

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

Monday, October 9, 1995

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)).

Executive Session 10/2/95 - Moved by Mr. Williams; seconded by Mr. Rubin. Council convened in Executive Session by unanimous vote at 10:00 p.m., in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Elrich, Porter, Rubin, Williams. OFFICIAL ABSENT: Davenport. STAFF PRESENT: Habada. The Council discussed the City Administrator's evaluation; presentation of evaluation to City Administrator (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(I)).

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Deputy City Administrator Grimmer
Councilmember Davenport	City Clerk Sartoph
Councilmember Porter	Corporation Counsel Silber
Councilmember Rubin	Community Planner George
Councilmember Williams	Executive Director, COLTA, Lee-Bryant
	Housing Services Coordinator Walker
	Code Enforcement Supervisor Castillo

OFFICIAL ABSENT:

Councilmember Elrich

The Council convened at 7:38 p.m. on Monday, October 9, 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 noted that Mr. Elrich, an appointee to the Budget Planning Committee for Montgomery County Schools, is attending a committee meeting this evening and may be arriving later, and that City Administrator Habada will be arriving at approximately 8:00 p.m.

Mr. Davenport commented on his participation in the "Million-Man March".

INTERVIEWS

#1 Applicants for Commission on Landlord-Tenant Affairs (COLTA). Mr. Sharp noted that

there are currently two vacancies on the COLTA, and that the Council is reacquainting itself with previous applicants who were not appointed to the commission. He remarked that there will probably be more interviews to come, and that no selection will be made this evening to fill the vacancies.

Ms. Porter recalled the concern that was expressed by former applicants who were not notified upon not being appointed to the commission, and requested that staff attend to more timely notification procedures.

Mr. Sharp requested that Ms. Sartoph notify Executive Director, COLTA, Lee Bryant, of the Council's desire in this regard.

The Council interviewed two applicants who have expressed interest in appointment to the COLTA--Mary Rodriguez and Mary Stover. Mr. Christopher Oyobio who had also been scheduled for an interview, called explaining that he would not be able to be present due to a family emergency.

PUBLIC HEARING

~~#2 Speed Hump Request--Allegheny Avenue~~. Community Planner George referred the Council's attention to the latest memorandum from Senior Planner Schwartz regarding Allegheny Avenue, and the attached revisions to the Speed Hump Guidelines.

Mr. Sharp stated that the Council is not prepared to discuss or approve revisions to the guidelines this evening. This is not the discussion scheduled on the agenda. He asked that the discussion be scheduled for a future meeting, at which time the supporting information should be redistributed to Council (Consensus).

Ms. George summarized the memorandum regarding Allegheny Avenue, noting that Allegheny was "not" included in the Westmoreland Avenue Community Organization (WACO) Traffic Study. She commented that speed humps have been handled outside of the Transportation Plan, as directed by the Council at the time the Transportation Plan was adopted.

Ms. Porter responded that Ms. George's comment is not entirely accurate, since speed humps can be considered under the requirements of the Transportation Plan.

Mr. Chavez asked what is the cost of a speed hump.

Mr. Sharp replied that a speed hump costs approximately \$300. He called the public hearing to order at 8:03 p.m.

John Nolan, 6618 Allegheny Avenue, said that he believes there were signatures from 70% of the affected residents on the petition. He noted that there are a couple of day care operations on the street--even more reason for installing speed humps. He remarked that the issue was raised at the last community association meeting and that there was overwhelming support from the residents in attendance.

John Kline, Allegheny Avenue (spouse of Preschool Administrator), expressed his concern about the vehicles picking-up speed on the straight-away before meeting the crest of the street and not knowing what might be over the hill.

The public hearing was closed at 8:07 p.m.

Ms. George noted that she and Public Works Team Leader Shafer met with Mr. Nolan and clarified that the residents want a total of four speed humps on the street. Placement was discussed and is reflected in the ordinance.

REGULAR MEETING

#3 1st Reading Ordinance re: Speed Hump Request--Allegheny Avenue. Moved by Mr. Davenport; seconded by Mr. Williams.

Ms. Porter noted that there is apparent community association support for the speed hump request, and that therefore, her concern for "greater community" notification is satisfied.

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

ORDINANCE #1995-37
(Attached)

#4 1st Reading Ordinance re: Installation of Parking Meters. The ordinance will authorized installation of parking meters in Takoma Junction (former Antonelli/Zarpas site).

Ms. Habada explained that Section II of the ordinance should be deleted.

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

Mr. Williams asked whether the ordinance reflects the placement of additional motorcycle spaces in the Old Town district as was discussed by the Council.

Ms. Habada received clarification on the Council's desire in this regard.

Ms. Porter suggested that the Old Town spaces should be handled in a separate ordinance (Consensus).

Mr. Sharp stated his belief that there should be some notice regarding more parking spaces in Old Town before adoption of an ordinance authorizing installation.

Mr. Williams questioned whether spaces for commercial businesses in Takoma Junction can be incorporated on the site (Antonelli/Zarpas--City owned property).

Ms. Habada clarified that he was suggesting a lease agreement with businesses for parking spaces. She said that this option can be explored, and that she would report back to the Council on the matter.

Mr. Sharp asked where business owners and patrons are currently parking.

Mr. Williams guessed that they are parking in the surrounding neighborhoods, and raised the question of whether they should be parking there.

The ordinance was accepted unanimously at first reading, as amended (ABSENT: Elrich).

ORDINANCE #1995-38
(Attached)

#5 Resolution re: Special Exception--7402 Garland Avenue. Moved by Ms. Porter; seconded by Mr. Davenport.

Ms. Porter noted that the ordinance is different from other Special Exceptions because it contains (1) contingent approval and (2) conditions, as part of resolution recommending approval of Special Exception.

Debbie Easterly, 7111 Sligo Avenue (Longbranch-Sligo Citizens Association), expressed support for Mr. Miller's application, adding that she is happy to have a landlord in the neighborhood who

so well maintains his property.

