

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

Wednesday, August 23, 1995

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**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)).**

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**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	City Clerk Sartoph
Councilmember Davenport	
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

**OFFICIAL ABSENT:**

Councilmember Elrich

As required by the City Charter, the Council convened in Special Session to receive certification of the results of the August 22, 1995, Special Elections (Annexation Referenda), at 7:35 p.m. p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**SPECIAL SESSION**

#1 Certification of Election Results - Annexation Referenda. Eight election judges met prior to the meeting to verify Certificates of Election (General Return and Recapitulation Sheet).

Howard F. Miller, Chief Election Judge presented the final election results.

Joan Sidell, Election Judge expressed her gratitude for having the opportunity to serve as an election judge.

Mr. Sharp remarked about the successful planning and administration of the elections. He noted the exemplary work on the parts of the City Clerk, Deputy City Clerk and other staff. Mr. Sharp thanked the election judges for their service, and commented on the fairness in the way the elections were conducted.

Councilmembers Williams, Porter and Rubin reiterated the congratulatory notes and "thank-you's" expressed by Mr. Sharp.

Mr. Williams said that he observed Public Works staff working on final touches to the handicap ramps as late as the day prior to the elections, and commended their dedication.

**CERTIFICATION OF ELECTION RESULTS REPORT  
(Attached)**

**ADJOURNMENT**

The Council moved into Worksession at 7:50 p.m. Following the Worksession, the Council convened in Executive Session at 8:35 p.m.

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**Executive Session 8/23/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 8:35 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. 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)).**

# **CERTIFICATION OF ELECTION RESULTS**

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**TAKOMA PARK**

**BOARD OF ELECTION JUDGES**

**AUGUST 22, 1995**

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June A. Aloï  
Pearl Blacksin  
Valerie Dant  
Billie M. Dyhouse  
Claire B. Kozel  
Howard F. Miller  
Rein S. Parris  
Susan Robb  
Joan N. Sidell  
Valerie Tonat  
Verne Wilson

**CHIEF ELECTION JUDGE**

Howard Miller

**ALTERNATE CHIEF ELECTION JUDGE**

Valerie Dant

**ELECTIONS ADMINISTRATOR**

Catherine E.W. Sartoph  
City Clerk

**CITY ADMINISTRATOR**

Beverly K. Habada

# GENERAL RETURN AND RECAPITULATION SHEET

## CITY OF TAKOMA PARK, MARYLAND AUGUST 22, 1995 SPECIAL ELECTIONS (ANNEXATION REFERENDA)

### AREAS #1, #2 AND #3

VOTE	TOTAL	ELECTED
<b>RESOLUTION #1995-22 (AREA #1):</b>	-	-
<b>"FOR"</b>	77	<b>FOR</b>
<b>"AGAINST"</b>	21	
<b>RESOLUTION #1995-23 (AREA #2):</b>	-	-
<b>"FOR"</b>	130	<b>FOR</b>
<b>"AGAINST"</b>	71	
<b>RESOLUTION #1995-24 (AREA #3):</b>	-	-
<b>"FOR"</b>	12	<b>FOR</b>
<b>"AGAINST"</b>	2	

THIS IS TO CERTIFY THAT THE PAPER BALLOTS CAST IN THE SPECIAL ELECTION WERE COUNTED BY OFFICIALS AND THAT THE TOTALS ENTERED ABOVE REFLECT A TRUE AND CORRECT RECAPITULATION OF ALL VOTES CAST.

<i>H. [Signature]</i>	<i>June A. Alvin</i>	<i>Rosal Blackman</i>
<i>Kevin J. [Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
<i>Joan N. Adell</i>	<i>[Signature]</i>	<i>[Signature]</i>

ELECTION OFFICERS

Area #1 (Hampshire Knolls Subdivision) - Annexation Resolution #1995-22

Election Judges:

June Aloj  
Billie Dyhouse  
Rein Parris  
Joan Sidell

Susan Robb (alternate)  
Howard Miller, Chief Election Judge (alternate)

Registered Voters: 141

Official Ballots - <sup>93</sup>~~100~~ total (cast at poll)

72 - "for"  
19 - "against"  
2 - rejected

Rejected Ballots - 2 total (by unanimous vote of the Election Judges assigned to the polling place)

2 - Ballot rejected as failing to mark with an X

Absentee Ballots - 7 total

5 - "for"  
2 - "against"

Voters Refused - 4 total

<u>#</u>	<u>Reason</u>
4	Current resident of the City

Area #2 (Gude's Addition, Gibb's & Kosack's Addition, and Pine Crest (excluding 6500 block of Westmoreland Avenue) Subdivisions) - Annexation Resolution #1995-23

**Election Judges:**

Valerie Dant (alternate Chief Election Judge)  
Claire Kozel  
Valerie Tonat  
Verne Wilson  
Pearl Blacksin (alternate)

**Registered Voters:** 288

**Official Ballots** - 196 total (cast at poll)

122 - "for"  
70 - "against"  
4 - rejected

**Rejected Ballots** - 4 total (by unanimous vote of the Election Judges assigned to the polling place)

3 - Ballot rejected as failing to mark with an X  
1 - Ballot rejected as not recording a "for" or "against" vote

**Absentee Ballots** - 9 total

8 - "for"  
1 - "against"

**Voters Refused** - 9 total

<u>#</u>	<u>Reason</u>
1	Not registered
4	Registered after 7/24/95 deadline
3	Property owner; however, not registered at address in annexation area
1	Current resident of the City

Area #3 (6500 block (even) Westmoreland Avenue and 6505 Second Avenue (Pine Crest Subdivision)) - Annexation Resolution #1995-24

**Election Judges:**

Pearl Blacksin  
Howard Miller (Chief Election Judge)  
Susan Robb

**Registered Voters:** 18

**Official Ballots** - 14 total (cast at poll)

12 - "for"  
2 - "against"

**Absentee Ballots** - 0 total

**Voters Refused** - 1 total

<u>#</u>	<u>Reason</u>
1	Not registered

**PUBLIC HEARINGS, SPECIAL SESSION, WORKSESSION  
AND EXECUTIVE SESSION  
OF THE CITY COUNCIL**

**Tuesday, September 5, 1995**

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Executive Session 8/23/95 - Moved by Mr. Williams; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 8:35 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIALS ABSENT: Elrich. 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)).

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**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Clerk Espinosa
Councilmember Elrich	Construction Specialist Kowaluk
Councilmember Porter	
Councilmember Rubin	
Councilmember Williams	

**OFFICIAL ABSENT:**

Councilmember Davenport

The Council meeting was called to order at 7:35 p.m. in the Council Chambers, Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland. The floor was open for citizen comments on the first item of business, a public hearing, at 7:36 p.m.

**PUBLIC HEARINGS**

**#1 Takoma Community Development Corporation (TCDC) - Grant Application.** City Administrator Habada provided some background on the matter. The original application was for funding for an interim use of the Antonelli/Zarpas site that was envisioned as a combination of a market shelter and parking (15-20 spaces). In a conversation between State staff and representatives of the TCDC, it appeared that the State was not enthusiastic about the proposal to erect a shelter on the site. She noted that Mr. Kahn and Mr. Robinson are here this evening to comment on the shelter proposal.

Mr. Sharp commented on Governor Glendening's visit and walking tour of the Takoma Junction-Old Town corridor.

Roy Kahn, vice-President TCDC, reported on discussions with the Governor's staff, and commented that his staff has raised additional questions about what projects would be supported by the area and how funds would be allocated. Mr. Kahn emphasized that the TCDC is not necessarily meant to be an intermediary between businesses and financial institutions, and that the State is not enthusiastic about making a significant investment in interim-use projects for the Junction. He remarked about the importance of reaffirming ties between the community and the TCDC. Mr. Kahn said that the TCDC would like some funding for community organizing to ensure that area residents feel that they are important in the process. In regards to the Antonelli/Zarpas site, a low-cost option would be to bring in someone to set-up marketplace stalls, similar to a Farmers Market. He concluded that the TCDC would like to provide support for land acquisition programs.

Mr. Sharp clarified that the application has been changed since the original proposal, and asked

about relevant deadlines.

Mr. Kahn responded that the State will begin distributing monies on October 1, and noted that the TCDC is still trying to work out a source for matching funds.

Mr. Sharp stated that he would look forward to receiving an outline of the TCDC's plans as well as a more complete funding proposal.

Mr. Rubin questioned what the City would be committing to by adopting a resolution endorsing the TCDC's proposal.

Mr. Kahn replied that the original proposal is no longer under consideration, wherefore the resolution that had been proposed to the Council is likewise no longer needed.

Mr. Williams asked whether the funding match would likely be "in-kind". Mr. Kahn responded in the affirmative.

Mr. Sharp closed the public hearing at 7:55 p.m.

## **#2 Proposed Redistricting Plan.**

Bryan Sayer, Chair Elections Task Force, explained the rules regarding population and racial balances across wards--"one person, one vote". He said that approximately 2900 persons per ward would be in compliance with the 10% variance range for ward populations. He assured the Council that the task force paid careful attention to preserving predominately minority wards, and neighborhood and natural boundaries.

Taking all things into account, Mr. Sayer stated that the task force has recognized the current existence of an imbalance in ward populations, exceeding the prescribed variance and necessitating a shift of residents out of Ward 3. He explained that the recommendation is to (1) add the population of the recently annexed Hampshire Knolls area to Ward 2, (2) add the populations of Pine Crest and Westmoreland Avenue areas to Ward 3, and (3) adjust the population of Ward 3 by moving some residents to Ward 4. Mr. Sayer commented that attempts at this final goal (#3) made Ward 4 too population "heavy" while Ward 5 remained comparatively "light". He said that the task force is therefore recommending that the Essex House be moved from Ward 4 to Ward 5 to balance the equation.

Debbie Easterly, 7111 Garland Avenue, President Longbranch-Sligo Citizens Association, urged the Council to adopt the recommendations. She said that she wants the City to continue embracing the new "annexation" residents by not making redistricting a divisive issue. Ms. Easterly stated that the proposal is fair, and noted that the citizens association supports the recommendations.

Benjamin Onyeneke, 7667 Maple Avenue, welcomed the new City residents. He commented on his concerns about crime on Lee Avenue.

Gary Pendleton, 6616 Gude Avenue, noted the efforts of the Elections Task Force, and encouraged the Council to adopt the recommendations.

In the absence of additional citizen comments, Mr. Sharp closed the public hearing at 8:11 p.m.

## **SPECIAL SESSION**

The Council immediately convened in Special Session.

**#3 1st Reading Ordinance re: 1995 Redistricting Plan.** Moved by Mr. Rubin; seconded by Ms. Porter.



Mr. Williams remarked that he is sorry to see any of his current constituents move to another ward, but that the committee has done a fine job and he is prepared to accept the recommendations.

Ms. Porter congratulated the committee which did a commendable job under difficult circumstances. She welcomed new Ward 2 residents, and assured Mr. Williams that she will do her best to afford his former constituents the level of attention that he has offered them in the past.

Mr. Rubin stated that he has been speaking with some of the resident "prospects" for transfer into his ward, and that he hopes they are as pleased with his representation as they have been with Mr. Williams.

Mr. Chavez offered his thanks to the Elections Task Force.

Mr. Sharp expressed his appreciation to the task force. He noted Mr. Davenport's unhappiness related to the transfer of 7777 Maple Avenue to Ward 5, and commented that Mr. Davenport has developed a close relationship with the residents of the apartment building.

Mr. Elrich remarked that he welcomes the residents of 7777 Maple Avenue, but that he shares Mr. Davenport's concerns about separating the apartment building from the rest of the Maple Avenue corridor. He said that he feels the residents of 7777 cannot be adequately represented in Ward 5, pointing out that they are being asked to do what no other ward is being faced with.

Mr. Sharp asked what is the demographic effect of shifting 7777 Maple Avenue.

Mr. Sayer responded that the percentage of African-Americans in Ward 4 will not be changed substantially by the move of 7777.

Mr. Sharp questioned whether Mr. Elrich has an alternative(s) to propose.

Mr. Sayer commented on problems associated with moving Elwyn Court or another apartment building from Ward 4 to 5--not large enough populations. He added that once we begin splitting census blocks, it is easier to make mistakes.

Ms. Porter noted the allowed variance.

Ms. Sayer said that staff could go out and do its own population counts, but that counts do not generally change much from census to census.

Mr. Rubin commented that the Mississippi Avenue/Elwyn Court area is a "pocket", and that it makes sense to consider moving it as a whole.

Mr. Sayer remarked that apartment buildings on the other side of Maple Avenue from 7777, could be moved into Ward 5, but that it would require moving more than one to meet the population balance.

Ms. Silber stated, as a resident, that the populations proposed for Wards 4 and 5 would be satisfactory.

Mr. Sayer said that he is not prepared to respond to the question about racial breakdown, and that he would need to research the matter.

Mr. Elrich expressed his desire to know the breakdown as would apply to the proposal and the suggestions raised by Council this evening.

Mr. Onyeneke remarked that he appreciates the comments made by Mr. Elrich. He suggested that the Council consider moving the Lincoln/Maple Avenue Junction out of Ward 4 instead of moving 7777 Maple Avenue.

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

ORDINANCE #1995-31  
(Attached)

#### **WORKSESSION**

The Council adjourned from Special Session and moved into Worksession at 8:35 p.m. Following the Worksession, the Council convened in Executive Session to discuss a personnel matter.

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Executive Session 9/5/95 - Moved by Mr. Williams; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 9:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Williams. OFFICIALS ABSENT: Davenport, Elrich, 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)).

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ORDINANCE #1995 - 31  
AMENDING TAKOMA PARK CITY CODE, ARTICLE 2, SECTION 4D-5  
"DESCRIPTION OF WARD BOUNDARIES"

WHEREAS, On April 24, 1995, the Takoma Park City Council established the Elections Task Force to reconfigure the City's ward boundaries based on the results of the 1995 Special Elections (Annexation Referenda);

WHEREAS, on August 22, 1995, residents in each of the three areas proposed for annexation voted by majority in favor of annexing into the City;

WHEREAS, annexation necessitates a reconfiguration of the boundaries of the Wards within the City for purposes of preserving balanced populations, and racial and ethnic distributions across Wards, and determining the geographic areas the members of the Council represent;

WHEREAS, to achieve this end, it is necessary to redefine the Ward boundaries of the City to reflect the changes as recommended by the Elections Task Force and discussed by the City Council and residents of the community.

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

SECTION 1. THAT Chapter 4D, "ELECTIONS", Article 2, "WARDS", Section 4D-5, "Descriptions of Ward Boundaries" be amended as follows:

ARTICLE 2. WARDS.

Sec.4D-5. Description of ward boundaries.

(a) . . . . .

(b) The boundary lines of the six (6) wards shall be as they are shown on the map and accompanying street directory designated "[1991] 1995 District Plan and Street Directory," dated [July 8, 1991] August 31, 1995, attached hereto and incorporated herein.

SECTION 2. THAT once this Ordinance is adopted, the City Council reserves the right to provide a detailed written description in elaboration of the attached map and street directory, and this description shall become a part of this ordinance.

SECTION 3. THAT this Ordinance becomes effective upon adoption and shall be in effect for the Election in November 1995 and thereafter.

