolidated. When the applicant seeks consolidation, the City will have an opportunity to take a position and respond to the County Park & Planning with our concerns. She stated that traffic is a major issue, and that adequate access will be crucial for a retail development. There need to be some design plans. Ms. Phipps remarked that she works in this field, and expressed her strong opinion that the City should market the site for what we want there--something the jurisdiction can control. The City should start getting very clear about what we want and can do. She suggested that the City lease versus purchase the site. She speculated about whether the City can float a revenue bond, because anticipated revenues cannot be documented. She remarked that there are many vacant sites in Takoma Junction, and questioned how the City intends to generate "parkers". Ms. Phipps concluded with her beliefs that this is a bad idea (purchase of the site and interim metered parking lot), but that control over development is a good idea.

Steve Smith, Holly Avenue said that he can appreciate the work that people have done regarding this site over the years. He remarked that he is reacting as someone who read the article in the paper, and questions what is going on with the City's government. He asked if this is the best use of CDBG and other limited funds, and is a parking lot a viable proposal--on the surface it seems to be preposterous. Mr. Smith stated that he would like to see an analysis of what the need for parking will be on the site. He questioned whether this is really the kind of business the City wants to get into. Are we prepared? He asked several questions: (1) what would be a viable business for the site, (2) what is the value of the site, and (3) what is loss in tax revenues for the site. He concluded that if the City's concern is blight, there may be other ways to control the site versus purchasing it.

Chris Victorici, 104 Merwood Drive questioned what is the role of government, and offered that surely, it is not to get involved in real estate speculation. He asked what if the City cannot get a developer to enter into the plan that the City forms over the next years. On the whole, the City

does a very good job managing affairs, but this is a bad idea. Potentially, the tax payers could be on the hook for this property if it cannot be developed. He urged the Council to stick with the control over zoning and development that City currently has.

Bill Valdez, 53 Walnut Avenue supported the proposal, adding that it is very creative and well thought-out. He congratulated staff and Council who have worked on this matter. Mr. Valdez noted that at the June meeting of his neighborhood association, the proposal to purchase the site was discussed but no information about the parking lot proposal was available for discussion. He said that traffic issues have been discussed this evening, and that he finds it hard to believe that a more broad discussion of how a parking lot might impact the traffic in the City has not been conducted with the neighborhoods. He urged the Council to keep focused on reducing traffic in the neighborhood.

William Eckert, 7106 Woodland Avenue said he lives in the neighborhood immediately adjacent to the site. His neighborhood will be most affected by any development in the area. He remarked that he thinks people generally regard this as a positive sign that the City might be able to push some development forward by acquiring the property. This looks like an opportunity to get a development on the site that everyone finds complementary to the neighborhood. He said however, the he thinks that there is a lot of concern about using the site for a parking lot. (1) The impact on the neighborhood needs to be considered--traffic congestion in Takoma Junction. He questioned whether we really want more traffic to come into this area, and commented on the need to discourage commuter, cut-through traffic. The proposal is inconsistent with our efforts to reduce traffic. (2) He questioned the viability of this as an enterprise to raise money, and asked what is the basis for an assumption that there will be enough commuters to fill the lot each day. Mr. Eckert expressed concern about whether the lot will generate the necessary revenues. He asked whether the City has considered other options that might generate revenues rather than a parking lot. Some possibilities might be (1) deferring a budget expenditure, or (2) raise taxes to pay for the property. If taxes were raised, residents would have to consider the question and support the purchase by paying additional taxes. This way the City would not have to pay interest on the note. If the City then later sold the property, the tax rate could be lowered. (3) When the last proposal for a Co-Op was considered, we knew that there were two residential lots on the Columbia Avenue side of the site. Could the project be financed by selling one of the residential lots? (4) The Open Space program might be an alternative, if we wanted to turn the wooded area into a parkland. Could we acquire the funds by designating the open space as a park? (5) He said he is happy to see the billboards removed and that he is generally not an advocate for billboards, but questioned whether advertising on the site might draw some income. The signs are ugly, but so is a parking lot. Signs, however, do not pollute, pose a safety hazard, etc. (6) During off-season for the Farmer's Market, several vendors move to the Turner Electric lot. There may be a possibility of setting up a municipal market on the site that could operate during the day and take advantage of the traffic. These ideas may be possible and do not have the traffic factor that the parking lot would have. Residents in the neighborhood were not aware of this plan in the making, other than reading the article in the Newsletter. He remarked that it would have been better if the public hearings were held earlier in the Spring, before neighbors were off on vacations. The timing is such that little time is left before a decision has to be made. There was a lot of participation in the last effort to discuss development of Takoma Junction, and we are again at a point where the neighborhood needs to be included more in the process. He noted that there have been discussions about forming a Takoma Citizens Advisory Committee, a group of residents who would make themselves available for input and discussion, and who would also get the word out to the community. He asked Council to postpone a vote on the related items, until citizens have had an opportunity to discuss the proposal at neighborhood meetings.

Mr. Elrich asked in regards to the concern about a parking lot generating a lot of traffic, is there a perception that a retail development would generate less traffic than a parking lot.

Mr. Eckert responded that the perception is that traffic will be coming in, for the most part, all at one time in the morning and afternoon, when children are going and coming from school. A parking lot would have a noticeably different effect than a steady traffic flow spread out over the day as patrons visit a commercial development.

Andrew Euston, Albany Avenue stated that he was initially on the Takoma

Junction Advisory Committee. He said he would like to endorse the idea of a development that would maximize the use of the area for the residents in the neighborhood (see written testimony). He summarized his memorandum.

Carl Elefante, 6607 Westmoreland Avenue (President, Takoma Community Development Corporation (TCDC)) noted that the TCDC supports the proposal to purchase the site; however, there has been little time to discuss the parking lot concept (see written testimony).

Mr. Rubin asked whether at any time was there ever on paper anything from a corporation saying they were going to develop the site, and absent the petition, is there a belief that a corporation would have developed the site.

Mr. Elefante responded that he is not aware of any paper that was ever signed (contract for development). There have been 3-5 alternative site plans that were generated during the course of the Rite-Aid proposal, but a final plan was never decided upon. There is a catch to the site (C1 Zoning). Consolidation of the four lots can be done as a minor hearing--not a site plan requirement; however, a minor subdivision can be done administratively. Issues between the developer and tenant were never resolved. The petitions clearly influenced the Rite-Aid decision. Rite-Aid developers were not willing to take the risk of trying to develop the site on their own because of the resident opposition.

Bill Malari, 8012 Maple Avenue remarked that he is here tonight to support the purchase of the site, but that he is not prepared to discuss interim use of the site as a parking lot. He said that he believes the only way for the City to control development on the site is for the City to own the property. Mr. Malari stated that he would like to see a development that would support pedestrian activity and retail use--more of a community development. He noted that he participated in the design charette, and strongly recommended purchase of the site. This would also allow participants in the charette an opportunity to continue development discussions.

Andy Harten, Grant Avenue (residence about 200 yards from site) said he supports the City controlling the development of the site. If the wrong thing goes in on the site, the value of the area homes will go down. He stated that he is confused by an earlier discussion regarding the parking lot, and again raised the question regarding whether more traffic would be generated by a parking lot or retail development. Mr. Harten said he supports the interim solution if working toward a long-term development for community. He urged the Council to follow through with the plan.

Tom Anastasio, 32 Columbia Avenue said he favors the City purchasing the site, but that he has a lot of concerns. He stated that he would normally not be in favor of a City buying a site; however, this is a difficult case, because the City needs to have control in the development of the site. He remarked that he has more confidence in the City's ability to control the development than the ability of the current owners of the site. He cautioned that the City needs to be very careful. Are we paying more for the site than it is worth? In regards to the parking lot idea, he said it seems a bit uncertain just who will park on the lot. The complete economic picture does not have to be a totally balanced sheet. There needs to be a good looking area, prosperous set of merchants, pedestrian access, etc. Mr. Anastasio concluded that he believes the City can develop the site with the best interests of the community in mind.

Bob Drayer, Sycamore Avenue said that he lives within 150 yards of the site. He stated that when he first moved into the area, he was impressed with Takoma Junction and has been waiting ten years for Takoma Junction to meet the potential of the area. He remarked that what the City is doing goes a long way in fulfilling the potential of the junction, and that the City is stabilizing the situation. Mr. Drayer stated that he has great hope that something good will happen on the site. He urged the City to look closely at preserving the back slope of the lot as a wooded area, and noted that he would not underestimate the community's willingness to support the effort, adding that he would be willing to personally donate \$100/year toward the cost of purchase. Traffic in Takoma Junction is incredible; it takes four minutes to cross the street, partly due to the fact that the street lights are not pedestrian friendly. He said it would be nice if the City could take back the street in Takoma Junction from the State Highway Administration. Traffic needs to be slowed down so that people can walk in the area.

Christine Bruff, Sycamore Avenue said she frequents Takoma Junction businesses, and supports the City buying the property and looking for

appropriate development. The so-called market proposal that was conducted did not offer a proposal that she liked. She stated that she would prefer the traffic from a parking lot versus retail development parking traffic. Ms. Bruff remarked that she would pledge \$13/month to keep this from becoming an undesirable development, and supported preservation of the wooded portion of the lot.

John Fleming commented that the Takoma Junction Business Association has not had the opportunity to discuss the interim parking lot proposal. He said he has been a merchant on Carroll Avenue since 1979 and has seen and heard a lot of discussion about this area. He endorsed the acquisition of the site by the City, adding that he has come to believe over the years, that there has been market failure, in part, due to the City not taking a proactive role in economic development. Marketing is a very important part of this project. The TCDC is coming on as a proactive player in this matter. If the TCDC fulfills the role as the marketeer of the site, we have a new opportunity that until this point did not exist in Takoma Junction. He remarked that he is concerned about using a parking lot as a means for paying for the acquisition. It is not likely that a lot of patrons for businesses on the other side of street will park in the lot. Mr. Fleming stated that he does not think there will be the level of use for the lot as needed. There are a number of other possible uses, for example a municipal market. He elaborated. The price that the City is looking at is lower than what the market was looking at over the last year. He said he will support the Council's efforts to acquire the property.

Farrel Hamer supported the City's idea of acquiring the site, adding that she feels it is an innovative and creative concept. Even though it is not within the traditional role of government, it is "thinking outside of the box" and appropriate for our situation. She noted that Performance/Prescriptive Standards could prevent the worst things from happening--if we have a vision for what we want the area to look like we need to control the development.

Kathy Breckbill, Woodland Avenue commented on the issue of how the City communicates with the residents. There is a varying degree of people's knowledge about what has gone into the proposal. She said she is not confident that the community was adequately informed about how this purchase is being funded, and that she does not believe a parking lot is the best alternative. A number of options have been presented. She expressed her support for soliciting citizens who would contribute to the effort, or selling a parcel of the residentially zone land. Ms. Breckbill commented on the traffic that would be generated by a parking lot at the worst possible time of the day. Motorists drive quickly. Pedestrian signals are not timed such that all traffic is stopped at the same time. The City has a responsibility to better communicate to residents that business/community is a symbiotic relationship. We need the businesses. She applauded the City for trying to buy the property.

Gary Reisner, Woodland Avenue said that the issue is not one of whether to purchase the property or not, instead a question about the mechanisms the City is using to rationalize the purchase. In all probability, there is no basis for the estimates of sustaining revenues from parking meters. The City has premised the decision to buy a piece of property on faulty budgeting information. The decision is whether we want to buy property and get more involved in its development. A parking lot in this area will do nothing for the local community. It will require approximately \$26,000 in site improvements alone--money that could be used toward financing the bond. He stated that he is ambivalent regarding the purchase of the site by the City, adding that he wants to do whatever it takes to get a decision made and see the property developed. If a parking lot is not the answer to interim use, maybe a resolution about the development could be pushed forward within the next year. If hearings are required for consolidation of the lots, then the City would have this option for control. He recognized that nothing has happened to the property in a long time.

Kent Abraham, Carroll Avenue (TCDC) expressed his support of the City buying the property. The City will be in a position to push a critical mass type of development. If the City does not make this move, nothing is going to happen on its own and we will continue to watch the property be undeveloped. Let's continue working on assembling the vision--the role of an active City Council to create an enlightened City government.

Roy Kahn, Elm Avenue (Vice-President of TCDC) said he is in favor of the City purchasing the property, and commented on the amount of energy wasted over the years shifting back-and-forth between development discussions that could have better been spent developing the site. The City cannot stop development

of the site without extensive legal action. We would end up spending money and having nothing on the site. He acknowledged that money will have to be spent, but that the benefits far outweigh the risks. The City is a collection of niches that no private developer could ever re-create. Takoma Junction has not been developed by a private developer for a number of reasons, partly because it is very much like the City in a number of ways.

Peter Watkin, 7909 Hancock Avenue favored the proposal to purchase the property. He said that he has seen nothing happen to it over the last ten years and does not believe anything will happen if the City does not take control. He remarked that he believes a parking lot will be a red herring, and urged consideration of an open market as a better option. He encouraged the City to buy the property and develop it right.

Kay Dellinger, Hampshire Towers asked if the City has any plan about what it is going to do with the site once it is purchased.

Ms. Habada explained that the development plan, for which we have gotten some money from the State already, would define the vision for Takoma Junction. She said she believes it will be a mixed use development (commercial/residential). Clearly, commercial development would work on the property, but there is still the question of how to develop the site. The market study that was done last year identified the need for more local neighborhood retail businesses (e.g. grocery store, hardware, shoe store, etc.). She stated that there would need to be continued study on the residential aspect.

Ms. Dellinger expressed her concern about the financial risk. The parking lot is intended for the interim 2-3 years. She said when she hears that market forces have not worked in favor of development, it is reason for concern. She spoke in favor of developing a "Takoma Cafe" on the site. The City should have some definite ideas about what it would like to see on the site and definite ideas about what is possible on the site. She asked whether enough discussions have been held with developers to know what would work on the site.

Ms. Breckbill questioned how much improvement would be necessary before something is done to correct the timing of traffic lights in the Junction area. She asked whether any thought has been given to the environmental impacts of a parking lot (e.g. paving and water run-off; pollution, etc.).

Brian McCarthy, 7400 block Carroll Avenue supported purchase of the property. He said that nothing has affected him quite the way the joke (McDonalds) sign that was posted on the site did. It crystallized the risk of an undeveloped site in Takoma Junction.

Albert Nunez, Sherman Avenue supported the purchase.

The public hearing was closed at 10:53 p.m.

AGENDA CHANGES

Ms. Habada suggested that (1) item #5 be moved to the next voting session, (2) item #12 is under \$10,000 and can be handled administratively, and (3) discussion of draft minutes can be delayed.

REGULAR MEETING

#5 Extension of Injury Leave. Item postponed.

#6 1st Reading Ordinance re: Purchase of Antonelli/Zarpas Site. Ellis Koch, Legal Counsel (Antonelli/Zarpas site) commented on funding options. In regards to the Maryland Economic Development Corporation (MEDCO), the difficulty with the pool is that it has been sold as a tax exempt pool. This means that a government entity (like the City) would be subject to a holding period during which time the property would have to be maintained for public use. If the City leased the property within five years to a developer, it would no longer be tax exempt because it would become a private use property. He explained that the second alternative that was investigated, a tax exempt general obligation bond, would be subject to the same circumstances as a tax exempt revenue bond, as described above. Mr. Koch concluded, therefore, that the remaining option is a taxable general obligation bond.

He said that had the MEDCO bonds been an option, they are low floaters (4%). A tax exempt general obligation bond has an interest rate of 6.75%, and a taxable general obligation bond has an interest rate of 8.75%. He stated that there may be room for some negotiation with the bank.

Mr. Elrich questioned whether the City could develop the property and lease it to the end user. Mr. Koch responded that this is not a possibility since the property has to remain in public use (e.g. parking lot, etc.) for the length of the five (5) year holding period.