Ms. Porter remarked that in her last discussion with Mr. Miller, he stated that he agrees to the conditions.

The resolution was adopted unanimously (ABSENT: Elrich).

RESOLUTION #1995-50
(Attached)

#6 2nd Reading Ordinance re: Revisions to Animal Ordinance. Moved by Ms. Porter; seconded by Mr. Rubin.

Ms. Porter noted changes to the ordinance since first reading: (1) Article II was titled "Dogs" and has been amended "Dogs and Other Domestic Animals" and (2) clarification in definition of "at large" that leash law applies to dogs.

Mr. Sharp asked for an explanation of the substantive change in the ordinance as related to the leash law.

Ms. Porter explained that (1) the previous City law prohibited dogs in parks, and (2) the proposed ordinance allows dogs in parks off of leashes as long as they are under voice command. She noted that the Prince George's County law does not allow a dog to be off the leash and under voice control, but that the Montgomery County law does allow for a dog to be off a leash if it is under the control of a responsible person. Ms. Porter pointed out the conflict that will exist between the City's law and the Prince George's County law for the next two years--until unification in 1997.

Mr. Williams commended Ms. Porter for her work on the ordinance.

Mr. Sharp summarized Ms. Porter's comments as related to the comments in opposition to the ordinance made by citizens during the Council's last discussion of the ordinance (first reading).

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

ORDINANCE #1995-36
(Attached)

#7 1st Reading Ordinance re: FY96 Budget Amendment. Moved by Mr. Chavez; seconded by Mr. Davenport.

Mr. Sharp commented that the test well drilling operation was not successful in reaching a sufficient water supply to support the new HVAC system.

Ms. Habada confirmed that a separate budget amendment related to the water supply (erection of water tower) will be put before the Council at a later date.

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

ORDINANCE #1995-39
(Attached)

WORKSESSION

The Council moved into Worksession at 8:23 p.m., and later adjourned for the evening at 10:18 p.m.

Introduced By: Councilmember Porter

Resolution No. 1995-50

**Resolution of Contingent Approval, With Conditions,
on a Special Exception Application
for 7402 Garland Avenue, Takoma Park**

WHEREAS, Howard and Eva Miller have 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 7402 Garland Avenue, Takoma Park (SE 4200), AND

WHEREAS, the applicants are seeking the special exception to validate the conversion of the property to three 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 28, 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 recommends **Approval** of the special exception application, **Contingent** on a finding by the Zoning Hearing Examiner that the application meets all legal requirements for approval of the special exception, with the following **Conditions**:

1. That the applicants move the boat currently stored at the property to create more tenant parking;
2. That the applicants require the tenants of the building to use all three on-site parking spaces before parking on the street;
3. That occupancy of the building by adults of driving age be restricted to two per unit;
4. That granting of the special exception be restricted to the current owners of the property.

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 9TH DAY OF OCTOBER, 1995.

7402grse.res

Introduced By: Councilmember Porter
Drafted by: Robert Schmude

1st Reading: 9/26/95
2nd Reading: 10/9/95

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 9th day of October, 1995.

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

NAY: None

ABSTAIN: None

ABSENT: Elrich

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

Introduced By: Councilmember Davenport

1st Reading: 10/9/95

ORDINANCE #1995 - 37

INSTALLATION OF SPEED HUMPS

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

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

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

- (a) Allegheny Avenue (one hump between 6501 and 6504 Allegheny; one hump between 6511 and 6513 Allegheny; one hump adjacent to 6609 Allegheny; and one hump between 6700 and 6704 Allegheny); exact locations shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

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

AYE:

NAY:

ABSTAINED:

ABSENT:

Introduced by: Councilmember Williams

1st Reading: 10/9/95

2nd Reading:

ORDINANCE NO. 1995-38

AN ORDINANCE TO AMEND SECTIONS 13-32 "Parking meter zone; two hour limit" TO PROVIDE FOR ADDITIONAL METER LOCATIONS

WHEREAS, the Council, in accordance with Section 501-53 of the Charter, is empowered to install parking meters in public places and to determine the rates and provisions for the use thereof; AND

WHEREAS, the Council has determined that 18 metered parking spaces (three (3) of which shall be designated for motorcycles) are required.

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

SECTION I THAT Section 13-32 "Parking meter zones; two hour limit" of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended to add a new subsection (a)(5) as follows:

Sec. 13-32 Parking meter zones; two hour limit.

(a) Two-hour limit meters shall require twenty-five cents (\$0.25) for one-half (1/2) hour, fifty cents (\$0.50) for one (1) hour, and one dollar (\$1.00) for two (2) hours, from 7:00 a.m. to 7:00 p.m. except Sundays and holidays, at the following locations:

* * * * *

(5) A parking lot located on that parcel of property located between 201 Ethan Allen Avenue and 7221 Carroll Avenue.

SECTION II THAT this Ordinance shall become effective immediately.

Adopted this _____ day of _____, 1995.

- AYE:
- NAY:
- ABSTAIN:
- ABSENT:

NOTE: Language to be added to the City Code shall be underscored.

**ORDINANCE #1995 - 39
FY96 BUDGET AMENDMENT NO. 1**

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

SECTION 1. that the Fiscal Year 1996 Budget be amended as follows:

Stormwater Management Fund - Revenues

Appropriate \$56,000 in account 0030.3680 for receipt of special assessment revenues.

Stormwater Management Fund - Expenditures

Appropriate \$56,000 in account 0030.8001 for expenditures related to the Westmoreland Avenue stormwater improvements.

General Fund - Revenues

Appropriate \$8,000 in account 3400.3431 for additional cable revenues.

General Fund - Expenditures

Appropriate \$8,000 in account 3200.8001 for expenditures for facility improvements for access by the disabled.