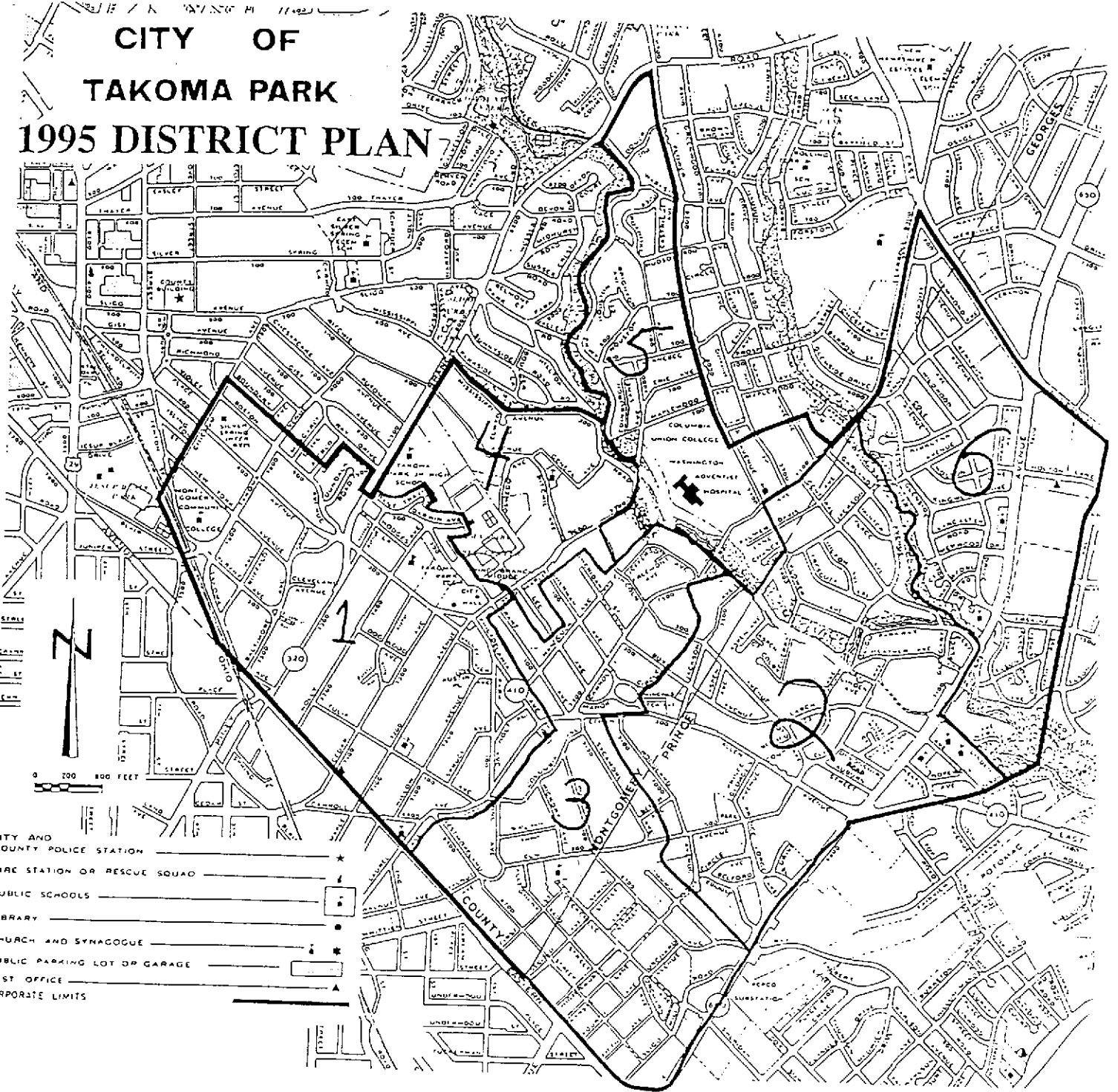
ADOPTED BY THE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995, BY ROLL CALL VOTE AS FOLLOWS:

AYE:  
NAY:  
ABSTAIN:  
ABSENT:

NOTE: In this Ordinance, underlining shall indicate language to be added and [brackets] shall indicate deletions. Language that shall remain unchanged is denoted by ". . . . ."

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# CITY OF TAKOMA PARK 1995 DISTRICT PLAN



**CITY OF TAKOMA PARK  
CITY/STREET DIRECTORY  
Revised August 31, 1995**

**Includes Proposed Redistricting Plan - Annexation of all Three Areas**

**A**

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Albany Avenue	
500 block, odd & even	1
Alfred Drive	
7500 - 7504, even	1
7501 - 7517, odd	1
Allegheny Avenue	
6400 block, odd & even	3 (Area #2)
6500 - 6800 block, odd & even	3
Anne Street	
800 - 1100 block, odd & even	6
Aspen Avenue	
7000 block, odd & even	2
7400 block, odd & even	2
Aspen Court	
7400 block, odd & even	2
Auburn Street	
700 block, odd & even	2
Austin Place	
Unit block, odd & even	1

**B**

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Baltimore Avenue	
7300 - 7400 block, odd & even	1
Barclay Avenue	
Unit block, odd & even	1

Beech Avenue	
400 block, odd & even	3
<b>Belford Drive</b>	
6800 block, odd & even	2 (Area #1)
<b>Belford Place</b>	
400 - 500 block, odd & even	2 (Area #1)
Birch Avenue	
7300 - 7400 block, odd & even	1
Boston Avenue	
400 - 700 block, odd & even	1
Boundary Avenue	
700 block, even only	1
Boyd Avenue	
300 - 321, odd & even	3
318 - 336, even only	3
327 - 349, odd only	2
400 block, odd & even	2
Boyd Court	
500 block, odd & even	2
Brashear Avenue	
(shown as paper street)	1
Brighton Avenue	
(no street addresses)	5
Buffalo Avenue	
7400 block, odd & even	1

## C

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Carroll Avenue	
6900 block, odd & even	1
7000 block, even only	1
<b>7000 block, odd only</b>	1
7100 - 7137 odd & even	1
7142, 7200, 7206 only	1
7201 - 7500 block, odd only	3
7212 - 7500 block, even only	3
7525, 7537 only	2
7600 block, odd & even	5
7700 - 7800 block, even only	5
7700 - 7800 block, odd only	2
7901 - 8013, odd only	6
8101 - 8127, odd only	6

Cedar Avenue		
7100 - 7400 block, odd & even		1
Central Avenue		
7100 - 7603, odd & even		2
Chaney Drive		
700 block, odd & even		5
Cherry Avenue		
7010 - 7200 block, odd & even		2
Chestnut Avenue		
7500 block, odd & even		1
Chicago Avenue		
7705 - 7815, odd only		1
Circle Avenue		
300 block, odd & even	3	(Area #2)
400 block, odd & even	2	(Area #1)
Cleveland Avenue		
Unit block, odd & even		1
Cockerille Avenue		
6500 block, odd & even	3	(Area #2)
6601 - 6700 block, odd only	3	
6602 - 6700 block, even only	3	
Colby Avenue		
700 - 800 block, odd & even		2
Cole Avenue		
7800 - 7900 block, odd & even		6
Columbia Avenue		
Unit block, odd & even		3
Conway Avenue		
6700 block, odd & even	2	(Area #1)
Crescent Place		
Unit block, odd & even		1
 D		
<hr/>		
Darwin Avenue		
Unit block, odd & even		1



Davis Avenue  
807 - 900 block, odd & even 2

Devonshire Road  
700 block, odd & even 2

Dogwood Avenue  
200 block, odd & even 1

Domer Avenue  
200 block, odd & even 5

Dundalk Road  
7500 block, odd & even 1

## E

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Eastern Avenue  
6300 - 6500 block, odd only 3 (Area #2)  
6601 - 6847, odd only 3  
6901-7099, odd only 1

Eastridge Avenue  
8300 block, odd & even 5

East-West Highway  
300 - 1002, odd & even 2

Edinburgh Lane  
7900 - 8000 block, odd & even 5

Elm Avenue  
100 - 400 block, odd & even 3  
500 - 1000 block, odd & even 2

Elson Court  
1300 block, odd & even 6

Elson Place  
1200 - 1300 block, odd & even 6

Elson Street  
1306, 1308 only 6

Elwyn Court  
Unit block, odd & even 4

Erie Avenue  
700 block, odd & even 5

Erskine Street  
1300 - 1402, odd & even 6

Ethan Allen Avenue  
201 - 301, odd & even 3  
303 - 600 block, odd & even 2

F

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Fenton Street  
7600 block, odd & even 1

Flower Avenue  
7200 - 7403, odd & even 2  
7405 only 2  
7407 - 7503, odd only 2  
7404 - 7500 block, even only 5  
7600 - 7709, odd & even 5  
7710 - 8600 block, even only 5

Freemont Avenue  
Unit block, odd & even 3

G

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Garland Avenue  
7100 - 7699, odd & even 2  
7700 - 7721, odd & even 5

Geneva Avenue  
100 - 200 block, odd & even 4

Glaizewood Avenue  
900 block, odd & even 2

Glaizewood Court  
900 block, odd & even 2

Glengary Place  
7200 block, odd & even 2

Glenside Court  
7600 block, odd & even 6

Glenside Drive  
7300 - 7900 block, odd & even 6

<b>Grant Avenue</b>		
Unit - 100 block, odd & even		3
200 - 300 block, odd & even		1
<b>Greenwood Avenue</b>		
7700 - 7727 block, odd & even		5
<b>Gude Avenue</b>		
6600-6700 block, odd & even		3 (Area #2)
<b>H</b>		
<hr/>		
<b>Hammond Avenue</b>		
7600 - 8100 block, odd & even		6
<b>Hancock Avenue</b>		
7300 - 7500 block, odd & even		3
<b>Haverford Road</b>		
1100 block, odd & even		6
<b>Hayward Avenue</b>		
800 block, odd & even		2
<b>Heather Avenue</b>		
900 - 1000 block, odd & even		2
<b>Hickory Avenue</b>		
Unit block, odd & even		3
<b>Highland Avenue</b>		
6511 only		3 (Area #2)
6503 and 6506, only		3
<b>Hilltop Road</b>		
200 - 300 block, odd only		4
<b>Hillwood Court</b>		
1100 block, odd & even		6
<b>Hilton Avenue</b>		
7200 - 7300 block, odd & even		2
<b>Hodges Lane</b>		
98 - 200 block, odd & even		1
<b>Holly Avenue</b>		
7100 - 7500 block, odd & even		1

Holt Place  
Unit block, odd & even 1

Holton Lane  
1100 - 1300 block, odd & even 6

Hopewell Avenue  
1000 block, odd & even 2

Houston Avenue  
600 - 700 block, odd & even 5

Houston Court  
8200 block, odd & even 5

Hudson Avenue  
200 - 700 block, odd & even 5

## J

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Jackson Avenue  
700 - 1000 block, odd & even 2  
1100 - 1200 block, odd & even 6  
7300 - 7500 block, odd & even 2

Jefferson Avenue  
Unit block, odd & even 3

## K

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Kansas Lane  
6400 - 6500 block, odd & even 3 (Area #2)

Kennebec Avenue  
600 - 700 block, odd & even 5

Kennewick Avenue  
7800 - 8100 block, odd & even 6

Kentland Avenue  
800 block, odd & even 2

Kingwood Drive  
1100 - 1200 block, odd & even 6

Kirklyn Avenue  
1100 - 1200 block, odd & even 6

L

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Lancaster Road	
1100 block, odd & even	6
Larch Avenue	
800 - 1103, odd & even	2
Laurel Avenue	
6900 block, even only	1
<b>6900 block, odd only</b>	<b>1</b>
Lee Avenue	
Unit block, odd & even	3
<b>100 block, odd &amp; even</b>	<b>4</b>
Lincoln Avenue	
100 block, odd & even	4
200 - 300 block, odd & even	3
400 - 500 block, odd & even	2
Linden Avenue	
1100 - 1110, odd & even	6
Linden Circle	
800 block, odd & even	2
Lockney Avenue	
7800 - 8100 block, odd & even	6

M

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Manor Circle	
0 - 20, even only	2
1 - 19, odd only	3
22 - 98, even only	3
21 - 99, odd only	2
203 - 256, odd & even	3
Maple Avenue	
7100 - 7500 block, odd & even	1
7510 - 7776, odd & even	4
<b>7777 only</b>	<b>5</b>
8000 block, odd & even	5
Maplewood Avenue	
600 - 700 block, odd & even	5

Margaret Drive	
501 - 510, odd & even	1
Merrimac Drive	
900 block, odd & even	6
Merwood Drive	
1100 block, odd & even	6
1200 block, odd & even	6
Minter Place	
7200 block, odd & even	2
Mississippi Avenue	
300 - 426, even only	4
Montgomery Avenue	
1 - 24, odd & even	3
Myrtle Avenue	
1200 block, odd & even	6

N

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New Hampshire Avenue	
6300 - 6700, even only	3 (Area #2)
6800 - 6860, even only	2 (Area #1)
6854 only	2
6900 - 7000 block, odd & even	2
7100 block, even only	2
7100 block, odd only	6
7200 - 7600 block, odd & even	6

New York Avenue	
500 - 700 block, odd & even	1

Niagra Court	
300 block, odd & even	3

O

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Oswego Avenue	
Unit block, odd & even	4

Old Carroll Road	
Unit block, odd & even	2

Orchard Avenue  
6400 block, odd & even

3 (Area #2)

P

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Palmer Lane  
7500 block, odd & even

5

Park Avenue  
100 - 200 block, odd & even

1

Philadelphia Avenue  
Unit - 700 block, odd & even

1

Pine Avenue  
Unit block, odd & even

3

Piney Branch Road  
7300 - 7524, odd & even  
7611 - 7913, odd only  
8400 block, odd only

1

4

5

Poplar Avenue  
6503 - 6706, odd & even  
6706 - A & B (only)  
6708 - 7100 block, odd & even

3 (Area #2)

3

3

Prince George's Avenue  
6700 - 6811, odd & even  
6815, 6817 - only  
6900 block, odd & even

2 (Area #1)

2

2

R

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Ray Drive  
600 - 610, even only

1

Ritchie Avenue  
Unit - 100 block, odd & even

4

Roanoke Avenue  
8100 - 8300 block, odd & even

5

S

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Sheridan Avenue	
100 block, odd & even	3
Sherman Avenue	
Unit - 100 block, odd & even	3
Sligo Creek Parkway	
609 only	2
702 - 1100 block, odd & even	2
7911 - 8500 block, odd & even	5
Sligo Mill Road	
6400-6500 block, odd & even	3 (Area #2)
Spring Avenue	
200 block, odd & even	3
Spruce Avenue	
7200 block, odd & even	1
Sycamore Avenue	
6901 - 7133, odd & even	3

T

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Takoma Avenue	
7301 - 7907, odd & even	1
Travis Drive	
8 only	1
Trescott Avenue	
7200 - 7300 block, odd & even	2
Tulip Avenue	
100 - 500 block, odd & even	1

U

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University Boulevard	
925 - 1355, odd only	6



V

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Valley View Avenue  
Unit block, odd & even 1

W

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Wabash Avenue  
700 block, odd & even 5

Walnut Avenue  
Unit block, odd & even 3

Westmoreland Avenue  
6300 - 6400 block, odd & even 3 (Area #2)  
6500 block, even only 3 (Area #3)  
6500 block, odd only 3  
6600 - 7000 block, odd & even 3

Wildwood Drive  
7300 - 8000 block, odd & even 6

Willow Avenue  
7100 - 7300 block, odd & even 1

Winchester Avenue  
(no houses) 2

Woodland Avenue  
6801 - 6805, odd only 2 (Area #1)  
6806 - 6899, odd & even 3  
6900 - 7100 block, odd & even 2

OTHER

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First Avenue  
100 block, odd & even 3

Second Avenue  
6505 only 3 (Area #3)  
6506, 6510, 6517, 6519,  
6521, 6522 - only 3

Fourth Avenue  
6400-6500 block, odd & even 3 (Area #2)

Fifth Avenue  
6400 block, odd & even 3 (Area #2)

13th Avenue	
7100 - 7200 block, odd & even	6
13th Place	
7200 block, odd & even	6
14th Avenue	
7100 - 7200 block, odd & even	6

c:\wp51\annex\street.01

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

**Monday, September 11, 1995**

Executive Session 9/5/95 - Moved by Mr. Williams; seconded by Mr. Chavez. Council convened in Executive Session by unanimous vote at 9:30 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Williams. OFFICIALS ABSENT: Davenport, Elrich, 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

Councilmember Chavez

Councilmember Davenport

Councilmember Elrich

Councilmember Porter

Councilmember Rubin

Councilmember Williams

City Administrator Habada

Assistant City Administrator Hobbs

City Clerk Sartoph

Volunteer Coordinator Broadwater

Engineer Monk

The City Council met with the Montgomery County Board of Education and representatives of the Montgomery County Council and State Delegation to discuss unifications issues relating to public schools (upstairs meeting room, Municipal Building, 7:00-8:00 p.m.).