Mr. Rubin said that as far as revenue producing public uses, a parking lot seems to be the only option. Mr. Koch remarked that the site could be open to public use, and the City could require a fee of the user (i.e. open market). He gave an example of how stringent the law is. There was a municipality that put in a parking lot and dedicated a portion to a private developer--this destroyed the status of the tax exempt bond.

Mr. Rubin asked what factor does the revenue generated by the use of the site, play in the overall acquisition deal. Mr. Sharp stated that if the City wants to get a good interest rate on the bond, then we can either not use the site or use the site in a way (i.e. parking lot) not supported by the persons who testified this evening.

Ms. Habada noted that there is a difference of approximately \$6,200 between the 8.75% and 6.75% interest rate scenarios.

Mr. Sharp said that we need to find a way to offset some of the cost at the 8.75% rate. He remarked that after the testimonies this evening, he does not believe Council can go forward with the parking lot part of the proposal without further discussion. Mr. Sharp pointed out, however, that if the property is developed in the future, there will surely be more traffic going through the intersection. He stated that he has heard merchants of Takoma Junction request more parking, and that perhaps there is a way of turning part of the site into a parking lot for the merchants.

Mr. Williams recalled the time when two women wanted to develop a restaurant in TJ but could not because of a parking deficiency. He asked if there had been a parking lot at that time, could the developers have used part of the lot to meet the requirements.

Mr. Elrich commented that the comments about the parking were well taken, but that because the City is in the process of negotiating this deal, not all aspects of the negotiations could be discussed with the public prior to now. He explained that the Council wanted to present the residents with an option for paying for the acquisition, to avoid the burden falling on the tax payers. He suggested that the City should not try to maximize the size of the development--simply pay back the cost of the property with a small development and preserve the remaining green space. Mr. Elrich stated that the City should move expeditiously to sell the residential lot because it represents significant value. Monies from the sale of the residential lot could be used to help carry the cost of the upper commercial lot. He said that he doesn't think the City should hold-up development of the site, waiting for the Fire Station to be moved or for the potential purchase of other TJ lots. He concluded that he is interested in the development of the site that revitalizes the Junction with the least impact on the neighborhood.

Moved by Mr. Williams; seconded by Mr. Elrich.

Mr. Williams remarked that he "felt caught between a rock and a hard place" when it came to getting information to the community about the parking lot, since the proposal was part of the overall negotiations and public discussions had to be carefully timed. He said that he has been encouraged by state delegates to continue pushing for SHA cooperation regarding the intersection in Takoma Junction.

Mr. Sharp proposed an amendment to delete references to "parking" in the whereas clauses.

Ms. Porter stated that she was the last person on the Council to agree to go forward with this purchase, in part because of the failure of other things that have been tried to develop/control the site. People need to understand that there is a risk to this plan, and that the Council cannot promise that the City will do any better than previous property owners at developing the site. She remarked that the most significant issue is the traffic in TJ, but that regardless of what is developed on the site (except maybe an empty lot or park) there will be traffic implications.

Mr. Davenport commented that while the City's acquisition of the site may be a risk, the Council considered the alternative of an outside developer putting in something "undesirable".

Mr. Rubin clarified that this is not "land speculation" on the part of the City. There is a risk, and the City could lose. He said that he believes the chances for success are greater, and that because of the nature of the funding, there may be a way to make some money out of the deal. He concluded that the City can control the property through acquisition, and that he is convinced that there are viable projects that could be attractive to commercial enterprises.

Mr. Chavez said that he supports purchasing the property, with a long-term goal of developing the site.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-24
(Attached)

Mr. Elrich asked whether the City has access to the Montgomery County Master Plan, and whether we could purchase the site as open space.

#7 1st Reading Ordinance re: Participation in Bond Pool for Acquisition of Antonelli/Zarpas Site. Removed from agenda.

#8 1st Reading Ordinance re: Installation of Parking Meters on Antonelli/Zarpas Site. Item deferred.

#9 1st Reading Ordinance re: Sycamore Avenue Speed Hump. Ms. Porter questioned what kind of discussions have taken place in the community with neighbors in adjacent blocks, and what were their comments.

Bob Grear said that the proposal is to install a speed hump between Columbia and Ethan Allen, and that the major concern is to make Sycamore as "speed insulated" as possible. He commented on the concern for the safety of neighborhood children.

Ms. Porter asked if Mr. Grear had spoken with any residents on Columbia Avenue, and whether there is a perception that another speed hump on Sycamore will increase traffic on their street.

Mr. Grear responded that he has not talked to any Columbia Avenue residents, but that he does not believe that the speed hump will do anything more than slow traffic at the top of Sycamore Avenue.

Mr. Sharp noted that the proposed location for the speed hump is different in the ordinance than the location described in Mr. Rosenthal's letter. He suggested that this discussion be postponed until after the public hearing scheduled for July 24th.

(unintelligible) said that the petition requested that the speed hump be installed at the top of the street. At most, the speed hump would only be a part of the larger traffic problem in Takoma Junction. There is a lot of spill-over traffic during rush hour. She asked that a sign also be erected to slow motorists.

Ms. Porter directed that residents of Sycamore Avenue discuss the proposal with residents on adjacent blocks and streets. She suggested that they discuss the matter at their next neighborhood association meeting.

Mr. Elrich stated that there are already two speed humps on this street, and that therefore, the residents should not be required to notify the residents of adjacent blocks.

William Eckert, 7106 Woodland Avenue said that in general, he believes everyone in the area shares the fear of what happens when traffic comes off of Ethan Allen Avenue cutting through the neighborhood. He reiterated the concern for the safety of children.

Mr. Sharp postponed first reading of the ordinance until after the public hearing on July 24th.

#10 1st Reading Ordinance re: 13th Avenue Speed Humps. Mr. Sharp explained that the public hearing on this matter was held in October, but consideration of the ordinance was postponed because of the impending winter weather that would have prevented installation of the speed humps at that time.

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

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-25
(Attached)

#11 Resolution re: Commission on Landlord-Tenant Affairs (COLTA). The resolution was unanimously adopted.

Moved by Mr. Williams; seconded by Mr. Elrich.

RESOLUTION #1995-40
(Attached)

#12 Lighting Installation Contract. Deferred for administrative action since bid for contract is under \$10,000. No objections from the Council.

WORKSESSION

The Council moved into Worksession and later adjourned for the evening at 12:03 p.m. The proposed Executive Session was not held because of the lateness of the hour.

Introduced by: Councilmember Williams

RESOLUTION #1995 - 40

REAPPOINTING COMMISSIONERS TO COLTA

WHEREAS, as of June 30, 1995, four members' terms on the Commission on Landlord-Tenant Affairs (COLTA) will expire; **AND**

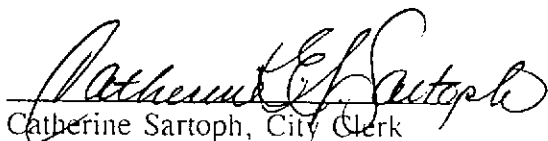
WHEREAS, all four current Commissioners have requested to be reappointed to continue service on COLTA; **AND**

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Takoma Park, Maryland, hereby reappoints the following Commissioners to serve three year terms on the Takoma Park Commission on Landlord-Tenant Affairs:

	<u>Name</u>	<u>Address</u>	<u>Term Expires</u>
1.	M. Vanita Adams	666 Houston Avenue, #310	6/30/98
2.	David Lurie	614 Elm Avenue	6/30/98
3.	Enrica D. Morgan	666 Houston Avenue	6/30/98
4.	Linda A. Rabben	402 Lincoln Avenue	6/30/98

BE IT FURTHER RESOLVED THAT these appointments become effective July 10, 1995.

ATTEST:


Catherine Sartoph, City Clerk

Introduced by: Councilmember Williams

1st Reading: 7/10/95
2nd Reading:

ORDINANCE NO. 1995- 24

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF A CERTAIN TRACT OF LAND [FOR A TEMPORARY PUBLIC PARKING FACILITY FOR SUCH PERIOD OF TIME DEEMED NECESSARY BY THE COUNCIL.]

[WHEREAS, the Council in accordance with Section 501-52 of Charter is empowered to obtain by purchase, construct, operate and maintain facilities for off-street parking; AND]

WHEREAS, the acquisition of the Land (hereinafter described) for use on an interim basis as [a parking facility] to reserve such land for inclusion in the revitalization of Takoma Junction; AND

WHEREAS, the Council has determined that a temporary [parking facility] is required in accordance with terms of this Ordinance.

WHEREAS, the City will utilize a portion of its Community Development Block Grant funds for purpose of the acquisition in accordance with the appropriate federal regulations; AND

WHEREAS, this action will facilitate the elimination of a blighting condition as defined by 24 CFR 570.208 (b)(2); AND

WHEREAS, additional Community Development Block Grant funds will also be used to match State MIP funds for the preparation of a Development Plan to revitalize the Takoma Junction commercial area.

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

SECTION I THAT the Council shall acquire that tract of land located generally between 201 Ethan Allen Avenue and 7221 Carroll Avenue and further described as "B.F. Gilbert's Addition to Takoma Park" Block 19, Lots 34-36, Lot 39 and part of Lots 32, 33 and 37 in the 13th Election District of Montgomery County being all the property of Takoma-Carroll Associates L.P. as recorded in Liber 7477 Folio 293 in the land records of Montgomery County, Maryland containing approximately 1.44 acres of land," (the "Land") for use as [a temporary public parking lot] and for such other public purpose as may be determined.

The acquisition price shall be Four Hundred Eighty-Three Thousand Dollars (\$483,000.00).

SECTION II THAT this Ordinance shall be effective _____, 1995.

Adopted this ___ day of July, 1995.

AYES:

NAYS:

ABSTAIN:

ABSENT:

(NOTE: Ordinance was amended at first reading to delete text in brackets.)

Introduced By: Mayor Sharp

1st Reading: July 10, 1995

ORDINANCE #1995 - 25

INSTALLATION OF SPEED HUMP

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection to Section 1, as set forth below:

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following locations:

- (a) 13th Avenue (7100 block of 13th Avenue), one (1) speed hump to be placed approximately 180 feet from the stop sign at Elson Street, and one (1) speed hump to be placed approximately 180 feet from the stop sign at Elson Place; exact locations shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this _____ day of _____, 1995, by roll call vote as follows:

AYE:

NAY:

ABSTAINED:

ABSENT:

WORKSESSION, SPECIAL SESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, July 17, 1995

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	Asst. City Administrator Hobbs
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	Corporation Counsel Silber
Councilmember Williams	Community Planner George
	Senior Planner Schwartz
	Officer Schmude
	Community Development Coor. Sickie

OFFICIALS ABSENT:

Councilmember Elrich

The Council convened in Special Session at 7:38 p.m. on Monday, July 17, 1995, in the upstairs meeting room (#1) of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

ADDITIONAL AGENDA ITEMS

Ms. Porter asked that a discussion of the information being sent to annexation areas be added to the Worksession agenda.

SPECIAL SESSION

#1 Proclamation re: Suspension of Annexations. Mr. Sharp explained the proclamation.

Mr. Chavez noted a typographical error in the second-to-last whereas clause--July "15" should be "14".

The proclamation was adopted, suspending the effectiveness of the Annexation Resolution Nos. 1995-22, 1995-23 and 1995-24, until the results of the Annexation Referenda Elections are certified. City Clerk is to prepare a final version of the proclamation for the Mayor's signature.

PROCLAMATION #1995-7
(Attached)

#2 1st Reading Ordinance re: Annexation Referendum Elections. Mr. Sharp explained the purpose of the ordinance, and noted that the City can limit the operating hours for the polling places--Martins Addition holds polls open for only one hour.

Ms. Porter suggested that under the circumstances, the City should go out of its way to accommodate all persons wishing to vote in the election, and that the polls should be open for the regular hours (7:00 a.m. to 8:00 p.m.) in Areas #1 and 2.

Ms. Sartoph commented that the VFW Post #350 has agreed to allow the City use of the parking lot as a location for a temporary structure to be used as the polling place for Area #2; but that the City cannot use the VFW facility for the polling place. The VFW will close down its liquor sales on August 22nd.

Mr. Rubin asked whether the VFW would be open for the public to use its restroom facilities on election day. Ms. Sartoph responded that the question has not been asked of the membership.

Ms. Porter moved the ordinance with the following hours of operation: Areas #1 and 2 - 7:00 a.m. to 8:00 p.m., and Area #3 - 4:00 p.m. to 8:00 p.m. (seconded by Chavez).

Gary Pendleton spoke in favor of the polls being open all day, as proposed.

Mr. Sharp commented on reasons for supporting the motion made by Ms. Porter. He commented that after the Prince George's County Council vote on July 11th, Councilmember Maloney stated that he felt the City could tailor the polling hours.

Ms. Sartoph was directed to make an extra effort to inform all households in Area #3 of the limited operating hours of the poll in their area.

The ordinance was accepted unanimously.

ORDINANCE #1995-26
(Attached)

#3 1st Reading Ordinance re: Financing for Acquisition of Antonelli/Zarpas Site. Mr. Sharp noted that Legal Counsel Ellis Koch is unable to be here this evening, and that the Council can postpone the first reading vote without posing a problem.

Ms. Porter asked if the "purpose" stated in the terms of the loan, gives the City flexibility to change the use from a public parking lot. Ms. Habada responded in the affirmative.

Mr. Rubin remarked that persons who testified on this matter last week were of the impression that they would have two more opportunities to comment before adoption of the ordinance, and that since those persons are not here this evening, there is a good argument to postpone the first reading.

Ms. Habada noted that the TCDC will be holding a community meeting on July 26th to discuss the acquisition and use of the site. Mr. Williams suggested that PHANTOM, B.F. Gilbert, and S.S. Carroll Citizens Association be invited. Ms. Habada stated that persons who testified on 7/10/95 will also be invited.

Mr. Sharp questioned how much the bank is relying on a public parking lot for a revenue stream, since no feasibility study has been done. He said that he thinks the bank is really looking at the City's budget.

Mr. Rubin said that he does not believe the parking lot will generate the revenue that has been estimated. Ms. Porter stated her skepticism that the lot will attract METRO commuters.

Mr. Williams asked whether some spaces could be used to help incoming business meet parking space requirements. Ms. Porter requested clarification on this point, and an answer to what would happen if the City later changed the use of the parking lot--taking away the spaces that a business may have counted on to meet licensing requirements.

Mr. Sharp commented that he has some questions about parking lot revenue being the basis for collateral, permanent parking as a contingency of a possible business license, and affect of different interest rates on borrowing options.

Corporation Counsel Silber noted that references to "City Manager" should be changed to "City Administrator".

Council reached consensus to schedule the first reading of the ordinance on 7/24/95.

#4 Single Reading Ordinance re: HVAC Installation. Mr. Sharp asked about the timeframe for installation.

Ms. Habada stated that it would be 45 days from the date the contract is signed and check is deposited--assuming that the wells drilled hit water.

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

ORDINANCE #1995-27
(Attached)

#5 Extension of Injury Leave. Mr. Sharp explained that because of the way the City Code is written, a person on Worker's Compensation receive more pay (with the tax savings), than if she/he was working. The intent of Worker's Compensation is not to pay a person more money than she/he would otherwise make on regular salary.

Mr. Hobbs stated that to change this, the Council would need to adopt an ordinance that clarifies the Code provision. Currently, an employee receives approximately 2/3 of regular pay through Worker's Compensation (not taxed), and the City pays the 1/3 difference. However, the tax savings amounts to approximately 1/3 of regular pay.

Mr. Davenport asked if an agreement has been reached regarding when the employee will be returning to light duty. Mr. Hobbs responded in the negative.