General Fund - Transfers to Expenditure Accounts

- a. Transfer \$152,500 from the Equipment Replacement Reserve Fund into account 9100.8003 for the replacement of cooling systems and pneumatic controls for the Municipal Center and Library buildings.
- b. Transfer \$45,400 from Unappropriated Reserves into account 9000.8001 for upgrade and replacement of various lighting fixtures in the Library and Municipal Center buildings to achieve greater energy efficiency.
- c. Transfer \$20,000 from Unappropriated Reserves into account 9000.8001 for installation of various traffic control devices.

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

AYE:
NAY:
ABSTAIN:
ABSENT:

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

Monday, October 16, 1995

OFFICIALS PRESENT:

Mayor Pro Tempore Elrich
Councilmember Chavez
Councilmember Porter
Councilmember Rubin
Councilmember Williams

City Administrator Habada
Deputy City Administrator Grimmer
City Clerk Sartoph
Recreation Director Bluford
Community Planner George

OFFICIALS ABSENT:

Mayor Sharp
Councilmember Davenport

The Council convened at 7:35 p.m. on Monday, October 16, 1995, in the Upstairs Meeting Room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

CITIZEN COMMENTS

Jeanne Alexander, 106 Hodges Lane, suggested that Public Works revise their process for responding to citizen complaints. She related a story about how the City cut branches from a tree located on public property, adjacent to the back corner of her property lot. When she inquired, she was informed by Public Works that the branches were cut in response to a citizen complaint (i.e. "branches blocked view"). Ms. Alexander noted, however, that she had not been personally notified before the branches were cut. As a resident adjacent to an area that the City planned to "alter", she expressed her feeling that she should have been contacted and given the opportunity to respond or take part in the action.

Mr. Rubin supported her suggestion that residents of the property(s) adjacent to a public area where the City plans to make "alterations" should be notified of the planned/proposed action, especially since residents are required to maintain public areas immediately adjacent to their private property.

PRESENTATION

#1 Habitat for Humanity. Mr. Charles Ryan, Executive Director of the Prince George's County, Habitat for Humanity, explained the history of the organization, its mission and its structure for "handing-up" homes to families through a selection process. He noted that the organization is prohibited from accepting government funding for construction of homes, but that the organization may accept funding for utility hook-ups or land donations. Mr. Ryan encouraged persons interested in applying for the Habitat for Humanity program to call (301) 925-6921 for additional information.

SPECIAL SESSION

#2 2nd Reading Ordinance re: Speed Hump Request--Allegheny Avenue.

Paul Roat, 6505 Kansas Lane (Pine Crest Community), expressed his concern that a speed hump in the vicinity of 6501/6504 Allegheny Avenue will have a direct impact on the neighborhood. He explained the difficulty of negotiating the Allegheny hills in inclement weather, and emphasized that speed humps would only compound the problem by requiring motorists to slow down as they cross the humps.

Mr. Williams stated that he has spoken with Mr. Roat and suggested to him that the ordinance be passed by Council "as is" this evening with the understanding that the residents who spear-headed the petition will meet with Mr. Roat and other neighborhood residents to discuss the concerns regarding the 6501/6504 Allegheny Avenue speed hump.

Mr. Rubin questioned whether the size of the speed hump would have an impact on the concerns.

Mr. Elrich noted that Montgomery County is installing a number of different types and heights of speed humps, and that this might be an option worth investigation.

Ms. Habada pointed out that the City Code has specific requirements about the construction of speed humps.

Mr. Elrich proposed an amendment to the ordinance--replace the language of Section 1(a) with "exact locations and number, not to exceed four, shall be at the discretion of the City Administrator".

The ordinance, as amended, was moved by Mr. Williams, and seconded by Mr. Rubin.

Benjamin Onyeneke, Maple Avenue, spoke in support of the installation of speed humps to further ensure the safety of neighborhood children.

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

ORDINANCE #1995-37
(Attached)

#3 2nd Reading Ordinance re: Installation of Parking Meters. Moved by Mr. Williams; seconded by Mr. Chavez.

Ms. Porter noted the amendment that was made to the ordinance at first reading, deleting the section that provided for 12-hour metered parking. She explained that the intent was never to institute long-term parking, but instead to provide a short-term parking lot.

Mr. Chavez questioned the cost of a single meter.

Ms. Habada responded that a meter costs approximately \$150.

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

ORDINANCE #1995-38
(Attached)

#4 2nd Reading Ordinance re: FY96 Budget Amendment #1. Ms. Habada requested that second reading of the ordinance be postponed until October 23rd. There were no objections (consensus).

#5 Resolution re: Inaugural Takoma Park Jazz Festival. Moved by Mr. Rubin; seconded by Mr. Chavez.

| David Lorenz (Producer of Takoma Park Jazz Festival), announced his presence this evening to answer any questions regarding the proposed festival. He remarked about the "JazzFest", noting some of the expected performers and estimating the festival to be scheduled for April 27, 1996.

Ms. Porter clarified that the Council supports the festival, but has not committed to an exact "dollar" funding to assist festival organizers.

Benjamin Onyeneke, Maple Avenue, asked what is the benefit of the festival to residents, particularly the children.

Mr. Rubin responded and explained that the festival will provide a forum for jazz musicians.

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

RESOLUTION #1995-51
(Attached)

#6 1st Reading Ordinance re: Election Judges for City's 1995 General Election. Moved by Mr. Chavez; seconded by Ms. Porter.

City Clerk Sartoph encouraged Councilmembers to identify residents who might be interested in applying for appointment as an Election Judge. She explained that a minimum of ten more judges are needed.

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

ORDINANCE #1995-40
(Attached)

#7 Resolution re: Glengary Lots. Moved by Ms. Porter; seconded by Mr. Chavez.

Ms. Porter noted that the acquisition process has been long, and acknowledged the assistance provided by the Trust for Public Land, Catherine Tunis and Jack Carson.

Mr. Elrich added that the City will be reimbursed one hundred percent of the land and incidental costs through Program Open Space (POS) funding.