The Council convened at 8:20 p.m. on Monday, September 11, 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 AND COUNCIL COMMENTS**

Mr. Sharp commented on the outstanding success of the Takoma Park Folk Festival, adding a special congratulations to organizers who brought about such wonderful weather. The event was a fitting end to the City's "social summer". He noted that the Street Festival is scheduled for October 1st, and said that he hopes it is as successful.

Mr. Williams thanked the Nuclear-Free Takoma Park Committee for another successful commemoration ceremony in memory of Hiroshima. He welcomed a new business to the City-- "Savory", and commented that he, Ms. Porter and Mr. Rubin recently attended a staff retreat that was very enjoyable and important.

**PRESENTATION**

Proclamation -Commemorating Dedication of Mar Thoma Church. Mr. Sharp read the proclamation for the record, and presented it to George Varghese, Secretary of Mar Thoma Church.

Mr. Varghese said that the church is honored by the presentation, and commented on the church's community programs. He remarked that they are proud to be a part of the City and to be able to extend services to the residents.

**ADOPTION OF MINUTES**

Moved by Mr. Williams; seconded by Mr. Elrich. The Council Meeting Minutes from 5/30/95 were adopted unanimously.

### ADDITIONAL AGENDA ITEMS

No additional items were added to the agenda. Mr. Sharp stated that the discussion of the redistricting plan will be moved up on the agenda at some time following the public hearing that is scheduled as the first item on the agenda.

### CITIZEN COMMENTS

There were no citizen comments.

### PUBLIC HEARING

**#1 Transfer of Location of Alcoholic Beverage License.** Mr. Sharp explained that this an opportunity for citizens to comment on the application made with the Board of License Commissioners for Prince George's County, Maryland, for the transfer of alcoholic beverage license (Beer, Wine and Liquor License) for the use of Tanny's Liquors, 1155 University Boulevard, Langley Park.

Mr. Sharp noted that one person, Indu B. Chohda, who identified herself as representative of Tanny's Liquor, 1155 University Boulevard, signed in on the Public Hearing sign-in sheet, and that this person wrote a note that she was leaving since the Council had not arrived by 8:00 p.m. Mr. Sharp stated that when a public hearing is announced, a specific time is given with a disclaimer that the time is approximate and the hearing will be held as "soon thereafter as possible".

Ms. Habada indicated that the applicant was notified by mail of the 8:25 p.m. hearing time. Mr. Sharp pointed out that the evening's agenda lists the hearing to be held at approximately 8:25 p.m.

Mr. Sharp called for any additional citizen comments.

Benjamin Onyeneke, 7777 Maple Avenue (Generation X) commented in opposition to the transfer of license, and said that he opposes the applicant's assertion that the liquor license will not adversely affect the neighboring area--Takoma Park community. He remarked that he wants to prevent crime, and that he has found historical information regarding a liquor store that was once located on the site, noting that it contributed to crime, injuries, drug traffic, etc. The community does not want liquor sales in the area.

Tom Guins, Acting President Hampshire Gardens Citizens Association remarked that he is opposed to the transfer application, emphasizing that the City does not need another liquor store in the area. He said that Larry's liquor store generated a lot of crime, panhandling, trash, etc., and that nothing about the site would encourage him to support another liquor outlet at the same address. If the City unites into Montgomery County, this would result in the transfer of one more liquor license into the county. He expressed his belief that Montgomery County does not need any additional liquor licenses, and urged the Council to oppose the license from being transferred into the area.

Debbie Easterly, 7111 Garland Avenue, President of Longbranch-Sligo Citizens Association stated that she is personally opposed to the license transfer, clarifying that she is not speaking on behalf of the citizens association, since the membership has not had the opportunity to discuss the matter.

Frank Farley, Secretary of Hampshire Gardens Citizens Association called attention to the letter he submitted to the Council (attached), in which he expresses the association's opposition to the license transfer. When people get intoxicated, they meander along the shopping center front, and this discourages patrons from coming to the center. This was a problem experienced when Larry's liquors was at site. He urged that the City should not do anything to jeopardize our opportunity to move into Montgomery County, and questioned whether Montgomery County would view this license transfer as favorable.

The public hearing was closed at 8:37 p.m.

Mr. Sharp asked what is time schedule related to the pending application hearing before the Prince George's Board of License Commissioners.

Ms. Habada responded, adding that there are two more meetings at which the Council could take action.

Mr. Rubin questioned whether the City has veto authority in this matter.

Mr. Sharp replied in the affirmative.

Ms. Porter stated that in all fairness, it might be wise to give the applicant another opportunity to speak.

Mr. Chavez asked the reason why the applicant is not here.

Mr. Sharp explained what was written on the sign-in sheet. He remarked that he does not see the harm in coming back to this matter next week to allow the applicant another opportunity to testify.

Ms. Habada said that she will see that the applicant receives notification of next week's Council discussion of the matter.

Mr. Rubin requested that representatives of the neighborhood associations again be present next week.

Mr. Sharp directed that the discussion be added to next week's agenda.

## REGULAR MEETING

**#2 Resolution re: Radioactive Waste Transport.** Mr. Rubin introduced the resolution with a few amendments (seconded by Ms. Porter):

- (5th Whereas clause) amended to read "...the health and safety of City residents could be imperiled, property values likely could fall, and attraction of new businesses and retention of existing businesses could be made more difficult, should radioactive waste be transported through Takoma Park; AND"

- (2nd Resolved clause) delete.

Mr. Rubin said that the issue was brought to his attention by about 20 postcards from constituents concerned about this matter. The resolution opposes one of the many ways that Congress is eliminating environmental protection from the nation.

Cindy Folkers, 8205 Garland Avenue #3 stated that she is here to answer questions, noting that she did provide an information sheet on the matter of radioactive waste transport some weeks ago.

(Unintelligible), Baltimore Avenue state that he helped organize one of the longest meetings of the Montgomery County ..... regarding transport of nuclear waste. He remarked that at that time, he learned that emergency attendants have no idea about how to handle a nuclear waste contamination crisis. He said that he is happy to see the City taking a position on this matter.

Benjamin Onyeneke, Maple Avenue commented that the City is a Nuclear Free Zone, and that we do not need this kind of pollution in the City.

Paul Gunter, 6704 Westmoreland Avenue supported the resolution, and conveyed his concern for the fast track that this whole issue has been put on by Congress in an effort to clear nuclear power stations around the Country of a growing inventory of highly reactive nuclear waste that we as a society have been shoveling for decades. Congress is moving to railroad this material literally through our backyards to Nevada--not a sound site. The Nevada site has been identified as volcanically active

with potential earthquake dangers. He asked that the Council, with regard for the nuclear free community, take this issue to heart. Communities across the nation will be faced with the same transport issue with an absence of technology to deal with the problem.

(Unintelligible), Carroll Avenue supported the resolution, and asked what level of waste is being discussed.

Ms. Folkers responded that the actual fuel rods are among the materials to be transported. One rail cast would hold the equivalent of 200 Hiroshima bombs, and the rail casts have not been tested.

(Unintelligible) said that high level activity is a serious concern.

Hank Prensky, 209 Spring Avenue praised organizers of the Folk Festival, an event that made him happy and proud to be a resident of Takoma Park. As a former member of the NFZ committee, he expressed his feeling that this resolution is consistent with the kind of "stand" that has been taken over the years to show the foresight and wisdom of the City's elected officials to do the will of the residents. Mr. Prensky noted that he took part in a demonstration on Embassy Row protesting the presumption of France regarding nuclear power. The message to the French has always been, as to other users of nuclear power, "if it is so safe, store it in your basement....test the bombs in Paris, and detonate them in Leone, not in our backyard". He remarked that the Capital Area Community Food Bank warehouse sits along the same railtracks that we are discussing this evening, and that any risks to the community of Takoma Park are also risks to the patrons of the food bank. He urged the Council to support the resolution.

Terry Berkeley, 7513 Carroll Avenue (Chair, NFZ Committee) commended Cindy Folkers on the work she has done to push this matter. One of the charges to the NFZ Committee is to protect the safety and welfare of the community. He stated that support of this resolution is timely and critical to the safety and health of this community.

In response to Mr. Chavez's query, Ms. Folkers defined and offered examples of nuclear waste (e.g. plutonium, uranium, etc.). Radioactive waste is a different category from most "backyard wastes" (e.g. batteries, etc.). She explained the difference between radioactive and hazardous waste, and commented on gamma ray emissions as one cause of cancers and abnormal tissue growths. Ms. Folkers explained the reactivity of uranium fuel and the effects of exposure. There are some uses of radioactive isotopes in the medical community; however, they are not as long-lived. There is nothing in Takoma Park (i.e. used in the hospital) of the magnitude being discussed here this evening.

Mr. Davenport asked for clarification about federal regulations regarding radioactive exposure.

Ms. Folkers stated that if a person were to travel next to one of the casts, he would get the equivalent of three chest x-rays/hour from the gamma rays that would be emitted.

Mr. Gunter said that principally, the radioactive waste that the resolution is aimed at is the fuel cores that would be coming from essentially four reactors. The issue is the uncertainty of the technology to address the risks posed by even low dose radiation. He remarked that we know that there is no safe level of radiation, and that we do not know if the casts are faulty--could be leaking.

Mr. Williams stated that he will be happy to cast a vote against the short-sighted and myopic views of the Federal Government. Takoma Park should be proud to take this stand.

Ms. Porter pointed out that there is a hospital in the City, and questioned whether this resolution would in any way prohibit the hospital from disposing of waste according to its safety standards and procedures.

Mr. Sharp responded that he does not believe the resolution would impact the hospital's operations.

The resolution, as amended, was adopted unanimously.

RESOLUTION #1995-43A

(Attached)

**#3 2nd Reading Ordinance re: 1995 Redistricting Plan.** Moved by Mr. Davenport; seconded by Mr. Williams.

Mr. Davenport stated that after a discussion with the President of the 7777 Civic Association, it is clear to him that residents of 7777 Maple Avenue would prefer to stay in Ward 4. He suggested that the following changes be made to the committee's recommended redistricting plan:

- move Mississippi Avenue, Hilltop Avenue, and Elwyn Court from Ward 4 to Ward 5
- move 7777 Maple Avenue from Ward 5 to Ward 4
- move 108, 110 and 112 Lee Avenue from Ward 4 to Ward 3

Mr. Elrich seconded the motion.

Mr. Sharp noted that the Council is working off of the 1st Reading Ordinance (recommendations of the Redistricting Committee), and repeated the amendments proposed by Mr. Davenport.

Mr. Elrich urged the Council to adopt this small compromise, acknowledging that while he knew his ward would in some way be affected by the redistricting, these changes are more consistent with preserving the neighborhoods.

Bryan Sayer, Chair of Elections Task Force stated that while the amendments do not make for a "bad" plan, they do push Wards 3 and 4 to the upper level of the population variance range. He said that he is not certain about the accuracy of estimates on Lee Avenue, and that we may be underestimating the population in Ward 3. Mr. Sayer remarked that while the committee believes that this is not a bad plan, it still prefers the original recommendations. The original proposal kept the variance as close to the mean as possible.

Mr. Onyeneke commented on the percentages of minorities being discussed, and asked what is better for Ward 5. He urged the Council to let 7777 Essex House stay in Ward 4.

Mr. Prensky commended the Council for its intensity regarding this matter. He said he thinks that Bryan Sayer has been diligent and hardworking in his field, and as the Chair of the Task Force, but that at some point we have to work with the numbers that are available to us. There is potential for the unbalancing of numbers, but this plan maintains the integrity of everyone's neighborhood as best as possible and seems to satisfy the greatest number of people.

Mr. Williams thanked the committee for providing the numbers, as requested, that would give the Council the most leeway in redrawing the ward boundaries.

Ms. Porter stated that she is very confident that we have the best numbers we are going to have, and thanked the committee for the work they have done. She remarked that she remains comfortable with the numbers even through these last minute "tweakings".

Mr. Davenport remarked that he is also comfortable with the numbers and the work of the committee.

Mr. Rubin commented that the work of the committee made it possible for the Council to make the last minute changes.

Mr. Elrich recognized that the Council could not have gotten this close to adopting the plan and been able to make such fine adjustments, without the hard work of the committee.

Mr. Sayer noted the racial impact of the amendments that were proposed by Mr. Davenport.

The amendments were accepted unanimously.

Mr. Sharp thanked the committee, noting that once again the City has been well served by the

volunteer efforts of its citizens.

The ordinance, as amended, was adopted unanimously.

ORDINANCE #1995-31  
(Attached)

**#4 Takoma Junction - Covenants (legal discussion).** Ms. Habada noted that Legal Counsel Ellis Koch is here tonight to talk to the Council about a problem regarding the Antonelli/Zarpas site.

Mr. Koch stated that when the property title was reviewed (initial subdivision of B.F. Gilberts) there were three original covenants placed on the land: (1) road setback, (2) nothing to be constructed to jeopardize the safety or welfare of citizens, and (3) restriction on liquor sales. He noted that the third covenant could potentially effect the development of restaurants or other retail operations that might want to sale liquor. Mr. Koch asked the Council to consider whether the presence of this covenant a sufficiently disturbing issue to abort plans to purchase the site, and if the City goes forward with acquisition would the Council want to pursue having the covenant removed. He explained that to have the covenant removed, the City would have to demonstrate one of the following: (1) change of character in neighborhood that could be limited to the commercial area along Carroll Avenue, or (2) unanimous consent by all descendants of B.F. Gilberts.

Mr. Sharp clarified that the City has until September 29th to pull-out of the purchase deal, and questioned how much it would cost to pursue a law suit regarding removal of the covenant.

Mr. Koch responded that a law suit would cost approximately \$3500-5000, adding that the City would not be able to remove the covenant for all of B.F. Gilberts Addition since most of the structures in the subdivision are still single-family residences. The possibility would be to have the covenant removed for the commercial area only.

Ms. Habada pointed out that there is no guarantee that such a lawsuit would be successful.

Mr. Koch commented on research of land records. The character of the residential lots has not changed since the covenants were put into place.

Mr. Sharp stated that the focus should be on the commercial area if the City were to claim a "change in character". He emphasized to the Council the need to decide tonight whether to go forward with the acquisition of the Takoma Junction property.

Mr. Rubin remarked that of the many potential uses for the site, a restaurant that would serve liquor has not been near the top of the list in any discussion. He stated that it seems that this would not be a problem until we get to the point that there is a viable proposal to establish a restaurant, and maybe then we could have the developer help foot the bill to have the covenant removed.

Mr. Davenport suggested that the Council should keep in mind the possibilities of future development that would require pursuing the removal of the covenant.

Mr. Williams said that he is comfortable going forward with the purchase, with the understanding that in the future we may have to address the covenant.