Ms. Porter asked what would be the effect if the employee were on light duty. Mr. Hobbs stated that the employee would be getting regular pay and working less, if on light duty.

Mr. Sharp remarked that he thinks there is a problem in this program, because there is no incentive for an employee to return to work. He noted that he has been advised that he cannot tailor a motion on this issue to resolve the problem.

Ms. Porter suggested that the Council accept this request, and address the problem prior to future requests. Mr. Rubin supported acceptance of the request--in favor of labor-management agreements.

Mr. Hobbs stated that he has not addressed this issue with Corporation Counsel, but that he could. Mr. Williams favored this approach, but agreed with Ms. Porter's proposal regarding the request under consideration.

Mr. Sharp noted that the Council may not have an opportunity to amend the Code before the next request, since the matter is part of the Collective Bargaining Agreement.

The Council voted unanimously to grant the request for an extension of injury leave.

ADJOURNMENT

The Council moved into Worksession at 8:24 p.m. Following the Worksession, the Council convened in Executive Session at 10:54 p.m.

Executive Session 7/17/95 - 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, Porter, Rubin, Williams. OFFICIALS ABSENT: Porter. Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

PROCLAMATION #1995 - 7

SUSPENDING THE EFFECTIVENESS OF ANNEXATION RESOLUTION NOS. 1995-22, 1995-23, 1995-24, CONTINGENT UPON THE RESULTS OF THE REFERENDUM ELECTIONS

WHEREAS, the residents of three areas, adjacent to the City of Takoma Park's corporate boundary, petitioned the City for annexation in the spring of this year; **AND**

WHEREAS, the annexation petitions met the requirements of the Annotated Code of Maryland, Article 23A, Section 19(c), necessary to have the proposed change of boundaries, as requested by the petitions, introduced for consideration by the Takoma Park City Council; **AND**

WHEREAS, on May 30, 1995, after notice and a public hearing, the City Council adopted three annexation resolutions (nos. 1995-22, 1995-23 and 1995-24) proposing incorporation of three separate areas in Prince George's County into the city; **AND**

WHEREAS, the annexation resolutions were not to become effective until at least forty-five (45) days following their final enactment, during which time the annexations could be petitioned by referendum by (1) the residents of the area to be annexed, (2) residents of the municipality, or (3) the governing body of the county or counties in which the municipality is located; **AND**

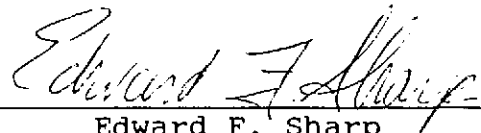
WHEREAS, on July 11, 1995, the Prince George's County Council adopted Resolution CR-35-1995, petitioning the City of Takoma Park to hold a referendum election on each of the three annexation resolutions; **AND**

WHEREAS, a final copy of Resolution No. CR-35-1995 of the Prince George's County Council was forwarded to the City Administrator of the City of Takoma Park, Maryland, on Friday, July 14, 1995, prior to the deadline for filing a written petition; **AND**

WHEREAS, the City Administrator has determined that the Prince George's County Council Resolution No. CR-35-1995 is in compliance with the requirements of the Annotated Code of Maryland, Article 23A, Section 19(h).

NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, hereby proclaim that the effectiveness of Takoma Park Annexation Resolution Nos. 1995-22, 1995-23 and 1995-24, be suspended, contingent upon the results of the referendum elections.

Dated this 17th day of July, 1995.



Edward F. Sharp
Mayor

ATTEST:



Catherine E. W. Sartoph, City Clerk

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

1st Reading: 7/17/95
2nd Reading:
Effective:

ORDINANCE #1995 - 26

SETTING FORTH THE 1995 ANNEXATION REFERENDUM ELECTIONS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND:

SECTION 1. THAT the City of Takoma Park shall arrange for a referendum election to be held in each of the three areas proposed for annexation (Annexation Resolution No. 1995-22 (Area #1), Annexation Resolution No. 1995-23 (Area #2), Annexation Resolution No. 1995-24 (Area #3)) on Tuesday, August 22, 1995, for the purpose of allowing the legally qualified voters of each area to vote on the question of whether they are "for" or "against" annexation of the area in which they reside, into the corporate boundaries of the City of Takoma Park; AND

SECTION 2. THAT the location of the polling places shall be as follows:

Area #1 (Hampshire Knolls Subdivision) - temporary structure to be located in open space area bordered by New Hampshire Avenue, Prince George's Avenue, and Belford Place;

Area #2 (Gude's Addition, Gibb's & Kosack's Addition, Pine Crest (excluding 6500 block (even) of Westmoreland Avenue and 6505 Second Avenue) - temporary structure to be located in the parking lot of the VFW Post #350, at the intersection of Orchard and Fourth Avenues;

Area #3 (6500 block (even) of Westmoreland Avenue and 6505 Second Avenue) - 6502 Westmoreland Avenue; AND

SECTION 3. THAT the polls shall be open for voting as follows:

Area #1 - between the hours of 7:00 a.m. and 8:00 p.m.;

Area #2 - between the hours of 7:00 a.m. and 8:00 p.m.;

Area #3 - between the hours of 4:00 p.m. and 8:00 p.m.; AND

SECTION 4. THAT the election shall be conducted by paper ballot. The City Clerk shall arrange for a separate ballot for each of the three areas proposed for annexation, on which shall appear one of the following referendum questions, as applicable:

a. for the voters residing in Area #1, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-22", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "FOR the proposal to enlarge the corporate boundaries of the City of Takoma Park to include the area commonly known as Hampshire Knolls located in Prince George's County, between the existing City boundaries to the North, West and South, and New Hampshire Avenue to the East" and (2) "AGAINST the proposal to enlarge the corporate boundaries of the City of Takoma Park to include the area commonly known as Hampshire Knolls located in Prince George's County, between the existing City boundaries to the North, West and South, and New Hampshire Avenue to the East";

b. for the voters residing in Area #2, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-23", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "FOR the proposal to enlarge the corporate boundaries of the City of Takoma Park to include the areas commonly known as Gibb's and Kosack's, Gude's Addition and Pine Crest (but excluding lots 11-20, block 11 of the "Pine Crest" Subdivision) Subdivisions, located in Prince George's County, between the existing City boundaries to the North and West, New Hampshire Avenue to the East, and Eastern Avenue to the South" and (2) "AGAINST the proposal to enlarge the corporate boundaries of the City of Takoma Park to include the areas commonly known as Gibb's and Kosack's, Gude's Addition and Pine Crest (but excluding lots 11-20, block 11 of the "Pine Crest" Subdivision) Subdivisions, located in Prince George's County, between the existing City boundaries to the North and West, New Hampshire Avenue to the East, and Eastern Avenue to the South";

c. for the voters residing in Area #3, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-24", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "FOR the proposal to enlarge the corporate boundaries of the City of Takoma Park to include property known as Lots 11-20, Block 11, "Pine Crest" Subdivision, located in Prince George's County" and (2) "AGAINST the proposal to enlarge the corporate boundaries of the City of Takoma Park to include property known as Lots 11-20, Block 11, "Pine Crest" Subdivision, located in Prince George's County";

Absentee balloting shall be conducted in accordance with Takoma Park City Code provisions (Chapter 4D. Elections, Article 5. Absentee Voting), as far as practicable; AND

SECTION 5. THAT notices of the Annexation Referendum Elections shall be inserted at least once in the Montgomery County Journal and Prince George's County Journal not less than fifteen (15) days and not more than ninety (90) days prior to the elections. Such notices shall be published twice at not less than weekly intervals

in a newspaper or newspapers of general circulation during the weeks prior to August 22, 1995. In addition, the Clerk shall have inserted in the Montgomery County Journal and the Prince George's County Journal, during the week preceding the election, a sample ballot; AND

SECTION 6. THAT voter authority cards and lists shall be prepared for each area proposed for annexation separately, bearing the names and addresses of all eligible voters as certified by the Board of Supervisors of Elections for Prince George's County and supplied to the Judges of Election on election day; AND

SECTION 7. THAT the City Clerk shall recommend to the City Council the names of persons for designation by the Council as Judges of Election on election day; AND

SECTION 8. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 p.m., Wednesday, August 23, 1995, and shall determine and certify the results of the elections, as provided in the City Charter; AND

SECTION 9. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, August 23, 1995, to receive the certifications of elections from the Judges; AND

SECTION 10. THAT this Ordinance becomes effective upon adoption.

Adopted this ____ day of _____, 1995, by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Williams

ORDINANCE NO. 1995-27

Replacement and Upgrade of the Chiller
in the City Building & Library

- WHEREAS, proposals were invited to replace the Chiller system in the City of Takoma Park's Municipal Building and Library located at 7500 Maple Avenue; AND
- WHEREAS, funds have been earmarked to address these improvements in the Equipment Replacement Reserve; AND
- WHEREAS, appropriate advertising was placed in the Washington Post on 6/04/95; AND
- WHEREAS, outreach efforts to interested contractors were pursued through PEPCO; AND
- WHEREAS, pre-bid meeting was held on June 9, 1995 at 10:00 A.M. and attended by five (5) vendors; AND
- WHEREAS, bids were publicly opened at 10:00 a.m., June 23, 1995; AND
- WHEREAS, Automatic Controls, Inc. was the sole bidder with EIGHTY FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$85,800) for the Municipal Building and TEN THOUSAND EIGHT HUNDRED DOLLARS (\$10,800) for the Library, for a total of NINETY SIX THOUSAND THREE HUNDRED DOLLARS (\$96,300); AND
- WHEREAS, it has been determined that Automatic Controls, Inc. has submitted a responsive and responsible bid.

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

- SECTION 1. THAT the bid received from Automatic Controls, Inc. in the amount of NINETY SIX THOUSAND THREE HUNDRED DOLLARS (\$96,300) be accepted; AND
- SECTION 2. THAT authority be granted to award a contract to Automatic Controls, Inc. accordingly.
- SECTION 3. FURTHER THAT funds to cover this procurement in the amount of NINETY SIX THOUSAND THREE HUNDRED DOLLARS (\$96,300) be authorized from the Equipment Replacement Reserve.

Adopted this 17th day of July 1995 by Roll Call Vote:

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

NAY: None

ABSTAINED: None

ABSENT: Elrich

**PUBLIC HEARING, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL**

Monday, July 24, 1995

Executive Session 7/17/95 - 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, Porter, Rubin, Williams. OFFICIALS ABSENT: Porter. Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

OFFICIALS PRESENT:

Councilmember Chavez	City Administrator Habada
Councilmember Porter	City Clerk Sartoph
Councilmember Rubin	
Councilmember Williams	

OFFICIALS ABSENT:

Mayor Sharp
Councilmember Elrich
Councilmember Davenport

The Council convened at 7:48 p.m. on Monday, July 24, 1995, in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Following the Pledge of Allegiance, these remarks were made:

COUNCIL COMMENTS

Ms. Porter announced that in the absence of the Mayor who is out of town, and Mr. Elrich who is attending to an illness in his family, she will be serving as the Mayor Pro Tempore this evening.

She noted that a quorum of the Council is not present, but that the Council will proceed with items on the agenda that do not require a Council vote, in hopes that other members of the Council might arrive (OFFICIALS PRESENT: Porter, Rubin, Williams).

ADOPTION OF MINUTES

The Council Meeting Minutes from 5/1/95, 5/8/95, 5/15/95 and 5/22/95 were adopted unanimously (ABSENT: Sharp, Chavez, Davenport, Elrich).

CITIZEN COMMENTS

Janice Martin, Elson Place asked that the Council (1) rescind the 72 hour abandoned car legislation, and establish new procedures; (2) investigate repeated notices about her property being in violation of the Housing Code; and (3) provide the community with more information regarding the positives/negatives of unification into either Montgomery County or Prince George's County.

Ms. Porter stated that the Council will take the first two comments into consideration and try to find out what is going on. Regarding the last comment, the Council has not taken a position on which county the City ought to be unified into. She encouraged Ms. Martin to write letters to the Newsletter if she desires, and to speak

directly to the citizens group that is campaigning for unification into Montgomery County.

Mr. Rubin noted two letters in the last Newsletter regarding the alternatives of unification into Prince George's County or Montgomery County. He said that he thinks the field is open for this discussion. The Newsletter and the Voice are very much receptive to views regarding unification into one or the other county. He encouraged Ms. Martin to spread her concerns about Montgomery County to current Montgomery County residents.

PUBLIC HEARINGS

#1 Criminal Record Checks. Ms. Porter opened the public hearing at 8:12 p.m. She noted that the Police Department submitted the proposed Guidelines for Criminal Record Checks for publication in the last Newsletter, and that the matter has been open for public discussion for some time now.

Chief Phillips stated that he has no comments other than to note that there have been many revisions since this process first began. He said that he hopes the revisions are acceptable, and that the Police Department is ready to go forward with the guidelines if there are no objections.

There were no citizen comments.

The public hearing was closed at 8:14 p.m.

Mr. Rubin said that the lack of people here to testify this evening is not an indication that there is a lack of interest, but more a sign of the great job the Chief has done in formulating the guidelines.

#2 Speed Hump - 7100 Block of Sycamore Avenue. The public hearing was opened at 8:14 p.m.

Bob Drear, Sycamore Avenue said that there are 17 children in the first stretch of Sycamore Avenue. The residents are proposing that a speed hump be installed at the top of street just after you would cross over Columbia. This is hoped to ensure that traffic is slowed at the top of Sycamore where the children live. Residents want the speed hump to slow traffic for the entire street.

Steve Rosenthal, 7424 Sycamore Avenue noted that everyone on the street signed the petition. There are already speed humps on adjacent streets, and there seems to be no one opposed to another speed hump in the area. He said that he moved to Takoma Park because of the notion that citizens could get things done. He commented that the assistance he has received from Mr. Williams and Mr. Espinosa has been very encouraging. Mr. Rosenthal pointed out that there is a bus stop on the corner of the street, but that the first speed hump is not located until further up the street. He expressed concern about the cars that turn so quickly off of Columbia Avenue, frequently ignoring the stop sign, and the belief that a lot of motorists are using Sycamore as a cut-through street.

Katherine Thomas, 7116 Sycamore Avenue stated that it is not always safe to use the cross-walk since motorists do not observe the stop sign or cross-walk markings. A lot of children are between the ages of 7-11 years of age, and enjoy playing field games--sometimes in the street. Speeding motorists present a great hazard.

Hal Thomas, 7116 Sycamore Avenue said that he likes to roller blade on the street. He remarked that he needs to have an adult on hand to watch for cars so that he feels safe. It would make it a lot easier for the young people to play street games if the traffic were slowed by an additional speed hump.

Theresa Clifford, 7116 Sycamore Avenue commented that Mr. Williams has been wonderful to work with. There is a marked increase in traffic between 3:30 and 4:00 p.m. Cars are traveling about 35-40 mph; there need to be solutions to the traffic problem. She stated her belief that a speed hump would be helpful.

Raphael Schweber-Corrin, 7004 Sycamore Avenue noted that he lives at the bottom of the street. The block above him has a steep hill and has a speed hump that effectively slows traffic. The cars on Sycamore are coming down that street so fast that it is often hard for cars to stop. Another speed hump would be helpful, and it is important that the speed hump would also positively affect the people living on the bottom portion of the street.

Bill Eckert, 7106 Woodland Avenue supported the proposed speed hump. He noted that Ms. Porter raised the question at last meeting about whether there are persons on neighboring streets who oppose the speed hump. He remarked that he took time to speak to residents on Woodland, and that all were very familiar with the situation--many have children who catch the bus on Sycamore. Mr. Eckert said that of the ten people he spoke with, there was no opposition to the speed hump.

Marissa Schweber-Corrin, 7004 Sycamore Avenue said she was once biking on the street after it was re-paved, and a motorist came zooming down street. She noted that she did not see the car, and the driver yelled at her. She felt that the car was traveling too fast, and explained that she now rides her bike on the sidewalk because she does not feel safe on the road.