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

RESOLUTION #1995-52
(Attached)

WORKSESSION

The Council moved into Worksession and later adjourned to convene in Executive Session at 9:08 p.m. Following the conclusion of the Executive Session, the Council adjourned for the evening.

EXECUTIVE SESSION

Executive Session 10/16/95 - Moved by Mr. Chavez; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 9:10 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Sharp, Davenport. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Phillips. Council was briefed on a personnel matter; no action taken. (NOTE: Hobbs and Phillips left the meeting). The Council was briefed on a potential opportunity for land acquisition. Council discussed the matter but reached no consensus to move forward. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii) and (3))

Introduced By: Councilmember Rubin

RESOLUTION #1995 - 51

AUTHORIZING CITY SUPPORT SERVICES FOR THE INAUGURAL
TAKOMA PARK JAZZFEST

WHEREAS, the City of Takoma Park, Maryland, has long been known for its cultural diversity and support for the arts and artists; AND

WHEREAS, the City of Takoma Park would further enhance its cultural reputation by hosting a festival devoted to jazz, a uniquely American music; AND

WHEREAS, such a festival would benefit Takoma Community crafters, businesses, and musicians, and would bring favorable publicity to Takoma Park; AND

WHEREAS, it is in the City's best interest to support the Takoma Park JazzFest Committee, and it is the City Council's desire to provide various support services to ensure the success of the Inaugural JazzFest scheduled for April, 1996.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT the City, as a co-sponsor of the Inaugural Takoma Park JazzFest, hereby extends the "umbrella" of its Local Government Insurance Trust (LGIT) coverage over Inaugural JazzFest activities; AND

BE IT FURTHER RESOLVED, THAT the City will provide Public Works, Recreation Department, Newsletter, public safety, administrative and other support at a level to be determined in connection with the Inaugural Takoma Park JazzFest; AND

BE IT FURTHER RESOLVED, THAT the City Administrator is hereby authorized and directed to provide for coordination of City support with representatives of the Takoma Park JazzFest Committee.

Adopted this 16th day of October, 1995.

Introduced By: Councilmember Porter

Resolution No. 1995-52

**Resolution Authorizing the City to Purchase
Glengary Place Lots for the Purpose of
Preserving this Property as Open Space**

- WHEREAS, preserving greenery and open space are important to the residents of the City of Takoma Park; AND
- WHEREAS, The City of Takoma Park Open Space Plan recommends the acquisition of property along Glengary Place in Prince George's County; AND
- WHEREAS, this property is an undeveloped wooded area located between the Takoma Park Neighborhood Park, owned by the Maryland-National Capital Park and Planning Commission, and Sligo Creek; AND
- WHEREAS, the City wishes to preserve this property in its natural state in order to provide passive recreational open space for the pleasure and use of the residents of the City; AND
- WHEREAS, the owners of Lots 8, 9, and 10, Block 7, "Section 2, WILDWOOD," which comprises approximately 36,220 square feet, are willing to sell these lots to the City for the sum of \$86,900; AND
- WHEREAS, the purchase can be funded with money from the State of Maryland Program Open Space; AND
- WHEREAS, the price for these three lots on Glengary Place is consistent with the appraisals of the property obtained by the Trust for Public Land on behalf of the City; AND
- WHEREAS, The City declares that the acquisition of Lots 8, 9, and 10, Block 7, "Section 2, WILDWOOD," on Glengary Place promotes a public purpose by preserving an undeveloped area of significant aesthetic value to the community.
- NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT, the City of Takoma Park shall purchase Lots 8, 9, and 10, Block 7, "Section 2, WILDWOOD," Prince George's County, Maryland, which property consists of approximately 36,220 square feet along Glengary Place.

BE IT FURTHER RESOLVED THAT the City Administrator is hereby authorized to enter into a contract to purchase Lots 8, 9, and 10, Block 7, "Section 2, WILDWOOD," Prince George's County, Maryland, along Glengary Place, for the sum of \$86,900.00 and to take all actions deemed necessary to accomplish the purchase and settlement on the purchase of this property.

ADOPTED THIS 16th DAY OF OCTOBER, 1995.

glenplpr.res

Introduced By: Councilmember Davenport

1st Reading: 10/9/95

2nd Reading: 10/16/95

ORDINANCE #1995 - 37

INSTALLATION OF SPEED HUMPS

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

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

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

- (a) Allegheny Avenue, exact locations and number, not to exceed four (4), shall be at the discretion of the City Administrator.

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted by the Council of the City of Takoma Park, Maryland, this 16th day of October, 1995, by roll call vote as follows:

AYE: Chavez, Elrich, Porter, Rubin, Williams

NAY: None

ABSTAINED: None

ABSENT: Sharp, Davenport

Introduced by: Councilmember Williams

1st Reading: 10/09/95

2nd Reading: 10/16/95

ORDINANCE NO. 1995-38

AN ORDINANCE TO AMEND SECTIONS 13-32 "Parking meter zone; two hour limit" TO PROVIDE FOR ADDITIONAL METER LOCATIONS

WHEREAS, the Council, in accordance with Section 501-53 of the Charter, is empowered to install parking meters in public places and to determine the rates and provisions for the use thereof; AND

WHEREAS, the Council has determined that 18 metered parking spaces (three (3) of which shall be designated for motorcycles) are required.

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

SECTION I THAT Section 13-32 "Parking meter zones; two hour limit" of the City Code of Takoma Park, Maryland, 1972 as amended, be further amended to add a new subsection (a)(5) as follows:

Sec. 13-32 Parking meter zones; two hour limit.

(a) Two-hour limit meters shall require twenty-five cents (\$0.25) for one-half (1/2) hour, fifty cents (\$0.50) for one (1) hour, and one dollar (\$1.00) for two (2) hours, from 7:00 a.m. to 7:00 p.m. except Sundays and holidays, at the following locations:

* * * * *

(5) A parking lot located on that parcel of property located between 201 Ethan Allen Avenue and 7221 Carroll Avenue.