Mr. Sharp noted that currently, and for as long as the gym is in the fire house, liquor sales cannot be within 1000 feet of the gym which directly impacts the Antonelli/Zarpas site.

Ms. Porter asked how large is B.F. Gilbert's Addition.

Mr. Koch replied that it encompasses approximately 25-30% of the total area of the City.

Ms. Porter questioned whether it includes the Old Town business district.



Mr. Koch did not have a definitive answer.

Clarence Boatman, 133 Ritchie Avenue asked if the City were to one day seek repeal of the restriction on the land, would it be left to the Council to grant a liquor license.

Mr. Sharp explained that granting liquor licenses is a County function, and commented on the specific veto authority that applies to the case heard earlier this evening in public hearing.

Mr. Boatman asked whether the community has any say in the matter.

Mr. Sharp stated that residents are given the opportunity to comment before the City Council and County Council prior to decisions on liquor licenses.

Mr. Boatman said that it would be nice to have a local outlet for the purchase of wine, and that persons who are desirous of alcohol will do what they have to do to find it.

Mr. Sharp concluded that it is the Council's view that the covenant should not stop the acquisition process (consensus).

**#5 Resolution re: City's Vision, Mission and Values Statements.** Moved by Mr. Williams; seconded by Mr. Rubin.

Mr. Rubin explained a change that was made to the third whereas statement.

Rino Aldrigetti, Central Avenue commended the City for going about this process, adding that he is pleased to see the statement "citizen as customer". When going through a process like this, he cautioned that the uniqueness of this City should not be forgotten. Whether one looks at the corporate totality of the City or the community and staff working together, the relationship needs to be reflected in the statements, as well as the process through which these statements are realized--Council working with citizens. He commented on the aspects of the hiring process used for selection of the Police Chief, pointing out the ultimate goal of an effective community oriented policing program. He stated that he does not think there is a real definition of "community policing" that can be articulated by the Police Department staff and therefore, this point may be missed in the mission statement. Other City departments probably have the same problem articulating a mission statement unique to their service to the community. He encouraged the Council to not take action on the resolution, but to take a look at the uniqueness of the City in relation to the statements--challenge to examine the true unique vision, mission and values statements.

Mr. Onyeneke stated that these are powerful vision, mission and values statements, and that they are important to the community.

Thomas Gagliardo said he is not sure what effect a mission statement will have once it is passed, adding that it is so general that anyone can sign-on to it. He stated that he agrees with Mr. Aldrigetti's remark that something is lost in the statements regarding the vigorous debates that go on between citizens and staff members. He commented on an incident that exemplifies the "high falutant words of this resolution" (i.e. story regarding three tree stumps). In the end, he explained that Ms. Habada and Mr. Rubin were very helpful in having the stumps removed.

Mr. Davenport commented that as an African-American who is sometimes reminded of where his place in life should be, it is uncomfortable to be stereotyped, and that he believes the resolution is lacking in addressing the issue of diversity. It needs more work in developing how the staff relates to the public; staff needs to be reminded that they have a lot further to go in this area.

Mr. Elrich remarked that he did not read these statements as pats-on-the-back by staff, but instead as a vision of the direction in which staff wants to go. He said that he has witnessed more positive changes in staff over the past year than at any time in the past. He elaborated on the statement "we strive for continuous improvement" and said that by in large, the staff of the City has begun to re-focus themselves, making a fundamental change in a positive direction. Mr. Elrich claimed that by

passing this resolution, the Council indicates its support of the positive changes.

Ms. Porter said that she agrees with Mr. Gagliardo's remark that the wording of the statements is "general", but noted that the words are not as important as the process by which the words got here--the team building process. The concept behind "citizen as customer" is important. Staff pulled together as a team to come to a conclusion on these statements. She commented that while the City is not currently 100% of the way to meeting the vision, staff has made progress and is headed in the right direction. Ms. Porter stated that by supporting the resolution, the Council will be expressing its belief that staff is going in the right direction and extending a "pat on the back" for what has been done so far. There remains the realization that there is progress still to be made.

Mr. Rubin remarked that this resolution is only a part of the whole. He noted that staff has made tremendous progress and is discussing the incident described by Mr. Gagliardo at their own initiative.

Mr. Aldrigetti said that he agrees with Mr. Elrich's comments about the progress witnessed over the past year, and that he is also happy to hear Mr. Rubin's comments regarding this only being one piece in the process--staff coming together.

The resolution was adopted unanimously.

RESOLUTION #1995-44A  
(Attached)

**#6 1st Reading Ordinance re: 1995 Nominating Caucus & Election.** Moved by Ms. Porter; seconded by Mr. Davenport.

Mr. Sharp explained the ordinance and the issue regarding Yom Kippur falling on the evening of the Nominating Caucus--October 3rd. Given that the Charter establishes the date of the Nominating Caucus, the Caucus must be convened on October 3rd, and there will be a motion to adjourn the meeting until Thursday, October 5th. Mr. Sharp indicated his willingness to make the motion; Mr. Elrich indicated his willingness to second the motion.

Ms. Porter said that she is a big advocate of participatory democracy, and feels that the Council should take a stand this evening to protect religious rights, and publicly state that as a matter of principle "the meeting will be convened on October 3rd as required by law, but will be continued on October 5th".

Mr. Rubin said that the proposal to convene and adjourn the meeting until October 5th is both a practical and charming solution.

Mr. Elrich remarked that it needs to be clear to the public that Thursday evening is the actual evening of the caucus.

Ms. Porter suggested some language for the legal advertisement.

Mr. Sharp stated that the Council has to keep in mind the integrity of the meeting-- a citizens meeting.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-32  
(Attached)

Mr. Williams suggested that staff keep a note that this might be a problem (set date for Nominating Caucus) that needs to be remedied by a future Charter amendment.

**#7 Single Reading Ordinance re: Dumptruck Purchase.** Moved by Mr. Williams; seconded by Mr. Chavez.

Mr. Williams noted that there is no such thing as an "F350 Superduty" truck--it is either an "F350" or "Superduty" truck.

Mr. Onyeneke questioned whether the choice of vendors is based on quality or quantity. He said that the City should strive for quality, taking into consideration what will be the use of the truck.

Mr. Sharp explained the procurement process, adding that the City Administrator can comment on specific uses intended for the truck.

Mr. Habada commented that the City has small dumptrucks that are used in the winter for snow removal, particularly on the smaller streets and cul-de-sacs where larger trucks cannot maneuver. She noted that there is a warranty on the truck.

Ms. Porter referred to the staff memorandum, noting that the different bids are on the same truck.

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

ORDINANCE #1995-33  
(Attached)

**#8 Single Reading Ordinance re: Indefinite Quantities - Street Improvements.** Moved by Mr. Davenport; seconded by Mr. Williams.

Mr. Sharp explained the ordinance, and asked whether there has been any response to Mr. Monk's letter.

Ms. Habada responded in the negative.

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

ORDINANCE #1995-34  
(Attached)

**#9 1st Reading Ordinance re: Westmoreland Avenue Stormdrain Project.** Mr. Sharp asked where staff and Council is in regards to discussions with the community about the greater than anticipated assessment rate.

Mr. Williams stated that he believes the greatest increase was in the assessments for the apartment buildings.

Ms. Habada said that staff expects to have the numbers ready for insertion into the ordinance by second reading.

Ms. Porter questioned why the Council should go forward with second reading since final numbers will still not be known.

Mr. Williams remarked that the staff and residents want to get the project underway by this fall instead of putting it off until next spring. He said that everyone he has spoken to has said that the proposal is fine, and has encouraged the City to go forward.

Ms. Porter and Mr. Sharp agreed that they are not ready to vote on second reading of this ordinance next week. Ms. Porter queried about the problem with hooking into the District's drainage system.

Ms. Habada responded that the project design has been changed so that we will not be hooking into the District's system.

Mr. Monk explained that the new design provides for the drainage to go in its natural direction into

the system in the residential area and on to the underground filter. He commented on how the drainage will be handled--will go to drainage channel and along a natural course of drainage system.

Ms. Porter asked why the original plan included a link into the District's system.

Mr. Monk stated that the original concept was aimed at taking drainage away from the area.

Ms. Porter questioned whether the system we have is designed to handle the additional drainage.

Mr. Monk responded in the affirmative.

Mr. Onyeneke asked whether the project contractor is the same as the one who is working on the Sligo Creek Parkway project.

Ms. Habada responded in the negative.

Mr. Onyeneke questioned whether the drain system, particularly the drainage grates-- will be safe for children.

Mr. Sharp noted that this matter came up at the request of the residents of the upper Westmoreland Avenue area, and that these residents will be assessed for the costs of the project. He briefly provided an overview of project's history.

Ms. Habada remarked that the area will have silt fences erected while construction is underway.

The ordinance was unanimously accepted at first reading.

ORDINANCE #1995-35  
(Attached)

Mr. Williams commented that Mr. Arthur Karpas will be distributing information packages to all affected residents.

The Council adjourned at 10:18 p.m. and moved into Executive Session.

**EXECUTIVE SESSION**

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Executive Session 9/11/95 - Moved by Mr. Rubin; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF PRESENT: Habada, Grimmer, Silber, Sartoph. Council received briefing on legal matters concerning property development; no action was taken. Staff left the meeting, and Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (1)(I)).

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# MAYORAL PROCLAMATION #1995-8

## IN HONOR OF THE MAR THOMA CHURCH OF GREATER WASHINGTON

*WHEREAS, the Mar Thoma Church of Greater Washington is part of the historic Mar Thoma Church of India, AND*

*WHEREAS, the Mar Thoma Church of Greater Washington has been conducting services in the Takoma Park area since 1973; AND*

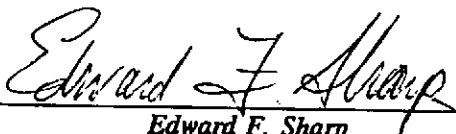
*WHEREAS, its Parish is actively involved in youth and community service programs; AND*

*WHEREAS, its Parish acquired a Church building at 322 Ethan Allen Avenue, Takoma Park, on June 15, 1995; AND*

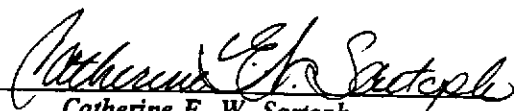
*WHEREAS, the dedication of the Church facilities is to take place on October 21, 1995.*

*NOW, THEREFORE, I, EDWARD F. SHARP, MAYOR OF THE CITY OF TAKOMA PARK, MARYLAND, on behalf of the Citizens, Council, and Staff of the City of Takoma Park, do hereby express appreciation of the Mar Thoma Church of Greater Washington's contributions to the Takoma Park Community, and extend best wishes to the Church on the occasion of the dedication of its new facilities.*

*DATED this 11th day of September, 1995.*

  
\_\_\_\_\_  
Edward F. Sharp  
Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine E. W. Sartoph  
City Clerk

Introduced By: Councilmember Rubin

RESOLUTION #1995 - 43A  
OPPOSING TRANSPORT OF RADIOACTIVE WASTE  
NEAR OR THROUGH TAKOMA PARK

- WHEREAS, the City of Takoma Park, Maryland, is a Nuclear-free Zone; and
- WHEREAS, documentation provided by the State of Nevada indicates that radioactive waste might be transported through the City of Takoma Park as early as 1998 should United States Senate Bill 167 or similar legislation be enacted into law; AND
- WHEREAS, the railway line on which the radioactive waste would travel traverses the corporate limits of the City of Takoma Park, Maryland; AND
- WHEREAS, the federal government, pursuant to the provisions of Senate Bill 167 and similar, proposed legislation, would limit funding to localities for training of emergency response personnel and purchasing of radiological disaster equipment; AND
- WHEREAS, the health and safety of City residents could be imperiled, property values likely could fall, and attraction of new businesses and retention of existing businesses could be made more difficult, should radioactive waste be transported through Takoma Park; AND
- WHEREAS, Takoma Park's municipal neighbor, the City of Mount Rainier, Maryland, is on record in opposition to Senate Bill 167 and similar legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the City of Takoma Park opposes the transport of radioactive waste near of through Takoma Park; AND

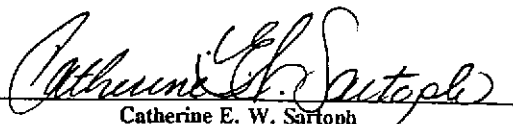
BE IT FURTHER RESOLVED, THAT the City of Takoma Park affirms its solidarity with the City of Mount Rainier in opposition to Senate Bill 167 and all similar legislation; AND

BE IT FURTHER RESOLVED, THAT the City of Takoma Park supports the creation of an independent Presidential commission to reexamine our Nation's radioactive waste policy; AND

BE IT FURTHER RESOLVED, THAT the Clerk of the City of Takoma Park shall forward a copy of this Resolution to the City's elected local, state, and federal representatives, to the Governor of the State of Nevada, and to the President of the United States of America.

Adopted this 11th day of September, 1995.

ATTEST:

  
Catherine E. W. Sartoph  
City Clerk

Introduced by: Councilmember Williams

**Resolution #1995 - 44A**

**Resolution of Support for the City's Vision, Mission, and Values**

A Resolution affirming City Council support for the Vision, Mission, and Core Values developed as guidelines for City operation through the Total Quality Management (TQM) Planned Change Process.

WHEREAS, the City has made a commitment to the concepts of Customer Orientation, Strategic Planning and Total Quality Management;

WHEREAS, it is necessary to achieve alignment of all City procedures with the level of excellence which is envisioned for all customers;

WHEREAS, The Vision, Mission, and Values statements were crafted by the staff of the City of Takoma Park through a process with involved training in the collaborative skills needed to better serve the residents of Takoma Park and;

WHEREAS, Council is part of the City's team effort to deliver quality service;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT support is confirmed for the City Vision, Mission, and Values as follows:

**VISION: TAKOMA PARK, A COMMUNITY OF EXCELLENCE  
RENOWNED FOR EXEMPLARY SERVICE TO ALL  
RESIDENTS**

**MISSION: IT IS OUR MISSION TO CHAMPION QUALITY AND  
EFFICIENCY THROUGH A DEDICATED WORKFORCE  
AND A COOPERATIVE SPIRIT BETWEEN GOVERNMENT  
AND PEOPLE**

**SHARED VALUES:**

**We always exhibit Integrity:** Integrity is the umbrella under which we think, act, and work. Integrity shapes our day-to-day actions - the way we treat each other.

**We strive for Continuous Improvement:** We are always learning, growing, and improving our work processes and relationships to demonstrate our commitment to quality.

**We live by Open Processes, High Communication, Support for Diversity, and Respect for the Individual:** We use open processes that respect and value diverse individual viewpoints, and demonstrate care and concern for all our customers, both internal and external.

**We are Results Oriented, Customer-Concerned, Innovative-Directed and Creative:** We support and reward creativity and imagination at all levels of the organization. We are results-oriented and focus on results that respond to our customers' needs.

**We work with Pride for our City and are Accountable for our work:** We commit to using our best professional judgement and to keep all processes open for review, based on the belief that what we do reflects who we are.

**We have a High Commitment to Quality and Teamwork:** We pledge our commitment to quality in all City services through constant measurement and reevaluation of business processes, a focus on reduction of costs, shortening of process cycle time, and willingness to perform well together.

**We will Improve our Efficiency:** The extent to which a process can maximize the use of our resources will be a key measure for us.