Elliott Wolff, 7011 Sycamore Avenue supported the speed hump. He noted that he and Raphael are friends, and like to bike up the hill, but that his mother is afraid for them because of the speeding traffic.

Mr. Drear said one of the biggest and most troubling things that area residents will face in the upcoming years is the cut-through traffic eroding our communities. He stated that he would like the Council to think of ways that the City can preserve some control over state thoroughfares. Mr. Drear commented on problems with pedestrian crossings (timing of lights) in Takoma Junction. He urged the Council to pay attention to the concerns that have been presented this evening.

Ms. Porter closed the public hearing at 8:30 p.m.

Mr. Rubin said that he believes the Council is convinced about the need for acting in favor of the speed hump, but that he does not know if the Council will be able to take action this evening--not a quorum. He applauded the united voice of adults and children in regards to the speed hump request.

COUNCIL RECESS

Ms. Porter called a temporary recess (8:34 p.m.) to assess the situation regarding whether other Councilmembers will be arriving. The Council will reconvene with a decision about whether to continue with business or adjourn for the evening.

Ms. Porter called the meeting back to order at 8:54 p.m. She stated that it appears unlikely, at this point, that the Council will be able to achieve a quorum, and that therefore, the Council will proceed with the Worksession agenda. Ms. Porter noted that if there is still no quorum when the Worksession agenda has been completed, the Council will take up Regular Meeting agenda items #9, 10 and 12. Moving forward with these items is essential for a number of reasons. The members of the Council present this evening can vote on these items, but any vote taken this evening will have to be ratified by at least a quorum of the Council at the next meeting.

Without objection, the Council moved into Worksession at 8:55 p.m.

WORKSESSION

#14 Redistricting Plan. City Clerk Sartoph explained the proposed timeline for receiving a proposal from the Elections Task Force, notifying the public of the proposal (Special Edition of Newsletter), holding a Public Hearing, and acting on first and second readings of an ordinance to adopt the Redistricting Plan, prior to the beginning of the City's 1995 General Election cycle.

There was a consensus of the Councilmembers present, that Council, staff and the Elections Task Force should proceed with the proposed timeline with the public hearing and first reading of the ordinance scheduled for September 5th. Council recognized that this would mean that the Council would have to come back from recess a week earlier than tentatively scheduled; however, agreed that time considerations suggest that this is the best option.

Ms. Sartoph is to notify the Elections Task Force that they should be prepared to present a proposed Redistricting Plan to the Council on July 31st.

#15 Draft Council Meeting Minutes. The Council discussed the Meeting Minutes from 5/30/95. Mr. Williams noted an amendment to change "non-nuclear" to "nuclear" (pg.5). Councilmembers are to submit their comments and corrections to the City Clerk.

The Council moved into Regular Session at 9:07 p.m. Ms. Porter noted that the Council will have to ratify any votes taken this evening, since there is not a quorum.

REGULAR MEETING

#9 2nd Reading Ordinance re: 1995 Annexation Referendum Elections. Ms. Porter noted that the legal notice

of the elections has to be published in papers of general circulation beginning this Friday. This necessitates the adoption of the this ordinance. She explained the change that has been made to the ordinance since first reading, regarding the ballot language and layout, and added that she is convinced the change will make the ballot more clear. Mr. Williams agreed.

The ordinance was adopted unanimously (ABSENT: Sharp, Chavez, Davenport, Elrich).

#10 1st Reading Ordinance re: Election Judges for 1995 Annexation Referendum Elections. Ms. Porter explained that this ordinance needs to be adopted prior to the election, and since the Council is planning to go on recess after next week's meeting, first reading of the ordinance must be done this evening.

Mr. Rubin clarified that most of the judges recommended by the City Clerk are experienced election judges with the exception of only a few. He expressed his support for the list of judges.

The ordinance was accepted unanimously (ABSENT: Sharp, Chavez, Davenport, Elrich).

#12 1st Reading Ordinance re: Financing for Acquisition of Antonelli/Zarpas Site. Ms. Porter remarked that as with the last ordinance, this ordinance must also be adopted before the Council goes on recess, so that financing can be put in place during the month of August. She noted that Legal Counsel Ellis Koch is expected to arrive at 9:30 p.m.

Ms. Habada explained the terms of the Commerce Bank loan, and said that in response to the Mayor's question during the last discussion of this matter, the City would lose approximately \$875/year due to the difference in interest rates between the bank's Money Market fund and the rate the City is earning at the Local Government Investment Pool.

Ms. Porter commented that it is her understanding that this ordinance need not fix the terms of the financing, and that it need only include that the payment over the next three years be an interest-only payment. This leaves the City the ability to write-in the interest rates and to designate a lending institution at a later time.

Mr. Rubin noted that the ordinance has been changed, not to exclude a parking lot from being the "public use" on the site, but to broaden the scope such that a parking lot might be one of several options for the site.

William Eckert, 7106 Woodland Avenue announced that there is a citizens meeting scheduled for Wednesday evening to explore alternatives other than a parking lot for financing the acquisition. He raised the question if the Council moves forward with the ordinance as written, will there be the flexibility to establish a public use other than a parking lot.

Ms. Habada explained that part of the funding proposed for the acquisition is contingent on at least a portion of the site being used for a parking lot. She asked Mr. Koch to elaborate on what might qualify as other public uses.

Ellis Koch stated that the law requires that "public use" satisfy "...if it is that which a municipality would ordinarily provide..." He said that a parking lot would meet the requirement. Mr. Koch also noted that if there is a "use" that the market place is not able to provide, for whatever reason, and the City can provide the use, then it would qualify as a "proper municipal function". This type of use would have to be measures against the public purpose test.

Ms. Porter asked whether part of the funding depends on establishing parking on a portion of the site.

Ms. Habada explained that the Montgomery County CDBG funds that have been earmarked for acquisition, were applied for under CDBG criteria which means it must address improving blighted conditions. The County agreed that a parking lot would serve the purpose of improving the site.

Mr. Rubin questioned whether the City could propose another use for the site.

Ms. Habada stated that she believes that as long as part of the site is designated for parking, there will not be a problem.

Mr. Rubin recalled the question about whether a small business could use part of a parking lot to meet parking requirements for a business license, and how the validity of the license would be affected if the City later changed the use of the site--eliminating the parking spaces. He noted that the answer is that there would be no guarantee

regarding the validity of the license.

Mr. Williams suggested that the site might be used for public basketball courts and some parking.

Mr. Koch responded that this proposal would satisfy the public use requirements.

Mr. Eckert recalled the testimonies presented at the last discussion of this matter, in opposition to a commuter parking lot on the site, and said he does not think, however, that anyone is of the opinion that there will be no parking on the site. He reiterated his concern that the ordinance will be locking the City into using the site for public parking--no flexibility.

Ms. Porter said that the Council wants there to be flexibility.

Mr. Rubin remarked that he believes he has heard that there is flexibility, but that the Council has not addressed the question of revenue being generated by the site.

Ms. Porter announced that she has received word that Mr. Chavez will be arriving in the next 30 minutes. She deferred the vote on this item until his arrival. Ms. Porter stated that the Council will also go back to the items #9 and 10 and ratify the votes. She said that the Council will also consider items #3, 5 and 8, if Mr. Chavez arrives.

Ms. Porter decided to hold the vote on the ordinance, just in case Mr. Chavez does not arrive.

The ordinance was accepted unanimously (ABSENT: Sharp, Chavez, Davenport, Elrich).

COUNCIL RECESS

Ms. Porter called a temporary recess at 9:30 p.m. to await Mr. Chavez's arrival.

Ms. Porter called the meeting back to order at 9:48 p.m. She noted that Mr. Chavez, who was called away on an emergency earlier this evening, has been very kind to join the Council to constitute a quorum.

REGULAR MEETING

#3 1st Reading Ordinance re: Speed Hump - 7100 block Sycamore Avenue. Moved by Mr. Williams; seconded by Mr. Rubin. Mr. Williams commented on the outstanding display of support made by the residents of the area.

Ms. Porter said that she would like all speed hump petitions to conform with the spirit of the traffic plan, and that she is satisfied that residents of Sycamore Avenue made an effort to contact residents of adjacent blocks regarding the proposed speed hump.

There were no citizen comments.

The ordinance was accepted unanimously at first reading (ABSENT: Sharp, Davenport, Elrich).

ORDINANCE #1995-28

(Attached)

#5 Resolution re: Walnut Avenue Parking. Ms. Porter explained the resolution. Moved by Mr. Williams; seconded by Mr. Chavez.

Mr. Williams said that he and residents of Walnut Avenue are pleased to see the curb at the speed hump removed from the plan.

Bill Valdez thanked the Council and staff, especially Mr. Williams and Ms. Schwartz for their assistance. He said that the primary concern for residents of the street is the safety of their children. Mr. Valdez distributed copies of a letter from Arthur Karpas (WACO), and a petition that was circulated in the neighborhood to have residents support upkeeping the planters that will be installed.

The resolution was adopted unanimously (ABSENT: Sharp, Davenport, Elrich).

RESOLUTION #1995-41

(Attached)

#8 2nd Reading Ordinance re: Speed Hump - 7100 block 13th Avenue. Moved by Mr. Chavez; seconded by Mr. Rubin. There were no citizen comments.

The ordinance was adopted unanimously by roll call vote (ABSENT: Sharp, Davenport, Elrich).

ORDINANCE #1995-25

(Attached)

#9 2nd Reading Ordinance re: 1995 Annexation Referendum Elections. Moved by Mr. Rubin; seconded by Ms. Porter. Ms. Porter explained the Council's earlier discussion. There were no citizen comments.

The ordinance was adopted unanimously by roll call vote (ABSENT: Sharp, Davenport, Elrich).

ORDINANCE #1995-26

(Attached)

#10 1st Reading Ordinance re: Election Judges for 1995 Annexation Referendum Elections. Moved by Mr. Williams; seconded by Mr. Rubin. Ms. Porter explained the Council's earlier discussion. There were no citizen comments.

Ms. Sartoph noted that all judges, with the exception of one, served in the 1993 City election.

The ordinance was accepted unanimously (ABSENT: Sharp, Davenport, Elrich).

ORDINANCE #1995-29

(Attached)

#12 1st Reading Ordinance re: Financing for Acquisition of Antonelli/Zarpas Site. Moved by Ms. Porter; seconded by Mr. Rubin. Ms. Porter explained that the main focus of the Council's earlier discussion was on whether the ordinance would allow the City sufficient flexibility to establish parking, no parking, some parking, or other public use options, on the site. She recapped portions of the discussion.

Mr. Chavez asked if the financing hinges on a parking lot at the site. Ms. Habada responded that the financing hinges on a "public use" of the site.

The ordinance was accepted unanimously (ABSENT: Sharp, Davenport, Elrich).

ORDINANCE #1995-30

(Attached)

ADJOURNMENT

The Council adjourned at 10:04 p.m. Items on this evening's agenda that were not considered will be moved to next week's agenda. The Executive Session was postponed.

Introduced By: Councilmember Williams

Resolution No. 1995-41

**Resolution Adopting Recommendations
of Walnut Avenue Parking Evaluation Report
by The RBA Group**

WHEREAS, in November 1993, the City Council approved a recommendation in a traffic study prepared by the Maryland-National Capital Park and Planning Commission for alternate side parking on Walnut Avenue as a traffic calming measure; AND

WHEREAS, a temporary test of the alternate side parking arrangement using pavement markings was implemented in April 1994; AND

WHEREAS, the temporary test was evaluated by the city's traffic engineering consultant, The RBA Group, based on a study conducted by students in the traffic engineering program at the University of Maryland Department of Civil Engineering; AND

WHEREAS, the City's consultant has recommended permanent implementation based on the results of this evaluation, and has proposed a permanent parking arrangement design which includes curb extensions; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on this matter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT, the City Council hereby ADOPTS the recommendations of the Walnut Avenue Parking Evaluation Report by The RBA Group, with the following exceptions:

1. Restriction of right turns from Eastern Avenue to Walnut Avenue and relocation of the stop sign on Walnut Avenue at Eastern Avenue.
- [2. Installation of the curb extension in front of 56 Walnut Avenue between Driveway #1 and Driveway #3 on Figure #5 in the consultant's report.]

BE IT FURTHER RESOLVED THAT the City Administrator or her designee is hereby directed to proceed with implementation of the report's recommendations, with the exceptions as noted above.

ADOPTED THIS 24th DAY OF July, 1995.

Introduced By: Mayor Sharp

1st Reading: 7/10/95

2nd Reading: 7/24/95

ORDINANCE #1995 - 25

INSTALLATION OF SPEED HUMP

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection to Section 1, as set forth below:

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following locations:

- (a) 13th Avenue (7100 block of 13th Avenue), one (1) speed hump to be placed approximately 180 feet from the stop sign at Elson Street, and one (1) speed hump to be placed approximately 180 feet from the stop sign at Elson Place; exact locations shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this 24th day of July, 1995, by roll call vote as follows:

AYE: Chavez, Porter, Rubin, Williams

NAY: None

ABSTAINED: None

ABSENT: Sharp, Davenport, Elrich

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

1st Reading: 7/17/95
2nd Reading: 7/24/95
Effective: 7/24/95

ORDINANCE #1995 - 26

SETTING FORTH THE 1995 ANNEXATION REFERENDUM ELECTIONS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF TAKOMA PARK, MARYLAND:

SECTION 1. THAT the City of Takoma Park shall arrange for a referendum election to be held in each of the three areas proposed for annexation (Annexation Resolution No. 1995-22 (Area #1), Annexation Resolution No. 1995-23 (Area #2), Annexation Resolution No. 1995-24 (Area #3)) on Tuesday, August 22, 1995, for the purpose of allowing the legally qualified voters of each area to vote on the question of whether they are "for" or "against" annexation of the area in which they reside, into the corporate boundaries of the City of Takoma Park; AND

SECTION 2. THAT the location of the polling places shall be as follows:

Area #1 (Hampshire Knolls Subdivision) - temporary structure to be located in open space area bordered by New Hampshire Avenue, Prince George's Avenue, and Belford Place;

Area #2 (Gude's Addition, Gibb's & Kosack's Addition, Pine Crest (excluding 6500 block (even) of Westmoreland Avenue and 6505 Second Avenue) - temporary structure to be located in the parking lot of the VFW Post #350, at the intersection of Orchard and Fourth Avenues;

Area #3 (6500 block (even) of Westmoreland Avenue and 6505 Second Avenue) - 6502 Westmoreland Avenue; AND

SECTION 3. THAT the polls shall be open for voting as follows:

Area #1 - between the hours of 7:00 a.m. and 8:00 p.m.;

Area #2 - between the hours of 7:00 a.m. and 8:00 p.m.;