SECTION II THAT this Ordinance shall become effective immediately.

Adopted this 16th day of October, 1995.

AYE: Chavez, Elrich, Porter, Rubin, Williams

NAY: None

ABSTAIN: None

ABSENT: Sharp, Davenport

NOTE: Language to be added to the City Code shall be underscored.

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

1st Reading: 10/16/95
2nd Reading:

ORDINANCE #1995 - 40

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Judges to serve as a Board of Election for the November 7, 1995 City Election:

- (1) Claire B. Kozel, 7804 Wildwood Drive
- (2) Pearl Blacksin, 652 Kennebec Avenue
- (3) Gene E. Sidwell, 7209 Spruce Avenue
- (4) June A. Aloï, 14 Sherman Avenue
- (5) Harold Alston, 7710 Maple Avenue, #105
- (6) Verne Wilson, 907 Davis Avenue
- (7) Paul Weisbord, 6753 Eastern Avenue
- (8) Billie M. Dyhouse, 7051 Carroll Avenue, #617
- (9) Rein S. Parris, 7620 Maple Avenue, #730
- (10) Martin Morse Wooster, 8624 Flower Avenue, #101
- (11) Virginia S. Jenkins, 32 Columbia Avenue
- (12) Valerie Dant, 7406 Carroll Avenue
- (13) Joan N. Sidell, 606 Boston Avenue
- (14) Steven A. Breckbill, 7104 Woodland Avenue
- (15) Howard F. Miller, 7725 Carroll Avenue
- (16) Valerie Tonat, 7222 Spruce Avenue
- (17) Gary Reisner, 7110 Woodland Avenue
- (18) Kathryn Scott, 242 Park Avenue
- (19) Carol Clayton, 6706 Allegheny Avenue
- (20) Phil Vogel, 7117 Garland Avenue
- (21) Nellie Moxley, 6411 Eastern Avenue
- (22) Jack Carson, 700 Auburn Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this _____ day of October, 1995 by Roll Call Vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

NOTE: Underlining denotes additions to ordinance since first reading.

REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL

Monday, October 23, 1995

Executive Session 10/16/95 - Moved by Mr. Chavez; seconded by Ms. Porter. Council convened in Executive Session by unanimous vote at 9:10 p.m., in the Conference Room. OFFICIALS PRESENT: Chavez, Elrich, Porter, Rubin, Williams. OFFICIALS ABSENT: Sharp, Davenport. STAFF PRESENT: Habada, Grimmer, Hobbs, Sartoph, Phillips. Council was briefed on a personnel matter; no action taken. (NOTE: Hobbs and Phillips left the meeting). The Council was briefed on a potential opportunity for land acquisition. Council discussed the matter but reached no consensus to move forward. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii) and (3))

OFFICIALS PRESENT:

Mayor Sharp

City Administrator Habada

Councilmember Davenport

City Clerk Sartoph

Councilmember Elrich

Senior Planner Schwartz

Councilmember Porter

Community Development Coor. Sickie

Councilmember Rubin

Construction Specialist Kowaluk

Councilmember Williams

OFFICIAL ABSENT:

Councilmember Chavez

The Council convened at 7:36 p.m. on Monday, October 23, 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 noted that Mr. Chavez will not be here this evening due to a death in his family, and that Mr. Rubin will be arriving late.

Mr. Davenport apologized for his absence last Monday evening, explaining that he attended the "Million Man March" downtown. He said that while he does not believe in everything represented by some of the organizers of the event, the march was a significant historical display of solidarity, and that he hopes participants went away with a positive message.

Ms. Porter commented that there will be a special meeting on Wednesday evening (October 25th), during which representatives from the Metropolitan Washington Council of Governments will present information about "Getting There: Transportation Choices for our Region", a citizen participation program designed to generate ideas to improve existing transportation alternatives as well as to identify innovative funding resources. The meeting is scheduled to begin at 7:30 p.m. at the Heffner Park Recreation Center. All persons interested in traffic issues are encouraged to attend.

ADOPTION OF MINUTES

The Council Meeting Minutes from 7/24/95, 7/31/95 and 8/23/95 were adopted unanimously.

ADDITIONAL AGENDA ITEMS

City Administrator Habada requested that the following items be added to the Worksession agenda:

- (1) Mormon Church Stormwater Agreement
- (2) Letter from COG re: Dispute over Dues
- (3) P.G. County Legislation CB-104 re: Zoning matter

She asked that the following items be removed from the Regular Meeting agenda and postponed until next week or until related matters can be resolved:

- (1) 2nd Reading Ordinance re: Appointment of Election Judges
- (2) Single Reading Ordinance re: Purchase of Police Vehicles
- (3) 2nd Reading Ordinance re: FY96 Budget Amendment
- (4) Resolution re: Subdivision Plan #1-87207

There were no objections (consensus). The agenda was consequently adjusted as outlined above.

CITIZEN COMMENTS

Benjamin Onyeneke, Maple Avenue, commented on the "Million Man March", and invited the Council and staff to attend a forum regarding "Children and Families" on Thursday, October 26th at 7:30 p.m. in the Council Chambers.

Larry Fischel, said that he is not happy to see that the City has implemented a "pay or no play" rule for volleyball. The policy that requires a \$20.00 fee be paid in advance does not provide the opportunity for visitors or occasional players to pay on the spot. The fee has to be paid during business hours and cannot be accepted at the time the game is called. He commented that he does not see where services in other Recreation programs have been increased, and noted his opposition to another plan proposed by the department earlier in the year to charge over \$200/softball team while trying to establish a nine team league. Mr. Fischel commented on the taxes that he pays as a resident of the City, and expressed his belief that his taxes should cover such fees. He encouraged the Council to change the volleyball policy.