ADOPTED THE 11TH DAY OF SEPTEMBER, 1995



Introduced by: Mayor Sharp  
(drafted by: C. Sartoph)

1st Reading: 9/5/95  
2nd Reading: 9/11/95  
Effective: 9/11/95

ORDINANCE #1995 - 31  
AMENDING TAKOMA PARK CITY CODE, ARTICLE 2, SECTION 4D-5  
"DESCRIPTION OF WARD BOUNDARIES"

WHEREAS, On April 24, 1995, the Takoma Park City Council established the Elections Task Force to reconfigure the City's ward boundaries based on the results of the 1995 Special Elections (Annexation Referenda);

WHEREAS, on August 22, 1995, residents in each of the three areas proposed for annexation voted by majority in favor of annexing into the City;

WHEREAS, annexation necessitates a reconfiguration of the boundaries of the Wards within the City for purposes of preserving balanced populations, and racial and ethnic distributions across Wards, and determining the geographic areas the members of the Council represent;

WHEREAS, to achieve this end, it is necessary to redefine the Ward boundaries of the City to reflect the changes as recommended by the Elections Task Force and discussed by the City Council and residents of the community.

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

SECTION 1. THAT Chapter 4D, "ELECTIONS", Article 2, "WARDS", Section 4D-5, "Descriptions of Ward Boundaries" be amended as follows:

ARTICLE 2. WARDS.

Sec.4D-5. Description of ward boundaries.

(a) . . . . .

(b) The boundary lines of the six (6) wards shall be as they are shown on the map and accompanying street directory designated "[1991] 1995 District Plan and Street Directory," dated [July 8, 1991] August 31, 1995, attached hereto and incorporated herein.

SECTION 2. THAT once this Ordinance is adopted, the City Council reserves the right to provide a detailed written description in elaboration of the attached map and street directory, and this description shall become a part of this ordinance.

SECTION 3. THAT this Ordinance becomes effective upon adoption and shall be in effect for the Election in November 1995 and thereafter.

ADOPTED BY THE CITY COUNCIL THIS 11th DAY OF SEPTEMBER, 1995, BY ROLL CALL VOTE AS FOLLOWS:

AYE: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams  
NAY: None  
ABSTAIN: None  
ABSENT: None

NOTE: In this Ordinance, underlining shall indicate language to be added and [brackets] shall indicate deletions. Language that shall remain unchanged is denoted by ". . . . ."

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**CITY OF TAKOMA PARK  
CITY/STREET DIRECTORY  
Revised October 2, 1995**

**A**

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Albany Avenue	
500 block, odd & even	1
Alfred Drive	
7500 - 7504, even	1
7501 - 7517, odd	1
Allegheny Avenue	
6400 block, odd & even	3
6500 - 6800 block, odd & even	3
Anne Street	
800 - 1100 block, odd & even	6
Aspen Avenue	
7000 block, odd & even	2
7400 block, odd & even	2
Aspen Court	
7400 block, odd & even	2
Auburn Street	
700 block, odd & even	2
Austin Place	
Unit block, odd & even	1

**B**

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Baltimore Avenue	
7300 - 7400 block, odd & even	1
Barclay Avenue	
Unit block, odd & even	1
Beech Avenue	
400 block, odd & even	3

Cedar Avenue		
7100 - 7400 block, odd & even		1
Central Avenue		
7100 - 7603, odd & even		2
Chaney Drive		
700 block, odd & even		5
Cherry Avenue		
6900 - 7300 block, odd & even		2
Chestnut Avenue		
7500 block, odd & even		1
Chicago Avenue		
7705 - 7815, odd only		1
Circle Avenue		
300 block, odd & even		3
400 block, odd & even		2
Cleveland Avenue		
Unit block, odd & even		1
Cockerville Avenue		
6500 block, odd & even		3
6601 - 6700 block, odd only		3
6602 - 6700 block, even only		3
Colby Avenue		
700 - 800 block, odd & even		2
Cole Avenue		
7800 - 7900 block, odd & even		6
Columbia Avenue		
Unit block, odd & even		3
Conway Avenue		
6700 block, odd & even		2
Crescent Place		
Unit block, odd & even		1

Elson Street		
1306, 1308 only		6
Elwyn Court		
Unit block, odd & even		5
Erie Avenue		
700 block, odd & even		5
Erskine Street		
1300 - 1402, odd & even		6
Ethan Allen Avenue		
200 block, odd & even		3
300 - 700 block, odd & even		2

F

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Fenton Street		
7600 block, odd & even		1
Flower Avenue		
7200 - 7403, odd & even		2
7405 only		2
7407 - 7503, odd only		2
7404 - 7500 block, even only		5
7600 - 7709, odd & even		5
7710 - 8600 block, even only		5
Freemont Avenue		
Unit block, odd & even		3

G

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Garland Avenue		
7100 - 7699, odd & even		2
7700 - 7721, odd & even		5
Geneva Avenue		
100 - 200 block, odd & even		4
Glaizewood Avenue		
900 block, odd & even		2
Glaizewood Court		
900 block, odd & even		2

Hilton Avenue		
7200 - 7300 block, odd & even		2
Hodges Lane		
98 - 200 block, odd & even		1
Holly Avenue		
7100 - 7500 block, odd & even		1
Holt Place		
Unit block, odd & even		1
Holton Lane		
1100 - 1300 block, odd & even		6
Hopewell Avenue		
1000 block, odd & even		2
Houston Avenue		
600 - 700 block, odd & even		5
Houston Court		
8200 block, odd & even		5
Hudson Avenue		
200 - 700 block, odd & even		5

J

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Jackson Avenue		
700 - 1000 block, odd & even		2
1100 - 1200 block, odd & even		6
7300 - 7500 block, odd & even		2
Jefferson Avenue		
Unit block, odd & even		3

K

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Kansas Lane		
6400 - 6500 block, odd & even		3
Kennebec Avenue		
600 - 700 block, odd & even		5

## M

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### Manor Circle

0 - 20, even only	2
1 - 19, odd only	3
22 - 98, even only	3
21 - 99, odd only	2
203 - 256, odd & even	3

### Maple Avenue

7100 - 7500 block, odd & even	1
7510 - 7777, odd & even	4
8000 block, odd & even	5

### Maplewood Avenue

600 - 700 block, odd & even	5
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### Margaret Drive

501 - 510, odd & even	1
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### Merrimac Drive

900 block, odd & even	6
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### Merwood Drive

1100 block, odd & even	6
1200 block, odd & even	6

### Minter Place

7200 block, odd & even	2
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### Mississippi Avenue

300 - 426, even only	5
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### Montgomery Avenue

1 - 24, odd & even	3
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### Myrtle Avenue

1200 block, odd & even	6
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Piney Branch Road  
7300 - 7524, odd & even 1  
7611 - 7913, odd only 4  
8400 block, odd only 5

Poplar Avenue  
6503 - 6706, odd & even 3  
6706 - A & B (only) 3  
6708 - 7100 block, odd & even 3

Prince George's Avenue  
6700 - 6811, odd & even 2  
6815, 6817 - only 2  
6900 block, odd & even 2

R

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Ray Drive  
600 - 610, even only 1

Ritchie Avenue  
Unit - 100 block, odd & even 4

Roanoke Avenue  
8100 - 8300 block, odd & even 5

S

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Sheridan Avenue  
100 block, odd & even 3

Sherman Avenue  
Unit - 100 block, odd & even 3

Sligo Creek Parkway  
609 only 2  
702 - 1100 block, odd & even 2  
7911 - 8500 block, odd & even 5

Sligo Mill Road  
6400-6500 block, odd & even 3

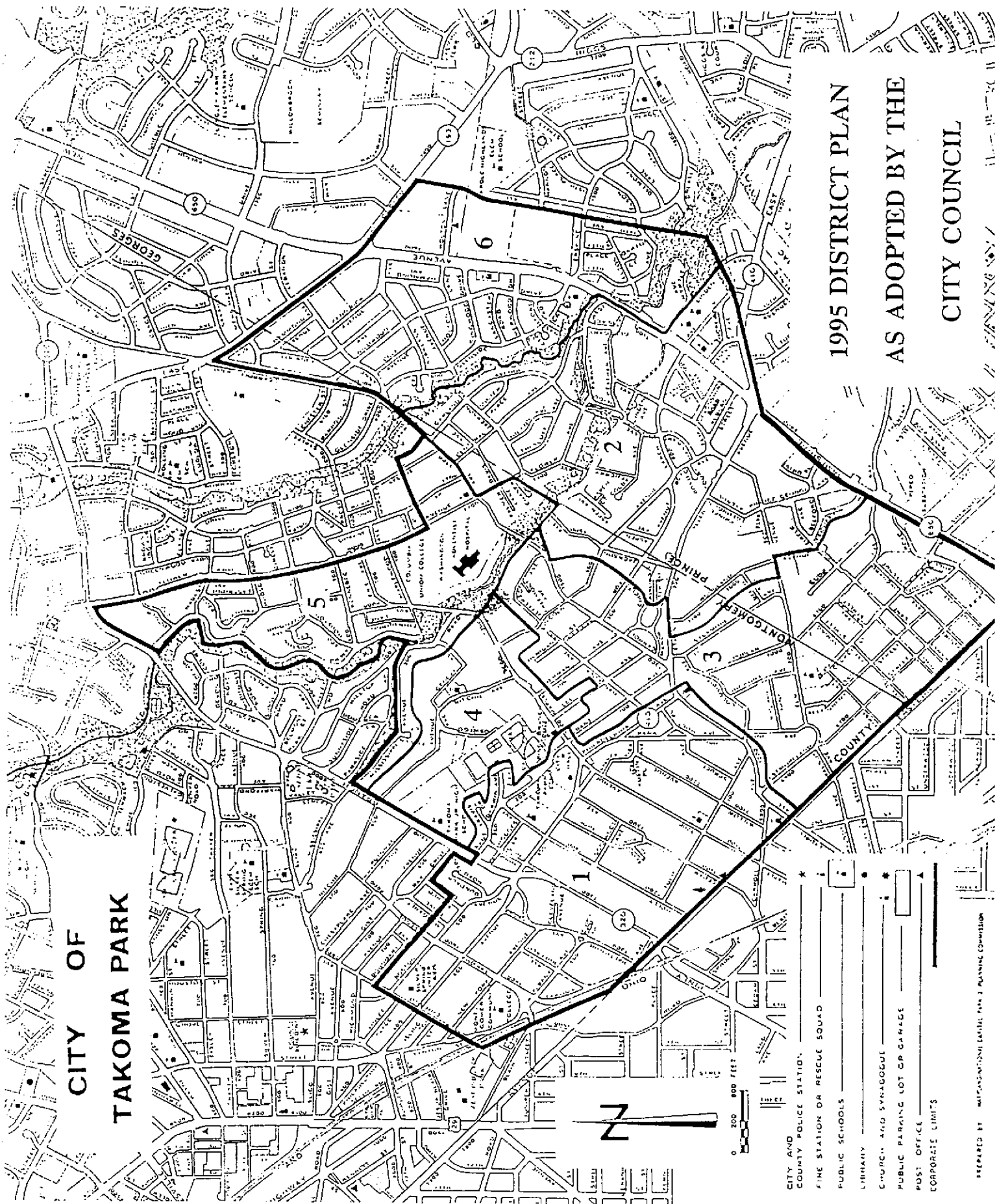
Spring Avenue  
200 block, odd & even 3



Westmoreland Avenue	
6300 - 6400 block, odd & even	3
6500 block, even only	3
6500 block, odd only	3
6600 - 7000 block, odd & even	3
Wildwood Drive	
7300 - 8000 block, odd & even	6
Willow Avenue	
7100 - 7300 block, odd & even	1
Winchester Avenue	
(no houses)	2
Woodland Avenue	
6800 - 7100 block, odd & even	2
OTHER	
<hr/>	
First Avenue	
100 block, odd & even	3
Second Avenue	
6505 only	3
6506, 6510, 6517, 6519,	
6521, 6522 - only	3
Fourth Avenue	
6400-6500 block, odd & even	3
Fifth Avenue	
6400 block, odd & even	3
13th Avenue	
7100 - 7200 block, odd & even	6
13th Place	
7200 block, odd & even	6
14th Avenue	
7100 - 7200 block, odd & even	6

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# CITY OF TAKOMA PARK



1995 DISTRICT PLAN  
AS ADOPTED BY THE  
CITY COUNCIL

- CITY AND COUNTY POLICE STATION
- FIRE STATION OR RESCUE SQUAD
- PUBLIC SCHOOLS
- LIBRARY
- CHURCH AND SYNAGOGUE
- PUBLIC PARKING LOT OR GARAGE
- POST OFFICE
- CORPORATE LIMITS

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

1st Reading: 9/11/95  
2nd Reading:  
Effective:

ORDINANCE #1995 - 32

1995 TAKOMA PARK CITY ELECTION

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

SECTION 1. THAT the City Clerk shall call a Nominating Caucus of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 3, 1995, at 8:00 p.m., and continuing on Thursday, October 5, 1995, at 8:00 p.m., in the Council Chambers at the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said Nominating Caucus shall be conducted as follows:

- a. on September 18, 1995, the City Clerk shall select by random drawing, ward numbers one through six to determine the order in which Ward nominations are received; and
- b. nominations for Mayor shall immediately precede all six ward nominations; AND

SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 7, 1995, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Mayor and six Councilmembers, and voting on whether the Prince George's County/Montgomery County boundary line should be altered to provide that the City of Takoma Park be entirely in Prince George's County or Montgomery County ("Unification Referendum"), as follows:

- a. the Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only; and
- b. only U.S. citizens registered with either the Montgomery County or Prince George's County Board of Elections Supervisors shall vote on the Unification Referenda.

The election shall be conducted by voting machines. Absentee voting shall be available as set forth in Chapter 4D (Elections), Article 5 (Absentee Voting) of the Takoma Park Code; AND

SECTION 3. THAT the City Clerk shall arrange for the referenda to appear on separate ballots for qualified Montgomery County and Prince George's County voters, as follows:

- a. for the voters residing in the portion of the City of Takoma Park located in Montgomery County, there shall be printed "Chapter 636, Acts of the General Assembly 1994: Montgomery County and Prince George's County - City of Takoma Park", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "For Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Prince George's County" and (2) "Against Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Prince George's County"; and
- b. for the voters residing in the portion of the City of Takoma Park located in Prince George's County, there shall be printed "Chapter 636, Acts of the General Assembly 1994: Montgomery County and Prince George's County - City of Takoma Park", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "For Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Montgomery County" and (2) "Against Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Montgomery County"; AND

SECTION 4. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of voting machines at the said election:

- a. two separate machines (one for exclusive use of U.S. citizens and one for non-U.S. citizens) for each ward, except in those wards comprised of voters from both counties, in which there shall be three separate machines (one for the exclusive use of U.S. citizen voters registered in Montgomery County, one for U.S. citizen voters registered in Prince George's County and one machine for non-U.S. citizens); and
- b. machine(s) for use in the event of malfunction.

The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizen's Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination. The unification referenda shall be placed, as appropriate, on machines for use by U.S. citizens only; AND

SECTION 5. THAT if any person registers as a write-in candidate for Mayor or Councilmember in accordance with Section 704.1 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the appropriate voting booth(s) for the purpose of identifying her/him as a candidate for office; AND

- SECTION 6. THAT the City Clerk shall arrange for a space on the voting machines for write-in votes; AND
- SECTION 7. THAT notice of the Citizens' Meeting/Nominating Caucus and the City Election shall be inserted at least once in the Montgomery County Journal and the Prince George's County Journal during the two weeks prior to October 3, 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 facsimile of the arrangements of the candidates' names and wards which will appear on the voting machines; AND
- SECTION 8. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Election for Prince George's and Montgomery Counties, and supplied to the Judges of Election on election day. The voter registration information for all eligible non-U.S. Citizens (names, addresses, and election wards) who have registered with the City Clerk's office to vote in Takoma Park municipal elections will be incorporated with the respective County/ward lists, and a voter authority card will be prepared for each eligible non-U.S. Citizen voter and interfiled with the respective County voter authority cards, and supplied to the Judges of Election on election day; AND
- SECTION 9. 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 10. THAT the Judges of Election shall meet in the Municipal building as a Board of Election at 7:00 p.m., Wednesday, November 8, 1995, and shall determine and certify the results of the election, as provided in the City Charter; AND
- SECTION 11. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, November 8, 1995, to receive the certification of election from the Judges; AND
- SECTION 12. THAT this Ordinance becomes effective upon adoption.