Area #3 - between the hours of 4:00 p.m. and 8:00 p.m.; AND

SECTION 4. THAT the election shall be conducted by paper ballot. The City Clerk shall arrange for a separate ballot for each of the three areas proposed for annexation, on which shall appear one of the following referendum questions, as applicable:

a. for the voters residing in Area #1, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-22" and on the next line "Area 1"; below the title lines a description of the resolution "Proposal to enlarge the corporate boundaries of the City of Takoma Park to include the area commonly known as Hampshire Knolls, located in Prince George's County, between the existing City boundaries to the North, West and South, and New Hampshire Avenue to the East"; and underneath the description, on separate lines, a square box to the right of and opposite the words (1) "For the proposed Annexation Resolution #1995-22" and (2) Against the proposed Annexation Resolution #1995-22";

b. for the voters residing in Area #2, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-23" and on the next line "Area 2"; below the title lines a description of the resolution "Proposal to enlarge the corporate boundaries of the City of Takoma Park to include the areas commonly known as Gibb's and Kosack's, Gude's Addition and Pine Crest (but excluding lots 11-20, block 11 of the "Pine Crest" Subdivision) Subdivisions, located in Prince George's County, between the existing City boundaries to the North and West, New Hampshire Avenue to the East, and Eastern Avenue to the South"; and underneath the description, on separate lines, a square box to the right of and opposite the words (1) "For the proposed Annexation Resolution #1995-23" and (2) Against the proposed Annexation Resolution #1995-23";

c. for the voters residing in Area #3, there shall be printed on the ballots to be used in this election "Takoma Park Annexation Resolution #1995-24" and on the next line "Area 3"; below the title lines a description of the resolution "Proposal to enlarge the corporate boundaries of the City of Takoma Park to include property known as Lots 11-20, Block 11, "Pine Crest" Subdivision, located in Prince George's County"; and underneath the description, on separate lines, a square box to the right of and opposite the words (1) "For the proposed Annexation Resolution #1995-24" and (2) Against the proposed Annexation Resolution #1995-24";

Absentee balloting shall be conducted in accordance with Takoma Park City Code provisions (Chapter 4D. Elections, Article 5. Absentee Voting), as far as practicable; AND

SECTION 5. THAT notices of the Annexation Referendum Elections shall be inserted at least once in the Montgomery County Journal and Prince George's County Journal not less than fifteen (15) days and not more than ninety (90) days prior to the elections. Such notices shall be published twice at not less than weekly intervals in a newspaper or newspapers of general circulation during the weeks prior to August 22, 1995. In addition, the Clerk shall have inserted in the Montgomery County Journal and the Prince George's County Journal, during the week preceding the election, a sample ballot; AND

SECTION 6. THAT voter authority cards and lists shall be prepared for each area proposed for annexation separately, bearing the names and addresses of all eligible voters as certified by the Board of Supervisors of Elections for Prince George's County and supplied to the Judges of Election on election day; AND

SECTION 7. THAT the City Clerk shall recommend to the City Council the names of persons for designation by the Council as Judges of Election on election day; AND

SECTION 8. THAT the Judges of Election shall meet in the Municipal Building as a Board of Election at 7:00 p.m., Wednesday, August 23, 1995, and shall determine and certify the results of the elections, as provided in the City Charter; AND

SECTION 9. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, August 23, 1995, to receive the certifications of elections from the Judges; AND

SECTION 10. THAT this Ordinance becomes effective upon adoption.

Adopted this 24th day of July, 1995, by roll call vote as follows:

AYE: Chavez, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Sharp, Davenport, Elrich

Introduced By: Councilmember Williams 1st Reading: 7/24/95
2nd Reading:

ORDINANCE #1995 - 28

INSTALLATION OF SPEED HUMP

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection to Section 1, as set forth below:

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following location:

- (a) Sycamore Avenue (7100 block of Sycamore Avenue), one (1) speed hump to be placed between the intersection of Sycamore and Columbia Avenues and the first existing speedhump east of the intersection of Sycamore and Columbia Avenues, in the general vicinity of 7124 and 7125 Sycamore Avenue; exact location shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this _____ day of _____, 1995, by roll call vote as follows:

AYE:
NAY:
ABSTAINED:
ABSENT:

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

1st Reading: 11/24/95
2nd Reading:

ORDINANCE #1995 - 29

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Judges to serve as a Board of Elections for the August 22, 1995, City Special Elections:

- (1) June A. Aloï, 14 Sherman Avenue
- (2) Pearl Blacksin, 652 Kennebec Avenue
- (3) Valerie Dant, 7406 Carroll Avenue
- (4) Billie M. Dyhouse, 7051 Carroll Avenue, #617
- (5) Claire B. Kozel, 7804 Wildwood Drive
- (6) Howard F. Miller, 7725 Carroll Avenue
- (7) Rein S. Parris, 7620 Maple Avenue, #730
- (8) Susan Robb, 203 Manor Circle
- (9) Joan N. Sidell, 606 Boston Avenue
- (10) Valerie Tonat, 7222 Spruce Avenue
- (11) Verne Wilson, 907 Davis Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this ____ day of _____, ____ by Roll Call Vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Introduced by: Councilmember Williams

1st Reading: 7/24/95
2nd Reading:

ORDINANCE NO. 1995-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF TAKOMA PARK TO AUTHORIZE, PURSUANT TO THE AUTHORITY OF SECTIONS 31 THROUGH 37, INCLUSIVE, OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND (1994 REPLACEMENT VOLUME), AS AMENDED, AND SECTION 923 OF THE CHARTER OF THE CITY OF TAKOMA PARK, AS AMENDED, THE ISSUANCE AND SALE, UPON ITS FULL FAITH AND CREDIT SUBJECT, HOWEVER, TO PRIORITY PAYMENT FROM CERTAIN SPECIAL FUNDING SOURCES AS SET FORTH HEREIN, OF ITS SERIAL MATURITY GENERAL OBLIGATION, FULLY REGISTERED BOND IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00), TO BE DESIGNATED AS "THE COUNCIL OF THE CITY OF TAKOMA PARK GENERAL OBLIGATIONS BOND OF 1995"; SAID BOND TO BE ISSUED AND SOLD FOR THE PUBLIC PURPOSE OF (i) FINANCING AND REFINANCING ALL OR A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, OPERATING AND MAINTAINING A PUBLIC PARKING FACILITY WITHIN TAKOMA PARK OR AS OTHERWISE DESIGNATED BY CITY COUNCIL FOR ANOTHER PUBLIC PURPOSE WITH THE LAND SO ACQUIRED TO BE USED AS PART OF A COMPREHENSIVE REDEVELOPMENT OF THE TAKOMA JUNCTION AREA; AND (ii) PAYING THE COSTS INCURRED BY THE COUNCIL OF THE CITY OF TAKOMA PARK (THE "CITY") IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID BOND; PRESCRIBING THE FORM AND TENOR OF SUCH BOND AND DETERMINING OTHER MATTERS RELATING TO THE ISSUANCE AND SALE THEREOF; DETERMINING THAT THE BEST INTERESTS OF

THE CITY WILL BE SERVED BY SELLING SAID BOND AT A PRIVATE NEGOTIATED SALE; DETERMINING ALL OTHER DETAILS IN CONNECTION WITH SAID SALE; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF SAID BOND; PROVIDING FOR THE LEVY AND COLLECTION OF ALL AD VALOREM TAXES NECESSARY TO PROVIDE FOR THE PAYMENT OF THE INTEREST ON, AND THE PRINCIPAL OF, SAID BOND AS THEY BECOME DUE, SUCH TAXES TO BE LEVIED UPON ALL PROPERTY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION WITHIN THE CORPORATE LIMITS OF THE CITY OF TAKOMA PARK; APPOINTING A PAYING AGENT AND REGISTRAR FOR SAID BOND; AND GENERALLY PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF ALL SAID BOND.

RECITALS

For convenience of reference, the Council of the City of Takoma Park, a municipal corporation of the State of Maryland, is hereinafter referred to as the "City."

WHEREAS, the authority for the power herein exercised is contained in Section 923 of the Charter of the City (hereinafter sometimes referred to as the "Charter"), and in Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume), as amended, (the "City Enabling Act"), such authority being hereinafter sometimes referred to collectively as the "Enabling Act."; AND

WHEREAS, the City Enabling Act and the Charter enable the City to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds

in accordance with the provisions of such authority; AND

WHEREAS, the City finds it to be in the public interest to borrow money to pay all or a portion of the costs of the acquisition, construction, equipping, operation and maintenance of the parking facility set forth above and the completion of such project is hereby found and determined to be a proper public purpose.

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

Section 1: Acting pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume) (the "City Enabling Act"), and Section 923 of the Charter of the City of Takoma Park (the "Charter") (collectively, the "Enabling Act"), the City hereby determines that the net proceeds from the sale of its General Obligation Bond of 1995, authorized to be issued and sold by this Ordinance (the "1995 Bond"), shall be used and applied for the public purpose of the acquisition, construction, equipping, operation and maintenance of a parking facility and such other public purpose as may be determined by City Council.

Proceeds of the 1995 Bond may also be used to provide funds to pay the costs incurred by the City in connection with the issuance, sale and delivery of the 1995 Bond.

Section 2: It is hereby determined that the City shall borrow money and incur indebtedness for the purposes set forth in

this Ordinance. To evidence such borrowing and indebtedness and acting pursuant to the authority of the Enabling Act, the City shall issue and sell, upon its full faith and credit subject to the priority payment from special funding sources, its general obligation, fully registered bond in an aggregate principal amount not to exceed Three Hundred Fifteen Thousand Dollars (\$315,000.00), said bond to be known as "The Council of the City of Takoma Park General Obligation Bond of 1995".

Section 3: The 1995 Bond shall all be dated as of August 15, 1995, shall consist of a single bond with a principal maturity schedule printed thereon in accordance with the schedule set forth below, shall bear the registration number R-1 and shall hereafter designated as the 1995 Bond. The 1995 Bond shall have a principal payment schedule maturing on August 15 in each of the years in such principal amounts as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1996	\$ 2,500.00	2006	\$20,166.67
1997	2,500.00	2007	20,166.67
1998	2,500.00	2008	20,166.67
1999	5,000.00	2009	20,166.67
2000	5,000.00	2010	20,166.67
2001	20,166.67	2011	20,166.67
2002	20,166.67	2012	20,166.67
2003	20,166.67	2013	20,166.67
2004	20,166.67	2014	20,166.67
2005	20,166.67	2015	20,166.67

The 1995 Bond is subject to the option of prior redemption and elective call according to the provisions of this Ordinance.

Section 4: The 1995 Bond prior to August 15, 1998 shall

not be subject to call by the bond owner. The 1995 Bond shall be subject to redemption at any time at the option of the City, either as a whole at any time or in part on any interest payment date, in such order of principal payment in such amount as directed by the City, at par plus accrued interest.

When less than all of the 1995 Bond in excess of the principal then due shall be so redeemed, then, upon the surrender of such 1995 Bond, there shall be issued to the registered owner thereof, without charge, for the unredeemed balance of the principal amount of such 1995 Bond, registered 1995 Bond the aggregate face amount of such 1995 Bond not to exceed the unredeemed balance of the registered 1995 Bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If, in accordance with the foregoing option, the City elects to redeem all of the outstanding 1995 Bond, or less than all, it will give a redemption notice by letter mailed first class, postage prepaid, to the registered owners of the 1995 Bond to be redeemed at least thirty (30) days and not more than sixty (60) days prior to the redemption date, at the addresses of such owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail any such notice or any defect in the notice so mailed or the mailing thereof shall not affect the validity of any redemption proceedings.

The City may also provide such further notices and take such further actions as it deems necessary in connection with such

redemption.

From and after the date fixed for redemption, if due notice has been given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefor on such date, the 1995 Bond or the portion thereof so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with said notices, the 1995 Bond or portion thereof so called for redemption shall be paid by the Paying Agent (hereinafter designated) at the redemption price plus any accrued interest. If not so paid on presentation thereof, said 1995 Bond so called shall continue to bear interest at the rates expressed therein until paid. Any 1995 Bond redeemed and paid hereunder will be cancelled.

Section 5: The 1995 Bond authorized by this Ordinance shall bear interest at such interest rate or rates as shall be approved by the Council of the City of Takoma Park upon receipt of a negotiated offer for the 1995 Bond. Such 1995 Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the 1995 Bond; provided, however, that if at the time of authentication of any 1995 Bond, interest is in default, such

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1995 Bond shall bear interest from the date to which interest has been paid. The interest on the 1995 Bond shall be paid monthly on the fifteenth day of each month beginning September 15, 1995, of each year in which the 1995 Bond may be outstanding.

The 1995 Bond shall be executed in the name of the City and on its behalf by the Mayor of Takoma Park. Such signature of the Mayor of Takoma Park may be manually affixed or may be imprinted on such 1995 Bond by facsimile; either a facsimile or an original of the corporate seal of Takoma Park shall also be imprinted thereon, attested by the manual or facsimile signature of the Clerk of Takoma Park; all in accordance with and pursuant to the authority of Sections 2-301 through 2-306, inclusive, of the State Finance and Procurement Article of the Annotated Code of Maryland (1995 Replacement Volume).

In the event any official whose signature shall appear on such 1995 Bond shall cease to be such official prior to the delivery of the 1995 Bond, or in the event any such official whose signature shall appear on the 1995 Bond shall have become such after the date of issue thereof, the 1995 Bond shall nevertheless be valid and legally binding obligations of the City in accordance with their terms.

The 1995 Bond shall be issued as fully registered bond without coupons in the denomination of \$315,00.00 and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar.

Payment of principal of and interest on the 1995 Bond shall be made to the persons in whose names such 1995 Bond is registered on the registration books maintained by the Bond Registrar as the registered owners thereof, such principal to be payable at the principal office of the Paying Agent in accordance with the principal schedule set forth on such bond and if different from such principal schedules then upon presentation and surrender of such 1995 Bond as the same become due and payable, and such principal and interest to be payable by check mailed by the Paying Agent on the date such interest is payable to the persons in whose names the 1995 Bond are registered as of the close of business on the regular record date which shall be the last business day of the month immediately preceding each interest payment date (the "Regular Record Date") at such registered owner's address as it appears on the registration books maintained by the Bond Registrar.

The City is hereby designated as the Bond Registrar and as the Paying Agent for the 1995 Bond, subject to further action by the City.

Any interest on the 1995 Bond which is payable but not punctually paid or duly provided for ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date and such Defaulted Interest may be paid by the City, at its election in each case, as provided in paragraph (1) or (2) below:

- (1) The City may elect to make payment of any Defaulted

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Interest on the 1995 Bond to the persons in whose names such 1995 Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in the following manner. The City shall notify the Paying Agent in writing of the amount of the Defaulted Interest proposed to be paid on the 1995 Bond and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name of the City, shall cause notice of the payment date for such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each registered owner as of a date not less than ten (10) days prior to such Special Record Date at such owner's address

as it appears in the registration books maintained by the Bond Registrar. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore having been mailed as aforesaid, such Defaulted Interest shall be paid on the date fixed for such payment to the registered owners of the 1995 Bond as of the close of business on the Special Record Date.

(2) The City may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the 1995 Bond may be listed, and upon such notice as may be required by such exchange, if, after notice given by the City to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Except as provided hereinafter or in ordinances or resolutions of the Council of the City of Takoma Park adopted prior to the issuance and delivery of the 1995 Bond, the 1995 Bond shall be substantially in the following form, with appropriate insertions as therein indicated, which form and all of the covenants therein contained are hereby adopted by the City as and for the form of obligation to be incurred by the City, and said covenants and conditions are hereby made binding upon the City, including the promise to pay therein contained:

UNITED STATES OF AMERICA
STATE OF MARYLAND
THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
General Obligation Bond of 1995

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Interest Rate
Per Annum Maturity Date Date of Original Issue

REGISTERED OWNER: _____

PRINCIPAL AMOUNT

DOLLARS

THE COUNCIL OF THE CITY OF TAKOMA PARK (the "City"), a municipal corporation created and existing under the laws of the State of Maryland, hereby acknowledges itself indebted, and, for value received, promises to pay to the Registered Owner shown above or registered assigns or legal representatives by the Maturity Date shown above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), the principal amount in accordance with the schedule set forth herein or so much thereof as shall not have been paid upon prior redemption in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts and upon presentation and surrender of this bond upon call by the bondholder after August 15, 1998 or redemption demand by the City at any time shall pay that amount of principal remaining unpaid in accordance with the schedule set forth herein on the date of such call or redemption or if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day at the principal office of the City of Takoma Park, Maryland, (the "Paying Agent"), and to pay to the registered owner hereof by check or draft, mailed to such registered owner at such owner's address as it appears on said registration books (the "Bond Register") maintained by the City (the "Bond Registrar") interest on said principal amount at the Interest Rate shown above until payment of such principal amount, or until the prior redemption hereof, such interest being payable monthly on the fifteenth days of each month and in each year beginning September 15, 1995, to the person in whose name this bond is registered on the Bond Register as of the close of business on the regular record date, which shall be the last Business Day of the month immediately preceding each interest payment date (the "Regular Record Date") and shall be made by check mailed by the Paying Agent on the interest payment date to such person's address as it appears on the Bond Register. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered as of the close of business on a date fixed by the Paying Agent for the payment of such defaulted interest (the

"Special Record Date"), notice of such payment date and the Special Record Date therefore being given by letter mailed first class, postage prepaid, to the registered owner hereof not less than ten (10) days prior to such Special Record Date at the address of such owner as it appears on the Bond Register, or may be paid at any time in any other lawful manner not inconsistent with the requirement of any securities exchange on which the bond may be listed and upon such notice as may be required by such exchange. Interest will accrue from the most recent date to which interest has been paid or, if no interest has been paid, from the Date of Original Issue shown above.