Ms. Porter asked whether the \$20.00 fee prohibits visitors from playing volleyball.

Ms. Habada explained that the City is trying to discourage staff from receiving monies on location for programs since the money cannot be adequately secured or receipt recorded. She remarked that there will be a discussion regarding use of public space on a future agenda, and that this matter can be added to that discussion if the Council desires.

Juan Torres, supported the comments made by Mr. Fischel, and urged the Council to take action to direct staff to change the policy.

Kent Abraham, Carroll Avenue, explained that he invited a group of his fourth year architecture students to design a development plan for Takoma Junction, and noted that the results of their efforts (final projects) are posted on the wall in the rear of the Council Chambers where they will remain for the next couple of weeks.

Mr. Rubin extended his gratitude to Jorge Ribas, who has begun a hunger strike which has been pledged to continue until the Blair on Kay Tract victory is finalized. Mr. Ribas is asking others to support him by pledging to fast during certain periods of time; interested persons should contact Mr. Rubin at 270-9232 or Randy Boehm at 588-4248.

REGULAR MEETING

#1 Resolution re: Nuclear Weapons Systems List. Moved by Mr. Williams; seconded by Mr. Davenport.

Ms. Porter noted that the adoption of the Nuclear Weapons Systems Contractors List (NFZ List) is required by the City's Nuclear Free Ordinance, and that Council adopts the list annually.

Mr. Sharp asked whether there was a total dollar amount included in the report--contributions to nuclear weapons systems contractors.

Ms. Habada responded in the negative, adding that she also noted that there is not a total figure for the number of corporations included in the list. She pointed out that Crysler and GM are still on the list.

Mr. Williams commented that Phillips is not on the list either.

Terry Berkeley (Chair, Nuclear-Free Takoma Park Committee) stated that the NFZ Committee supports the adoption of the list, and explained that the City always gets the list one year in arrear, pointing out that the list is dated FY94. He remarked that the members of the committee are very happy that City staff consults the list when considering purchases.

Mr. Williams questioned whether the City receives periodic updates to the list.

Ms. Habada responded in the negative, but stated that she could investigate whether such updates are available.

Benjamin Onyeneke, Maple Avenue, asked for clarification regarding the impact of adopting this list for the City.

Mr. Sharp explained that the list is a tool for the City staff when considering vendors for various supply and equipment purchases, and that the NFZ Committee also uses the list to identify contractors who support Nuclear Weapons Systems.

The resolution was adopted unanimously (ABSENT: Chavez).

RESOLUTION #1995-53
(Attached)

WORKSESSION

The Council moved into Worksession at 8:02 p.m., and later adjourned for the evening at 9:50 p.m.

Introduced by: Williams

RESOLUTION #1995 - 53

ADOPTING THE FISCAL YEAR 1994 NUCLEAR FREE AMERICA LISTING OF PARENT COMPANIES OF U.S. DEPARTMENTS OF DEFENSE AND ENERGY NUCLEAR WEAPONS CONTRACTORS

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

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

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

WHEREAS, Nuclear Free America has provided the City with a listing of companies that are U.S. Departments of Defense and Energy nuclear weapons contractors for fiscal year 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND, THAT the Nuclear Free America list of "Parent Companies of U.S. Departments of Defense and Energy Nuclear Weapons Contractors," dated Fiscal Year 1994, is hereby adopted.

ADOPTED this 23rd day of October, 1995.

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

Monday, October 30, 1995

OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Chavez	Assistant City Administrator Hobbs
Councilmember Porter	Deputy City Clerk Espinosa
Councilmember Rubin	Corporation Counsel Silber
Councilmember Williams	Community Development Coor. Sickle
	Community Planner George

OFFICIALS ABSENT:

Councilmember Davenport
Councilmember Elrich

The Council convened at 7:45 p.m. on Monday, October 30, 1995, in the Upstairs Meeting Room of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

PRESENTATION

#1 Maryland Cable. David Wilson, General Manager, Maryland Cable, introduced Margaret Moseley, Community Relations Manager and Carroll Moseley, Operations Manager, and summarized Maryland Cable's channel offerings to Prince George's County residents. He noted Maryland Cable's involvement in community activities, including holiday food drives.

Mr. Wilson commented that the Prince George's cable franchise expires on July 15, 1997, and the franchise renewal process is now underway with Prince George's County. He also noted two special matters concerning the cable firm: (1) the access channels, 10B and 15B, and (2) homes on Eastern Avenue, between Second and Fifth Avenues.

He explained that the access channels would need to be connected with the Montgomery Cable system, and the Eastern Avenue homes presently cannot be serviced by Maryland Cable. He elaborated that the cable and related municipal infrastructure for the Eastern Avenue homes (i.e. sidewalks and utility poles) is located in the District of Columbia, and that an agreement would have to be reached with BellAtlantic to run Maryland Cable lines on BellAtlantic structures.

Mr. Rubin inquired if Maryland Cable, initially having been denied permission to use BellAtlantic infrastructure, had pursued obtaining permission.

Ms. Porter indicated that the City might be able to exercise some influence with the District of Columbia authorities so as to persuade BellAtlantic to reach an agreement for Maryland Cable to use BellAtlantic infrastructure.

Mr. Sharp questioned what influence possible unification of the City into Montgomery County would have upon Maryland Cable's provision of services in the City.

Mr. Wilson replied that unification would not change the City's jurisdiction over the cable firm.

Mr. Williams asked if there is a possibility of Maryland Cable obtaining control of cable lines throughout the City.

Mr. Wilson commented on his belief that such an arrangement could be made.

Mr. Sharp expressed his hope that the City's cable channel, Channel 54/19, would be an option available to all cable subscribers in the City.

In response to City Administrator Habada's queries, Mr. Wilson acknowledged that Maryland Cable seeks to provide service in the newly annexed areas as well as the aforementioned homes on Eastern Avenue. However, they are not interested in providing service to the remainder of the City.