Adopted this \_\_\_\_ day of September, 1995, by roll call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

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Introduced by: Councilmember: Williams

Adopted: 9/11/95  
(Single Reading)

ORDINANCE NO. 1995-33  
An Ordinance for Purchase of  
One (1) 1996 Small Dump Truck - F350

- WHEREAS, \$27,000 was earmarked in the FY-95 budget for the purchase of One (1) 4 wheel drive, 1996 Small Dump Truck - F350; AND
- WHEREAS, in accordance with City procurement procedures bids were solicited from 10 qualified contractors and advertised in the Washington Post; AND
- WHEREAS, bids were received and publicly opened at 2:00 p.m., August 25, 1995 with three (3) bids being received; AND
- WHEREAS, World of Ford submitted the lowest bid in the amount of \$25,926; AND
- WHEREAS, the Administrative Coordinator has determined that the lowest bidder is considered to be both responsive and responsible.
- WHEREAS, sufficient funds are available to award a contract to the lowest bidder; AND

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

- SECTION 1. THAT the bid being received from lowest bidder, WORLD OF FORD in the amount of TWENTY FIVE THOUSAND NINE HUNDRED AND TWENTY SIX DOLLARS (\$25,926) be accepted; AND
- SECTION 2. THAT funds to cover this work in the amount of \$25,926 be charged to Capital Expenditures Account 9100-8001.

Adopted this 11th day of September 1995.

AYE: Sharp, Chavez, Davenport, Porter, Rubin, Williams  
NAY: None  
ABSTAIN: None  
ABSENT Elrich

Introduced by: Councilmember Davenport

Adopted: 9/11/95  
(Single Reading)

ORDINANCE NO. 1995-34

**Indefinite Quantities**  
City Wide Street/Drainage Improvements

- WHEREAS,** proposals for Indefinite Quantities, RFP#95-10 were invited for City wide Street/Drainage Improvements; AND
- WHEREAS,** funds have been earmarked to address these improvements in the Capital Budget account; AND
- WHEREAS,** appropriate advertising was placed in the Washington Post on 7/23/95 and bids were mailed out to prospective bidders; AND
- WHEREAS,** six (6) bids were received and were publicly opened at 2:00 p.m., Friday, August 18, 1995; AND
- WHEREAS,** NZI Construction, Inc. has submitted bid with lowest unit price; AND
- WHEREAS,** it has been determined that NZI Construction's bid is considered both responsive and responsible.

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

- SECTION 1.** THAT a contract be awarded to NZI Construction, Inc. effective September 15, 1995 through September 14, 1996 with two (2) year renewal option; AND
- SECTION 2.** THAT annual expenditure shall not exceed Council's Street/Drainage Improvements budget; AND
- SECTION 3.** FURTHER THAT funds to cover this procurement be authorized from the Capital Budget Account # 9100-8000.

Adopted this 11th day of September, 1995 by Roll Call Vote:

**AYE:** Sharp, Chavez, Davenport, Porter, Rubin, Williams  
**NAY:** None  
**ABSTAINED:** None  
**ABSENT:** Elrich

Introduced by Councilmember: Williams

First Reading: 9/11/95  
Second Reading:

Ordinance No. 1995 - 35

UPPER WESTMORELAND STORMWATER IMPROVEMENTS

- WHEREAS, funds for UPPER WESTMORELAND STORMWATER IMPROVEMENT PROJECT for City of Takoma Park will be assessed in special assessment; AND
- WHEREAS, in accordance with City procurement procedures a request for bids was mailed to seven (7) interested vendors and advertised in the Washington Post; AND
- WHEREAS, bids were received and publicly opened at 2:00 p.m., September 7, 1995 with seven (7) bids being received; AND
- WHEREAS, Engineer's estimate for Upper Westmoreland Stormwater Project is \$56,000.00; AND
- WHEREAS, the lowest bidder, HMF Paving & Construction, Inc. has submitted a bid for \$63,927; which is \$7,927 in excess of Engineer's estimate; AND
- WHEREAS, City has determined that this will be reasonably paid by a small increase in special assessment; AND
- WHEREAS, the apparent lowest bidder, HMF Paving Constructors, Inc. is both responsive and responsible.
- WHEREAS, funds be appropriated for this project to award a contract to the lowest bidder, HMF Paving Constructors, Inc.; AND

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

SECTION 1. THAT the bid being received from HMF Paving Constructors, Inc. in the amount of SIXTY THREE THOUSAND NINE HUNDRED AND TWENTY SEVEN DOLLARS (\$63,927) be accepted; AND

SECTION 2. THAT funds to cover this work in the amount of \$63,927 be appropriated and charged to Stormwater Improvement Contract Account No. 0001-0330-0364.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995

AYE:  
NAY:  
ABSTAIN:  
ABSENT:



**PRESENTATION, SPECIAL SESSION, WORKSESSION AND EXECUTIVE SESSION  
OF THE CITY COUNCIL**

**Monday, September 18, 1995**

Executive Session 9/11/95 - Moved by Mr. Rubin; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 10:20 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF PRESENT: Habada, Grimmer, Silber, Sartoph. Council received briefing on legal matters concerning property development; no action was taken. Staff left the meeting, and Council continued work on the City Administrator's evaluation--not yet final (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (1)(I)).

**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Corporation Counsel Silber
Councilmember Porter	Community Development Coor. Sickle
Councilmember Rubin	Senior Planner Schwartz
Councilmember Williams	Community Planner George

The Council convened at 7:35 p.m. on Monday, September 18, 1995, in the Upstairs Meeting Room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**PRESENTATION**

**#1 Silver Spring Development Project.** Representatives from the Montgomery County Redevelopment Office provided hand-outs that were referred to throughout the presentation on the Silver Spring Retail/Mixed-use Development Project and negotiations with Triple Five Eastern Development Ltd.

**SPECIAL SESSION**

**#2 Resolution re: Transfer of Location of Liquor License.** Mr. Sharp explained that the resolution expresses opposition to the application for Transfer of Location of Alcoholic Beverage License (Beer, Wine & Liquor License) to Tanny's Liquors, 1155 University Boulevard, Langley Park, Maryland. He noted some of the highlights from the testimonies presented at last week's public hearing on this matter. There were no additional comments; no one was present on behalf of the applicant(s).

The resolution was adopted unanimously.

RESOLUTION #1995-45  
(Attached)

**#3 2nd Reading Ordinance re: 1995 Nominating Caucus and City Election.** Mr. Sharp explained that the City Charter requires that the Nominating Caucus be held on the Tuesday evening (October 3, 1995) five weeks prior to the City Election (November 7, 1995). However, in deference to the Jewish holiday Yom Kippur which begins at sundown on October 3rd and continues until an hour past sundown on October 4th, immediately upon the meeting being called to order on Tuesday evening, there will be a motion to adjourn the caucus until Thursday,

October 5th. Upon adjournment, no nominations will be accepted at the October 3rd Nominating Caucus; the business of nominations will be conducted on October 5th.

Ms. Porter suggested that the legal notice of the Nominating Caucus be clear that although the Caucus is being called to order on October 3rd, as required by City law, the meeting will be adjourned until October 5th at which time nominations for mayoral and council candidates will be accepted.

Mr. Rubin asked whether a voting booth could be located at Takoma Towers on election day, or whether some other consideration could be made for residents at the Towers.

Ms. Sartoph explained that the ordinance before Council this evening sets forth the Municipal Building as the single polling location for the City's election. She noted that a resident of Takoma Towers who is unable to appear at the polls on election day can apply for an Absentee Ballot. Ms. Sartoph noted that the deadline to apply for a regular Absentee Ballot is October 31st, and that the Emergency Absentee Ballot period follows until the time the polls close on November 7th. Persons for whom circumstances arise after October 31st prohibiting them to vote in person on election day may apply for an Emergency Absentee Ballot.

The ordinance was adopted unanimously, by roll call vote.

ORDINANCE #1995-32  
(Attached)

**#4 Order of Nominating Caucus.** Ms. Sartoph conducted a random drawing of six individually numbered cards (#1-6), representing the City's wards. The results of the drawing set the order for receiving nominations at the Nominating Caucus as follows:

#1	-	Ward 1	#4	-	Ward 5
#2	-	Ward 2	#5	-	Ward 3
#3	-	Ward 6	#6	-	Ward 4

#### WORKSESSION

The Council adjourned from Special Session and moved into Worksession at 8:34 p.m.

#### EXECUTIVE SESSION

The Council adjourned from Worksession at 10:34 p.m. and immediately convened in Executive Session to discuss the City Administrator's evaluation. Following the Executive Session, the Council adjourned for the evening.

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Executive Session 9/18/95 - Moved by Mr. Williams; seconded by Mr. Rubin. Council convened in Executive Session by unanimous vote at 10:35 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. Council continued work on the City Administrator's evaluation; evaluation was completed (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

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Introduced by: Sharp

RESOLUTION NO. 95-45

Opposing the Application for Transfer of Location of  
Class A, Beer, Wine and Liquor License to  
1155 University Blvd., Langley Park, MD

WHEREAS, an application has been filed with the Prince George's County Board of License Commissioners by Satinderjit Singh for a transfer of location of a Class A, Beer, Wine and Liquor License for the use of Tanny's Enterprises, Inc., t/a Tanny's Liquors, 1155 University Blvd. Langley Park, MD 20783 from t/a Community Liquors, 5610 Kenilworth Ave., Riverdale, MD 20737; and

WHEREAS, 1155 University Blvd. is located within the corporate boundaries of the City of Takoma Park, in the Hampshire-Langley Shopping Center, and a liquor store trading as Larry's Liquors was formerly operated at this site; and

WHEREAS, pursuant to the Annotated Code of Maryland, Article 2B, §10-202(i), in Prince George's County, if an application for a liquor license is for a location within the corporate limits of the City of Takoma Park, then such license may not be issued unless the Mayor and City Council of Takoma Park approve its issuance; and

WHEREAS, on September 11, 1995, the Council held a public hearing to consider the application for transfer of location of the Class A, Beer, Wine and Liquor License to L/a Tanny's Liquors, 1155 University Blvd., Langley Park, MD 20783; and

WHEREAS, notice of this public hearing and of the Council's September 18, 1995 meeting, at which this Resolution was considered, was given to the applicant Satinderjit Singh, to the applicant's attorney Sam Ianni, to Kewal Bhagat, and Prem Chohda (stockholders of Tanny's Enterprises, Inc.), to Tanny Enterprises, Inc., and to the transferors Charles Southworth and Herbert Birckner; and

WHEREAS, the citizens who testified at the public hearing were opposed to the transfer of location of the liquor license to 1155 University Blvd. and representatives of the New Hampshire Gardens Citizens Association Citizens Association also spoke at the public hearing in opposition to the transfer of location of the liquor license; and

WHEREAS, based on the testimony from the public hearing, Takoma Park Police Incident Reports, and Councilmember's observations of Larry's Liquors, the store which formerly operated at 1155 University Blvd., there were a number of problems with the operations of Larry's Liquors, such as people loitering outside of the business premises, people who harassed

shoppers, people who attempted to solicit money from shoppers, drinking in public, and people who appeared to be under the influence of alcohol; and

WHEREAS, these activities adversely impacted and disturbed the peace of shoppers at the Hampshire Langley Shopping Center and of the residents of nearby neighborhoods; and

WHEREAS, the incidence of such activities appears to have lessened with the closing of Larry's Liquors; and

WHEREAS, the applicant has not shown the Council that the operation of Tanny's Liquors, if the transfer of license location is approved, will not unduly disturb the peace of shoppers and of the residents of nearby neighborhoods; and

WHEREAS, the Council finds that there are a number of nearby beer, wine, and liquor establishments in the area including, but not limited to, Shop Rite Liquors (6333 New Hampshire Ave.), New Hampshire Liquors (6501 New Hampshire Ave.), R & R Deli and Beer, Inc. (6863 New Hampshire Ave.), Pifio European, American, International Beer Wine Deli (912 East-West Hwy.), KC Liquors (7669 New Hampshire Ave.), University Liquors (7925 New Hampshire Ave.), Tick Tock Restaurant (1820 University Blvd.), and UM Liquors (2117 University Blvd., and that the approval of a transfer of location of this liquor license to 1155 University Blvd. is not necessary for the accommodation of the public; and

WHEREAS, on November 7, 1995, the city of Takoma Park will hold a referendum for citizens to vote on whether the Prince George's County/Montgomery County boundary line should be altered to provide that the City is entirely within one county ("unification"); and

WHEREAS, if the City votes to unify into Montgomery County, then the Prince George's County Board of License Commissioners will continue to have authority over any liquor licenses it issued within the Prince George's County portion of the City of Takoma Park prior to unification--even though the location of the business conducted under the license would be in Montgomery County; and

WHEREAS, after careful consideration of the application for transfer of location of the liquor license, the Council opposes the license location transfer to t/a Tanny's Liquors at 1155 University Blvd., Langley Park, MD 20783, within the corporate limits of the City of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park, Maryland does not approve the issuance of approval for the transfer of location of a Class A, Beer, wine and Liquor License from Charles Southworth and Herbert Birckner,

a partnership, t/a Community Liquors, 5610 Kenilworth Ave., Riverdale, MD 20737, to Satinderjit Singh for the use of Tanny's Enterprises, Inc., t/a Tanny's Liquors, at 1155 University Blvd., Langley Park, MD 20783, within the corporate boundaries of the City of Takoma Park.

FURTHER RESOLVED, that the City Clerk shall transmit a true copy of this Resolution to the Board of License Commissioners for Prince George's County.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THIS 18th DAY OF September, 1995.

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

1st Reading: 9/11/95  
2nd Reading: 9/18/95  
Effective: 9/18/95

ORDINANCE #1995 - 32

1995 TAKOMA PARK CITY ELECTION

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

SECTION 1. THAT the City Clerk shall call a Nominating Caucus of the citizens for the nomination of candidates for Mayor and Councilmembers on Tuesday, October 3, 1995, at 8:00 p.m., and continuing on Thursday, October 5, 1995, at 8:00 p.m., in the Council Chambers at the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland; the said Nominating Caucus shall be conducted as follows:

- a. on September 18, 1995, the City Clerk shall select by random drawing, ward numbers one through six to determine the order in which Ward nominations are received; and
- b. nominations for Mayor shall immediately precede all six ward nominations;  
AND

SECTION 2. THAT a City Election shall be held at the Municipal Building on Tuesday, November 7, 1995, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Mayor and six Councilmembers, and voting on whether the Prince George's County/Montgomery County boundary line should be altered to provide that the City of Takoma Park be entirely in Prince George's County or Montgomery County ("Unification Referendum"), as follows:

- a. the Mayor shall be elected at large, and one Councilmember from each ward shall be elected by the voters of that ward only; and
- b. only U.S. citizens registered with either the Montgomery County or Prince George's County Board of Elections Supervisors shall vote on the Unification Referenda.