"Business Day" means a day other than a Saturday, Sunday or a day on which the City is authorized or obligated by law or required by executive order to remain closed.

The full faith and credit and unlimited taxing power of the City are irrevocably pledged to the payment of the principal of and interest on this bond according to its terms, and the City does hereby covenant and agree to pay the principal of this bond and the interest thereon, at the dates and in the manner mentioned herein, according to the true intent and meaning thereof.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE SIDE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter of the City (the "Charter") and the Ordinance (hereinafter defined) to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that this bond together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes or Charter, and that due provision has been made for the levy and collection of an ad valorem tax or taxes upon all legally assessable property within the corporate limits of the City in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not be valid or become obligatory for any purpose, until this bond shall have been authenticated by an authorized officer of the Bond Registrar.

IN WITNESS WHEREOF, this bond has been executed by the manual or facsimile signature of the Mayor of the City, an original or facsimile of the corporate seal of the City has been imprinted

hereon, attested by the manual or facsimile signature of the Clerk of the City as of the _____ day of _____, 1995.

ATTEST:

THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND

By: _____

This bond is the sole bond of a duly authorized issue of general obligation bond of the City designated "General Obligation Bond of 1995" in the principal sum of Three Hundred Fifteen Thousand Dollars (\$315,000.00) in principal amount, and mature in installments on the 15th day of August in each of the years 1996 to 2015 inclusive, and bear interest per annum, as follows:

<u>Year of Maturity</u>	<u>Principal Amount Paid</u>	<u>Principal Amount Remaining Due</u>	<u>Interest Rate</u>
1996	\$ _____	_____	_____
1998	\$ _____	_____	_____
1999	\$ _____	_____	_____
2000	\$ _____	_____	_____
2001	\$ _____	_____	_____
2002	\$ _____	_____	_____
2003	\$ _____	_____	_____
2004	\$ _____	_____	_____
2005	\$ _____	_____	_____
2006	\$ _____	_____	_____
2007	\$ _____	_____	_____
2008	\$ _____	_____	_____
2009	\$ _____	_____	_____
2010	\$ _____	_____	_____
2011	\$ _____	_____	_____
2012	\$ _____	_____	_____
2013	\$ _____	_____	_____
2014	\$ _____	_____	_____
2015	\$ _____	_____	_____

The bond is numbered R-1 and is issued pursuant to and in full conformity with the provisions of Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume), and Section 923 of the Charter of the City of Takoma Park, as amended, and by virtue of the due proceedings had and taken by the Council of the City of Takoma Park, particularly an Ordinance adopted on _____ (the "Ordinance").

The bond on or before August 15, 1998 is not subject to call by the bondholder. The bond is subject to redemption prior to its respective maturities at the option of the City at any time, either

as a whole or at any time or in part on any interest payment date, in such order in principal curtailment as directed by the City, without premium, plus interest accrued to the date fixed for redemption.

When less than all of the bond shall be so redeemed, then upon the surrender of such bond, there shall be issued to the registered owner thereof, without charge, for the unredeemed balance of the principal amount of such bond, a registered bond in the aggregate face amount of such bond not to exceed the unredeemed balance of the registered bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If, in accordance with the foregoing option, the City elects to redeem the outstanding bond, or less than all, it will give a redemption notice by letter mailed first class, postage prepaid, to the registered owners of such bond at least thirty (30) days and not more than sixty (60) days prior to the redemption date, at the addresses of such owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail such notice or any defect in the notice so mailed, or in the mailing thereof shall not affect the validity of the redemption proceedings. From and after the date fixed for redemption, if due notice is given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefor on such date, the bond so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with said notices, the bond so called for redemption shall be paid by the Paying Agent at the redemption price plus any accrued interest. If not so paid on presentation thereof, said bond so called shall continue to bear interest at the rates expressed therein until paid. All bond redeemed and paid hereunder will be canceled.

This bond is transferable only upon the registration books kept at the principal office of the Bond Registrar, by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney, and thereupon, within a reasonable time, the Bond Registrar shall issue in the name of the transferee a new registered bond in aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, and maturing on the same date and bearing interest at the same rate. Said new bond shall be delivered to the transferee only after payment of any tax or government charge required to be paid with respect to, and any shipping expenses or insurance relating to, such transfer and only after due authentication thereof by an authorized officer of the Bond Registrar. The Bond Registrar shall not be required to issue,

transfer or exchange any bond during the period beginning fifteen days before any selection of bond to be redeemed and ending on the day of mailing of the notice of redemption of to transfer or exchange any bond called or being called for redemption in whole or in part. The Bond Registrar may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

CERTIFICATION OF AUTHENTICATION

The undersigned hereby certifies that this bond is the registered bond without coupons of The Council of the City of Takoma Park.

By: _____

Section 6: The City Administrator of the City shall be and is hereby authorized to make such changes in the form of bond set forth in Section 5 of this Ordinance, as the City Administrator shall deem necessary to carry into effect the purposes of this Ordinance or to comply with recommendation of legal counsel; provided, however, that the City Administrator shall make no change affecting the substance of the 1995 Bond authorized by this Ordinance.

Section 7: It is hereby determined that it is in the best interest of the City to sell the 1995 Bond at private negotiated sale.

The 1995 Bond will be suitably prepared and duly executed and delivered to the negotiated purchaser (the "Purchaser") in accordance with the conditions of delivery as set forth in this

Ordinance as soon as practicable, upon due notice and at the expense of the City, at such place as may be agreed upon between the Purchaser of the 1995 Bond and the City, upon payment in Federal or other immediately available funds of the purchase price of the 1995 Bond plus accrued interest to the date of delivery.

Section 8: The proceeds of the 1995 Bond shall be held by the City, to be invested and distributed by the City Treasurer of the City in furtherance of the financing and refinancing of the parking facility as hereinabove described or for such other public purpose as may be determined by City Council. Any such investment of the proceeds of the 1995 Bond shall be in accordance with the requirement of Article 23A Section 36.

Except as otherwise expressly provided in this Ordinance, all expenditures and accounting of the proceeds of the 1995 Bond shall be construed to authorize the expenditure of any moneys solely for a public purpose.

Section 9: For the purpose of paying the principal of and interest on the 1995 Bond authorized to be issued by this Ordinance, the City shall levy or cause to be levied, and there is hereby levied, in each and every fiscal year in which the 1995 Bond is outstanding, an ad valorem tax or taxes upon all of the legally assessable property within the corporate limits of the City in rate and amount sufficient to provide for payment, when due, of the principal of the 1995 Bond maturing in each such fiscal year and of all the interest on the 1995 Bond coming due in each such fiscal

year, and, in the event the proceeds from the taxes so levied in each such fiscal year shall provide inadequate for the above purposes, additional taxes shall be, and are hereby, levied in the subsequent fiscal year to make up any deficiency. It is the intent of this Ordinance that the rate of said ad valorem taxes shall be so computed in each fiscal year that the proceeds of such ad valorem taxes, together with any other funds then lawfully available for the purpose including but not limited to the parking facility revenues, shall provide sufficient funds to meet said maturing principal of and interest on all of the 1995 Bond. The City may also apply to the payment of principal of and interest on the 1995 Bond any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds (i) are granted for the purpose of assisting the City in the refinancing of the public improvements (or type of public improvements) for which such 1995 Bond is issued and (ii) may lawfully be applied to such principal and/or interest payments, and to the extent of such funds actually applied to the payment of such principal and interest the taxes hereby required to be levied may be reduced proportionately.

The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to maturity of the principal of and interest on the 1995 Bond authorized by this Ordinance as and when the same respectively mature and to the levy and collection of the taxes hereinabove described as and when such

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taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the 1995 Bond hereby authorized to be issued. The City hereby solemnly covenants and agrees with each registered owner (from time to time) of the 1995 Bond to levy and collect the taxes hereinabove described and to take any other action that may be appropriate from time to time during the period that any of the 1995 Bond remains outstanding and unpaid to provide the funds necessary to make principal and interest payments thereon.

Section 10: This Ordinance shall take effect from and after the date of final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council of the City of Takoma Park held on the ____ day of _____, 1995, and, its title having been included on the published agenda for the meeting of _____, 1995, and all other requirements of law for published notice or hearing having been complied with, was fully passed by the Mayor and Council of the City of Takoma Park on the ____ day of _____, 1995.

Adopted this ____ day of _____, 1995.

AYES:
NAYS:
ABSTAIN:
ABSENT:

PRESENTATIONS, SPECIAL SESSION, WORKSESSION AND EXECUTIVE SESSION
OF THE CITY COUNCIL

Monday, July 31, 1995

OFFICIALS PRESENT:

Councilmember Chavez
Councilmember Davenport
Councilmember Elrich
Councilmember Porter
Councilmember Rubin
Councilmember Williams

City Administrator Habada
Deputy City Clerk Espinosa

OFFICIAL ABSENT:

Mayor Sharp

Following two presentations--(1) Washington Adventist hospital Helipad Emergency Service and (2) Redistricting Plan--the Council convened in Special Session at 8:20 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

SPECIAL SESSION

#3 Resolution re: South of Sligo Citizens Association (SOSCA) Traffic Study - Kentland/Larch Area. Mayor Pro Tempore Elrich described the resolution.

Ms. Porter moved the resolution with an amendment to paragraph #3 of the opening statement of purpose--"Install speed humps and a raised crosswalk on Larch and Hopewell Avenues"--to emphasize the potential need for multiple speed humps.

There were no objections.

The resolution was adopted unanimously.

RESOLUTION #1995-42
(Attached)

#4 2nd Reading Ordinance re: Purchase of Antonelli/Zarpas Site. Moved by Mr. Elrich/seconded by Mr. Chavez.

In response to Ms. Porter's request for clarification, Ms. Habada explained that the language in brackets are all references to "parking" that are proposed for deletion from the ordinance as directed by the Council at first reading.

Ms. Porter commented that there still need to be changes to the whereas clauses. The ordinance language could be written to eliminate any reference about interim uses of the site.

Mr. Rubin agreed that the ordinance does need to preserve "flexibility", but that it is his understanding that the "public purpose" must be defined.

Raymond Altevogt, Eastern Avenue, Member of Residents Against Government Excess (R.A.G.E.) noted that the City Newsletter ran an article announcing the purchase of the property prior to this evening's second reading of the ordinance. He questioned the financial wisdom of the bond financing, and asked the Councilmembers about their constituents' thoughts about the proposal. He expressed concern regarding whether the City has qualified staff to devote to development of the site. Mr. Altevogt commented that a letter has been directed to the Maryland Attorney General, asking for a review of the matter. He described an allegation that a handicapped person was denied access to the Independence Day parade, adding that Federal government officials could withdraw funds because of the alleged violation of the "Americans with Disabilities Act".

Dan Donohue stated that as an "average citizen", he supports the purchase of the site. He complimented the Council on the work they have done.

Bill Eckert, Woodland Avenue remarked about the history of the junction area, and commented on some of the recent discussions regarding purchase and development of the Antonelli/Zarpas site. He said that he thinks there are viable ways to develop the site.

Thomas Anastasio, 32 Columbia Avenue stated support for the acquisition.

Kathy Breckbill commented that she is in favor of the City purchasing the property. The City's purchase will create an atmosphere for constructive use of the site.

Mr. Rubin noted his respect for Mr. Altevogt's objection to the premature Newsletter report. He said that while he respects the professional opinion of Ms. Frances Phipps, he must also pay attention to the opinions of other urban planners who have addressed the Council on this matter. Mr. Rubin remarked (1) that he is convinced that for the City to have control in a development consistent with the City's interests, we must own the property, and (2) that he is optimistic that the City will engage in a successful private/public partnership that will serve to increase the quality of life in Takoma Park. He said that he is convinced that a majority of the residents support the City's acquisition of the site.

In response to Mr. Rubin's query, Mr. Ellis Koch noted that the interest rate on the bond is approximately 8% because it is a taxable bond. He explained that tax exempt properties must be held for five years, and commented that if the City were to enter into a venture with a private party, the "public use" requirement for a tax exempt bond would cease to exist. He noted that he has not heard report of any correspondence from the Maryland Attorney General on the matter. Mr. Koch cited the specific Charter provision that empowers the Council to acquire real property.

Mr. Rubin commented that the Police Chief is investigating the circumstances related to the unfortunate event during the 4th of July Parade. He said that he does not believe that the event will jeopardize funds related to the City's ADA status.

Mr. Chavez noted that he has heard no objections from his constituents in regards to the proposal to purchase the site, and encouraged the Council to authorize the acquisition.

Ms. Porter remarked that there are risks involved, but that she believes this is something that the City should go forward with. It makes sense to take advantage of the opportunity that the City has before it, even in consideration of the possible risks.

Mr. Williams expressed his support, noting that the City has been working on this project for five years. He estimated that 99.9% of the people in his Ward support the acquisition.

Mr. Elrich said that he has supported purchase of the site for a long time now, highlighting the City government's move toward an entrepreneurial spirit. He remarked that the site will open opportunities to residents in the community.

Mr. Davenport stated that some reservations that have been related to him by Ward constituents are regarding the source of funding for the acquisition and the desire to see something more than a parking lot developed on the site.

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

ORDINANCE #1995-24
(Attached)

#5 2nd Reading Ordinance re: Financing for Acquisition of Antonelli/Zarpas Site. Ms. Porter briefly explained the ordinance.

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

ORDINANCE #1995-30
(Attached)

#6 1st Reading Ordinance re: Installation of Parking Meters on Antonelli/Zarpas Site. Ms. Porter questioned why this ordinance was scheduled for first reading this evening. Ms. Habada responded that this scheduling would allow for the ordinance to be considered at second reading during the first meeting in August. (Moved by Mr. Elrich; seconded by Ms. Porter)

William Eckert, Woodland Avenue urged the City to consider uses, other than a parking lot, for the site. He commented on the Columbia Avenue residential lot that is for sale, noting that the owner has no objection to the parking lot proposal.

Kathy Breckbill, Woodland Avenue stated that she is concerned that if the site becomes a commuter parking lot, the City may be establishing something that the residents do not want. She added that the City might explore the lot being made available for patrons of Takoma Junction businesses. Ms. Breckbill pointed out that there are many alternatives, for example and "adopt a lot" program modeled after the State "adopt a highway" program.

Carl Elefante, Westmoreland Avenue noted the almost total community opposition to the use of the site as a commuter parking lot and the associated concern about spill-over parking (i.e. commuter parking on adjacent residential streets. He remarked about the existing lack of parking for Takoma Junction businesses. Mr. Elefante suggested that the consideration of uses for the site be limited to (1) event uses and (2) ongoing (market) uses. He elaborated on what shape an ongoing market (e.g. Bethesda Market) might take.