Mr. Rubin reiterated that the City has contact with the District of Columbia authorities, and that the City could advocate Maryland Cable's use of infrastructure located within the jurisdiction of the District.

SPECIAL SESSION

The Council convened in Special Session at 8:07 p.m.

#2 Stormwater Access Agreement--Cynthia Warner Site. Ms. Habada noted that Corporation Counsel Silber is in attendance this evening and is prepared to comment on the latest information regarding the City's negotiations with representatives of the Mormon Church regarding their property located at 8114 Carroll Avenue.

Ms. Silber noted that the proposed agreement, if concluded, would be the first of its kind for the City, whereby an entity not within the City's corporate limits would be connected with the City's Stormwater management system.

Ms. Habada noted that the Church has agreed to payment of a reasonable fee for City-provided cleaning and inspection of the subject drainage system. She stated that the charges to which the Church has agreed are not for capital improvements.

Mr. Chavez asked if the City system were damaged as a result of the Church's use of the system, who would pay for the repairs.

Ms. Habada replied that the agreement (§10 of proposed Agreement) provides a remedy.

Mr. Sharp noted that §11 also serves to protect the City's interests.

Ms. Silber commented that §11 could be revised to provide even greater protection for the City's interests.

The Council reached a consensus for revision of §11 to make it clear that the Church's stormwater system would have to comply with City and State laws and any changes to those laws. Ms. Silber was directed to prepare the revisions to the proposed Agreement that would enhance protection of the City's interests, and review the language with the City Administrator prior to final execution between the City and Church.

#3 2nd Reading Ordinance re: FY96 Budget Amendment and Single Reading Ordinance re: Purchase of Police Vehicles. The Council reached a consensus to consider these items in tandem.

Ms. Porter commented that she was not convinced of a need for three new vehicles, observing that in a time of budget limitations, it might be imprudent to purchase otherwise useful items. She indicated that she could support the purchase of two vehicles.

Mr. Sharp asked if there is a time frame "window" for purchase of the vehicles at the reduced prices.

Ms. Habada responded in the affirmative, adding that Council action needs to occur no later than November 11th to take advantage of the reduced prices.

Mr. Sharp called a recess at 8:24 p.m. Council and staff caucused, and Council reconvened at 8:29 p.m.

Mr. Williams proposed an amendment to the Budget Amendment ordinance that would allow for the purchase of a third police vehicle (seconded by Mr. Rubin). The amendment was accepted.

Benjamin Onyeneke, 7667 Maple Avenue, said that he thinks it is a good idea to have more police vehicles, and suggested that vehicle auction proceeds be used to help pay for the new cars. He encouraged the Council to adopt the ordinance.

2nd Reading Ordinance re: FY96 Budget Amendment. The ordinance, as amended, was adopted at second reading, by roll call vote (OPPOSED: Porter; ABSENT: Davenport, Elrich).

ORDINANCE #1995-39
(Attached)

Single Reading Ordinance re: Purchase of Police Vehicles. The single reading ordinance was adopted, by roll call vote (ABSTAIN: Porter; ABSENT: Davenport, Elrich).

ORDINANCE #1995-41
(Attached)

#4 2nd Reading Ordinance re: Election Judges for City's 1995 General Election. Moved by Mr. Chavez; seconded by Mr. Rubin.

Ms. Habada and Deputy City Clerk Espinosa noted persons recommended for addition to the list of judges since first reading of the ordinance.

Benjamin Onyeneke asked for an explanation of how persons come to be recommended to serve as Election Judges. Messrs. Sharp and Espinosa responded.

The ordinance, as amended, was adopted unanimously at second reading, by roll call vote (ABSENT: Davenport, Elrich).

ORDINANCE #1995-40
(Attached)

#5 Resolution re: Subdivision Plan--Lincoln/Carroll Avenues. Community Planner George provided background on the subdivision plan.

Ms. Porter noted that Council approval is contingent upon the applicant addressing the concerns of the Montgomery County Historic Preservation Commission, and that a tree protection plan, satisfactory to the appropriate City authorities must be provided.

Mr. Sharp questioned whether the City Clerk's office had received any citizen comments on the proposed plan.

Mr. Espinosa replied in the negative.

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

RESOLUTION #1995-54
(Attached)

WORKSESSION

The Council moved into Worksession at 8:41 p.m. Following the Worksession, the Council convened in Executive Session at 9:50 p.m. and later adjourned for the evening.

EXECUTIVE SESSION

Executive Session 10/30/95 - Moved by Mr. Rubin; seconded by Mr. Williams. Council convened in Executive Session by unanimous vote at 9:50 p.m. in the Conference Room. OFFICIALS PRESENT: Sharp, Chavez, Porter, Rubin, Williams. OFFICIALS ABSENT: Davenport, Elrich. STAFF & OTHERS PRESENT: Habada, Grimmer, Espinosa, Hensley, Seedyke. The Council discussed contract negotiations regarding Takoma Junction; advice was given to the City Administrator about further negotiations. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(14))

Introduced By: Councilmember Porter

Resolution No. # 1995 - 54

**Resolution Recommending Approval of the
Preliminary Subdivision Plan # 1 - 87207
located at the intersection of Lincoln and Carroll Avenues**

WHEREAS, Ernest R. Sines has submitted a request for a preliminary subdivision (Preliminary Plan #1 - 87207) to the Montgomery County Maryland-National Capital Park and Planning Commission for Lot 54, Block 59, B.F. Gilbert Subdivision, located at the intersection of Lincoln and Carroll Avenues in Takoma Park; 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 applicant is proposing to build a single family detached house and a driveway on Lot 54; AND,

WHEREAS, the proposed design of the new dwelling will be in compliance with the City of Takoma Park's Master Plan: the proposed access to the new driveway will be from Lincoln Avenue, and will utilize an existing curb cut; and the applicant is proposing to save the existing oak trees and to plant new trees on the proposed site; AND,

WHEREAS, the application has been reviewed by City staff, which has recommended that the Council approve the application with the condition that the concerns of the Montgomery County Historic Preservation Commission are appropriately addressed; 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 **APPROVES** the application for the preliminary subdivision # 1 - 87207 with the condition that the concerns of the Historic Preservation Commission are appropriately addressed.