The election shall be conducted by voting machines. Absentee voting shall be available as set forth in Chapter 4D (Elections), Article 5 (Absentee Voting) of the Takoma Park Code; AND

SECTION 3. THAT the City Clerk shall arrange for the referenda to appear on separate ballots for qualified Montgomery County and Prince George's County voters, as follows:

- a. for the voters residing in the portion of the City of Takoma Park located in Montgomery County, there shall be printed "Chapter 636, Acts of the General Assembly 1994: Montgomery County and Prince George's County - City of Takoma Park", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "For Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Prince George's County" and (2) "Against Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Prince George's County"; and
- b. for the voters residing in the portion of the City of Takoma Park located in Prince George's County, there shall be printed "Chapter 636, Acts of the General Assembly 1994: Montgomery County and Prince George's County - City of Takoma Park", and underneath the title, on separate lines, a square box to the right of and opposite the words (1) "For Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Montgomery County" and (2) "Against Alteration of the Prince George's County/Montgomery County Boundary to Place All of Takoma Park in Montgomery County"; AND

SECTION 4. THAT the City Clerk shall arrange with the Supervisors of Elections of Prince George's County for the use of voting machines at the said election:

- a. two separate machines (one for exclusive use of U.S. citizens and one for non-U.S. citizens) for each ward, **except** in those wards comprised of voters from both counties, in which there shall be three separate machines (one for the exclusive use of U.S. citizen voters registered in Montgomery County, one for U.S. citizen voters registered in Prince George's County and one machine for non-U.S. citizens); and
- b. machine(s) for use in the event of malfunction.

The City Clerk shall place the names of the candidates nominated for Councilmember at the Citizens' Meeting on separate ward voting machines, with each machine displaying the names of candidates for one ward only, and shall place the names of persons nominated for the office of Mayor on all voting machines; all of the names of candidates nominated at the Citizen's Meeting shall be so placed, except any who within three days thereafter may have filed in writing with the City Clerk a declination. The unification referenda shall be placed, as appropriate, on machines for use by U.S. citizens only; AND

SECTION 5. THAT if any person registers as a write-in candidate for Mayor or Councilmember in accordance with Section 704.1 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the appropriate voting booth(s) for the purpose of identifying her/him as a candidate for office; AND

SECTION 6. THAT the City Clerk shall arrange for a space on the voting machines for write-in votes; AND

SECTION 7. THAT notice of the Citizens' Meeting/Nominating Caucus and the City Election shall be inserted at least once in the Montgomery County Journal and the Prince George's County Journal during the two weeks prior to October 3, 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 facsimile of the arrangements of the candidates' names and wards which will appear on the voting machines; AND

SECTION 8. THAT voter authority cards and lists shall be prepared for each ward separately, bearing the names, addresses and election wards of all eligible voters as certified by the Boards of Supervisors of Election for Prince George's and Montgomery Counties, and supplied to the Judges of Election on election day. The voter registration information for all eligible non-U.S. Citizens (names, addresses, and election wards) who have registered with the City Clerk's office to vote in Takoma Park municipal elections will be incorporated with the respective County/ward lists, and a voter authority card will be prepared for each eligible non-U.S. Citizen voter and interfiled with the respective County voter authority cards, and supplied to the Judges of Election on election day; AND

SECTION 9. 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 10. THAT the Judges of Election shall meet in the Municipal building as a Board of Election at 7:00 p.m., Wednesday, November 8, 1995, and shall determine and certify the results of the election, as provided in the City Charter; AND

SECTION 11. THAT the City Council shall meet in Special Session at 7:30 p.m., Wednesday, November 8, 1995, to receive the certification of election from the Judges; AND

SECTION 12. THAT this Ordinance becomes effective upon adoption.

Adopted this 18th day of September, 1995, by roll call vote as follows:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

Tuesday, September 26, 1995

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Executive Session 9/18/95 - Moved by Mr. Williams; seconded by Mr. Rubin. Council convened in Executive Session by unanimous vote at 10:35 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Elrich, Porter, Rubin, Williams. Council continued work on the City Administrator's evaluation; evaluation was completed (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

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**OFFICIALS PRESENT:**

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Davenport	City Clerk Sartoph
Councilmember Elrich	Community Development Coor. Sickie
Councilmember Porter	Engineer Monk
Councilmember Rubin	Newsletter Editor Gross
Councilmember Williams	

The Council convened at 7:38 p.m. on Tuesday, September 26, 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 AND COUNCIL COMMENTS**

Mr. Rubin noted that this past Saturday he and several Police Officers went to the Voices Job Fair. He explained that they were invited to the fair as a direct result of the implementation of the City's emergency phone box program. There was a lot of good feedback about the excellent crime work being done in Takoma Park.

**ADDITIONAL AGENDA ITEM**

Ms. Porter asked that a resolution commemorating the dedication of the renovated Carole Highlands Elementary School be added to the agenda.

There were no objections.

**CITIZEN COMMENTS**

Carl Elefante, 6607 Westmoreland Avenue (on behalf of the Takoma Community Development Corporation (TCDC)) said that the City has reached a significant juncture regarding Takoma Junction--where the City procurement process is in regards to a contractor for the Takoma Junction Development Plan. The TCDC has submitted a response to the Request for Proposal (RFP), and representatives from the TCDC are here tonight with the knowledge that the TCDC did not make the final cut (interviews), and because we are concerned about that fact. He assured the Council that they are not here just because they were not a successful applicant, but because they are members of this community. Mr. Elefante stated that he believes that the Council will be presented with only alternatives "A" to "A1", and not options that address the alternative approach (funding and execution) as presented by the TCDC--a community based approach, not from an entirely professional team of consultants. He said that he wants to be sure that the essential areas of the development are being addressed: (1) urban design and town planning--should define a village center for Takoma Junction, (2) parking and traffic issues--do not want development to gloss over these

concerns, (3) financial feasibility--market identity issues that also entail financing options (public and private sector), (4) notion of profitability, (5) community participation--the RFP addresses representation, and (6) implementation strategies--from the community's viewpoint implementation is already underway. He suggested that if the Council were to look at the TCDC proposal, it would see that all of these issues are addressed. The RFP just defines what the minimum threshold should be. Under the TCDC plan, two other aspects are addressed: (1) team approach--management team would be the TCDC, and (2) source of work--where is the work going to be done for this proposal? proposal: a charette team (15 architects and planners). He commented on the various "qualifications and credentials" of TCDC members (e.g. Travis Price who essentially redesigned Old Town, and Paul Treseder). The consultant team, which would work with the charette team, includes a list of "heavy hitters" (e.g. Neal Patton). He commented on the credentials of two persons who would be on the financial team--John Clark and John Cannon. The TCDC proposal also includes a traffic consultant, civil engineer, and community participation consultant. In terms of value, the TCDC has estimated that it would pay-out approximately \$35,000 in fees--a \$10,000 honorarium for roughly \$500 per person for community participants, a \$20,000 honorarium to be divided among the consultants, and \$5,000 for expenses. The TCDC contribution, in volunteer hours, is estimated at approximately \$65,000. Mr. Elefante concluded that he feels the TCDC proposal deserves a more serious look than it has gotten.

Mr. Sharp asked if Mr. Elefante has seen the other proposals.

Mr. Elefante responded in the affirmative.

Susan Robb, 203 Manor Circle (TCDC representative) stated that after reading the other proposals she is concerned that the City could end up with another strip mall development in the junction. She summarized a hand-out that outlines how each proposal addresses the RFP criteria. Ms. Robb said that she wants to know where the City stands on this matter.

Dan Robinson, 120 Grant Avenue (TCDC Board) expressed his concern about the proposals. As a local business man, he wants to be sure that businesspersons, investors and developers from the City get the first shot at formulating the development plan. He explained his desire for the planning study consultants to look very close at the community concerns and needs, and emphasized that they need to look at historical pieces--previous plans and research studies.

Mr. Sharp said that it seems that the Council should wait and see what staff proposes before taking a position, explaining that the Council tries not to involve itself in the administrative process of choosing a proposal. It does seem that it will be entirely appropriate to consider the issues that have been raised this evening in evaluating any proposal recommended by staff. These things need to be considered. He noted that he is not sure when a recommendation will be presented to the Council.

Community Development Coordinator Sickle said that a recommendation regarding a proposal will probably be presented to the Council in mid-October.

Mr. Sharp stated that he is a little surprised that the TCDC had access to review the other proposals, but that he is not sure what the confidentiality was surrounding the proposals submitted.

Helen Hathaway stated that the TCDC did not prepare the analysis of the various proposals because of "sour grapes", but instead, because they want to assist the City in doing a serious analysis of the proposals. She remarked that a lot of the questions used in the analysis are commonly asked of vendors bidding on projects.

Mr. Sharp said that he hopes the TCDC is more than just an "ombuds" group, and encouraged them to continue to be a prime source of information regarding what the community wants.

## **PRESENTATION**

**#1 Alternative Transportation Modes Planning Committee and Metropolitan Washington Council of Governments (COG).** Ms. Pamela Labeaux (former member of City's ATM committee) and Ms. "Unintelligible" (COG) led the presentation.

Ms. Labeaux noted that Ms. Porter is a member of the Transportation Planning Board (TPB)--one of COG's functions. The board has just launched a project this year concerning development of a long-range plan for how we want transportation to look in the region in the future. The presenters proceeded with a presentation titled "Getting There--Transportation Choices for Our Region". (The presentation followed information outlined in a pamphlet that was distributed to Council.)

Ms. Porter noted that the Old Town Festival is scheduled for this weekend and might be an opportunity for the TPB to get information out into the community regarding the "Getting There" campaign.

Mr. Rubin asked if there is any type of display that could be erected.

Ms. Labeaux stated that there might be some pamphlets and hand-outs that can be made available.

Ms. "Unintelligible" outlined the phases of the project: (1) outreach meetings, now thru the end of November, (2) develop alternatives and strategies, December 95 - May 96, and (3) outreach/response/finalization, May 96 - July 97.

Mr. Rubin asked whether the "American Dream Project" (Silver Spring Development Project) proposal will be taken into account.

Ms. Porter responded that the American Dream project has not been looked at, specifically, to date. The process that is being undertaken, begun by Stephen DeGiudice, is to take a broader look at transportation planning versus giving out money here and there to solve jurisdiction problems. She stated that she feels this is an important process for the City to take part in, as a jurisdiction inside the beltway. "Traffic" and "transportation" are not different things. The reason there is heavy traffic in the City is because there are roads leading to our streets that provide pathways for commuters to get downtown to their jobs. Ms. Porter remarked that the politics of the TPB seem to be divided between the interests of the commuters and the "commuted upon". She encouraged everyone to participate in the "Getting There" project--something that we definitely need to get involved in.

Mr. Sharp noted that there has been no discussion about the Clean Air Act in this context, and that he has seen the same division noted by Ms. Porter while working on this act (commuters and commuted upon)--specifically, communities inside/outside the beltway, counties, and also between Maryland and Virginia. He said that he wants to know how questions about air pollution have been figured into the TPB process.

Ms. Porter said that unfortunately, on paper, levels of pollutants can be reduced without doing anything about the traffic concerns. She remarked that she understands that member(s) of the Environmental Committee are interested in providing a briefing for the City residents, and that she believes that staff and Council should facilitate such an effort. She pointed out two purposes that would be served: (1) organizing--would help to generate some citizen interest around this issue, and (2) information dissemination.

Mr. Rubin asked whether the TPB is working with the Federal program for telecommuting centers.

Ms. "Unintelligible" responded.

Ms. Porter asked staff to coordinate a briefing for citizens by the COG TPB representatives, and advertise the briefing in the *Newsletter*.

## **REGULAR MEETING**

**#2 Resolution re: Rededication of the Renovated Carole Highlands Elementary School.** Moved by Ms. Porter, seconded by Mr. Rubin. She elaborated on the history of efforts to renovate the school, and a description of the renovations that have taken place. Ms. Porter invited residents to attend the dedication ceremony scheduled for Tuesday, October 10th at 6:30 p.m. at the school. She explained that the resolution extends congratulations to the parents, staff of the school, and

community members who have taken part in the renovation efforts. She read the resolved clauses for the record.

The resolution was adopted unanimously (ABSENT: Elrich).

RESOLUTION #1995-46  
(Attached)

**#3 Resolution re: Elections Task Force.** Moved by Mr. Chavez; seconded by Ms. Porter. Mr. Sharp said that the Council appreciates the work of the Task Force which had to gear-up very quickly, act with some uncertainty that their work would be done in vain if annexation had not gone through, and to finally have to face the Council with their recommendations.

Mr. Rubin noted a typographical error in the resolution (i.e. spelling of "Arredondo").

Buddy Daniels commended the work of the Task Force.

Ms. Porter commented on the precision of the Task Force's work--a magnificent job--and thanked them all, noting that there were only minor changes to the original recommendations for redistricting.

The resolution was adopted unanimously.

RESOLUTION #1995-47  
(Attached)

**#4 Resolution re: Special Exception (523 Elm Avenue).** Moved by Mr. Williams; seconded by Ms. Porter.

Ms. Porter explained why a number of properties have come before the Zoning Board in Prince George's County. Most have come under the requirements for "Non-conforming Use" permits, but there are a few that do not meet that criteria and have to seek Special Exceptions. The Council decided last week to consider each one that comes up on an individual basis. This property (523 Elm Avenue) is in an area where there are not many multi-tenant dwellings. There have been no complaints from neighbors; in fact, several letters of support have been received by the City. The resolution is taking "no position".

The resolution was adopted unanimously.

RESOLUTION #1995-48  
(Attached)

**#5 2nd Reading Ordinance re: Westmoreland Avenue Storm Drain Project.** Moved by Mr. Williams; seconded by Mr. Davenport. Mr. Williams noted that this ordinance awards the construction contract for the project. He questioned how the change in the assessment rate will be handled.

Ms. Habada said that the assessment rate change will be handled when the final numbers have been submitted. She noted that the City has still not received a response regarding the engineering costs.

Brad Blauer, Westmoreland Avenue thanked the Council, particularly Ms. Habada and Mr. Williams, for their work in this regard.

Mr. Williams noted that the construction is due to begin within the next 10 days.

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

ORDINANCE #1995-35

(Attached)

**#6 Resolution re: Community Development Block Grant (CDBG) Proposals.** Moved by Mr. Chavez; seconded by Mr. Williams.

Mr. Sharp stated that a proposal has been put in for \$91,500 in Takoma Junction Public Improvements (Montgomery County) which is largely contingent upon the planning process. He commented on the other Montgomery County proposals, and remarked that the Prince George's County proposals have been somewhat long term and ongoing.

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

RESOLUTION #1995-49

(Attached)

**#7 1st Reading Ordinance re: Animal Ordinance.** Moved by Ms. Porter; seconded by Mr. Williams.

Ms. Porter noted that Officer Schmude is not able to be here this evening due to illness. She suggested, however, that the Council go forward with the discussion since this is the first reading of the ordinance, and questions can be held until second reading. Ms. Porter explained how the revisions to the Animal Ordinance came about.

Mr. Sharp asked in regards to the proposal to delete the definition of "cage", is the term used in other sections of Chapter 3.

Ms. Porter stated that she would check.

There were no objections to the amendments.

Owen Philbin, 439 Ethan Allen Avenue said he is very much in favor of the leash law, except when he has his four dogs unleashed and exercising in the park. There is a group of residents who meet every morning at 7:00 a.m. in the park with their dogs; they always yield to other people in the park. There have been no incidents in the park. He commented that Takoma Park Police Officers are not trained in animal control, adding that the County officials are already set-up to handle animal issues. Takoma Park officers do not have this experience and should not be trained to do this function-- animal control. They should be focusing on the traffic on Ethan Allen Avenue. Mr. Philbin said that his community is more secure because of his dogs, and that he does not believe that the City should change a system that is already working. The situation involving the woman who owned the vicious dogs that were referred to by Officer Schmude, when the revisions to the ordinance were first proposed, was handled by the County system. He emphasized his belief that what is currently in place in City law is sufficient.