Mr. Rubin moved to table the ordinance in light of the comments made.

Ms. Porter supported the notion that the community should be afforded additional opportunities to comment on possible uses of the site before the Council approves a specific use for the property. She added her support to the motion to table the ordinance.

Mr. Elrich stated that some parking should be provided for the businesses that the junction. He asked Ms. Habada how tabling the ordinance affects future action regarding the site.

Ms. Habada responded that action will consequently be forced into September.

The Council reached consensus to table the ordinance until September 11, 1995.

ADJOURNMENT

The Council moved into Worksession at 9:32 p.m. Following the Worksession, the Council reconvened in Special Session at 10:25 p.m.

SPECIAL SESSION

#7 Resolution re: Reprogramming Community Development Block Grant (CDBG) Funds. Ms. Porter described the resolution.

The resolution was adopted unanimously (ABSENT: Sharp).

RESOLUTION #1995-43
(Attached)

#8 2nd Reading Ordinance re: Speed Hump - 7100 block Sycamore Avenue. Mr. Elrich explained the ordinance.

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

ORDINANCE #1995-28
(Attached)

#9 2nd Reading Ordinance re: Election Judges for 1995 Annexation Referenda Elections. Mr. Elrich commented on the ordinance. Moved by Ms. Porter; seconded by Mr. Davenport.

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

ORDINANCE #1995-29
(Attached)

#10 Resolution re: City Council's 1995 Summer Recess. Mr. Elrich explained the resolution. Ms. Porter proposed that the resolution be amended to reflect that the Council will reconvene in a Special Session on August 23rd to receive the results of the Annexation Elections.

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

The resolution was adopted unanimously (ABSENT: Sharp).

ADJOURNMENT

The Council adjourned from Special Session and moved directly into Executive Session at 10:32 p.m. to discuss the City Administrator's evaluation.

Executive Session 7/31/95 - Moved by Mr. Davenport; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:45 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Davenport, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Sharp. Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i)).

Introduced By: Councilmember Kathy Porter

RESOLUTION NO. 1995 - 42

Resolution Adopting Phase I: Kentland Area of the South of Sligo Citizens Association traffic study known as the SOSCA Study which proposes to :

1. Construct an island and restrict left turns from Kentland Avenue to MD 410;
2. Install signs on New Hampshire Avenue indicating local traffic only NO LEFT TURNS permitted at Kentland/MD 410;
3. Install speed humps and a raised crosswalk on Larch and Hopewell Avenues; and,
4. Channelize the intersection of Hopewell/Larch Avenues with pavement markings.

WHEREAS, in 1994, the members of the South of Sligo Citizens Association (SOSCA) requested that the City of Takoma Park arrange for a traffic study for their neighborhood; AND

WHEREAS, the City's Traffic Consultant coordinated a traffic volume study with the cooperation of the South of Sligo Citizen's Association in the spring of 1995;

WHEREAS, the City's Traffic Consultant analyzed and reviewed the collected data, as well as provided recommendations to address the traffic management concerns of this community; AND

WHEREAS, the City's Traffic Consultant met with the members of South of Sligo Citizens Association to identify problems, discuss alternate solutions, and create the traffic study; AND

WHEREAS, the members of South of Sligo Citizens Association have endorsed the resulting traffic study recommended proposals which pertain to Phase I: Kentland Area by the City's Traffic Consultant; AND

WHEREAS, the City has provided public notice and the Council has taken public comment on this matter; AND

WHEREAS, the City Planning staff will continue discussing the recommended proposals which impact State and County owned corridors with the staff members of Maryland State Highway Administration and Prince George's County Traffic Division;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK,
MARYLAND, THAT, the City Council hereby Adopts Phase I:
Kentland Area of the SOSCA Study.

BE IT FURTHER RESOLVED THAT the Council commends the South of Sligo
Citizens Association for its exemplary contributions to
the preparation of the traffic study.

BE IT FURTHER RESOLVED THAT the City Administrator or her designee
is hereby directed to prepare an implementation schedule
for the recommendations of Phase I: Kentland Area of the
SOSCA Study.

ADOPTED THIS 31st DAY OF JULY, 1995.

Introduced by: Councilmember Williams

RESOLUTION #1995-43

Reprogramming CDBG Funds for the Takoma Junction Development Plan

A Resolution authorizing submission of a request to Montgomery County to amend Community Development Block Grant Contract 03814-AA PY 18 for the purpose of reprogramming funds in the amount of \$20,000 for preparation of the Takoma Junction Development Plan.

WHEREAS, the City has received a commitment from the State Maryland in the amount of \$15,000 through the Main Street Improvement Program (MIP) for preparation of the Takoma Junction Development Plan; AND

WHEREAS, the City must provide matching funds in order to receive the State grant; AND

WHEREAS, it has been determined that there are funds available in PY 18 Transition Housing Project 01-08/B-92 which will not be used for the purpose originally intended; AND

WHEREAS, the City has determined that it is in the community interest to prepare a redevelopment plan for the Takoma Junction Commercial Area to guide its revitalization in order to effectively meet local needs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT City staff is hereby authorized to submit a request to reprogram funds in the amount of \$20,000 from PY 18 Transitional Housing Project to be used as the City's match for the State MIP grant in order to proceed with the Takoma Junction Development Plan.

ADOPTED THIS 31ST DAY OF JULY, 1995

Introduced By: Councilmember Porter

RESOLUTION #1995-44

SETTING FORTH THE CITY COUNCIL 1995 SUMMER RECESS

WHEREAS, it has been decided that in order to accommodate summer schedules of the City Council, a recess shall be called; AND

WHEREAS, this recess shall commence following adjournment from the Council's Special Session and Worksession on Monday, July 31, 1995; AND


WHEREAS, the Council shall convene a Special Session, on Wednesday, August 23rd at 7:30 p.m., to receive certification of the results of the elections; AND

WHEREAS, the Council will reconvene on Tuesday, September 5, 1995.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby set forth its 1995 Summer Recess from Monday, August 1, 1995, through Monday, September 4, 1995.

ADOPTED this 31st day of July, 1995.

ATTEST:


Catherine Sartoph
City Clerk

Introduced By: Councilmember Williams

1st Reading: 7/10/95

2nd Reading: 7/31/95

ORDINANCE #1995-24

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF A CERTAIN TRACT OF LAND

WHEREAS, the acquisition of the Land (hereinafter described) is intended to reserve such land for inclusion in the revitalization of Takoma Junction; AND

WHEREAS, the Council has determined that a temporary parking facility and/or the appropriate public use is required in accordance with the terms of this Ordinance; AND

WHEREAS, the City will utilize a portion of its Community Development Block Grant funds for the purpose of the acquisition in accordance with the appropriate federal regulations; AND

WHEREAS, this action will facilitate the elimination of a blighting condition as defined by 24 CFR 570.208(b)(2); AND

WHEREAS, additional Community Development Block Grant funds also will be used to match Maryland State Mainstreet Improvement Program (MIP) funds for the preparation of a Development Plan to revitalize the Takoma Junction commercial area.

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

Section I THAT the Council shall acquire that tract of land located generally between 201 Ethan Allen Avenue and 7221 Carroll Avenue and further described as "B.F. Gilbert's Addition to Takoma Park Block 19, Lots 34-36, Lot 39, and part of Lots 32, 33, and 37 in the 13th Election District of Montgomery County being all the property of Takoma-Carroll Associates L.P. as recorded in Liber 7477 Folio 293 in the land records of Montgomery County, Maryland, containing approximately 1.44 acres of land" (the "Land") for use as a temporary public parking lot and for such other public purpose as may be determined.

The acquisition price shall be Four Hundred Eighty-Three Thousand Dollars (\$483,000.00).

Section II THAT this Ordinance shall be effective on July 31, 1995.

Adopted this 31st day of July, 1995.

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

NAY: None

ABSENT: Sharp

ABSTAIN: None

Introduced By: Councilmember Williams

1st Reading: 7/24/95

2nd Reading: 7/31/95

ORDINANCE #1995 - 28

INSTALLATION OF SPEED HUMP

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

SECTION 1. THAT Ordinance No. 2676, adopted June 27, 1983, be amended by the addition of a new subsection to Section 1, as set forth below:

That speed hump installations, as defined in Sec. 13-2(a)(14.2) of the Code of Takoma Park, Maryland, 1972, as amended, be effected at the following location:

- (a) Sycamore Avenue (7100 block of Sycamore Avenue), one (1) speed hump to be placed between the intersection of Sycamore and Columbia Avenues and the first existing speedhump east of the intersection of Sycamore and Columbia Avenues, in the general vicinity of 7124 and 7125 Sycamore Avenue; exact location shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this 31st day of July, 1995, by roll call vote as follows:

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

NAY: None

ABSTAINED: None

ABSENT: Sharp

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

1st Reading: 7/24/95
2nd Reading: 7/31/95

ORDINANCE #1995 - 29

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Judges to serve as a Board of Elections for the August 22, 1995, City Special Elections:

- (1) June A. Aloï, 14 Sherman Avenue
- (2) Pearl Blacksin, 652 Kennebec Avenue
- (3) Valerie Dant, 7406 Carroll Avenue
- (4) Billie M. Dyhouse, 7051 Carroll Avenue, #617
- (5) Claire B. Kozel, 7804 Wildwood Drive
- (6) Howard F. Miller, 7725 Carroll Avenue
- (7) Rein S. Parris, 7620 Maple Avenue, #730
- (8) Susan Robb, 203 Manor Circle
- (9) Joan N. Sidell, 606 Boston Avenue
- (10) Valerie Tonat, 7222 Spruce Avenue
- (11) Verne Wilson, 907 Davis Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this 31st day of July, 1995, by Roll Call Vote as follows:

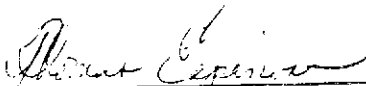
AYES: Chavez, Davenport, Elrich, Porter, Rubin, Williams

NAYS: None

ABSTAIN: None

ABSENT: Sharp

ATTEST:



Thomas Espinosa
Deputy City Clerk

Introduced by: Councilmember Williams

1st Reading: 7/24/95

2nd Reading: 7/31/95

ORDINANCE NO. 1995-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF TAKOMA PARK TO AUTHORIZE, PURSUANT TO THE AUTHORITY OF SECTIONS 31 THROUGH 37, INCLUSIVE, OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND (1994 REPLACEMENT VOLUME), AS AMENDED, AND SECTION 923 OF THE CHARTER OF THE CITY OF TAKOMA PARK, AS AMENDED, THE ISSUANCE AND SALE, UPON ITS FULL FAITH AND CREDIT SUBJECT, HOWEVER, TO PRIORITY PAYMENT FROM CERTAIN SPECIAL FUNDING SOURCES AS SET FORTH HEREIN, OF ITS SERIAL MATURITY GENERAL OBLIGATION, FULLY REGISTERED BOND IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00), TO BE DESIGNATED AS "THE COUNCIL OF THE CITY OF TAKOMA PARK GENERAL OBLIGATIONS BOND OF 1995"; SAID BOND TO BE ISSUED AND SOLD FOR THE PUBLIC PURPOSE OF (i) FINANCING AND REFINANCING ALL OR A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, EQUIPPING, OPERATING AND MAINTAINING A PUBLIC PARKING FACILITY WITHIN TAKOMA PARK OR AS OTHERWISE DESIGNATED BY CITY COUNCIL FOR ANOTHER PUBLIC PURPOSE WITH THE LAND SO ACQUIRED TO BE USED AS PART OF A COMPREHENSIVE REDEVELOPMENT OF THE TAKOMA JUNCTION AREA; AND (ii) PAYING THE COSTS INCURRED BY THE COUNCIL OF THE CITY OF TAKOMA PARK (THE "CITY") IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID BOND; PRESCRIBING THE FORM AND TENOR OF SUCH BOND AND DETERMINING OTHER MATTERS RELATING TO THE ISSUANCE AND SALE THEREOF; DETERMINING THAT THE BEST INTERESTS OF

THE CITY WILL BE SERVED BY SELLING SAID BOND AT A PRIVATE NEGOTIATED SALE; DETERMINING ALL OTHER DETAILS IN CONNECTION WITH SAID SALE; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF SAID BOND; PROVIDING FOR THE LEVY AND COLLECTION OF ALL AD VALOREM TAXES NECESSARY TO PROVIDE FOR THE PAYMENT OF THE INTEREST ON, AND THE PRINCIPAL OF, SAID BOND AS THEY BECOME DUE, SUCH TAXES TO BE LEVIED UPON ALL PROPERTY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION WITHIN THE CORPORATE LIMITS OF THE CITY OF TAKOMA PARK; APPOINTING A PAYING AGENT AND REGISTRAR FOR SAID BOND; AND GENERALLY PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF ALL SAID BOND.

RECITALS

For convenience of reference, the Council of the City of Takoma Park, a municipal corporation of the State of Maryland, is hereinafter referred to as the "City."

WHEREAS, the authority for the power herein exercised is contained in Section 923 of the Charter of the City (hereinafter sometimes referred to as the "Charter"), and in Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume), as amended, (the "City Enabling Act"), such authority being hereinafter sometimes referred to collectively as the "Enabling Act."; AND

WHEREAS, the City Enabling Act and the Charter enable the City to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds

in accordance with the provisions of such authority; AND

WHEREAS, the City finds it to be in the public interest to borrow money to pay all or a portion of the costs of the acquisition, construction, equipping, operation and maintenance of the parking facility set forth above and the completion of such project is hereby found and determined to be a proper public purpose.

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

Section 1: Acting pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume) (the "City Enabling Act"), and Section 923 of the Charter of the City of Takoma Park (the "Charter") (collectively, the "Enabling Act"), the City hereby determines that the net proceeds from the sale of its General Obligation Bond of 1995, authorized to be issued and sold by this Ordinance (the "1995 Bond"), shall be used and applied for the public purpose of the acquisition, construction, equipping, operation and maintenance of a parking facility and such other public purpose as may be determined by City Council.

Proceeds of the 1995 Bond may also be used to provide funds to pay the costs incurred by the City in connection with the issuance, sale and delivery of the 1995 Bond.

Section 2: It is hereby determined that the City shall borrow money and incur indebtedness for the purposes set forth in

this Ordinance. To evidence such borrowing and indebtedness and acting pursuant to the authority of the Enabling Act, the City shall issue and sell, upon its full faith and credit subject to the priority payment from special funding sources, its general obligation, fully registered bond in an aggregate principal amount not to exceed Three Hundred Fifteen Thousand Dollars (\$315,000.00), said bond to be known as "The Council of the City of Takoma Park General Obligation Bond of 1995".

Section 3: The 1995 Bond shall all be dated as of August 15, 1995, shall consist of a single bond with a principal maturity schedule printed thereon in accordance with the schedule set forth below, shall bear the registration number R-1 and shall hereafter designated as the 1995 Bond. The 1995 Bond shall have a principal payment schedule maturing on August 15 in each of the years in such principal amounts as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1996	\$ 2,500.00	2006	\$20,166.67
1997	2,500.00	2007	20,166.67
1998	2,500.00	2008	20,166.67
1999	5,000.00	2009	20,166.67
2000	5,000.00	2010	20,166.67
2001	20,166.67	2011	20,166.67
2002	20,166.67	2012	20,166.67
2003	20,166.67	2013	20,166.67
2004	20,166.67	2014	20,166.67
2005	20,166.67	2015	20,166.67

The 1995 Bond is subject to the option of prior redemption and elective call according to the provisions of this Ordinance.

Section 4: The 1995 Bond prior to August 15, 1998 shall

not be subject to call by the bond owner. The 1995 Bond shall be subject to redemption at any time at the option of the City, either as a whole at any time or in part on any interest payment date, in such order of principal payment in such amount as directed by the City, at par plus accrued interest.