BE IT FURTHER RESOLVED THAT, a tree protection plan be provided that meets with the satisfaction of the City Administrator or her designee, in accordance with the provisions of the Takoma Park Tree Ordinance.

BE IT FURTHER RESOLVED THAT, the City Administrator is hereby directed to transmit a copy of this Resolution to the appropriate Montgomery County authorities.

ADOPTED THIS 30th DAY OF October, 1995

Introduced By: Councilmember Chavez

First Reading: 10/9/95

Second Reading: 10/30/95

**ORDINANCE #1995 - 39
FY96 BUDGET AMENDMENT NO. 1**

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

SECTION 1. that the Fiscal Year 1996 Budget be amended as follows:

Stormwater Management Fund - Revenues

Appropriate \$56,000 in account 0030.3680 for receipt of special assessment revenues.

Stormwater Management Fund - Expenditures

Appropriate \$56,000 in account 0030.8001 for expenditures related to the Westmoreland Avenue stormwater improvements.

General Fund - Revenues

Appropriate \$8,000 in account 3400.3431 for additional cable revenues.

General Fund - Expenditures

Appropriate \$8,000 in account 3200.8001 for expenditures for facility improvements for access by the disabled.

General Fund - Transfers to Expenditure Accounts

- a. Transfer \$152,500 from the Equipment Replacement Reserve Fund into account 9100.8003 for the replacement of cooling systems and pneumatic controls for the Municipal Center and Library buildings.
- b. Transfer \$45,400 from Unappropriated Reserves into account 9000.8001 for upgrade and replacement of various lighting fixtures in the Library and Municipal Center buildings to achieve greater energy efficiency.
- c. Transfer \$20,000 from Unappropriated Reserves into account 9000.8001 for installation of various traffic control devices.

- d. Transfer \$17,960 from Unappropriated Reserves into account 2300.8000 for purchase of one police vehicle.

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

Adopted this 30th day of October by Roll Call vote as follows:

AYE: Sharp, Chavez, Rubin, Williams

NAY: Porter

ABSTAIN: None

ABSENT: Davenport, Elrich

EXPLANATORY NOTE: In this ordinance, underlining denotes language to be added to this Ordinance.

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

1st Reading: 10/16/95
2nd Reading: 10/30/95

ORDINANCE #1995-40

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

SECTION 1. THAT the persons named below, all registered voters of the City of Takoma Park, are hereby designated as Judges to serve as a Board of Election for the November 7, 1995, City Election:

- (1) Claire B. Kozel, 7804 Wildwood Drive
- (2) Pearl Blacksin, 652 Kennebec Avenue
- (3) Gene E. Sidwell, 7209 Spruce Avenue
- (4) June A. Aloï, 14 Sherman Avenue
- (5) Harold Alston, 7710 Maple Avenue #105
- (6) Verne Wilson, 907 Davis Avenue
- (7) Paul Weisbord, 6753 Eastern Avenue
- (8) Billie M. Dyhouse, 7051 Carroll Avenue #617
- (9) Rein S. Parris, 7620 Maple Avenue #730
- (10) Martin Morse Wooster, 8624 Flower Avenue #101
- (11) Virginia S. Jenkins, 32 Columbia Avenue
- (12) Valerie Dant, 7406 Carroll Avenue
- (13) Joan N. Siddell, 606 Boston Avenue
- (14) Steven A. Breckbill, 7104 Woodland Avenue
- (15) Howard F. Miller, 7725 Carroll Avenue
- (16) Valerie Tonat, 7222 Spruce Avenue
- (17) Gary Reisner, 7110 Woodland Avenue
- (18) Kathryn Scott, 242 Park Avenue
- (19) Carol Clayton, 6706 Allegheny Avenue
- (20) Phil Vogel, 7117 Garland Avenue
- (21) Nellie Moxley, 6411 Eastern Avenue
- (22) Ruth Abbott, 7416 Holly Avenue
- (23) Geneva Cross, 37 Oswego Avenue
- (24) Carrie Spicer, 7610 Wildwood Drive
- (25) John Del Pino, 8608 Flower Avenue
- (26) Connie Richards, 7102 Woodland Avenue
- (27) C.P. Cook, 7206 Carroll Avenue

SECTION 2. THAT this Ordinance becomes effective upon adoption.

Adopted this 30th day of October, 1995, by Roll Call Vote as follows:

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

NOTE: Underlining denotes additions to ordinance since first reading.

Ordinance No. 1995- 41

PROCUREMENT OF POLICE DEPARTMENT VEHICLES

WHEREAS, the FY96 budget allocated funds to purchase two (2) Police Department vehicles; AND

WHEREAS, Ordinance No. 1995-39 amends the FY96 budget and allocates funds for purchase of a third Police vehicle; AND

WHEREAS, these replacement vehicle purchases are in accordance with the Takoma Park Vehicle Fleet Replacement Policy; AND

WHEREAS, three Ford Crown Victorias are available from Ourisman World of Ford, for \$18670 each for a total of \$56,010, through Council of Government cooperative purchasing;

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

SECTION 1: that authorization be granted to purchase three (3) Ford Crown Victorias from Ourisman World of Ford for FIFTY SIX THOUSAND AND TEN DOLARS (\$56,010); AND

SECTION 2: funds for this purchase be charged to the Budget Account No. 2300-8000 in the amount of FIFTY SIX THOUSAND AND TEN DOLLARS (\$56,010).

Adopted this 30th day of October, 1995.

AYE: Sharp, Chavez, Rubin, Williams

NAY: None

ABSTAINED: Porter

ABSENT: Davenport, Elrich