Ms. Porter said that there is already a City ordinance on the books regarding dogs. The proposed ordinance would effect amendments to that ordinance and includes an addition that speaks more specifically to vicious animals. In the case of the woman who owned the vicious dogs, she felt she could pay the fine instead of erecting a fence. The question arose, how do you provide an incentive for persons like this to better control/constrain their animals. There is relatively little else in the ordinance that is different from the current law. It deletes the requirement that a dog need be on a leash (i.e. in parks) as long as the dog is under voice command. Ms. Porter commented on Prince George's County leash law that requires a dog to be restrained on a leash at all times, noting that the City's ordinance will be in contradiction of the county's law in this regard. She said that in writing the amendments to the ordinance, she has worked with Officer Schmude to try to balance concerns about vicious animals and interests of persons who have well trained dogs.

The ordinance was accepted unanimously at first reading.

ORDINANCE #1995-36  
(Attached)

Mr. Sharp requested that second reading of the ordinance be scheduled in two weeks, and that Officer Schmude be provided with a copy of the amendments.

**WORKSESSION**

The Council moved into Worksession at 9:03 p.m. Following adjournment from Worksession at 9:53 p.m., the Council convened in Executive Session. At the conclusion of the Executive Session, the Council adjourned for the evening.

**EXECUTIVE SESSION**

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Executive Session 9/26/95 - Moved by Mr. Chavez; seconded by Mr. Davenport. Council convened in Executive Session by unanimous vote at 10:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Davenport, Porter, Rubin, Williams. OFFICIAL ABSENT: Elrich. (1) STAFF PRESENT: Habada, Grimmer, Sartoph, Silber, Monk. Council discussed the Sligo Mill development project in regards to the applicability of the City's Storm Water Ordinance; Corporation Counsel directed to take follow-up action. (2) STAFF PRESENT: Habada. Council discussed a personnel matter; no action taken. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) and (1)(I)).

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Introduced by: Kathy Porter

RESOLUTION #1995-46

COMMEMORATING THE REDEDICATION OF THE  
RENOVATED CAROLE HIGHLANDS ELEMENTARY SCHOOL

WHEREAS, Carole Highlands Elementary School serves many families in Takoma Park, providing a quality education for children living in the Prince George's County side of the city; and

WHEREAS, a major renovation of Carole Highlands was recently completed, adding a new cafeteria, multipurpose room, computer lab, science lab, music instruction room, art instruction room, expanded media center, and renovated classroom space, as well as exterior updates that included a new entrance with skylights to the school; and

WHEREAS, many members of the Takoma Park community worked with parents and staff at Carole Highlands to obtain the funding and accomplish this renovation, with the assistance of school board member Cathy Burch, county Councilman Steve DeGiudice, state Senator Art Dorman, Delegates Pauline Menes and Jim Rosapepe, and former Delegate Tim Maloney; and

WHEREAS, the renovated school building is to be rededicated on October 10, 1995.

NOW THEREFORE BE IT RESOLVED that the City Council of Takoma Park does hereby congratulate the parents and staff of Carole Highlands Elementary School and the community members who worked to hard to achieve this renovation; and

BE IT FURTHER RESOLVED that the City Council declares October 10, 1995 to be Carole Highlands Rededication Day.

Adopted this 25th day of September, 1995.

Introduced by: Councilmember Chavez

RESOLUTION #1995 - 47

IN APPRECIATION OF MEMBERS OF ELECTIONS TASK FORCE  
(1995 REDISTRICTING PLAN)

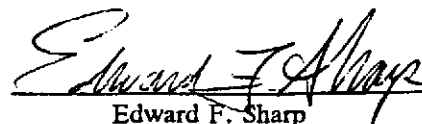
- WHEREAS, in Spring 1995, residents of three areas in unincorporated Prince George's County adjacent to the City's corporate boundary filed petitions for annexation; AND
- WHEREAS, it was immediately recognized that the annexations would necessitate a reconfiguration of the boundaries of the Wards within the City for the purposes of preserving balanced populations, and racial and ethnic distributions across Wards, and determining the geographic areas the members of the Council represent; AND
- WHEREAS, on April 24, 1995, the City Council established the Elections Task Force to make recommendations regarding a 1995 Redistricting Plan; AND
- WHEREAS, even though the annexation petitions were verified and the City Council adopted resolutions approving annexation of the three areas, the Prince George's County Council voted to require the City to put the questions of annexation to referenda of the residents of the areas being considered for incorporation into the City of Takoma Park; AND
- WHEREAS, a combination of the Annexation Referenda (August 22, 1995) and upcoming City's 1995 General Election season presented a timing challenge, since any reconfiguration of Ward boundaries would be dependent upon the results of the August Special Elections and would have to be adopted prior to the October Nominating Caucus--narrowing the window of opportunity to only five weeks; AND
- WHEREAS, regardless, the task force quickly organized and began meeting, not sure whether they would ever see the results of their work realized; AND
- WHEREAS, the Elections Task Force took into careful consideration existing neighborhoods with the goal of keeping those neighborhoods intact within the same Ward; AND
- WHEREAS, they also aimed to ensure that social, economic and cultural diversity that exists in Takoma Park would have equal opportunity for representation by those elected to the City Council; AND
- WHEREAS, the diligent, precise and thoughtful efforts of the Elections Task Force were reflected in the recommendations outlined in the 1995 Proposed Redistricting Plan presented to Council on July 31st; AND
- WHEREAS, following a public hearing and several Council discussions, the City Council adopted the 1995 Redistricting Plan on September 11th.

NOW, THEREFORE, BE IT RESOLVED that the City Council, on behalf of the staff and citizens of the City of Takoma Park, commends and thanks the members of the Elections Task Force, for their dedication and exemplary volunteer service:

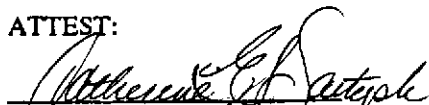
Bryan Sayer (Chairperson)  
Rudy Arredondo  
Thomas Gagliardo  
Matthew MacWilliams  
Gary Pendleton

Johanna Potts  
Allison Porter  
Ann Riley  
James Roberts  
Doug Tursman

DATED this 26th day of September, 1995.

  
Edward F. Sharp  
Mayor

ATTEST:

  
Catherine Sartoph, City Clerk



Introduced By: Councilmember Williams

Resolution No. 1995-48

**Resolution Taking No Position  
on a Special Exception Application  
for 523 Elm Avenue, Takoma Park**

- WHEREAS, Mr. Jonathan Lipman has submitted an application for a special exception to the Prince George's County Maryland-National Capital Park and Planning Commission for the property located at 523 Elm Avenue, Takoma Park (SE 4199), AND
- WHEREAS, the applicant is seeking the special exception to validate the conversion of the property to two dwelling units; AND
- WHEREAS, this property is located in the City of Takoma Park and the application has therefore been referred to the City for review and comment; AND
- WHEREAS, the application has been reviewed by City staff, which has provided its findings to the Council in the pertinent staff report dated September 15, 1995; 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 takes **No Position** on the special exception application.
- BE IT FURTHER RESOLVED THAT the City Administrator is hereby directed to transmit a copy of this Resolution to the appropriate Prince George's County authorities.

**ADOPTED THIS 26th DAY OF SEPTEMBER, 1995.**

523elmse.res

Introduced by: Councilmember Chavez

RESOLUTION 1995-49

A Resolution to adopt the recommendations of the Community Development Block Grant Citizens Advisory Committee regarding funding proposals to Montgomery County and Prince George's County for Program Year 22 and to authorize DHCD staff to submit proposal applications to the respective counties.

WHEREAS, the City anticipates receiving federal Community Development Block Grant (CDBG) funds as a passthrough from Montgomery County for PY 22; AND

WHEREAS, Prince George's County has invited proposals for the use of CDBG funds available from the County which will be considered on a competitive basis; AND

WHEREAS, the CDBG Citizens Advisory Committee composed of community representatives has reviewed all proposals for the use of CDBG funds and prepared its recommendations for Council consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND that the following proposal recommendations for PY 22 CDBG are hereby adopted as listed below and that City staff is hereby authorized to submit applications for funding to Montgomery County and Prince George's County:

Montgomery County

TAKOMA Junction Public Improvements	\$91,500
Project Reclaim, Year 2	\$75,000

Prince George's County

Takoma Langley Median Improvements	\$105,900
New Hampshire Avenue Streetscape Imp.	\$ 68,116

BE IT FURTHER RESOLVED THAT City staff is hereby directed to apply any additional funds from the passthrough allocation from Montgomery County over the amount requested to Project Reclaim, Year 2 and any decrease to Takoma Junction Public Improvements.

ADOPTED THIS 26th DAY OF SEPTEMBER, 1995.

Introduced By:  
Drafted by: Robert Schmude

1st Reading: 9/26/95  
2nd Reading:

ORDINANCE # 1995-36

REPEALING AND THEN REENACTING WITH AMENDMENTS TAKOMA PARK CODE,  
CHAPTER 3, ARTICLE 1. "GENERAL PROVISIONS," AND ARTICLE 2.  
"DOGS"

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

SECTION 1. CHAPTER 3, ANIMALS, ARTICLE 1, GENERAL PROVISIONS,  
AND ARTICLE 2, DOGS, OF THE TAKOMA PARK CODE IS  
REPEALED AND REENACTED AS FOLLOWS:

CHAPTER 3  
ANIMALS

ARTICLE 1. GENERAL PROVISIONS

Sec. 1. DEFINITIONS.

(a) As used in this Chapter, unless the context  
otherwise clearly indicates:

(1) ANIMAL shall mean every nonhuman species of animal,  
both domestic and wild, including fowl.

(2) ANIMAL CONTROL SHELTER shall mean an establishment  
used for the removal, care, confinement or detention of  
dogs and other animals seized either under the  
provisions of the Takoma Park Code or otherwise.

(3) AT LARGE shall mean [an animal] a dog off the  
premises of its owner and not either leashed or  
otherwise under the immediate control of a responsible  
person capable of physically restraining the animal. A  
dog trained to respond promptly and reliably to voice  
commands shall be deemed to be under the immediate  
control of the person to whose voice commands it  
responds if that person is in immediate proximity of  
the dog.

[(4) CAGE shall mean any interior enclosure of limited  
space which is intended for confinement or display,  
enclosed by walls and or fence on the bottom and all

four sides or otherwise for the intention of placing the animal within to prevent escape or attack.]

[(5)] (4) DOMESTIC ANIMAL shall mean any animal of a species that has been bred, raised, and is accustomed to live in or about the habitation of humans, and is dependent upon humans for food or shelter.

[(6)] (5) FOWL shall mean a bird of any kind, either domestic or wild.

[(7)] (6) OWNER shall mean any person who keeps, has temporary or permanent custody of, possesses, harbors, exercises control over, or has a property right in any animal. The parent(s) or guardian(s) of a minor child shall be deemed to be the owner(s) of an animal owned or in the possession and control of a minor child for the purposes of liability for all damages caused by the animal.

[(8)] (7) VICIOUS ANIMAL shall mean any animal that constitutes a physical threat to humans or domestic[ated] animals by virtue of specific training or demonstrated behavior. Any animal that attacks, bites, or causes injury to humans or other domestic animals without adequate provocation shall be deemed a vicious animal. Notwithstanding other provisions of this section, a police K-9 under the control of a police officer or acting in accordance with the animal's training shall not be considered a vicious animal.

[(9)] (8) WILD ANIMAL shall mean any animal which is not included in the definition of "domestic animal" and shall include any hybrid animal which is part wild animal.

Sec. 2. PROHIBITED ANIMALS; EXCEPTION.

- (a) No person shall keep or confine for any time in any manner or allow to run at large in the City any large animal commonly used for agricultural or riding purposes, or any wild animal whatsoever.
- (b) Nothing in this section shall be construed to forbid the keeping, as household pets, of any dogs, cats, rabbits, or other small and inoffensive domestic animals.
- (c) Nothing in this section shall be construed to forbid the animals listed in 3-2(a) from participating in any parade activity or other City-sponsored or approved event provided adequate prior notice is given to the City. Horses used by law enforcement agencies are

excluded from the requirement of giving prior notice to the City.

ARTICLE 2. DOGS AND OTHER DOMESTIC ANIMALS

Sec. 3. LICENSE REQUIREMENTS.

- (a) An owner of any dog of the age of four (4) months or over within the City must license the dog in accordance with the regulations of:

(1) Montgomery County, if the owner resides or harbors the dog in that County; or

(2) Prince George's County, if the owner resides or harbors the dog in that County.

Sec. 4. CONTROL REQUIREMENTS; RUNNING AT LARGE.

- (a) No owner of a dog shall permit the dog to be at large.

(b) [If a dog is found to be at large, the county animal control officer shall be notified.] A police officer who encounters a dog at large may take such steps as are necessary to humanely restrain the dog in order to protect humans, other animals, and property.

(c) Dogs running at large [shall] may be impounded and released to the Humane Society or to an Animal Control Shelter at the earliest possible time.

(d) Where a dog is being accompanied or restrained by a minor and the dog escapes and causes physical threat to humans, or deposits feces which are not promptly removed in a proper and sanitary manner, the parent(s) or guardian(s) of the minor shall be held responsible.

Sec. 5. PUBLIC NUISANCE ANIMALS PROHIBITED.

No person shall keep, harbor, or allow to run at large an animal that:

- (a) Is repeatedly found at large;
- (b) Damages the property of anyone other than its owner;
- (c) Molests or intimidates pedestrians or passersby;
- (d) Chases vehicles;
- (e) Makes excessive noise that is generally disturbing to those living near the premises where the animal is kept; or

- (f) Causes unsanitary conditions that adversely impact the health of humans or other animals.

Sec. 6. VICIOUS ANIMALS

- (a) The owner of any vicious animal shall keep the animal confined within a building or secure enclosure and shall not allow the animal out of the building or enclosure unless the animal is securely leashed, humanely muzzled, and under the control of a responsible person physically capable of restraining the animal.
- (b) The owner of any vicious animal found to be outside the confines of a building or secure enclosure without being restrained as specified in subsection 6.(a) shall be guilty of a Class B offense the first time the animal is found outside the building or enclosure without being restrained and a Class A offense the second and subsequent times the animal is found to be outside the building or enclosure without being restrained.

Sec. 7. HUMANE CARE AND TREATMENT; SANITARY PREMISES.

- (a) No owner shall inflict unnecessary suffering upon his or her dog or other domestic animal(s) by failure to provide:
  - (1) Humane care and treatment.
  - (2) Proper shelter and protection from the weather.
  - (3) Sufficient wholesome food and water.
  - (4) Veterinary care when needed to prevent suffering.
- (b) No owner shall cruelly beat or otherwise abuse a dog or other domestic animal.
- (c) No owner shall abandon a dog or other domestic animal.
- (d) Every owner shall maintain the area occupied by a dog or other domestic animal in a sanitary manner, free from excretion.

Sec. 8. DEPOSIT AND REMOVAL OF DOG FECES.

No owner shall cause, suffer or allow his or her dog to soil, defile or defecate in any City park, sidewalk, passageway, play area, or any place where people congregate or walk or upon any private property other than that of the owner, unless such person promptly

removes and disposes of all feces deposited by such dog in a proper and sanitary manner.

Sec. A. PENALTY.

Any violation of Sections 3-2, 3-4, 3-5, 3-7, or 3-8 is a Class C offense.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1995.

AYE:

NAY:

ABSTAIN:

ABSENT:

NOTE: Deletions from the text are enclosed in [brackets]; additions to the text are underscored.