When less than all of the 1995 Bond in excess of the principal then due shall be so redeemed, then, upon the surrender of such 1995 Bond, there shall be issued to the registered owner thereof, without charge, for the unredeemed balance of the principal amount of such 1995 Bond, registered 1995 Bond the aggregate face amount of such 1995 Bond not to exceed the unredeemed balance of the registered 1995 Bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If, in accordance with the foregoing option, the City elects to redeem all of the outstanding 1995 Bond, or less than all, it will give a redemption notice by letter mailed first class, postage prepaid, to the registered owners of the 1995 Bond to be redeemed at least thirty (30) days and not more than sixty (60) days prior to the redemption date, at the addresses of such owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail any such notice or any defect in the notice so mailed or the mailing thereof shall not affect the validity of any redemption proceedings.

The City may also provide such further notices and take such further actions as it deems necessary in connection with such

redemption.

From and after the date fixed for redemption, if due notice has been given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefor on such date, the 1995 Bond or the portion thereof so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with said notices, the 1995 Bond or portion thereof so called for redemption shall be paid by the Paying Agent (hereinafter designated) at the redemption price plus any accrued interest. If not so paid on presentation thereof, said 1995 Bond so called shall continue to bear interest at the rates expressed therein until paid. Any 1995 Bond redeemed and paid hereunder will be cancelled.

Section 5: The 1995 Bond authorized by this Ordinance shall bear interest at such interest rate or rates as shall be approved by the Council of the City of Takoma Park upon receipt of a negotiated offer for the 1995 Bond. Such 1995 Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the 1995 Bond; provided, however, that if at the time of authentication of any 1995 Bond, interest is in default, such

Takoma Park: 071495 1015

1995 Bond shall bear interest from the date to which interest has been paid. The interest on the 1995 Bond shall be paid monthly on the fifteenth day of each month beginning September 15, 1995, of each year in which the 1995 Bond may be outstanding.

The 1995 Bond shall be executed in the name of the City and on its behalf by the Mayor of Takoma Park. Such signature of the Mayor of Takoma Park may be manually affixed or may be imprinted on such 1995 Bond by facsimile; either a facsimile or an original of the corporate seal of Takoma Park shall also be imprinted thereon, attested by the manual or facsimile signature of the Clerk of Takoma Park; all in accordance with and pursuant to the authority of Sections 2-301 through 2-306, inclusive, of the State Finance and Procurement Article of the Annotated Code of Maryland (1995 Replacement Volume).

In the event any official whose signature shall appear on such 1995 Bond shall cease to be such official prior to the delivery of the 1995 Bond, or in the event any such official whose signature shall appear on the 1995 Bond shall have become such after the date of issue thereof, the 1995 Bond shall nevertheless be valid and legally binding obligations of the City in accordance with their terms.

The 1995 Bond shall be issued as fully registered bond without coupons in the denomination of \$315,00.00 and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar.

Payment of principal of and interest on the 1995 Bond shall be made to the persons in whose names such 1995 Bond is registered on the registration books maintained by the Bond Registrar as the registered owners thereof, such principal to be payable at the principal office of the Paying Agent in accordance with the principal schedule set forth on such bond and if different from such principal schedules then upon presentation and surrender of such 1995 Bond as the same become due and payable, and such principal and interest to be payable by check mailed by the Paying Agent on the date such interest is payable to the persons in whose names the 1995 Bond are registered as of the close of business on the regular record date which shall be the last business day of the month immediately preceding each interest payment date (the "Regular Record Date") at such registered owner's address as it appears on the registration books maintained by the Bond Registrar.

The City is hereby designated as the Bond Registrar and as the Paying Agent for the 1995 Bond, subject to further action by the City.

Any interest on the 1995 Bond which is payable but not punctually paid or duly provided for ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date and such Defaulted Interest may be paid by the City, at its election in each case, as provided in paragraph (1) or (2) below:

- (1) The City may elect to make payment of any Defaulted

Takoma Park: 071495 1015

Interest on the 1995 Bond to the persons in whose names such 1995 Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in the following manner. The City shall notify the Paying Agent in writing of the amount of the Defaulted Interest proposed to be paid on the 1995 Bond and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name of the City, shall cause notice of the payment date for such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each registered owner as of a date not less than ten (10) days prior to such Special Record Date at such owner's address

as it appears in the registration books maintained by the Bond Registrar. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore having been mailed as aforesaid, such Defaulted Interest shall be paid on the date fixed for such payment to the registered owners of the 1995 Bond as of the close of business on the Special Record Date.

(2) The City may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the 1995 Bond may be listed, and upon such notice as may be required by such exchange, if, after notice given by the City to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Except as provided hereinafter or in ordinances or resolutions of the Council of the City of Takoma Park adopted prior to the issuance and delivery of the 1995 Bond, the 1995 Bond shall be substantially in the following form, with appropriate insertions as therein indicated, which form and all of the covenants therein contained are hereby adopted by the City as and for the form of obligation to be incurred by the City, and said covenants and conditions are hereby made binding upon the City, including the promise to pay therein contained:

UNITED STATES OF AMERICA
STATE OF MARYLAND
THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND
General Obligation Bond of 1995

Interest Rate Per Annum	Maturity Date	Date of Original Issue
----------------------------	---------------	------------------------

REGISTERED OWNER: _____

PRINCIPAL AMOUNT DOLLARS

THE COUNCIL OF THE CITY OF TAKOMA PARK (the "City"), a municipal corporation created and existing under the laws of the State of Maryland, hereby acknowledges itself indebted, and, for value received, promises to pay to the Registered Owner shown above or registered assigns or legal representatives by the Maturity Date shown above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), the principal amount in accordance with the schedule set forth herein or so much thereof as shall not have been paid upon prior redemption in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts and upon presentation and surrender of this bond upon call by the bondholder after August 15, 1998 or redemption demand by the City at any time shall pay that amount of principal remaining unpaid in accordance with the schedule set forth herein on the date of such call or redemption or if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day at the principal office of the City of Takoma Park, Maryland, (the "Paying Agent"), and to pay to the registered owner hereof by check or draft, mailed to such registered owner at such owner's address as it appears on said registration books (the "Bond Register") maintained by the City (the "Bond Registrar") interest on said principal amount at the Interest Rate shown above until payment of such principal amount, or until the prior redemption hereof, such interest being payable monthly on the fifteenth days of each month and in each year beginning September 15, 1995, to the person in whose name this bond is registered on the Bond Register as of the close of business on the regular record date, which shall be the last Business Day of the month immediately preceding each interest payment date (the "Regular Record Date") and shall be made by check mailed by the Paying Agent on the interest payment date to such person's address as it appears on the Bond Register. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered as of the close of business on a date fixed by the Paying Agent for the payment of such defaulted interest (the

"Special Record Date"), notice of such payment date and the Special Record Date therefore being given by letter mailed first class, postage prepaid, to the registered owner hereof not less than ten (10) days prior to such Special Record Date at the address of such owner as it appears on the Bond Register, or may be paid at any time in any other lawful manner not inconsistent with the requirement of any securities exchange on which the bond may be listed and upon such notice as may be required by such exchange. Interest will accrue from the most recent date to which interest has been paid or, if no interest has been paid, from the Date of Original Issue shown above.

"Business Day" means a day other than a Saturday, Sunday or a day on which the City is authorized or obligated by law or required by executive order to remain closed.

The full faith and credit and unlimited taxing power of the City are irrevocably pledged to the payment of the principal of and interest on this bond according to its terms, and the City does hereby covenant and agree to pay the principal of this bond and the interest thereon, at the dates and in the manner mentioned herein, according to the true intent and meaning thereof.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE SIDE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter of the City (the "Charter") and the Ordinance (hereinafter defined) to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that this bond together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes or Charter, and that due provision has been made for the levy and collection of an ad valorem tax or taxes upon all legally assessable property within the corporate limits of the City in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not be valid or become obligatory for any purpose, until this bond shall have been authenticated by an authorized officer of the Bond Registrar.

IN WITNESS WHEREOF, this bond has been executed by the manual or facsimile signature of the Mayor of the City, an original or facsimile of the corporate seal of the City has been imprinted

hereon, attested by the manual or facsimile signature of the Clerk of the City as of the _____ day of _____, 1995.

ATTEST:

THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND

By: _____

This bond is the sole bond of a duly authorized issue of general obligation bond of the City designated "General Obligation Bond of 1995" in the principal sum of Three Hundred Fifteen Thousand Dollars (\$315,000.00) in principal amount, and mature in installments on the 15th day of August in each of the years 1996 to 2015 inclusive, and bear interest per annum, as follows:

<u>Year of Maturity</u>	<u>Principal Amount Paid</u>	<u>Principal Amount Remaining Due</u>	<u>Interest Rate</u>
1996	\$ _____	_____	_____
1998	\$ _____	_____	_____
1999	\$ _____	_____	_____
2000	\$ _____	_____	_____
2001	\$ _____	_____	_____
2002	\$ _____	_____	_____
2003	\$ _____	_____	_____
2004	\$ _____	_____	_____
2005	\$ _____	_____	_____
2006	\$ _____	_____	_____
2007	\$ _____	_____	_____
2008	\$ _____	_____	_____
2009	\$ _____	_____	_____
2010	\$ _____	_____	_____
2011	\$ _____	_____	_____
2012	\$ _____	_____	_____
2013	\$ _____	_____	_____
2014	\$ _____	_____	_____
2015	\$ _____	_____	_____

The bond is numbered R-1 and is issued pursuant to and in full conformity with the provisions of Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (1994 Replacement Volume), and Section 923 of the Charter of the City of Takoma Park, as amended, and by virtue of the due proceedings had and taken by the Council of the City of Takoma Park, particularly an Ordinance adopted on _____ (the "Ordinance").

The bond on or before August 15, 1998 is not subject to call by the bondholder. The bond is subject to redemption prior to its respective maturities at the option of the City at any time, either

as a whole or at any time or in part on any interest payment date, in such order in principal curtailment as directed by the City, without premium, plus interest accrued to the date fixed for redemption.

When less than all of the bond shall be so redeemed, then upon the surrender of such bond, there shall be issued to the registered owner thereof, without charge, for the unredeemed balance of the principal amount of such bond, a registered bond in the aggregate face amount of such bond not to exceed the unredeemed balance of the registered bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If, in accordance with the foregoing option, the City elects to redeem the outstanding bond, or less than all, it will give a redemption notice by letter mailed first class, postage prepaid, to the registered owners of such bond at least thirty (30) days and not more than sixty (60) days prior to the redemption date, at the addresses of such owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail such notice or any defect in the notice so mailed, or in the mailing thereof shall not affect the validity of the redemption proceedings. From and after the date fixed for redemption, if due notice is given as herein provided, and the funds sufficient for payment of the redemption price and accrued interest shall be available therefor on such date, the bond so designated for redemption shall cease to bear interest. Upon presentation and surrender in compliance with said notices, the bond so called for redemption shall be paid by the Paying Agent at the redemption price plus any accrued interest. If not so paid on presentation thereof, said bond so called shall continue to bear interest at the rates expressed therein until paid. All bond redeemed and paid hereunder will be canceled.

This bond is transferable only upon the registration books kept at the principal office of the Bond Registrar, by the registered owner hereof in person, or by his or her attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney, and thereupon, within a reasonable time, the Bond Registrar shall issue in the name of the transferee a new registered bond in aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, and maturing on the same date and bearing interest at the same rate. Said new bond shall be delivered to the transferee only after payment of any tax or government charge required to be paid with respect to, and any shipping expenses or insurance relating to, such transfer and only after due authentication thereof by an authorized officer of the Bond Registrar. The Bond Registrar shall not be required to issue,

transfer or exchange any bond during the period beginning fifteen days before any selection of bond to be redeemed and ending on the day of mailing of the notice of redemption of to transfer or exchange any bond called or being called for redemption in whole or in part. The Bond Registrar may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

CERTIFICATION OF AUTHENTICATION

The undersigned hereby certifies that this bond is the registered bond without coupons of The Council of the City of Takoma Park.

By: _____

Section 6: The City Administrator of the City shall be and is hereby authorized to make such changes in the form of bond set forth in Section 5 of this Ordinance, as the City Administrator shall deem necessary to carry into effect the purposes of this Ordinance or to comply with recommendation of legal counsel; provided, however, that the City Administrator shall make no change affecting the substance of the 1995 Bond authorized by this Ordinance.

Section 7: It is hereby determined that it is in the best interest of the City to sell the 1995 Bond at private negotiated sale.

The 1995 Bond will be suitably prepared and duly executed and delivered to the negotiated purchaser (the "Purchaser") in accordance with the conditions of delivery as set forth in this

Ordinance as soon as practicable, upon due notice and at the expense of the City, at such place as may be agreed upon between the Purchaser of the 1995 Bond and the City, upon payment in Federal or other immediately available funds of the purchase price of the 1995 Bond plus accrued interest to the date of delivery.

Section 8: The proceeds of the 1995 Bond shall be held by the City, to be invested and distributed by the City Treasurer of the City in furtherance of the financing and refinancing of the parking facility as hereinabove described or for such other public purpose as may be determined by City Council. Any such investment of the proceeds of the 1995 Bond shall be in accordance with the requirement of Article 23A Section 36.

Except as otherwise expressly provided in this Ordinance, all expenditures and accounting of the proceeds of the 1995 Bond shall be construed to authorize the expenditure of any moneys solely for a public purpose.

Section 9: For the purpose of paying the principal of and interest on the 1995 Bond authorized to be issued by this Ordinance, the City shall levy or cause to be levied, and there is hereby levied, in each and every fiscal year in which the 1995 Bond is outstanding, an ad valorem tax or taxes upon all of the legally assessable property within the corporate limits of the City in rate and amount sufficient to provide for payment, when due, of the principal of the 1995 Bond maturing in each such fiscal year and of all the interest on the 1995 Bond coming due in each such fiscal

year, and, in the event the proceeds from the taxes so levied in each such fiscal year shall provide inadequate for the above purposes, additional taxes shall be, and are hereby, levied in the subsequent fiscal year to make up any deficiency. It is the intent of this Ordinance that the rate of said ad valorem taxes shall be so computed in each fiscal year that the proceeds of such ad valorem taxes, together with any other funds then lawfully available for the purpose including but not limited to the parking facility revenues, shall provide sufficient funds to meet said maturing principal of and interest on all of the 1995 Bond. The City may also apply to the payment of principal of and interest on the 1995 Bond any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds (i) are granted for the purpose of assisting the City in the refinancing of the public improvements (or type of public improvements) for which such 1995 Bond is issued and (ii) may lawfully be applied to such principal and/or interest payments, and to the extent of such funds actually applied to the payment of such principal and interest the taxes hereby required to be levied may be reduced proportionately.

The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to maturity of the principal of and interest on the 1995 Bond authorized by this Ordinance as and when the same respectively mature and to the levy and collection of the taxes hereinabove described as and when such

taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the 1995 Bond hereby authorized to be issued. The City hereby solemnly covenants and agrees with each registered owner (from time to time) of the 1995 Bond to levy and collect the taxes hereinabove described and to take any other action that may be appropriate from time to time during the period that any of the 1995 Bond remains outstanding and unpaid to provide the funds necessary to make principal and interest payments thereon.

Section 10: This Ordinance shall take effect from and after the date of final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council of the City of Takoma Park held on the 24th day of July, 1995, and, its title having been included on the published agenda for the meeting of July 24, 1995, 1995, and all other requirements of law for published notice or hearing having been complied with, was fully passed by the Mayor and Council of the City of Takoma Park on the 31st day of July, 1995.

Adopted this 31st day of July, 1995.

AYES: Chavez, Davenport, Elrich, Porter, Rubin, Williams
NAYS: None
ABSTAIN: None
ABSENT: Sharp